

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
WEB: WWW.COASTAL.CA.GOV



Th14a

Prepared June 10, 2024 for June 13, 2024 Hearing

To: Commissioners and Interested Persons

From: Kevin Kahn, Central Coast District Manager
Ryan Moroney, Central Coast Supervisor
Devon Jackson, Coastal Planner

**Subject: Additional hearing materials for Th14a
Local Coastal Program Amendment Number
LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)**

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the staff report was distributed.

Jackson, Devon@Coastal

From: Claire J Momberger <cmomberger@co.slo.ca.us>
Sent: Wednesday, May 29, 2024 4:32 PM
To: Kahn, Kevin@Coastal; Moroney, Ryan@Coastal; Jackson, Devon@Coastal
Cc: chanh@co.slo.ca.us; Kylie Fonzi
Subject: Los Osos Water Purveyor Joint Letter of Support
Attachments: Joint Purveyor Letter-Proposed GMO Amendments Fully Executed.pdf

Good afternoon,

I have attached to this email a joint letter from the three Los Osos water purveyors addressed to Cory supporting an agreed upon implementation strategy of the 1% annual cap of the growth rate proposed in the suggested modifications to the LCP Amendment. As the letter explains, the implementation strategy is agreed upon by the County and the water purveyors and includes continuation of the Title 19 (2:1 offset) program, an approach to identifying the annual growth rate which depends on the annual monitoring reporting data, and annual collaboration between the Los Osos Basin Management Committee and the County's Groundwater Sustainability Director over the latest reporting data.

Can you confirm, will this letter be included as pre-hearing "correspondence"?

Thank you,

Claire Momberger, M.S.
Planner, Long-Range Planning
Department of Planning and Building
County of San Luis Obispo

Phone: (805) 781-1392
Email: cmomberger@co.slo.ca.us
Website: www.slocounty.ca.gov



May 9, 2024

Cory Hahn
Division Manager, Long-Range Planning
Department of Planning and Building
County of San Luis Obispo

Subject: Proposed Growth Management Ordinance Amendments for Los Osos

Dear Mr. Hahn,

The Golden State Water Company ("GSWC"), S&T Mutual Water Company (S&T) and Los Osos Community Services District ("LOCSD") (jointly, "Purveyors") would like to thank the Long-Range Planning Division for their coordinated effort in developing a viable strategy to allow for safeguarded new development in Los Osos. It is our understanding that the California Coastal Commission (Commission) staff is recommending that the Commission adopt an annual 1% growth rate for the community at their June meeting. After careful evaluation, the Purveyors are in agreement with the County's draft strategy for implementing the 1% growth rate which includes the following elements:

1. Title 19 Retrofit-to-Build Program shall remain codified and continue to be enforced unless the program is determined to no longer be a necessary or appropriate component of the management strategy for a sustainable Los Osos Groundwater Basin.
2. Using a five-year rolling average, the following safeguards and controls will be utilized to ensure the sustainability of the Los Osos Groundwater Basin.

Basin Yield Metric	Growth Rate
80%	1.0%
81%	0.8%
82%	0.6%
83%	0.4%
84%	0.2%
85%	0.0%

3. Annually, Los Osos Basin Management Committee (BMC) will provide input to the Groundwater Sustainability Director (currently Blaine Reely), who would then provide a technical memorandum as part of the recommendation to the Board of Supervisors on any changes to the growth rate.

The Purveyors would like to emphasize that the success of this proposal is tied to the agreed upon verification and monitoring processes in the amended Title 19 and the input from the BMC based on the data and results in the Annual Groundwater Monitoring Report.

Again, the Purveyors appreciate the collaborative effort between the Purveyors and the County to develop a Growth Management Ordinance implementation strategy that will ensure the sustainability of the Los Osos Groundwater Basin.

Sincerely,

DocuSigned by:



FA92E4E0F2A0454
Golden State Water Company

DocuSigned by:



2776C0C5DA04438
S&T Mutual Water Company

DocuSigned by:



2B040971675E463
Los Osos Community Services District

Via Email

June 7, 2024

California Coastal Commission
Dan Carl, Director
Ryan Morney,
Central and North Central Coast
725 Front Street, #300
Santa Cruz, CA 95060
Dan.Carl@coastal.ca.gov
Ryan.Moroney@coastal.ca.gov
CentralCoast@coastal.ca.gov

*Re: Th14a-Application
San Luis Obispo County Local Coastal Program Amendment
Number LCP-3-SLO-21-0028-Part G (Los Osos Community Plan)*

Honorable Commissioners and Director Carl,

My office represents the Los Osos Sustainability Group (“LOSG”) in connection with ongoing water supply issues in Los Osos. On behalf of the LOSG, I strongly urge you not to take any substantive action at the June 2024 meeting and to continue this item for at least a few months to afford the public a chance to review and evaluate the proposed changes and seek expert evaluation of the critical technical issues raised by this item.

A continuance is critically needed because, whereas the Coastal Commission Staff has had years to review the proposed Los Osos Community Plan (“LOCP” or “Project”), seek expert advice and collaborate with County Staff, the community which will be directly affected by the proposed action will have had only a few weeks to review and digest this revised proposal. The public, including the LOSG, has not had any adequate chance to consult with technical experts or to discuss this important issue with County officials who are the proponents.

A continuance is vitally needed also because the Staff Report does not fully address the wide range of issues raised by the County’s original approval of the LOCP. Members of the public submitted hundreds of public comments to the County in connection with the County’s certification of a Final Environmental Impact Report (“FEIR”) for the LOCP. These comments raised a myriad of issues and concerns that the current Staff Report simply does not address. Given the passage of time, the Staff’s recognition of the many flaws in the LOCP, and significant changes to the LOCP and environmental circumstance, the County-certified FEIR is clearly

890 Monterey St
Suite H
San Luis Obispo
California 93401
ph: 805-593-0926
fax: 805-593-0946
babaknaficy@naficylaw.com



inadequate under CEQA. In this regard, the Staff Report notes that the LOCP “was initially drafted multiple years ago, and this it references and includes maps of older versions of the draft HCP prior to its 2024 adoption, and it generally does not reflect the best available information regarding basin health today.” Staff Report at p. 21. The Staff Report concludes that the LOCP is “actually quite unclear, and a bit out of date, all of which suggests that it would lead to implementation difficulty.” *Ibid.*

Accordingly, to comply with CEQA’s informational and procedural requirements, the Commission must ask Staff to prepare a comprehensive and detailed analysis of the changes to the LOCP and baseline environmental conditions for the Project and delay any final consideration of the Project until after the public has sufficient time to evaluate the changes and provide comments. See, Cal. Code Regs., tit. 14, § 15162 (subsequent EIR must be prepared if subsequent to the preparation of an FEIR, “(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”)

Where, as here, the Commission is poised to approve a substantially changed Project under substantially changed circumstances, the Coastal Commission must fully comply with CEQA’s substantive and procedural mandates, including consideration of project alternatives, mitigation measures, and response to public comments. Friends, Artists & Neighbors of Elkhorn Slough v. California Coastal Com. (2021) 72 Cal.App.5th 666, 703.

Accordingly, for all of these reasons I urge you to defer any final action on this item until and unless the Commission has fully complied with the substantive and procedural requirements of CEQA.

**The Staff Report fails to adequately analyze
the current status of Los Osos Groundwater Basin**

The central issue here is the status of the Los Osos groundwater basin. The Staff Report acknowledges that the basin “has historically suffered from critical overdraft past its safe yield, ...” Staff Report at p. 13. The Staff Report also acknowledges that this critical overdraft condition presents a wide range of vexing challenges and could result in “rendering wells unusable, threats to agriculture and adverse effects to the surrounding environment.” *Ibid.* What the Staff Report does not mention, however, is that the encroaching seawater intrusion front may eventually contaminate the entire basin, rendering it unusable for human consumption. According to the County FEIR, a 2014 monitoring report showed that seawater

intrusion at the time was occurring at the rate of 200 to 250 feet per year, a rate that could have rendered the groundwater supply “unusable in five years.” FEIR 4.4.-4. This shows that contrary to the Staff Report’s implication that the threat of seawater intrusion is limited to “rendering wells unusable”, seawater intrusion could render the entire basin unusable for human consumption.

The Staff Report explains that to address the threat of groundwater contamination and seawater intrusion, the Basin Plan has identified certain metrics including sustainable yield/safe yield, nitrate levels, chloride levels, seawater intrusion and groundwater levels. The Staff Report goes on to claim that the 2023 Annual Monitoring Report shows the Basin to no longer be in overdraft because the amount of water used is less than the amount of water needed to ensure no adverse effects. Staff Report, at p. 14. As set forth more fully below, Staff’s focus on the concept of “safe yield” to the exclusion of other metrics is misplaced and results in a distorted analysis of the potential impacts of allowing new water-dependent development in Los Osos.

The Staff Report includes a discussion of current groundwater conditions at page 22. It begins by discussing the role of the Basin Management Committee (“BMC”) and reports that one of the metrics used by the BMC to determine the health of the basin is a “what is called the Basin Yield Metric, which is a percentage of the amount of water used/extracted for a given year compared with the sustainable/safe yield.” *Ibid.* Safe yield is theoretically the quantity of water that can be extracted that “does not result in any advance of seawater intrusion relative to 2021 levels.” Staff Report at p. 23. The Staff Report also describes other metrics which include chloride and nitrate targets.

Staff’s conclusion that new development can be authorized in Los Osos is solely based on the following contentions:

On this point, the BMC acknowledges that it will take decades to [bring pollutant levels back to their historic state], and that these metrics are not a target threshold to measure Basin sustainability and health in real time overall, but rather point-in-time measurements at discrete locations to ascertain the trajectory of nitrate and chloride concentration improvements over time. This is distinguished from the Basin Yield Metric that relates to overall Basin health in terms of inputs, outputs, and overall sustainable/safe yield numbers that can be used to ensure that any such nitrate and chloride issues are not exacerbated.

Staff Report at p. 23.

Staff's analysis is incomplete and results in unreliable conclusions. For example, Staff asserts that while the Sustainable Yield Metric provides a comprehensive "meta narrative," the chloride and other metrics are merely aspirational and limited to a snapshot of discrete measurements at a particular point in time and location. This contention ignores the fact that sustainable yield, which has a direct impact on the Basin Yield Metric, is a theoretic concept that is transient in nature and is directly affected by such factors as precipitation, which is ephemeral and unreliable by nature. Precipitation affects not just supply, i.e., the volume of water in the basin, but also demand by, for example, reducing the need for irrigation in above-average rainfall years as we have experienced in the past two years.

Moreover, the current basin model is outdated and has never been recalibrated by using the years of data collected by the BMC. In fact, the BMC is in the process of replacing the current "Steady State" model with a more sophisticated and reliable "Transient Model" that is expected to be much more accurate. From a planning perspective, it makes little sense to throw caution to the wind by basing long-term planning decisions on the predictions of an outdated model when the BMC is close to replacing it with a more reliable model that takes into account years of accumulated data and the latest long-term precipitation predictions.

Moreover, Staff's contention that the chloride and other metrics do not relate to the overall health of the basin is incorrect. According to The Los Osos Basin Management Plan, reversing, or at least halting chloride levels is one of the primary goals of the BMC. Under current conditions, which the Staff Report claims are "trending towards sustainability," the chloride levels in two of the four chloride-monitoring wells are substantially above the 100mg/l target (at 211 mg/l and 346 mg/l respectively). These results are particularly noteworthy because these chloride levels show an increase compared to the previous reports, indicating that at least by this metric, which is an indicator of seawater intrusion, the basin cannot be considered sustainable or even "trending" towards sustainability.

In August of 2021, the three Los Osos water purveyors wrote a joint letter to the County in opposition to the County's then-proposed Accessory Dwelling Unit ("ADU") ordinance, which would have allowed the construction of ADUs in Los Osos. In this letter, a copy of which is enclosed, the water purveyors stated

... , despite the BMC's best efforts, only one of the four Basin Metrics (the Basin Yield Metric) is currently within the targeted range.⁶ Further, two of the three other Basin Metrics (the Water Level Metric and the Chloride Metric) saw a deterioration over the prior year. As a result, the Purveyors are concerned the adoption of the County's

proposed ADU Ordinance could further hinder the BMC's efforts to sustainably manage the Basin and achieve the goals of the Basin Plan. The following comments are provided with this in mind.

Monitoring Data and Metrics Deserve More Emphasis

As reported in the 2020 Annual Report, both the monitoring data and the Basin Metrics indicate that Basin conditions as a whole are static or worsening, which is being closely monitored and evaluated by purveyors. Unfortunately, sustainable management of groundwater resources is not often achieved quickly, and instead takes years of continued effort to begin seeing results. Based on the trends and monitoring results published in previous Annual Reports, it may take several more years before it is possible to determine whether implementation of the Basin Plan has been successful in reversing seawater intrusion and improving other unfavorable water quality trends. Prior to being asked to serve additional demand, therefore, the Basin Metrics must indicate not only an end to deteriorating conditions but measurable and sustainable improvements across the Basin. It may also be necessary to consider creative water supply options, such as supplemental or imported water, in order to solve the long-term water issues within the Basin.

August 25, 2021, Water Purveyor Letter to the San Luis Obispo County Department of Planning and Building, at page 3.

This letter clearly indicates the fallacy of the Staff's current proposal to open Los Osos to more development solely on the basis of two years of above-average rainfall while ignoring inconvenient chloride data which does not support a conclusion that the basin is now sustainable. As the purveyors explained in their letter, before deciding the basin can sustain more water demand, the data must show "measurable and sustainable improvements across the Basin, including the chloride metric which is a reliable indicator of seawater intrusion." To date, there is no conclusive evidence that shows the implementation of the Basin Plan will be effective in ensuring the long-term ability of the Basin to meet the current residential and commercial demand by addressing sea water intrusion and nitrate contamination.

Despite the importance of the chloride metric in determining the long term health and sustainability of the Basin, Staff claims the Commission can conclude the Groundwater Basin can sustain substantially more demand

because, according to Staff, “it isn’t readily apparent that meeting such targets (i.e. chloride target of 100mg/l) is required to be able to determine adequacy of water supplies here, including because there isn’t any evidence now of any sensitive aquatic impairments from current extraction levels nor any exceedances of applicable water quality standards.” Staff Report at p. 25. This line of argument is curious because Staff is aware that chloride levels is one of the primary metrics the Basin Plan uses to assess the long-term sustainability of the basin because sea water intrusion is an existential threat to the Basin. Moreover, the high chloride levels in the drinking water wells do in fact exceed the state’s potable standard for chloride. Finally, Staff’s reference to absence of impacts on an alleged absence of any sensitive aquatic impairments ignores the fact that the main concern about water supplies here is the impact on the long-term reliability of the Basin for human consumption.

Finally, it appears that Staff proposes, as mitigation for the inherent uncertainty affecting the Commission’s water supply analysis, a 1% residential unit per year cap. According to Staff, this would equate to 53 new residential units per year. The Staff Report states, however, that “new water-using development that is not subject to the residential unit cap could be allowed if the groundwater basin is at or below its sustainable yield.” Staff Report at fn. 33. The Staff Report makes no effort to describe what type of development may be possible under this exception, or more importantly, how much water these types of developments would demand. For example, Staff does not explain whether low-income housing or homeless shelters would qualify under this exception. Similarly, the Staff Report does not estimate how much water would be required for the proposed 1% cap. Accordingly, the Staff Report does not estimate the total quantity of water expected to be added to the current demand as a result of the Commission’s approval of the LOCP. Without any such estimate, the Commission cannot reasonably make a finding that its approval of the LOCP would result in a less than significant impact on water supplies.

In conclusion, I respectfully ask the Commission not to approve the LOCP at this time.

Sincerely,

A handwritten signature in cursive script that reads "Babak Naficy".

Babak Naficy



August 25, 2021

San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA 93401

Subject: Los Osos Groundwater Basin Purveyor Recommendations re County of San Luis Obispo's Proposed ADU Ordinance

To Whom It May Concern:

Introduction

The Golden State Water Company ("GSWC"), Los Osos Community Services District ("LOCSD") and S&T Mutual Water Company ("S&T") (jointly, "Purveyors") provide water to the Los Osos community, which overlies the Los Osos Groundwater Basin ("Basin").¹ Together with the County, the Purveyors are tasked with sustainable management of the Basins through their positions on the Basin Management Committee ("BMC").² The Purveyors are writing this letter in response to the County's request for Purveyor input on the "adequacy of water . . . services" to support the construction of accessory dwelling units ("ADUs") within the Los Osos community. (Gov. Code § 65852.2(a)(1)(A).)

Although the Purveyors acknowledge that the County retains land use authority throughout the Los Osos community, they also understand that a clear and accurate description of the community's groundwater resources is fundamental to successful land use planning, which must account for resource availability in the decision-making process. The following letter summarizes (1) the BMC's efforts to date to create a sustainable water supply for the Los Osos Community, as well as (2) the Purveyor's concerns regarding potential impacts of the County's proposed ordinance to allow accessory dwelling units ("ADU Ordinance") on Basin sustainability.

Background on the BMC and Basin Plan

In January 2015, the Purveyors and the County released the Updated Basin Plan for the Los Osos Groundwater Basin ("Basin Plan") which details a series of strategies, plans and

¹ The County of San Luis Obispo ("County") also operates several groundwater wells overlying the Basin and provides recycled water to the Los Osos community from the Los Osos Water Recycling Facility ("LOWP").

² Pursuant to the court-approved stipulated judgment ("Stipulated Judgment") in *Los Osos Community Services District v. Golden State Water Company et al.* (Case No. GIN 040126), the Purveyors and the County formed the BMC in 2015.

projects to manage and protect groundwater resources in the Basin.³ The Basin Plan proposes a strategy and establishes goals, timeframes, milestones, and metrics to address basin management. The primary goals of the Basin Plan include halting seawater intrusion into the Basin and providing sustainable water supplies for existing and future needs.

The Basin Plan's implementation strategy is centered around construction of a series of proposed projects, that comprise the Basin Infrastructure Program ("Program"), to address the Basin Plan's stated goals. The Program is divided into four parts, designated Program A, Program B, Program C, and Program D. Programs A and B are designed to shift groundwater production from the lower aquifer to the upper aquifer, and Programs C and D are designed to shift production within the lower aquifer from the western area to the central and eastern areas, respectively. To date, Purveyor efforts have focused on implementation of Program A and Program C improvements to achieve a sustainable water supply under what the Basin Plan refers to as the "Existing Population Scenario".

The Basin Plan establishes a comprehensive Groundwater Monitoring Program to collect, organize, and report data regarding the health of the Basin. That data is used to calculate the metrics discussed in the following paragraphs and to provide information needed to manage the Basin for long-term sustainability.

To report on the Basin's progress, the BMC is required to submit an annual report to the County of San Luis Obispo Superior Court ("Court") detailing the monitoring results and Basin Plan implementation progress for the previous year ("Annual Report"). Each annual report includes, among other information, groundwater production data, an update on the implementation of Basin Plan Programs, and the recent monitoring results of Basin Plan metrics.⁴ This last element provides the best indicator of the status and health of the Basin.

The BMC adopted and submitted the 2020 Annual Report to both the Court and the Department of Water Resources ("DWR") on June 16, 2021.⁵ As part of this report, and as required by the Stipulated Judgment, the BMC updated the monitoring results for each of the four metrics set forth in the Basin Plan. The following table summarizes the Annual Report's findings:

³ Both the Basin Plan and the cooperative authority described in the Basin Plan were approved by the Superior Court in October 2015.

⁴ The Basin Plan established several metrics to evaluate nitrate impacts to the Upper Aquifer ("Nitrate Metric"), seawater intrusion into the Lower Aquifer ("Chloride Metric"), and the effect of management efforts of the BMC ("Basin Yield Metric" and "Water Level Metric"). These metrics, along with others, are jointly referred to as the "Basin Metrics". These Basin Metrics allow the BMC, regulatory agencies, and the public to evaluate the status of nitrate levels and seawater intrusion, and the impact of implementation of the Basin Plan Programs in the Basin through objective, numerical criteria that can be tracked over time. The Basin Plan requires the continual monitoring and reporting of each of the Basin Metrics.

⁵ A copy of the 2020 Annual Report can be found at [https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Los-Osos-Basin-Management-Committee-\(BMC\).aspx](https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Los-Osos-Basin-Management-Committee-(BMC).aspx)

Summary of Basin Plan Metrics (as reported in 2020 Annual Report)			
Metric	Basin Plan Goal	Value Reported in 2020 Annual Report	Notes
Basin Yield Metric	80 or less	73	Deterioration from 2019; but has met Basin Plan goal since 2016
Water Level Metric	8 feet above mean sea level or higher	1.8 feet above mean sea level	No change since 2019; has not reached Basin Plan goal
Chloride Metric	100 mg/L or lower	205 mg/L	Deterioration from 2019; has not reached Basin Plan goal
Nitrate Metric	10 mg/L or lower	20 mg/L (NO ₃ -N)	Improvement from 2019; has not reached Basin Plan goal

Purveyor Concern Regarding Sustainability of Basin

As illustrated in the above table, despite the BMC's best efforts, only one of the four Basin Metrics (the Basin Yield Metric) is currently within the targeted range.⁶ Further, two of the three other Basin Metrics (the Water Level Metric and the Chloride Metric) saw a deterioration over the prior year. As a result, the Purveyors are concerned the adoption of the County's proposed ADU Ordinance could further hinder the BMC's efforts to sustainably manage the Basin and achieve the goals of the Basin Plan. The following comments are provided with this in mind.

Monitoring Data and Metrics Deserve More Emphasis

As reported in the 2020 Annual Report, both the monitoring data and the Basin Metrics indicate that Basin conditions as a whole are static or worsening, which is being closely monitored and evaluated by purveyors. Unfortunately, sustainable management of groundwater resources is not often achieved quickly, and instead takes years of continued effort to begin seeing results. Based on the trends and monitoring results published in previous Annual Reports, it may take several more years before it is possible to determine whether implementation of the Basin Plan has been successful in reversing seawater intrusion and improving other unfavorable water quality trends. Prior to being asked to serve additional demand, therefore, the Basin Metrics must indicate not only an end to deteriorating conditions but measurable and sustainable improvements across the Basin. It may also be necessary to consider creative water supply options, such as supplemental or imported water, in order to solve the long-term water issues within the Basin.

Need for Water Conservation Study

⁶ Although the 2020 Annual Report was adopted by the BMC at its June 16, 2021 meeting, it did not receive unanimous approval because of concerns regarding the current value of the sustainable yield (as set forth in the Annual Report), which has a direct impact on the Basin Yield Metric.

The ADU Ordinance proposes to include a water offset requirement where an applicant for an ADU would be required to “offset” the ADU’s water demand by reducing water use through conservation measures. This requirement is intended to result in no new net demand in response to the County’s approval of an ADU.

The Purveyors can agree to support this, however, we request that the County investigate or revisit the assumptions and arithmetic used for defining the magnitude and availability of these conservation offsets, which the water purveyors feel are in error. Given that Los Osos has relatively low water use per capita, the Purveyors are concerned that the well-intentioned offset requirements will not result in the ADU Ordinance having no new net water use. The Purveyors request that the County initiate a study (“Water Conservation Study”) to identify the opportunities for retrofits, such as high efficiency toilets, showerheads, faucet aerators and washing machines, relative to the demand for ADUs. Based on this Water Conservation Study, the County, Purveyors and community can understand the anticipated amount of water available for new ADUs from water conservation offsets and the expectations for amount of ADU development that will occur within the Basin boundaries.

Request for Amendments to Chapter 19.07

As part of the County’s amendments to the ADU Ordinance, the Purveyors also request that the County amend Chapter 19.07 (Plumbing Code) of the County Code to harmonize and improve the County’s water conservation requirements. Based in part on the Water Conservation Study, the County should update Chapter 19.06 to require new development, including ADUs, to provide verifiable water offsets using Purveyor water data. These amendments also should permit the County and Purveyors to track the long-term effectiveness of retrofits by requiring monitoring and reporting and, if retrofits are ineffective, mandating that the development implement additional water conservation measures to achieve no net water use.

Further, the County should exercise its land use authority to require that water conservation offset credits be harvested from within the purveyor service area boundary in which the proposed development would occur. The County’s water offset program must take into account local water resource constraints and improve local water supply conditions. For example, retrofits to support new ADU development within Los Osos must occur within the Basin to result in water supply improvements. By localizing water conservation requirements and providing of long-term monitoring, the County will create a more effective offset requirements and help promote sustainable management of the Basin.

Funding Mechanism to Support New Development

State law limits the ability of local agencies, including the Purveyors, from assessing impact fees on ADUs to support new water supplies. (See Gov. Code § 65852.2(f).) These restrictions on impact fees make it difficult for the Purveyors to recuperate the water system and water supply costs associated with serving ADUs, while ensuring water remains affordable to existing customers. Due to the significant supply constraints and uncertainty of the long-term conditions within the Basin, the Purveyors need to explore alternative funding strategies with the County in order for new development to pay its fair

share of infrastructure and water supply costs. Otherwise, existing customers will disproportionately bear the costs of new development.

Conclusion

In summary, the Purveyors emphasize the importance of incorporating monitoring data, as well as Basin Metric trends, into the County's land use planning and decisions about allowing additional development. As set forth above, recent monitoring data and the Basin Metrics both indicate that Basin conditions as a whole are static or worsening. The Purveyors also are concerned that the ADU Ordinance's proposed offset requirements may impair the BMC's ability to ensure a sustainable water supply for existing customers, or even result in a deterioration of the Basin Metrics. Accordingly, the Purveyors request the County to initiate a Water Conservation Study to evaluate whether the proposed offset requirements would allow for new development under the ADU Ordinance in a manner that is protective of Basin health. Finally, the Purveyors also request that the County collaborate with the Purveyors to develop new funding strategies to support the development of ADUs within the Basin and the anticipated growth associated with County's Los Osos Community Plan Update. Coordination among the County and Purveyors to secure a sustainable and equitable funding scheme remains critical to achieving the Basin Plan Goals, and providing a safe, clean, and affordable water supply to the Los Osos community.

The Purveyors appreciate this opportunity to provide comments on the County's proposed ADU Ordinance. Please let us know if you have any questions, or if you need more information.

Sincerely,

Mark Zimmer

Digitally signed by Mark Zimmer
DN: cn=Mark Zimmer, o=Golden State
Water Company, ou,
email=markzimmer@gswc.com, c=US
Date: 2021.08.25 15:27:26 -07'00'

Golden State Water Company

Ron Munds

Digitally signed by Ron
Munds
Date: 2021.08.26
07:26:47 -07'00'

Los Osos Community Services District

Julie
McAdon

Digitally signed by Julie
McAdon
Date: 2021.08.27
16:03:28 -07'00'

S&T Mutual Water Company

Cc: Dan Heimel, BMC Executive Director



June 6, 2024

**Subject: San Luis Obispo County Local Coastal Program Amendment
Number LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan). Item
Th 14a**

Dear Commissioners,

I am Patrick McGibney, a 50-year resident of Los Osos and the Chair of the Los Osos Sustainability Group. We are all long-term residents of Los Osos and depend upon the Los Osos groundwater basin as our only source of community water. We have for the last decade worked with Commission and County staff to advocate for the protection of our basin and the sustainable management of same. Your staff, in particular, have been generous with their limited time and we have appreciated their patience and help. The staff report for this item makes clear that the Los Osos Groundwater Basin has been badly mismanaged in the past. We want assurance that it is not going to be mismanaged in the future. If it fails, it will be the community of Los Osos that will suffer the consequences.

Certification of the Los Osos Community Plan (LOCP) is premature and should be postponed until the public has had an adequate chance to analyze the evidence and reasoning presented by the Staff in support of its approval. It is critical that the sustainability of the water basin is shown with conclusive evidence, as this Commission has required in the past.

After years of protecting our water basin, Commission Staff now claims that recent monitoring evidence shows a trend toward sustainability because there has been one year of above-average rainfall, which temporarily reduced outdoor water use in the basin. "Trending toward sustainability" is a nebulous concept and has never been identified by the Commission as an appropriate metric to support new development in Los Osos. As confirmed in a technical memorandum (TM) by Cleath Harris Group, by the Basin Management Committee (BMC) annual reports, and by the Sustainable Groundwater Management Act (SGMA), it could take years to achieve and confirm the sustainability goals of this water basin. We could easily fall back into a sustained drought beginning this winter.

The staff report indicates that the best available science has been used to determine the state of our basin. We believe this is mistaken. The Steady State model that has been utilized by the BMC thus far is not the best science nor the

most reliable tool for predicting the long-term sustainability of the basin (this is only achieved by high-quality monitoring data and measurable physical objectives to provide physical proof of actual Basin conditions). This is evidenced by the fact that the BMC itself is transitioning to a Transient Model, which is a more reliable system for long term planning (but **all** modeling can only offer predictions, not conclusive evidence). The Steady State model relied on historical data that does not factor in climate change, and in fact has never led to stopping, let alone reversing, seawater intrusion, a prime indicator of an overdrafted basin. The original model was never recalibrated by relying on groundwater monitoring data, a fact that the BMC has acknowledged severely undermines the model's reliability, especially for long term planning. Therefore, as a practical matter, the basin must be considered to remain in overdraft as it has been for over 40 years.

In determining sustainability of a water basin, a basin plan must first characterize the relationship among the different sustainable management criteria – *the sustainability goal, undesirable results, minimum thresholds, and measurable objectives* – and describe best management practices (BMP) for developing these criteria as part of a Groundwater Sustainability Plan.

The Los Osos Basin Management Plan identifies as its first *sustainability goal*: “Halt, or to the extent possible, reverse seawater intrusion.” As documented in the staff report, “*minimum thresholds* in two of the four chloride- monitoring wells are above the 100mg/l target (at 211 mg/l and 346 mg/l respectively)”, which is an increase in chloride levels from the previous report. Rising chloride levels are an *undesirable result* and a prime indicator of seawater intrusion.

The staff report also states that “four of the five nitrate- monitoring wells were above the *minimum thresholds* of 10 mg/l (for an average of about 14 mg/l)”, which is also considered an *undesirable result* for a sustainable basin. These alone would indicate the Basin **is not** yet at a sustainable level to support increased development.

It should be noted that a “Sustainable Yield” is a hypothetical calculation, and is only as reliable as the metrics used to create it. The sustainable yield estimate that the Staff used to conclude that the basin is trending towards sustainability is unreliable because it was based on outdated meteorological estimates. The existing Steady State model was based on the assumption that Los Osos historically received an average rainfall of 17.5” per year, when in fact, during the decade of 2011 to 2021, it only averaged 12.7”. Using the 17.5” assumption, and with the projected completion of Program A & C wells (see Los Osos Basin Plan, pages 231 & 239), the Sustainable Yield was increased to 2,760 AFY - well above the 2,400 AFY mandated by the Stipulated Judgement for the first 5 years.

Moreover, the Program A & C wells had not yet been completed, and Los Osos only received 12.7” of rainfall - or 72% of the predicted amount. The Cleath Harris

Group published a TM in 2017 and, taking climate change into account, estimated a Sustainable Yield of 2,220 AFY with 80% of the predicted rainfall. 72% (12.7") of the predicted rainfall (17.5") would lower that Sustainable Yield estimate to 1,987 AFY, creating a Basin Yield Metric of 101 - well above the stated BYM 73. In other words, the Basin was being overdrafted by 7.5 million gallons per year - for 7 years - all because of estimation errors. And during those years, the chloride levels continued to increase.

The Los Osos Basin Plan cites two ways to "balance" the Basin Yield Metric. One way is to increase the Sustainable Yield, as was done in 2016, and the other way is to decrease production, which happened recently due to abundant rainfall. Both methods only produce predictions of temporary stabilization of the Basin, but in no way show long-term sustainability.

According to the Staff report, the County is now using an estimated Sustainable Yield of 2,380 AFY, a production rate of 1650 AFY, and a BYM of 69 to show the Basin, in its judgment, **is not** in overdraft. The County and the BMC are limited in their scope by the Stipulated Judgement and the Basin Plan, but this Commission is not. As a State Agency, the Best Management Practices (BMP) outlined in DWR's SGMA program should serve as a guide in determining the sustainability of the Los Osos Water Basin. It states, "**SGMA does not incorporate sustainable yield estimates directly into sustainable management criteria. Basin wide pumping within the sustainable yield estimate is neither a measure of, nor proof of, sustainability . . . sustainable yield is only achieved when there are no undesirable results, and...**" Demonstration of the absence of undesirable results supports a determination that basin is operating within its sustainable yield and, thus, that the sustainability goal has been achieved." Undesirable results would include seawater intrusion and increasing chloride levels.

SGMA cautions that "*A minimum threshold* is the quantitative value that represents the groundwater conditions at a representative monitoring site that, when exceeded individually or in combination with minimum thresholds at other monitoring sites, may cause an undesirable result(s) in the basin." As cited above, the staff report states that the "BMC's 2023 report shows that the chloride and nitrate metrics are above target values." Those alone would indicate that the Basin **is not** sustainable.

Allowing increased development under the presumption of anticipated water neutrality, such as using the County's Title 19 Offset-To-Build program, is just that - presumptive. The text of Title 19 is riddled throughout with words like "assumed", "estimated", "approximately", words that don't establish facts, but leave open undetermined outcomes, gambling with the sustainability of our only water supply. This is a risk we cannot afford to take.

As stated in the Staff report, “the Commission has not yet affirmatively found there to be an adequate water supply to serve new growth.” It is now forecast that this coming year will usher in another La Niña, with possible drought years to follow. Therefore, it is premature to be certifying the Los Osos Community Plan allowing a 1% growth rate.

The Los Osos Sustainability Group requests that the Commission **postpone certifying the Los Osos Community Plan** and the proposed Estero Area Plan (EAP) update until conclusive evidence affirms:

- 1) a sustainable water supply for the current population, and
- 2) any further intensification of water use would not cause adverse impacts to ground and surface waters, including wetlands and all related habitats.

The evidence presented in the staff report does not support the conclusion that the Los Osos Groundwater Basin can safely meet current water demand, let alone support new development. A continuance would allow time (which has not been allotted) for the staff’s analysis to be carefully analyzed by an expert, and for the Community to have needed time to review any updates or changes in the LOCP, the GMO and the EAP.

Respectfully,

Patrick McGibney
Los Osos Sustainability Group, Chair

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 9:03 AM
To: Jackson, Devon@Coastal; Moroney, Ryan@Coastal
Subject: Fw: Please do NOT approve the upcoming LOCP at your meeting next week.

From: Alexandra Fairfield <alex.fairfield85@gmail.com>
Sent: Friday, June 7, 2024 8:24 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Please do NOT approve the upcoming LOCP at your meeting next week.

Dear CCC--

As residents of Los Osos we are incredulous about the recent changes to the LOCP that are coming to you for review. There is no data, no evidence, that our aquifer can support more development in Los Osos. The BOS approval of the Anastazi development was clearly wrong, and now we are considering this huge increase of 6400 homes?

We need time to assess what is the true status of our aquifer using hard numbers and reliable models. As Los Osos residents, we have been conserving our OWN water use so that we will have Water to Use in the future, not so that more houses can be built and will jeopardize water availability for the whole community.

We support the LOGG request for a continuance. And, frankly, we would like clarification as to how such plans for development can even get this far in the approval process. The Basin Management Committee has also lost our trust.

Thank you,
Alexandra Fairfield
David Cheney
Los Osos, CA

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 12:03 PM
To: Jackson, Devon@Coastal
Subject: Fw: meeting regarding Los Osos growth plan

From: Annie Kelley <aanyka@yahoo.com>
Sent: Friday, June 7, 2024 11:35 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: meeting regarding Los Osos growth plan

Dear Commissioners,

Thank you for holding this meeting in Morro Bay. I am asking that you postpone the vote on the Los Osos Community Plan until the citizenry has been fully informed at an in-person Town Hall. which must include Q&A and a clear explanation of the new, vague Growth Management Ordinance.

Annie Kelley
559-679-1111
aanyka@yahoo.com

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 1:40 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: Sylvie Asselin <asselin@mac.com>
Sent: Friday, June 7, 2024 1:21 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Dear Commissioners,

As a resident of Los Osos, I am requesting for a *Continuance* on the LOCP so that Los Osos and its citizens have time to study up on the potential impacts of opening up development, and allowing engagement with our community and County leadership as well as the Coastal Commission staff subject matter experts.

My understanding is that there is no recent 2024 data collection on the sustainability of our aquifer regarding water levels, and salt water intrusion. Without scientific data, no one can make a blank statement that there is sufficient water due to our recent rainfalls.

Your decisions impact everyone living in Los Osos: farmers, businesses, residents on sewer or not-its all one water basin. We are already paying a lot in taxes and in water sewage taxes, an increase in development will require additional infrastructure which will need to be payed out by current residents who have already had to pocket out additional tax money. Current residents are asked to be water-wise and to reduce our consumption. The 1% development increase plan will take away from our consumption. Plus quotas for the new development sees no limit in water usage (toilets, hotels, restaurants).

Before we do anything, it should be established for how many more years the aquifer will sustain current resident before new development is added. As a resident and county taxpayer, it is only normal that I want my primary needs (water) be met by the existing aquifer. There are no guarantees on our current weather system and we could easily fall into years of drought again.

Please consider a Continuance on the LOPC so that a decision is made by measurable scientific data versus hearsay.

Sylvie Asselin
1162 2nd Street
Los Osos, CA 93402

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 3:41 PM
To: Jackson, Devon@Coastal
Subject: Fwd: LCP-3-SLO-21-0028-1 part G los osos community plan

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From: adrian2u <adrian2u@sbcglobal.net>
Sent: Friday, June 7, 2024 3:15:39 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: LCP-3-SLO-21-0028-1 part G los osos community plan

To whom it may concern,

In light of our water table and the many other issues of concern that development causes, such as increased traffic, negative impact on wild life etc. and to preserve the character of our coastal community, we oppose the development of multiple units of high density housing. The community plan requires much additional consideration and thought before action is taken. Please consider delaying this matter until concerns have been adequately addressed and rectified. Thank you.

Sincerely,

Mrs. Ayers

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Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 1:03 PM
To: Jackson, Devon@Coastal
Subject: Fw: Postpone meeting

From: Robert Conlen <conlenbob@gmail.com>
Sent: Friday, June 7, 2024 12:47 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Postpone meeting

Dear Commissioners,

Thank you for holding a meeting in Morro Bay. Please postpone the vote on the Los Osos Community Plan until the citizens have been fully informed at an in-person Town Hall, including a Q&A and clear explanation of the new Growth Management Ordinance. Hopefully we can learn how new growth can occur after decades of landscape watering restrictions and bans on new construction, after a mere two years of adequate rainfall.

Thank you,
Bob Conlen
Los Osos

Sent from my iPad

Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Brandwine Glenn <brandwineg@gmail.com>

Thu 6/6/2024 8:25 PM

To:CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

I would really very much appreciate much more research to be done on the impact of the this proposal to be done. Water, trash, solution, schooling and general service's need to taken into consideration. We can barely take care of what we have and adding more housing will deplet our community more then we can handle. And these people who will help with these service (fire, police, trash, groceries, pharmaceutical, medical etc...) won't be able to afford the cost to live here. We can not take care of the people we already have in our community. Let alone fix our roads including the unincorporated. The sewer roads are falling apart. And we are going to allow more traffic on our roads? The speeding is out of control. Because we don't have the police force to man it. So you want more people and more problems? Fix what is in front of us first. More police, more fire fighters, more room in our schools. Incentive for Dr's to want to open an office here. Better super market (not dollars tree, you think people who shop dollar tree will be able to afford housing here at \$1,000.00 plus per bedroom?) before you ask us to accept more people? Fix our roads, charge people to visit Montana de or and then maybe we will think this is not a bad idea. Instead you want overload a town that San l u is county barely helps so they can make more money. That is really all that Metter anymore. So sad. I will probably be dead in 20 years or less so why should I care? Because I have put a lot of my heart in this community that is very special.

Brandi Glenn

35+ year resident

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Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Lenny Castellaneta <lennycastellaneta@yahoo.com>

Thu 6/6/2024 7:30 PM

To:CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

To Whom It May Concern,

I'm writing this letter to request a continuance of the Coastal Commission's consideration of the Los Osos Community Plan currently set for June 13th, 2024. More time is needed for expert consideration of the complex water supply issues. (Long story short, there's simply not enough of water here.)

Sincerely,

Lenny Castellaneta
2627 Rodman Drive
Los Osos, CA 93402

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**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 2:46 PM
To: Jackson, Devon@Coastal
Subject: Fw: Allowing 1 % new construction a year

From: Elita chaffin <elitajazz@gmail.com>
Sent: Friday, June 7, 2024 2:44 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Allowing 1 % new construction a year

Hello

My ruminations regarding approval of opening up building in Los osos.

Does the proposed 98 home development that was approved by the county board of supervisors last October fall subject to that 1 % growth rate ?

That would fill a quota of almost two years of time . At least we would have more accumulated H2O data In two years.

Consider that we have only had 2 years of good rain , less time than the 3+. years we were way under average. Furthermore We have not built more rain storage opportunities for our area which should have been a priority.

If you pass this 1% prematurely and we find ourselves looking at needing state water to sustain our community , who pays for bringing state water to Los Osos ? We already struggle with the huge increase of our sewer tax without getting that cost added to our bills.

Note: I am not against growth but let's be extremely cautious moving forward. Why can't it be .5 % growth ? Slow and cautious and continually reassessing our sustainability for healthy growth. .

Is our road infrastructure substantial enough to sustain 60 new families (120+ added cars) a year? Who pays for more signals or widening if and when necessary?

I hope you will consider all the potential hurdles as you consider this proposal for our little town.

We are depending on your commission to make a wise decision as we all move forward.

Thank you.

Elita Chaffin

31 year resident of Los Osos.

Elitajazz@gmail.com

Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Candice Childers <candicechilders1@gmail.com>

Thu 6/6/2024 10:13 PM

To:CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Hello,

I would like to express my concerns in regards to a sudden influx in allowing development without addressing current and relevant issues to the los Osos community development plan. Please consider postponing the vote on this matter so details can be addressed throughly.

Thanks,
Candice

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Jackson, Devon@Coastal

From: Jeff Cole <Jeff.Cole@DimensionHospitality.com>
Sent: Friday, June 7, 2024 1:35 PM
To: ExecutiveStaff@Coastal
Subject: San Luis Obispo County Local Coastal Program Amendment Number / LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)

Please consider this as my written request to postpone the vote, scheduled for June 13, 2024. The community was not provided enough information or time to get the full story on lifting the building moratorium in Los Osos.

Thank you.

JEFF COLE
2148 Inyo Street
Los Osos, CA 93402

M 619.895.1038
O: 805.439.0127

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Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 1:40 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: Connie Grant <conniekris@hotmail.com>
Sent: Friday, June 7, 2024 1:29 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Dear California Coastal Commission,
I appreciate and value the regulation put forth by the Commission.

I am writing this to urge you to postpone the vote on the Los Osos Community Plan until there is assurance/ data that substantiates that water resources for this development is sustainable.

Please take the time to ensure a sustainable water supply for existing residences as well as future building in Los Osos.

Thank You for your consideration!
Connie Grant
conniekris@hotmail.com

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 10:02 AM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: Dale Norrington <dalenorrington@me.com>
Sent: Friday, June 7, 2024 9:56 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Please postpone this decision to allow more time for public scrutiny and discussion. I for one need more time to understand water supply situation. I would also like to hear from more objective, disinterested hydrology experts if possible.

Thank you,

Dale Norrington

RDNorrington Lic. # 839088
805-458-5034
dalenorrington@me.com
rdnorrington.com
2323 alexander
los osos, ca 93402

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 12:03 PM
To: Jackson, Devon@Coastal
Subject: Fw: Request for Continuance of Decision – San Luis Obispo County Local Coastal Program Amendment Number LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan) InboxSearch for all messages with label Inbox

From: Denise Taylor <dtaylorphotos@gmail.com>
Sent: Friday, June 7, 2024 11:53 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Request for Continuance of Decision – San Luis Obispo County Local Coastal Program Amendment Number LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan) InboxSearch for all messages with label Inbox

Dear California Coastal Commission,

We are contacting you to respectfully request a continuance of the Coastal Commission's consideration of the Los Osos Community Plan (LOCP) currently set for June 13, 2024.

We believe there is a need for more public input. Many of our neighbors were not aware of this meeting and need more time to to understand the implications of the plan, and contribute their input.

More time is needed for expert investigation of the current water supply issues. Most residents have been practicing extreme water conservation over these many years (drought tolerant landscaping, use of rain barrel systems, etc.) We have had two good years of rainfall, but many, many years of drought before this (2007-2009, 2011-2017 and 2020-2022). It is very likely we will again experience drought years in the future. residents need to know if this has been taken into consideration in planning for development, both in regards to the groundwater supply as well as potentially more seawater intrusion should the groundwater be depleted.

The infrastructure supporting new construction will need to be created, and the community needs to know what plans are in place to address the increased auto traffic due to increased development. There are only two, two lane roads leading into and out of Los Osos: South Bay Blvd and Los Osos Valley Road, and only five traffic lights in town. Can these two roads suffice if there is a need for residents to evacuate quickly, such as a natural disaster like wildfire or earthquake, or an accident at Diablo Nuclear Plant or the potential future battery storage facility in Morro Bay? Especially if there is an increase in population and autos due to large development? Also, an increase in population would entail a greater police and fire department, as well as schools. Have these been considered? And how will the increased infrastructure be paid for? Will there be new financial demands made on current residents for this increase in infrastructure?

Residents need to be made aware how the potential developments will affect the town's lifestyle and ambiance. Currently, the town enjoys a semi-rural atmosphere, few sidewalks and street lights, lots of wildlife and outdoor activities, and a night sky with little light pollution. How will the current residents'

lifestyle be affected by increased development? Will this development turn the town into just another suburban, cookie cutter bedroom community?

Your upcoming decision is a very important one and will affect the lives and welfare of the residents of Los Osos for years to come. By agreeing to a continuance and engaging in more public outreach and public participation, residents can be partners in the growth and management of Los Osos.

Sincerely,

Denise and Leonard Taylor

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 12:33 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: Denise Taylor <dtaylorphotos@gmail.com>
Sent: Friday, June 7, 2024 12:23 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Dear Coastal Commission,

In the event a continuance is not granted for this hearing, here are our public comments regarding the Los Osos Community Plan:

We believe more time is needed for expert investigation of the current water supply issues. Most residents have been practicing extreme water conservation over these many years (drought tolerant landscaping, use of rain barrel systems, etc.) We have had two good years of rainfall, but many, many years of drought before this (2007-2009, 2011-2017 and 2020-2022). It is very likely we will again experience drought years in the future. residents need to know if this has been taken into consideration in planning for development, both in regards to the groundwater supply as well as potentially more seawater intrusion should the groundwater be depleted. In your May 24 recommendation letter, you recommend 1% per year allowable development. Does this pertain to both single family homes or multiple family buildings and mobile home parks? And will this recommendation be rescinded in the future if development and drought adversely affect the groundwater reserves?

The infrastructure supporting new construction will need to be created, and the community needs to know what plans are in place to address the increased auto traffic due to increased development. There are only two, two lane roads leading into and out of Los Osos: South Bay Blvd and Los Osos Valley Road, and only five traffic lights in town. Can these two roads suffice if there is a need for residents to evacuate quickly, such as a natural disaster like wildfire or earthquake, or an accident at Diablo Nuclear Plant or at the potential future battery storage facility in Morro Bay? Especially if there is an increase in population and autos due to large development? Also, an increase in population would entail a greater police and fire department, as well as schools. Have these been considered? And how will the increased infrastructure be paid for? Will there be new financial demands made on current residents for this increase in infrastructure?

Residents need to be made aware how the potential developments will affect the town's lifestyle and ambiance. Currently, the town enjoys a semi-rural atmosphere, few sidewalks and street lights, lots of wildlife, outdoor and artistic activities, and a night sky with little light pollution. How will the current

residents' lifestyle be affected by increased development? Will this development turn the town into just another suburban, cookie cutter bedroom community?

We very much appreciate the Coast Commission's efforts to sustainable long range coastal planning, but as lifelong California residents, we are apprehensive of a decision to begin building and increasing the population now, after two years of abundant rainfall, knowing another long term drought is most likely in our near future.

Thank you for considering our comments.

Sincerely,

Denise and Leonard Taylor

Jackson, Devon@Coastal

From: Tim and Maureen Dudley <dudley1099@hotmail.com>
Sent: Friday, June 7, 2024 1:43 PM
To: ExecutiveStaff@Coastal
Subject: Los Osos Moratorium

Please seriously consider the true lack of water available for building more homes in Los Osos. If we look carefully at the data we can't rely upon seasonal rainfall or the promise of state water projects. I know developers are anxious to build but is it sustainable?

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 1:05 PM
To: Jackson, Devon@Coastal
Subject: Fw: Los Osos Community Plan Vote

From: Emily Kaskela <emkaskela72@gmail.com>
Sent: Friday, June 7, 2024 1:04 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Los Osos Community Plan Vote

Dear Commissioners, Thank you for holding this meeting in Morro Bay! I ask that you postpone the vote of the Los Osos Community Plan until the community has been fully informed and brought up to date on SLO County's vague Growth Management Ordinance. Los Osos needs an adequate water supply first, with ALL Basin Management Plan water metric goals met.

Sincerely,
Emily Kaskela
Los Osos, CA

Sent from my iPad

Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Mike Haley <mhaley500@gmail.com>

Fri 6/7/2024 6:26 AM

To:CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

I just now heard about this committee agenda item and feel this should be postponed as it is such an important and complex issue and needs more public input and discussion.

Yes we have had two good years of rain but that should not blind us to the very real issue of our water tables being in a precarious condition - adding households and businesses will further tip us over into far reaching problems. At minimum decisions like this need more input and discussion - so please postpone this agenda item.

Thank you from a concerned resident

Mike Haley

1600 4th Street

Los Osos 93402

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CENTRAL COAST AREA**

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 4:33 PM
To: Jackson, Devon@Coastal
Subject: Fw: POSTPONE the VOTE!!!!!!! You obviously have biased information, and are pandering to developers The Los Osos area is a fragile area with LIMITED reso A full enviornmental impact study has NOT been completed...Facts are not altered by liesur...

From: Linda Harrison <joshsnina@yahoo.com>
Sent: Friday, June 7, 2024 4:20 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: POSTPONE the VOTE!!!!!!! You obviously have biased information, and are pandering to developers The Los Osos area is a fragile area with LIMITED reso A full enviornmental impact study has NOT been completed...Facts are not altered by liesurces....

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 1:39 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: R. Larry Hatchett <larry.hatchett@icloud.com>
Sent: Friday, June 7, 2024 1:08 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

My wife and I have been in Los Osos for over thirty years, owning a single-family home. We hope it is not too late to comment on this agenda item.

The aquifer for our community has been depleted after the decades-long drought that we just experienced.

We ask The Commission to delay their decision to allow us as residents to present more information.

Thank you!

April and Robert Hatchett
1953 Donna Avenue
Los Osos CA 93402
805 441-0001

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 3:39 PM
To: Jackson, Devon@Coastal
Subject: Fwd: Postpone the meeting

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From: Pamela Hostetter <p_hostetter@hotmail.com>
Sent: Friday, June 7, 2024 3:28:49 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Postpone the meeting

Dear Commissioners,
Thank you for holding this meeting in Morro Bay. I am asking that you postpone the vote on the Los Osos Community Plan until the citizenry has been fully informed at an in-person Town Hall. which must include Q&A and a clear explanation of the new, vague Growth Management Ordinance.

Pamela S Hostetter

Sent from my iPhone

Jackson, Devon@Coastal

From: Jennifer Cole <jennifer.cole.4553@gmail.com>
Sent: Friday, June 7, 2024 9:05 AM
To: ExecutiveStaff@Coastal
Subject: Postpone the Vote on Los Osos Water Use

Good Morning- It recently came to my attention that the CC plans on voting on a measure that could affect the future of Los Osos and its residents for decades to come. The homeowners who live here and will be impacted by this decision deserve to be presented the data that would reverse a decades-long moratorium on building. The scant information I've seen is in no way convincing that conditions have changed substantially enough to lift the moratorium. Please postpone any decision until Los Osans get a chance to weigh in.

Jennifer Cole
2148 Inyo Street

Sent from my iPhone

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 3:41 PM
To: Jackson, Devon@Coastal
Subject: Fwd: Los Osos Water Basin

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From: Michele King <ososking2@yahoo.com>
Sent: Friday, June 7, 2024 3:14:26 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Los Osos Water Basin

Dear commissioners,

Please postpone the vote of the Los Osos community building plan until the community has time to be completely informed of all the ramifications. I am a 40 year resident and as far as I'm concerned, we do not have adequate water to go forward with all the building that's being suggested.

Michele King

[Sent from Yahoo Mail for iPhone](#)

June 7, 2024

To: Coastal Commission

RE: San Luis Obispo County LCP Amendment—LOCP
Los Osos Community Plan
Item Th14a—Thursday June 13, 2024 Meeting

Dear Commissioners and Coastal Staff:

I am a long time property owner in Los Osos and I have a significant concern about a staff suggested modification to the proposed update.

First though, I would like to commend you for recognizing that the community does have a sustainable water supply for the limited development that is proposed, and please do not be swayed by the small but vocal minority that have been making the false assertions regarding basin overdraft. The facts do not support their position.

The concern I have is the proposed language regarding development within the PCA (Priority Conservation Areas). Parcels within the PCA under the approved HCP, and original draft LCP update, have limited development potential, in exchange for significant dedication of conservation area within the parcel and payment of significant fees at \$1.20/disturbed SF, along with other required mitigation.

As an example, a parcel I own of 4.8 acres would have a maximum disturbance envelope of 30,000SF and require payment of \$36,000 to the HCP fund and dedicate the remainder of the site as conservation area. This represents an extreme mitigation cost, but it does allow a minimum of development on the parcel.

Now, however, CCC staff is recommending a complete taking of the parcel with the following language in Exhibit 3, page 36 of 137:

Development located within the LOHCP Priority Conservation Areas as shown on Figure 7-39 shall be limited to uses dependent on the habitat therein (e.g., habitat restoration, scientific research, low-intensity public interpretive access, etc.), that shall be sited and designed to protect against significant disruption of habitat values. All other development shall be prohibited in the LOHCP Priority Conservation Areas, except for land divisions that are more protective of the habitats therein than the current lot configurations.

This position/amendment represents a clear and irrefutable “Taking” and will certainly lead to significant litigation from the numerous property owners within the PCA. Given the language and requirements under the approved HCP, there is absolutely no justification for CCC taking this position regarding the PCA parcels. I urge you to correct this language prior to the Commission’s approval of the LCP update for Los Osos. Perhaps this language is simply an error by staff, as page 27 of the staff report does point out “some type of development must be provided in order to stave off regulatory takings claims”. The language is certainly in conflict with the proposed modification.

Please do the right thing and correct this taking, prior to approval of the LOCP.

Respectfully submitted,

Rick Kirk

rick.kirk52@gmail.com

805-459-4101

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 1:39 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment to Agenda 6/13/24 meeting - Los Osos Community Plan
Attachments: 21_0602 California Coastal Commission_LO Community Plan comments.pdf

From: jakeofarnold <jakeofarnold@aol.com>
Sent: Friday, June 7, 2024 1:17 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Fwd: Public Comment to Agenda 6/13/24 meeting - Los Osos Community Plan

Believe I may have directed this email sent earlier today to the wrong address. It is a bit unclear what the proper email is to send advance comments. Doubtful I can attend the meeting in person.

Thank you

Robert Kreps

Sent from my iPhone

Begin forwarded message:

From: Jeff <jakeofarnold@aol.com>
Date: June 7, 2024 at 9:41:39 AM PDT
To: executivestaff@coastal.ca.gov
Subject: Public Comment to Agenda 6/13/24 meeting - Los Osos Community Plan

I reside in Los Osos and provided input to the initial development of the LOs Osos Community Plan.

Water was and continues to be a major concern. I take exception that it is well understood that sufficient recharge is occurring to rebuild our aquifer. Notably the water purveyors have recently voiced concern plus at least one has undertaken a feasibility study to connect into existing pipeline supplies from others during wet years to help with the problem. None of this has been determined feasible. Allowing new building to occur before the Basin Committee, along with the water purveyors agree that the agreed upon metrics have been met is not in the communities best interest.

Further, I submitted comments to you and your staff in 2021 raising my concern regarding the inadequate nature of addressing current drainage issues that affect the estuary and roads. Our roads are primarily with any sidewalks or separation for pedestrians. Safety evaluations taking this into account were not done. Adding more traffic and people will just exacerbate the problem. As recently as this month, County Public Works noted they were not aware of any Capital Improvement projects regarding drainage issues. Protection of the bay and safety of our community members and visitors should be of paramount concern.

California Coastal Commission
District Supervisor
Central Coast Office
725 Front Street
Santa Cruz, CA 95060

June 5, 2021

RE: Los Osos Community Plan Review

Attn: Mr. Kevin Kahn:

The Los Osos land use is presently managed under the 2009 Estero Area Plan. The Los Osos Community Plan(LOCP) has received extensive input by various stakeholders prior to the County Board of Supervisor's approval in December 2020. I have been generally supportive with the County's growth plans until I learned no review was done regarding impacts on existing neighborhoods with "Local" streets; nor to the impact to bicyclists and pedestrians.

Further, as I am sure you are aware, the neighborhoods adjacent to the bay were required to install a sewer system in place of the septic systems that had been initially used due to concerns with pollutants to the Estuary. This was completed around mid-2015. The health of the Estuary is a primary goal of the LOCP. While there is recognition and discussion of the issue surrounding surface drainage, there is no defined metrics regarding surface drainage to the Estuary leaving it to the County to determine impacts needing required mitigation and subject to funding.

The LOCP affirms that health and quality of life is an important SLO County land use policy - Goal 1, Objective 1 "Maintain and protect a living environment that is safe, healthful, and pleasant for all residents". In addition, the California Complete Streets Act and SB 743 both encourage increased use of Active Transportation modes to help achieve climate commitments, preserve our environment, improve our health, safety and livability. The San Luis Obispo Countywide Compact underpins this commitment with the goal; "Strengthen community quality of life" including having a "resilient infrastructure, services and resources". However, with regard to both multiuser street use and surface drainage to the Estuary, both issues are left without specific commitments to ensure the quality of life is not diminished with the proposed new development.

The El Morro and Cuesta lower-level residential areas are older systems of streets that are depended upon for all modes of travel, vehicles, bicycles and pedestrians. There are generally no sidewalks nor separate bike paths. The "Local" network street system was not examined in any detail during the review process although the Community raised neighborhood traffic safety as a major concern in public meetings. Secondly, many of these same streets receive storm runoff throughout the winter months, making the streets unsafe/unusable for the alternate transportation users for periods of time until the County dispatches maintenance to clean up the areas. This generally takes several days after a storm passes based upon priorities they have. All this urban runoff travels down into the Estuary untreated and unabated.

I also take exception to the statement of the last paragraph of Section 8.3.1 of the LOCP. While this debris may be considered "cosmetic" for vehicle travel, it significantly alters public pedestrian and bicyclist safety....to the point the areas are avoided or result in increased vehicle use. Both County Planning and

Public Works stated their Circulation element was focused on impact to vehicle flow without any regard to use by bicycles or pedestrians. Neither the Bicycle Advocacy Committee nor the County Parks and Rec Trails group examine impacts to the community on streets today or with future proposed growth of the plan. County is currently performing another Circulation study but is still only focused on understanding the new growth will have to existing vehicle travel. There was an addition in the LOCP (Program CIR 2.3) to develop, incorporate and implement a Pedestrian Plan and Active Pedestrian Plan without any time specific commitment to accomplish them. The County Board of Supervisors were requested to include language that these were completed prior to new development without success.

One of the CCC's primary three strategic goals is "Maximize Public Access and Recreation". Chapter 6 of the LOCP is devoted to coastal access. However, most of these are accessed by the general public by vehicles traveling on "Local" streets. As stated above, no review was conducted regarding anticipated increase of traffic volume due to public use nor ensuring appropriate parking is available at each site. The residential streets have minimal on-street parking and road edges are inconsistent, even for walking. Los Osos is targeted to have a segment of the California Coastal Trail designated passing through it. Again, there was no review of potential impact to these alternate transportation users on the residential streets being designated part of the CCT system.

The LOCP states "these may include drainage improvements at various locations in the community" without any specific metrics as to what triggers these improvements and apportioning cost mechanism to existing vs. new development. If new development were not approved, would the improvement be warranted? The document cites various funding sources along with their funding approval provisions. Existing residential and commercial property owners should not be saddled with extra improvement costs to satisfy the County's need to plan for future population growth.

Policy EN-2; Programs EN-2.1 LO runoff control; EN-2.2 LO urban watershed management; EN-2.3 Community Drainage Improvements all identify the problem of surface water runoff. Basically, these are known drainage problem areas since 1998 that have had little resolution. Adding new "infill" building as well as the larger Morro Shores Mixed Use area prospective development, including a planned new road segment, will contribute to the surface runoff problem. While the Land Use designations are being proposed, there is no oversight if several small projects or a larger project gets proposed.

I hope this information is useful in the CCC review of the LOCP and can help ensure these concerns can be satisfactorily mitigated to allow smart growth.

Thank you for your consideration of these important points. I would also like to be on the list to know when this topic comes before the CCC board for review and approval. (jakeofarnold@aol.com)

Robert Kreps

I have attached my 2021 input for ease of review. Unfortunately, the public has had no opportunity for the last 4-5 years to provide any further comment while the County worked with Fish & Wildlife making various changes to satisfy those parties and apparently these drainage and public road safety issues seem to have been lost.

I request that the CCC defer final ruling allowing the County time to provide clear understanding to the public and to the Coastal Commission on these topics.

Robert Kreps

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 12:32 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a

From: Laurie Peterson <forevergilda@gmail.com>
Sent: Friday, June 7, 2024 12:16 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a

I am a resident of Los Osos, CA.

I would like any vote on proposed Los Osos buildout to be postponed until a town hall meeting, with full presentation of the proposed buildout and a Q&A period that is not only live but Zoomed, aired or on Google Meet, be scheduled with ample notice for Los Osos residents to watch or attend.

Laurie Peterson
535 Rosina Drive
Los Osos, CA 93402

June 7, 2024

Dear California Coastal Commission,

The potential approval of development in Los Osos comes as more than a bit of surprise, in fact it comes as a shock. We have made every effort to conserve water assiduously for two primary reasons, (1) to make every effort on our part to reverse the overdraft on our essential aquifer which supports our existence on this precious landscape, and (2) to do our very best to live with our droughts, which will continue to worsen as climate change conditions continue to worsen living conditions for all of us. Considering this to hear that the California Coastal Commission is about to allow more development on an environmentally sensitive landscape is incongruous.

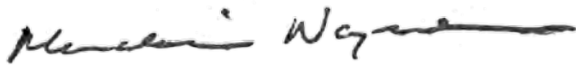
If the aquifer isn't an issue, and there is no sea-water intrusion, then why are the residents, including our household, making efforts and in some cases being required to conserve water? Development at all costs is really setting up the small community of Los Osos for utter disaster down the road. A 1% growth rate of 60 houses per year would absolutely balloon the development beyond any sensitive aquifer can support, least of all the one that Los Osos depends on for its daily household use. If you have come up with this desired rate of growth, do you also have data to show that water is increasing at that rate? Furthermore, at that new extraction rate will the aquifer continue to be replenished above its currently depleted levels?

Los Osos does not have the road infrastructure to support such an increase in growth without destruction of habitat and some serious eminent domain issues. Developing Los Osos as a business area is contrary to why many of us moved to Los Osos. Most of us are willing to drive to San Luis Obispo to conduct business and continue to maintain the rural atmosphere of Los Osos.

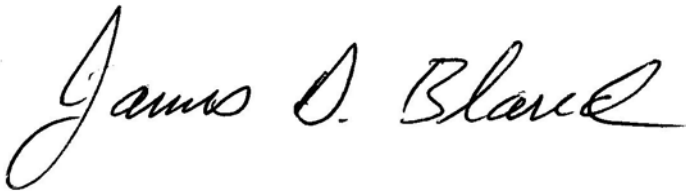
After decades of the California Coastal Commission acknowledging the depletion of both the quantity and quality of the Los Osos groundwater, your staff's sudden reversal has tremendous ramifications. Please delay your decision to give an opportunity for the public to be informed of this major policy shift. We are requesting you postpone any decision to give the public

the necessary time to review this significant, controversial policy shift and the voluminous documents associated with it. Your own staff cited the difficulty of reviewing over 700 pages of reports, the public are volunteers who need to do that same review and we need more time. We urge you to continue this hearing to allow us that courtesy.

Sincerely,

A handwritten signature in black ink, appearing to read "Meenakshi Nagendran". The signature is fluid and cursive, with a long horizontal stroke at the end.

Meenakshi Nagendran, PhD, DVM

A handwritten signature in black ink, appearing to read "James D. Bland". The signature is cursive, with the first name "James" being the most prominent part.

James Bland, PhD

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 9:58 AM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: Lori Campanile <lcampy1@comcast.net>
Sent: Friday, June 7, 2024 9:39 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Please postpone your decision to allow more time for public input. This is a huge document and the citizens of Los Osos are desperate to protect the water they rely upon. The science does not support more usage. Again, please postpone your decision to allow everyone more time to understand all the ramifications of this decision.

Thank you for your consideration,

Lori Campanile
Resident of Los Osos

Sent from my iPad

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 10:34 AM
To: Jackson, Devon@Coastal
Subject: Fwd: Los Osos - upcoming discussion

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From: M WhitneyHafft <coastoilartist@aol.com>
Sent: Friday, June 7, 2024 10:30:19 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Los Osos - upcoming discussion

**I WOULD LIKE TO HAVE THIS DISCUSSION POSTPONED LONG ENOUGH FOR THE
COUNTY
TO ORGANIZE A SERIOUS DISCUSSION WITHIN THE COMMUNITY OF LOS OSOS.**

THIS HAS NOT HAPPENED FOR A FEW YEARS NOW.

**WHY DO THEY WANT TO SKIP OVER HAVING A PUBLIC DISCUSSION WITH THE
PEOPLE WHO LIVE HERE???**

THANK YOU.

**MARJORIE WHITNEY
LOS OSOS RESIDENT AND TAX PAYER**

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 12:03 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: funwithcook@gmail.com <funwithcook@gmail.com>
Sent: Friday, June 7, 2024 11:38 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

To the Coastal commission and who it may concern

I'm writing in to ask for a postponement of your vote!

Please we as a local residents have not had time to review all of the document.

Please postpone your vote 1% could have huge issues on WATER, TRAFFIC, Local RESOURCES, please 1% really?

That's huge for this small community without having water and proper roads and proper resources.

Postpone your VOTE

Thank you

Martine Lynch

Los Osos

Sent from my iPhone

Requesting Continuance of Los Osos Community Plan

Mary Sturm <mary@sturmlaw.net>

Thu 6/6/2024 7:42 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Coastal Commission,

RECEIVED

JUN 07 2024

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

I understand the Coastal Commission will meet 6/13 regarding the proposal for the LOCP.

I am requesting a continuance of the Coastal Commission's consideration of the LOCP.

My understanding is that the current water supply in our community is unsustainable and further housing development is being considered as part of the LOCP.

Please provide opportunities for the public to weigh in on this!

Respectfully,

Mary Sturm
2550 Quail Ln, Los Osos

Sent from my iPad

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 2:15 PM
To: Jackson, Devon@Coastal
Subject: Fw: Los Osos

From: Julie McGuigan <julesmctwig@hotmail.com>
Sent: Friday, June 7, 2024 2:14 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Los Osos

Dear Commissioners,

Thank you for holding this meeting in Morro Bay. As a resident of Los Osos, it is still unclear on how the changes in the Community Action Plan will impact our neighborhoods and population. There has been little outreach locally to share the details of the Plan or garner feedback. I am asking that you postpone the vote on the Los Osos Community Plan until the citizenry has been fully informed at an in-person Town Hall. which must include Q&A and a clear explanation of the new, vague Growth Management

Full Name: Julie McGuigan

Email: julesmctwig@hotmail.com

On Behalf Of: my community

Thank you for holding this meeting in Morro Bay. As a resident of Los Osos, it is still unclear on how the changes in the Community Action Plan will impact our neighborhoods and population. There has been little outreach locally to share the details of the Plan or garner feedback. I am asking that you postpone the vote on the Los Osos Community Plan until the citizenry has been fully informed at an in-person Town Hall. which must include Q&A and a clear explanation of the new, vague Growth Management Ordinance.

Public comments submitted to the Coastal Commission are public records that may be disclosed to members of the public or posted on the Coastal Commission's website. Do not include information, including personal contact information, in comments submitted to the Coastal Commission that you do not wish to be made public. Any written materials, including email, that are sent to commissioners regarding matters pending before the Commission must also be sent to Commission staff at the same time.

Sent from my iPhone

Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Cynthia Mein <calmcmein@gmail.com>

Fri 6/7/2024 6:20 AM

To:CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Hello,

Please postpone your decision on the Los Osos Community Plan until further study and input from the community is heard.

Thank you,
Cynthia Mein
2181 Fresno Street
Los Osos, 93402

RECEIVED

JUN 07 2024

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 3:40 PM
To: Jackson, Devon@Coastal
Subject: Fwd: Lifting building moratorium in Los Osos

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From: Melanie Mollgaard <mhmollgaard@gmail.com>
Sent: Friday, June 7, 2024 3:26:04 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Lifting building moratorium in Los Osos

I am very concerned about the sudden change of direction on the Los Osos building moratorium. I would like to see more information about this decision.

Thank you,
Melanie Mollgaard

Jackson, Devon@Coastal

From: Theresa Mortilla <tmortilla@icloud.com>
Sent: Friday, June 7, 2024 7:32 AM
To: ExecutiveStaff@Coastal
Subject: Postpone vote on lifting moratorium to build in Los Osos

Good morning,

As a 30 year home owner in Los Osos I am requesting that increased research and investigation on our water capacity be conducted. I can assure you that Los Osos does not have the resources to add more homes, hotels to an already reduced water table.

Thank you,
Theresa A. Mortilla, MA, LMFT

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 12:32 PM
To: Jackson, Devon@Coastal
Subject: Fw: Los Osos Community Plan

From: Lyn Matasci <lynmatasci@yahoo.com>
Sent: Friday, June 7, 2024 12:20 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Los Osos Community Plan

Dear Commissioners,

Thank you for holding this meeting in Morro Bay. As a resident of Los Osos, I still find it unclear how the changes in the Community Action Plan will impact our neighborhoods and population. There has been little local outreach to share the details of the plan or garner feedback. I am asking that you postpone the vote on the Los Osos Community Plan until the citizenry has been fully informed at an in-person Town Hall which must include Q&A and a clear explanation of the new, vague Growth Management Ordinance.

Thank you,
Nancy Lyn Matasci
1653 6th St.
Los Osos, CA

Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Ellen Nelson <ellen@barncatservices.com>

Fri 6/7/2024 7:38 AM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Coastal Commission,

I am a resident of Los Osos and am writing to request that you please delay consideration of the Los Osos Community Plan until more public information sessions are held to ensure that the residents of Los Osos are truly informed of the provisions of the plan and the consequences for our aquifer.

I understand that the state of the Los Osos aquifer is in question and can be difficult to determine with certainty, however the risks of exceeding carrying capacity in this situation are significant. It is my understanding that seawater intrusion is a significant threat to the aquifer, as is nitrate pollution of existing wells from the continued existence of septic systems throughout the Basin, specifically Cabrillo Estates. Optimistic modelling is NO guarantee of sustainable water supplies. Continued monitoring of seawater intrusion and nitrate levels is required to provide hard data to determine when the Basin is truly sustainable.

Please support Science and Public Awareness. We need more time for public education and more time for data collection and analysis. A more detailed understanding of whether the Los Osos Water Basin is truly sustainable is required before approving the Community Plan.

Thank you for your hard work and concern for our precious resources,
-ellen

Ellen Nelson
2249 Inyo St
Los Osos CA 93402
ellen@barncatservices.com
820 346-8559

RECEIVED

JUN 07 2024

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

"We are here to help each other get through this thing, whatever it is."
— Kurt Vonnegut, A Man Without a Country

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 1:40 PM
To: Jackson, Devon@Coastal
Subject: Fw: Lifting of the Los Osos building moratorium

From: Carolyn Niblick <carolyn.niblick@gmail.com>
Sent: Friday, June 7, 2024 1:20 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Lifting of the Los Osos building moratorium

The members of the Coastal Commision

First of all, thanks for selecting a local venue for this important meeting. It will give folks a chance to make their voices heard and will add to the transparency of the decision-making process.

I appeal to you to postpone your decision until more local people can become aware of and informed about the proposal and can ask relevant questions. Many friends who are usually well-informed about such matters were completely unaware that the decision on lifting (or amending) the moratorium was imminent. The local newspaper (The Tribune) has reduced publication to just two days a week and the online edition is too expensive for many members of our community. I heard about the Commision meeting on our local NPR station just last week.

I believe that the decision to lift - or amend - the moratorium should be delayed. We have had two good rain years but we have lived here long enough (25 years) to know that the good years can often be followed by another multi year dry spell. And our aquifer is still dealing with salt water intrusion.

People who have been diligent in their water conservation efforts may not be so willing to conserve in the future if it means our town will be built up and out to such a degree that the intimate, friendly nature of Los Osos is lost. 60 new homes/ year is a lot! And the two bedroom/ 1 bath units should have their water usage monitored and charged for just like the rest of us. And, who's to say that the new homes will be occupied by community and county residents? At the prices homes now command in the area, I fear that most will be bought by wealthier folks moving up from the LA area or down from the Bay Area. Local residents and workers still won't have affordable housing that fits their budget

I urge you to take these concerns and those of my fellow community members into consideration before making any final determination on the future of our town.

Thank you for your consideration of these and other important concerns of those of us who call the Central Coast our home.

Carolyn Niblick and David Cox
1288 15th St.
Los Osos, Ca 93402
503-816-1976

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 3:40 PM
To: Jackson, Devon@Coastal
Subject: Fwd: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

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From: Linde Owen <lindeaowen@gmail.com>
Sent: Friday, June 7, 2024 3:20:12 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

California Coastal Commission Hearing

June 13, 2024

Item 14: SLO County Local Coastal Program Amendment Number LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)

Dear Commissioners,

As you consider approval of the Los Osos Community Plan, I ask you all to consider moving this item to your September meeting scheduled for Morro Bay again.

The community has had little to no public presentation of this current Plan after the 20 some years of its development.

I have 26 years watching (and participating) in Advisory Council and County processes for Los Osos and urge you to recall that the Sewer came about because our water basin was experiencing Sea Water Intrusion and increasing nitrates. But it was also losing supply from the lower Basin, as we increased development (1240 homes were permitted between 1983 and 1989) and focused on the 'Sewer War'.

The fact that little was done from the 1970's forward to protect our water resources until the formation of the BMC should make all of you wary that the damage has not repaired itself and while we may be 'trending towards Sustainability', we still have the SWI and barely reducing Nitrate pollution at almost the same levels that required sewerage the central part of town.

While the County may feel that 1.3% growth by using Title 19 offset credits is reasonable, they've done little to guarantee that new growth will not impact our Basin recovery. The BMC meetings have concentrated on moving well extraction eastward, yet the Basin is finite. In 2017, a severe drought year, it is notable that we lost any 'sustainability' that was anticipated. Two good years of rainfall reduced Basin withdrawal but that was a reduction in outside watering more than a decrease of community indoor use.

Having attended BMC meetings for 8 yrs, Los Osos has many reasons for caution and new development will not improve our sustainable supply.

I believe the Community should be included in the discussion before you bless this Community Plan. The County didn't do their due diligence to present the proposed growth management aspect to our residents. No public town hall meeting, no presentation, no notification... so unless you were one of the few who have been a community watchdog, you are clueless. The impact on our current water supply for existing residents is serious, and approving 60+ new homes annually will not fix the current problems.

Please ask the County to present this complex issue to our community before you approve the Community Plan. I hope that you will agree that extending the decision for 3 months, will give us the opportunity to have the vital discussions that we haven't been given. After 20 yrs of delay to get here, it seems reasonable that an informed community will be a better one.

Thankyou for your time and consideration,

Linde Owen (34 yr resident and homeowner)

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 2:43 PM
To: Jackson, Devon@Coastal
Subject: Fw: Upcoming Meeting

From: calrep <calrep@charter.net>
Sent: Friday, June 7, 2024 2:35 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Upcoming Meeting

Dear Commissioners,

As a resident of Los Osos, it is still unclear on how the changes in the Community Action Plan will impact our neighborhoods and population. There has been little outreach locally to share the details of the Plan or garner feedback. I am asking that you postpone the vote on the Los Osos Community Plan until the citizenry has been fully informed at an in-person Town Hall. which must include Q&A and a clear explanation of the new, vague Growth Management Ordinance. Thanks for your consideration.

John F. Pack
2813 Rodman Drive
Los Osos, CA 93402
calrep@charter.net
949-400-4729 (cell)
805-439-1422 (fax)

From: Linda Parks <voteforparks@gmail.com>
Sent: Friday, June 7, 2024 10:33 AM
To: ExecutiveStaff@Coastal
Subject: Please continue Agenda Item 14a, Los Osos Community Plan

Dear Staff, please allow the public to have more time to find out about the conclusion you've reached that the Los Osos groundwater basin is sustainable. Only a handful of people know about this. There have been no articles in the newspaper, no Town Halls, and the public deserves an opportunity to learn and have input. This is particularly true since:

- 1) it's a major policy shift.
- 2) it has major ramifications.
- 3) it's a complex subject with concerning data
- 4) there has been a lack of outreach
- 5) a delay, until after the dry months of summer and fall, will allow substantiation on whether trends towards sustainability are accurate.
- 6) the issue is decades in the making, and a few months to confirm the basis for the policy shift will engender trust and allow for more thorough public participation.

Thank you for your consideration,

-- Linda Parks
(805) 341-1332
Voteforparks@gmail.com

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 12:31 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: Ted Peterson` <ted.peterson@tcsn.net>
Sent: Friday, June 7, 2024 12:10 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

I am a resident of Los Osos, CA and have worked with water issues for some time.

I would like any vote on proposed Los Osos buildout to be postponed until a town hall meeting, with full presentation of of the proposed buildout and a Q&A period that is not only live but Zoomed, aired or on Google Meet, be scheduled with ample notice for Los Osos residents to watch or attend. The following questions should be addressed:

1. Are we still under water restrictions?
2. If water use restrictions are still in effect, how can buildout be justified?
3. What is the incidence of Sea Water intrusion into the Los Osos basin?
4. What metrics are used to determine extent of Sea Water intrusion if any exists?
5. Even if unseasonable rains have raised the basin level, has the minimum level that determines overdraft been reached?
6. If buildout is approved, and water use increases, how does this affect future drought conditions and future water restrictions?

Thank you,

Ted Peterson
535 Rosina Drive
Los Osos, CA 93402
(805) 471-2237

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 3:40 PM
To: Jackson, Devon@Coastal
Subject: Fwd: Community action plan

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From: Tom Pimienta <t.pimienta@yahoo.com>
Sent: Friday, June 7, 2024 3:16:00 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Community action plan

Dear Commissioners,

Thank you for holding this meeting in Morro Bay. As a resident of Los Osos, it is still unclear on how the changes in the Community Action Plan will impact our neighborhoods and population. There has been little outreach locally to share the details of the Plan or garner feedback. I am asking that you postpone the vote on the Los Osos Community Plan until the citizenry has been fully informed at an in-person Town Hall. which must include Q&A and a clear explanation of the new, vague Growth Management Ordinance.

Sincerely,

Tom Pimienta

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 10:35 AM
To: Jackson, Devon@Coastal
Subject: Fwd: Los Osos Community Plan

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From: Sarah Lester <referencewench@gmail.com>
Sent: Friday, June 7, 2024 10:12:19 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Los Osos Community Plan

Dear Commissioners,

Thank you for holding this meeting in Morro Bay. As a resident of Los Osos, it is still unclear on how the changes in the Community Action Plan will impact our neighborhoods and population. There has been little outreach locally to share the details of the Plan or garner feedback. I am asking that you postpone the vote on the Los Osos Community Plan until the citizenry has been fully informed at an in-person Town Hall. which must include Q&A and a clear explanation of the new, vague Growth Management Ordinance.

Thank you for your consideration,
Sarah Lester
Los Osos, CA

Jackson, Devon@Coastal

Subject: FW: Morro Dunes petition mtg
Location: Microsoft Teams Meeting

Start: Fri 4/5/2024 2:00 PM
End: Fri 4/5/2024 3:00 PM
Show Time As: Tentative


Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Selmon, Michelle@Wildlife

From: Los Osos Equestrian Community <losososequestriancommunity@gmail.com> on behalf of Selmon, Michelle@Wildlife <Michelle.Selmon@Wildlife.ca.gov>
Sent: Friday, June 7, 2024 3:51 PM
To: Los Osos Equestrian Community <losososequestriancommunity@gmail.com>; Gardner, Scott@Wildlife <Scott.Gardner@wildlife.ca.gov>; Hacker, David@Wildlife <David.Hacker@wildlife.ca.gov>; Stafford, Bob@Wildlife <Bob.Stafford@wildlife.ca.gov>; Vance, Julie@Wildlife <Julie.Vance@wildlife.ca.gov>; Cornman, Ari@FGC <Ari.Cornman@FGC.ca.gov>
Cc: Cripe, Kristi@Wildlife <Kristi.Cripe@wildlife.ca.gov>; Monica White <monicajwhite76@gmail.com>; Nancy Owen <bodhismom5@gmail.com>; Ashley Goldlist <ashley.goldlist@gmail.com>
Subject: Fwd: FW: Morro Dunes petition mtg
When: Friday, April 5, 2024 2:00 PM-3:00 PM.
Where: Microsoft Teams Meeting

To Whom It May Concern,

 [FGC1 Rev 0619 \(Fish & Game Los Osos Equestrian Petition\).docx \(1\) \(1\).pdf](#)

I am reaching out to provide feedback on the Los Osos Community Plan, particularly concerning affordable housing, government administration, and the preferred conservation area (PCA). Currently, the Fish & Game commission is reviewing an amendment that challenges the historical use of the PCA and its allowable recreational purposes. For over a century, the property in question has been utilized for agricultural purposes, hosting activities such as cattle grazing, horse riding, and farming. Despite this longstanding historical use, the Morro Dunes Ecological Reserve (MDER) was established without consultation with neighboring residents who had been using the land for horseback riding since the 1950s, including for essential activities like commuting to school and work. The creation of the MDER, facilitated without community input, has disrupted longstanding recreational traditions and denied access to equestrians, including members of the Chumash tribes and other marginalized communities. Moreover, the original and current property owner's failure to erect fencing and the subsequent free access to the land only fueled recreational activities, contributing to the area's degradation. We advocate for science-based conservation and decision-making. It's important to clarify and update the information regarding the Morro Bay kangaroo rat (MBKR), *Dipodomys heermanni morroensis*. The MBKR

has not been sighted since 1986, and the last captive MBKR died in 1993. Despite extensive surveys, researchers have been unable to detect the animal. Rediscovering the MBKR, if it still exists, poses significant challenges due to its small size, nocturnal habits, secretive behavior, and patchy distribution. Additionally, parts of its historical range are situated on private property, complicating survey efforts. The issue of environmentally sensitive habitat areas (ESHA) cannot be overlooked. In 2022, Fish & Game reclassified the Morro Shoulderband Snail from Endangered to Threatened status. These snails are now commonly found in residential areas. (Reference:

<https://www.federalregister.gov/documents/2022/02/03/2022-02008/endangered-and-threatened-wildlife-and-plants-reclassification-of-morro-shoulderband-snail>).

It's crucial to consider these updated scientific findings when making conservation decisions and managing habitat areas.

Fish & Game's inconsistent stance, illustrated by a senior land property agent's documented recreational use of the land via horseback despite official denials, raises questions about the agency's transparency and accountability. This situation has enabled the exploitation of the PCA for both development and conservation purposes, while disregarding the needs and rights of longstanding users. The County of SLO also has an inconsistent record on climate change and building housing in general and is unable to keep planning staff long enough to process applications or implement a program. I know this because I was a county planner.

The broader issue of affordability exacerbates the situation, with housing prices soaring beyond the reach of many residents. Gentrification is rampant, pushing marginalized communities out of the area. As someone actively searching for housing, I have encountered exorbitant prices and unaffordable options, even while earning a higher income. This housing crisis highlights the urgency of fulfilling the Coastal Act's mandate to promote housing opportunities for low and moderate-income individuals and safeguard existing affordable housing.

It's imperative that any permitted development plans prioritize affordable housing or address the proliferation of short-term rentals, which further exacerbate the affordability gap. The Coastal Act's emphasis on infill development and protection of rural scenic lands should guide these efforts, ensuring compatibility with agricultural activities and minimizing environmental impacts.

In conclusion, I urge careful consideration of these issues and proactive measures to address the pressing challenges facing our community.

Sincerely,

Los Osos Equestrian Community



MEMORANDUM

Date: November 30, 2000 **File No.:** TR00182A

To: Debbie Townsend
Wildlife Conservation Board
1807 13 Street, Suite 103
Sacramento, California 95814-7117

From: Department of General Services – Real Estate Services Division
Professional Services Branch IMS C-8
1102 Q Street, Suite 6000, Sacramento, CA 95814-6511

Subject: BAYVIEW ECOLOGICAL RESERVE

Enclosed is the approved settlement package for the above-referenced project. Following recordation of the Deed and Certificate of Acceptance, please return the original recorded documents and a copy of the Acquisition Summary to Statewide Property Inventory (SPI) at the above address for processing and placement into State Archives.

Per Government Code Section 11011.15 (b), each agency must provide SPI with specific property information and recorded conveyance documents by July 1 of each year whenever there are changes in real property holdings.

If you have any questions or comments, please contact me at (916) 323-5621.

IRENE T. ANDERSON, Manager
Real Estate Acquisitions

Attachments

M e m o r a n d u m

To: Irene Anderson
Department of General Services
Real Estate Services Division
1102 Q Street, Suite 6000
Sacramento, CA 95814-6511

Date: January 9, 2001

From: **Wildlife Conservation Board, 1807 13th Street, Suite 103, Sacramento, California 95814-7117**
(916) 445-8448 Fax (916) 323-0280

Subject: Bayview Ecological Reserve
(Morro Palisades), San Luis Obispo County

Thank you for your comments on the settlement package for the proposed acquisition of the Morro Palisades property. The following changes have been made:

1. First American Title Insurance Company's Preliminary Title Report No. SLO-52984 was amended on December 19, 2000, to correct the partnership interests to more accurately total 100%, and to delete Exceptions 5 and 8, maps recorded in 1911 and 1976, respectively. As a result, a new Explanation of Title Exceptions, Property Acquisition Agreement and Escrow Instructions (attached) reflect the amended Preliminary Title Report, and those items of record the State proposes to accept.
2. First American Title Company has agreed, in writing (attached), to insure title using the Grant Deeds as previously transmitted to you in our settlement package. Although their letter is brief, they have verbally confirmed that their approval includes using "Morro Palisades, a California General Partnership," in the vesting language. It is acceptable because Morro Palisades is in fact a California General Partnership, was a California General Partnership at the time it received the property, and the original vesting language did not specify any state contrary to California. The Property Acquisition Agreement and Escrow Instructions accurately reflect the interests being conveyed to the State and that portion which is a donation.
3. The "as is" clause has not been removed from the Property Acquisition Agreement, but the property owners have agreed to a softer version. The property was used as a trailer park prior to the current property owners establishing ownership between 1968-1970. Since that time, the property has remained vacant with absolutely no use of any type. In our opinion, there is no real risk to the State to accept the proposed "as is" clause.
4. The close of escrow date in the Property Acquisition Agreement has been changed to February 6, 2001.
5. The Certificate of Acceptance accompanying the Grant Deed conveying a 78.481% undivided interest in the property has been changed to consistently read "Morro Palisades Co., a California General Partnership."
6. A new Summary of Transaction has been prepared.

Irene Anderson
January 9, 2001
Page Two

Your assistance in completing the review of this proposed acquisition no by January 19, 2001, in order to close escrow by February 6, 2001, as provided in the new Property Acquisition Agreement, will be greatly appreciated. Please feel free to call me at (916) 445-1113, if you have any questions.

COPY ORIGINAL SIGNED BY
DEBBIE TOWNSEND

Debra K. Townsend
Senior Land Agent

- Enclosures:
1. Summary of Transaction
 2. Certificate of Acceptance for Grant Deed Conveying 78.481% (2 signed original)
 3. Property Acquisition Agreement (3 signed originals)
 4. Preliminary Title Report No. 52984, dated December 19, 2000
 5. Letter from First American Title Company accepting Grant Deeds as prepared
 6. Explanation of Title Exceptions
 7. Escrow Instructions (3 signed originals)

Bayview Ecological Reserve
(Morro Palisades), San Luis Obispo County

SUMMARY OF TRANSACTION

By its action on August 10, 2000, the Wildlife Conservation Board approved the proposed acquisition of 205± acres of coastal dune habitat for the protection of several federal and state listed threatened and endangered plant and animal species. The subject property, locally known as the Morro Palisades property, is strategically located in the Los Osos coastal dunes complex immediately south of, and overlooking Morro Bay, in San Luis Obispo County. The property, which is located immediately west of the Montana de Oro State Park, is the key parcel in multi-agency efforts to preserve the dune complex and to establish a greenbelt linking this park with the Morro Bay State Parks.

The parcel is currently zoned for residential development, but has remained undeveloped because of a state-imposed building moratorium. The moratorium was instituted over 15 years ago due to high bacteria levels resulting from the lack of a sewer and associated water treatment facilities in Los Osos. The moratorium will be lifted upon completion of sewage treatment facilities, which are scheduled to be constructed over the next year.

An escrow account has been established with Stewart Title Company of Sacramento (Escrow No. 17000370). First American Title Company, in San Luis Obispo, has issued a Preliminary Title Report (No. SLO-52984, dated November 10, 2000) for the property. Taxes and assessments against the property will be deleted upon the close of escrow. The remainder of the exceptions are relative to the filing of a parcel map (1911) and a parcel map (1972). As the property is currently vacant, and the state does not intend to develop the property, these exceptions will not be of risk to the state.

In addition to the \$5,700,000.00 which was allocated by the Wildlife Conservation Board for this project, the California Transportation Commission has also approved an Environmental Enhancement Grant in the amount of \$500,000.00, which will be deposited directly into the escrow opened for the acquisition.

This escrow must close by December 15, 2000.

Please call Debbie Townsend at (916) 445-1113, if you have any questions relative to this acquisition.

Bayview Ecological Reserve
(Morro Palisades), San Luis Obispo County

SUMMARY OF TRANSACTION

By its action on August 10, 2000, the Wildlife Conservation Board approved the proposed acquisition of 205± acres of coastal dune habitat for the protection of several federal and state listed threatened and endangered plant and animal species. The subject property, locally known as the Morro Palisades property, is strategically located in the Los Osos coastal dunes complex south of, and overlooking Morro Bay, in San Luis Obispo County. The property, which is located immediately west of the Montana de Oro State Park, is the key parcel in multi-agency efforts to preserve the dune complex and to establish a greenbelt linking this park with the Morro Bay State Parks.

An escrow account has been established with Stewart Title Company of Sacramento (Escrow No. 17000370). First American Title Company, in San Luis Obispo, has issued Preliminary Title Report No. SLO-52984, dated December 19, 2000, for the property. The State is exempt from paying property taxes and there are no supplemental taxes levied against this property. The assessments are levied with the property taxes. It is standard practice to ask that these be deleted as an exception from title. Upon recordation, the State advises the County Auditor/Assessor of the purchase and requests cancellation of taxes. The assessments are typically deleted with the property tax. In the event they are not, the charges will be assessed against the Department of Fish and Game who will then work directly with the provider of the service. The assessments are usually cancelled. Explanation and recommended disposition of the remaining title exceptions is included with this settlement package.

The approved appraised fair market value of the subject property is \$7,900,000.00. The owner has agreed to sell the property to the State for \$6,200,000.00. This bargain sale results in a donation of \$1,700,000.00 and satisfies the match requirements of the General Fund Challenge Grant Program which provided \$1,700,000.00 for this project. In addition, the General Fund provided \$4,000,000.00 as specifically budgeted in the 1999/00 budget for this project, and the Department of Transportation provided \$500,000.00 from an Environmental Enhancement and Mitigation Program grant which will be paid directly into escrow for the acquisition.

The partnership which holds title to the subject property has been restructured to accommodate the donation, i.e., Morro Palisades Co., is conveying by separate deed an undivided 21.5190% interest as tenant in common. First American Title Company has reviewed the proposed deeds conveying the subject property and has agreed to insure title using the deeds as prepared. A copy of a letter from the title company is enclosed with this package.

Please call Debbie Townsend at (916) 445-1113, if you have any questions relative to this acquisition.

AGENCY: DEPARTMENT OF FISH AND GAME
WILDLIFE CONSERVATION BOARD

Project: Bayview Ecological Reserve
(Morro Palisades)

Parcel: APN 074-229-022 & 023

PROPERTY ACQUISITION AGREEMENT

DEEDS DATED: SEE #1 BELOW.

COUNTY: SAN LUIS OBISPO

ESCROW HOLDER: STEWART TITLE COMPANY OF
SACRAMENTO

ADDRESS: 1495 RIVER PARK DRIVE, SUITE 300
SACRAMENTO, CA 95815

ESCROW NO.: 17000370

TITLE COMPANY: FIRST AMERICAN TITLE (SAN LUIS
OBISPO)

PRELIMINARY TITLE REPORT NO.: SLO-52984

THE PARTIES TO THIS AGREEMENT ARE THE UNDERSIGNED GRANTOR(S), HEREINAFTER REFERRED TO AS GRANTOR, AND THE STATE OF CALIFORNIA ACTING BY AND THROUGH THE DEPARTMENT OF FISH AND GAME, WILDLIFE CONSERVATION BOARD, HEREINAFTER REFERRED TO AS STATE. THE PARTIES AGREE AS FOLLOWS:

I. GRANTOR AGREES TO GRANT TO STATE CERTAIN PROPERTY, LOCATED IN THE ABOVE COUNTY, AND MORE PARTICULARLY DESCRIBED IN THE DEEDS DESCRIBED BELOW, WHICH ARE HERewith HANDED TO STATE'S LAND AGENT, SUBJECT TO THE TERMS AND CONDITIONS HEREOF:

A. DEED 1: BY DEED DATED NOVEMBER 8, 2000, MORRO PALISADES CO., A CALIFORNIA GENERAL PARTNERSHIP, AS TO AN UNDIVIDED 34.7958% INTEREST AS TENANT IN COMMON, JOHN L. CURCI, AS TRUSTEE OF THE JOHN L. CURCI TRUST, ESTABLISHED 12/22/93, AS TO AN UNDIVIDED 33.4461% INTEREST AS TENANT IN COMMON, AND THE CALIFORNIA INSTITUTE OF TECHNOLOGY, A CALIFORNIA NOT FOR PROFIT CORPORATION, AS TO AN UNDIVIDED 10.2391% INTEREST AS TENANT IN COMMON (COLLECTIVELY, "GRANTOR"), AGREES TO GRANT TO THE STATE OF CALIFORNIA.

B. DEED 2: BY DEED DATED NOVEMBER 8, 2000, MORRO PALISADES CO., A CALIFORNIA GENERAL PARTNERSHIP AGREES TO DONATE AN UNDIVIDED 21.5190% INTEREST AS TENANT IN COMMON (GRANTOR), TO THE STATE OF CALIFORNIA.

2. THE STATE AGREES TO PAY \$6,200,000.00 INTO THE ABOVE ESCROW AT THE ABOVE ADDRESS FOR THE ACCOUNT OF GRANTOR FOR THE PROPERTY DESCRIBED IN DEED 1 ABOVE, AND RECOGNIZE AND ACCEPT THE DONATION OF THE PROPERTY DESCRIBED IN DEED 2 ABOVE, CONDITIONED ON ALL PROPERTY DESCRIBED HEREIN, VESTING IN STATE, FREE AND CLEAR OF ALL LIENS, LEASES, ENCUMBRANCES, ASSESSMENTS, EASEMENTS, OF RECORD OR OTHERWISE, AND TAXES, EXCEPT:
 - A. EASEMENT OR RIGHTS OF WAY OF RECORD FOR PUBLIC ROADS OR PUBLIC UTILITIES, IF ANY.
 - B. THE FOLLOWING EXCEPTIONS AS SET FORTH IN THE PRELIMINARY TITLE REPORT No. SLO-52984 OF THE ABOVE-REFERENCED TITLE COMPANY DATED DECEMBER 19, 2000:

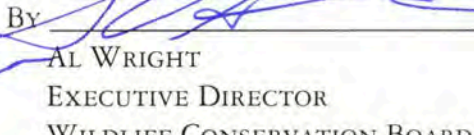
EXCEPTIONS 5, 6, 7, 8 AND 9.

3. SAID ESCROW HOLDER MAY EXPEND ANY OR ALL MONIES PAYABLE UNDER THIS AGREEMENT TO DISCHARGE ANY OBLIGATIONS WHICH ARE LIENS UPON THE PROPERTY, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM JUDGEMENTS, ASSESSMENTS, TAXES OR DEBTS SECURED BY DEEDS OF TRUST OR MORTGAGES, TO DEFRAY ANY OTHER INCIDENTAL COSTS OTHER THAN THOSE SPECIFIED IN PARAGRAPH 4 HEREOF TO BE BORNE BY THE STATE. ESCROW HOLDER MAY ALSO PAY, FROM MONIES UNDER THIS AGREEMENT, PROPERTY TAXES FOR THE FISCAL YEAR IN WHICH THIS ESCROW CLOSES, IF UNPAID BY GRANTOR TO AND INCLUDING THE DATE OF CLOSE OF ESCROW. THE PAYMENT OF ANY SUCH PROPERTY TAXES SHALL BE BASED ON THE MOST RECENT INFORMATION APPLICABLE TO THE FISCAL YEAR AND OBTAINABLE THROUGH THE TAXING AGENCIES. STATE SHALL NOT BE RESPONSIBLE FOR SECURING THE RETURN FROM ANY TAXING AGENCY OF ANY TAXES PREPAID BY GRANTOR APPLICABLE TO ANY PERIOD OF TIME AFTER CLOSE OF ESCROW HEREIN.
4. THE STATE SHALL PAY ALL ESCROW FEES, RECORDING FEES, TITLE INSURANCE CHARGES, PREPAYMENT PENALTIES NOT TO EXCEED 1% OF THE PURCHASE PRICE OR UNPAID BALANCE, WHICHEVER IS LESS, RECONVEYANCE FEES, TRUSTEES' OR FORWARDING FEES FOR ANY RECONVEYANCE OF DEED OF TRUST OR RELEASE OF MORTGAGE INCURRED IN THIS TRANSACTION.
5. TITLE TO SAID PROPERTY SHALL PASS IMMEDIATELY UPON CLOSE OF ESCROW. EXCEPT AS MAY OTHERWISE BE PROVIDED HEREIN, THE STATE SHALL HAVE THE SOLE RESPONSIBILITY FOR PREPARATION AND DELIVERY OF ESCROW INSTRUCTIONS IN ACCORDANCE WITH THIS AGREEMENT.
6. THIS AGREEMENT IS SUBJECT TO APPROVAL OF THE STATE DIRECTOR OF GENERAL SERVICES.

7. IN THE EVENT THAT PAYMENT BY THE STATE OF FUNDS INTO ESCROW PURSUANT TO PARAGRAPH 2, ABOVE, DOES NOT OCCUR ON OR BEFORE February 6, 2001, THEN GRANTOR SHALL HAVE THE RIGHT TO UNILATERALLY TERMINATE THE SUBJECT ESCROW. IF GRANTOR EXERCISES SAID RIGHT, THIS AGREEMENT SHALL BE NULL AND VOID. GRANTOR'S EXERCISE OF SAID RIGHT MUST BE WRITTEN AND BE DELIVERED TO ESCROW HOLDER IN ORDER TO BE EFFECTIVE.
8. EXCEPT FOR THE EXPRESS REPRESENTATIONS AND WARRANTIES OF GRANTOR SET FORTH IN THIS AGREEMENT, GRANTEE REPRESENTS, WARRANTS, ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER WITH RESPECT TO (I) VALUE OF THE PROPERTY; (II) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREFROM OR THEREON, (III) THE STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY; (V) THE CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY; OR (VI) ANY OTHER MATTERS AFFECTING THE PROPERTY OR ITS OPERATION.

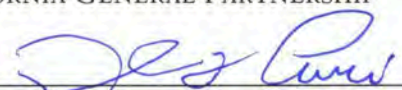
DATED 1/9/01

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
WILDLIFE CONSERVATION BOARD


By 
AL WRIGHT
EXECUTIVE DIRECTOR
WILDLIFE CONSERVATION BOARD

GRANTORS:

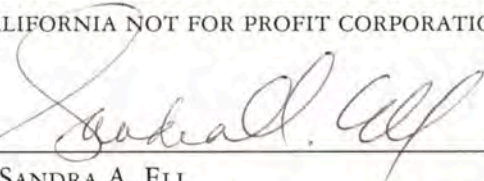
MORRO PALISADES CO.,
A CALIFORNIA GENERAL PARTNERSHIP

By: 
JOHN L. CURCI, TRUSTEE, GENERAL PARTNER

JOHN L. CURCI TRUST, ESTABLISHED 12/22/93

By: 
JOHN L. CURCI, TRUSTEE


CALIFORNIA INSTITUTE OF TECHNOLOGY,
A CALIFORNIA NOT FOR PROFIT CORPORATION

By: 
SANDRA A. ELL
TREASURER AND CHIEF INV. OFFICER

APPROVED:

DEPARTMENT OF GENERAL SERVICES

By 

By: 
SHARON E. PATTERSON
ASSOCIATE CONTROLLER

APPROVAL RECOMMENDED 


Bayview Ecological Reserve
San Luis Obispo County

September 12, 2000

CERTIFICATE OF VISUAL INSPECTION

An inspection has been made of certain real property in the County of San Luis Obispo, described as San Luis Obispo County Assessor Parcel Numbers 074-229-022 and 074-229-023, by an employee of the Department of Fish and Game, who is competent to recognize property easements and encumbrances. Such inspection reveals no visible evidence of the existence of easements or rights of way thereon or claims of right to or interest in said real property or any part thereof pursuant to unrecorded leases, licenses or contracts or by virtue of adverse possession, other than those matters disclosed by the preliminary title report or as noted herein.

Department of Fish and Game
Wildlife Conservation Board

By: 
Debra Townsend
Senior Land Agent

Bayview Ecological Reserve
(Morro Palisades)
San Luis Obispo County

IMPLIED DEDICATION STUDY

The undersigned has inspected the above noted property which is presently owned by Morro Palisades Co., a General Partnership. It is likely that the general public may have from time to time trespassed upon the property; however, there is no evidence of any systematic, regular or organized trespassers. Therefore, it is doubtful that a case for public prescriptive rights on the property could be perfected using the "open and notorious" definition which is generally a requirement in prescriptive rights cases. It should also be noted that most of the comparable sale properties in the appraisal report have similar capabilities of trespassing.

By Debra Townsend
Debra Townsend
Senior Land Agent

Date Nov. 20, 2002

DEPARTMENT OF TRANSPORTATION

DESIGN AND LOCAL PROGRAMS

1120 N STREET, MS 28 (95814)

P. O. BOX 942873

SACRAMENTO, CA 94273-0001

PHONE (916) 654-5505

FAX (916) 653-3770

**RECEIVED**

JAN 08 2001

Wildlife Conservation Board

December 21, 2000

Ms. Debbie Townsend
Wildlife Conservation Board
1807 13th St., Suite 103
Sacramento, CA 95814

Dear Ms. Townsend: *Debbie*

I am writing to you in response to your letter dated October 24, 2000, requesting to increase the project scope to include acquisition of more acreage on the 2000/01 Fiscal Year Environmental Enhancement and Mitigation (EEM) Program project, the Morro Palisades Acquisition project, no. EEM-2000(082), Agreement No. 05-00-15. With the increase in acreage, the state cannot contribute more than the grant amount of \$500,000.

I approve this increase and have revised the EEM Applicant-State Agreement to reflect this increase from the acquisition of 34 acres for \$1,000,000 (\$500,000 in local contributions) to acquisition of approximately 205 acres for \$7,900,000 (\$7,400,000 in local contributions).

This revision decreases the State's proportionate share (from 50% to 6.33%) of EEM funding but you will be required you to spend the full \$7,900,000 in order to receive your EEM grant funding of \$500,000. Also, the EEM restrictive covenants (ADRC) will be required to be recorded on the entire 205 acres.

If you have any questions, please call me at (916) 654-5505.

Sincerely,

CAROLYN DUDLEY
EEM Program Manager

Los Osos Equestrian Community

- SEA HORSE LANE COMMUNITY**
Sea Horse Lane, south of Highland Dr.
Number of horses: 95
- LOS OSOS VALLEY EQUINE FARM**
S.E. of Los Osos Creek off LOVR
Number of horses: 40
- WILLOW RD./NIPOMO AVE. COMMUNITY**
Nipomo @13th, across South Bay to Willow Rd.
Number of horses: ~60
- PECHO COMMUNITY**
Sea Pines Golf Course south to MDO Border
Number of horses: 30
- BAYVIEW HEIGHTS COMMUNITY**
Bayview Heights E. from Calle Cordoniz
Number of horses: 10
- CENTRAL COAST POLO CLUB BOARDING**
Clark Valley Rd., S. of LOVR
Number of horses: ~50

- EXISTING EQUESTRIAN TRAILS**
Current trails located on mix of county property, private easement and within MDO State Park
- EXISTING EQUESTRIAN TRAILS**
Current trails that are on paved county roads
- EXISTING/PROPOSED MIXED-USE EQUESTRIAN TRAIL IN BAYVIEW PRESERVE**
Mixed-use trail on Loop Trail south from Highland at Broderson; Equestrian trail off Loop Trail back toward top of Rodman Dr.
- PROPOSED EQUESTRIAN TRAIL IN BAYVIEW PRESERVE**
Equestrian trail set within 100-ft firebreak, parallel to Highland Dr. and Bayview Heights Dr.
- EXISTING HIKING TRAILS IN BAYVIEW PRESERVE**
DFW-specified hiking trails to remain within Bayview Preserve Boundary

- EQUESTRIAN ACCESS POINT**
Locations where non-boarding equestrians access the Bayview Preserve and trails connected to the Bayview Preserve.

Access points are used by locals in Nipomo/Willow community and Pecho community, as well as visiting equestrians.
- PECHO ROAD EQUESTRIAN CROSSING**
High traffic volume locations on Pecho Road where equestrians cross daily.

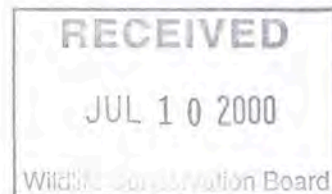


MEGA
Morro Estuary Greenbelt Alliance

Ph: 805 528 5708 POBox 6801 Los Osos CA 93402 FAX: 805 528 0641 e-mail: SaveDunes@aol.com

date: June 10, 2000

To: W. John Schmidt, Executive Director
Wildlife Conservation Board
1507 13th Street #103
Sacramento CA



We understand that purchase of the Morro Palisades Property in Los Osos could be accomplished in the very near future. This property is a key parcel in the Protection of the Los Osos Greenbelt, which by acquisition will protect:

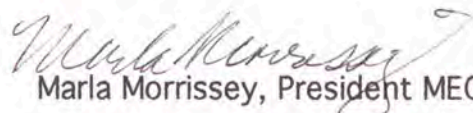
- 1] a globally imperilled Coastal Dune Eco-system;
- 2] over 40 species of plants and animals listed as endangered; threatened, species of concern, or proposed for listing through Federal, State, and CNPS;
- 3] the watershed of a National and State Estuary and an International Flyway;
- 4] the groundwater and drainage of Los Osos;
- 5] beautiful views around Morro Bay;
- 6] Passive Recreation between two State Parks.

We urge you to complete this acquisition as the bulk of funding has already been raised, the Land Acquisition Evaluation completed, and there is a widespread political agency and local support for the Preservation of the very Unique and Rare Habitat on this land. The Federal Recovery Plans for the Morro Bay kangaroo rat and Morro shoulderband snail repeatedly mention the need for larger contiguous remaining habitat to be preserved. "The Morro Palisades is the only site likely to still harbor this species." It is a critical property involved for recovery of the Morro Bay kangaroo rat.

The Preservation of the Coastal Dune Eco-system surrounding Morro Bay has garnered National Attention! The Vice-President's Coastal American Program has just awarded the Partnership for the Conservation of the Los Osos Coastal Dunes the 2000 Coastal American Partnership Process Award, recognizing our outstanding partnership effort to restore and protect the Coastal Environment. Of eight awards nationally - ours was the only one on the entire West Coast!

We look forward to expanding our participation in the efforts under way to protect the Irish Hills and hope we can assist the future efforts of the WCB here.

Sincerely,


Marla Morrissey, President MEGA

MEGA
Ph: 805 528 5708 POBox 6801 Los Osos CA 93402 FAX: 805 528 0641 e-mail: SaveDunes@aol.com



Conserving Land
for People

RECEIVED BY

JUN 14 1999

Wildlife Conservation Board

June 8, 1999

Todd O. Murphy
Schenberger, Taylor, McCormick and Jecker
1411 Marsh Street, Suite 107
San Luis Obispo, CA 93401

Dear Todd,

This letter serves as written confirmation of your conversation with Margaret Eadington on May 17, 1999 regarding the Appraisal Services Agreement for the Morro Palisades property in Los Osos, California. It was agreed in that conversation that your firm, in appraising the Morro Palisades property, could assume that there are no longer any endangered Morro Bay kangaroo rats on the property. However, you should not assume that there are not any other endangered species found on the property.

Please contact Margaret Eadington or me if you have any additional questions.

Sincerely,

Pamela Iguchi
Project Associate

cc: Margaret Eadington
Jim Sarro, CA Department of Fish and Game

The Trust for Public Land
Western Region
116 New Montgomery
Third Floor
San Francisco, CA 94105

(415) 495-5660
Fax (415) 495-0541



Recording Requested by:
PAUL DUNLAP

When Recorded, Return To:
Morro Palisades Co.
P O Box 1457
Newport Beach, CA. 92663

DOC. NO. 30677
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CALIF.
WILLIAM E. ZIMARIK,
COUNTY RECORDER
SEP 20 1972

TIME 12:01 PM

(For Recorder's Use)

NOTICE OF CONSENT TO USE OF LAND
Civil Code 8813

30677-205 000004 00
30677-205 000004 00

NOTICE IS HEREBY GIVEN, pursuant to Section 813 of the Civil Code, as follows:

(a) The undersigned, MORRO PALISADES CO., a California Corporation, is the holder of record title to the land hereinafter described;

(b) The undersigned hereby consents to the use of said land by the general public for the purpose of passing across the same;

(c) The consent herein granted is permissive only, and may be revoked by the undersigned, or its successors, at any time, in accordance with law; and

(d) The land herein referred to is located in the unincorporated area, County of San Luis Obispo, described as follows:

Parcel 1:

That portion of Lots B and C in Rancho Lot 79 of the Rancho Canada de Los Osos, in the County of San Luis Obispo, State of California, as subdivided by H. C. Ward, June 1880, according to the map thereof recorded June 9, 1880 in Book B, page 72 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at a post J. R. 3 at the Southwest corner of Lot "D" of the Slack Tract, a part of said Lot 79, according to the map of said Slack Tract, made by George Story in 1887 on file in the office of said County Recorder; thence North 32° 54' East along the Northwesterly line of said Tract, 3.42 chains to post S.2 at the South corner of the tract of land first described in a deed from R. M. Smith to Charles E. Ferrell and T. P. Bush, dated February 5, 1912 and recorded in Book 92, page 108 of Deeds; thence North 24° 45' West 78.66 chains to an iron pipe on the line of high water mark of Morro Bay, from which a Blue Gum 26 inches in diameter bears North 44° East 59 links distant; thence Southwesterly and Westerly along said line of highwater mark of Morro Bay, to the Northwest corner of said Lot 79; thence South along the west line of said Lot, to its intersection with the line between Lots 77 and 79; thence South 74 deg. 30' East along said line 71.70 chains to stake S. 4 at the Southwesterly corner of the tract of land secondly described in the deed from R. M. Smith to Charles E. Ferrell and T. P. Bush above mentioned; thence North 24° 45' West along the Westerly line of said Tract, so conveyed 56.20 chains to the Southwesterly line of said Lot D of the Slack Tract; thence North 57° 58' West along said line 5.20 chains to the point of beginning.

EXCEPTING therefrom any portion of said land lying seaward of the high tide line of Morro Bay.

ALSO EXCEPTING therefrom Lot 1 in Block 8 and Lot 4 in Block 16 of Sunshine Beach as shown on map filed in Book A of Maps, Map No. 93.

ALSO EXCEPTING that portion of Lot B of Rancho Lot 79 of the Rancho Canada de Los Osos in Book B/72, Maps, described as follows: Beginning at the intersection of the west line of said lot and the south line of Ramona Ave, 60' wide, thence southerly along the said west line 878', thence east 948.48'; thence through a curve concave easterly with radius of 684' and central angle of 20° 10' 54"; thence North 66° 56' 42" West 128.53'; thence through a curve concave northeasterly with radius of 366' and central angle of 53° 56' 18"; thence North 13° 00' 24" West 369.34' to the south line of Ramona Avenue, thence along said line to the beginning.

ALSO EXCEPTING any portions within county streets.

PARCEL 2

Block 36 of Cuesta-By-The-Sea, in the County of San Luis Obispo, State of California, according to the map thereof recorded October 4, 1924 in Book 3, page 48 of Maps, in the office of the County Recorder of said County,

EXCEPT therefrom any portion thereof lying Northerly of and below the line of ordinary high tide of Morro Bay.

Dated: Sept. 8, 1972

MORRO PALISADES COMPANY

By

John L. Curci
John L. Curci, President

STATE OF CALIFORNIA)
County of ORANGE) ss.

On this 19th day of September 1972, before me, the undersigned, a Notary Public in and for said County, and State, personally appeared JOHN L. CURCI, known to me to be the President of the Corporation that executed the within instrument and acknowledged to me that such Corporation executed the same.



Bernice Martin
Notary Public in and for said
County and State

30677

1/19/83 5:58 6⁸

9.00 2P
9.00 PUTL

RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:

MORRO PALISADES CO.
c/o John L. Curci
P.O. Box 1457
Newport Beach, California 92663

DOC. NO 2670
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CAL

JAN 19 1983

FRANCIS M. COONEY
County Clerk-Recorder

TIME 12:35 PM

NOTICE OF PERMISSION TO USE REAL PROPERTY
[Civil Code §813]

The right of the public or any person to make any use whatsoever of the land described in Exhibits "A-1" through "A-4", inclusive, attached hereto and incorporated herein by this reference, or any portion thereof (other than any use expressly allowed by a written or recorded map, agreement, deed or dedication) is by permission, and subject to control of the owner, MORRO PALISADES CO., a general partnership. (California Civil Code, §813).

DATED: 1/5/83, 1983

MORRO PALISADES CO.,
a General Partnership

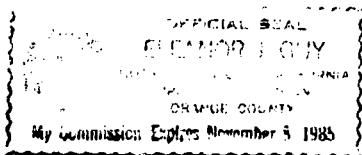
BY:

John L. Curci
JOHN L. CURCI, General Partner

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.

On January 5, 1983, before me, the undersigned Notary Public, personally appeared JOHN L. CURCI, proved to me on the basis of satisfactory evidence to be the person who executed the within instrument on behalf of MORRO PALISADES CO., a general partnership, and acknowledged to me that the partnership executed it.

WITNESS my hand and official seal.



Eleanor J. Guy
Notary Public

EXHIBIT "A-1"

(Legal Description)

Parcels 1, 2, 3 and 4 of Parcel Map No. CO-76-227,
County of San Luis Obispo, State of California, as
recorded in Book 21, Page 82 of Parcel Maps, in the
Office of the County Recorder of said County.

EXHIBIT "A-2"

(Legal Description)

Block 36 of Cuesta-By-the-Sea, in the County of
San Luis Obispo, State of California, as per Map
recorded October 4, 1924, in Book 3, Page 48 of
Maps, in the Office of the County Recorder of
said County.

EXHIBIT "A-3"

(Legal Description)

That portion of Lot 3 of Lands of Morro Bay Company
in Lots B and C of Wards Subdivision of the Call
Tract in Lot 79 of Rancho Los Osos and La Laguna,
as recorded in Map Book 2 at Page 5 of Records of
Surveys, Records of San Luis Obispo County,
California, lying north of Ramona Avenue, a 60.00
foot road.

EXHIBIT "A-4"

(Legal Description)

Parcel 1 of Parcel Map CO-73-406, in the County of San Luis Obispo, State of California, according to Map recorded in Book 17, Page 126 of Parcel Maps. In the office of the County Recorder of said County.

EXCEPTING THEREFROM, that portion of Parcel 1 of Parcel Map CO-73-406 deeded to the County of San Luis Obispo by deed recorded on August 20, 1980 in Book 2262, Page 732, in the Official Records of said County.

END OF DOCUMENT

VOL 2458 PAGE 782

OWNER'S CERTIFICATE

We the undersigned hereby certify that we are the owners of or have a record title interest in the land included within the designated border lines and we consent to the preparation and recordation of this map. We hereby dedicate to the public use all streets dedications shown on this map.

John L. Cusi
John L. Cusi, President
MORRIS OILFIELD CO.
a California Corporation

Paul Dunlap
Paul Dunlap, Secretary
MORRIS OILFIELD CO.
a California Corporation

OTHER INTERESTS

Use of land by general public per Land Civil Code 8813 recorded September 10, 1976 in Book 1289, Page 26 of Official Records.

PLANNING COMMISSION'S CERTIFICATE

This map of Parcel Map CO-76-227 is hereby approved by the Planning Commission of the County of San Luis Obispo State of California

12/9/76
Date

P. M. Cook
Chairman

ENGINEER'S CERTIFICATE

This map was prepared by me or under my direction and was compiled from record data in conformance with the requirements of the Subdivision Map Act at the request of Morris Oilfield Company in August of 1976. I hereby certify that it conforms to the approved tentative map and the conditions of approval thereof.

1 Aug 76
Date

Ben L. Madala
Ben L. Madala E.C.E. 12545

COUNTY SURVEYOR'S CERTIFICATE

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

12-15-76
Date

A.C. Lugo
County Surveyor RCE 1497

COUNTY RECORDER'S CERTIFICATE

Filed this 11th day of November, 1976, at 8:34 A.M. in Book 1289 of Parcel Maps, at Page 26, at the request of John L. Cusi

Document No. 55210
Fee \$1.60

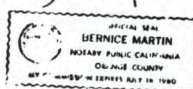
WILLIAM E. ZIMMER
County Recorder
By CHUCK BISHOP
Deputy

NOTARIAL

State of California
County of San Luis Obispo 335

On this 8th day of September, 1976 before me the undersigned a Notary Public in and for said State personally appeared John L. Cusi known to me to be the President and Paul Dunlap known to me to be the Secretary of Morris Oilfield Company the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of the corporation herein named and acknowledged to me that such corporation executed the same.

By: Eugene Martin



BOARD OF SUPERVISOR'S CERTIFICATE

I do hereby certify that the Board of Supervisors of the County of San Luis Obispo, State of California, did on December 20, 1976, approve this map of Parcel Map No. CO-76-227 in accordance with the provisions of the Subdivision Map Act.

The offer to dedicate for future road purposes as shown on this map by those owners having an interest in said land, is hereby rejected without prejudice to the acceptance by future action of this Board.

December 21, 1976
Date

Nichelle Wollan
Clerk of the Board of Supervisors
of the County of San Luis Obispo
State of California

PARCEL MAP CO-76-227

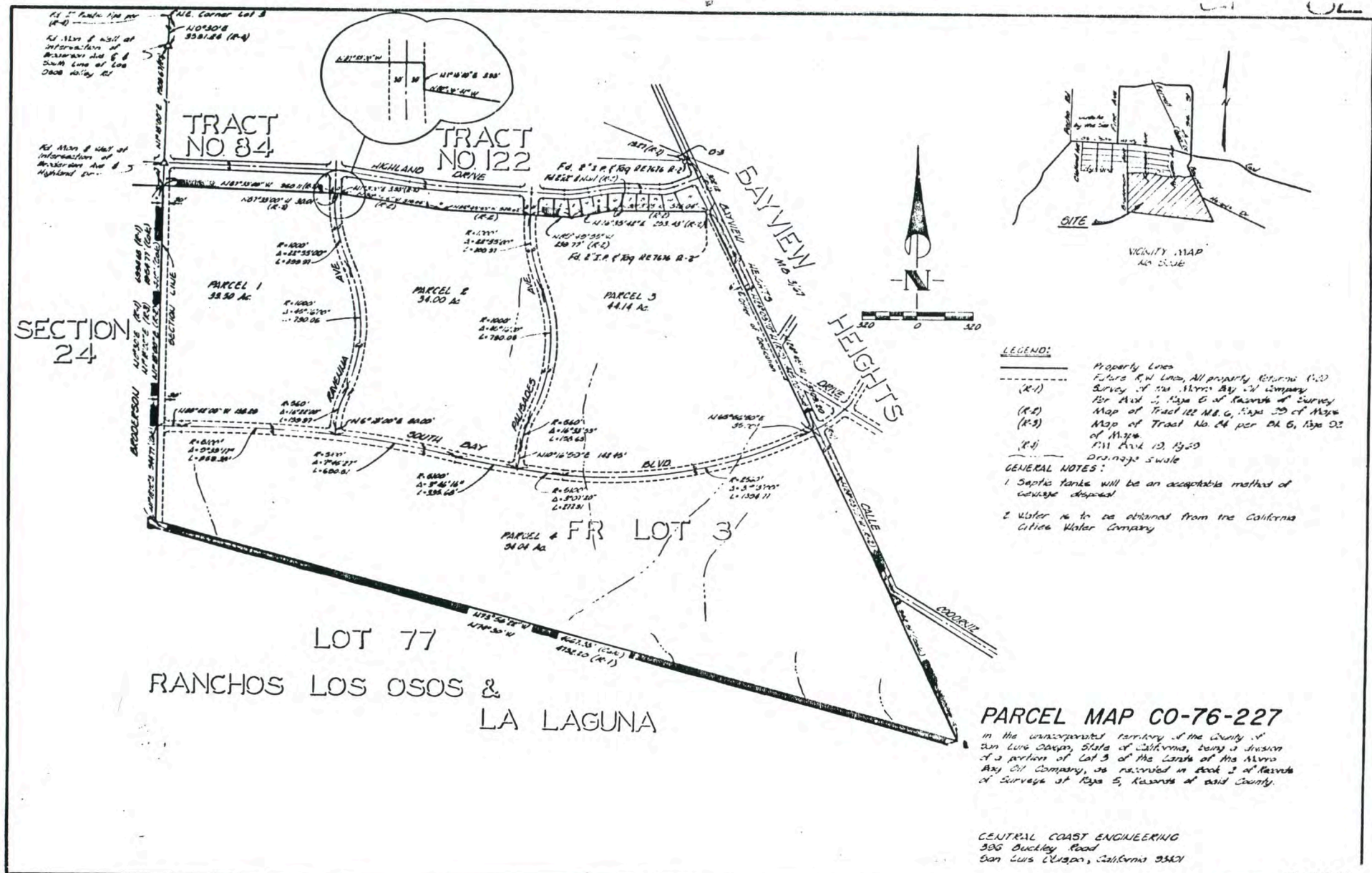
In the unincorporated territory of the County of San Luis Obispo, State of California, being a division of a portion of Lot 3 of the Lands of the Morris Oil Company, as recorded in Book 2 of Records of Surveys at Page 5, Records of said County.

CENTRAL COAST ENGINEERING
356 Buckley Road
San Luis Obispo, California 93401

RECEIVED

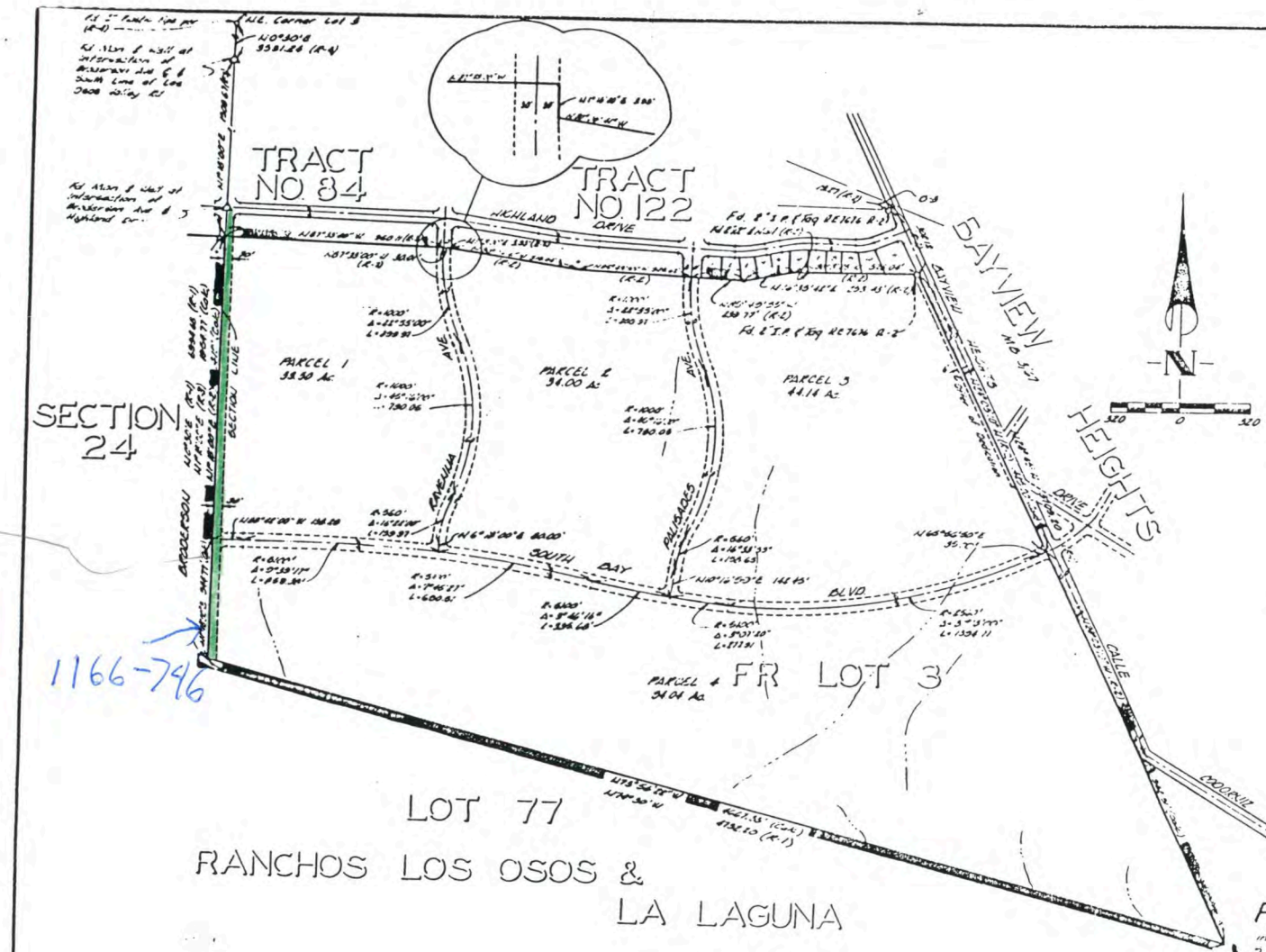
RECEIVED

Item # 8 - Old
Item # 9 - Paper
Item # 10 - 8 / Street
74-291



21/82 OK OL

#S
would have to
quest title
[sewer manholes]



PARCEL MAP CO-76-227

in the unincorporated territory of the County of San Luis Obispo, State of California, being a portion of a portion of Lot 3 of the Grants of the Alameda Bay Co. Company, as reserved in Book 2 of Records of Surveys of Page 5, Records of said County.

CENTRAL COAST ENGINEERING
395 Buckley Road
San Luis Obispo, California 93401

Bayview Ecological Reserve
(Morro Palisades), San Luis Obispo County

Stewart Title Company of Sacramento: Escrow No. AL17000370

First American Title Company: Preliminary Title Report SLO-52984, dated November 10, 2000

EXPLANATION OF TITLE EXCEPTIONS

Exception

Explanation

- | | |
|----------------|---|
| 1 | <u>General and Special Taxes.</u> The State is exempt from paying taxes and they will be cancelled upon close of escrow. <u>Delete.</u> |
| 2 | <u>Lien of Supplemental Taxes.</u> There are no known supplemental taxes levied against the subject property. <u>Delete.</u> |
| 3, 4 | <u>Assessments by County for Drainage and Fire Protection.</u> Assessments, if any, are collected with the General Taxes and will be cancelled upon close of escrow. <u>Delete.</u> |
| 5 | <u>Effect of Map Recorded 11/13/11.</u> Any discrepancies in the map recorded in 1911, will be of minimal risk to the state and its intended use of the property. <u>Accept.</u> |
| 6 | <u>Utility and Road Easement.</u> This 1962 easement in favor of Morro Palisades Company, et al., will not impact the state's intended use of the property. <u>Accept.</u> |
| 7 | <u>Notice of Consent.</u> Morro Palisades, in recording the Notice in 1972, granted consent to the general public to cross over a portion of the subject property. This notice granted permission to the general public to pass over a portion of the land. There is little risk that public access, if any, will impact the State's intended use of the property. <u>Accept.</u> |
| 8, 9
10, 11 | <u>Terms and Provisions of Parcel Map No. CO-76-227, recorded 12/27/76.</u> The Parcel Map provided for residential subdivision, but has remained undeveloped because of a state-imposed building moratorium. The State does not plan to develop this vacant property and the conditions of the Parcel Map will not impact the State's proposed use of the property. <u>Accept.</u> |
| 12 | <u>Morro Palisades, a California General Partnership</u> to provide title company with partnership information prior to close of escrow. <u>Delete.</u> |



Tracking Number: 2023-17

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Los Osos Equestrian Community

Address: 2450 Pecho Valley Rd Los Osos CA 93402

Telephone number: 805 748 9595

Email address: losososequestriancommunity@gmail.com

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish and Game Code Section 1580 ["The commission may adopt regulations for the occupation, utilization, operation, protection, enhancement, maintenance, and administration of ecological reserves."] Title 14 Section §630, Ecological Reserves

- 3. Overview (Required) - Summarize the proposed changes to regulations: Add the use of horses on designated trails in the Bayview Unit of the Morro Dunes Ecological Reserves. Remove: All use of horses on the Bayview Unit will remain prohibited. Amend 14 CCR § Section 630, Additional Visitor Use Regulations on Department Lands Designated as Ecological Reserves: (g)(11): The proposed changes allow the use of horses on designated trails on the Pecho Unit and the Bayview Unit of the Morro Dunes Ecological Reserve.**

- 4. Rationale (Required) - Describe the problem and the reason for the proposed change: The establishment of the Morro Dunes Ecological Reserve in August 2000 raises concerns about the Fish and Game Commission's commitment to countering historic exclusions and ensuring transparency and community participation. There have been inconsistencies in regulation, and sworn accounts by a Senior Agent of the Fish & Game Organization, Debra Townsend, regarding recreational activities in the Bayview Unit, leading to the appropriation of government funding for the reserve's purchase.**



Despite the creation of the Ecological Reserve in 2000, there was no funding allocated for enforcement or property remediation. Recreational activities persisted, and adjacent equestrian stables and properties were not notified of the reserve status. Equestrian use continued as it had for decades, as nobody was informed otherwise.

Historically, the property was used for cattle ranching since the 1930s, and it has always been surrounded by agricultural supporting industries, equestrian facilities, and residential developments. However, farming practices and disking led to erosion features and the dominance of invasive weeds in certain areas. Cattle and horses roamed the property during this period as well.

The existence of established horse trails within the nearby Pecho Unit is documented by prescriptive right. It is acknowledged that the Morro Dunes Ecological Reserve is an environmentally sensitive habitat area (ESHA) that must be protected. Limited equestrian use is not the sole or leading cause of species and habitat loss; factors like climate change and species migration must be acknowledged as the dominant impactors. This is basic conservation biology. Despite this, serious remediation efforts and enforcement have been lacking. Unpermitted motorcycles and bicycles also damage sensitive habitat, yet there have been no regulatory changes addressing this issue. In fact, we have witnessed Fish & Wildlife agents high five bicyclists leaving the Bayview Unit area despite it being prohibited. There has never been fencing on this property or signage even prior to it being a Reserve.

The majority of the Los Osos community is constructed on ancient dunes, forming a unique coastal ecosystem. The Coastal Commission, in partnership with the Fish & Game Commission, applied similar arguments for the Los Osos Wastewater Treatment Plant (WWTP) in 2010, considering ESHA disturbance for such projects as the least environmentally damaging feasible alternative. After over ten to twelve years since the MDER was established, Fish & Game was trying to establish a funding mechanism for remediation activities. It is 2023 and it has been 23 years since this property was purchased and there is still not an active funding source in place. It is dependent on the approval of the Coastal Commission confirming there is water in Los Osos and allowing building in the community again. This may take another decade. During this time, one of the dominant species that led to this property being designated an Ecological Reserve was reclassified as Threatened instead of Endangered as "the species' status has improved such that it is not currently in danger of extinction throughout all or a significant portion of its range". Additionally, the Morro Bay Kangaroo Rat was declared functionally extinct. These occurred during the time that no remediation efforts were occurring and equestrian use was occurring in the Bay View unit. Equestrians ride on trails that avoid the vegetation species that are endangered and threatened and the horses do not consume these. We walked by foot trails we used to ride to determine if they were surrounded by coastal sage scrub, dune scrub, Morro manzanita and maritime chaparral. We prefer to ride trails that are horizontal that do not cause erosion and avoid trails that are showing signs of erosion.

However, the confusion surrounding the Bayview Unit property persists due to the lack of remediation activities, enforcement, signs, or acknowledgment of its status as an Ecological Reserve. The Coastal Commission's involvement in mitigation further complicates the situation, with delays in implementing mitigation and conservation measures. On the request of Dave Hacker of Fish & Game, Los Osos equestrians temporarily stopped riding the area to demonstrate a willingness to work



together to come to a solution on the trails and he advised applying to the Commission to clear up the history regarding the property.

He, and the current commission, may not be aware that property evaluation leading to the establishment of the Morro Dunes Ecological Reserve was based on an Implied Dedication Study by Senior Land Agent Debra Townsend, who failed to acknowledge the continuous and uninterrupted equestrian use of the property. Townsend was aware of this recreational use, as evidenced by photographs of her riding in the area. She is a current equestrian and a long term Fish & Game Senior agent employee who retired recently. She rode with members of our community in the Ecological Reserve before this property was a reserve and was aware of the significant, historical equestrian use in this area. The lack of accurate representation during the property evaluation has led to the ongoing issues and disputes concerning the reserve's status and usage.

SECTION II: Optional Information

5. Date of Petition: November 15, 2023

6. Category of Proposed Change

☐ Sport Fishing

☐ Commercial Fishing

☐ Hunting

☒ Other, please specify: Ecological Reserves

7. The proposal is to: *(To determine section number(s), see current year regulation booklet or*

<https://govt.westlaw.com/calregs>)

☒ Amend Title 14 Section(s): 630

☐ Add New Title 14 Section(s): [Click here to enter text.](#)

☐ Repeal Title 14 Section(s): [Click here to enter text.](#)

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition [Click here to enter text.](#)

Or ☒ Not applicable.

9. Effective date: If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency: This petition urgently calls for immediate action because equestrian use predates the creation of the Ecological Reserves. Furthermore, contracting irregularities, lack of transparency, and a failure in due diligence have unjustly denied equestrians their prescribed rights for the past two decades. The upcoming review of the Los Osos Community Plan by the Fish & Game Commission and Coastal Commission, as part of the Los Osos Habitat Conservation Plan (LOHCP), demands urgent attention. Despite the well-known fact that land use, development, and habitat loss significantly contribute to the decline of endangered species, including those in the Morro Dunes Ecological Reserve (MDER), the Fish & Game Commission points fingers at equestrian land disturbances while permitting residential, commercial, and industrial development. The MDER is currently being used as mitigation to



develop vacant residential and commercial properties in Los Osos, where endangered species are thriving under the Fish & Game Commission's Incidental Take Permit program. Allowing construction activities on these covered species, as proposed by the County in the LOHCP conservation program, will further endanger these species. The Commission's decision to permit such activities could lead to the extinction of these species, as they will be threatened by the construction, undermining the very purpose of the conservation program. It is essential to emphasize that equestrian recreation activities do not have the same impact on the environment as large-scale land use development projects. Immediate action is imperative to rectify these issues and protect the endangered species in the Morro Dunes Ecological Reserve.

10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents:

- Images of America: Los Osos/Bay Wood Park: Lynette Tornatsky depicts history of the Los Osos/Baywood community and mentions "the Broderson area...is land crisscrossed with hiking and horse trails" (105).
- Endangered and Threatened Wildlife and Plants; Reclassification of Morro Shoulderband Snail From Endangered to Threatened With Section 4(d) Rule Species Assessment Report: Ventura Fish and Wildlife Office U.S. Fish and Wildlife Service: "At the time of listing, we thought *Helminthoglypta walkeriana morroensis* (currently, Chorro shoulderband snail, CSS) was extinct and speculated that there may have been as few as several hundred individuals of *H. walkeriana* (currently, Morro shoulderband snail, MSS) extant. Within a few years of listing, CSS was rediscovered near the northern limit of Morro Bay. Since the time of listing, living CSS individuals have been documented at other locations from northern Morro Bay south and inland through the City of San Luis Obispo and **we now know MSS numbers far exceed what was thought at that time. As part of the listing rule, we identified urban development and other anthropogenic activities such as recreation, grazing, and utility construction as threats to the banded dune snail (Service 1994: 66401). Currently, the most common threats to both species are those associated with land use practices that eliminate, reduce, fragment, and/or modify habitat used by the species. We expect that climate change will likely exacerbate the severity of these threats.**
- Determining Extinction for Small Cryptic Species: The Morro Bay Kangaroo Rat Biological Sciences Department, California Polytechnic State University, San Luis Obispo, CA 93407, USA
- California Fish and Game Commission Justice, Equity, Diversity and Inclusion Policy: The Department's Lands Program, assisted by others throughout the Department, will begin taking steps to acknowledge historical connections and usages at many of the Department's lands
- Baywood Park Training Area
- <https://documents.coastal.ca.gov/reports/2010/6/Th7b-6-2010.pdf>



Bayview Ecological Reserve
(Morro Palisades)
San Luis Obispo County

IMPLIED DEDICATION STUDY

The undersigned has inspected the above noted property which is presently owned by Morro Palisades Co., a General Partnership. It is likely that the general public may have from time to time trespassed upon the property; however, there is no evidence of any systematic, regular or organized trespassers. Therefore, it is doubtful that a case for public prescriptive rights on the property could be perfected using the "open and notorious" definition which is generally a requirement in prescriptive rights cases. It should also be noted that most of the comparable sale properties in the appraisal report have similar capabilities of trespassing.

By Debra Townsend
Debra Townsend
Senior Land Agent

Date Nov 20, 2012



RECORDER'S OFFICE
SAN LUIS OBISPO COUNTY

Vol. 1166 PG 746

1769
GRANT OF EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

NOGHO PALISADES COMPANY, a corporation;
B. B. ALEXANDER;
LYLE G. GRAHAM and NOGHA I. GRAHAM;

Hereby grant to

NOGHO PALISADES COMPANY, a corporation;
B. B. ALEXANDER;
LYLE G. GRAHAM and NOGHA I. GRAHAM;

their successors and assigns,

AN EASEMENT for utility and road purposes with the right to grant same to others and/or dedicate to the public use and with the right to enter thereon and clear, grade, excavate, or construct; repair or maintain a roadway and utilities system and appurtenances on, under, or over a strip of land 60.00 feet wide, the center line of which is described as follows:

Beginning at the southerly terminus of the center line of Broderick Avenue, 60 feet wide, as shown on the map of Tract No. 88, recorded in book 3, page 82 of Maps in the office of the County Recorder of San Luis Obispo County, State of California; thence southerly in a direct line to the most northerly corner of lot 77 of the Rancho Canada de los Oros and in Laguna, as shown on map filed in book 1, page 83 of Maps, in the office of the said County Recorder; thence southerly along the westerly line of said lot 77, a distance of 370.00 feet.

NOGHO PALISADES COMPANY, a corporation:

[Signature]
[Signature]
[Signature]
B. B. ALEXANDER
[Signature]
LYLE G. GRAHAM
[Signature]
NOGHA I. GRAHAM



JAN 22 1961
1769

Dated: *[Signature]*



LOS OSOS EQUESTRIAN COMMUNITY

PROPOSAL: Re-establishment of Equestrian Trails in MDEP Bayview Unit



Prepared for: County of San Luis Obispo, California Department of Fish and Wildlife

Prepared by: Los Osos Equestrian Community

March 4, 2021

Proposal response to Los Osos Habitat Conservation Plan/Morro Dunes Ecological Preserve Decision



LOS OSOS EQUESTRIAN COMMUNITY - BAYVIEW PRESERVE TRAIL PROPOSAL

PROPOSAL BRIEF

BACKGROUND

The Los Osos Equestrian Community (LOEC) is an informal group formed from six sub-communities within Los Osos, Baywood and Clark Valley. The LOEC has utilized an extensive network of equestrian trails located on county, state parks, and private-easement lands for decades. The LOEC numbers over 285 equestrian horses that use these trails on a daily basis, not including a large number of equestrians visiting from out of the area.

These trails have included areas located within the California Department of Fish and Wildlife-designated Morro Dunes Ecological Preserve (MDEP) Bayview and Pecho units. Within the past decade, the MDEP plan was incorporated into the larger Los Osos Habitat Conservation Plan (LOHCP).

In February of 2021, the final Environmental Impact Report for the LOHCP was accepted and the Memorandum of Understanding was signed by the County of San Luis Obispo and California Department of Fish and Wildlife (DFW). This report included the closure of several trails within the Bayview Unit of the MDEP. These trails were utilized by equestrians and hikers.

Additionally in this decision, a loop and ridge trail was established within the Bayview Unit that was designated for hiker access only. This action closed the Bayview Unit to all equestrian use. (Equestrian trails in the MDEP Pecho Unit were unchanged and equestrian use is still allowed.)

The closure of the trails in the Bayview Unit effectively locked out several of the LOEC's sub-communities from trail access to Montana de Oro (MDO) State Park. The closure of these trails will force an increased use of trailering of horses to one of three already over-crowded access points at MDO: the horse camp, horse camp entrance and the Hazard Reef/Dune Trail Parking Lot. (See "Equestrian Access Points" in Appendix Figure 1: Los Osos Equestrian Community Trail Map.)

The closure will force an increase of equestrian crossings at three high-traffic locations on county-maintained Pecho Road. (See "Pecho Road Crossings" in Appendix Figure 1: Los Osos Equestrian Community Trail Map.)

OBJECTIVE

The LOEC seeks to re-establish and restore a very limited section of equestrian trail within the Bayview preserve, limited to the perimeter of the preserve only. The LOEC also seeks to use as example the successful utilization of mixed-use access of protected public land as found in other equestrian communities, such as Ojai and Nipomo.



LOS OSOS EQUESTRIAN COMMUNITY - BAYVIEW PRESERVE TRAIL PROPOSAL

GOALS

Through assessment of the habitat conservation and public access in the Bayview Preserve, the LOEC seeks to work with the County of SLO and CA DFW to find a balance that still provides essential habitat conservation and protection for the at-risk species as listed in the LOHCP/MDEP while also providing limited access to the equestrian community of Los Osos.

SOLUTION

- 1) The re-establishment of an equestrian trail on the extreme western boundary of the preserve that would provide for a mixed-use trail system, closing a gap in the larger network of equestrian trails. This trail would utilize an existing wide trail already designated for hiker use, easily able to transition to a mixed-use trail.
- 2) The restoration of an equestrian trail on the extreme northern and eastern boundary that would re-open access to three sub-communities (approximately 100 equestrian riders) that are to the east of MDO State Park and the Bayview Preserve. This re-development of a trail would be within the designated and required 100-foot firebreak along the northern and eastern boundary of the preserve where it interacts with public use (homes and country road). See Figure 20: Fuel Break within the Bayview Unit in the "LOHCP Interim Adaptive Management and Monitoring Plan"
- 3) Alternative solution for protection of equestrian riders at the high-traffic public road crossings on county-maintained Pecho Road, to include equestrian rider-activated flashing lights at the marked crossings to alert drivers. This is similar to the pedestrian crossings (not found at intersections) on high traffic volume roads.

PROPOSAL OUTLINE

The LOEC proposal for the re-establishment and restoration has three separate yet connected solutions revolving around structured access, habitat conservation and erosion control, efficient mixed-use application and equestrian safety.

EQUESTRIAN TRAIL ALONG BRODERSON/LOOP TRAIL ON WEST BOUNDARY

Equestrians and hikers have long used the wide, abandoned Broderston Road south of Highland Drive for many years. The section south of the county access road is now designated as closed to equestrian use, despite being a primary trail for over 200 equestrians. (Reference "Existing/Proposed Mixed-Use Trail in Bayview Preserve" in Appendix Figure 1: Los Osos Equestrian Community Trail Map.)

This section of trail that continues south from the county access road for approximately .3 mile to a point that the trail turns south-east for .1 mile is designated as hiker only. The LOEC is requesting that this portion of the trail (.4-mile in length) become a mixed-use trail for both hiker and equestrian use.

The existing trail from this juncture continues south-west for .1 mile to the western boundary of the Bayview Preserve. This section has been designated closed in the LOHCP and is a section that the LOEC



LOS OSOS EQUESTRIAN COMMUNITY - BAYVIEW PRESERVE TRAIL PROPOSAL

requests become an equestrian-only trail so as to re-connect with the main equestrian trail directly over the preserve boundary.

The LOEC seeks to create a mixed-use environment similar to the equestrian trails created in the community of Ojai, where equestrians and hikers are separated by a fence (as seen in the photo at right).

For the Bayview Preserve western boundary, the equestrian use enters and departs only on the west side of the trail while the hiker use enters and departs from the east side of the trail. This creates a natural pathway that both ensures hiker and equestrian safety through separation of the trail along a center line fencing.



The habitat impact is insignificant as the existing wide trail would remain in use along with the existing side trail to the boundary perimeter that connects with the main trail outside the preserve.

This section of trail has a slope that is identified in the LOHCP as an area of erosion control and the LOEC would provide trail maintenance and erosion controls as detailed by the CAL DFW to ensure insignificant erosion impacts due to equestrian use.

The fencing to separate the mixed-use section of the trail between equestrians and hikers could be the recommended wire rope fencing to be utilized throughout the Bayview Preserve to contain the Loop and Ridge trails and close the smaller secondary trails that criss-cross the preserve. (The above split-rail fencing image from the Ojai community is an example of the separation of the mixed-use trail for equestrian and hiker safety.)

EQUESTRIAN TRAIL IN FIRE BREAK PARALLEL TO HIGHLAND RD. & BAYVIEW HEIGHTS DR.

The LOHCP requires a 100-ft. firebreak be created along the north and east boundary of the Bayview Preserve

The closure of the Bayview Preserve to all equestrian use has effectively blocked a significant portion of the LOEC from accessing the extensive public horse trail network that exists on county and state parks. Closure of the Bayview Preserve would force these equestrian stakeholders to trailer their horses to the already over-crowded equestrian access points in MDO State Park at the three locations marked on the LOEC Trail Map. (See "Equestrian Access Points" in Appendix Figure 1: Los Osos Equestrian Community Trail Map.)

In addition, forcing Bayview Preserve equestrians to MDO State Park would greatly increase the number of horse crossings at three key high-traffic locations on Pecho Road marked on the LOEC Trail Map. (See "Pecho Road Crossings" in Appendix Figure 1: Los Osos Equestrian Community Trail Map.)



LOS OSOS EQUESTRIAN COMMUNITY - BAYVIEW PRESERVE TRAIL PROPOSAL

The LOEC proposes an equestrian trail that would exist within the 100-ft wide firebreak that would run parallel to Highland Road and Bayview Heights Drive. This trail would be on the north and east boundary, starting from the Broderson Road entrance to the preserve, running east along the residential fence line to the junction with Bayview Heights Drive. The equestrian trail would continue in a south-east direction within the 100-ft wide firebreak along Bayview Heights Drive to the junction with Calle Cordoniz, outside the Bayview Preserve, and an existing equestrian trail.

By restoring this extension of the equestrian trail within the firebreak, it would allow for the equestrian stakeholders in the sub-communities of Bayview Heights, LOVE Farm and the Central Coast Polo Club Boarding (approximately 100+ horses) access to the trail network east of the Bayview Preserve and northwest of MDO State Park. In addition, the intersection of Bayview Heights Drive and Calle Cordoniz is a popular horse trailering spot for both satellite LOEC sub-communities and visitors to the area.

Currently, due to the trail closures in the Bayview Preserve, all of these stakeholders are completely cutoff and isolated.

The habitat impact is insignificant as brush clearing (non-protected California Sagebrush-Black Sage) would be required due to the necessity of the firebreak, and the species impact would be insignificant as noted in the LOHCP in this specific zone.

EQUESTRIAN SAFETY AT HIGH TRAFFIC CROSSINGS ALONG PECHO ROAD

Outside of the LOHCP and MDEP areas, the equestrian trail network has three crossings on Pecho Road. (See "Pecho Road Crossings" in Appendix Figure 1: Los Osos Equestrian Community Trail Map.) These crossings already are heavily impacted by equestrian usage and are protected only by "Horse Crossing" signs in the vicinity of the crossings.

In addition, traffic volume on this section of Pecho Road is already at high volumes with an expected increase in traffic following the buildout of Los Osos as per the LOHCP. See *Figures 15-18: Proposed Community Plan Buildout Peak Hour Traffic Volumes at Intersections in Plan Area* in the "LOHCP Final Environmental Impact Report, 2020".

The closure of any portion of the Bayview Preserve will force trailering of horses to one of the three trailering locations along Pecho road at the edge of MDO State Park. (See "Equestrian Access Points" in Appendix Figure 1: Los Osos Equestrian Community Trail Map.) This increased demand on these access points will also increase usage of the three crossings along Pecho Road.

The LOEC proposes an equestrian crossing alert system, similar to a pedestrian-activated flashing light warning sign, at these three high traffic volume crossings that pose a significant safety risk to equestrians. Even if the above-proposed trails within the Bayview Preserve are restored to equestrian use, these three crossings still remain as a safety issue that the LOEC believes needs to be addressed.



LOS OSOS EQUESTRIAN COMMUNITY - BAYVIEW PRESERVE TRAIL PROPOSAL

CONCLUSION

Equestrian safety, habitat conservation and preservation of the vast equestrian trail network in the Los Osos and Baywood community can be accommodated through mutual agreements and solutions, commitment from stakeholders in trail maintenance and erosion control, and an attention to the details in the Bayview Preserve.

Los Osos and MDO State Park are considered one of the top equestrian riding areas in the state. It is in the best interests of the County of San Luis Obispo, the CA Department of Fish and Wildlife and the local equestrian community to do everything in their ability to preserve the interests of all stakeholders, including all agencies, residents and visitors.

The LOEC seeks to take a more active role in the trail maintenance of the horse trail network within the Bayview Preserve to ensure that habitat preservation and conservation is at the recommended levels in the LOHCP and the MDEP reports.

LOEC members welcome and look forward to a positive and continued discussion in the proposal of limited trail along the Bayview Preserve perimeter that would benefit all involved.

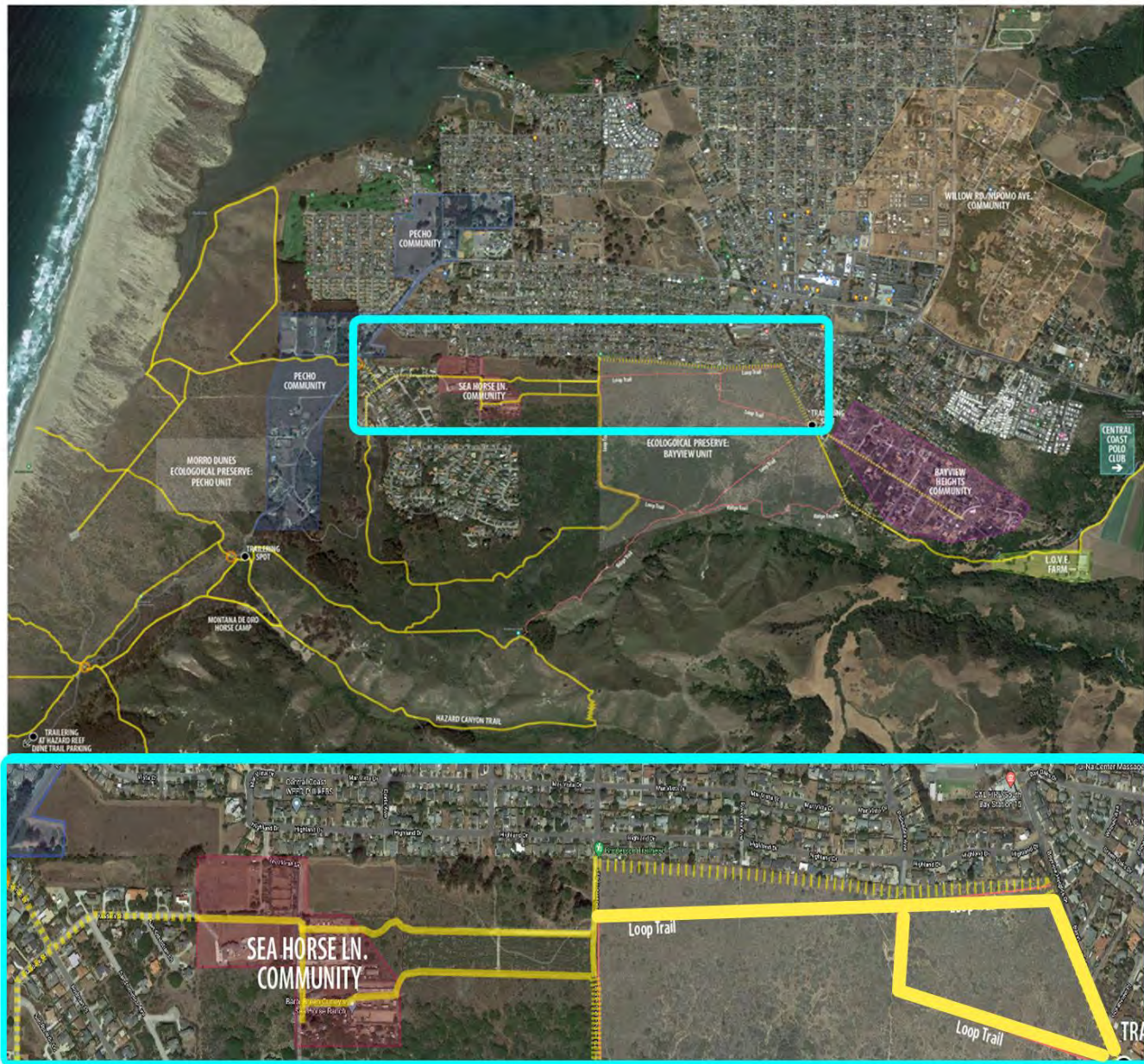


Los Osos Equestrian Community

SEA HORSE LAKE COMMUNITY Sea Horse Lake, south of Highland Dr. Number of horses: 35	LOS OSOS VALLEY EQUINE FARM S.E. of Los Osos Creek off 124th Number of horses: 40	WILLOW RD./RIPOMO AVE. COMMUNITY Ripomo 97326, across South Bay to Willow Rd. Number of horses: ~40
PECHO COMMUNITY Sea Pines Golf Course south to MDO border Number of horses: 20	BAYVIEW HEIGHTS COMMUNITY Bayview Heights 1, from Cable Cardano Number of horses: 10	CENTRAL COAST POLO CLUB BOARDING Clark Valley Rd., S. of 120th Number of horses: ~50

- EXISTING EQUESTRIAN TRAILS**
Current trails located on view of county property, private easement and within MDO State Park
- EXISTING EQUESTRIAN TRAILS**
Current trails that are on paved county roads
- EXISTING/PROPOSED MIXED-USE EQUESTRIAN TRAIL IN BAYVIEW PRESERVE**
Mixed-use trail on Loop Trail south from Highland at Enderson, Equestrian trail off Loop Trail back toward top of Rudman Dr.
- PROPOSED EQUESTRIAN TRAIL IN BAYVIEW PRESERVE**
Equestrian trail set within 100-ft fenceback, parallel to Highland Dr. and Bayview Heights Dr.
- EXISTING HIKING TRAILS IN BAYVIEW PRESERVE**
DFW specified hiking trails to remain within Bayview Preserve Boundary

- EQUESTRIAN ACCESS POINT**
Locations where non-boarding equestrians access the Bayview Preserve and trails connected to the Bayview Preserve.
Access points are used by both in Ripomo/WilLOW community and Pecho community, as well as visiting equestrians.
- PECHO ROAD EQUESTRIAN CROSSING**
High traffic volume locations on Pecho Road where equestrians cross daily.



Corridor allows E to W access. It has always been a multi-use trail.

San Luis Obispo County
FY 2021-22 General Plan Progress Report**Tier I Priority Projects in Progress as of FY 22-23**

The following Tier I Priority Projects are in progress as of FY 22-23.

Table 5: Tier I Priority Projects (In Progress as of FY 22-23)

Los Osos Community Plan LRP2011-00016	
Summary	The Los Osos Community Plan allows new development and establishes a vision and framework for the future orderly development of Los Osos that is in line with available resources and protects the unique and sensitive habitats within the community. The Community Plan and related amendments will put in place the goals, policies, programs, standards, and zoning needed to guide future land use, transportation, and development for sustainable growth in the community over the next 20 years.
Status	On December 15, 2020, the Board adopted the LOCP update and Final Environmental Impact Report (EIR) and tentatively adopted amendments to the Growth Management Ordinance that would establish a residential growth rate for the Los Osos urban area. The LOCP policies are subject to change based on CCC review. A hearing date with the CCC has not yet been scheduled. Staff continues to coordinate with CCC staff to address their comments.
Los Osos Habitat Conservation Plan LRP2013-00001	
Summary	As required by one of the Conditions of Approval of the Los Osos Wastewater Project Coastal Development Permit, the County prepared a community-wide Habitat Conservation Plan for the community of Los Osos. A Habitat Conservation Plan is a required part of an application for an Incidental Take Permit, a permit issued under the United States Endangered Species Act to private entities undertaking projects that might result in the destruction of an endangered or threatened species. The covered species include two animal species and two plant species: Morro shoulderband snail, Morro Bay kangaroo rat, Morro manzanita, and Indian Knob mountainbalm.
Status	On December 15, 2020, the Board approved a Memorandum of Understanding with the California Department of Fish and Wildlife (CDFW) to allow for habitat management, restoration, and monitoring activities on CDFW lands; approved to form the LOHCP and IAMMP; delegated authority to the Department Director to execute final documents and accept final LOHCP amendments and incidental take permit terms and conditions required by the U.S. Fish and Wildlife Service; and certified the Final EIR for the LOHCP. Staff continues to coordinate with the U.S. Fish and Wildlife Service for issuance of the incidental take permit.



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population of several different endangered species. Western snowy plovers and White-faced Ibis, both Species of Special Concern, inhabit the wetlands. It is also likely that the Owens Valley vole, a Federal and State Species of Concern, Owens Valley checkerbloom, a State Endangered plant species, and the Owens tui chub will be found on this site as these species have been documented on the wetlands and spring site on an adjoining property. Acquisition of this site would also further the goals of the Owens Basin Wetland and Aquatic Species Recovery Plan which identifies the preservation of spring discharge and protection of wetlands as priorities for the Southern Owens Conservation Area which includes this site.

The market value of the subject property, as determined by an appraisal approved by the Department of General Services (DGS), is \$937,000.00. The owner has agreed to sell the property at the appraised value. The acquisition includes 218 acres of land improved with an artesian well, small metal building and chain link fencing around the well. An additional \$20,000.00 will be needed for the DGS appraisal review costs, appraisal costs, environmental inspection costs, escrow costs and title insurance expense. An additional \$1,000.00 will be needed for start-up costs including a survey for endangered species, signs and training for the operation of the well.

This proposed acquisition is exempt from CEQA under Class 13 of Categorical Exemptions as acquisitions of land for wildlife conservation purposes and under Class 25 as the transfer of ownership interests in land to preserve open space. A Notice of Exemption will be filed upon approval by the Wildlife Conservation Board.

Mr. Wright reported that the Board received a letter of concern from the County Administrator on behalf of the Inyo County Board of Supervisors. Mr. Wright read a portion of that letter which expressed concern regarding the large percentage of publicly owned land, the loss of tax revenues and the need to have a balanced and reasonable approach that minimizes the economic and social impact on the local jurisdictions.

Mr. Wright stated that the Board received letters of support from Eastern Sierra Land Trust, Sierra Nevada Alliance, Kernerst Audubon Society, Audubon California, Toiyabe Chapter Sierra Club, California/Nevada Regional Conservation Desert Committee, Mono Lake Committee, Mojave Group of the Sierra Club, International Shorebird Survey, Eastern Sierra Audubon Society, The Owens Valley Committee, Sierra Foothills Audubon Society and letters from several other citizens.

Mr. Flores asked if there were any comments or questions. There were none.

Mr. Wright, referring to the letter from the County, stated that the Board is very cognizant of the impacts to these rural counties with significant acreages of

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public land already in place. He stated that this property is unique because of the water resources on it and because of that the Board recommends proceeding with the acquisition.

Mr. Klass asked if the water is present all year. Mr. Gallup stated that the water is seepage from the artesian well, appears all year and flows into the lakebed area.

Staff recommended that the Board approve this acquisition as proposed; allocate \$958,000.00 from Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (Prop. 50), Section 79565, for the acquisition and related expenses; authorize staff to enter into agreements as necessary to carry out this acquisition as described; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Fred Klass that the Board approve this acquisition as proposed; allocate \$958,000.00 from Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (Prop. 50), Section 79565, for the acquisition and related expenses; authorize staff to enter into agreements as necessary to carry out this acquisition as described; and authorize staff and the Department of Fish and Game to proceed substantially as planned. Motion carried.

16. Los Osos Dunes and Wetlands, Montana De Oro Unit, \$1,555,000.00
San Luis Obispo County

Mr. Wright reported that this was a proposal to consider the allocation of a grant to the State Department of Parks and Recreation (DPR) for the cooperative acquisition with the State Coastal Conservancy (SCC) and the Bay Foundation of 42± acres of land for protection of maritime chaparral, coastal dune habitat and threatened and endangered species. The property is located in Los Osos, south of the Morro Bay Estuary, west of Pecho Road and abutting the Montana De Oro State Park in San Luis Obispo County. Mr. Dave Means briefly described the project and its location.

The subject property contains two separate parcels. The main parcel is 41± acres in size and is unimproved. The second parcel is a 1± acre site located approximately ¼ mile north of the main parcel. The site is improved with a water well and storage tank. The "well" site was developed to provide water for the main parcel in anticipation of future development.

The main parcel is surrounded on three sides by State owned property. To the north and west is the DPR's Montana De Oro State Park; to the south is the 26± acre Department of Fish and Game's (DFG) Morro Dunes Ecological Reserve. If the property were ever developed it would create a significant visual and physical intrusion into these protected areas. The property is also a vital part and situated

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in what is the beginning of a planned greenbelt corridor that extends around the community of Los Osos and the southern portions of the Morro Bay estuary.

The establishment of the greenbelt is the result of a large coalition of local community participants, community groups, foundations, non-profit organizations and local, State and federal agencies, focused on preserving open space and coastal habitats around the southern portions of the Morro Bay Estuary. The greenbelt begins at the subject property, runs west along the lower slopes of the Irish Hills, to the Los Osos Oaks State Preserve and then heads north along Los Osos Creek to the Morro Bay State Park.

Within the corridor there have been a number of recent acquisitions of note, some of which have been presented to and approved by the Wildlife Conservation Board (WCB). These projects include the 30± acre Elfin Forest Preserve, acquired by the DPR, as an expansion to the Morro Bay State Park; the 15± acre Powell I property, acquired by the DPR as an expansion to the Morro Bay State Park; the 40± acre Powell II property acquired by the DPR and funded in part by a grant approved by the WCB, August 22, 2002; the 205± acre Bayview Ecological Preserve, a cooperative project acquired by the DFG and approved by the WCB August 10, 2000; the 32± acre Morro Dunes Ecological Reserve, South Unit acquired by the DFG and approved by the WCB August 13, 2003; the 26± acre Morro Dunes Ecological Reserve mentioned above; and the 18± acre Los Osos Dunes and Wetlands Reserve, acquired by the Bay Foundation and funded in part by a grant approved by the WCB February 27, 2002.

The types of habitats found within the greenbelt include, fresh and saltwater wetlands, riparian, coastal dune scrub and maritime chaparral. These habitats support a wide range of wildlife species, including over 100 different bird species, 40 mammals and 20 reptiles. Included within these species are a number of federal and State, threatened, endangered and special status species, including the Morro manzanita, Indian Knob mountainbalm, Monterey spineflower, Peregrin falcon, Morro shoulderband snail, the black legless lizard and the coast horned lizard. This area of the greenbelt, including the subject property, is also located within an area designated for the protection and recovery of the Morro Bay kangaroo rat, a listed species.

The habitats and vegetation found on the subject property consist of coastal sage scrub with some maritime chaparral. Located on the southern part of the property is a small grove of eucalyptus trees that provides roosting for raptors. Animal species found on the property are consistent with those found throughout this area of the greenbelt, as mentioned above.

The topography of the property is gently sloping with coastal dunes, offering views of both the Pacific Ocean and Morro Bay estuary. The present zoning of the property is recreation. The owner has pursued development of a small resort

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facility on the property, which is consistent with the zoning. The highest and best use of the property has been determined to be development of a resort with some residential development.

The Bay Foundation, a partner on this transaction, has negotiated with the owner to acquire the property based on its appraised fair market value, \$3,300,000.00, a value approved by the Department of General Services (DGS). Once acquired the property will be transferred to the DPR and managed as an expansion to the Montana De Oro State Park. Currently running east to west through the property is a foot trail that connects from Pecho Road to the Montana De Oro State Park. The property owner appears to have permitted this use and it is reasonable to assume some prescriptive trail rights would be extended to the public if the property were ever developed.

To fund this cooperative project the proposed participation from the WCB is \$1,550,000.00. The remaining balance will be provided from grants from the SCC and DPR.

The funding breakdown is shown below:

State Coastal Conservancy	\$1,250,000.00
Department of Parks and Recreation	500,000.00
Wildlife Conservation Board	1,550,000.00
TOTAL AVAILABLE FUNDING	\$3,300,000.00

In addition to the purchase allocation, \$5,000.00 is estimated to be needed for project related administrative costs, for a total allocation of \$1,555,000.00.

There is a possibility \$50,000.00 in U.S. Fish and Wildlife Service; Section 6 funds will become available subsequent to Board approval for this acquisition. If these funds do arrive prior to the close of escrow, they will be applied against the WCB portion of the purchase price and reduce WCB's participation from \$1,550,000.00 to \$1,500,000.00. If the funds do not arrive in time, the DFG will look to reallocate these funds to another similar project.

The proposed acquisition is exempt from CEQA requirements under Section 15313, Class 13 as the acquisition of land for wildlife conservation purposes and under Section 15325, Class 25 as the transfer of ownership in land to preserve open space, habitat or historical resources. Subject to approval by the Board, the appropriate Notice of Exemption will be filed with the State Clearinghouse.

Mr. Means reported that Mr. Rob Kane from the Department of Parks and Recreation and Mr. Jim Swanson from the Department of Fish and Game were in the audience should there be any questions.

Mr. Flores asked if there were any other comments or questions.

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Wildlife Conservation Board Minutes, November 18, 2003

Mr. Klass, acknowledging current and future budget concerns, requested clarification on DPR's plan to handle staffing this additional park area. Mr. Kane reported that he primarily deals with the acquisitions, but as with other property acquisitions, staff is spread thin, and like other State agencies, DPR is waiting to see what will happen in the future. Mr. Kane reported the budget office is aware of this acquisition and will be providing a budget estimate to the Department of Finance as they take it to the Public Works Board early next year.

Staff recommended that the Board approve this project as proposed; allocate \$1,555,000.00 from the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (Prop. 50), Section 79565, for the acquisition and related costs; authorize acceptance directly into escrow \$50,000.00 under a U.S. Fish and Wildlife Service Section 6 grant if available; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

It was moved by Mr. Fred Klass that the Board approve this project as proposed; allocate \$1,555,000.00 from the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (Prop. 50), Section 79565, for the acquisition and related costs; authorize acceptance directly into escrow \$50,000.00 under a U.S. Fish and Wildlife Service Section 6 grant if available; authorize staff to enter into appropriate agreements as necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned. Motion carried.

17. Watsonville Slough (Buena Vista Unit), Santa Cruz County \$2,288,000.00

Mr. Wright reported that this was a proposal to consider a cooperative project with the Trust for Public Land (TPL), the California Department of Transportation (Caltrans), the State Coastal Conservancy (SCC), the U.S. Fish and Wildlife Service (USFWS) and U.S. National Park Service (USNPS), Department of Fish and Game (DFG) and the Board to acquire 289± acres of land for protection of coastal wetlands and threatened and endangered species. This proposal is also to consider the acceptance of grant funds, directly into escrow totaling \$4,427,215.00 from the above named entities. The property is located west of Watsonville, just south of and west of State Highway 1, within the Watsonville Slough watershed, in Santa Cruz County. Mr. Dave Means briefly described the project and its location.

The property is located in what is referred to as the Watsonville Slough Complex (WSC). The WSC begins near Pajaro River where it enters the Pacific Ocean, and consists of six major, inter-linked sloughs that spread out across the coastal plains, west of Watsonville. It has been described as some of the last remaining examples of an undisturbed coastal wetland/upland ecosystem along the central coast. The entire Watsonville slough area including surrounding upland portions

Wildlife Conservation Board Minutes, November 18, 2003

encompasses approximately 5,400± acres of property. The subject property encompasses the majority of the upper watershed area for Galighan Slough, one of the major sloughs and tributaries within the WSC.

Within the WSC, the DFG owns 290± acres of protected wetlands and adjoining uplands. These properties encompass portions of the Galighan Slough, Harkins Slough and West Struve Slough. Located just south and to the east of the subject property are the DFG's Santa Cruz Long-toed Salamander Ecological Reserve and the USFWS' Ellicott Station National Wildlife Refuge. These two properties are managed cooperatively by the DFG and USFWS.

The WSC contains a variety of coastal habitats including freshwater and saltwater wetlands, native grasslands, maritime chaparral, coastal shrub, riparian areas and oak woodlands. The complex provides an important resting area for migratory waterfowl and a wintering area for a number of different raptors species. The area also contains rare and sensitive species, such as the red-legged frog, tricolored blackbird, Santa Cruz long-toed salamander, California tiger salamander, the Santa Cruz tarplant, Hooker's manzanita and Monterey spineflower.

There are a number of public and private groups involved in the effort to protect conservation values within the WSC. They include the City of Watsonville, the County of Santa Cruz, the Open Space Alliance of Santa Cruz County, the Land Trust of Santa Cruz County, Santa Cruz County Resource Conservation District, Pajaro Valley Water Management Agency, TPL, SCC, the USFWS and the DFG.

The subject property is essentially undeveloped open space, comprised mostly of forested upland areas. There is one home site on the property. Besides the single family residence on the property, there is no history of the property ever being developed or disturbed. The property represents one of the largest unfarmed and undeveloped ownerships along the coast in Santa Cruz County. Habitat types found on the property include coastal live oak woodland, maritime chaparral, coastal scrub, conifers and wetlands. A number of rare and sensitive species inhabit the property including the Santa Cruz long-toed salamander, California red-legged frog, northern harrier, Hooker's manzanita, California bottle-brush grass and the robust spineflower. Of special note and interest is a large pond on the property inhabited by the California tiger salamander a federally listed endangered species. The pond and salamander are currently part of an ongoing USFWS research and monitoring program.

If the property is not acquired, under the current zoning the property could be subdivided into ten, twenty-five acre residential estate lots. This type of use is consistent with the general economics of the areas and can be found throughout Santa Cruz County. The owners have demonstrated an interest in more intensive development of the property, having previously pursued plans for resort.



PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

FGC 1 (Rev 06/19) Page 17 of 49

OWNER'S CERTIFICATE

OWNER'S CERTIFICATE

We the undersigned hereby certify that we are the owner(s) of the above described property and that the same is included within the designated border lines and we submit it in preparation and recognition of this map. We hereby submit to the public use of streets, highways, drains and this map.

[Signature]
JAMES L. COOK, Attorney
HARRIS COUNTY BAR CT
6 Harris County

Paul Durbin
Paul Durbin, Director
13 California Avenue

OTHER INTERESTS

*Use of Card by personnel made per Const
Card Code 0013 entered September 10,
1962 in Const 6000, Page 36 of Official
Records

PLANNING COMMISSION'S CERTIFICATE

This annual Aerial Map CD-0002 is hereby approved by the Planning Commission of the County of San Luis Obispo, State of California.

12/9/76

2

ENGINEER'S CERTIFICATE

This man was interviewed by me or under my direction and was furnished with a card 203 in conformity with the requirements of the Subversion App 201 of the request of the Attorney General in August of 1946. I hereby certify that it conforms to the approved tentative form and the conditions of subversive threat.

24.

5.

COUNTY SURVEYOR'S CERTIFICATE

The info confirms with the requirements of the Substantive
and Affirmative Disposition.

ACB

Copy

County, Tex.

COUNTY RECORDER'S CERTIFICATE

Filed this 12th day of January, 1934, at 2:44 P.M. in Book _____
of Pierce County, at Page 87, of the request of Tom Hillman

Obituary notice

PARCEL MAP CO-76-227

in the unincorporated territory of the County of San Luis Obispo, State of California, being a division of a portion of Lot 3 of the Lands of the Alvarado Bay Oil Company, we received in Book 2 of Records of Surveys of Maps &c. County of said County.

NOTARIAL

State of California
County of San Bernardino 233

On this 24th day of September, 1966, before me the undersigned a Notary Public in and for said State personally appeared John J. [redacted] known to me to be the President and Clay [redacted] known to me to be the Secretary of Starr Records Company the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of the corporation herein named and acknowledged to me that said corporation executed the same.

Examen d'art.

FRANCE MARTIN
Member of the
Board of Directors
of the
American Society of
International Law

BOARD OF SUPERVISOR'S CERTIFICATE

I am hereby verify that the Board of Supervisors of the County of San Luis Obispo, State of California, did on December, 30 1914, approve this map of River Map No. 60-16-227 in accordance with the provisions of the

Subdivision 100.01
The offer to dedicate for public use purposes an interest in this map by these parties being accepted in and to, is hereby rejected without prejudice to the applicant by failure action of this board.

2000-2001

Michael W. Wollan
Chief of the Department of Chemistry
The University of Utah
Salt Lake City, Utah

CENTRAL COAST ENGINEERING
396 Buckley Road
San Luis Obispo, California 94901



RECORDERS OFFICE
SAN LUIS OBISPO COUNTY

ME 1166 RES 746

1760
GRANT OF EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

MONRO PALISADES COMPANY, a corporation;
H. B. ALEXANDER;
LYLE S. GRAHAM and NORMA I. GRAHAM;

Hereby grant to

MONRO PALISADES COMPANY, a corporation;
H. B. ALEXANDER;
LYLE S. GRAHAM and NORMA I. GRAHAM;

their successors and assigns,

AN EASEMENT for utilities and road purposes with the right to grant same to others and/or dedicate to the public use and with the right to enter thereon and clear, grade, excavate, or construct; repair or maintain a roadway and utilities system and appurtenances on, under, or over a strip of land 60.00 feet wide, the center line of which is described as follows:

Beginning at the southerly terminus of the center line of Dodderson Avenue, 50 feet wide, as shown on the map of Tract No. 84, recorded in book 5, page 92 of Maps in the office of the County Recorder of San Luis Obispo County, State of California; thence southerly in a direct line to the most northerly corner of lot 77 of the Rancho Canada de las Uvas and La Laguna, as shown on map filed in book 1, page 93 of Maps, in the office of the said County Recorder; thence southerly along the westerly line of said lot 77, a distance of 370.00 feet.

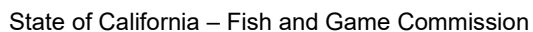
MONRO PALISADES COMPANY, a corporation:

Mr. W. H. Alexander
Lee Grant Curtis
W. H. Alexander
Lyle S. Graham
Norma I. Graham

1760

Dated: *Sept 17 1961*

*LAND RECORDED FOR
PUBLIC USE JOHN CUIRCI original owner of MDER = Prescriptive Rights same as Pecho

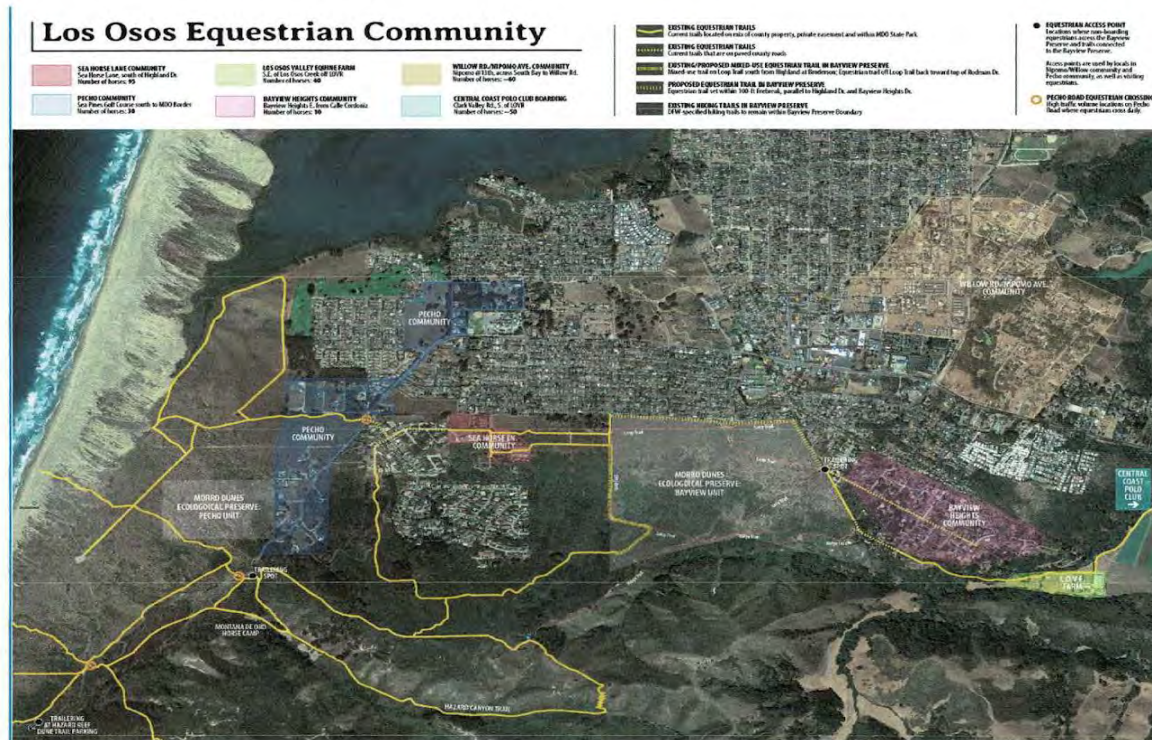


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Property

LOEC is concerned over the loss
of use of our long time existing corridor
That allowed access to these trails





LOS OSOS EQUESTRIAN COMMUNITY – APPENDIX
Figure 1: Los Osos Equestrian Community Trail Map

HISTORY OF USE OF ACCESS TRAIL TO MDO AND LOS OSOS





Coastal Mounted Assistance

Trail Repair Work

Search and Rescue

Fund Raising for Horse Camp

Park Patrol

Pecho /Rodman Intersection





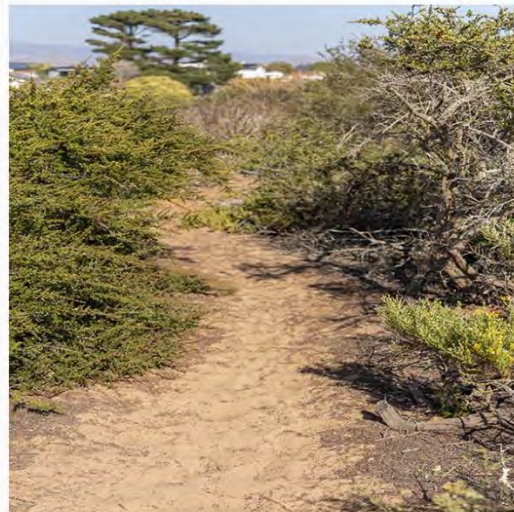


Recent photos of the existing multi-use corridor on the south east edge of the Morro Dunes Ecological Reserve





Recent photos of the exsiting multi-use corridor on the south east edge of the Morro Dunes Ecological Reserve





Recent photos of the exsiting multi-use corridor on the south east edge of the Morro Dunes Ecological Reserve





Going to School



Connecting to Montana de Oro



For more that 50 years equestrians have been using
This trail to connect to downtown Los Osos and to Montana
De Oro state park.



To whom it may concern,

I have grown up in the small Los Osos community, riding horses, since I was a very small child. My mom used to ride me to Sunnyside elementary school on horseback in the 80s and 90s through this beautiful reserve.

It has been one of the greatest joys of my life being able to share in this awesome community, my love and passion for horses, and the beautiful trails that we have always been allowed to access. I have always been kind, and considerate to passing people on the trails and up until recently I have always been warmly welcomed with a smile and wave by people in the community, walking their dogs or hiking with family.

Signs have been posted now that are stating that NO horses are allowed in the Morro Dunes Ecological Reserve. I have felt intense discrimination and hostility since those have been put up, and it is very sad to witness the divide that it is causing in our community. I believe in supporting equality among people and animals, and it feels important to be kind to one another in our shared spaces. I do believe in preserving our environment, and want to do my part in helping to protect and enjoy the land for many generations to come. I have children that have also loved trail riding with me through this whole area and are also devastated by having no access. I am requesting a compromise where horses and their riders are allowed a perimeter trail and a coastal access corridor, as I have loved, and cared for for the past 41 years. We request coastal access that allows people to get to the beach safely throughout the community. We had not been previously notified of any issues or closures specifically to horses.

I appreciate your consideration by sustaining our access to the corridor trail.

All my best,
Chelsea McLaughlin
805-440-5775

Commissioners,

I have been a full time resident of Los Osos since 1972, and a frequent visitor to the area to see family and friends since 1955. I am an equestrian, in addition to my livelihood as an Agricultural Engineer and Project Manager. I and my family live adjacent to the property now known as the 'Morro Dunes Ecological Reserve, Bayview Unit'. We have frequently used the multi-use trail corridors thru this area (south of Highland Drive) when riding horseback or hiking from the east side of town to the west, and to the coast, as well as into Montana de Oro State Park. These long used multi-use trails, now within the 'Morro Dunes Ecological Reserve, Bayview Unit', have allowed safe access for equestrians and hikers from the east of Los Osos to the west, avoiding riding on the streets. As users of these trails we, our community of those who use these trails, have and will going forward assist with maintenance of the trails, and help prevent deviation of its boundary. We are part of the large Los Osos Equestrian Community and find that we have not had a voice in the decision to take this corridor away from us. In other reserves within the State, the Habitat Conservation Plans state "when possible link trails", and can allow limited equestrian use when linking trails to existing trails, as well as coastal access. Please note, that since the "No Horses Allowed" signs were put up along the perimeter of this area we have witnessed public exchange toward equestrians become quite negative and aggressive, where before exchanges were most often friendly and welcoming. This is a sad change for the atmosphere of our Los Osos Community. We also note that some of the species of concern in this reserve area (eg. the 'banded dune snail') have been re-designated from Endangered to Threatened. Please consider our need, and requests.

Thanks,
Geof Gurley
805-459-1212



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

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Hi,

I, Barbi Breen-Gurley have been a Los Osos resident and owner of an equestrian boarding and training facility since 1971 adjacent to the Morro Dunes Ecological Reserve, Bayview Unit. Throughout this time for 53 years I, my husband, our children, many riding students, and many visitors to this area have used the multi-use trail corridor from Bayview Heights to Montana de Oro State Park and to the beach on horseback. This long used multi-use trail, now within the 'Morro Dunes Ecological Reserve, Bayview Unit', has allowed safe access for equestrians from the east of Los Osos to the west, avoiding riding on the streets. We equestrians will help maintain this corridor and help prevent deviation of its boundary. We are part of the large Los Osos Equestrian Community and we have not had a voice in the decision to take this corridor away from us. The Habitat Conservation Plan can allow limited equestrian use when linking trails to existing trails, and coastal access. In addition, since the "No Horses" signs on the perimeter of this area have been posted, the public exchange toward equestrians has drastically changed to become quite negative and aggressive, where before it was friendly and welcoming. This is a sad change in the atmosphere of Los Osos. Please consider our need, and requests.

--

Sincerely,

Barbi Breen Gurley

ph: 805-459-0150



My name is Courtney Coleman,
I live at 225 Travis Dr
Los Osos, CA 93402

My email is: cookwell@kcbx.net

I've been a resident of Los Osos and Morro Bay, and an equestrian riding Montana de Oro state park and the Broaderson trail area since 1993.

Fish & Wildlife recently eradicating equestrian access to our corridor trail along the North Side (bottom) of the Morro Dunes Ecological Reserve, cuts off our safe access to Montana de Oro trails, AND back to the East side of Los Osos (Bayview Heights).

This is a safety issue, as we are now forced to ride our horses on residential streets (Highland Dr) to get from one end of Los Osos to the other. It is a matter of time before a child or cyclist, etc. comes out of a driveway, and spooks a horse into traffic. When someone gets hurt or killed, who will be responsible? It seems it would come back on the party who changed the access rules in a historically multi-use trail, regardless of guidelines to "link trails whenever possible".

Thank You So Much for your time & consideration of a possible compromise...I just don't want anyone to get hurt.

Courtney
(805) 547-9073



CookWell.

Your Health, in Your Hands...Deliciously

CookWell.org

courtney@cookwell.org

(805) 547-9073



Subject: Trails Support Letter from Mike

Michael Johnston
1151 Bayview Heights Drive
Los Osos, CA 93402

September 10, 2023

To Whom It May Concern:

I am writing this letter to support those who are advocating for an equestrian friendly community in Los Osos and continued use of the trails that have been available to us for decades.

I have lived in Los Osos with horses at my property since 1988. Since that time, I have ridden and enjoyed the trails between Mike Gorby's LOVE Farm and the beach as well as Montana De Oro. Those trails and riding opportunities have been a major enjoyment in my life, and I regret each time a trail is closed to riders.

Please explore every option for keeping trails open to horses and riders as they are an integral part of this beautiful and special community.

Thank you for your attention to this matter,

Michael Johnston

Aug. 8, 2023

My name is Lynnette Harwood Whaley.

I have been a member of this community from 1974 to the present. We have 10 acres on Clark Valley Road. From 1976 we have used the trails to ride from our property to Montana De Oro and back.

AS my children got older, we would ride our horses to Montana De Oro every Labor Day weekend and camp at Horse camp. We did this until 1993. I was also with S.L.O. Coastal Mounted Assistance and would ride out to meetings and trail patrols.

I have never seen any signs about no horses on the trails, nor have I ever received any mailings about this equestrian access was being taking away from us.

Lynnette Harwood Whaley



Subject: Please Allow Coastal Access to Equestrians in the Morro Dunes Ecological Reserve

Date: Monday, August 14, 2023 12:00 AM

Dear Members of the Coastal Commission,

My name is Devyn DiMascio and my Email address is diverdeb@flash.net.

I am requesting that you help us correct an issue that is affecting many multi-use trail users in the **Los Osos Morro Dunes Ecological Reserve area**. We have historically (well over 50 years) used and needed a trail that goes from East to West across this area to allow access to the coast. We are currently being prohibited from using it. This trail exists in an East/West direction and it parallels Highland Dr. in Los Osos. **Without this access trail we are forced to ride our horses on dangerous and busy streets with fast moving traffic and are cut off from reaching the coast.**

Months ago the CA Fish and Wildlife Department posted signs throughout the boundaries of the reserve, including our main access to the coast demanding that all horses and riders are prohibited. They claim that they are trying to preserve a Morro Banded Snail, which is not endangered (and according to the county biologist lives way under the bushes down in the moist root area so we do not impact them). The plants in this area are flourishing and are not damaged or impacted either.

We as trail users and equestrians have been the recipients of hostile and unpleasant behavior from other uninformed trail users as a result of the CA Fish and Wildlife signs, EVEN when we are on other trails where we are NOT prohibited.

Please allow us an East/West access on a already existing, well-established wide and safe trail that will permit us to continue with the Historic trail use and access to the coast, and will end other trail users unpleasantness toward us. **We understand that the Habitat Conservation Plan says "link trails when possible." There are other similar reserves that are following this and allowing Equestrian access.**

****Side note-** Over many years there has never been any problem with the multi-use trail users in this specific area, all very courteous and understanding of others desire to recreate and have coastal access in this area UNTIL the CA F&W signs were posted.

Many thanks for your consideration of this matter, it is much appreciated,

Devyn DiMascio

Dear Members of the Coastal Commission,

My name is Julian Watkins, and my email address is julian@malibuoaks.com.

I am writing to you in hopes you can help re-establish a much-needed trail that had historical equestrian use for over 50 years before the creation of the Morro Dunes Ecological Reserve took it away.

Many Ecological Reserves in California allow for equestrian users, but the local horse community was not included in the decision to ban horses from Morro Dunes Ecological Reserve. One of the reasons cited for banning horses was the endangered status of the Morro shoulderband snail. It is important to note that effective March 7, 2022, the Morro shoulderband snail was reclassified by the U.S. Fish and Wildlife Service and is no longer considered endangered.

Please at least re-establish the important east/west connector trail for equine use, this trail has had many generations of horses that have used it before it was taken away.

Thank you for your consideration,

Julian Watkins



To whom it may concern re: equine trail access in Los Osos off of Sea Horse Lane.

Hi I am writing in support of continued equine trail access in the trails recently closed to equines near Sea Horse Lane. I have been boarding my horses and riding on those trails for @20 years. I would like some access for equestrians to be allowed. Perhaps a perimeter loop using the existing perimeter trails on the property. All we would need are signs designating equestrian access for the perimeter trail.

Thank you for your time and consideration. Kathy Sallaz

Sent from my iPad

To: CA Fish & Wildlife
From: Sharon & Jim Kroll
Re: Broderson Los Osos Trail Closure

Dear Sirs/Madam:

I'm writing in regards to the trail closure to equestrians on Broderson Dr, Los Osos. It is the area west of Bayview Heights and east of Seahorse Lane that was owned by Morro Palisades Group until 2001. It was so surprising to see the signage maybe 2 years ago or so, out of the blue, designating the area closed to equestrian use. There were no notifications, meetings, nothing. For decades we have used those trails. For me, personally, I have been riding that trail since 1988..35 years! At that time I boarded with Barbi Breen (now Breen-Gurley). In 1994 my husband and I purchased property at the bottom of Seahorse Ln and within 2 years acquired a business license and Animal Regulation permit to board horses on the property, and have been operating ever since. So we are speaking from the perspective of a rider and business owner.

It is especially important to us now as our grandchildren (4 & 7) are now riding. We've walked their pony down to Bayview Heights to pick the youngest up from school (the site of the old Sunnyside school), and were forced on to Highland Dr and the traffic inherent to that.

Many decades ago that area east of Seahorse Lane was part of a future trail plan. I believe it was called Estero Trail Plan. Communities in many semi-rural areas of California have adopted such plans, bringing hikers, bikers, and equestrians together. We would hope for such a vision in our area.

We understand that these things aren't free...there's work involved keeping the trails up, addressing potential erosion, and a commitment that's necessary for users to be educated on environmental concerns and more, but this is all doable and the reward far outweighs the cost.

We urge you to amend the use designation for that area (Morro Dune Ecological Reserve Bayview), and to allow horseback riding on a designated trail.

Thank you,
Jim & Sharon Kroll
805-459-9336



RE: Morro Dunes Ecological Reserve- Equestrian Trail Closures

November 34, 2023

To Whom It May Concern:

My name is Julia Long Meyers. I have lived in Morro Bay and Los Osos since 1975. In those days we always had plenty of horses to ride. We used our horses for recreational transportation in this glorious place. We were fortunate to be able to create and establish safe riding trails and routes which were very seldom disputed or disrupted. Our current established riding routes separated horse riders far away from traffic. These riding routes have provided a safe riding neighborhood for children riding horses with their parents, as well.

We have a lot of children, such as my own son, who were born here and learned to ride within their own families. Horse riding is one of the crown jewels of this town. With considerable pride and respect for the ability to live and ride with loved ones in our favorite places, we would like to maintain access to the places we have always used.

To diminish the ability to maintain access for the horse riders is not an option any of us residents would find beneficial or productive.

On behalf of the horse riding community in Los Osos, we need access provided where you have most recently sectioned off to plastic green waste bags only. The most recent closing of open spaces in Los Osos has proven most distressing to many horse owners, property owners, businesses, and homeowners, and we respectfully request your assistance.

Los Osos is well known for its spectacular and challenging horse riding of many types. There are well renowned horse trainers, well known riders, old ranching families (cowboys), who have accessed these same Los Osos open areas for at least 100 years.

The horse riders in this community are good stewards of the land. We are willing to cooperate with any plan that will allow us access in our already established riding areas without fear of intimidation.

There is no prior documentation of any erosion due to horse riding in that area.

I respectfully suggest we can cooperate with you in restoring safe access to horse riders whose lives are imbedded in this special place. Horse riding is a legitimate form of transportation. Please treat us as you would pedestrians, bicyclists, drivers, wheelchair persons, etc. Those of us, such as myself, who have worked in Transportation, know that the main concern in Transportation is to provide access.

We are looking forward to responsible reasonable, much needed access restored as soon as possible with as little negligible impact as possible.

Thank you for your time and your attention to this critical issue.

Most Sincerely,

Julia Long Meyers
3028 Ferrell Ave.
Los Osos, CA 93402

Homeowner in Los Osos

To: Fish and Wildlife

Re: Morro Dunes Ecological Reserve/Equestrian Trail Closures

My name is Julie Heriford and I have boarded my horses at Rancho Montanya del Mar for the past 7 years. I specifically picked this area due to the safe and immediate access to trails this barn has had access to for well over 30 years.

I can unequivocally say we are all nature lovers at heart. We understand the importance of preserving all endangered flora and fauna. We respect the environment and only ride well established dirt trails. We often come across families out walking and hiking and there is most always a positive exchange.

We have, at times, been the eyes and ears when illegal campers trespass and disrupt the environment and create an unsafe situation.

Now, equestrian's access to trails is being denied. We, as a group, are devastated. This is such a huge part of our lives that we hope will not come to an end.

I am hoping there is a place of compromise. Please consider providing equestrians a specific flat area where your concerns for erosion are minimized.

Thank you for your time.

Julie Heriford (homeowner)



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE
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Bruce White <bwhite@pbwhite.com>

Mon, Aug
14,
10:07 PM

to Centralcoast@coastal.ca.gov, Monica, me

My wife (Monica) and I are residents of Los Osos living immediately adjacent to Montana De Oro SP and the affected equestrian trails-here are my thoughts as previous long time horse owners:

1. This is a multi-use corridor allowing the east side to access the coast.
2. There is a long history of equestrian use-why is it now considered deleterious after so many years?
3. If horses pose a threat, then humans should be banned also-there is 10X more human traffic vs. horse traffic on these trails-I walk these trails frequently and rarely do I come across equestrians.
4. The horse community is large in the Los Osos area-yet they were not asked to participate in the decision to ban horses from trail access.
5. There are other Reserves that allow trail access to horses in order to link trails-and the HCP says when possible link trails.
6. where is the science that a few horses pose an existential threat to banded snails? The snail is turning the corner despite some horse use of trails-now redesignated from Endangered to Threatened.
7. horses are part of our economic history and culture-the great majority of humans have an affection for horses-no different than the affection they have for family pets.

Bruce D. White, MS, CFP®
Certified Financial Planner™, practitioner
Phillip B. White & Company
A Registered Investment Advisor
San Luis Obispo | Danville
Insurance License #0700202
11573 Los Osos Valley Rd., Ste. D
San Luis Obispo, CA 93405
Phone: (925) 736-2108
Fax: (925) 736-2126
Email: bwhite@pbwhite.com
Website: <https://pbwhite.com>

sunnyfriend@sbcglobal.net

Sat, Jul
22,
7:55 PM

to Losososequestriancommunity

My name is Carol Friend and I have been involved with the Los Osos equestrian community since 1970 when I moved to San Luis Obispo to attend Cal Poly. The reason I choose Cal Poly was because of the large horse community and the abundant year around trails.

Los Osos has always been a horse friendly community as evidenced by the street names referencing horses, such as Buckskin Drive, Palomino Drive, Lariat Drive and Tapidero Avenue to name a few. One of the big draws to living here is that a person can purchase an acre or two of land and keep their horse at their home.

In the 70's and 80's many of the people who kept their horses at their homes north of Los Osos Valley Road would ride to Lariat Drive, cross Los Osos Valley Road, and access the trails near Los Osos Creek and then access the trails that are in what is now called Morro Dunes Ecological Reserve. From there they could continue to Montana de Oro State Park.

I have personally ridden these trails since the early 1970's. Equestrians have had unfettered access to the trail system in the area now being called Morro Dunes Ecological Reserve.

To my knowledge no one was notified that horses would be excluded from these trails which have well established historical equestrian use.

I suggest that rather than exclude horses from this area, they should be grandfathered in because of their well established historical use in the area now called Morro Dunes Ecological Reserve.

Sincerely,

Carol Friend
Sent from my iPhone



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

FGC 1 (Rev 06/19) Page 34 of 49

From: **Cricket Wood** <cricketwood@me.com>
Date: Fri, Jul 21, 2023 at 11:27 PM
Subject: Trail access
To: <Losososequestriancommunity@gmail.com>

Hello,

My name is Cricket Wood. As a teenager I rode the Los Osos trails in the summers of 1984/5 when I worked for Barbi Breen at Seahorse Ranch during the summer. I boarded my horse at Seahorse ranch and the trails provided a way for my horse and I to travel safely across Los Osos to visit friends at other barns and take our horses out to the beach. As a young person who didn't have my own truck and trailer I would have been stranded at one property if it hadn't been for the trails. It was beneficial to my horse and I to have the freedom to ride out in the open safely without encountering cars. Open trails for safe travel on horseback is a precious resource that has been rapidly disappearing across California. Over the past 40 years as cars and people have multiplied in CA I have watched as the trails available to horse riders in Southern and Central California have been continuously shrinking due to development, legal issues, etc. Horses traveling on established trails that have been in use for decades are not damaging to the animals that inhabit the Morro dunes. Please support sustainable travel and partner with horseback riders who are good stewards of the environment. Horseback riding across these trails has long preceded other human impacts on this region and has been intertwined with the natural state for decades. Please restore access for horses across the trails of Morro Dunes as has been a historical precedent and because it is also harmonious with the natural environment surrounding the trails.

Sincerely,
Cricket Wood



Deborah Hirons <djhirons@gmail.com>

Sun, Jul
23,
8:19 PM

to Losososequestriancommunity

Dear Stewards of the Morro Dunes and Ecological Reserve,
My name is Deborah Hirons. I was raised in San Luis Obispo County with a big part of my childhood being with my pony and riding all over Los Osos. I kept my pony, and later a horse at sea Horse Ranch from 1975 to 1985 and again, off and on, from 1999 to present. I used to ride the corridor trail from Sea Horse Ranch to LOVE Farm, and other existing trails to go out on a leisure ride with my horse to be one with nature and enjoy the beauty Los Osos has to offer. I, and my riding companions, have always respected the environment and have never left the established trails.

Recently, the trail that I have been riding on for over 45 years has been designated as a preserve and closed to horses. I am asking that you please consider keeping the existing trails and the corridor above Highland open as other alternatives for riding are dangerous.

Sincerely,
Deborah Hirons

Sent from my iPhone



Deb Hirons <mdhfits@gmail.com>

Jul 23,
2023,
8:35 PM

to Losososequestriancommunity

Hello,

My name is Matt Hirons. Being born (1961) and raised in San Luis Obispo county, I have been involved with equine activities since I was 9. I have ridden many times, from the east side of Los Osos to the north side, on the trails in the area referred to as the Morro Dunes and Ecological Reserve. As a young child, I was taught to NOT leave the established trails, and NOT to disturb the native plants and animals. We would just pass through and enjoy the company of other horses, as well as people hiking. My earliest memory on this trail was in 1972 or 1973 when I was guided by people who knew the trails from LOVE farm to the beach. My sincere hope is that this trail remains open as part of the equestrian community in Los Osos.

Best,

Matt Hirons

Morro Dunes Preserve Trail Access

Sept, 9, 2023

My name is gretchen moreno. I am very concerned about the trail access at the Morro Dunes preserve sight. I bought my permitted horse stable, Rancho Montanya del Mar, in 1991, and have always had trail access on the said parcel up until recently. My boarders use these trails frequently. Also We have neighbors who live east of the parcel with horses in their back yards. They use these trails to access MDO trails.

To close off the MDP property would be a detriment to my business, as it has always allowed easy trail riding for the boarders as well as keeping horse traffic off slippery asphalt

I understand the need to preserve endangered flora and fauna species, as well minimize the trail erosion, so I would propose that the horses use the horizontal trails as much as possible.

I remember in 2001 the day that Kirshie(former owner) dedicated the parcel to the Los Osos Green Belt corridor.** Noted people in the photo; Shirley Bianchi, Abel Maldonado, Maria Morrissey, Kirshie??, Warden from F&W??.

After over 20 years of work to create a multi-use trail along the northern edge of this parcel I would hope that we can come to an amicable agreement on the trails for multi-use. It had been through several reviews at the local and county level such as:

LOCAC

SLO COUNTY TRAILS

SLO CO. PARKS AND REC

SLO CO.SUPERVISORS- BRUCE GIBSON

COASTAL COMM.?

SLO POST

LOSOSOSEQUESTRIANCOMMITTEE@gmail.com



----- Forwarded message -----

From: Nancy Owen <bodhismom5@gmail.com>

Date: Mon, Aug 14, 2023 at 9:08 AM

Subject: Los Osos Habitat Conservation Plan

To: <Centralcoast@coastal.ca.gov>

To Whom it May Concern:

I wish to voice my concern about loss of access for equestrians to use a corridor trail that links trails east to west at the edge of the Morro Dunes Ecological Reserve. It is my understanding that this trail at the edge of the reserve has a multi-use history, including equestrian use, spanning at least 50 years.

I have two main concerns regarding banning only horses from this corridor. First, equestrians will be forced to ride on the road to access the back bay and beach which is dangerous for not only horses and riders, but also bikers, walkers, and drivers. Second, if equestrians trailer over to the park instead of riding over (assuming they have a truck and trailer), this would of course, increase traffic congestion and put pollutants into the air.

It is my understanding that there are other reserves that allow trail access in order to link other trails and allowing the use of this corridor would allow the large equestrian community in Los Osos to have a safe route linking trails.

Thank you for our attention in this matter.

Nancy Owen

bodhismom5@gmail.com

LOS OSOS EQUESTRIAN COMMUNITY

Petition Signature	Name	Address
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	Jill Urmy	7300 Bella Vista Rd. Atascadero
--	-----------	---------------------------------

	Robert Urmy	7300 Bella Vista Rd. Atascadero
--	-------------	---------------------------------

	Lachell Thompson-Young	990 Atascadero Rd Morro Bay
--	------------------------	--------------------------------

	Yvette Gabrielle	1740 Fixline St San Luis Obispo CA 93401
--	------------------	--



PETITION FOR PERIMETER TRAIL and safe crossing for equestrians and pedestrians across Pecho

name	signature	email
maude Lewis *	Meeis	maudelewis89@gmail.com
Case Krell	CEL	KILL3@pacbell.net
Clayton Tacker *		claytontacker@yahoo.com
Johnna Sanders *	Johnna Sanders	joshnhanna@gmail.com
Douglas Owen *		dodgesbaglobal.net
James Bradas		JamesLBradas1@gmail.com
Alexis Cooper	Alexis Cooper	gohlex@gmail.com
Faith Cooper	Faith Cooper	faithcooper72@gmail.com

(8)

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50

LOS OSOS EQUESTRIAN COMMUNITY

Petition Signature	Name	Address
Kris Barnes	Kris Barnes	401 Zanibar, Morro Bay, CA. 93442
Carl Roella	1385 18th St	Los Osos CA 93402
Susan	Susanne Nuckols	1921 Ferrell Ave. Los Osos 93402
Joshua Shamblin	Josh Shamblin	Po Box 677, Nipomo, Ca. 93444

(4)

**Los Osos Equestrian Community** [v.230715]

"Petition for Re-Instating Community Trails", Community Coastal Access...

Name	address	Phone	eMail
Erin Inglish	1229 3rd Street	(805) 748-2998	erin.inglish@gmail.com
Sue Gardner	1252 15th St	(805) 534-4063	chryseemidgum@gmail.com
Mark Warren	1229 3rd Street 93402	805-550-9071	warrenmark@gmail.com
Rick Mann	2217 Humboldt St.	805-742-9629	markyever@gmail.com
Steve Moben	1334 4th St	805-471-3282	
Lisa Allardyce	1609 12th St	805 801 8361	lisaallardyce@gmail.com
W. Quillin	238 VISTA CT	805 808-7755	ewquillin@gmail.com
Shelia Wynne	16560 Oracle Oak Way Santa Margarita		upndair30@hotmail.com
Chris Slay	1235 3rd A	971-409-9001	slayomstead@gmail.com
Denise Lederman	1188 5th St. Los Osos CA	805 626 1233	805 626 1233
Robyn Scott	465 Dunes St. M.B. CA	805 909 8272	palopini7@gmail.com
VICTORIA POND	1561 18th STREET	949-545-8621	victoriakpond@gmail.com
Tyler Penny	1142 12th	805-305-6451	tylerpenny@gmail.com
Carmie Sisto	1259 5th St LO	202 441 1372	Carmie.sisto@gmail.com
Galen Richter	735 Santa Ynez St	805 234 0577	CHUCK RICHTER
Bonnie Richan	2000 Tapadero St Los Osos	805-748-6087	bonnie@bonnierichan.com
Susan Wayland	2772 Crockett Cir Los Osos	805 707 6955	805 707 6955
LAURA ADRIAN	1360 PASO ROBLES	(805) 712-7820	ppr15@yahoo.com
Timothy Better	1860 SUNNY HILL AVE Los Osos	805 471 9412	timothybetter@gmail.com
Marjorie Rehbach	581 Manzanita Dr.	360-790-9931	mrehbach@gmail.com
Karen Wilson	1310 15th St	707-489-1320	kayakgirl545@gmail.com
Paul Farley	1175 COLLIER AVE WIZARD	805-821-1529	music@paulfarley.com
Josh Olejczak	1910 Aspen St. Los Osos	805-522-0287	loroads@yahoo.com
Addie O'Loughlin	8670 Santa Rosa Rd	805 423-2102	addie029@yahoo.com
Larry Drapkin	2731 Pecho Valley Rd	805 439-1283	



LOS OSOS EQUESTRIAN COMMUNITY

Petition Signature Address

Janet Emmert MFT 210 Squire Canyon Rd SLO CA

Dwyn McLaughlin ²⁶⁷⁵ 7256 Colby Ln CA

Arabella Brunson 43 16th street Cayucos CA

Jennifer Remington MD 210 Squire Canyon Rd, SLO, CA

Cecilia St John 2750 Pecho Valley Rd, Los Osos, CA
(Cecilia St John)

Lisa Wieler 411 Fresno Ave, Morro Bay, CA

Lisa Wieler 345 Island St, Morro Bay, CA

Lei Philbrick 345 Montecito Ave, Shell Beach CA

Ashley Goldist 1498 O'Connor Way SLO CA

Adrian 555 AMELIA way NIPOMO CA

SKMML 4555 Dolores Ave, ATASC, CA Suzanne Slobodkin

Melba Hall 5405 Mira Estrella, SLO

Maria Moynier 349 Cambridge St., Cambria 93428

CHRISTINA DUARTE 1920 Valle Vista Pl San Luis Obispo 93405

RALPH HOLMAN 96 VISTA CT PASO ROBLES.

Brooke Elkin 327 Warwick Ave Cambria, CA 93446

Yvonne Gabriel 1740 Firmin St. SLO CA 93401 93428

Martha Wilson 468 Cuern Largo Paso Robles, 93446

Martha Wilson

Melissa Elguera 3960 S. Higuera #137 San Luis Obispo CA 93401



11	Stacy Locke	Stacy Locke	fourflyingfeet@yahoo.com
12	Charlotte Anderson	Charlotte Anderson	charlotteanderson@gmail.com
13	Michael Anderson	Michael Anderson	goldenbear9741@gmail.com
14	DONALD L. SCHMIDT	Don L Schmidt	805-722-1382
15	MARJORIE R. SCHMIDT	Marjorie R. Schmidt	805-722-1382
16	Kristine SCHMIDT	Kristi Schmidt	559-936-0931
	Ray Schmidt	Y L	559-905-6301
52			
16			



LOS OSOS EQUESTRIAN COMMUNITY

Petition Signature

Address

Email

Print + Sign

Ronella Chegg 32482 Sea Horse Lane
Los Osos CA 93402

chegg Ronella@gmail.com

Courtney Coleman 225 Travis Dr
Los Osos, 93402

Courtney@cookwell.org

Deann Gehlen 162 I St
Cayucas Ca

Jordon and abby
@gmail.com

Julia Longmeyer 2028 Ferrell Ave
Los Osos, CA

~~longmeyerj@gmail.com~~
longmeyerj@gmail.com

Sheree Lotz 2037 Ferrell Ave
Los Osos

cardslot2@yahoo.com

Gretchen Moreno 2482 Sea Horse
Los Osos CA 93402

GMoreno

Mary Rowlands

Mary Rowlands
1628 San Bernardo
Creek Pk.

mrowlands635@gmail.com

LISA STARR

295 MAR VISTA

LOS OSOS, CA 93402

i Love Exp

@gmail.com



LOS OSOS EQUESTRIAN COMMUNITY

Petition Signature Name Address

Karen Huze 1525 Scenic View Way Nipomo
 Wendy Robinson Wendy Robinson 1525 Scenic Valley Nipomo
 Ruby Decker 755 Sage Crest Dr Orcutt Ca
 Bri Decker 755 Sage Crest Dr Orcutt, Ca 93455
 Cassandra Castro 281 Lema Drive, Nipomo, 93444
 Roberta Fox Gussman 1265 Royal Oak AG, CA 93420
 Lenore Spelbring 1407 trail view pl nipomo
 Julie Monser 223 Trevino Nipomo, CA 93444
 Judy Cewantes 441 N 1st Flores Dr Nipomo CA 93441
 Julie Harper 1609 Via Vista Santa Maria 93454
 Mel Graham 140 Avocado Ct Nipomo CA 93444
 Shelly Dawson 2256 Central Park Dr Santa Maria CA 93454
 Carrie Steigler 4081 Ridgecrest St 93455
 Nancy Conant NANCY CONANT 1385 18th St, Los Osos 93402
 Dana Tryde Dana Tryde 1360 Parkhill Rd Santa Margarita
 Janis 1757 Don Ave, L.O. G 93402
 Lily Demaree Lily Demaree 891 Taft St. Pismo 93420
 Karen Peterson 1701 Garnette Dr. SLO 93405

Los Osos Equestrian Community

"Petition for Re-Instating Community Trails", Community Coastal Access...

Name address Phone eMail

Maria Moynier 349 Cambridge St. Cambria 805 909 9631 mariamoynier@gmail.com
 Janet Emmons 210 Squire Canyon Rd SLO 805-8015291 slotherapist@gmail.com



LOS OSOS EQUESTRIAN COMMUNITY

Petition Signature	Name	Address
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	Michael Larson	6700 Rocky Canyon Rd, Atascadero, CA 93422
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	Karen Larson	6700 Rocky Canyon Rd. Atascadero, Ca. 93422
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	Peggy Phaklides	2100 Trefleway, Atascadero CA 93422
--	-----------------	-------------------------------------

	Kathleen Phelps	555 St. Remy Pl, Arroyo Grande, CA 93420
--	-----------------	--

	Julia Fogelson	1695 Sage Ave, Los Osos, CA 93402
--	----------------	-----------------------------------

	David Pleund	1695 SAGE AVE, LOS OSOS, CA 93402
--	--------------	-----------------------------------

	Steven	2640 Krill Rd, Silver Spring CA 93403
--	--------	---------------------------------------

	MELISSA CRAWFORD	510 VINE ST. LOS OSOS CA 93402
--	------------------	--------------------------------

	Paul Gabriel	1740 Fixline St., SLO, CA 93401 pgabriel54@yahoo.com
--	--------------	---

	Serena Swan	serenakunigurley@gmail.com
--	-------------	----------------------------

	Bettina Norton	20, 93402
--	----------------	-----------

	Matt Sullivan	20, 93402
--	---------------	-----------

	Matthew A. Hiron	MOHIFITS@gmail.com
--	------------------	--------------------

	Dorian Michael	Morro Bay CA
--	----------------	--------------

	Kenneth Blackwell	411 Fresno, Morro Bay
--	-------------------	-----------------------

	WALLY BARNICK	ATASCADERO, CA 93422
--	---------------	----------------------

	Matthew Sullivan	mat.sullivan@gmail.com
--	------------------	------------------------

	Isaac Shinn	2450 Pecho Valley Rd Los Osos CA 93420
--	-------------	--

	12 fruit treez	12 fruit treez@gmail.com
--	----------------	--------------------------



Jose Milan Ina A. Mil

2566 Sea Horse Ln.
Los Osos CA 93402

Christina Grimm Christina Grimm
1176 Nipomo Avenue
Los Osos, CA 93402

Lynette Roelles
1385 18th St
Los Osos, Ca 93402
lmroel@aol.com

Deborah Hiron
Deborah Hiron
5859 Webster Rd
Creston CA 93432
djhiron@gmail.com

Kara Breen Aileen
4855 Windsor Blvd.
Cambria, Ca 93428.

Nancy Owen
2831 Padman Dr.
Los Osos, A 93402

Amber Leonard
1441 Cielo Ln
Nipoma Ca 93444
C.

Mr S Morgan Linn
930 Peach St
San Luis Obispo, CA 93401

Chelsea McLaughlin
2675 Corey Ln.
Los Osos, CA 93402

Madison Breen Mulvey
3591 Sacramento Dr.
Apt 13
San Luis Obispo, CA 93401

Andrew Davis
Ruby Dow
960 Nicola Ranch Rd
San Luis Obispo, CA 93499

Barbi Breen Gurley
Barbi Breen Gurley
2566 Sea Horse Ln
Los Osos, Ca 93402



PETITION FOR PERIMETER TRAIL

Petition for Peremeter trail
and safe crossing for Equestrian
and pedestrians across Pecho.

Name	Signature	email
① RICHARD VALLES		UNIQUEPICHIE@ SBCGLOBAL.NET
② JENNIFER FOSTER VALLES		CRUISINASH@AOL.COM
③ Derek Cooper		minirotary@gmail.com
④ Michael Cooper		downhill skier 72@gmail.com
⑤ Doug Cooper		dcoop9019@ATT.net
⑥ Karen Farlow		KBLUEOAK@AOL.com
⑦ Loren Locke		
⑧ Christian Valles		Christianvalles13@gmail.com
⑨ Diane Cooper		dcoop9019@att.net
⑩ Kristen Kuzil		kristen.kuzil@gmail.com



LOS OSOS EQUESTRIAN COMMUNITY

Petition Signature Address

Ruth H. Dun RHM Dun 640 Ashby Lane, Cambria CA 93428

Adnanne Gorman Ag 1333 Madonna Rd SLO CA ~~93401~~ 93405

Kylie Gorman Kuhl 1333 madonna Rd SLO CA ~~93401~~ 93405

Chen Grimm 1126 Nipomo Ave LO 93402

JOE Grimm 1126 Nipomo Ave LO. 93402

BRUCE CORELITZ 1920 TAPUBERO AVE LO. 93402

Margaret A Corelitz 1920 Tapadero Ave, L.O. 93402

Lisa B. Blain 364 Lilac Drive L.O. 93402

Suraya Smith Smith 6649 Buckley Dr. Cambria, CA 93428

DEVYN DIMASCIO Devyn DiMascio 357 TRAVIS LOS OSOS, CA 93402

Julian Watkins ~~Julian Watkins~~ 357 Travis Dr. LOS OSOS 93402

Sam Nigro ~~Sam Nigro~~ 1515 15th St Los Osos 93402

Lindy LaRoche ~~Lindy LaRoche~~ 1515 15th St LOS OSOS 93402

Sharon Moores ~~Sharon Moores~~ 1205 Monrovia Ave Moro Bay 93442

Geoff Gurley ~~Geoff Gurley~~ 2566 Sea Horse Ln, Los Osos CA 93402



LOS OSOS EQUESTRIAN COMMUNITY

Petition Signature

Address

Jennifer Rubio Jennifer Rubio
1667 Woodland Ct. SLO CA 93401

Sara C. Kroll

Sara Kroll
1626 8th Street, Los Osos, CA 93402

Sara Jane Otis

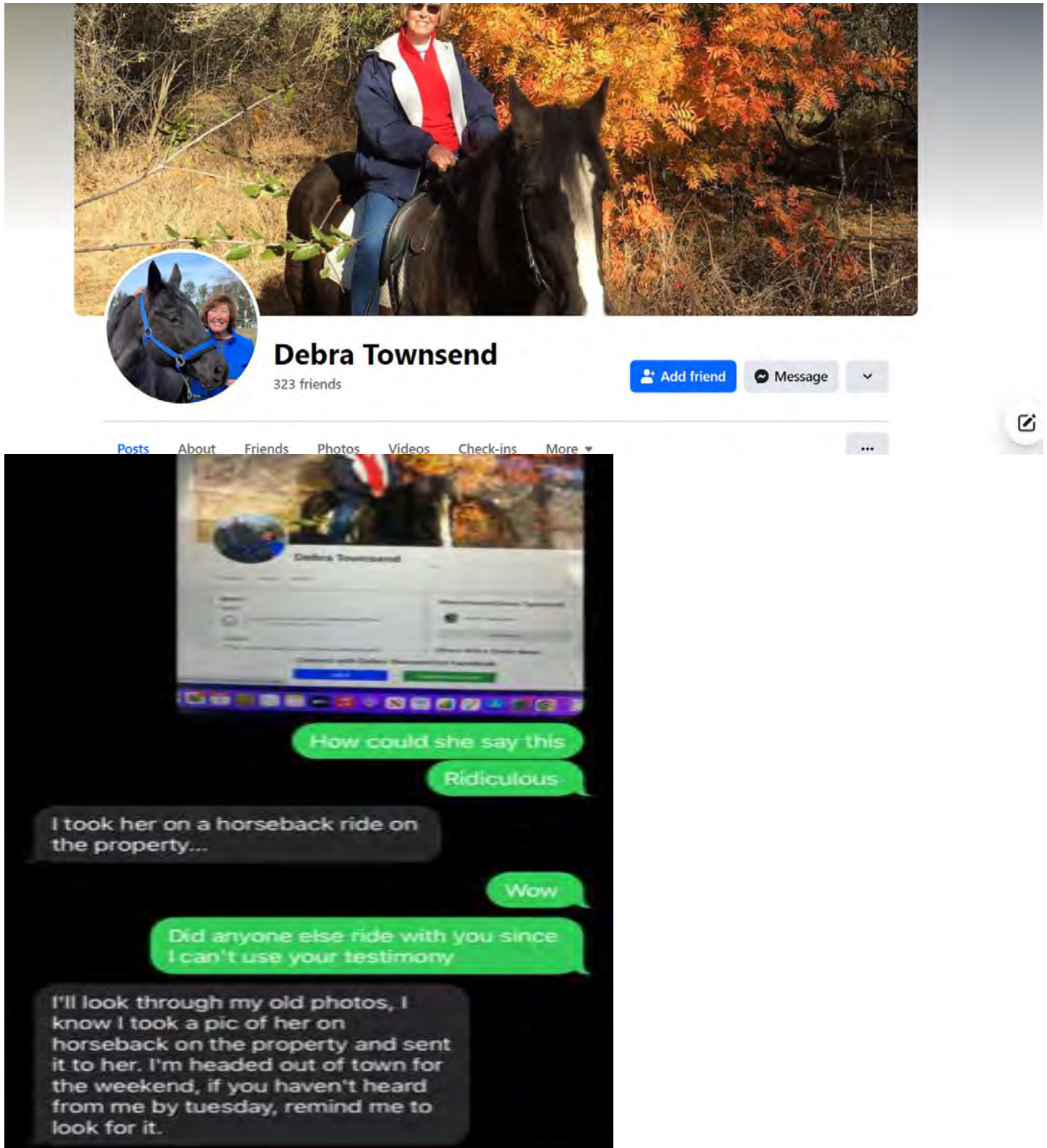
620 Woodland Dr., Los Osos, CA 93402

Natalie Gamara Natalie Gamara

70 Seawind Way
L.O. 93402

Kathy Longacre
6445 Corral de Piedra
SLO, 93401

+ print
Accepted



- 11. Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: The proposed designation will result



in additional revenue for local businesses such as the boarding facilities and hotels and could lead to additional jobs for our low income communities that are struggling to afford the rising costs in one of the most expensive regions in California (Central Coast). Los Osos has very limited job opportunities and limited housing due to the building moratorium by the Coastal Commission.

The initial designation of the Ecological Reserve failed to include the surrounding farms and horse boarding facilities despite it being a key tourist draw to the city. This has resulted in loss of revenue from the equine boarding stables surrounding the ecological reserve who have ridden there for countless decades. In addition, it has forced horseback riders to cross the heavily trafficked Los Osos Valley Road - Pecho Road which leads to Montano de Oro State Park that allows equine use. This area allows traffic speeds up to 45 MPH and there is no safety infrastructure for pedestrian or equine infrastructure. There have been enough collisions in the area surrounding Rodman Drive and Pecho Valley Road that the County of San Luis Obispo is studying the stretch of Los Osos Valley Road to Pecho Valley Road to determine how they can meet Caltrans' and the Department of Transportation's mandated safety guidelines. This has also reduced the demand for jobs in agriculture and equine care. With less available riding for horses, this impacts our low-income communities who have traditionally pursued this labor type among other agricultural employment.

12. Forms: If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: [11/27/2023.](#)

FGC staff action:

- ☐ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition _____
- ☐ Granted for consideration of regulation change

Tracking Number

Bayview Ecological Reserve
(Morro Palisades), San Luis Obispo County

Stewart Title Company of Sacramento: Escrow No. AL17000370

First American Title Company: Preliminary Title Report SLO-52984, dated December 19, 2000

EXPLANATION OF TITLE EXCEPTIONS

Exception

Explanation

- 1 General and Special Taxes. All taxes will be paid by Grantor and confirmed to be in good standing, up to and including the date of close of escrow. The State is exempt from paying taxes and they will be cancelled upon close of escrow. Delete.
- 2 Lien of Supplemental Taxes. There are no supplemental taxes levied against the subject property at this time. After close of escrow, these taxes will be handled in accordance with the Revenue and Taxation Code and will be cancelled. Delete.
- 3 and 4 Drainage and Fire Protection Assessments. All taxes and assessments will be paid by Grantor and confirmed to be in good standing, up to and including the date of close of escrow. These assessments are levied with the General Taxes and the State will seek to exercise its exemption upon close of escrow. There is little risk to the State that the exemption will not be granted. In the event that the County continues to provide these services, it will be the responsibility of the Department of Fish and Game, as manager of the property, to determine whether the services are of benefit to the property, and if not, to request the exemption and cancellation of the service at a local level. Delete.
- 5 Utility and Road Easement. This 1962 easement in favor of Morro Palisades Company, et al., did not merge when Morro Palisades, et al., acquired the property, as the others holding title to the property were not the same. The easement, extending along the westerly boundary of the property, is for the extension of Broaderson Road, if it is ever developed. In the interim, it provides access to a property just north of the subject which would be landlocked without the right of way.

Explanation of Title Exceptions
Page Two

The access easement, as currently used, will not interfere with the State's proposed use of the subject property. Should the County ever undertake extension of Broaderson Road, the project will need to comply with CEQA and all regulatory agencies having authority over the project, including the Department of Fish and Game. Accept.

6 and 9

Notices of Consent. Notices recorded in 1972 and 1983, granted consent to the general public to cross over a portion of the subject property, but precludes their ability to claim prescriptive rights. There is little risk that public access, if any, will impact the State's intended use of the property. If public use becomes a management liability, the state can revoke the notice. Accept.

7 and 8

Right of Way Easement. These exceptions are paper roads depicted on Parcel Map CO-76-227. They were offered by the property owner to the County, and while the County rejected the offer of dedication it has not abandoned (vacated) the right of ways. Due to the sandy terrain, there is little risk that the County will develop the roads. In the event they elect to construct, however, the County would need to comply with CEQA and all regulatory agencies having authority over the project, including the Department of Fish and Game. Accept.

10


Partnership Information. The title company has required Morro Palisades to provide a copy of its partnership agreement, as well as other information, prior to closing escrow. This exception will then be eliminated. Delete.

Bayview Ecological Reserve
(Morro Palisades)
San Luis Obispo County

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the Grant Deed dated November 8, 2000, from Morro Palisades Co., a California General Partnership, John L. Curci Trust, established 12/22/93, and the California Institute of Technology, a California not for profit corporation, to the STATE OF CALIFORNIA, is hereby accepted by the undersigned officer on behalf of the State of California, pursuant to authority conferred by authorization of the Wildlife Conservation Board, Department of Fish and Game, Resources Agency, State of California, adopted on August 10, 2000, and the grantee consents to the recordation thereof by its duly authorized officer.

STATE OF CALIFORNIA
Resources Agency
Department of Fish and Game

original signed by
By: James V. Sarro
 Al Wright
Executive Director
Wildlife Conservation Board

Date: 01/09/01

Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Tim Smallwood <smallwoodtim@ymail.com>

Thu 6/6/2024 9:18 PM

To:CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

In regards to the community plan to lift the building restrictions in Los Osos. We simply need more time as uniformed citizens to the details of the current water tables and possible sea or waste water infiltration.

It hasn't been that long since you got most residents off septic and in that time we've had abnormal rain periods that would possibly project a nice little comfort zone to build.

We all know that there needs to be more time to truly project the availability of water before lifting a restriction to build. There also needs to be more time for the citizens to divest and inform themselves before giving consent to such action.

You'll have a showing Thursday regarding this and whether or not it's the right thing to do, it's definitely not the right time to decide.

Sent from my iPhone

RECEIVED

JUN 07 2024

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 2:43 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: carolanns@charter.net <carolanns@charter.net>
Sent: Friday, June 7, 2024 2:41 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Cc: 'Carol Stephens' <carolanns@charter.net>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

I am asking the Coastal Commission to postpone your vote on Los Osos so the community can get complete information to fully understand the implications of lifting the building moratorium in Los Osos
I am aware that the long-awaited Los Osos Community Plan is up for approval next Thurs. 6/13/24 at the California Coastal Commission. SLO County may say it's only a 1% growth rate of 60 houses a year, but they are not including water-using hotels, restaurants, other commercial buildings, and an unlimited amount 2 bedroom, one bath, wet bar "guesthouses" that are not required to retrofit for "water neutral". All of these new uses are supposed to have a sustainable water supply, but there is not yet proof that our water basin is sustainable. In fact, the water level needed for existing residences is still too low and chlorides and seawater Intrusion are Increasing. Yet SLO County has convinced the Coastal Commission that it is ok to further stress our water supply that has not yet recovered from decades of overdraft, septic tanks and seawater intrusion. Updated Title 19 2:1 retrofit-to-build is being used to "prove" that new building will not affect our only source of water. (Title 19 does not include the 25% average outdoor water use for homes). And remember an unlimited amount of basically two-bedroom homes do not have to retrofit. Do we need housing? Yes! Do we need a truly sustainable water supply FIRST? YES, YES, YES!!!
THIS VOTE HAS HUGE RAMIFICATIONS FOR OUR TOWN. WE SHOULD HAVE BEEN GIVEN A CHANCE TO LEARN ABOUT IT. You were allowed this courtesy for the approval of the Habitat Conservation Plan at Town Halls, why not the Community Plan? PLEASE POSTPONE your decision to allow more time for public input.
Thank you for your consideration.
Sincerely,
Carol Ann Stephens
Los Osos

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 2:43 PM
To: Jackson, Devon@Coastal
Subject: Fw: Los Osos

From: Karen Swanson <kgrayswan@gmail.com>
Sent: Friday, June 7, 2024 2:32 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Los Osos

Dear commissioners,

Thank you for holding this meeting in Morro Bay. I asked that you postpone the vote of the Los Osos Community Plan until the community has been fully informed and brought up to date on SLO county's vague Growth Management Ordinance. Los Osos needs an adequate water supply, and all basin management plan water metric goals met.

Karen Swanson
Woodland Dr., Los Osos

Sent from my iPad

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Friday, June 7, 2024 3:00 PM
To: Jackson, Devon@Coastal
Subject: Fw: Los Osos

From: Laurie Wright <lawrn@charter.net>
Sent: Friday, June 7, 2024 2:56 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Los Osos

To Whom It May Concern,

I wholeheartedly request that you postpone your decision regarding the building out of our water deprived Los Osos community it until all the facts are available and the public has the opportunity to be informed of the same.

Respectfully,

Laurie Wright

2109 Pecho Road

Los Osos, CA 93492

Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Kim O <kimo62@sbcglobal.net>

Thu 6/6/2024 5:20 PM

To:CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

PLEASE hold off on voting on the Los Osos building moratorium until we can get full information on.
Need to make sure that we have a sustainable water source.

Sincerely,

Kim O'Bryan

Sent from AT&T Yahoo Mail on Android

RECEIVED

JUN 07 2024

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

Dear Coastal commission

Tom Anello <anellotom@gmail.com>

Thu 6/6/2024 6:42 PM

To:CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

📎 4 attachments (5 MB)

IMG_3847.jpeg; IMG_3845.jpeg; IMG_3848.jpeg; IMG_3844.jpeg;

RECEIVED

JUN 07 2024

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

I have written to you before regarding adding of additional mobile homes to the property of Morro Shores mobile home Park located at 633 Ramona Ave. in which I am a resident.

Once again I will restate that aside from the inappropriate water level of the Los Osos aquifer, our park has a water system that is more than half a century old and creates many leaks in the property which causes the park water to be shut down regularly.

In addition, the part of the property that they want to place the homes on used to be the leech field prior to the building of the sewer system. This ground is sinking in this area. See photos below. This is an unsafe area to be add additional homes,

I ask that you do not stop the building moratorium for at least another few years in order to allow the Los Osos acquifer to get to a good level and maintain that level
Tom Anello.









**San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-
Part G (Los Osos Community Plan).**

Dear Commissioners,

Firstly, thank you so very much for holding this month's meeting in Morro Bay so that concerned Los Osos citizens may easily attend. I appreciate the work you do and am saddened by the pressure and the budget cuts that may be coming your way from our State Officials. The California Coastal Act is a shining example of something that our state has gotten right. Thank you for your service.

This is a long letter, but with our life-sustaining aquifer at risk I feel that it is needed and I want it to be in the public record. Believe me it could be a lot longer.

As a 39 year resident of Los Osos, I am writing to ask that you **postpone the vote for the Los Osos Community Plan**. Let me be clear, I am not a NIMBY. For the past three years I have been learning more about our town's only source of fresh water, the Los Osos Groundwater Basin. I had mistakenly thought that our basin was on its way to being sustainable, yet after attending many Basin Management Committee and other meetings and reading Annual Basin Reports I could see that we were a long way from the Basin Plan Goals.

During the long, arduous, sewer battle nitrate pollution was at the center of the conversation, seawater intrusion not so much. At a Central Coast Regional Water Quality Control Board meeting I listened to a CCRWQCB staff member present a report where he stated that at that time (fall of 2022) none of the metrics had been met and that it would be 2050 until they would. This included seawater intrusion and Chloride pollution. We have only met the Basin Yield Goal the others have a long way to go.

I would like to add that I was so concerned about our basin and wanting to understand the lingo and concepts, I signed up for a Hydrology & Groundwater Sustainability short-course through UC Davis and recruited two neighbors to attend with me. It was taught by well-known CA Hydrologist, Dr. Thomas Harter who is a board member of the Water Education Foundation and engages with policy makers to effectively address sustainable groundwater management. (I wish he would engage with our policy makers). Other accomplished professors and the Attorney for the State Water Board spoke about important issues such as Climate

Change and its affects on groundwater basins. And that sea level rise threatens coastal groundwater basins. Climate Change is already having an affect on the State Water Project, but a \$10 million dollar intertie to this project has been proposed for Los Osos. The term “paper water” is often used when referring to the actual amount that is available to existing SWP subscribers. So far, the project will only intermittently provide 200 acre feet, on very rainy years. The water has not yet been secured.

On page 2 of the CCC Report it states **“the Los Osos Water Recycling Facility (LOWRF), which allowed the community to essentially rid itself of individual septic systems and their adverse effects”** This is untrue! **Out of 5,500 or so residences in our town 1/3 of them remain on septic systems, they are still dumping nitrates and other pollutants into the aquifer.** Entire neighborhoods were left out of the Prohibition Zone. **(A grand example of policy making that adversely affects our town, just as the LOCP and the new GMO will do unless modified).**

One of these unsewered neighborhoods, Cabrillo Estates voted to be left out of the Prohibition Zone and it was allowed. In a 1985 newspaper article it stated that Cabrillo, way up on the hill was not in the same watershed as the poorer parts of town. And yes, their septic pollution was flowing downhill, but it was only polluting the ocean, as if that was a good thing. I was incredulous at the time and remain so. What divisive and foolish policy-making. In addition Watching mansions being build up there and on 1 acre lots throughout the building moratorium is a source of irritation for many. Now it has been found that nitrates, pfas, sucralose and other pollutants have turned up in a Golden State Water well and in S&T Water wells. Recently the County was asked by the Water Board to install three nitrate monitoring wells for this pollution plume and Supervisor Gibson, when asked said that the cost would be put onto our sewer bills! And then we learned that the County disagrees as to where the pollutants are coming from. I thought “seriously? We sewered folks have been paying for the \$200 million dollar sewer and now they want us to pay to clean up the the un-sewered folks’ pollution too?”

Residual nitrates from septic and noe sewered homes are still in the ground. Agricultural nitrates also add to the pollutant load. I contacted the Morro Bay National Estuary Program this week to ask about **nitrate levels coming from seeps to the bay on 4th street and was told the nitrate levels have not changed since the sewer went in.** It could be from homes in the prohibition zone that have still not hooked up added additional pollution along with the nitrates from thousands of now defunct

systems. In addition, new homes are being built and Cabrillo neighbors with failing septic systems must now use Onsite Wastewater Treatment Systems that still release 30% of the nitrates into our aquifer. (This info. came from a Water Board staff member at a LOCAC meeting) **I say No new nitrate releasing septs should be allowed and all homes must be hooked up to the sewer,** it only makes sense.

Cleath-Harris the contracted geologist company for the BMC does fine work and are trusted in our County. Nowhere in the Annual Reports do they say that our basin is no longer in overdraft, that all metrics have been met or that data proves that there is a sustainable water supply to support the existing population into the future, let alone new population. **Seawater intrusion is evidence of overdraft and we have plenty.** Since moving here in 1985, the seawater plume has moved inland 1.9 miles. High chloride levels are also evidence and are supposed to be at 100 mg/L they are at 199/mg/L.

We have been hearing “The aquifer not in overdraft” and it is “Trending towards sustainability” (First heard in a Water Board staff report) **nonsense from Supervisor Bruce Gibson for over a year and to now see the Coastal Commission repeating the same non-scientific verbage is truly disappointing. Our basin is OVERDRAFTED and has NOT recovered from decades of abuse. The word play gymnastics does not fix the problem, neither do two years of good rainfall. Remember, climate change is real as is sea-level rise.**

Now to address the weak attempt to inform and educate the community. At the recent CSD Utilities Committee meeting (Only three community members were present), committee members were asked to vote on signing a letter to support the new GMO which stated that our water supply was sufficient for new growth. Concerns were voiced by members and the public that once again the County was dumping this important item at the last minute just like the Title 19 update was dumped last-minute just before the holidays. Leaving the CSD without sufficient time to properly discuss. They were told that is was better to just sign it because the County was going to move ahead without the purveyor’s letter, so they might as well sign it. More than one committee member voiced that more time was needed to read the material, but in the end all except one voted to send the letter of support.

A few days later at the full CSD meeting, (Again three community members) and members also wanted more time, there were some good ideas put forth about the growth management ordinance, but they were told by the CSD Manager that it was too late and the letter was sent because the County had wanted it ASAP. Some of the CSD Board were very surprised. **(These meetings are not advertised well, and there are poorly attended, better outreach is needed)**

This is just a couple of examples of how our community and even its elected and volunteer representatives are left out of the loop by our County. I know the **Coastal Commission is firm in its belief in public participation**, if only that were so in Los Osos and SLO County.

At one of first BMC meetings I attended, myself and a neighbor were told by Supervisor Bruce Gibson that we were wasting time at a “business meeting” by asking questions. And that we should email the appropriate persons on the board before meetings. When I asked one of the board members if he was an appropriate person to email, he said “I don’t know”. We were also told to read the Basin Reports. (If you have read the Basin Reports then you know how large they are and overly technical for lay persons. The last one included the terms “kigering, isopleth and aquitard” my hydrogeologist friend had to look up “kigering”)

Our supervisor has not held in-person office hours in Los Osos for over three years, even though we have requested them. The BMC meeting is the only local, in-person venue that he attends and it is 1:30 in the afternoon. He is often in a hurry to leave and has asked that public comment be cut short to accommodate him. Thankfully Mark Zimmer of Golden State Water and Chuck Cesena have stood up for the public. Working folks are not able to attend unless they take time off and parents of young children would need childcare. Meetings are not well-advertised and updates are not easily accessible. There is a new BMC website, but the County website is not in sync with it, it is not well-known that there IS a new website. In posts we have made on social media about this upcoming CCC meeting people asked - “How come we didn’t know about the Community Plan and GMO?”. So as you can see it is difficult for our community to stay informed.

I have asked at several BMC, LOCAC and CSD meetings for informative, easy to understand, public outreach/education be available to the community. At a water board meeting one of the board members told our Basin Executive Director that they should be doing public outreach and

education. That has not happened in any meaningful fashion. I have volunteered to help a number of times, as a former outdoor science educator, scientific illustrator and graphic artist I have skills that could help.

When our Habitat Conservation Plan was adopted our community was given ample time to learn about the Plan and attend a Town-Hall type meeting in person with Q&A with County Staff, Fish & Wildlife and other officials. We would like the same courtesy with the Los Osos Community Plan. So many community members do not even know what it is, plus we have quite a few newcomers too. They also do not know about the vaguely worded GMO.

At meetings I have attended that do address the GMO (The last LOCAC meeting occurred when the town was having internet problems) what is talked about is 1% growth of SFRs, not how many multifamily units, commercial, restaurants, hotels and certainly not the **unlimited amount of 2 bedroom, 1 bath, wet bar, 2 car garage “guesthouses”**. These are all water-using buildings and **“guesthouses” are not required to retrofit 2:1 under Title 19**. Water use for landscape by each Los Osos residence and is also not addressed through any retrofit program - this equates to 25% of the water used from our basin. **Our Supervisor and County Staff say these mini houses are the same as adding a bedroom - I say with all confidence that this with utter hogwash! (See attached) Some are already being used as second residences. You, Coastal Commission explicitly told the SLO County Planning Dept. to “Not even consider” applications for water-using permits. (Please read Dan Karls’ stern letter to SLO County from April 19th 2022) Yet, SLO County thumbed their collective noses at you and these mini homes are popping up all over town. Most egregiously you, Coastal Commission told us that this was an illegal build. (see attached Tribune Article) and to seek legal counsel, which we did.** You did send a STOP WORK ORDER for this guesthouse to the County. We found out in court was never sent on to the owner. I am wondering why you didn’t check to see if your demands were followed.

You have made a complete 180 degree about face in regards to our water supply and call it an “evolution” in your thinking. How is it that you allowed citizens to waste an inordinate amount of time and \$70,000 trying to do the right thing for our water supply and uphold the Coastal Act and not have the decency to let us in on the game. You know, the one that was

being played with our Supervisor, our Groundwater Sustainability Directors, and SLO Planning for two years? **The judge at our lawsuit stated that main reason she did not decide in our favor, ESHA and the aquifer's favor was that she wanted to hear from the Coastal Commission and you refused to oblige.** (We WERE told by CCC staff early this year, two years into the lawsuit that we wouldn't want you to opine because of the EVOLUTION in thought).

So for all of the above reasons and especially the lawsuit debacle, **I implore you to postpone the vote** on the Los Osos Community plan and help to ensure that Los Osos is given the courtesy to learn about and be given answers to their questions. This needs to take place in an in-person town hall with Q&A and an option for ZOOM participation. And it needs to be thoroughly advertised to each and every community member.

Sincerely,

Rebecca McFarland

Illegal Guesthouse Article: <https://www.sanluisobispo.com/news/local/environment/article258220633.html>

Dan Karl Letter April 2022

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY
CALIFORNIA COASTAL COMMISSION
1215 FISH STREET, SUITE 200
SANTA CRUZ, CA 95060
PHONE: (831) 427-4840
FAX: (831) 427-4877
WWW.CALCOAST.CA.GOV

SHAWN NEWMAN, GOVERNOR



April 19, 2022

Trevor Keith, Director
San Luis Obispo County Department of Planning and Building
975 Osos Street, Room 200
San Luis Obispo, CA 93408

Subject: **New Development in Los Osos**

Dear Mr. Keith:

The purpose of this letter is to highlight issues of mutual concern as they relate to proposed development in the community of Los Osos. As the County is well aware, including from the County's designation of an LCP Resource Management System Alert Level III for water supply (i.e., where demand exceeds existing supply, and still does) and from the 2015 designation by the California Department of Water Resources of the Los Osos Valley Groundwater Basin as a high priority basin due to its "condition of critical overdraft", there is insufficient water supply to serve even existing development in Los Osos without coastal resource harm (including where an over-drafted groundwater basin can adversely impact sensitive natural resources such as wetlands and marshes, coastal streams and adjacent riparian areas, and marine habitats, as well as adversely impact coastal priority uses such as agriculture and lower-cost visitor-serving development), let alone adding to it new water using development. In addition, much of Los Osos is considered environmentally sensitive habitat area (ESHA) by the LCP within which most development, including residential development, is prohibited. This alone trips up most all residential development in Los Osos at varying levels. And finally, the County's wastewater treatment plant is prohibited from providing wastewater service to anything but existing development (and not to new development on existing lots)¹ unless and until the Estero Area Plan is amended to "identify appropriate and sustainable build-out limits, and any appropriate mechanisms to stay within such limits, based on conclusive evidence indicating that adequate water is available to support development of such properties without adverse impacts to ground and surface waters, including wetlands and all related habitats" as required by the Commission in Special

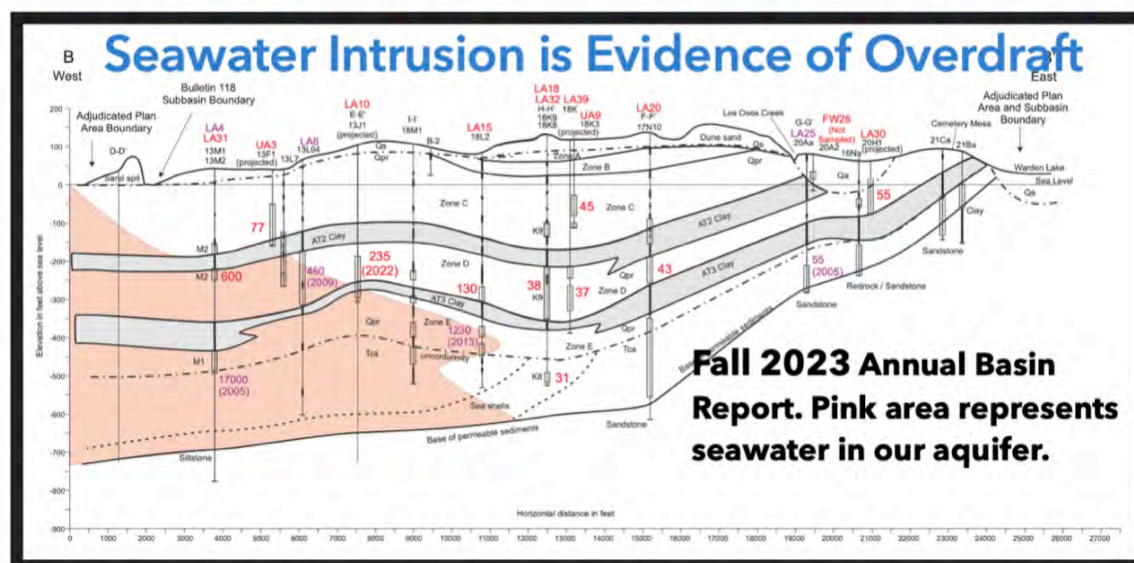
¹ As we have previously noted, the County is prohibited by CDP A-3-SLO-09-055/069 from providing wastewater services to new development on vacant lots, and that prohibition extends to intensifications of use. Specifically, the Commission has found that the CDP's prohibition on new wastewater service does not only apply to new development on completely vacant parcels, but also to projects that include significant intensifications of use and significant expansions on already-developed properties. The Commission has verified this understanding in multiple Los Osos appeal cases (see adopted findings for A-3-SLO-19-0180 (Shaw Development LLC (SPDs)), A-3-SLO-21-0055 (Kinbell Second Unit), A-3-SLO-21-0004 (Wise Second Unit), A-3-SLO-21-0007 (Bodine Second Unit), and A-3-SLO-21-0008 (Robertson Second Unit)). In short, the County is prohibited by the CDP from providing wastewater services to such development, including intensifications of use, and if the County were to provide such services, the County would be in violation of that CDP and subject to potential Commission enforcement action.

Table ES-2. LOBP Metric Summary			
Metric ¹	LOBP Goal	Calculated Value from 2023 Data	Change in Condition from 2022
Basin Yield Metric	80 or less	69	Decrease from 84 (improvement)
Water Level Metric	8 feet above mean sea level or higher	4.3 feet above mean sea level	Increase from 2.5 ft. (improvement)
Chloride Metric	100 mg/L or lower	199 mg/L	Increase from 184 mg/L (deterioration)
Nitrate Metric	10 mg/L or lower	14.2 mg/L (NO ₃ -N)	Decrease from 17.5 mg/L (improvement)



These are just some of the water using guesthouses, guesthouse/offices and studios that have popped up after CCC said they were illegal and not to "even consider".

LOS OSOS WE ONLY HAVE ONE AQUIFER - IT IS OVERDRAFTED



Jackson, Devon@Coastal

From: I caulfield <slocaul@gmail.com>
Sent: Thursday, June 6, 2024 6:26 PM
To: ExecutiveStaff@Coastal
Subject: Los Osos community plan

Hello

This is to advise the coastal commission staff that I am very concerned about approving further development and Los Osos given The fact that Our water basin continues to have saltwater intrusion and continues to be risk.

Please do not approve the community plan Until there is clear evidenceOf a reversal of salt water intrusion And a sustainable water supply.

Further, Los Osos residents Have not been given sufficient notice of this pending decision. Therefore I request you suspend any decision And ensure there is time for public education and notification.

Lee A Caulfield

748 Lilac Dr

Los osos ca 93402

Sent from my iPhone

RECEIVED

JUN -6 2024

To: The California Coastal Commission

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

June 5, 2024

Subject: San Luis Obispo County Local Coastal Program
Amendment Number LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)

Dear California Coastal Commissioners,

I'm a long time resident, and it's hard to understand the policy shift of the staff report since the April 19, 2022 letter to the County. The Basin plan is in its infancy. Is the County's housing push over-riding the importance of long term data and studied science analysis? Not everyone can contribute to housing in the same way, every community has their own set of resource limitations, and for Los Osos it's our single source aquifer. A few years ago when the Los Osos Community Plan was being discussed, the County assured us that build-out would only happen once the Basin was restored to a viable water source for the current population into the future.

More recently, the Basin Management Committee annual reports have characterized Basin conditions with a subjective spin towards graph projections into the future, neglecting the original management goal of appropriate safeguards. Adding water use too early in the Basin's restoration, along with the possible exasperation of drought conditions, and sea level rise, the basin could loose progress made to date. Being cautious and inline with our limited resources is critical, because the consequences are too great for the community. Two years of tremendous rain does not give certainty of this plan. The Basin has not recovered yet to the BMC Plan of safe levels of 8-12ft. (3ft. 7inches to go to get to 8ft.) Advancing Seawater Intrusion - Chlorides have almost doubled 184 (2022) to 199 (2023), along with being a sign of over-draft.

The water purveyors were told how many yearly builds of Single Family Residential category, though other building types: Low Income, Median, Multi-family, Commercial, Hotel growth, and Guest houses are defined more vaguely in terms of implementation. How can purveyors know if they can serve the growth ordinance with out a grasp of the overall amount and implementation?

Is it reasonable to expect that the percentage of building projects will fluctuate with the Basin conditions? - How will the brakes be put on development, especially if conditions worsen by long term drought and continued sea level rise that adds to advancing chlorides?

Does this plan take away all appeals with all building types? Will neighbors be able to voice negative impacts of projects around them? Along with adding population there will be much needed infrastructure with County agencies being participatory and accountable serving this under-served community. This will have financial impacts, is this defined well enough to move forward?

Half of our water use is pumped without metering, so private well's and Ag use metrics are based on modeling. One-third of Los Osos is un-sewered, and one-half of Los Osos is un-metered. Isn't it reasonable to expect these issues to be taken care of by hooking everyone up to the sewer, and metering private wells and Ag well before growth?

Not all areas of water quality degradation is from "legacy pollutants from decades of inadequate groundwater management". Leaching nitrate levels down hill from the Cabrillo neighborhood has degraded the water quality for purveyors S&T and Golden State. This nitrate problem shows that the interacted issues of waste water impacting groundwater basin are not resolved. Cabrillo needs to be tied into sewer system as a priority.

The use of water off-set programs are designed for water conservation, but does not warrant use as a method to justify permitting projects. Title 19 is not guaranteed 'water neutral' status - the metrics do not take into consideration the water-user, and properties change ownership and are remodeled over time. By adding water use of this scale - businesses, residents, and visitors equates to a range of additional high water demand.

The sustainability of the groundwater basin goes beyond the health of the Morro Bay estuary. Our Basin must be monitored by the most reliable indicators listed under the Sustainable Groundwater Management Act. SGMA standards do not incorporate sustainable yield estimates directly into sustainable management criteria. Basin wide pumping within the sustainable yield estimate is not a measure of sustainability. Additionally, SGMA defines Groundwater-dependent ecosystems (GDEs) as, *"ecological communities or species that depend on groundwater emerging from aquifer or on groundwater occurring near the ground surface."* The Morro Bay Estuary is a groundwater-dependent ecosystem through groundwater and surface water interactions. Pumping the upper basin will impact Groundwater-dependent ecosystems. There must be conclusive evidence for the persistence of legally protected Steelhead trout in Los Osos Creek, and other groundwater-dependent species. A 2019 field study shows Steelhead only detected in small area of upper Clark Valley, and in Warden Creek.

Commissioners, please do not support the staff report. Current residents need certainty of a viable water source into the future before opening the taps to this growth plan. I'm asking for continuance for better evaluation.

Sincerely,
Lisa Denker
Baywood Park

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Thursday, June 6, 2024 8:33 AM
To: Jackson, Devon@Coastal
Subject: Fwd: Los Osos Water Supply

Get [Outlook for iOS](#)

From: james ratner <jimsonrat@yahoo.com>
Sent: Thursday, June 6, 2024 8:32:28 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Cc: james mealy <jimsonrat@yahoo.com>
Subject: Los Osos Water Supply

The Los Osos water supply is in the process of becoming stable, but it is not there yet. As a Los Osos resident, we need more time before we allow more houses to be built in Los Osos. Even a slow buildout of properties will put the water supply in further peril. Please do not allow further development until the water supply is stable.

Additionally, it makes no sense to move forward until all wells are metered. Larger homes and farms are not metered and thus cause an unknown amount of harm to the water supply. It makes no sense to make any decisions involving water supply until we know how much water all uses are drawing.

Thank You.

Bryan Mealy
381 Woodland Dr
Los Osos, CA 93402

Happy fun stuff: <http://www.academoniac.com>

*People don't abandon the people they love;
they abandon the people they are using.* goodbyejournals

*You will never forget a person who
came to you with a torch in the dark.* ~M.Rose

*The truth is that all people having power ought to be
be mistrusted.* James Madison (with gender neutrality)

*"Our greatest fear should not be of failure
but of succeeding at things in life that don't really
matter."* Francis Chan

Jackson, Devon@Coastal

From: Elizabeth Karsh <eakarsh@gmail.com>
Sent: Thursday, June 6, 2024 4:12 PM
To: ExecutiveStaff@Coastal
Subject: Los osos building moratorium

Please consider postponing this vote until more questions are answered on the sustainability and there is an allowance for community input.

Thank you.

Elizabeth Karsh

Jackson, Devon@Coastal

From: Pernille Kruse <pernille.kruse@icloud.com>
Sent: Thursday, June 6, 2024 5:51 PM
To: ExecutiveStaff@Coastal
Subject: Agenda Item 14 on Thursday 6/13

Please postpone the vote on the lifting of the building moratorium until we can get the full details.

Thanks,
Pernille Kruse

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Thursday, June 6, 2024 3:43 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: I don't do facebook but would like to join arroyo grande events to help I am a senior and do not crochet but can cut and do novice needs for first time volunteer and grow to help thank you <lb593522@gmail.com>

Sent: Thursday, June 6, 2024 3:22 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Sent from [Mail](#) for Windows

Linda and Gene Burris at 1132 First Street Los Osos CA

There isn't enough water no matter what is stated and more building will be a mistake as it has been in the past. I believe that \$\$\$ is the issue here for people who want to build and have waiting for their opportunity. People don't follow the rules when building and is someone going to monitor? Los Osos is ALREADY overcrowded so now building on vacant lots and allowing builds is WRONG for our community. There isn't enough water or supervision on what will be built. Getting something passed and then we are stuck with the problems after the building has begun. We are NOT in favor or more building when what is already here isn't handled correctly as I see buildings without permits in our county and have called my neighbor on just that as he did not have a permit to build a HUGE shed next to our property thankfully he now has a stop order put on his build thanks to my calling and the code enforcement officer Daniel Del Rio doing his job pronto which we are thankful for as my neighbor is NOT in compliance. DO NOT stop the moratorium without a lot more input for the homeowners and time to assess all that is proposed. Same as sewer issue we have a say thank you for your time and we hope to find a reasonable solution for all. Gene and Linda Burris

Jackson, Devon@Coastal

From: Art Lindsay <art_lindsay@me.com>
Sent: Thursday, June 6, 2024 5:41 PM
To: ExecutiveStaff@Coastal
Subject: Los Osos Community Plan

I am submitting this email because I will be out of town on the date of the meeting so I cannot attend. This is to request for more time to complete a more thorough review of the issues and decisions re: the Los Osos Community Plan. The current proposal and schedule seems to be a hurry & bury strategy employed by the county to evade the serious questions and issues needing to be addressed. The citizens of Los Osos are asking many questions about seriously legitimate issues absolutely needing to be addressed in any community plan. That they haven't been acknowledged and we need to placate for them borders on ineptitude or worse.

Please delay any procedural vote on this until the scientifically legitimate questions have been adequately answered.

Sincerely,
Art Lindsay
2330 Glenn St
Los Osos, CA 93402
(661) 205-4911

Sent from somewhere, going, coming, or stuck in traffic.

Jackson, Devon@Coastal

From: Patrice Promack <ppromack@yahoo.com>
Sent: Thursday, June 6, 2024 11:09 PM
To: ExecutiveStaff@Coastal
Subject: Agenda item T14a Amendment number LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

To all members of the California Coastal Commission:

Please extend the deadline for final commission action on this amendment. There is a great deal that needs to more fully understood to determine the true consequences of lifting the building moratorium in Los Osos. There is not yet proof that our water basin is sustainable. The water level needed to serve existing residences is inadequate, and chlorides and seawater intrusion are increasing. Although more housing is needed in the county of San Luis Obispo, we need a truly sustainable water supply before additional homes can be built in Los Osos.

Please postpone your decision on this amendment, to allow more time for public input. Please also take into account the contents of the letter from Emily Miggins and Ronald Smith that was submitted to you as a comment on this Amendment.

Thank you for postponing your decision.

Sincerely,

Patrice Promack

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Thursday, June 6, 2024 3:42 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: Rob Fisher <rfisher71@gmail.com>
Sent: Thursday, June 6, 2024 3:38 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

I respectfully request that this agenda item be postponed for six months in order to give the Los Osos community time to study the proposal.

This proposal should not be rushed through without a chance to verify and/or challenge the conclusions.

There is no doubt that the water supply aquifer is in an overdraft condition on a five year rolling average basis.

If the conclusions of the proposal are valid, there will be no harm in waiting six months to consider it. If the conclusions of the proposal are invalid, then the harm in approving the proposal is permanent.

Sincerely,

Rob Fisher
Los Osos, CA

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Thursday, June 6, 2024 9:58 AM
To: Jackson, Devon@Coastal; Moroney, Ryan@Coastal
Subject: Fwd: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

No stamp needed

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From: Robin McPeak <mcpeakchina@gmail.com>
Sent: Thursday, June 6, 2024 9:44 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Dear Commissioners,

I am writing to ask the Commission to **extend the time limit to act** on San Luis Obispo County Local Coastal Program Amendment Number LCP-3-SLO-21-0028-1-Part G to September 30, 2025.

The basis of Commission staff's recommendation to approve San Luis Obispo County Local Coastal Program Amendment Number LCP-3-SLO-21-0028-1-Part G is imprecise. This is because Commission staff used the Los Osos Basin Management Committee's (BMC) sustainable yield metric as the measure of groundwater basin sustainability (Staff Report, page 3).

Ten years ago California enacted the Sustainable Groundwater Management Act (SGMA) to manage the state's groundwater in a sustainable manner. Today the majority of the over-drafted water basins are now being successfully managed under SGMA which does not incorporate sustainable yield estimates as a measure, or proof of, a basin's sustainability (Department of Water Resources Sustainable Management Criteria Best Management Practice, page 32). Furthermore, the Los Osos Basin Plan (LOBP) Table ES-2 for 2023 shows there was an increase in chloride levels (Goal: 100 mg/L or lower. Calculated value: 199 mg/L in 2023. Increase from 184 mg/L in 2022) showing that there is a worsening in seawater intrusion. SGMA considers seawater intrusion as a negative sustainability indicator (Department of Water Resources Sustainable Management Criteria Best Management Practice, pages 4 and 5).

The Los Osos BMC, and Coastal staff, did not follow the respected and established SGMA protocol when making their determination of the adjudicated Los Osos groundwater basin's sustainability and its ability to tolerate population growth. This leaves questions as to the accuracy of their data and conclusion. I believe the proper course of action is for the Commission to **vote for a continuation** to September 30, 2025 and have a certified hydrogeologist assess our groundwater basin, the only source of water for Los Osos. The report should be signed by the certified hydrogeologist along with their professional seal. This will result in an impartial report issued by an independent third party authority. It would give confidence to the community that your decision on our Community Plan was made with valid information.

Sincerely,

Robin McPeak
Los Osos

Sent from my iPhone



JUN -6 2024

June 5, 2024

California Coastal Commission

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Hearing date June 13, 2024

Item 14: San Luis Obispo County Local Coastal Program Amendment Number
LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)

Dear Commissioners:

We urge a very cautious approach in moving the Los Osos Community Plan forward. Your staff report notes the unclear and confusing status of the Plan in relation to the LCP and the Estero Area Plan. What is missing and sorely needed is: "...a clear, succinct, and directive set of policies that address today's understanding of core water, wastewater, and habitat protection issues" (Staff Report, p. 22).

While current usage is estimated at 69% of the estimated sustainable yield of 2,380 AF/y, the levels of chloride and nitrate are important indicators of basin health.

"And while the BMC's 2023 report shows that the chloride and nitrate metrics are above target values (with two of the four chloride-monitoring wells above the 100 mg/l target (at 211 mg/l and 346 mg/l respectively), and four of the five nitrate-monitoring wells above 10 mg/l (for an average of about 14 mg/l))...." (Staff Report, p. 23).

While the Basin Management Committee expects these metrics to vary but to be trending lower, we have concerns about this casual approach to chloride levels. In comments in 2021 we expressed concerns that the levels that had trended down in 2017/18 moved up again through Spring of 2020 and are even higher now at 346 mg/l.

"Water Level and Chloride Metric trends from spring 2020 show that seawater intrusion is advancing in lower aquifer Zones D and E. After showing signs of improvement in 2017 and 2018, the Chloride Metric, which the BMC uses as an indicator of seawater intrusion, has risen from 145 mg/l in fall of 2018, to 163 mg/l in fall of 2019, to about 180 mg/l in spring of 2020, indicating worsening conditions (WL and CL Metrics, Spring 2020 Draft)" (Santa Lucia Chapter Comments, 2021).

Specific policies and goals should be identified in the Community Plan to guarantee that as water usage rises, chloride and nitrate levels will actually trend down. Clear metrics should be identified and adopted that guarantee that chloride levels will not rise above a defined level and, at that point, pumping will be cut back. If water quality declines as use increases, there are no alternative water supplies available.

Your Commission has unquestionably been an important backstop preserving marine resources, wetlands, and environmentally sensitive habitat areas (ESHAs) and overseeing the health of the basin



SIERRA CLUB
SANTA LUCIA

for the benefit of the environment and the residents by requiring the new development be served by an adequate water supply.

A readable accurate Plan in plain language would be beneficial to all and more likely to achieve the goals of environmental enhancement and a reliable stable water supply.

Kind regards,

Susan Harvey, Chair
Conservation Committee
Santa Lucia Chapter, Sierra Club

Santa Lucia Chapter of the Sierra Club
P.O. Box 15755, San Luis Obispo, CA 93406
(805) 543-8717
Sierraclub8@gmail.com

Jackson, Devon@Coastal

From: Meg Syfan <msyfan@protonmail.com>
Sent: Thursday, June 6, 2024 3:55 PM
To: ExecutiveStaff@Coastal
Subject: Thursday 14a Syfan

Dear Coastal Commission Staff,

I ask that you consider postponing your approval of the Los Osos Community Plan until 2 important conditions are met.

1. The majority of Los Osos residents must have an opportunity to learn about the Los Osos Community Plan, the Coastal Commission Staff Report and it's potential ramifications.
2. There is confirmation that the Groundwater Basin can support the existing population.

I have done my best to stay up to date with the decisions being made regarding the Los Osos Aquifer and possible development. I have shared information about the decision of the Coastal Commission to accept the Community Plan to several people in Los Osos and they have no idea what I'm talking about. This leads me to believe that most of the residents in Los Osos are unaware of this very critical decision and more effort needs to be made to inform them before making this decision.

I am also opposed to the County Board of Supervisors decision accepting the map for 97 homes that are proposed to be built on the driving range at Sea Pines Golf Course. I urge you to have some language in the Community Plan that states that (upon proving with **Sufficient Data** that the aquifer is sustainable) if any development were to occur in Los Osos, that the individual lots have priority over a tract home build out.

Also, the email link on your website for how to email a written comment is not working properly. The last letter "v" in gov does not appear in the address and I had to put it in manually.

Thank you for your consideration,

Meg Syfan
Los Osos Resident

"Refuse, Reduce, Reuse, Recycle, Rot"
Bea Johnson - Zero Waste Home

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Wednesday, June 5, 2024 1:53 PM
To: Moroney, Ryan@Coastal; Kahn, Kevin@Coastal; Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: Elaine Watson <elaine.watson@charter.net>
Sent: Wednesday, June 5, 2024 1:51 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Commissioners:

Los Osos Sustainability Group has been coming before this Commission and Staff for something close to 20 years making essentially the same request, the same ones memorialized in Condition 5/6 of the CDP.

We, as should everyone dealing with a finite resource, believe the Precautionary Principle must apply. Our basin, as you well know, is a finite resource historically threatened by overuse and the resultant SWI. Now we're before you again asking you to seriously and with all due diligence, prohibit any and all new development until there is conclusive evidence our basin will sustainably support the existing population well into the future before permitting more water use or users.

In spite of very significant effort by LOSG, the BMC, primarily controlled by the County, has done practicably nothing to improve metrics and/or other means to accurately assess sea water encroachment. Requests to meter basin-wide water users, a practice being implemented in other water challenged areas around the state, coupled with repeated requests to maximize all conservation measures have been met with silence or, at most, perfunctory lip service, both of which point to bureaucratic indifference/lassitude. There is, however, apparently, a plan to solve this dilemma. Build a pipeline to Morro Bay in order to buy some of their State Water allotment. Many problems follow. For starters Morro Bay residents are very opposed, the \$8M or whatever the cost will be (as we know, probably much more) plus the cost for that very expensive water will be borne by the already overburdened rate payer. Overburdened with historical inflationary costs of nearly everything. This is yet another infrastructure project, purported to solve a problem that simply, functionally, feeds the said bureaucratic system and its contractors. There's also the very real issue of predicted future droughts and the availability of often over sold State Water. Something like this should be a very last ditch effort, not a band-aide for poor oversight and irresponsible decisions.

Please, reel this back to the foundation of all our efforts - to prioritize policies that ensure the health and sustainability of this basin. Of course it's complicated and requires much due diligence, but it's also a very simple guiding principle.

We understand the political pressures you are under and the impulse to acquiesce, but this basin – and its residents – depend on your decision. That's a huge responsibility, the consequences of which will last lifetimes.

Elaine Watson
Board Member, LOSG
elaine.watson@charter.net



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June 4, 2024

VIA EMAIL

Mr. Ryan Moroney
California Coastal Commission
Central Coast District
725 Front Street, Suite 300
Santa Cruz, CA 95060
Ryan.Moroney@coastal.ca.gov

Dear Mr. Moroney:

LCP-3-SLO-21-0028-1-PART G LOS OSOS COMMUNITY PLAN

The California Geologic Energy Management Division (CalGEM) appreciates the opportunity to submit comments on the project referenced above (Project).

CalGEM's authority is set forth in Division 3 of the Public Resources Code (PRC), and of the California Code of Regulations, title 14, (CCR). PRC section 3208.1 establishes well re-abandonment responsibility when a previously plugged and abandoned well may be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, or geothermal wells.

CalGEM has reviewed the Project. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, CalGEM provides the following information.

Our records indicate there are oil, gas, or geothermal wells located in and around the City of Los Osos. For comment and well review for future development on parcels where wells are located, please contact CalGEM. Records and locations for oil, gas, and geothermal wells located in California are available online at <https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx>

CalGEM categorically advises against building over, or in any way impeding access to oil, gas, or geothermal wells. Access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure. Items that can affect well access include, but are not limited to,

State of California Natural Resources Agency | Department of Conservation

Northern District

Orcutt Office and Mail: 195 S. Broadway, Suite 101, Orcutt, CA 93455 | T: (805) 937-7246 | F: (805) 937-0673

Sacramento Office and Mail: 715 P Street, MS 1803, Sacramento, CA 95814 | T: (916) 322-1110 | F: (916) 445-3319

Ventura Office: 1000 S. Hill Road, Suite 116, Ventura, CA 93003 | T: (805) 937-7246 | F: (805) 654-4765

Ventura Mail: 195 S. Broadway, Suite 101, Orcutt, CA 93455

conservation.ca.gov

Mr. Ryan Moroney

June 4, 2024

buildings, housing, fencing, hardscape, landscape, trees, pools, patios, sidewalks, roadways, parking lots, waterways or channels, and decking. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access.

There are no guarantees a well abandoned in compliance with current CalGEM requirements will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. CalGEM acknowledges wells plugged and abandoned to the most current standards have a lower probability of leaking in the future, however there is no guarantee that such abandonments will not leak.

CalGEM advises that all wells identified on development parcels prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to CalGEM in Latitude and Longitude, NAD 83 decimal format. CalGEM expects any wells found leaking to be reported to it immediately.

PRC section 3208.1 gives CalGEM the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Failure to plug and re-abandon a well may result in enforcement action, including an order to perform re-abandonment well work, pursuant to PRC section 3208.1, and 3224. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

1. **The property owner** - If the well was plugged and abandoned in conformance with CalGEM requirements at the time of plugging and abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.
2. **The person or entity causing construction over or near the well** - If the well was plugged and abandoned in conformance with CalGEM requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

Mr. Ryan Moroney

June 4, 2024

3. The party or parties responsible for disturbing the integrity of the abandonment -

If the well was plugged and abandoned in conformance with CalGEM requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

To view PRC section 3208.1 in its entirety, please visit:

<https://www.conservation.ca.gov/index/Documents/CALGEM-SR-1%20Web%20Copy.pdf>

No well work may be performed on any oil, gas, or geothermal well without written approval from CalGEM. Well work requiring written approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other abandonment or re-abandonment work. CalGEM also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR section 1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e., casing cut down or casing riser added) to meet this regulation, a permit from CalGEM required before work can start.

CalGEM makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, CalGEM recommends that information regarding any identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.
2. CalGEM recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC section 3106, CalGEM has jurisdictional authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources, damage to underground oil, gas, and geothermal deposits, and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to CalGEM's authority to order work on wells pursuant to PRC section 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC section 3236, 3236.5, and 3359 for violations within CalGEM's jurisdictional authority. CalGEM does not regulate grading, excavations, or other land use issues.

Mr. Ryan Moroney

June 4, 2024

If during development activities any wells are encountered that were not part of a construction site well review, a CalGEM engineer in the Northern District - Orcutt office is to be notified immediately, and an amended site plan with well casing diagrams for CalGEM review shall be filed. After appropriate review, the District office will send a follow-up well evaluation letter to the property owner, applicant, and local permitting agency.

Thank you for considering the CalGEM's comments. If you have any questions, please contact our District office at (805) 937-7246 or via email at

CalGEMNorthern@conservation.ca.gov

Sincerely,

A handwritten signature in black ink that reads "Trey Powell". The signature is written in a cursive, flowing style.

Trey Powell
Northern District Deputy

ZN:ji:kv

cc: CentralCoast@coastal.ca.gov
Chrono
CSWR

**Request for Continuance of Decision – San Luis Obispo County Local Coastal Program
Amendment Number LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)**

From: Emily Miggins and Ronald Smith
To: California Coastal Commission (CCC), email transmission

RECEIVED

Date: June 4th, 2024

JUN -4 2024

Dear California Coastal Commission,

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

We are writing to respectfully request a continuance of the Coastal Commission's consideration of the Los Osos Community Plan (LOCP) currently set for June 13th, 2024.

Reasons for Continuance

More time is needed for expert consideration of the complex water supply issues: The Coastal Commission staff has been working on the complex issues implicated by the County's proposed major revisions to the Estero Bay Area Plan, particularly those associated with the LOCP. Whereas the Commission Staff and the County have been working on this issue for months if not years, the public has only been presented with the technical reports and the Commission's analysis for just a couple of weeks. As a result, the public has not had adequate time to retain experts to thoroughly analyze and comment on the complex and vexing water supply issues that have resulted in a virtual ban on new water- demanding construction in Los Osos for the past decades.

Need for More Public Input: The current proposal for the LOCP and growth management (GM) has not received sufficient public input from the citizens of Los Osos. A continuance would allow for additional community outreach and education efforts, ensuring a more informed and inclusive decision-making process. An open house or Town Hall with CCC staff and the County of San Luis Obispo Planning Department and Los Osos Basin Management Committee would be an excellent way to garner true, transparent governance and most importantly community based scientific input.

Potential Impacts Require Further Scrutiny: The potential environmental and social impacts of the LOCP are potentially irreversible and therefore require thorough analysis and public input. A continuance would allow for more time to assess these impacts and explore potential mitigation strategies and garner community support for how growth will be managed by the County of San Luis Obispo.

- There are many subject matter experts that live in the community of Los Osos, such as hydrogeologists, geologists, environmental scientists, ecologists and engineers and regional academics in these fields that work full time and cannot attend Basin Management Committee meetings that occur during the day. While the LO Community Service Utility Committee meeting is held during evening hours – the CSD is a utility that serves a very small percentage of the water users in our community.
- There have been no concerted efforts by the CSD Board or County BMC & Planning to reach out to local citizens to discuss the new Community Plan in light of the County and Commission's freshly minted water supply analysis. Instead, these matters have been discussed at Board Meetings that do not encourage or even allow free opportunity to openly ask questions without the constraints of the Brown Act. For example, there was a very well attended open house held in 2019 with County Planners and their consultants, and

Request for Continuance of Decision – San Luis Obispo County Local Coastal Program Amendment Number LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)

California Fish & Wildlife and U.S. Fish & Wildlife representatives, regarding the draft Los Osos Habitat Conservation Plan and Environmental Impact Report. Many community and county stakeholders attended this meeting, in fact it was standing room only at the meeting, so the government professionals and consultants could engage deeply with concerns in the community and stakeholder groups. There were even in person follow up meetings with stakeholders such as Fire Safe Council. No such meetings have been held to discuss the important issues that are raised by the Commission's analysis and conclusions concerning the health of Los Osos groundwater and the evidence that allegedly supports the conclusion that sea water intrusion has been adequately curtailed.

Some of the Specific Concerns:

- The LOCP has both potential positive and negative impacts with an increase in population – an increase in housing but also water use demand and traffic congestion, how can the citizens of Los Osos be assured that there will be sufficient human resources to protect against wildfire, including appropriate care and restoration for drought parched coastal chaparral and its potential conflagration (as discussed during the Los Osos Fire and Emergency Preparedness Townhall in 2019)? We have had no large-scale public town halls since this time or regular smaller routine focus group meetings with CALFIRE.
- There are essentially no well-advertised local public forums for the citizens of Los Osos to engage in community-based initiatives and issues, such as LOCP. Los Osos has a Community Advisory Committee (LOCAC) and is attended by a county supervisor (District 2), but most Los Osos are unfamiliar with LOCAC because the meetings are essentially unadvertised, and our county supervisor has not held open “Los Osos Office Hours” the past few years. Ideally the LOCAC meetings would be advertised on social media platforms like Facebook group Support Los Osos and NextDoor, or noticed in our local newspaper Estero Bay News, or in the mail (e.g., a “postcard drop” or a notice in our water bills) and our “Los Osos Office Hours” would resume.
- What are the qualifications and backgrounds of the staff behind the technical recommendations in growth management? For example, the annual basin reports published by the Los Osos Basin Management Committee are verified/approved by a certified professional hydrogeologist. Why is there no ‘citizen at large’ representative on our Basin Management Committee working with our ‘Water Master’?

Measurement Matters:

Is Staff's current conclusion that groundwater supplies in Los Osos are “trending towards sustainability” a *scientifically defensible* proposition? This conclusion would mean that Los Osos is open for new water use consumption despite the monitoring data showing seawater intrusion (i.e., chloride content in drinking wells) continues to rise?

- What within the adjudicated basin metrics supports the statement “trending towards sustainability”?
- What is behind the technical recommendations in the LOCP – and over what period were they developed?

Request for Continuance of Decision – San Luis Obispo County Local Coastal Program Amendment Number LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)

As scientists we find “big picture decision making” for sustainability to be a risky proposition. For approximately the last decade there have been four groundwater metrics and goals for the BMC, regulatory agencies, and the public to evaluate the “health” of the Los Osos groundwater basin “through objective, numerical criteria that can be tracked over time.” These include metrics for basin yield, water level, chloride, and nitrate. The goal for the basin yield metric has been met seven of the last nine years, but **the goals for the water level, chloride, and nitrate metrics have never been met.**

While the nitrate metric goal has not yet been achieved, at least the nitrate levels have steadily decreased over the last seven years. As one would expect, the water level metric is sensitive to precipitation and recharge, and we saw a nice increase in water levels the last two above-average precipitation years. The chloride metric, on the other hand, has been variable the last nine years, but not trending in any direction. The 2023 Basin Report showed once again an increase in chloride levels. According to the most recent draft 2023 Basin Report “seawater intrusion is a major concern for the Lower Aquifer. The seawater intrusion front corresponds to the position of the 250 mg/L chloride concentration isopleth, which has been advancing inland for decades, and continues to advance under current Basin conditions, based on the monitoring program data. A significant reduction in Lower Aquifer production in the Western Area, together with other LOBP programs, is necessary to halt, slow and/or reverse intrusion.”

A number of **important questions** have not been addressed by the Staff Report:

- How will a moderate to extended drought impact the metrics that are behind the technical recommendations for growth management? The BMC basin yield and water level metric are sensitive to drought (or lack of recharge) and could trend “in the other direction” during drought.
- Saltwater intrusion into the Los Osos groundwater basin is a huge concern, how will an increase in population and water demand impact this? Title-19 retrofits do not negate the total water use footprint each new citizen can create like landscaping (think grocery store operations, restaurants, bars, coffee houses, cars washed, visitors hosted, and new vegetable and fruit tree gardens watered, specialty crop acreage added, hobbyist livestock operations established, hot tubs installed and even the perennial issue of illegal VRBO’s operated and Guesthouses illegally occupied as fulltime living accommodations.)
- What is the plan if trends reverse, and we start “trending towards unsustainability?” Will the BMC or County Planning have the power to immediately stop development and rescind already issued building permits?
- How much actual development will be generated under the Staff’s proposed 1% growth scenarios? Are commercial builds, ADUs, Guesthouses and/or affordable housing projects subject to or exempt from the 1% cap?

Benefits of Continuance:

The decision before you are a major land use decision that would affect the health and welfare of the Los Osos Community for decades to come. Increase in water consumption could effectively compromise the groundwater basin by accelerating seawater intrusion. By granting a continuance and taking steps with the County of San Luis Obispo to engage in depth with the community of

**Request for Continuance of Decision – San Luis Obispo County Local Coastal Program
Amendment Number LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)**

Los Osos at a public forum where a sincere Q&A can be had, the Commission can ensure a more robust and well-rounded decision-making process. This will ultimately lead to growth management that better serves the needs of the community and protects the delicate coastal environment and resources in Los Osos without the risk of further contaminating our only source of drinking water. We would like to remind the Commissioners, and hardworking Planning Staff that changing only when you have to usually means it's too late. If you don't anticipate the future, you will be run over by it.

Again, we strongly urge Commissioners to practice good governance and uphold Coastal Commission values of *strong public participation, education, and effective intergovernmental coordination* by facilitating open transparent communication via a public forum to interact with our community scientifically, and socially as with the previously mentioned example regarding the Habitat Conservation Plan open house.

We are available to discuss our concerns further at your convenience as well as offer suggestions for solutions for community engagement. Please feel free to contact us at 510.292.9078 or LosOsans4GoodGovernance@gmail.com.

On behalf of **Los Osans for Good Governance®**, thank you for your time and consideration,

Two handwritten signatures in blue ink. The first signature on the left is 'EM' for Emily Miggins. The second signature on the right is 'RS' for Ronald Smith.

Emily Miggins, Environmental Scientist & Sustainability Strategist

<https://www.linkedin.com/in/emilymiggins>

Ronald Smith, M.S. Hydrogeology

<https://linkedin.com/in/geomechanic>

From: CentralCoast@Coastal
To: Moroney_Ryan@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).
Date: Tuesday, June 4, 2024 1:47:52 PM

From: Eve Gruntfest <evegruntfest@icloud.com>
Sent: Tuesday, June 4, 2024 1:46 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Subject: San Luis Obispo County Local Coastal Program Amendment Number
LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)

Dear Coastal Commission Staff Members and Commissioners,

I am an avid fan of the Coastal Commission and I appreciate the difficult challenges you and the staff face on a daily and intensifying basis in managing competing short and long term objectives and maintaining public access with careful attention to natural areas.

The Los Osos Community Plan should not be approved until two important conditions are met:

1. The majority of Los Osos residents must have an opportunity to learn about the Los Osos Community Plan, the Coastal Commission Staff report and its potential ramifications; and,
2. There is confirmation that the Groundwater Basin can support the existing population.

Most people in Los Osos had no involvement (or awareness) of the Los Osos Community Plan in 2020 when it was last approved by the SLO County Board of Supervisors and the Planning Commission. In the past four years many people have moved to Los Osos and there is no mechanism for them to have learned about the existence of the Los Osos Community Plan. The narrow 3 week timeline between the release of the Coastal Commission Staff report and the potential approval of the Los Osos Community Plan is unacceptable if the Coastal Commission genuinely wants public involvement.

The Coastal Commission needs to require that the County offer a series of public awareness meetings to share the details and importance of the Los Osos Community Plan with local residents. As someone who has participated in the Los Osos Community Advisory Council, the Basin Management Committee and other small committees I know how limited the local involvement and awareness of the land use and water issues have been.

While the outcome may not change and the Staff recommendations may be approved by the Commission, it is prudent to open the conversation among the interested parties of 15,000 current residents. After the 40 year moratorium and five years since the last mention of the Local Community Plan - there is no urgency to rush the Coastal Commission decision in three weeks.

Since it appears that the county will be the responsible entity for managing the permitting process - public meetings can help with clarification of how the County staff will manage the new building. Which lots will be prioritized (will there be systematic consideration based on placement on the "waiting list", where will the multi-family housing developments on the waiting list be prioritized, and how will building permits on the properties outside the prohibition zone be permitted. It is unacceptable to move forward without offering broad community involvement.

2. A content analysis of the recorded Basin Management meetings shows that the main goal of the Basin Management Committee was to interpret what is known about the Los Osos Basin to assure that it was sustainable and that new building should be permitted.

There was no commitment to learning more details about the Basin. There are so many uncertainties that have not proven that the Basin can support the current population, let alone, authorize additional building.

For years, every other meeting was "canceled". Questions about the number of "straws" in the aquifer, especially related to agricultural or large unmetered lots, the contamination of the S& T well by the nitrates in un-sewered Cabrillo Estates and the saltwater intrusion that

will intensify with sea level rise were brought up but words like “hopefully” and “improved” were used and these essential issues were never addressed. From the evidence, all of the active stakeholders on the Basin Management Committee acknowledged that nitrates from Cabrillo Estates contaminated the S&T well (s). If the Committee members were serious about protecting the Los Osos Groundwater they would have addressed this problem head on - and not authorized more expensive studies to consider other possible sources of the contamination.

I have not met one person who can explain how the “offset” program allows for thousands of new residents without adding any water demand. How can the Coastal Commission staff “know” that the addition of 800 new residents in the proposed Multi-Family Housing south of Morro Shores will not cause more irreparable harm to Los Osos’s sole water source? Magical thinking seemed pervasive.

At the close of the first quarter of the 21st century engineers and scientists on policy making bodies like the Los Osos Basin Management Committee, the Los Osos Community Services District, the Regional Water Quality Board (that established the moratorium in Los Osos) and even the California Coastal Commission are interpreting science in ways that are influenced by wishful thinking, not just by scientific interpretation of the best available data. With climate change -it is NOT the time for wishful thinking - it’s time for careful risk management of precious water resources.

It is disturbing that the Coastal Commission Staff so powerfully wrote about the status of the groundwater in their April, 2022 letter to the County stating that no building could occur would also be convinced 2 years later that in 2024 the conditions had improved so much that building should commence.

Talk of an intertie or some other pipeline and talk about a pipeline also require “magical thinking” intensified by the one year of rainfall. It is nonsense that there will be state water available for tiny Los Osos. How is it possible that Los Osos could effectively compete (or afford to even try to compete) with the larger cities and towns once the competition for newer water sources occurs? Many much larger municipalities will be much higher on the priority list for water during droughts and some of them will not be able to get water.

Why is the extensive conservation by current Los Osos residents being used to punish them by allowing more stress on the Basin. As others have stated - Los Osos did not radically alter their water usage to allow new residents. They reduced their usage because they knew that it was necessary to assure that THEY would have water in the coming years.

As unincorporated San Luis Obispo County, Los Osos already has difficulties with crime, drainage and flood control, traffic and a huge lack of enforcement of existing codes because of limited County resources that are allocated elsewhere. Supervisor Gibson’s main job at many Los Osos Community Advisory Council meetings is to say NO to the growing number of funding requests for parks, road maintenance, and general upkeep because of limited and diminishing county funds. What guarantee is there that managing growth and the implications of growth (including the wishful thinking that the permitting will stop if/when it is determined that nitrates, seawater intrusion, and/or drought no longer support the permitting) will not be subject to the same lack of necessary resources?

In addition to these 2 items:

- a. Please recognize that Los Osos has limited road access. There are only 2 routes out of Los Osos: Los Osos Valley Road to San Luis Obispo or South Bay Boulevard to Morro Bay. The proximity of Diablo Canyon Nuclear Plant and the increasing threat of wildfire in and around Los Osos compound the risks of substantially adding to the population. Los Osos has a large senior population that will be unable to evacuate quickly enough if a major fire or other incident occurs.
- b. The Coastal Commission Staff states that much of Los Osos, and particularly the 56 acres south of Morro Shores Mobile Home Park, was considered ESHA, and therefore was unsuitable for development.

Suddenly during the approval of the Community Plan in 2020 the SLO County Planning Commission asked the County Planning Department to modify the draft Plan so that the final approved Plan does not have any maps showing much of the ESHA lands

The county acknowledges that Los Osos has fewer acres per person of parks than most of the rest of San Luis Obispo County. Working with the Land Trust, Audubon Society and others establishing a dog park and other recreational opportunities in the open spaces would be a wiser long term solution for maintaining the aquifer than adding 800 people. Paving and rooftops will greatly reduce the aquifer recharge that occurs when the open space can absorb rainfall. The urbanization will send the runoff and pollution into Morro Bay.

Thank you for your consideration of these elements.

Sincerely,

Eve Gruntfest, Ph.D. geographer
evegruntfest@gmail.com

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Thursday, May 30, 2024 3:03 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

From: office bearvalleyre.com <office@bearvalleyre.com>
Sent: Thursday, May 30, 2024 2:53 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Dear committee,

[Please act and lift the building moratorium in Los Osos.](#)

This community is in a state of limbo and has been for decades.

I don't think it is fair that a small group of residents make appeal after appeal to thwart any building or community progression here.

Lifting the moratorium would create jobs, increase taxes for SLO County and allow vacant landowners the opportunity to see their dream of living here, become a reality.

Thank you,

Dianne Blanchard, Broker

DRE #01945483

Broker and Transaction Coordinator



900 Los Osos Valley Road Suite A
Los Osos, CA 93402
805-528-0100

Public Comment on June 2024 Agenda Item Thursday 14a - San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan).

Andrew Calderwood <calderwoodaj@gmail.com>

Mon 5/27/2024 1:54 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

To: California Coastal Commission

I grew up in Los Osos, CA and I always enjoyed the small-town community with all its quirkiness and the natural beauty that is around us. Throughout my childhood I remember learning about water conservation in school and at home, and the question of septic tanks versus a sewer. It was enriching to see a community so passionate about water. After graduating high school I went to UC Davis where I earned my BS in Civil and Environmental Engineering and found a passion for water which I furthered by completing my PhD in Hydrologic Sciences. After focusing on water problems and solutions for many years in school, I've been proud to look back on my community with a new lense and see the progress that we've made in moving toward water sustainability. The development and implementation of a water recycling system is a major accomplishment that not many cities in California have achieved. Additionally, the coordinated effort of local water purveyors, stakeholders, consultants, and government has produced a basin management plan with proposed management actions that will grow and help maintain water sustainability into an uncertain future climate. Beyond this, the community of Los Osos has become thoroughly involved in at home water conservation and maintaining the community for future generations. To support future generations, there is a strong need to develop additional housing in Los Osos as the younger generations are trying to move back home to a place that once was an affordable community to raise a family. The proposed 1% growth plan that is supported by the county of San Luis Obispo, local water purveyors, and Coastal Commission staff would begin the process of creating new development that would reduce the lack of housing which has raised both home and rental prices. The proposed growth plan is an appropriate balance of water sustainability and community support as it will ensure slow, steady growth without overusing the Los Osos aquifer system. Additionally, the choice to allow 1% development will give time for water resources projects to improve the communities water portfolio to ensure sustainability under future drought conditions. I recommend the Coastal Commission listen to the recommendations of the county of San Luis Obispo, the local water purveyors, Coastal Commission Staff, and the community of Los Osos by approving the Los Osos Community Plan to allow for sustainable development. Thank you for considering the proposal.

Best,

Andrew Calderwood

RECEIVED**MAY 28 2024****CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



Th14a

LCP-3-SLO-21-0028-1-PART G (LOS OSOS COMMUNITY PLAN)

JUNE 13, 2024 HEARING

CORRESPONDENCE

Jackson, Devon@Coastal

From: Jeff Edwards <jhedwardscompany@gmail.com>
Sent: Saturday, December 9, 2023 7:16 AM
To: Carl, Dan@Coastal; Moroney, Ryan@Coastal; Jackson, Devon@Coastal
Subject: Los Osos Groundwater Basin
Attachments: LO Water Use_Population Graph_JHE final July 2023.pdf; Take-Aways from July 2023 Los Osos Groundwater Basin Graph.pdf

Hello Gentlemen,

Please see attached a graph depicting water levels, groundwater production and population in Los Osos since about 1970 with projections into the future. Also attached is a summary of facts and assertions about future growth. My hope is this information helps your staff better understand the situation with respect to water resources in Los Osos. The oft repeated false narrative about the contamination of the basin and the depletion of the resource requires that accurate information be acknowledged. I am available for any questions you may have. Please confirm receipt.

Thanks,

Jeff

Julie Tacker
Administrative Assistant

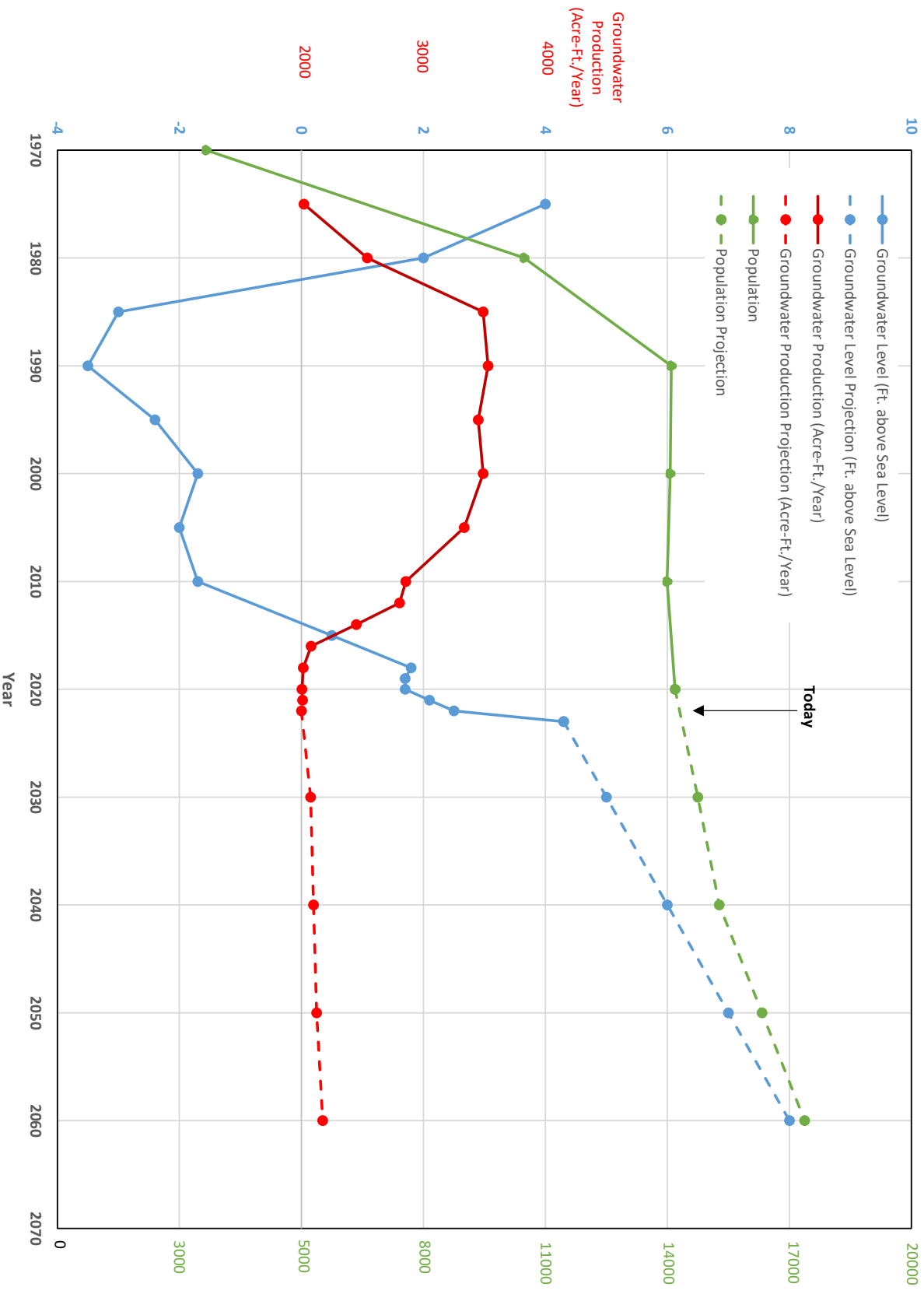
J.H. Edwards Company
P.O. Box 6070
Los Osos, CA 93412
805.235.0873 - Jeff
805.235.8262 - Julie
805.528.3569 - Office

Groundwater Level (ft.
Above Sea Level)

Los Osos Groundwater Basin

Historic & Projected

Population



Sources: Basin Management Committee Basin Plan, Annual Monitoring Report, & Disennial US Census

Prepared by: J.H. Edwards Co. July 2023

Take-aways from July 2023 Los Osos Groundwater Basin graph.

- The water level in the lower aquifer (Zones D&E) has risen 7.8 feet between 1990 and 2023.
- Peak groundwater production for all uses (urban, rural and agriculture) dropped from 3720 AF in 1988 to 2010 AF in 2022 a reduction of more than 45%.
- Peak urban demand supplied by purveyors dropped from 2560 AF in 1988 to 1016 AF in 2022 a reduction of more than 60%.
- Since the California Coastal Commission approved the Los Osos Water Recycling Facility (WRF) in 2010 the urban demand dropped from 1620 AF to 1016 AF a reduction of nearly 40%.
- Between 1988 and 2022, the per capita water demand dropped from 159 gallons per capita per day (gpcd) to 63 gpcd, respectively.
- The total population of Los Osos has been constant since 1990 at just over 14,000 people.
- The residential growth rate between 1983 and 1988 was approximately 5% annually with construction of about 225 dwelling units per year.
- The projected average residential growth rate for the next thirty plus years in Los Osos is 0.5% with a build-out population of approximately 17,500 people by 2060 which averages about 35 new dwelling units per year.
- Presently the \$200 Million Los Osos WRF has excess capacity of 100% or in other words is operating at just under 50% of design capacity (1.2 million gallons per day).
- With respect to urban demand, in 1972 the population of Los Osos was less than 5,000 people and groundwater production by water purveyors was approximately 970 AF which ironically, is essentially the same today with a population of 14,500.

California Coastal Commission
725 Front St.
Santa Cruz, CA 95060

Dec. 5, 2023

Subject: A comprehensive in-depth analysis of the state of the Los Osos Water Basin.

Included are supportive documents and recommendations for parameters and criteria, based on conclusive evidence of a sustainable water supply, needed for the approval of the Los Osos Community Plan (LOCP) and related documents. Hyperlinks have been added to the Support Materials so you can locate relevant topics easily.

We explain why current management of the Los Osos Water Basin will not succeed and why the Basin is still in a state of overdraft. We realize some of these recommendations are out of the scope and authority of the Coastal Commission and pertain to other agencies, but may assist in the negotiations with the County, and in updating the LCP and EAP. The Standard of 'conclusive evidence' is supported throughout this document and must be upheld to insure sustainability of the Los Osos Groundwater Basin.

Dear Commissioners and Staff Members,

We are writing, first, to thank the Commission for finding substantial issue with the County of SLO's (County's) approvals of new development dependent on water from the Los Osos Groundwater Basin. We appreciate that in 2010 you recognized the need to set the conclusive evidence standard for the County's approval of new development, and that you continue to recognize the need for it.

Clearly, with the devastating effects of climate change on basins, communities, and natural resources in the state, this standard of conclusive evidence is essential to protect and preserve the vital, irreplaceable Los Osos Groundwater Basin, which suffers from decades of severe overdraft due to inadequate standards for the County's approval of development and the non-existent and inadequate management of the Basin for many years. The Basin and its dependent resources will continue to be particularly vulnerable to the impacts of climate change--sea level rise, seawater intrusion, record droughts, low water tables, low soil moisture content, and the depletion of groundwater.

In the following document we provide evidence to support key points we have made in our past letters and appeals. In [Part 1](#) we explain why we say the Basin is in overdraft and the County cannot provide conclusive evidence of a sustainable water supply for new development per Special Condition 6 of the LOWWP CDP. Three important reasons for our positions are the following:

- **Seawater intrusion continues to advance in the two lower aquifer zones of the Los Osos Groundwater Basin, Zones D and E, threatening Basin sustainability (see [Part 2](#))**
- **Threats to Basin sustainability have not been sufficiently addressed (see [Part 3](#))**
- **The BMC's monitoring program and metrics are not adequate to establish Basin sustainability or provide conclusive evidence of a sustainable water supply for the current or additional population (see [Part 4](#))**

(See Support Materials [outline](#))

Recommended Parameters and Criteria for Sustainable Basin Management

In [Part 5](#) of Support Materials, we provide a common-sense set of parameters for approval of development that we ask you to review, augment as needed, and add to the amended Estero Area Plan (EAP) e.g., the Los Osos Community Plan (LOCP) (7.3, Community-wide Standards) and the Growth Management Ordinance (GMO). These parameters, with your additions, are essential for the County to be able to provide conclusive evidence that the Basin can sustainably support new development. They include clear and specific quantified physical objectives, identifying significant threats to Basin sustainability that must be avoided or eliminated in order for the Basin to support an appropriate increment of further development.

In [Part 6](#) of Support Materials, we provide a list of essential criteria for sustainable Basin management based on the “Basin Plan” the Commission required in Special Condition 5 of the LOWWP CDP as well as SGMA regulations and best management practices (BMPs).

We suggest that the Commission incorporate these baseline parameters and criteria into the LCP, EAP, CZLUO, GMO, and other appropriate documents for sustainable management of the Basin to be augmented by any others the Commission believes are necessary to protect, preserve, and restore the Basin and dependent coastal resources.

The criteria and parameters we suggest require significant upgrades in the County and BMC's management of the Basin. We know that Commission and County staff have spent a good deal of time exploring opportunities to find common ground and move toward agreement on what would best achieve the County's and Commission's goals. The most important consideration, of course, is protecting and preserving the Los Osos Groundwater Basin, the focus we all share.

Moreover, the County has been aware of the “conclusive evidence” standard for over 13 years since it signed the CDP of the LOWWP. The County and BMC have also been aware of outcome-based data-driven standards for sustainable basin management established by SGMA since 2014 before Basin management began.

We appreciate that you clarified to the County in a recent appeal response that BMC management and its guiding documents (the Basin Plan and Stipulated Judgment) are not approved LCP components, and that Commission staff contacted the BMC in 2014 to inform the County and other BMC members that BMC guiding documents and operations are required to comply with the Coastal Act and with Special Conditions 5 & 6 regardless of whether the documents did so at the time.

In your [2015 letter](#) to the BMC, you reiterated the “need to better align BMC documents and operations with the Coastal Act and related Coastal Policies, including the Los Osos Wastewater Project (LOWWP) Coastal Development Permit (CDP).” The County is relying on BMC operations to provide the means for establishing and maintaining a sustainable water supply for new development and to verify with conclusive evidence that new development has a sustainable water supply. Therefore, BMC operations must be reviewed and found to be consistent with and in compliance with the Coastal Act and related documents as part of the EAP update process. Toward that end, we include in Support Materials [Part 6](#) a section entitled “Essential criteria for sustainable Basin management,” which identifies aspects of basin management essential for the protection of the Basin and consistency/compliance with the Coastal Act, LCP, and related documents (see Support Materials, [Part 4](#)). These criteria are designed to apply to BMC operations, with the County as a member, or to the County and BMC as separate entities working cooperatively.

The mission and first priority of the Los Osos Sustainability Group (LOSG) is the sustainability of the Los Osos Groundwater Basin. The Basin’s survival remains threatened by 50 years of overdraft and seawater intrusion, climate change, and emerging threats such as PFAS contamination. These threats and others have not yet been adequately assessed or addressed, putting the Basin’s survival in jeopardy.

Our primary desired outcome is cost-effective sustainable Basin management. To that end, we study the voluminous Basin-related reports, consult with experts, do our own research, and make recommendations. In this letter (Support Materials, [Part 4](#)) we recommend about 16 new, single-aquifer, nested monitoring wells costing at most \$3 million to upgrade the lower aquifer monitoring program in the urban part of the Basin. This may seem like a lot of money. We explain why the wells are critically needed and will make the difference between effective Basin management and ineffective management—ultimately between saving the Basin and not saving it. The community has spent over \$200 million for a sewer to preserve the Basin; \$3 million is a bargain.

The purpose of this document is to make it easier for Commissioners, Commission staff, and other stakeholders to look below the surface of the many conclusions and findings the County cites to support Basin sustainability and new development—

particularly those based on the BMC's Annual Monitoring Reports (AMRs) and technical memoranda (TMs). Many are based solely upon modeling and assumptions, not supported by accurate, reliable data. Much more and much better data is needed. The findings, conclusions, charts, graphs, etc., that the County and BMC have assembled form an elaborate structure built on a shaky foundation of poor-quality data.

We again thank the Commission for supporting our appeals, adding Special Conditions 5 & 6 to the Wastewater Project CDP in 2010, and recognizing that comprehensive, data-driven outcome-based sustainable management of the Basin, in conjunction with a requirement that the County base approval of development on "conclusive evidence" of a sustainable water supply, is essential to protecting, preserving, and restoring the valuable coastal resources in the Los Osos area. We hope you find the materials on the following pages helpful.

Respectfully,

The Los Osos Sustainability Group
www.theLOSG.com
Patrick McGibney, Chair

SUPPORT MATERIALS

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We incorporate by reference all documents cited in Support Materials, as well as all earlier letters, appeals, and related materials the LOSG has sent to the Commission or the County of SLO regarding the Los Osos Community Plan and related matters.

PART 1

Why the BMC and County can't provide conclusive evidence of a sustainable water supply and the Basin remains in overdraft

Why the BMC and County can't provide conclusive evidence of a sustainable water supply

Reason 1 Special Condition 6 and the Coastal Commission require the County of SLO to provide conclusive evidence of a sustainable water supply for new development, so that it can be used to set buildout limits and the mechanisms to stay within them. There is currently no substantial evidence, let alone “conclusive evidence,” that the Los Osos Basin is sustainable for the current population. The County claims that the Basin is not in overdraft. Several facts refute this: 1) According to AMRs, Zone E intrusion poses “a significant threat to Basin sustainability,” 2) data show seawater intrusion is advancing in Zone E, and 3) the BMC doesn't have enough Zone E monitoring wells to know where the front is or its rate and movement, e.g., whether it is threatening major supply wells in the commercial area (see [2022 AMR](#), Pages 56-57). The BMC also can't provide conclusive evidence that strategies to stop and reverse seawater intrusion (SWI) in Zone E have worked or will work, e.g., Broderson leach field discharge and moving wells inland. In fact, moving wells inland may only pull Zone E intrusion further inland since modeling indicates inland wells influence intrusion ([Program C Update TM](#), e.g., Pages 3-4, LOCSD Adj Item 21, 11.21.20). Additionally, seawater intrusion is not the only threat to Basin sustainability (see [Part 3](#) of Support Materials). The threats (undesirable results of climate change, management actions, and other impacts) have either not been addressed or not been adequately addressed by the BMC and County. To do so first requires assessing the threats and setting measurable objectives to avoid or eliminate them. This will require major upgrades to the lower aquifer monitoring program for it to produce high-quality data. The program now has large gaps due to too few wells and wells producing poor-quality data (see [Part 4](#)).

Reason 2 Sustainable management of the Basin and conclusive evidence of a sustainable water supply also require that the County and/or BMC develops and implements essential components of sustainable groundwater management. In addition to sufficient high-quality data and objectives based on that data to address all threats (undesirable conditions), essential components include a time-specific sustainability goal that represents the completion of all sustainability objective and Basin-wide programs including monitoring, conservation, recycled water reuse, and contaminant reduction/management programs. Essential components also include the authority, funding, and oversight necessary to implement and maintain the programs and to meet time-specific objectives and goals. SGMA requires Basin-wide programs, and it grants agencies the powers to enact them and meet objectives. The County lacks this authority, but is able to enact and enforce programs Basin-wide via an ordinance (see below). The Coastal Commission recognized in Special

Condition 5 the need for Basin-wide conservation, recycled water use, and monitoring, along with time-specific success criteria for the programs, and it required the County to spend \$5 million on conservation to “help Basin residents to reduce their potable water use as much as possible” with “enforceable mechanisms.” In the Basin Plan, the BMC recognizes the need for a Basin-wide conservation program with “mandatory standards” as its “highest priority” program, and provided for the County, in cooperation with purveyors, to use the \$5 million and another \$0.5 million to implement the program (see [Basin Plan](#), Pages 141, 193, 196-199). The BMC also recognized in the Basin Plan that monitoring of all water use in the Basin is essential to avoid irreparable harm to the Basin and provides a plan for the monitoring to be implemented with an ordinance for an estimated \$150,000 (see [Basin Plan](#), Pages 137-139). The BMC in the Basin Plan and Stipulated Judgment further recognized the need for a Basin-wide funding mechanism that spreads the financial burden and responsibility for Basin sustainability equitably Basin-wide and the Stipulated Judgment grants the BMC the power to develop community-wide funding requiring the BMC to “make every reasonable effort” to fund the Basin Plan as soon as possible (see [Stipulated Judgment](#), Pages 13, 31 and [Basin Plan](#), Pages 14, 15, 141, 199, 307). When the County entered into the adjudicated basin process and negotiated the Interlocutory Stipulated Agreement ([ISJ](#)), it also recognized the need for an ordinance to enact and enforce Basin-wide programs and fulfill its role as the agency responsible for Basin-wide management (see [ISJ](#), Pages 7-8). The County and Coastal Commission further recognized the need for integrated management of the Basin in the 1988 LCP (Revised in 2007) (see [Coastal Plan Policies](#), Coastal Watersheds Policy 5, Page 9-6). However, none of these vital components of Basin sustainable management were implemented. The BMC did not implement a Basin-wide conservation program or an effective Basin-wide recycled water reuse program—or even effective programs in purveyor service areas (purveyor water use has not gone down in eight years—see [2022 AMR](#), Pages 36-37). Metered purveyor water use has not gone down in eight years, and after dropping about 150 AFY from 2015 to 2017, unmetered (estimated) private well use has “stabilized” since 2018 (see [2022 AMR](#), Pages 36 - 37). The only reductions in water use Basin-wide since 2015 are due to revisions in estimated private well use, which the Basin Plan and AMRs indicate has an uncertainty factor of +/-100 AFY (see [2022 AMR](#), Page 38). In 2021, the LOSG hired a hydrogeologist to review agricultural water use, who found that the BMC significantly underestimated agricultural usage (see [Shakofsky Review](#), Pages 3 & 4). Further, the BMC has not succeeded in reducing pumping from the Lower Aquifer in the Western Area appreciably since 2015, which is the BMC’s key strategy for stopping and reversing seawater intrusion (see [2022 AMR](#), Pages 37-38 and Figure 22, Page 68). The County did not spend the \$5 million on conservation (\$3 million remains as of June 2020) (see WCIP All Cost Data). The Basin-wide equitable funding has not been implemented, and the County has refused to monitor private wells in the Basin. The County even added a provision to the Stipulated Judgment prohibiting the BMC from voting to have the County implement the private well program (see [Stipulated Judgment](#), Page 32).

Reason 3 SGMA is the logical and most appropriate standard for determining the relationship of a modeled (estimated) sustainable yield, pumping within

“sustainable yield” estimates, and Basin sustainability. SGMA recognizes that pumping below a modeled sustainable yield does not demonstrate basin sustainability.

SGMA does not incorporate sustainable yield estimates directly into sustainable management criteria. Basin wide pumping within the sustainable yield estimate is neither a measure of, nor proof of, sustainability. Sustainability under SGMA is only demonstrated by avoiding undesirable results for the six sustainability indicators ([SMC BMP](#), Page 32).

SGMA’s BMP also states:

...sustainable conditions within a basin are achieved when GSAs (Groundwater Sustainability Agencies) meet their sustainability goal and demonstrate the basin is being operated within its sustainable yield. Sustainable yield can only be reached if the basin is not experiencing undesirable results ([SMC BMP](#), Page 2).

The BMC (including the County as a member) understands that Special Condition 6 requires the County to “demonstrate” that the Basin is sustainable.

Special Condition 6 requires the County to demonstrate a sustainable basin before the Coastal Commission allows adoption of the LOCP or the connection of any properties to the LOWWP (see [Basin Plan](#), Page 297).

The County claims it is pumping within the sustainable yield of the Basin, and as a result is meeting the standard for verifying an adequate water supply for new development. The Coastal Commission’s definition of “adequate water supply” is “sustainable water supply.”

Therefore, the relevant question regarding Special Condition 6 is not whether Basin pumping is within the “sustainable yield” estimate, but “How does the County demonstrate with conclusive evidence that the Basin provides a sustainable water supply for the current and any additional population?” The term overdraft is confusing since it is often discussed in terms of estimated sustainable yields. However, when the Coastal Commission specifies “conclusive evidence,” it intentionally excludes modeling estimates as the means for verifying Basin sustainability because modeling has inherent uncertainty. Basin modeling and “sustainable yield” values depend on the data, interpretations of data, and assumptions that go into the model. The Basin model can, and has, refuted its own “sustainable yield” estimates with different assumptions. Consistent with SGMA, the means for demonstrating Basin sustainability is the achievement of a sustainability goal, which requires the avoidance/elimination of all undesirable conditions (i.e., completion of objectives for all undesirable conditions). Consistent with “conclusive evidence,” sufficient high-quality monitoring data must be the basis for conclusions about Basin sustainability, so that conclusions cannot be refuted by additional or other evidence.

Although Special Condition 6 makes it unnecessary to refute modeling estimates of

sustainable yield and the County's claim that the Basin is being pumped within its sustainable yield (not in a state of overdraft); we provide some reasons below explaining why the County's claim is not true using the model and available data.

Why we say the Basin is in overdraft

Reason 1 Sustainable yield is defined as the maximum amount of water that can be withdrawn from a basin annually without causing an undesirable result (see SMC BMP, Page 34 and Stipulated Judgment, Page 9). Currently, undesirable results including seawater intrusion are occurring based on the best available data and other evidence. Further, several threats (undesirable results) that could substantially reduce the water supply and beneficial uses have not been addressed, or adequately addressed (see [Part 2](#)).

Reason 2 One of the creators of the model, Gus Yates, points out in a 2014 review of the Basin Plan, that, according to the model, the Basin must be pumped below 80% of the modeled "sustainable yield" to stop and reverse seawater intrusion in Zone E and avoid salt buildup in the Lower Aquifer. He recommends a 12' Water Level Metric Target rather than the current 8' target, which he states is needed to stop and reverse intrusion in Zone E, in case the BMC does not pursue its pumping goal of 80% of sustainable yield (see [2014 Yates Basin Plan Review](#), Pages 4,7, 8,12). Supervisor Gibson, other BMC members, and some members of the Planning Department and public have apparently forgotten (as Yates said might happen) that the BMC committed in the Basin Plan to keeping Basin-wide production at 80% of "sustainable yield" (see [Basin Plan](#), Pages 5, 110, 114). The 2380 AFY "sustainable yield" would be the theoretical sustainable yield only if the BMC ignores salt build up and "abandons" Zone E to seawater intrusion, which AMRs state is "a significant threat to Basin sustainability" (see [2014 Yates Basin Plan Review](#), Page 7, 8, 12 and [2022 AMR](#), Page 57). The Yates review points out that the BMC's pumping goal of 80% does not add a 20% margin of safety to the current "sustainable yield." Instead, the 80% goal is the "sustainable yield" because it is modeled to avoid/eliminate undesirable conditions. Current Basin-wide estimated production is above the 80% target, so the Basin is currently in overdraft based on the model and accepted definitions of sustainable yield. The 20% buffer would theoretically be subtracted from the 80% of production estimate to account for uncertainties. However, uncertainty levels for the model have not been analyzed, and are likely to be much greater than the arbitrary 20% assigned to yield estimates in the Basin Plan (see [Basin Plan](#), Pages 110-114). The "hydrologic relationships...which partially determine recharge rates" that the Basin Plan lists as just one of many sources of the uncertainty adds +/- 40% of uncertainty to modeling predictions according to Yates, and would require all of the 20% buffer (see [Basin Plan](#), Pages 112; [2014 Yates Basin Plan Review](#), Page 3; and [2010 Peer Review of Model](#), e.g., Page 4). Thus, the Basin is over-drafted based on the model, accepted definitions of sustainable yield, and accepted practice (calculating and assigning uncertainty values for sustainable yields).

Reason 3 Basin-wide production has been below the BMC's current revised "sustainable yield" estimate of 2380 AFY for eight years and the best available chloride data, the accepted indicator for seawater intrusion, show intrusion

advances in both Lower Aquifer zones, Zone D and Zone E (see [Part 2](#) and [2022 AMR](#), Pages 37,69). Water level data show some signs of water levels rising, but like most data produced by the Lower Aquifer monitoring program for the urban Basin, the data are unreliable and possibly inaccurate and misleading. The Basin Plan, developed by the BMC, explains that the three wells of the 5-well Water Level Metric (the wells located in the western part of the urban Basin, not the wells on the sandspit) have historically been influenced by seawater intrusion (see [Basin Plan](#), Pages 100, 101). Thus, water levels in all monitoring wells in the western Basin could be elevated by seawater intrusion. Some wells are also reported in AMRs to be affected by tidal influence, and many wells have wellbore leakage and pumping interference, both of which can raise water levels and result in misleading data (see [Part 4](#), [LOSG Table A](#), and [2022 AMR](#), Page 56). Rising water levels in the southern part of the urban Basin may be due to groundwater high in nitrates flowing in from outside the Basin boundary. BMC staff have also suggested that Broderson leach field disposal may be affecting water levels, but leach field effects on Lower Aquifer water levels have not been confirmed. Further, both sources of groundwater may be cut off in the future due to PFAS or other contamination. The BMC also recently had elevation reference points at monitoring wells resurveyed, which raised water levels on paper only (see [2020 AMR](#), Page 22 and [2021 AMR](#), Page 21). SGMA allows water levels to be used as a substitute for chloride data to assess seawater intrusion, but only if the data are “reliable, consistent, high-quality, and defensible data,” which BMC data are not (see [Part 4](#), e.g., [Table A](#), and [MND BMP](#), Page 9). Given evidence seawater intrusion has not stopped after eight years of pumping below the modeled “sustainable yield,” as well as the unreliability of data and metrics used to track seawater intrusion (see [Part 4](#)), the threat PFAS and other contaminants pose to the water supply, and the fact that intrusion has not been stopped in 50 years (in part due to overstated “sustainable yield” estimates that helped justify 40 years of severe overdraft), a reasonably cautious and responsible conclusion is that the Basin continues to be overdrafted until proven otherwise by sufficient high-quality monitoring data from an upgraded monitoring program (see [Parts 5](#) and [6](#)).

The DWR classifies the Basin as subject to critical conditions of overdraft. Water code Section 12924 defines the condition as “A basin is subject to critical conditions of overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts” (see [BMC Agd Pkt](#), 6-21-23, pdf Page 15). Based on available data and other evidence, the Basin should remain in this classification (e.g., due to the threat of PFAS and other contaminants). (See [Parts 2, 3, & 4](#).)

Other reasons the model shouldn’t be used in a development parameter--and doesn’t have to be.

Reason 1 Modeling does not provide conclusive evidence. It also does not provide transparent and understandable evidence that allows the public and most stakeholders to provide informed input into decision-making. Every model has uncertainties, and the information embedded in a model (data, assumptions, interpretations, and estimations, in addition to complex calculations and the limitations and uncertainties of particular modeling codes) is determined and understood by only a few people—often just the

person programming the model. In Parts [2](#), [3](#), & [4](#), we present evidence of the very poor data, flawed metrics, and other uncertainties (e.g., threats not addressed) embedded in the model.

Reason 2 Even when the model is upgraded to a transient model and reviewed by another hydrogeology firm, as the BMC plans to do in 2024, the model, if applied to development decisions, will be a source of ongoing conflict, appeals, and wasted time and effort. Given the history of the model, the Commission would be making a mistake if it makes modeling even a small part of a development parameter. The County will give it too much weight in decision making, and the decisions will not be accepted by members of the public and other stakeholders. The people of Los Osos have good reason not to trust the model. For 40 years the County has relied on modeled safe yield estimates of about 3100 AFY to 3500 AFY to justify continuing development after the County allowed an unsustainable building boom in the 1970's and 80's. That boom started the severe overdraft of the Basin. For 30 years the Basin was over-drafted by about 20-40% on BMC sustainable yield estimates (see [Basin Plan](#), Pages 3, 48, 69-70 and [RSC 2007](#), Pages 8-9). Those early development decisions, made despite an impending sewer moratorium and warnings about seawater intrusion, contributed to much of the Basin being destroyed, and those decisions continue to haunt the community—the County recently finalized Tentative Tract Map 1646/CDP of a 97-home development it approved in 1990.

In 2015, the Stipulated Judgment set the “sustainable yield” at 2,400 AFY, about 25-40% less than earlier estimates. However, by 2016 the BMC was reporting a “sustainable yield” of 2,760 AFY in AMRs based on modeling, which estimated that planned infrastructure (some of it not yet implemented or operational) would increase the “sustainable yield” by over 300 AFY. The BMC uses the Basin Yield Metric (BYM) to track progress toward its pumping goal of 80% of sustainable yield or BYM80. The metric is estimated Basin-wide production divided by the estimated sustainable yield, so modeling uncertainties are compounded in the metric. Almost 50% of Basin water use is estimated because it is from unmetered private wells (see [2022 AMR](#), Table 14, Page 37). Based on the 2760 AFY estimate, the 2016 through 2021 AMRs reported that the BMC had met and exceeded its BYM80 of “sustainable yield” production goal and a technical memorandum in early 2019 found the Basin to be sustainable for the current population at the time (see [2018 Adapt. Mgmt. TM](#), e.g., Page 10). At that point, the County began the Los Osos Community Plan (LOCP) review process, and the BMC took several supportive actions (e.g., deferring installation of an “expansion well” allowing the modeled increase in yield to be used for new development, and supporting the County’s retrofit-to-build program). However, in 2021, with seawater moving inland, a serious drought in progress, and the BMC realizing the Stipulated Judgment required the BMC to unanimously approve the “sustainable yield” each year; the BMC reduced the “sustainable yield” to 2380 AFY, also acknowledging that the “sustainable yield” as defined in the Basin Plan would harm the Basin (allow seawater to move further inland). The 2380 AFY estimate meant the BMC had not met its BYM80 goal since BMC operations began. To arrive at the 2380 AFY estimate, the BMC changed modeling parameters and redefined “sustainable yield” as the maximum production that would maintain Zone D and E intrusion fronts where they were in 2021 (see [BMC Agd Pkt 9-29-21](#), Item 8b, Sus.Yld.). The 2021 locations, however, are unknown since not enough

reliable monitoring data exists to confirm the locations. Further, the location of the seawater intrusion front in Zone E poses a “significant threat to Basin sustainability” (see [2021 AMR](#), Page 58).

As we explain above, the 2380 AFY estimate will also harm the Basin because the BMC’s 80% production goal (1904 AFY) is modeled to stop and reverse this Zone E intrusion. But even the 1904 AFY could harm the Basin. When referring to the metrics and the 20% buffer, the Basin Plan states, “Where practicable, the Basin Plan uses reasonably cautious assumptions in evaluating the current status of the Basin and planning for future actions” (see [Basin Plan](#), Page 114). In the case of the 20% buffer, the BMC apparently didn’t find it “practicable” to use cautious assumptions. The sources of uncertainty discussed in the Basin Plan (e.g., estimated production, climate change, recharge rates) and other uncertainties not discussed (e.g., the effects of Broderson leach field and moving wells inland) together undoubtedly exceed the arbitrary 20% buffer the BMC assumes for modeling uncertainties. The County and BMC have shown a willingness to rely on overestimated and uncertain sustainable yield estimates rather than sufficient reliable data for critical decision making about basin sustainability and how much development the Basin can support. The problems with the model and how it is used will not go away with an updated model. (See [Basin Plan](#), Pages 110-114 for a discussion of modeling uncertainties; the [2021 AMR](#), Pages 3, 66-67 and the [BMC Agd Pkt 9-29-21](#), Item 8b, for discussions of sustainable yield); [Basin Plan](#) Pages 137-139 for a discussion of the need for private well monitoring; and the [LOSg letter to the BMC of 3-12-21](#) for further discussion of BMC use of the model and support of development.)

Reason 3 Luckily for the Basin and Coastal Resources, the Coastal Commission listened to concerned citizens in 2009 and 2010, adding Special Condition 6 to the LOWWP CDP, and the County signed it. Thus, the County agreed to use “conclusive evidence” of a sustainable water supply as the standard for development. Conclusive evidence requires demonstrable physical evidence of Basin sustainability, and it precludes the use of modeling. If the Commission requires the County to set measurable sustainability objectives based on sufficient high-quality monitoring data, the objectives account for climate change and other impacts and uncertainties, and the Commission remains involved to ensure data quality remains high, objectives are protective of the Basin, and progress is made—all stakeholders will be able to clearly see and understand when development is sustainable and allowed over the Basin. Of course, the BMC and/or County must also fulfill its responsibility to implement Basin-wide programs that are backed up by sufficient funding, authority, and outside oversight to ensure objectives and goals are achieved within specific reasonable timeframes.

PART 2

Seawater intrusion continues to advance into the two Lower Aquifer zones (Zones D and E) threatening the Basin

Overview

Data show that seawater intrusion continues to move inland in Zone D and Zone E based on data at Zone D Well LA15, and Zone E Wells LA11 and LA40. This contradicts the [2022 AMR](#) findings, which report an “improvement” in seawater intrusion based on the Chloride Metric (see Tables ES-2 and Table 24). The discussion of seawater intrusion mapping also states that conditions improved (see [2022 AMR](#), Page 56). We explain why the metric and contour mapping are not accurate in [Part 4](#).

Zone E intrusion

Chloride data at monitoring Well LA11, a Zone E monitoring well located adjacent to the estuary, show chloride levels continue to rise above the 250 mg/l seawater intrusion threshold indicating seawater continues to move into the deepest and largest aquifer of the Basin. Chloride levels climbed from 105 mg/l in 2014 to 287 mg/l in spring of 2022. After dropping slightly to 279 mg/l in fall of 2022, levels jumped to 346 mg/l by spring of 2023 continuing the upward trend. The 2022 BMC Annual Monitoring Report (AMR) for 2022 reports a worsening condition in Zone E (see [2022 AMR](#), Page 57). However, despite Zone E intrusion posing “a significant threat to the sustainability of the Basin,” the worsening condition is not reflected in the Chloride Metric results or reported in the “Metric Summaries” of the [2022 AMR](#) (see Tables ES-2, Table 24, and Pages 56 and 57). This is due to a flaw in the Chloride Metric and in the BMC’s approach to addressing and reporting Zone E intrusion, which tends to downplay and ignore the threat. (Also see Parts [3](#) and [4](#).)

Zone D intrusion

Rising chloride levels at municipal supply Well LA15 in 2022 and spring of 2023 indicate seawater intrusion in Zone D is advancing toward the well. Chloride levels rose from 116 mg/l in spring of 2022, to 138 mg/l in fall of 2022, then to 142 mg/l by spring of 2023. Well LA15 is a municipal supply well reported to have well bore leakage, so pumping at the well and water from the upper aquifer leaking to the lower may adversely affect data. However, chloride levels have remained relatively stable since 2014 varying between about 90 mg/l and 110 mg/l. The two-year increase of over 30 mg/l -- given the well’s location in the historic pathway of seawater intrusion and the fact that 100 mg/l is a “precursor” to seawater intrusion in the area, according to the 2005 Seawater Intrusion Assessment -- provides convincing evidence that intrusion is advancing, possibly along a preferred pathway (see [SWI Assmnt](#), Page 33). The LOSG noticed a similar jump in chlorides at this well in 2009, which we correctly predicted indicated accelerating seawater intrusion. That intrusion turned out to be intrusion into the Zone E level of the well, which the

LOCSO subsequently sealed off in 2013. Assuming relatively reliable data at LA15, the 2022 Chloride Metric and intrusion front contour maps incorrectly show a retreat of Zone D intrusion (an “improvement” in conditions) when LA15 data indicates a worsening condition (see [2022 AMR](#), Tables ES-2, Table 24, and Page 57). (See [LOSG Figure 1](#) (modified Figure 18 of the [2022 AMR](#)) for an approximate location of Zone D intrusion based on LA15 data.) (Also see [Part 4](#).)

LOSG Figure 1 Estimate of Zone D seawater intrusion based on rising chloride levels at LA15

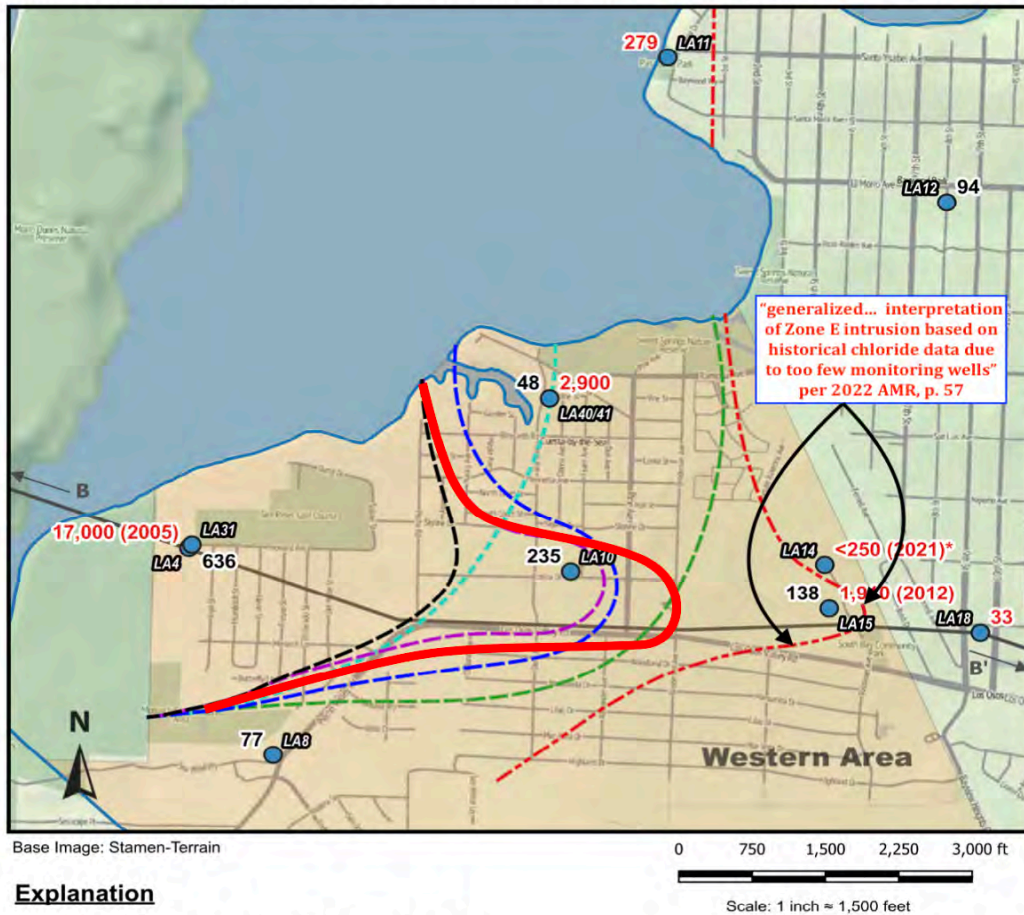


Figure 18
Seawater Intrusion Front
Western Area
Lower Aquifer Zone D and E

Los Osos Groundwater Basin
2022 Annual Report

Cleath-Harris Geologists

PART 3

Threats to the Basin have not been addressed

Overview

A bottom line for sustainable basin management is that managers identify and adequately address all threats to basin sustainability. The BMC has not evaluated or adequately addressed the following threats:

Seawater Intrusion in Zones D and E

The AMRs since 2020 have acknowledged that the lower aquifer monitoring program does not have enough monitoring wells to track seawater intrusion fronts in Zones D and E (see [2022 AMR](#), Page 57). The shortage of wells, and gaps in the monitoring network due to wells producing poor-quality data, prevent the BMC from knowing exactly where seawater intrusion is, its movement, and the effects of management actions and changing conditions on intrusion. For instance, despite the AMRs stating that Zone E intrusion poses a “significant threat to Basin sustainability,” the BMC’s hydrogeologist and author of the AMRs, Spencer Harris, provides a “generalized... interpretation” of the front, acknowledging that he can’t estimate the front location using the estimation method he typically uses (see [LOSG Figure 1](#) and [2022 AMR](#), Page 56). In AMRs since 2020, Mr. Harris recommends upgrades to the intrusion monitoring grid and in a 2022 technical memorandum (TM) he suggests four new wells and four modified wells [see CHG Figure 1 from “Well modification TM,” Cleath-Harris Geologists (CHG) in [BMC Agd Pkt 7-28-22](#), pdf Pages 25-26, 29 of 116] (Also see [2022 AMR](#), Page 57). This would provide 11 new and modified wells because the new wells are nested wells (a Zone D and a Zone E well at the same site). These upgrades would fill critical gaps in the network, including a gap south of LA 15 to monitor intrusion movement into the commercial area, a gap along the estuary to measure significant new movement north of the historical intrusion pathway, and a gap below the Broderson leach field to measure the effects of leach field disposal on Zones D and E intrusion. The BMC voted to install only three of Mr. Harris’ suggested upgrades, not nearly enough to perform essential tasks for sustainable management, such as:

- 1) reliably and accurately measure the extent and movement of seawater intrusion
- 2) detect movement into the commercial area and threats to key supply wells
- 3) set and verify measurable sustainability objectives for each aquifer
- 4) assess the effects of management actions, e.g., the effects and timing of Broderson leach fields
- 5) track future climate change impacts that could cause intrusion at any point along the front
- 6) assess the need and effects of further actions, e.g., injection wells, reduced pumping from inland wells)

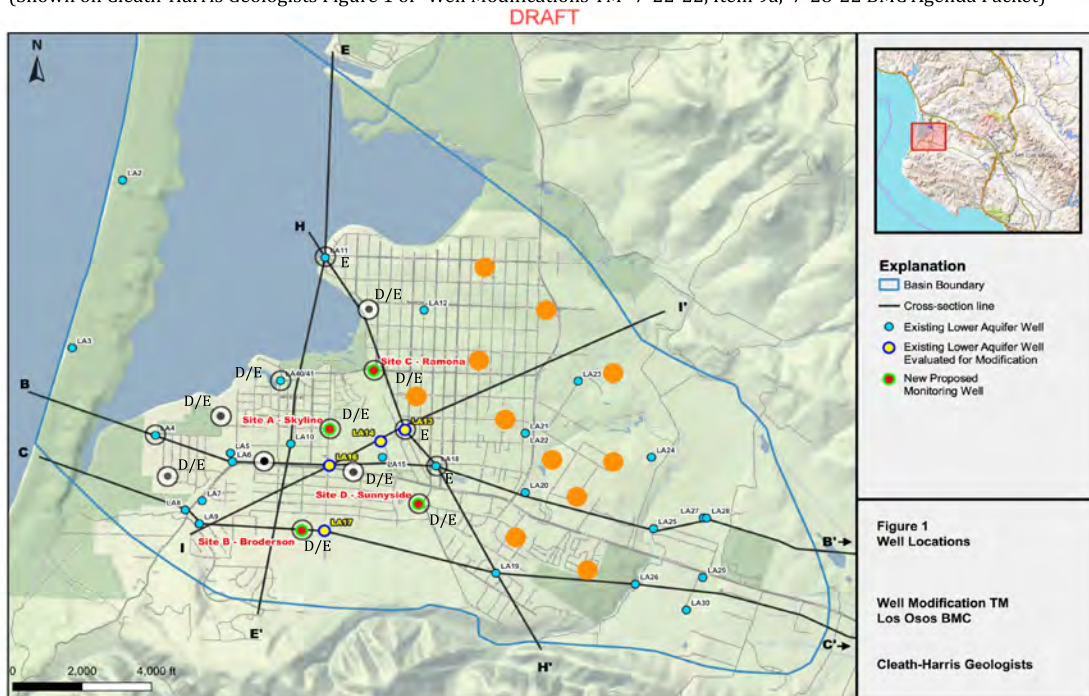
To adequately perform these tasks will require all the new wells Mr. Harris suggests, and we suggest five additional new wells for the seawater intrusion network (see [LOSG Figure 2](#) and [Part 5](#)). With data indicating that intrusion continues to advance in Zones D and E, additional conservation and other mitigation measures will likely be needed, requiring significant program upgrades, planning, and funding (although about \$3 million should still be available for conservation). For the BMC and County to address seawater intrusion and other threats, and conclusively establish Basin sustainability, a good deal more work is needed.

PFAS in private and community drinking water, ag wells, and recycled water

The Regional Water Quality Control Board identified the Los Osos Recycling Facility (formerly the Los Osos Wastewater Project) as a source of PFAS in 2021, and PFAS has been detected in several private and at least one major community supply source. The Golden State Water Company (GSWC) representative on the BMC recently announced that PFOS was detected at an “entry point” to their system (see [“PFOS--transcript of 8-16-23 BMC mtg”](#) and [“PFAS—Co notice to well owner”](#)). The potential impacts of PFAS on municipal and private wells, and the viability of the recycled water program, have not yet been evaluated or addressed, although the impacts threaten Basin sustainability and the water supply for multiple reasons, such as:

- 1) supply wells may be shut down causing a water shortage
- 2) recycled water may be unsuitable for reuse and leach field disposal (Broderick leach field disposal of about 440 AFY may have to be halted if it is determined to contaminate the Basin)
- 3) added costs for water treatment may be infeasible
- 4) extensive use of R/O systems may cause excessive water use and additional overdraft
- 5) The “forever chemicals” may contaminate ESHA (e.g., the estuary and Los Osos Creek).

LOSG Figure 2 Recommended new dedicated monitoring wells for lower aquifer Zones D&E*
(Shown on Cleath-Harris Geologists Figure 1 of “Well Modifications TM” 7-22-22, Item 9a, 7-28-22 BMC Agenda Packet)



- * All wells would be water quality and water level wells, with a Zone D well, a Zone E well, and possibly a Zone C well at the same site.
- New seawater intrusion wells recommended by LOSG
 - Other new monitoring wells recommended by LOSG (general locations)
 - Seawater intrusion network recommended by LOSG

Low water levels Basin-wide and in key subareas, including where the BMC is shifting pumping to curb seawater intrusion

With the cumulative impacts of climate change, including greater pressure on groundwater supplies due to higher temperatures, extended droughts, and reduced soil moisture—and with the Basin adjusting to the removal of dispersed septic systems and shifts in pumping—water levels could become dangerously low anywhere in the Basin, especially in the urban portion. Particularly vulnerable is the commercial area east to Los Osos Creek. This is where many private wells are located and the BMC plans to shift more municipal pumping to reduce seawater intrusion. Water levels have been falling and remain low in the area, partly due to increased pumping from private wells, e.g., near Los Osos Creek (see LOSG Figures 10, 11, and 12 on Pages 35-37). With two of the three planned “expansion wells” yet to come online, the area is vulnerable to overdraft. Infrastructure Program C Expansion Well #2 was installed in 2022 and will soon be operational, and the BMC recently approved Expansion Well #3 to begin operation sometime in 2024. Over-pumping this area could cause reduced Basin capacity and permanent harm to the Basin, to community wells, private wells, and valuable ESHA (e.g., Willow Creek and Los Osos Creek). The BMC Stipulated Judgment points out that overdraft can cause “loss of storage capacity due to aquifer compaction” (see Stipulated Judgment, Page 10). In his 2014 review of the Basin Plan, Gus Yates, an authority on the Basin and one of the creators of the Basin model, states that increased pumping in the Central Area (northern and eastern part of the urban Basin) could “decrease groundwater discharge into Los Osos Creek, Willow Creek, and Morro Bay at various locations

and times,” which “could have significant impacts on aquatic, riparian, and wetlands habitat” (see [Yates Basin Plan Review](#) 2014, Pages 4 & 5). In 2020, the LOCSD drilled a test well for Expansion Well #2 in the eastern part of the Western Area that revealed Zone E did not exist at the site and Zone D would not support a municipal well, contrary to previous assumptions regarding Basin structure and capacity (see LOCSD Test Hole TM in [4-15-20 BMC Ad Pkt](#), pdf Pages 22-24 of 34). Having more and better monitoring wells throughout the Basin, especially the urban Basin, to track water levels and better understand Basin structure and conditions will be key to avoiding harm to coastal resources and maintaining ample water in storage for the Basin to weather climate change and other impacts. (Also see [Part 4](#).)

High nitrate levels in upper and lower aquifer wells (Zones C, D, and E)

Nitrates in the Upper Aquifer are high in some locations (20-25 mg/l), which could make nitrate treatment of the water by purveyors at some wells infeasible (according to a member of the BMC who spoke with the LOSG). The Basin Plan includes a proposal for installing additional Upper Aquifer wells and developing a nitrate treatment facility to remove nitrates from water pumped from the Upper Aquifer (Infrastructure Program B), but the cost is high and the Basin Plan proposes that the facility is paid for by new development (see [Basin Plan](#), Pages 292, 295). If more pumping from the Upper Aquifer is needed for the current population to avoid harm to the Basin and ESHA, the nitrate facility will likely be economically infeasible and possibly environmentally infeasible (e.g., due to the economic and environmental impacts of brine disposal). Nitrate levels in the lower aquifer are also rising in supply wells in the Western Area (e.g., at LA8 and LA9) and in the lower aquifers due to wellbore leakage at older supply and monitoring wells (e.g., 17E11 and LA22), leakage through the regional aquitard, and from groundwater flowing into the Basin from the south (see [Nit and SWI TM](#), Pages 3-6; Nitrate TM, Item 9b, [10-19-22 BMC Agd Pkt](#), pdf Pages e.g., 31, 33 of 66). Reviews of the impacts on wells by Mr. Harris, indicate that rising nitrate levels in wells LA8, LA9, LA22, and 17E11 will exceed the maximum contaminant levels (MCLs) within 20, 30, 8, and 14 years respectively, requiring blending and/or nitrate treatment to be usable. The BMC has no plan for adequately addressing the cumulative impacts of nitrates on the Basin, especially in combination with other threats. A good place to start is adding more and better monitoring wells to be able to assess and track the sources and movement of nitrates.

High salt levels

High salt levels in the recycled water have made the recycled water program less viable for offsetting potable water use because farmers will typically have to flush the salts periodically with potable water from their wells to avoid salt build up. According to Gus Yates, an authority on the Basin who’s authored several Basin studies and helped create the Basin model, high salt levels in the recycled water will eventually cause salt buildup in the Basin if the Basin is not pumped below 80% of sustainable yield to allow outflow from the lower aquifers to flush the salts. The chloride levels in the recycled water going into Broderson leach field are 140 to 180

mg/l—significantly higher than salt levels in wells below the leach field that haven't been affected by seawater intrusion (see 2019 LOWRF Annual Report and [Co. RWMP 2020](#), pdf Page 38 of 316). Thus, the Broderson leach fields and use of recycled water will eventually reduce beneficial uses of the Basin, and the BMC has not assessed or addressed the issue.

PART 4

The BMC's monitoring program and metrics are not adequate to establish Basin sustainability and provide conclusive evidence of a sustainable water supply

Overview

The lower aquifer monitoring program in the urban Basin (Western and Central Areas) does not have enough monitoring wells producing reliable and accurate data to assess conditions and set sustainability objectives for seawater intrusion and other threats in Lower Aquifer Zones D and E. As a result, the BMC cannot track progress toward and verify Basin Sustainability or provide conclusive evidence of a sustainable water supply for new development.

The lower aquifer program has only 7 wells producing high-quality data

The BMC's Lower Aquifer monitoring program has only 7 wells in the entire urban area (Western and Central Areas) not affected by factors known to adversely affect data. In [LOSG Figure 3](#), we provide CHG Figure 4 from the [2022 AMR](#) to show the BMC's Lower Aquifer monitoring wells currently in use. In [LOSG Figure 4](#), we show the wells that remain when wells with wellbore leakage, mixed-aquifer screening, and/or pumping interference are removed. In [Table A](#), we list the Lower Aquifer water level and water quality monitoring wells in the urban area program and identify the wells with mixed-aquifer screening, pumping interference, and/or wellbore leakage. In [LOSG Figure 2](#), we show the number of wells and approximate well locations needed to upgrade the Lower Aquifer monitoring program in the urban Basin.

The [2022 AMR](#) agrees with the need for more dedicated monitoring wells to replace production wells:

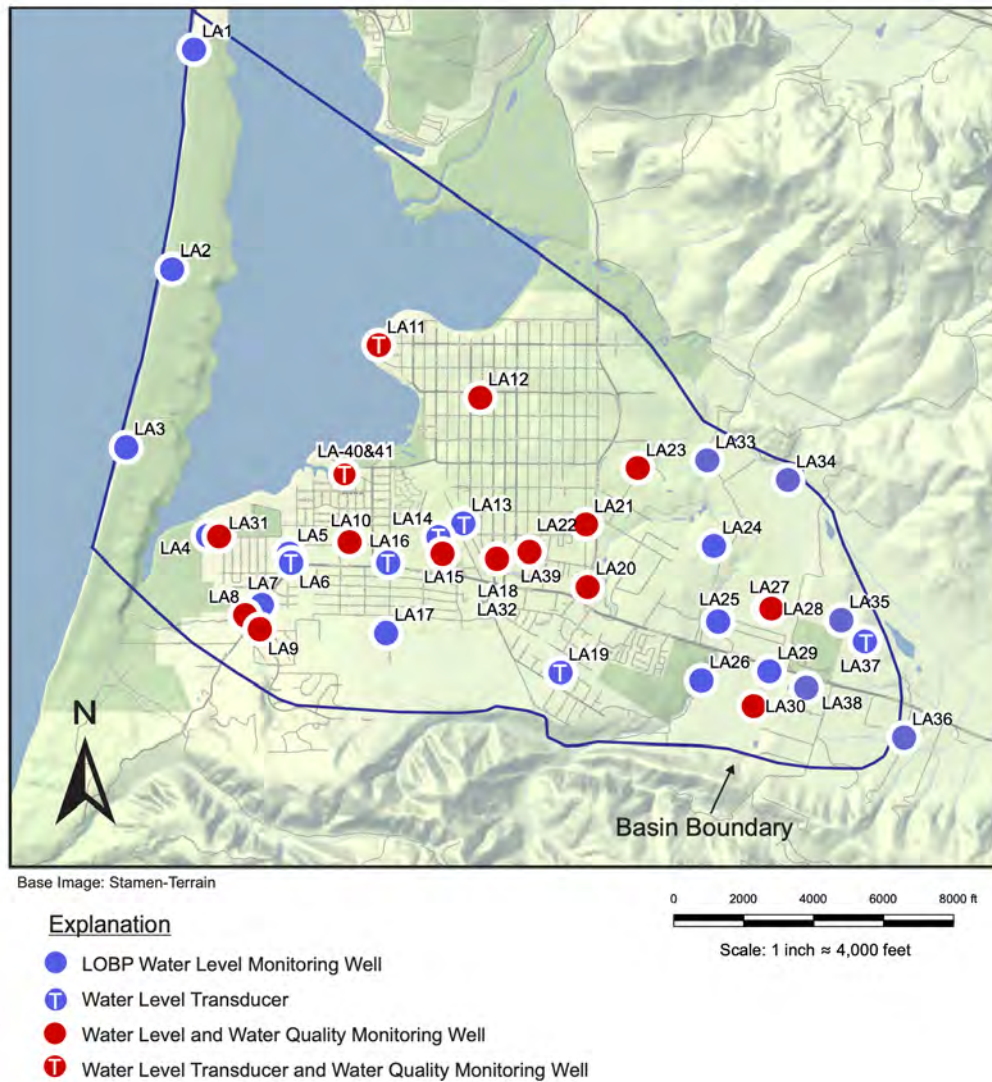
Despite the relatively high density of available monitoring locations in the Basin, only a few of the wells are dedicated to monitoring Lower Aquifer Zone E, which is the deepest aquifer in the Basin and the most susceptible to seawater intrusion. Over half of the 93 wells in the monitoring network are water supply wells, which are not specifically designed for groundwater monitoring, and may include mixed aquifer zone completions and wellbore leakage. There is a need for additional monitoring locations in the Lower Aquifer (see Section 2.2.5). (see [2022 AMR](#), Page 10).

SGMA and SGMA BMPs state that production wells and wells with mixed-aquifer screening (pumping from more than one aquifer or aquifer zone) should be replaced as monitoring wells (see [MND BMP](#), Page 9). The BMC Annual Monitoring Reports (AMRs) identify wellbore leakage (water leaking into the wellbore from the Upper Aquifer to the Lower Aquifer) as having adverse effects on Lower Aquifer data because it dilutes and reduces chloride levels in monitoring samples (see [2018 AMR](#), Appendix J).

We assume all production wells are adversely impacted by pumping interference based on SGMA BMP, which is reinforced by the statement in the [2022 AMR](#). Though some lower aquifer production well data have few variations and appear relatively reliable, the owners/operators of these wells are likely applying pumping protocols that involve collecting water quality data (e.g., chloride data) at a certain point in the pumping cycle and/or after purging the well. Protocols require operator/sampler discretion regarding, for example, when to sample in a pumping cycle and how long a well should be shut down before purging. Thus, pumping protocols reduce the scientific objectivity of data collection and introduce factors that adversely affect data, e.g., operational needs such as customer demand and bias.

The 7 wells we identify as providing reliable and accurate data include 3 wells, LA11, LA 40, and LA41, which the [2022 AMR](#) indicates are affected by tidal influence. The 7 wells also include Well LA13, which 2021 and 2022 AMRs indicate is affected by “seasonal (water level) fluctuations” and pumping interference (see [2021 AMR](#), Page 56 and [2022 AMR](#), Page 56). These wells may require a collection protocol, e.g., collection at certain phases of the tide or nearby well pumping cycle, to obtain the most reliable results.

LOSG Figure 3 Current lower aquifer monitoring well locations, Figure 4 from 2022 AMR



Note: LA24 & FW24 and LA 40 & 41 are nested wells (same borehole)

LA18 and LA32 at same site (two symbols used in 2016 Annual Report figure to indicate LA32 was a program addition).

Figure 4
Groundwater Monitoring Program
Lower Aquifer Wells
Los Osos Groundwater Basin
2022 Annual Report

Cleath-Harris Geologists

LOSG Figure 4. Lower aquifer monitoring wells in the urban basin (Western & Central Areas) without mixed aquifer screening, well bore leakage, or pumping interference (modified Figure 4 from 2022 AMR)

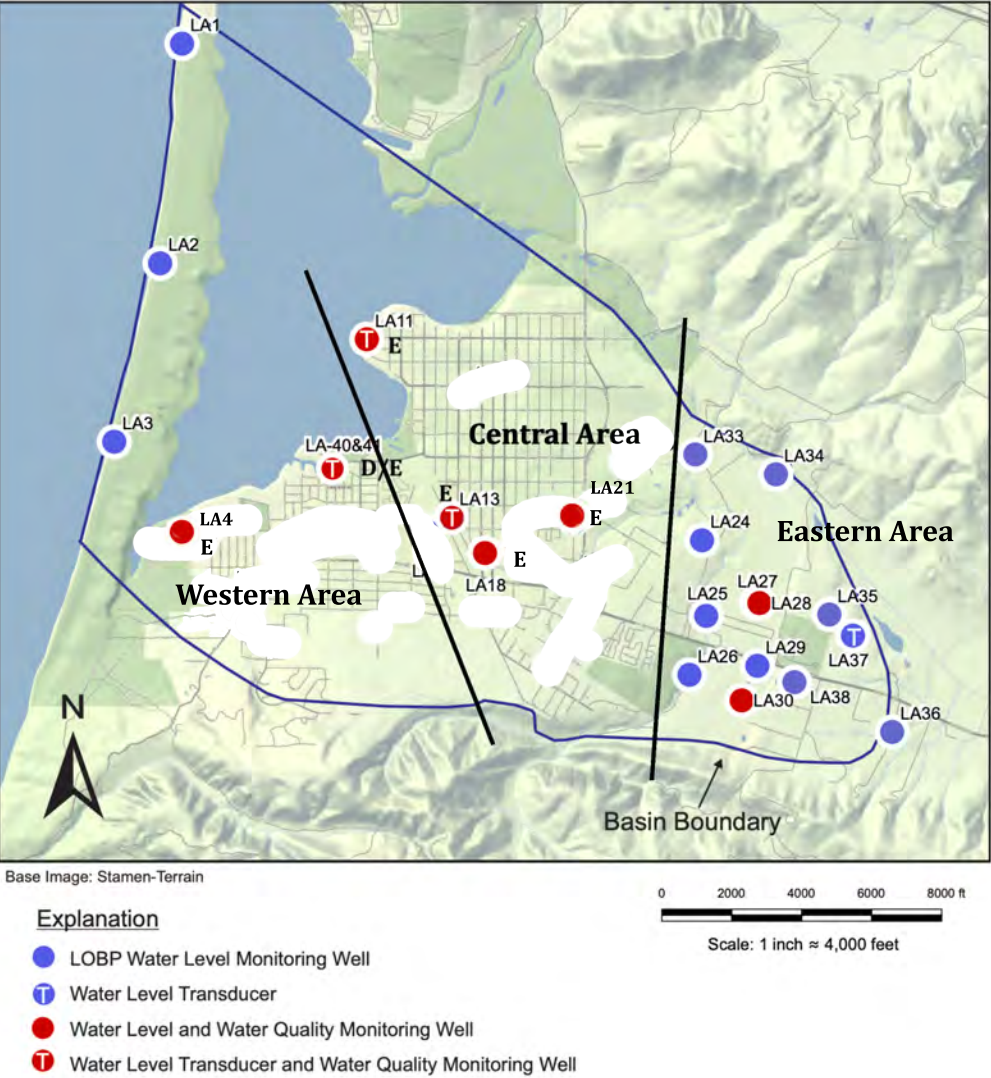


Figure 4
Groundwater Monitoring Program
Lower Aquifer Wells
Los Osos Groundwater Basin
2022 Annual Report
Cleath-Harris Geologists

Table A Factors Adversely Affecting Monitoring Data—Lower Aquifer Zones D & E

WL Wells (AQ)	WQ Wells	WBL* Y/N	MA* Aq/Aq	PI* Y/N	Notes:
LA1 (E)					Sand spit well.
LA2 (D)					Sand spit well.
LA3 (D)					Sand spit well.
LA4 (E)					Chlor. level est. at 17,000 mg/l in 2005
LA5 (D)		Y		Prod	Nit. lev. 12.4 & 13.3 mg/l (2005 & 9), Prod. Well no longer used due to nits.
LA6 (D)				Prod	Chlor. lev. 230 & 460 mg/l (2005 & 9), Nit. lev. 2.19 & 2.25 mg/l; Prod well off line due to SWI.
LA7 (D)	Shown Table 5 as "Private—not measured"				
LA8 (D)	LA8	Y		Prod	Nit. lev. 7.5 (F2021)
LA9 (D)	LA9	Y		Prod	Nit. lev. 6.4 (F2021)
LA10	LA10	Y	D/E	Prod	Nit. lev. 4.6 (F2020) chgd to 2.1 mg/l
LA11 (E)	LA11				Seawater influence (LOBP pp,100-101) Tidal influence (2022 AMR, p. 56)
LA12 (D)	LA12			Prod	9.6' chg spring to fall 2021
LA13 (E)				Y	PI per 2021 AMR, Page 56
LA14			D/E		Seawater influence (LOBP pp,100-101)
LA15 (D)	LA15	Y		Prod	WBL-when production reduced 10.8' chg spring to fall 2021
LA16 ¹		Y	D/E	Prod	Seawater influence (LOBP pp.100-101) Nit. Lev. 10.4 (2005)
LA17 **			D/E	Prod	-22' chg spring to fall 2021, 38.7' - 16.2'
LA18 (E)	LA18				
LA19 (D)				Prod	-10.1 chg spring to fall 2021
LA20	LA20		C/D/E	Prod	-8' chg spring to fall 2020
LA21 (E)					WQ affected by high PH and alkalinity—high chlor. not SWI (Oct. 7, 2014 ISJ SWI update)
LA22 ² (D)	LA22	Y		Y	Zone D monitoring well with PI, near LOCSD Well 17E11. Nit. lev. 7 mg/l fall 2022; WLS -27.4' and -40.1' spr. & fall 2022; -12.7" chg spr to fall 2022
	LA31		C/D		Private-WQ only; Chlor. 636 F2022
LA32	LA32	Y	C/D	Prod	Nit. lev. 6 mg/ and 4 mg/l spring and fall 2020
LA39 (D)	LA39			Prod	
LA40 (E)	LA40				Tidal influence (2022 AMR, Page 56)
LA41 (D)	LA41				Tidal influence (2022 AMR, Page 56)

Factors adversely affecting data quality

WBL—Well-bore leakage WBL—assumed for wells w/ N03-N above 2 mg/l based on Appendix J, 2018 AMR

MA—Mixed-aquifer screening

PI—Pumping interference

Prod— Production well w/ assumed PI (see Note). Over 5' of S-F chg. noted

Prod—Muni supply; Prod—Private prod.

Y/N—"Yes" shown with Y

"No" shown with no entry

** LA17 WLS more 10X's average LA levels LOBP—BP-- Basin Plan

LA16¹—WBL based on LOBP, Fig. 27 note for 18M1(LA16) and 2005 data (10.4 nit.)

LA22²—WBL based on 2019 Adaptive Mgmt. TM, Page 5; PI based on resp. to LOSG 2021 Drft AMR Comments, Page 11

Note: Mixed-aquifer, municipal supply, and ag wells used for water level monitoring should be replaced with zone-specific dedicated monitoring wells per SGMA BMPs—see "Monitoring Networks and ID of Data Gaps," p. 9, DWR website

The Chloride Metric and seawater intrusion front contour map show changes at Well LA10 but not significant changes in seawater intrusion

BMC AMRs state that more monitoring wells are needed to “further define the extent and movement of seawater intrusion in both Zone D and Zone E” (see [2022 AMR](#), Page 57).

The Lower Aquifer program does not have enough wells producing reliable and accurate data to use the ordinary kriging estimation method to calculate the position of the Zone E intrusion front. As a result, the AMRs provide a “generalized plan view interpretation” of the Zone E intrusion front and a calculated estimate of the Zone D front. However, the Zone D front estimate is based primarily on data from Well LA10, which suffers from all three of the factors listed in [Table A](#): wellbore leakage, mixed aquifer screening, and pumping interference. AMRs identify only two factors as adversely affecting data (wellbore leakage and mixed-aquifer screening). However, AMRs provide a disclaimer when discussing the intrusion front contour mapping for Zone D, that the calculated front is “interpreted to be the result of localized chloride fluctuations at LA10 rather than broad intrusion front movement.” The AMRs also caution that the “calculated position of the intrusion (Zone D) front and...velocity...can vary significantly from year to year, and Spring to Fall due to localized chloride fluctuations, particularly at well LA10” (see [2022 AMR](#), Pages 56-57 for above citations).

Thus, well LA10 does not provide data that identifies the location of the Zone D front, but instead provides data that measures localized variations in chloride levels at Well LA10. In [LOSG Figure 5](#), we modify Figure 18 from the [2022 AMR](#) to illustrate what the data supports. Rather than supporting an advance or retreat of the Zone D from year to year as shown on AMR contour maps and reported in the discussion, the data show only that intrusion has reached LA10 and is affecting LA10 data. Therefore, we show the contour line going through Well LA10 well and we put X's on the estimated advances and retreats not supported by data.

The localized nature of the chloride changes at Well LA10 can be accounted for by the three factors adversely affecting LA10 data, especially pumping interference. From 2016 to 2018, chloride levels dropped about 170 mg/l (from 389 mg/l to 220 mg/l) with major cutbacks in pumping that raised water levels from about 9' below mean sea level (MSL) to about 16' above MSL (see [2022 AMR](#), Appendix J, highlighted LA10 data; [2016 AMR](#) Table 5 p. 26; [2018 AMR](#) Table 5 p.25). The 16' level is substantially higher than the water levels of other wells in the area, indicating that localized mounding may be contributing to the significant pumping interference effects on data. The drop in chlorides at LA10 does not include the effects of wellbore leakage, which lowered chloride levels to 152 mg/l in fall of 2018 (see [2018 AMR](#), Appendix J). The data were later adjusted to remove the leakage influence as we explain below.

The dramatic effects of pumping influence were known to BMC members before BMC operations began in 2015, and the decision to double-weight LA10 data suggest that the BMC built a confirmation bias into the metric. With significant

cutbacks in pumping as planned for western wells including LA10, metric values would predictably drop significantly indicating significant “improvements” in conditions. The well’s response to pumping changes are reported in footnotes on data tables in the [2022 AMR](#) and in a 2014 seawater intrusion report prepared for the BMC, then referred to as Parties to the ISJ:

Chloride concentrations at 13J1 (LA10) can vary seasonally by 100+ mg/l and are affected by well production and borehole leakage, so fluctuations are expected. (Emphasis added.) (see [2022 AMR](#), Appendix J and [BMC ISJ SWI Report 2014](#)).

In early 2019, Mr. Harris devised a data substitution method and pumping protocols to adjust LA10 data in an attempt to remove wellbore leakage influence. The substituted data raised the fall 2018 LA10 chloride level from 152 mg/l to 220 mg/l, making the drop in the metric less dramatic. Shortly after, in 2019, the declining Chloride Metric “trend” at LA10 reversed and chloride levels rose to 310 mg/l by fall of 2020, dropping again to 235 mg/l by fall of 2022 (See [2018 AMR](#), Appendix J, Pages 4, 5; [2022 AMR](#) p. 21 and Appendix J).

Chloride data for LA10 collected during regular monitoring events was replaced using the substitution method in 7 of 12 semiannual events between spring of 2017 and fall of 2022 (see [2022 AMR](#), Appendix J, highlighted LA10 data). Use of pumping protocol(s) is reported in the [2019](#) and [2020 AMRs](#), and may have been used in 2021 and 2022 but not reported. Based on LA10 data (adjusted for wellbore leakage and recorded in data tables since 2017), data substitution and protocols have reduced the overall variability of LA10 data to some degree (e.g., the effects of pumping interference and mixed-aquifer screening). However, both strategies require discretion on the part of operators/samplers, so both introduce subjective factors including bias and operational needs/limitations that adversely affect data objectivity and quality.

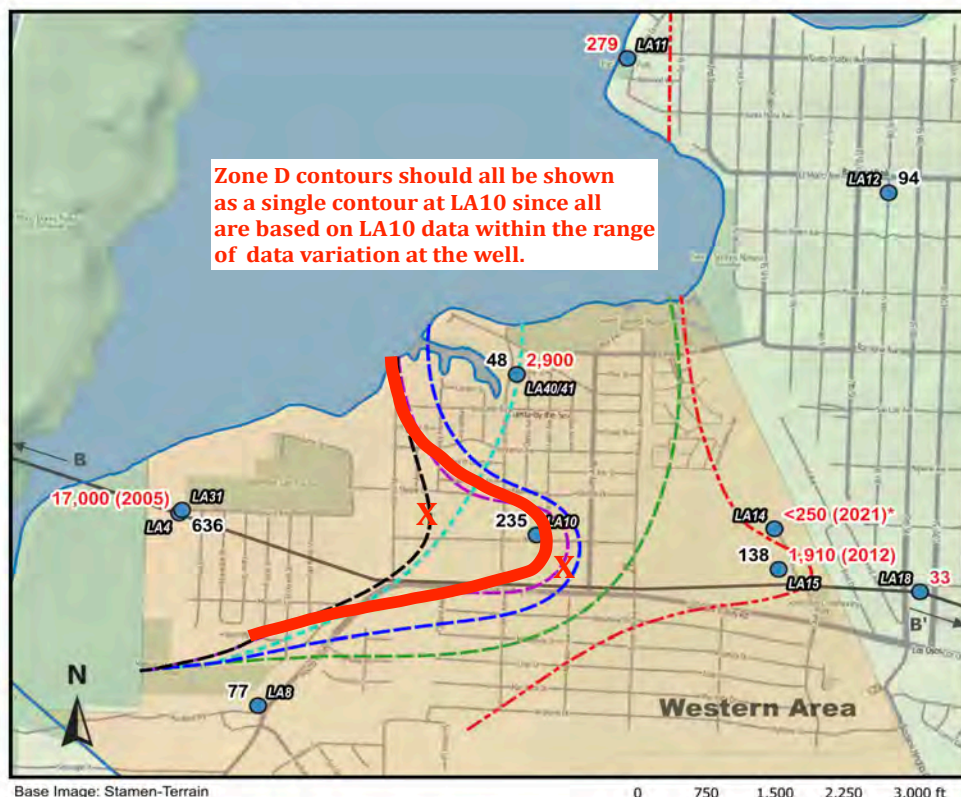
The AMRs do not document use of pumping protocols or purging of wells prior to sampling. The BMC has a voluntary set of monitoring procedures for water level and water quality sampling, including voluntary quality-control measures (see [2022 AMR](#), Appendix D). The procedures recommend entering information relevant to sampling events in Field Logs, but almost no information is recorded in the examples of logs provided in AMRs (see [2022 AMR](#), Appendix C). The one exception is for Well LA15. Logs indicate the well is turned on several hours before collection. Based on the title page of Appendix C, GSWC, the owner-operator of LA10, does not share well logs with the BMC for publishing.

The very poor-quality data produced by LA10, including the negative effects of data substitution and discretionary, unreported pumping protocols, mask and fail to capture two significant changes in seawater intrusion conditions--advancing seawater in Zone E toward Well LA11 and advancing intrusion in Zone D toward LA15. See [LOSG Figure 6](#) for a comparison of the variable and unreliable LA10 data to the more reliable data of LA11 and LA15, which show a relatively steady increase in chloride levels. See [LOSG Figure 7](#) showing that the 2015 to 2022 Chloride Metric

trend is flat, indicating the metric is not on track to meet predicted timelines for reaching metric targets.

Inadequate monitoring and metrics make it impossible to assess, track, and address seawater intrusion threats to Basin sustainability. Available data indicate that the Zone E intrusion could be entering the commercial area and Zone D intrusion has moved inland past LA10. (See [LOSG Figure 1](#) for an approximate location of the Zone D front based on LA15 data and the “generalized...interpretation” of the Zone E front based on the inadequate current data. (Also see [Part 5](#) for LOSG recommended upgrades to monitoring program.)

LOSG Figure 5.



Explanation

— Cross-section alignment (Figures 5 and 19)

— Bulletin 118 Basin Boundary

235 ● Well with Zone D and/or Zone E chloride concentration (mg/L)
33 ● (Value for Fall 2021 except where year noted)

* LA14 Zone E value based on geophysics

**Seawater intrusion front in Western Area
(250 mg/L chloride isopleth)**

--- Winter 2005 - Zone D (Pre LA40/41)

--- Fall 2016 - Zone D (Pre LA40/41)

--- Fall 2020 - Zone D

--- Fall 2021 - Zone D

--- Fall 2022 - Zone D

--- Zone E (Generalized with data from various years)

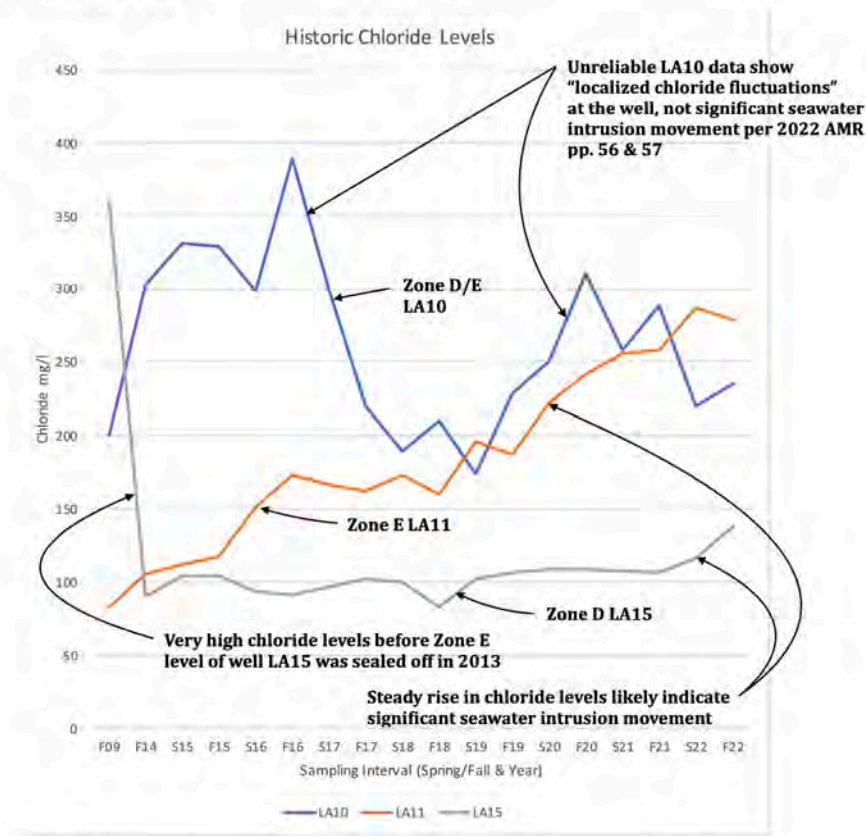
AMR's indicate contours reflect "localized chloride fluctuations at LA10" (see pages 56 & 57)

**Figure 18
Seawater Intrusion Front
Western Area
Lower Aquifer Zone D and E**

**Los Osos Groundwater Basin
2022 Annual Report**

Cleath-Harris Geologists

LOSG Figure 6



LOSG Figure 7

Chloride and Water Level Metric Lower Aquifer

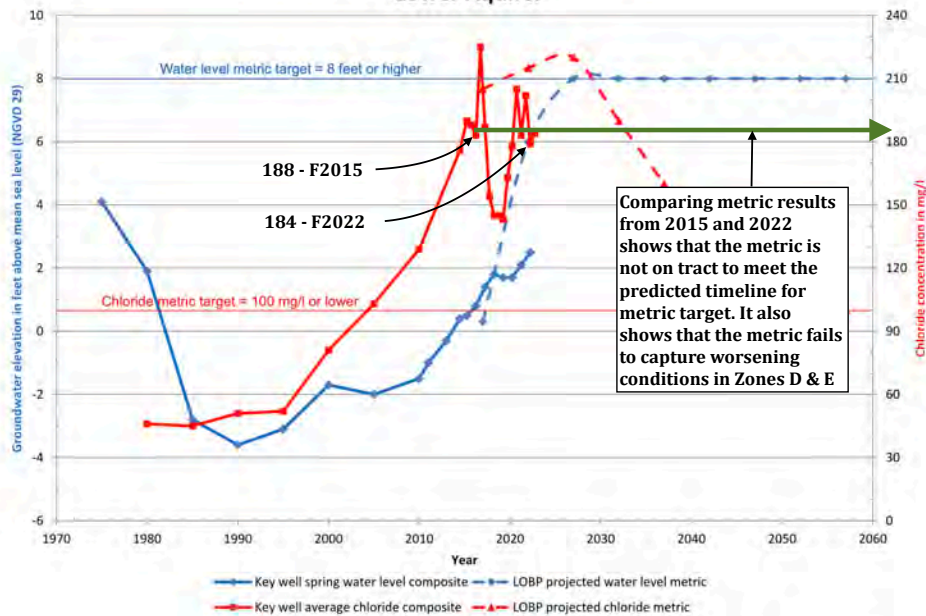


Figure 23
Chloride and Water Level Metric
Los Osos Groundwater Basin
2022 Annual Report

Cleath-Harris Geologists

The Water Level and Chloride Metrics, including any updated versions, are inherently flawed

The BMC plans to review and upgrade the monitoring metrics, although plans are currently on hold, pending review of upgrades to the monitoring program (see [2022 AMR](#), Page 3). Based on the BMC's approved upgrades to the monitoring program for 2022 and 2023 (modification of Well LA13 and a new nested well near Skyline Drive and Pine Street), the addition of new or modified wells to improve the metrics will be minimal (see [2022 AMR](#), Page 20). Even if LA10 is replaced with the Skyline well in the Chloride Metric, and one or two wells are added to the metrics, they will still be fatally flawed. This is due to several inherent flaws:

- 1) Neither metric has enough strategically placed monitoring wells producing high-quality data to accurately represent seawater intrusion conditions in two discrete aquifer zones. The 4-well Chloride Metric and the 5-well Water Level Metric each have just one Zone E well, LA11, in the northern Basin. LA11 also happens to be the only well in each metric (not counting the two water level wells on the sandpit) without well-bore leakage, mixed aquifer screening and/or pumping interference. Well LA10, which is double-weighted in the Chloride Metric, has all three adverse factors as mentioned.
- 2) The metrics also provide a single-value average for assessing and reporting seawater intrusion conditions, which produces misleading results. An average value can indicate improving conditions, although conditions at one or two wells are deteriorating. For example, the 2022 result showed an "improvement", although intrusion worsened in Zone E.
- 3) The single-value metric targets (100 mg/l of chlorides for the Chloride Metric and 8 ' above MSL for the Water Level Metric) serve as the BMC's only seawater intrusion objectives based on monitoring data, i.e., actual physical Basin conditions. The objectives are inadequate for assessing conditions and confirming the threats are avoided or eliminated due to flaws described in 1) and 2) above. Thus, simply replacing LA10 with another well or adding one or two wells to metrics, which-- based on the BMC's approved upgrades to the monitoring program (one nested well and one modified well)-- are likely to be the extent of BMC upgrades.

More monitoring wells are needed to track and set sustainability objectives for seawater intrusion

The BMC had Mr. Harris prepare a TM in 2022, which recommended up to 4 modified existing wells and 4 new single-aquifer, dedicated monitoring wells, referred to as nested wells (see Well Modification TM in [BMC Agd Pkt 7-28-22](#), e.g., Pages 2-3, pdf Pages 25-26). The addition of 4 nested wells and 3 modified wells makes the total number of wells recommended 11. The BMC approved just three of these, one modified well and one nested well (see [2022 AMR](#), Page 20).

Several wells the BMC did not approve are essential for tracking intrusion and preserving the Basin: the Site D Sunnyside well is essential for determining if the Zone E front is entering the commercial area and poses an immediate threat to the

municipal water supply. The Site B well is important for measuring the effects of the Broderson leach field on Zones D and E and determining the need for new strategies if the leach field is not having intended effects on those Zones. The Site C well fills an important gap in the grid along the estuary inland of wells LA40 and LA41. Well LA40 has shown substantial increases in chloride levels since 2019. To provide adequate seawater intrusion grids for Zone D and Zone E (i.e., grids providing enough reliable and accurate data to set measurable objectives that quantify, track, and verify sustainable conditions), five new nested wells in addition to the four the TM recommends should provide adequate monitoring. We also support keeping the one modified well completed in 2022 (LA13) and two other existing single-aquifer wells (LA4 and LA18)—see [LOSG Figure 2](#)).

More monitoring wells are needed to assess, track, and set objectives for threats to Basin sustainability throughout the urban Basin

We describe several threats to Basin sustainability in [Part 3](#) that the BMC has not yet addressed. More single aquifer dedicated monitoring wells are needed to effectively assess and address these threats and to set water quality and water level objectives to avoid and eliminate threats. More new dedicated monitoring wells are also needed to assess and track conditions near ESHA and Basin borders. These wells are essential for measuring the effects of management actions, climate change, and other impacts in the future.

The following are some general recommendations from SGMA BMP for monitoring network density and frequency (see [MND BMP](#), Pages 12-13)

- *Groundwater level data will be collected from each principal aquifer in the basin. (Note that Zones D & E should each be treated as principal aquifers.)*
- *Agencies will need to adjust the monitoring frequency to address uncertainty, such as in specific places where sustainability indicators are of concern, or to track specific management actions and projects as they are implemented.*
- *Data must be sufficient for mapping groundwater depressions, recharge areas, and along margins of basins where groundwater flow is known to enter or leave a basin.*
- *Well density must be adequate to determine changes in storage.*
- *Data must be able to map the effects of management actions, i.e., managed aquifer recharge or hydraulic seawater intrusion barriers.*
- *Data must be able to demonstrate conditions at basin boundaries.*
- *Agencies may consider characterization and continued impacts of internal hydraulic boundary conditions, such as faults, disconformities, or other internal boundary types.*

The BMC has no plans for adding new monitoring wells to fill the very large gaps where no wells exist and where gaps exist due to current monitoring wells

producing poor-quality data, other than the one new well mentioned planned for 2024. Some of these gaps include the northern part of the urban Basin and east of the commercial area where the BMC is shifting pumping from the western part of the Basin to reverse seawater intrusion. Gaps should also be filled with new wells to monitor conditions near Willow Creek Drainage and Los Osos Creek, and along the southern edge of the Basin. These areas are experiencing, and will continue to experience, significant changes due to major changes in pumping and recharge in the Basin, climate change, greater pumping of the Lower Aquifer by private well owners, and other impacts. About 11 nested wells would be beneficial, in addition to the 5 wells needed to fill the gaps in the seawater intrusion grid, distributed strategically throughout the urban Basin to track and develop objectives to avoid/eliminate threats to Basin sustainability (see [LOSG Figure 2](#)).

PART 5

Parameters for approval of development

Overview

Consistent with Special Condition 6 of the LOWWP CDP, we suggest the parameters for approval of development in Los Osos, which we call “development objectives” be set based on sufficient high-quality data to conclusively show that seawater intrusion and other threats to the Basin are avoided and eliminated for the current population, with an added margin to allow added development. We ask that they are added to the LCP, AEP, GMO, and/or CZLUO.

Substantial upgrades to current management are needed

Substantial upgrades are needed for the current monitoring program. We suggest the addition of approximately 16 nested dedicated monitoring wells for Lower Aquifer Zones D and E in the urban part of the Basin (Western and Central Areas) strategically distributed to assess Basin conditions and set sustainability objectives. (see [LOSG Figure 2](#). Also see LOSG Figures [10](#), [11](#), and [12](#) that show key locations where water level contour maps fail to capture low water levels, e.g., Well LA22 on east side of commercial area.)

Sustainability objectives for seawater intrusion should be set where the model locates the fronts with pumping at 80% of sustainable yield

We suggest that the objective for seawater intrusion be located where Basin modeling places the intrusion fronts for Zones D and E with pumping at 80% of sustainable yield. This is under the estuary to the west of the urban portion of the Basin (see [LOSG Figure 9](#)). (See GHC Sus Yld Methodology, Fig. 2, [BMC Agd Pkt 9-29-21](#), Item 8b.) Sustainability for the current population would be conclusively shown by the fronts reaching and being maintained at contour line locations for a given period of time. The contour lines would be based on quantified values at new

monitoring wells strategically distributed in the western part of the Basin sufficient in number and density to ensure the contour lines conclusively show the extent and movement of seawater intrusion (see [LOSG Figure 2](#) for recommended monitoring well approximate number and general placement).

Objectives should include minimum thresholds, interim milestones, and sustainability objectives

Objectives for each threat/undesirable condition should include quantified minimum thresholds, milestones, and desired conditions using the same network of dedicated monitoring wells. The minimum threshold would remove the immediate threat, the time-specific milestones would confirm progress toward the desired condition (sustainability objective), and the sustainability objective would quantify the desired physical condition for sustainability relative to a particular threat or undesirable condition. The sustainability objective would add the necessary buffer to the minimum threshold objective to avoid/prevent threats/undesirable conditions in the future by accounting for climate change and other impacts and uncertainties.

Parameters should be “development objectives” that exceed sustainability objectives

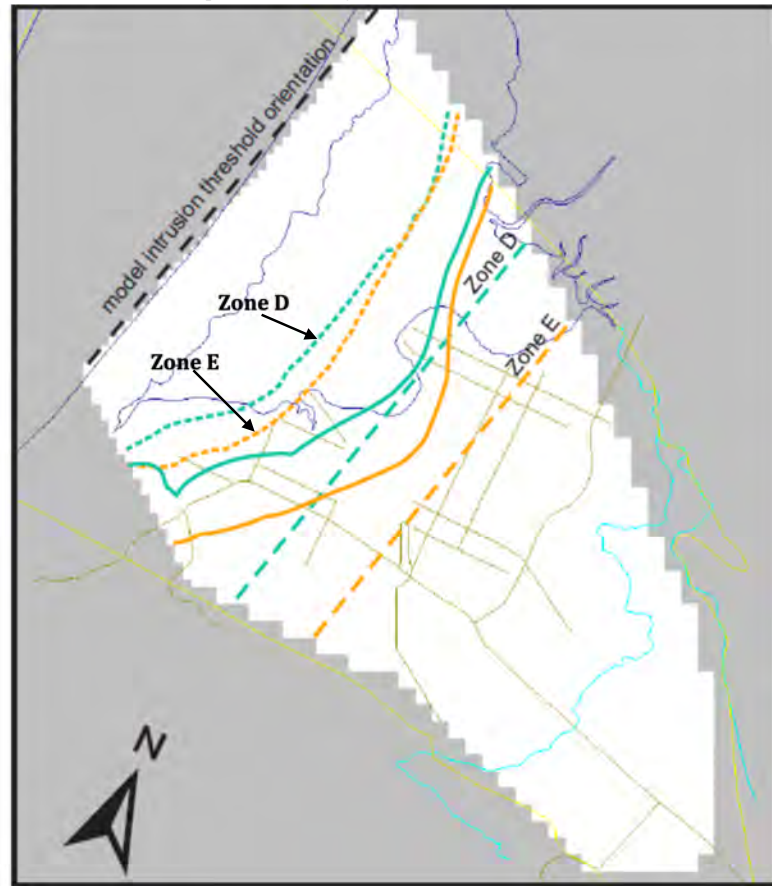
The parameters we suggest for the EAP update are “development objectives” that exceed the quantified sustainability objective for each threat/undesirable condition. For seawater intrusion, the added increment would be contour lines (one for Zone D and one for Zone E) located west of the contour lines for sustainability objectives.

The growth rate should be incremental as “development objectives” are achieved; no future buildout limit should be set to avoid inducing unsustainable growth

Special Condition 6 requires “conclusive evidence” of a sustainable water supply for new development to be the basis for setting “buildout limits and any appropriate mechanisms” to stay within them. Given the unknowns associated with climate change, identifying a theoretical future population number isn’t possible based on conclusive evidence, nor is it a good idea since it creates expectations that can induce unsustainable development. The focus should be on small incremental increases in development based on achievement of development objectives that exceed the sustainability (desired condition) objectives described above.

LOSG Figure 9

Recommended locations of sustainability objectives (desired conditions) for seawater intrusion. (Shown on Cleath-Harris Geologists Figure 2 of Seawater Intrusion 2022 Sustainable Yield Adaptive Method)



Scale 1" = 4000 feet

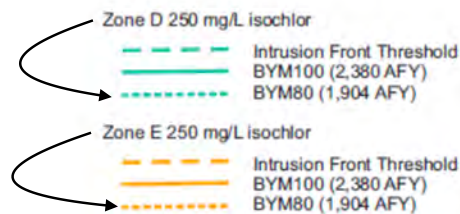


Figure 2

Seawater Intrusion
2022 Sustainable Yield
Adaptive Method
Broderson 50%

Cleath-Harris Geologists

Figure 2. Adaptive Method Sustainable Yield Calculation (50% Broderson Mound development)

* Contour lines would be based on chloride data from seawater intrusion monitoring network show in LOSG Figure 2

PART 6

Essential criteria for sustainable Basin management

Basin sustainability is not possible without the following essential components of sustainable basin management. We base these components on Special Conditions 5 & 6 of the LOWWP CDP, SGMA requirements and BMPs, and LCP Coastal Plan Policies (1988, revised 2007) (e.g., Coastal Watersheds, Policy 5). We ask that they be added to the LCP, AEP, GMO and/or CZLUO, and we explain why below.

A monitoring program providing sufficient high-quality data

A monitoring program is needed that provides data of sufficient quality, quantity, density, frequency, and distribution to identify and evaluate threats to the Basin and beneficial uses, and to develop objectives to avoid/eliminate the threats and show with conclusive evidence that objectives are met and maintained. As we show in [Part 4](#), the insufficient and poor-quality data make decision-making vulnerable to error, bias and misleading results that can jeopardize the Basin.

Time-specific objectives that quantify sustainable conditions relative to each threat

Measurable objectives are needed that quantify desired physical Basin outcomes representing sustainable conditions relative to each threat to Basin sustainability and beneficial uses. The minimum thresholds, milestones, and sustainability objectives (desired outcomes) should be quantified via a network of monitoring wells. Minimum thresholds avoid or eliminate threats, and sustainability objectives quantify sustainable (desired) conditions by building margins of safety into minimum thresholds sufficient to account for climate change and other impacts and uncertainties. Milestones mark progress toward achievement of sustainability objectives, keeping Basin management on track to complete all objectives and the sustainability goal by 2035 ensuring Basin sustainability as a sole water supply for the community and dependent resources including ESHA. The BMC metrics and metric targets (which the BMC uses instead of measurable objectives) do not identify time-specific physical improvements in the Basin or allow managers to track and avoid/eliminate all threats and undesirable conditions.

A time-specific sustainability goal

A sustainability goal representing the achievement of all objectives is needed that summarizes objectives (desired outcomes) and how they will be achieved by 2035. Because the BMC does not have measurable objectives, it does not have a sustainability goal that represents the completion of the objectives and overall Basin sustainability.

Adequate Basin-wide management programs, policies, and actions

Adequate programs, policies, and actions are needed to achieve all objectives within established timeframes, including but not limited to Basin-wide conservation and recycled water reuse programs, monitoring of all water use, infrastructure programs, and water-quality/contamination control and remediation programs. The LOWWP CDP (Special Condition 5) and BMC's Basin Plan provide for a Basin-wide conservation program (see [Basin Plan](#), Pages 198-199). The Basin Plan also states that Basin-wide monitoring of all water use from private wells is needed to protect the Basin, and it suggests an option in which the County implements mandatory monitoring with an ordinance (see [Basin Plan](#), 137-139). The Basin Plan further proposes a funding mechanism that spreads costs for Basin management and the LOWWP conservation and recycled water programs equitably Basin wide (see [Basin Plan](#), Pages 137, 138, 307-310). However, these programs and equitable funding have never been implemented.

Adequate resources and authority to implement Basin-wide programs, policies, and actions

The commitment of adequate resources and authority to achieve objectives is needed, including such measures as a Basin-wide ordinance, mandatory conservation and recycled water use, and mandatory monitoring of all wells in the Basin. The County and/or BMC have the ability to develop adequate resources and authority, but haven't done so. The County has the authority via the Conservation and Flood Control District, including with a Basin-wide ordinance, and both have the authority through the Superior Court to develop Basin-wide funding and authority, but neither has taken the initiative to do so.

Adequate outside agency oversight, support, and incentives

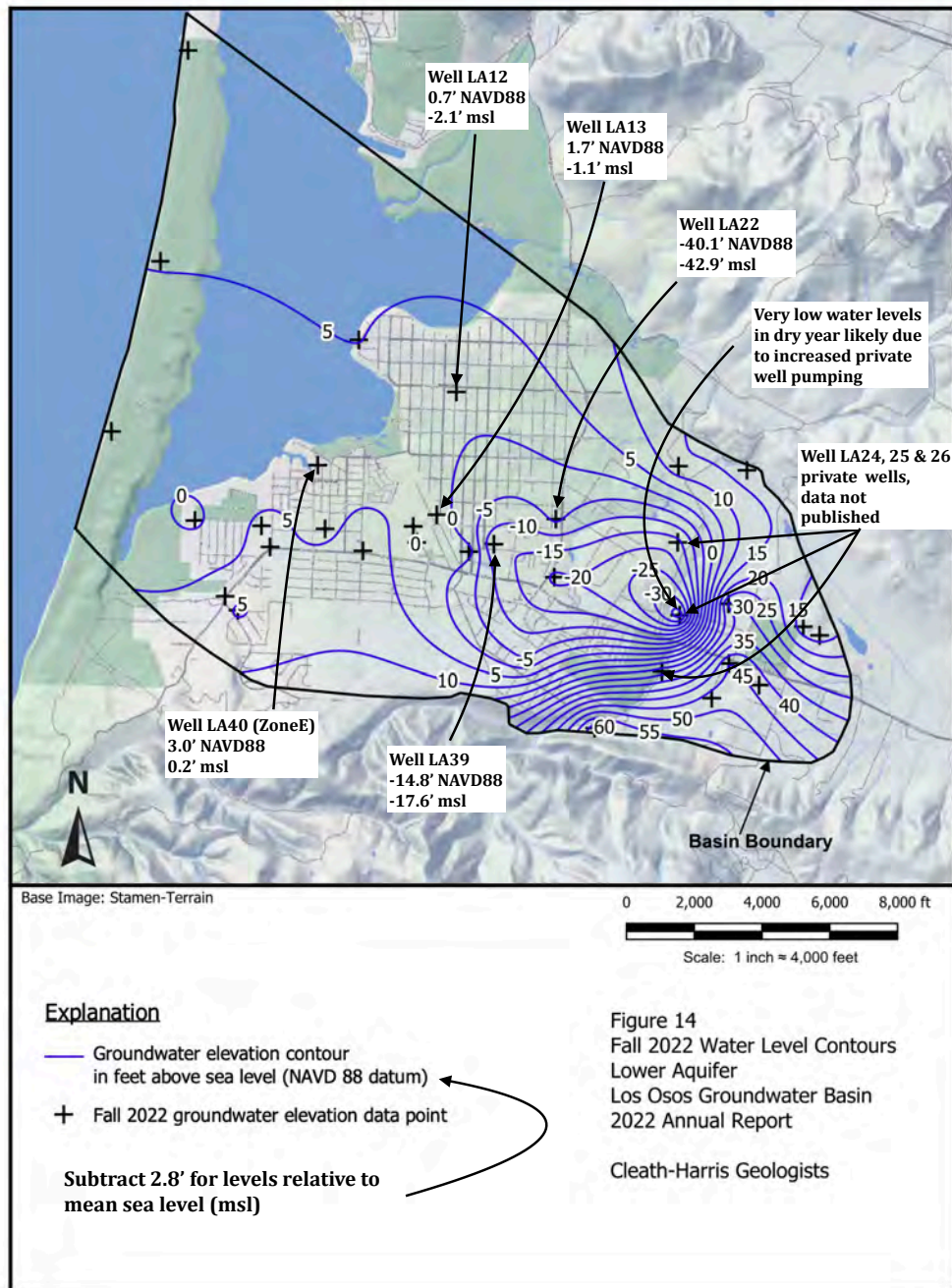
Agency oversight, support, and incentives are needed to ensure time-specific objectives and the sustainability goal are met. Oversight must also include regular review to ensure program quality and effectiveness, including high-quality monitoring programs and data. As we have shown in [Part 4](#), BMC operations, data, and documents do not have sufficient oversight to ensure the effectiveness of operations (e.g., all threats are addressed with measurable objectives and timely progress toward Basin sustainability), and adequate quality control is in place to ensure accuracy and reliability of data and related conclusions.

A commitment to data-driven and outcome-based decision-making

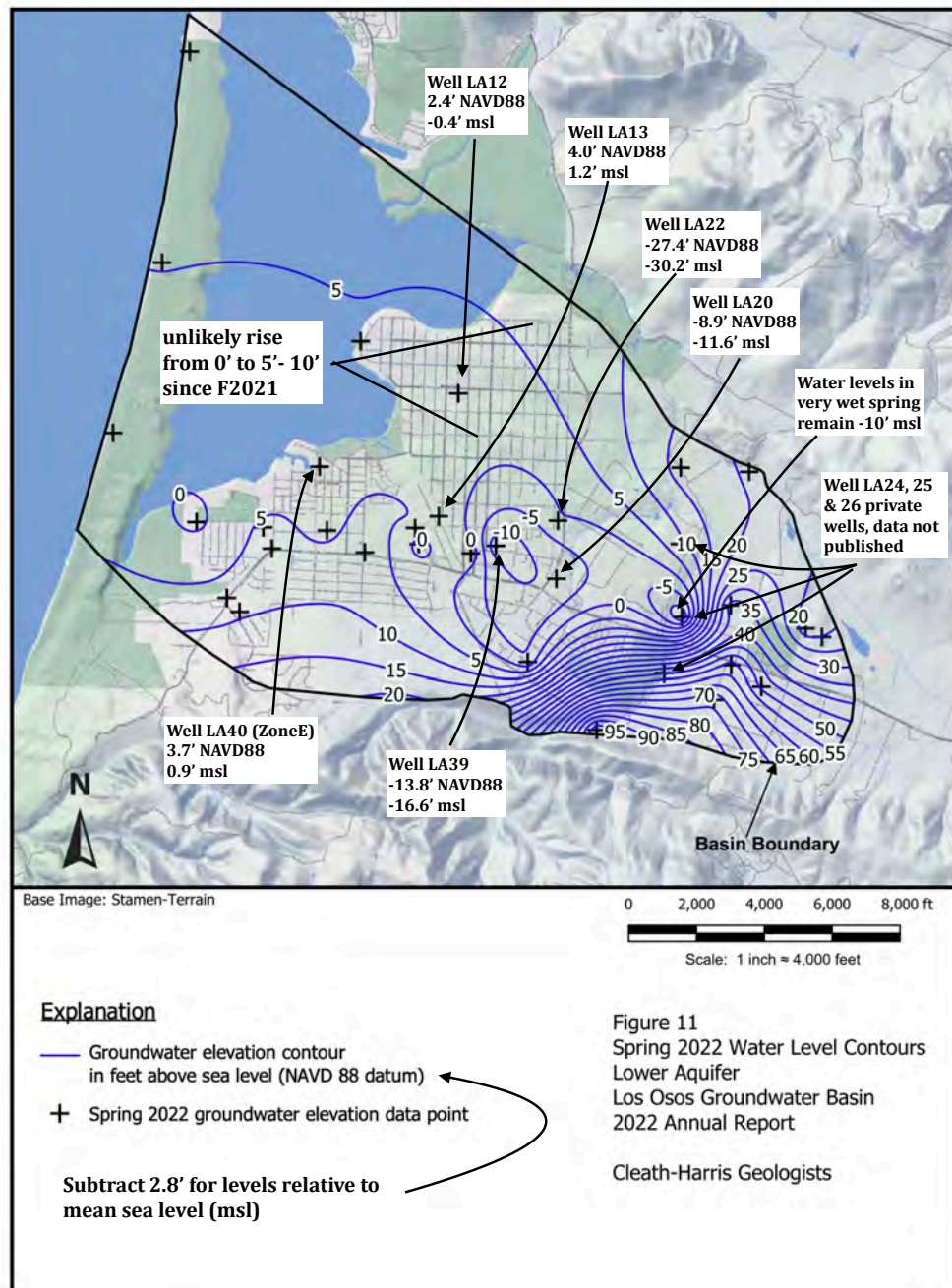
Decisions must be based on high-quality data that provide conclusive evidence of specific physical outcomes, rather than model-based decision-making that provides theoretical outcomes. As discussed in [Part 1](#), the model has substantial and unknown levels of uncertainty, and it has not been shown to represent Basin conditions accurately and reliably enough to avoid devastating consequences to the Basin. Furthermore, given the poor-quality data that will have to be used for the planned new transient model, programming/calibrating it will require many assumptions to fill large data gaps, making

the new model unreliable and potentially harmful to the Basin and ESHA even for its appropriate use—as a planning tool to initiate management actions.

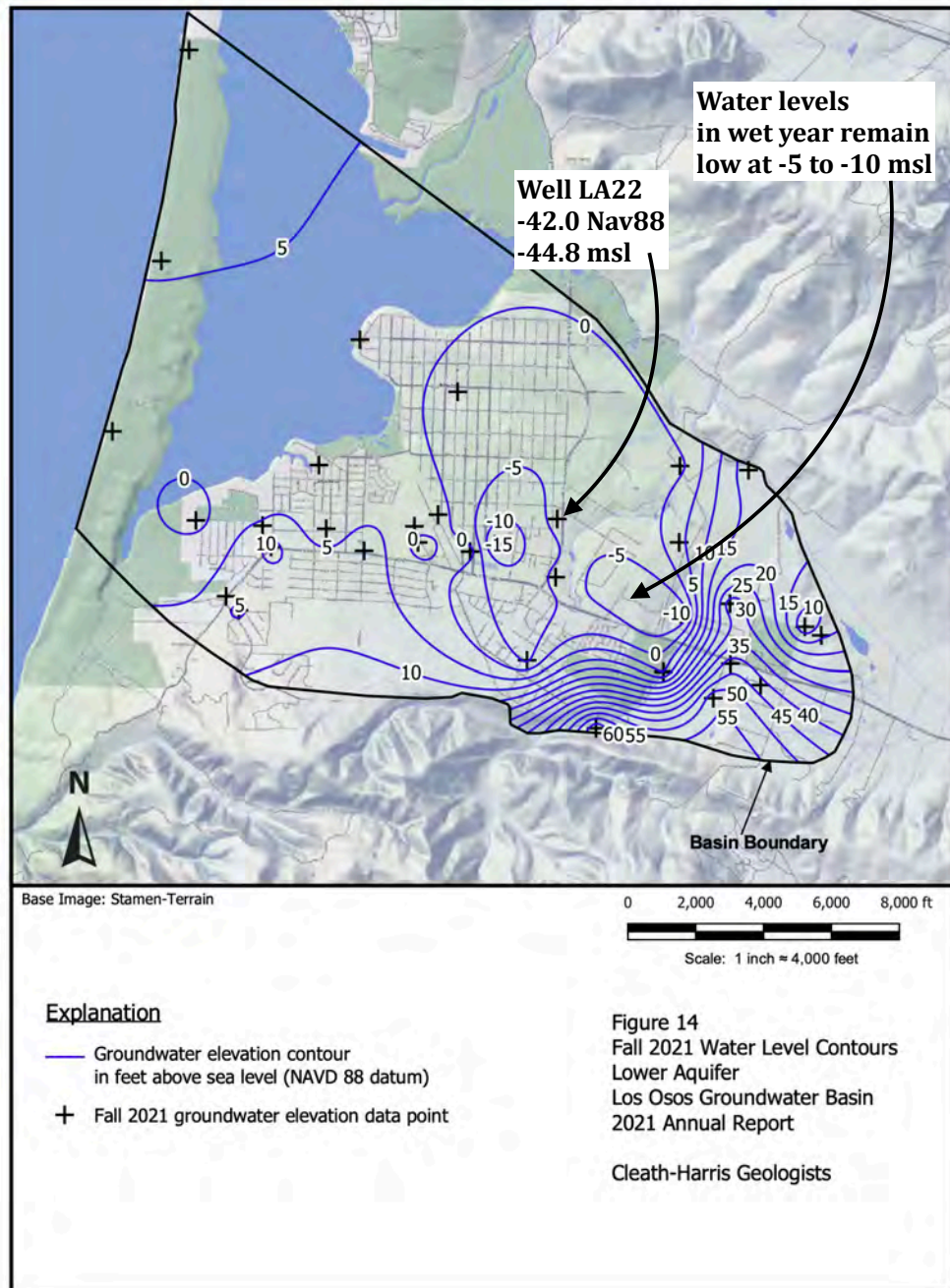
LOSG Figure 10. Fall 2022 Water level contours (modified Figure 14 from 2022 AMR)



LOSG Figure 11: Spring 2022 water levels (modified Figure 11 from 2022 AMR)



LOSG Figure 12. Fall 2021 Water level contours (modified Figure 14 from 2021 AMR)



Cited documents

1. All cited documents, including our [letter of 5-9-22](#) to the Commission, our [letter of 7-16-21](#) to the BMC, e.g., Pages 7, 11, & 15, and [Mr. Carl's letter of 8-28-15](#) to the ISJ Parties are provided on the [LOSG webpage](#) with links in the letter and/or in the support materials.
2. The BMC Basin Plan ([Basin Plan](#)), [Stipulated Judgment](#), [Annual Monitoring Reports](#)

(AMRs), [BMC meeting agenda packets](#), and most of the technical memoranda (TMs) can be also be found on the SLO County [BMC webpage](#).

3. SGMA related portions of the letter are based on three documents developed by the Department of Water Resources (DWR): [Sustainable Management Criteria BMP](#) (Draft), November 2018; SGMA and Sustainable Management Criteria, May 4, 2018; [Monitoring Networks and Identification of Data Gaps](#), December 2016. The documents are abbreviated herein as SMC BMP, SGMA SMC, and MNG BMP respectively and are available on the DWR website at: [DWR](#)



Petition for Writ of Mandate. LOGG v. County of SLO, 22CV-0060.

"In an April 19, 2022 letter from [Dan] Carl, the Commission asserted that 'there is insufficient water supply to service even existing development in Los Osos without coastal resource harm . . . [that] the Commission has repeatedly determined that the LCP consistency cannot be found for any new water using development in Los Osos at the current time'. The Commission further noted that 'unless and until conclusive evidence is provided showing that these types of development[s] do not lead to an increase in water on a given site, we believe that...that CDP applications for such development should not be accepted (because they cannot demonstrate the availability of an adequate and sustainable water source)."

Dear Commissioners,

Before considering approval of the Los Osos Community Plan, please recall your requirement for conclusive evidence of a sustainable water basin.

You approved an ordinance that prohibited ADUs in Los Osos because you were concerned about the overdraft of our basin. You essentially stopped the building of projects that could intensify water use, because you were concerned about more seawater intrusion into our basin. Chloride levels are still increasing, and we could be decades away from the 4 'indicators' of a sustainable basin reaching their goals.

I am Patrick McGibney, Chair of the Los Osos Sustainability Group. Over the past two years I've had several in-depth conversations with your staff. One was on June 30, 2022, with Esme Wahl and Kevin Kahn, and the most recent ones were with Devon Jackson and Ryan Moroney, and then again with Kevin Kahn and Dan Carl. During the last one, our attorney Babak Naficy joined us.

In the first conversation with Ms. Wahl and Mr. Kahn, the questions were "What **is** 'conclusive evidence'?" and "What does 'sustainability' mean?" It was understood that these terms are not speculative or left up to interpretation, but based in science and hard evidence. Conclusive evidence is indisputable, measurable, and unquestionable - like death. And Sustainability means long-term, not depleting, into the future. In written dialogues, these terms have been woven together countless times over the years by this Coastal Commission, in sentences like, "It is required that conclusive evidence be shown that the Los Osos wastewater basin is sustainable before intensification of water use is

allowed.” Or, as it says in the Adjudicated, court-approved Basin Management Plan for the Los Osos Groundwater Basin:

“ . . . That condition requires that the County demonstrate a sustainable Basin before the Coastal Commission will allow the adoption of the LOCP. . .” And that “sustainable buildout limits, and any appropriate mechanisms to stay within such limits, based on conclusive evidence indicating that adequate water is available to support development of such properties without adverse impacts to ground and surface waters, including wetlands and all related habitats.”

My last two conversations with Staff centered around an appeal I was bringing to the Commission of a large, multimillion dollar home planned and approved by the County, in the Cabrillo Estates. Staff informed me that they would not be finding ‘substantial issues’ with this project because they will be recommending the approval of the LOCP, the GMO and the revised LCP, that would allow 1% growth in Los Osos, based on the view that the Los Osos Water Basin is “trending towards sustainability.”

On December 5, 2023, the Los Osos Sustainability Group sent you a 38 page dossier describing why the Los Osos Water Basin is not sustainable and why, under the current management, it will not become sustainable. We emphasized the lack of adherence to the Basin Management Plan, the modeling being used, the lack of funding to monitor the Basin sufficiently, the fact that 50% of Basin’s extraction is unmetered and estimated, and climate change.

The Basin Management Plan begins with the first two primary goals to achieve:

1. Halt, or to the extent possible, reverse seawater intrusion.
2. Provide sustainable water supplies for...existing residential development overlying the Basin.

To achieve these goals it says that “bold, decisive actions” must be taken immediately. That has never happened. One such action would have been to meter and monitor all production wells overlying the Basin. Another would have been to enact a community-wide conservation plan that equitably sets limits of both indoor and outdoor use, with enforceable mechanisms. After 8 years of management, the two immediate goals have not been achieved. Chloride levels are still on the rise, indicating seawater intrusion, thus overdrafting. To understand why the Basin is being ‘mismanaged’, one must take into consideration that the Basin Management Committee is made up of 4 entities, two of which may have their own agendas. Golden State Water is a for-profit company, and must answer to its shareholders. The County, representing

agricultural users, does not want to burden them with metering their wells, and has not required them to update their irrigation systems to water-saving devices.

Coastal Commission staff cites 'the best science available' as guiding their change of position. However, the Steady State modeling BMC uses, as concluded in their annual reports, has too many fallibilities and is being updated to the Transient Model. Technologies are quickly evolving. The Los Osos Water Basin has undergone an Airborne Electromagnetic (AEM) Survey, but the results are still pending. In other words, best science hasn't been used, and is always advancing.

The Los Osos Water Basin, being adjudicated, is not eligible for much of the State funding that SGMA basins may be granted. Thus there is a lack of the number and placement of proper monitoring wells over the Basin. This was detailed in the dossier we sent you. Without these monitoring wells or reliable modeling, metrics like Sustainable Yield are only guesswork, estimates, and are not the "conclusive evidence" you require for a sustainable basin. Two years of abundant rainfall may have filled the reservoirs and lakes, but there is no evidence that the Los Osos water basin, the sole water source for this community, has been significantly recharged. Climate change is here, affecting water availability all over the west; more and longer drought years will be the new norm, with La Niña starting the next rain season.

Because of this, we request that you postpone the approval of the LOCP, GMO, and any updates of the LCP that allow any intensification of use of the Los Osos Groundwater Basin until you conclusively know that the basin is sustainable.

Respectfully,

Patrick McGibney
Chair, Los Osos Sustainability Group

May 9, 2022

California Coastal Commission
Central Office, Santa Cruz, CA

Subject: Defining “conclusive evidence” of a sustainable water supply and parameters to establish conclusive evidence relative to the Los Osos Basin

Dear Coastal Commission Staff,

The LOSG is submitting these recommendations for a “metric” for the Los Osos portion of the Estero Area Update that will meet the standard of “conclusive evidence” required by Special Condition 6 of the LOWWP CDP.

Consistent with the condition and findings of the Coastal Commission, the Commission expects the County to provide “conclusive evidence” of a sustainable water supply prior to approval of new development, and as the basis for identifying buildout limits and mechanisms to stay within those limits in the Los Osos area in its update of the Estero Area Plan (the Los Osos Community Plan or LOCP) and related documents.

We appreciate staff’s sharing insights on the “conclusive evidence” standard in a Feb. 15, 2022 teleconference, and inviting us to share our thoughts and position. We also appreciate the foresight of Commission staff in 2010 in adding this Condition to the LOWWP CDP recognizing the potential for harm to area resources should the 30-year building moratorium be lifted. Given the long history of Basin degradation and the intense pressures to develop the area, the “conclusive evidence” standard will be critical to the sustainability of the Basin, community, and area resources in the future.

Definition of a sustainable water supply

Given the impacts of climate change locally and throughout the state, and the high cost of water and wastewater in the community of Los Osos, we believe the Basin provides the only potentially sustainable water source for the community for the foreseeable future because imported water is not reliable and desalination is not likely to be feasible environmentally or economically (e.g., with no direct outfall to the ocean).

It is our position that the term “sustainable water supply” can be defined as the ability of the Basin to support indefinitely all beneficial uses that it currently provides for dependent resources (e.g., the population, visitors, farms, and natural resources including ESHA). By the Basin, we mean all parts of the Los Osos Basin from under the Morro Bay National estuary west of the community of Los Osos inland (i.e., the portion of the Basin subject to current Basin management). As we define it, the Basin currently includes parts in the

Western Area that are intruded by seawater, but which we believe can and should be restored for beneficial uses including drinking.

LOSG's basic position

We agree that the standard must be clear, objective, and enforceable to avoid conflict and provide direction for the County of San Luis Obispo and landowners in the area. We also agree that the standard must be applied Basin-wide to be effective and equitable. We concur also that the standard cannot be met by modeled sustainable yield estimates or projected yield increases with the implementation of Basin Plan programs (e.g., Infrastructure Programs B, C, and D).

As we state in our letter to the Coastal Commission dated October 1, 2020, LOSG's basic position is the following:

To meet the (conclusive evidence) standard the County would be required to meet one or more clearly articulated and measurable physical objectives based on sufficient and objectively reliable well monitoring data collected over a sufficient time period in order to establish that seawater intrusion is reversed to prescribed locations and water levels are raised to prescribed elevations high enough basin-wide. The objective is to keep the Basin safe from seawater intrusion and all other harmful effects through adverse conditions such as droughts and climate change and ensure the Basin is capable of supplying sufficient water for existing and any new or expanded development (see Pages 1&2)

When considering how this would look as a set of parameters, we reviewed SGMA BMPs and Special Condition 5 of the LOWWP, which are both data-driven, outcome-based processes for achieving a sustainable basin. Our recommended parameters are based on both.

LOSG's recommended parameters for "conclusive evidence" of a sustainable water supply

Measurable objectives that quantify desired physical conditions in the Basin for all sustainability indicators (conditions that have reduced beneficial uses or threaten beneficial uses in the future). Measurable objectives would be quantified using sufficient high quality monitoring data to conclusively show objectives are met. Objectives would also include quantified margins of safety that account for climate change, adverse impacts from management actions, and other impacts and uncertainties to ensure adequate Basin capacity and resiliency to provide "conclusive evidence" of a sustainable water supply. Incremental additional quantified thresholds in excess of objectives would be set to allow incremental development. Margins would be conservative and consider worst-case scenarios.

Interim milestones would also be quantified to ensure progress toward the completion of objectives and ultimately a sustainability goal. The sustainability goal would be the achievement of all objectives (desired conditions) for a healthy and sustainable Basin. Setting objectives would require first assessing all conditions that have reduced or threaten beneficial uses.

A primary seawater intrusion objectives to support the current population through droughts and other impacts would be to reverse of seawater intrusion in both lower aquifers to points under the estuary. Seawater would be reversed to restore and preserve use of all Western Area supply wells impacted by intrusion (remove undesirable effects) and build resilience into the system—e.g., provide a drinking water supply that can be used during droughts that also provides a substantial freshwater barrier between the new pumping center near the commercial area and seawater. Thresholds would be set to push fronts further back and to exceed other objectives Basin-wide before additional development is added.

Objectives for seawater intrusion would be quantified using chloride monitoring data with a monitoring program that produces sufficient high-quality data to quantify objectives as contour lines consistent with SGMA. Water level and water in storage objectives would be quantified Basin-wide using sufficient high-quality water level monitoring data, and contaminant objectives would be quantified Basin-wide using sufficient high-quality water quality data consistent with SGMA. Water level data would not be used for setting minimum objectives for seawater intrusion recognizing that water levels can vary significantly at individual wells and can be influenced by seawater intrusion in impacted areas. However, water level data would be collected at the wells used for the collection chlorides to better understand seawater movement and behavior. Geophysics would also be used to gather more information about intrusion movement.

1. Measures to ensure objectives are achieved within reasonable timeframes and maintained long term. These would include but not be limited to:
 - time-specific interim milestones to achieve objectives (SGMA requires 5-year milestones),
 - adequate management programs and actions to achieve objectives,
 - adequate means to implement programs and actions, including the demonstration and commitment of adequate resources and authority (e.g., to implement mandatory well monitoring and conservation Basin-wide),
 - a time-specific sustainability goal that summarizes objectives and how they will be achieved, and
 - adequate outside agency oversight, support, and incentives to ensure minimum thresholds, objectives, and the sustainability goal are met.
2. A monitoring program that provides sufficient high-quality data to accurately assess the Basin setting and conditions, quantify minimum thresholds and objectives, and conclusively show thresholds and objectives are met. The program would provide data of sufficient quality, quantity, density, and distribution to support conclusive evidence.

How the parameters build on SGMA requirements and SGMA BMPs

SGMA requires Groundwater Sustainability Agencies (GSAs) to identify and assess “sustainability indicators” and to develop Sustainable Management Criteria (SMC) for each indicator. Sustainability indicators are defined as the “effects caused by groundwater conditions occurring throughout the basin, that when significant and unreasonable, cause undesirable results...” (SMC BMP, Page 35). The six general sustainability indicators SGMA recognizes include “chronic lowering of groundwater levels,” “reduction in groundwater storage,” “seawater intrusion,” “degraded water quality,” “land subsidence,” and “depletions of interconnected surface water” (SGMA SMC, Page 17). (See “Resources/Documents Cited” below for documents abbreviated with acronyms and a link to documents.)

GSAs must quantify minimum thresholds and measurable objectives. The latter add a “reasonable margin of operational flexibility ...between the minimum threshold and measurable objective that will accommodate droughts, climate change, conjunctive use operations, or other groundwater management activities” (see SGMA SMC, Page 21 and SMC BMP, Page 27).

GSAs must also set five-year interim milestones for each objective and summarize measurable objectives (desired outcomes) and how objectives will be achieved in a sustainability goal. SGMA further sets standards for monitoring networks and how monitoring will be used to set and verify thresholds and objectives, and it requires GSA’s to demonstrate they have the resources to implement adequate programs to reach thresholds and objectives (SMC BMP, Pages 10, 27, 31; GMC BMP, Pages 4 & 7 and BMP SMC, Page 20).

The Sustainable Management Criteria BMP makes it clear that, to comply with SGMA, GSAs must make sure the GSA supports data-driven, outcome-based decision making and is not a model driven process that relies on theoretical and uncertain sustainable yield estimates to achieve objectives and goals.

As described in SGMA, sustainable conditions within a basin are achieved when GSAs meet their sustainability goal and demonstrate the basin is being operated within its sustainable yield. Sustainable yield can only be reached if the basin is not experiencing undesirable results. The GSP Regulations focus the development of GSPs on locally defined, quantitative criteria, including undesirable results, minimum thresholds, and measurable objectives. Undesirable results must be eliminated through the implementation of projects and management actions, and progress toward their elimination will be demonstrated with empirical data (e.g., measurements of groundwater levels or subsidence). Quantitative sustainable management criteria allow GSAs to clearly demonstrate sustainability and allow the public and the Department to readily assess progress.

Properly documenting the requirements identified in Sub-article 3, Introduction to Sustainable Management Criteria, in Article 5 of the GSP Regulations, is imperative to maintaining an outcome-based approach to SGMA implementation and must be completed for the Department to consider the approval of a GSP (SMC BMP, Page 2)

Regarding the use of modeled sustainable yields, SGMA BMPs state

SGMA does not incorporate sustainable yield estimates directly into sustainable management criteria. Basin wide pumping within the sustainable yield estimate is neither a measure of, nor proof of, sustainability. Sustainability under SGMA is only demonstrated by avoiding undesirable results for the six sustainability indicators (SMC BMP, Page 32) (Emphasis added).

Thus, SGMA provides a basic framework and baseline requirements for our parameters, but the requirements must be augmented to provide “conclusive evidence” of a sustainable water supply. For the Basin to be sustainable, several existing undesirable conditions must be improved. Therefore, our parameters would require objectives that improve conditions and restore uses and resilience, as needed, to ensure a healthy and sustainable Basin.

How the parameters build on Special Condition 5 of the LOWWP CDP

Special Condition 5 requires the County to develop a “Basin Plan” - not to be confused with the Basin Plan developed by the parties to the Los Osos Basin adjudication process. The parties consist of the County and three local water purveyors who now make up the Basin Management Committee (BMC). The Special Condition 5 Basin Plan has the following objective:

... to ensure that implementation of the project LOWWP), including the sites designated for disposal of treated effluent, is accomplished in a manner designed to maximize long-term ground and surface water and related resource (including wetlands, streams, creeks, lakes, riparian corridors, marshes, etc.) health and sustainability, including with respect to offsetting seawater intrusion as much as possible, within the Los Osos Groundwater Basin (2010 LOWWP CDP) (Emphasis added.).

Special Condition 5 provides for a Recycled Water Reuse Program that “...will maximize (the reuse program’s) ability to meet Basin Plan objectives, where the highest priority for reuse shall be replacing existing potable water use with recycled water use where feasible and appropriate.” The program also requires 33 AFY of recycled water to be sent to Bayridge leach field, or as much as needed to “for maintaining Willow Creek and downstream resources in their pre-project state or better...” (see Paragraph 5a).

Special Condition 5 also requires the County to incorporate the LOWWP “Water Conservation Program” into the Condition 5 Basin Plan and design it to “to help Basin

residents to reduce their potable water use as much as possible” including with “enforceable mechanisms...” The Condition also requires the County to include provisions for use of ...\$5 million” to initiate the program and to “coordinate with purveyors..” to “integrate the program with purveyor implemented outdoor water use reduction measures” (see Paragraph 5b) (Emphasis added).

The County has submitted Annual Reports to comply with Special Condition 5, which rely heavily on the adjudicated Basin management process. These cite the results for the “Seawater intrusion front” (Zone D mapping), “Basin Yield Metric,” “Water Level Metric,” and “Chloride Level Metric” (see Annual Report for the RWMP for 2019, dated December 2020, Page 17). However, the BMC has failed to set interim and long-term success criteria for seawater intrusion and other undesirable conditions that, in fact, “demonstrate that the health and sustainability of the Plan area” are improving.

The BMC has recognized problems with the Chloride Metric and Zone D intrusion mapping since 2015 indicating that both likely represent localized variations in intrusion rather than “broad intrusion front movement” (i.e., significant changes) in the front (see 2020 AMR, Pages 56 & 70). Moreover, the BMC has known that the monitoring program does not have enough dedicated Zone E wells to track the most severe intrusion in the Basin, which BMC staff agree poses “a significant threat to the Basin” (see 2020 AMR, Page 57 and BMC response to LOSG’s March 2021 letter in BMC 5-19-21 mtg. agenda packet, pdf Page 39 – link provided in “Resources/Documents Cited” below).

The BMC also failed to fix known problems with its water level monitoring program and the Water Level Metric. For six years, Spencer Harris of Cleath-Harris Geologists, Inc. (CHG), who prepares its Annual Monitoring Reports, has been informing the BMC that elevation reference points should be surveyed by a licensed surveyor (see e.g., 2017 AMR, Page 73). In 2021 the BMC finally had the surveys completed. The results showed the water levels in most lower aquifer monitoring wells had been inaccurate by an average of almost 2 feet per well since 2015. Despite the inaccuracies—and related inaccuracies in the Water Level Metric (i.e., the values and trends reported to agencies)--the BMC Executive Director stated in a recent BMC meeting the data and metric would not be backdated.

Similarly, the BMC found in 2021 that it had not been setting and confirming the Basin sustainable yield since 2015, in accordance with the Stipulated Judgment (the agreement between BMC members that implements the Basin Plan and BMC). The BMC also found that the Basin Plan definition of sustainable yield was not consistent with SGMA and redefined it to be more consistent (see BMC 7-21-21 agenda packet, Pages 20-24 and BMC 10-27-21 mtg. agenda packet, Pages 25-26). These changes resulted in the sustainable yield estimate dropping from 2760 AFY to 2380 AFY and the Basin Yield Metric production target of 80% of sustainable yield (BYM 80) dropping to 1904 AFY. The sustainable yield

doesn't include a margin of safety to address modeling uncertainty per accepted practice, so the Basin Plan sets a goal of pumping at under the BYM 80.

The change in the sustainable yield and BYM 80 target had the effect of raising BYM results since 2016 to values above the 80% target (the BMC had reported the targets achieved for those years). These changes should be backdated in the reports to reflect that this BYM target was, in fact, never met.

In addition to the above problems with the Annual Reports sent to the Coastal Commission, the County did not "Identify ...voids in the collected data," "Modify the RWMP (Plan required by Special Condition 5) based on current conditions," and failed to implement adaptive measures including upgrades to its conservation program to address the "deterioration" of conditions in 2019 (see Annual Report for the RWMP for 2019, dated December 2020, Pages 16-18). The County and BMC instead put the conservation program on hold in 2020 and purveyor members endorsed the County's use of conservation for the Title 19 retrofit-to-build program, also deferring, rather than expediting, infrastructure upgrades to address worsening seawater intrusion (see 2020 AMR, Page 86 and Table 26). The County has also sent less recycled water than required to Bayridge Estates leach fields, intended to provide flows to ESHA as stated in Condition 5 (see 2020 AMR, Table 25, Page 85).

Thus, the BMC has failed to meet key requirements of every Special Condition 5 program—and BMC operations fall far short of being able to meet or provide a "conclusive evidence" standard for Basin sustainability. Thus, it is appropriate for the Commission to require amendments under Special Condition 5 that will "result in better resource protection and better means to achieve Basin Plan objectives" including the parameters we suggest for "conclusive evidence" of a sustainable water supply.

The County may contend that Condition 5 applies to only the implementation of the LOWWP and that it does not apply to the entire Basin. However, the language of Special Condition 5 clearly states that the annual reports will be required "each year that the project operates..." and the condition requires a monitoring program and success criteria that assess and demonstrate the effectiveness of the Basin Plan and the health and sustainability of "Los Osos Groundwater Basin" and dependent resources "over time."

The County may also claim that it is only one member of the BMC and has a minority share of the vote. However, Dan Carl in a letter to the BMC in 2015 made it clear to the BMC, including the County, that the Basin Plan and Basin operations would have to comply with Special Conditions 5 & 6, the LCP, and related coastal policies and requirements. In October of 2021, we reminded the BMC of these requirements in a letter. However, as recently as last month, the BMC failed to take basic steps to improve the Chloride Metric and Zone D seawater intrusion front contour mapping, which the BMC uses to report the effectiveness of programs and seawater intrusion conditions to the Coastal Commission, State Water Board, and other agencies and stakeholders.

Some upgrades to BMC operations needed to meet the parameters

1. Undesirable conditions

The Basin Plan and BMC operations currently address three undesirable conditions in the Basin: high nitrates in the upper aquifer, potential seawater intrusion in the upper aquifer, and seawater intrusion in the lower aquifers, primarily Zone D. The BMC would have to review Basin conditions, consider the six categories of SGMA indicators, and set minimum thresholds and objectives for all current and potential undesirable conditions. Some of these include seawater intrusion into Zone E, which is currently not measured and is not being addressed with its own set of monitoring wells and metric targets. To reverse seawater intrusion in Zone E, for instance, requires a target of 12' above mean sea level; whereas the current metric target is 8'. Zone E intrusion may require its own set of management actions, possibly injection. Other potential undesirable effects include low water levels and harm to private wells and ESHA resulting from shifts in pumping to the upper aquifer and inland with Infrastructure Programs B, C, and D. Also, existing and potential degradation of the Basin must be assessed, including PFAS contamination, salt build up, rising nitrates in the lower aquifers in some areas, and upper aquifer nitrate hot spots that may limit use of the upper aquifer by making denitrification less economically and environmentally feasible.

2. Measurable thresholds, objectives, and interim milestones

The BMC would have to develop physically measurable objectives and interim objectives. Currently, the BMC has no interim objectives, and the metrics and other measures it has do not meet minimum SGMA or Special Condition 5 requirements. For instance, the Chloride Metric target currently provides the only seawater intrusion goal or objective based on monitoring. However, it is not represented as an intrusion front location (i.e., a contour line as required by SGMA). It further has too few wells and has data gaps due to unreliable data, e.g., from Well LA10, to accurately represent conditions and set thresholds, objectives, and milestones.

The Water Level Metric target similarly does not have enough wells to represent conditions and has gaps due to poor quality data (see #3 below). Further, the metric is not based on water levels above a minimum threshold at each of a representative group of wells as required by SGMA.

The sustainable yield and BYM 80 set pumping targets modeled to move seawater intrusion fronts to theoretical approximate locations under the estuary, but the targets are based on modeled sustainable yield estimates and estimated water use data (50% of the water in the Basin is not metered). For the yield and BYM targets to be measurable objectives, they would have to be represented by targeted values at chloride monitoring wells that verify the physical locations of the fronts.

The BMC also has no interim milestones. The Basin Plan provides long-term broad estimates of the time it will take for the Chloride Metric target to be reached after the

Water Level Metric target (8' above MSL) is reached (about 20 years) and it provides an estimate for how long after the BYM 80 is reached the Water Level Target will be reached (about 10 years) (see Basin Plan, Page 108). However, these targets are much too far in the future and approximate to be used to assess program effectiveness. The 2016-2020 Annual Monitoring Reports show the BYM has been below the target of 80 since 2016. However, after six years, with the Water Level Metric reported to be at about 2.1' above mean sea level (about 6' below the target), and with available data showing seawater intrusion still active in both lower aquifers, the BMC is claiming that Basin operations are on track to stop seawater intrusion and meet expectations.

3. Monitoring Program and Networks

The BMC would also have to add substantially more new lower aquifer monitoring wells to its program (It installed just one in six years.). The lower aquifer program in the Western and Central Areas (which is the portion of the program we reviewed) currently has substantial data gaps due to too few wells and wells producing poor-quality data. Spatial gaps in the lower aquifers are most obvious in the northern part of the Basin and in the eastern part of the Central Area. Spatial gaps also exist throughout most of the deep aquifer, Zone E. The program has only three Zone E wells in the entire Western Area to track seawater intrusion, all located near the estuary, although Zone E extends to the Central Area and possibly into it. CHG estimates Zone E intrusion is "laterally pervasive" throughout the Western Area (see 2020 AMR, Page 57). The Annual Monitoring Reports in 2019 and 2020 provide only a "generalized plan view interpretation" of Zone E intrusion based on historical data due to too few monitoring wells (see 2020 AMR, Page 57).

The gaps resulting from poor quality data are mainly in the historic pathway of seawater intrusion in the Western Area and under the commercial area, where most of the monitoring wells and community supply wells are located (Most supply wells are also monitoring wells). Many of these wells have one or more problems adversely impacting data: mixed aquifer screening, well-bore leakage, pumping interference, and/or localized mounding. Well LA10, a key well used for the Chloride Metric and the Zone D intrusion front contour mapping, has all four factors, making both the metric and Zone D mapping unreliable at best.

The substantial gaps in the program make assessment of the Basin setting and Basin conditions impossible, as well as quantifying and verifying measurable physical thresholds, objectives, and interim milestones. Objectives for seawater intrusion, for instance, can't be set because the program includes too few wells producing reliable and accurate data to draw and confirm objectives as contour lines with any confidence.

Spencer Harris (of CHG) recommends in the 2020 Annual Monitoring Report that the BMC evaluate the feasibility of more wells and the modification of wells to "improve seawater intrusion definition in both Zone D and Zone E (2020 AMR, Page 57). The BMC approved the evaluation of wells, in addition to an evaluation and recommendations for improvements for the Chloride Metric. CHG apparently completed the evaluations in early 2022, and recommended the modification of at least three wells, in addition to

installation of at least one new well. However, the BMC Executive Director recently reported that the evaluations will not be released until further notice. Further, the BMC budget in 2022 for monitoring program upgrades is just \$27,000 (although the BMC is spending \$330,000 on a modeling upgrade). \$27,000 is about enough money to modify one well.

Conclusion

Again, we appreciate your reaching out and sharing insights, and your interest, knowledge of, and commitment to Los Osos Groundwater Basin sustainability. Your dedication to the protection of Los Osos Area resources represents the best, and possibly the only, chance for the Los Osos community, ESHA, and agriculture in the area to have a sustainable water source. Seawater intrusion has been allowed to destroy the Basin for over 40 years, and once again effective action is being delayed for the same reasons and by the same entities that have delayed effective action for all that time.

If the Basin is to be a sustainable water source, the County, purveyors, overseeing agencies, and all users of the Basin must commit to setting and achieving time-specific measurable objectives that address all threats to the Basin and conclusively show, based on sufficient high-quality data, that the Basin is sustainable for at least the current population. We thank the Commission for having the insight to require data-driven, outcome-based, comprehensive management of the Basin in 2010 with Special Conditions 5 and 6 of the LOWWP CDP. Your foresight and continued involvement are essential for the Basin, at long last, to become a sustainable water source.

Sincerely,

Patrick McGibney, Chair
Los Osos Sustainability Group (LOSG)

Resources/Documents Cited

1. The above SGMA discussion is based on three documents developed by the Department of Water Resources (DWR): *Sustainable Management Criteria BMP* (Draft), November 2018; *SGMA and Sustainable Management Criteria*, May 4, 2018; *Monitoring Networks and Identification of Data Gaps*, December 2016. The documents are abbreviated herein as SMC BMP, SGMA SMC, and MNG BMP respectively and are available on the DWR website at:
<https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Best-Management-Practices-and-Guidance-Documents>.
2. The BMC Basin Plan, Stipulated Judgment, Annual Monitoring Reports (AMRs) and meeting agenda packets cited above can be found on the SLO County BMC webpage at:
[https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Los-Osos-Basin-Management-Committee-\(BMC\).aspx](https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Los-Osos-Basin-Management-Committee-(BMC).aspx)

From: [Patrick&lindi](#)
To: [Wahl, Esme@Coastal](#); [Carl, Dan@Coastal](#); [Oliver, Ellie@Coastal](#)
Cc: [Keith Wimer](#); [Larry Raio](#); [Elaine Watson](#); [Sue](#); [Robin McPeak](#); [Becky McFarland](#); [Lisa Denker](#)
Subject: Last chance
Date: Tuesday, July 5, 2022 9:56:05 AM

Dear Esme, Dan, and Ellie,

July 5, 2022

We so appreciate your tireless work to protect our coastal resources. Because what happens now between the Coastal Commission and the County will seal the fate of Los Osos, we are worried, and seek understanding and clarification.

We realize you are understaffed, under-budgeted, and seemingly limited in your ability to enforce regulations. As a community that depends on you (the Coastal Commission) to ensure our only drinking water supply doesn't go dry, we're ready to advocate, raise funds and/or file lawsuits to lend the support you may need. But we need you to fight for us using the tools you have to protect our vital coastal resource, the Los Osos Water Basin, as mandated in the Coastal Act of 1976.

The Los Osos Water Basin is NOT in a state of recovery. The court-ordered adjudicated Basin Plan is NOT being implemented in a timely manner, there have been no "bold, decisive, immediate actions" taken as required in the ISJ, and there is no "conclusive evidence" that the Basin can sustainably support the current population of Los Osos, let alone more development. Mismanagement has allowed unabated seawater intrusion and the continued overdraft of our basin for over 40 years.

The BMC relies upon "modeling" to determine the sustainability of the basin, but modeling is only as good as the metrics that go into it. Those metrics are optimistically skewed toward producing a Sustainable Yield Estimate on paper that justifies development. These faulty metrics include the unrealistic projections of 17.3" of annual rainfall and 800 AFY flow in the dry Los Osos Creek (25% more than the unmetered, estimated agricultural use of 620 AFY).

Importantly, the 2015 ISJ set the initial estimated Sustainable Yield at 2,400 AFY, to be reviewed annually and revised by unanimous BMC vote. Subsequent Annual Reports increased that estimate over the next couple of years first to 2,450 AFY, then to 2,760 AFY. These increases in the estimated Sustainable Yield were not made by the required unanimous vote. Instead, they were simply inserted into the Annual Reports and approved via passage of each Annual Report. In addition, the rationale for these increases was the erroneous inclusion of Projects that had not yet been implemented. The inflated Sustainable Yield estimate of 2,760 AFY has now been used and acted upon all these years to create the Basin Yield Metric.

This faulty estimate has finally been reviewed and corrected to 2,380 AFY, but won't be included in the Annual Report until the 2022 report is issued. Thus, the 2021 Annual Report uses the erroneous Sustainable Yield estimate of 2,760 AFY in its calculation to arrive at the BYM of 72, giving the false impression of improvement.

Every Water Basin in San Luis Obispo County is in overdraft because the County lacks oversight and planning, but continues to push development. Some of these Basins are now under SGMA control, and some are inland and out of Coastal Commission jurisdiction, but the Los Osos Water Basin is coastal and adjudicated, so SGMA cannot help us and the BMC is

driven by the County's agenda. Even so, looking to SGMA's guidelines of measurable goals rather than metric-driven projections can be helpful.

We need a forward-thinking, comprehensive, realistic Community Plan. ADUs are prohibited throughout Los Osos because we ostensibly lack a sustainable water supply, yet an entire, large, unappealable SFR can be allowed next door - this makes no sense. How the County can block the State from protecting a Coastal Resource? If Title 23 and the LCP neglected to include provisions that guard against the destruction of Coastal Resources, what actions can the Coastal Commission take to protect, enhance and restore? And how can we, as a concerned community, help?

Thank you for your dedication and consideration.

Patrick McGibney
Chair, Los Osos Sustainability Group

Sit, be still and listen. You are drunk and we are on the edge of the roof.
-Rumi-

California Coastal Commission
District Supervisor
Central Coast Office
725 Front Street
Santa Cruz, CA 95060

June 5, 2021

RE: Los Osos Community Plan Review

Attn: Mr. Kevin Kahn:

The Los Osos land use is presently managed under the 2009 Estero Area Plan. The Los Osos Community Plan(LOCP) has received extensive input by various stakeholders prior to the County Board of Supervisor's approval in December 2020. I have been generally supportive with the County's growth plans until I learned no review was done regarding impacts on existing neighborhoods with "Local" streets; nor to the impact to bicyclists and pedestrians.

Further, as I am sure you are aware, the neighborhoods adjacent to the bay were required to install a sewer system in place of the septic systems that had been initially used due to concerns with pollutants to the Estuary. This was completed around mid-2015. The health of the Estuary is a primary goal of the LOCP. While there is recognition and discussion of the issue surrounding surface drainage, there is no defined metrics regarding surface drainage to the Estuary leaving it to the County to determine impacts needing required mitigation and subject to funding.

The LOCP affirms that health and quality of life is an important SLO County land use policy - Goal 1, Objective 1 "Maintain and protect a living environment that is safe, healthful, and pleasant for all residents". In addition, the California Complete Streets Act and SB 743 both encourage increased use of Active Transportation modes to help achieve climate commitments, preserve our environment, improve our health, safety and livability. The San Luis Obispo Countywide Compact underpins this commitment with the goal; "Strengthen community quality of life" including having a "resilient infrastructure, services and resources". However, with regard to both multiuser street use and surface drainage to the Estuary, both issues are left without specific commitments to ensure the quality of life is not diminished with the proposed new development.

The El Morro and Cuesta lower-level residential areas are older systems of streets that are depended upon for all modes of travel, vehicles, bicycles and pedestrians. There are generally no sidewalks nor separate bike paths. The "Local" network street system was not examined in any detail during the review process although the Community raised neighborhood traffic safety as a major concern in public meetings. Secondly, many of these same streets receive storm runoff throughout the winter months, making the streets unsafe/unusable for the alternate transportation users for periods of time until the County dispatches maintenance to clean up the areas. This generally takes several days after a storm passes based upon priorities they have. All this urban runoff travels down into the Estuary untreated and unabated.

I also take exception to the statement of the last paragraph of Section 8.3.1 of the LOCP. While this debris may be considered "cosmetic" for vehicle travel, it significantly alters public pedestrian and bicyclist safety....to the point the areas are avoided or result in increased vehicle use. Both County Planning and

Public Works stated their Circulation element was focused on impact to vehicle flow without any regard to use by bicycles or pedestrians. Neither the Bicycle Advocacy Committee nor the County Parks and Rec Trails group examine impacts to the community on streets today or with future proposed growth of the plan. County is currently performing another Circulation study but is still only focused on understanding the new growth will have to existing vehicle travel. There was an addition in the LOCP (Program CIR 2.3) to develop, incorporate and implement a Pedestrian Plan and Active Pedestrian Plan without any time specific commitment to accomplish them. The County Board of Supervisors were requested to include language that these were completed prior to new development without success.

One of the CCC's primary three strategic goals is "Maximize Public Access and Recreation". Chapter 6 of the LOCP is devoted to coastal access. However, most of these are accessed by the general public by vehicles traveling on "Local" streets. As stated above, no review was conducted regarding anticipated increase of traffic volume due to public use nor ensuring appropriate parking is available at each site. The residential streets have minimal on-street parking and road edges are inconsistent, even for walking. Los Osos is targeted to have a segment of the California Coastal Trail designated passing through it. Again, there was no review of potential impact to these alternate transportation users on the residential streets being designated part of the CCT system.

The LOCP states "these may include drainage improvements at various locations in the community" without any specific metrics as to what triggers these improvements and apportioning cost mechanism to existing vs. new development. If new development were not approved, would the improvement be warranted? The document cites various funding sources along with their funding approval provisions. Existing residential and commercial property owners should not be saddled with extra improvement costs to satisfy the County's need to plan for future population growth.

Policy EN-2; Programs EN-2.1 LO runoff control; EN-2.2 LO urban watershed management; EN-2.3 Community Drainage Improvements all identify the problem of surface water runoff. Basically, these are known drainage problem areas since 1998 that have had little resolution. Adding new "infill" building as well as the larger Morro Shores Mixed Use area prospective development, including a planned new road segment, will contribute to the surface runoff problem. While the Land Use designations are being proposed, there is no oversight if several small projects or a larger project gets proposed.

I hope this information is useful in the CCC review of the LOCP and can help ensure these concerns can be satisfactorily mitigated to allow smart growth.

Thank you for your consideration of these important points. I would also like to be on the list to know when this topic comes before the CCC board for review and approval. (jakeofarnold@aol.com)

Robert Kreps

From: [Larry Raio](#)
To: [Wahl, Esme@Coastal](#)
Cc: [Patrick McGibney](#); [Eve Gruntfest](#); [Keith Wimer](#); [Becky McFarland](#); [Lisa Denker](#); [Elaine Watson](#); [Susan Morgenthaler](#); [Robin McPeak](#)
Subject: Sustainable Yeild
Date: Saturday, July 2, 2022 9:57:25 AM

Hi Esme,

I want to thank you again for the meeting our group had last Thursday with you.

In an email you said that any communication for Dr. Street from our group should go through you. I had some thoughts that I was hoping you could share with him. Near the end of our meeting I quoted a few lines from SGMA that succinctly states our view on how we hope the CCC focuses on talks with the County regarding what metrics are used when determining “conclusive evidence” of a sustainable water supply.

SGMA does not incorporate sustainable yield estimates directly into sustainable management criteria. Basin wide pumping within the sustainable yield estimate is neither a measure of, nor proof of, sustainability. Sustainability under SGMA is only demonstrated by avoiding undesirable results for the six sustainability indicators (SMC BMP, Page 32) (Emphasis added).

The most disturbing undesirable effect currently, in my opinion, is the continued advancing of seawater intrusion in Zone E of the basin. From my understanding, Zone E has the largest volume of water of all the zones and we continue to loose this valuable water source as seawater advances and current management measures to stop it are not working. It has largely been ignored and there are minimal monitoring wells to accurately monitor the extent of advancement basin wide. The BMC kind of hides this fact in the Annual Report and minimizes its importance.

The BMC likes to use the **Basin Yield Metric** as way to show their management practices are working, but in my opinion, it has been misleading for the last 5 years. When the BMC was initiated in 2015, the sustainable yield value was set at 2400 acre feet. In 2016 it was increased to 2760, but as we later discovered, the change was never voted on by the BMC, which requires a unanimous vote by all parties, This came to light last year (2021) and the sustainable yield value was the lowered to 2380 by unanimous vote. They also agreed that it should never have been raised to the 2780 value without a discussion. So all the previous Annual Reports misrepresented the **Basin Yield Metric**. The 2021 Annual Report also misrepresents the **Basin Yield Metric**. In this report they state it as 72 and they state:

The Basin Yield Metric decreased between 2020 and 2021 (an improvement) and has met the LOBP goal since 2016, although an updated Sustainable Yield methodology to be implemented in 2022 is expected to result in the Basin Yield Metric not meeting the LOBP goal (discussed in Section 7.5.1).

They tell us that technically the **Basin Yield Metric** used in the annual reports reflect the value agreed upon in the previous year. I believe the “Basin Yield Metric” status statement is incorrect and misleading and should report the new definition and value and state that the metric has not met LOBP goals since 2016. It would more accurately represent and the status of the Basin and actual sustainable yield and BYM to agencies and other stakeholders

receiving the report. Using a sustainable yield value of 2380, the **Basin Yield Metric** would be 84 and would not meet their desired goal.

I also have a major issue with the way they calculate the agricultural production, specifically, they use an idealized and unrealistic water usage calculation given typical agricultural practices in San Luis Obispo County and used an unrealistic irrigation efficiency factor of 92%. The agricultural production continues to be lowered annually, the result of which lowers the reported total production, which in turn, lowers the **Basin Yield Metric** making things look better than they are, in my opinion.

Thank you for listening,
Larry Raio