

Good evening and thank you all for this opportunity to present to you the concerns of the Los Osos Sustainability Group regarding the Los Osos Water Basin.

I am Larry Raio representing the Los Osos Sustainability Group. We have been a local organization since our formation in 2007 and our main focus has remained the same, the preservation of the only water source our community and our local surroundings depend on, the Los Osos Ground Water Basin.

We are not a group trying to stop growth, not trying to stop the construction of affordable housing, or the building of dream homes that have been waiting in the pipeline for decades. We believe that our Water Basin is not currently sustainable and cannot support further growth at this time. We believe that the three water purveyors and the current water metrics are in line with our beliefs.

Our stance is similar to what we have heard from the purveyors. As Ron Munz, the General Manager of the Los Osos Community Services District says, we are neither pro growth nor anti growth, we are pro sustainable water basin. Or as Charlie Code, chief operator of S&T Mutual Water Co. says, until we have a sustainable water basin, we should cease all new development. Mark Zimmer, the General Manager of Golden State Water Company says, quoting from the Basin Plan (14.5.3) “..the Coastal Development Permit issued for Los Osos Wastewater Project ‘requires that the County demonstrate a sustainable Basin before the Coastal Commission will allow adoption of the Los Osos Community Plan ...”

The part of the Basin Plan Mark is quoting refers to Special Condition 6 of the wastewater project Coastal Development Permit, which requires the County to “...identify appropriate sustainable buildout 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.”

The Los Osos Community Plan, which was recently adopted by the County Board of Supervisors, must be certified by the Coastal Commission before new development within the wastewater service area can proceed, and the Coastal Commission has clearly stated in Special Condition 6 that certification requires conclusive evidence of a sustainable water supply for the area, which includes all proposed new development inside and outside the wastewater service area.

Obviously, the first step in showing the Basin is sustainable for further development is to show it is sustainable for the current population. This is consistent with the Basin Plan. The first immediate goal is to “stop and/or reverse seawater intrusion to the extent possible.” The second is “to provide a sustainable water supply for the current population.”

We have five concerns related to the Los Osos Community Plan and the County’s current efforts to increase development over the Basin:

First, seawater intrusion continues to move in and destroy the Basin based on hard data. The chloride metric and chloride concentrations at several monitoring wells indicate that seawater intrusion is advancing inland in the lower aquifers Zone D and Zone E. Therefore, the Basin is not sustainable at the present time and may not be for the foreseeable future—more time is needed to see if stopping and reversing seawater intrusion in both lower aquifers long-term is possible. Until then, adding more demand jeopardizes Basin sustainability and doing so is not consistent with the wastewater project Coastal Development Permit or other coastal policies meant to ensure sustainable development.

Second, we are concerned that the County is basing buildout limits on unsupported, best-case modeling predictions. Modeling has uncertainties and the Basin model has never had an uncertainties analysis done, so we can’t be sure how large the uncertainty levels are, but they are likely to be very large. We say this because over the past 15 years rainfall is 13% less than what is assumed in the model, which translates directly into 13% less yield. Also, the Basin Plan states there is at least 5% of uncertainty in modeling because 50% of the water use must be estimated. This includes numerous private non metered wells located throughout the community. Broderson leach fields are not pushing back seawater intrusion currently and the future benefits of Broderson remain uncertain. If the Broderson leach fields don’t prove effective, it will have a significant adverse impact on sustainable yield. And the list goes on. The model predicts what is called the maximum sustainable (or safe) yield, a theoretical increase in Basin yield to support buildout when all Basin Plan programs are in place. Basin programs include all conservation, recycled water use, and infrastructure programs. However, this theoretical yield is a best-case scenario that doesn’t adequately factor uncertainty. We will be lucky if Basin Plan programs achieve a sustainable Basin for the current population.

Third, we are concerned that the County is implementing a Growth Management Ordinance to enact the Los Osos Community Plan, which sets the rate of new development for the next 20 years. However, that rate is not supported by hard data showing that the rate is sustainable, and though it starts out at 1.3% per year, the rate can be increased based on the supervisors interpretation of vague and discretionary criteria. The Los Osos Community Plan lets the Board of Supervisors interpret the data almost anyway it chooses, and under some conditions, the Board doesn't even have to consider data or make sure development stays within a growth rate and buildout limits. The Los Osos Community Plan exempts all residential and non-residential development from growth rate restrictions—and we believe from buildout limits--if applications were submitted prior to December 15th of last year.

Fourth, we are concerned that the County is continuing to approve new homes outside the wastewater service area using a Title 19 ordinance despite seawater intrusion. The County has done no follow-up studies to verify that Title 19 is saving water-- and some of the formulas for crediting offsets are questionable. Many of the homes outside the wastewater service area are large homes on large lots and are likely to use much more water than the smaller homes that the offset formulas are based on. Furthermore, the conservation being used to approve new homes is needed to stop seawater intrusion and/or for emergencies (severe droughts, earthquakes, or the possibility that seawater intrusion in Zone E, last measured in 2013 near the commercial area, will contaminate major supply wells in Zone D.

Fifth, we are concerned the County is approving accessory dwelling units or ADUs currently inside and outside the sewer service area, and it plans to approve affordable housing without setting growth rate limits or apparently buildout limits. Initially, this exempt housing is being approved with a Title 19 requirement, but the Los Osos Community Plan allows the County to remove that requirement based on Board of Supervisor discretion.

The bottom line is that none of the new development the County is proposing and approving is based on conclusive evidence of a sustainable water supply. To assure the sustainability of the Basin—and the community resources and habitat that depend on the Basin, decisions to add development must be based on conclusive evidence that we have a sustainable water supply. We have only one basin—we have to make sure it lasts because we don't know

what the future holds with the major impacts the Basin is undergoing with shifts in well locations, unknown recharge effects of the Broderson leach fields, Nitrate issues, and climate change.

Nitrates are entering the Basin threatening some wells, and nitrate concentrations have increased in the upper aquifer since the wastewater project went in, and making use of the upper aquifer (with nitrate treatment and blending) is less economically viable. Some of the nitrates are likely coming from portions of the community still using septic systems.

The Basin Management Committee will play a big role in determining a sustainable Basin and preventing unsustainable development in the future. I'll talk a little about our concerns regarding basin management in the first six years of operation, and what we will be asking the Basin Management Committee to do in the near future.

Basically, we are concerned that the Basin Management Committee is not focusing enough on the first two immediate goals of the Basin Plan--stopping and reversing seawater intrusion and providing a sustainable water supply for the current population. We think one way this is shown is by an over-reliance on the model for decision making. The Basin Management Committee decided that the number of wells needed to support the current population could be reduced based on modeling, and the Committee has not aggressively implemented all the programs possible to stop and reverse seawater intrusion and establish a sustainable Basin for the current population. So we will be asking the Basin Management Committee to do the following:

1. Reaffirm a commitment to the first two immediate goals of the Basin Plan by maximizing mitigation programs, short of imported water and desalination, to achieve the immediate goals as soon as possible.
2. Recognize seawater intrusion into the deep aquifer, Zone E, as a significant threat to Basin sustainability and devise and implement a plan to stop and reverse it.
3. Set time-specific sustainability goals, objectives, and interim objectives for stopping and reversing seawater intrusion that are verified with conclusive physical evidence—hard data.

4. Ask them not issue will-serve letters until sustainability objectives are reached. The objectives would be verified by maintaining minimum chloride levels and water levels at specific sets of wells that ensure Basin sustainability long-term through droughts, climate change, and other impacts.
5. We also will request that the Basin Management Committee upgrades its monitoring system so that it can provide reliable and accurate data to conclusively show that objectives are met.
6. We will request that the Committee, in cooperation with the County, develops and implements a funding mechanism that spreads the costs of all Basin Plan programs, and all other projects and programs needed to establish a sustainable Basin equitably among all users of the Basin. This would include the costs of all Basin Plan programs, all related wastewater project costs, and all programs not yet implemented and/or considered that may be needed, short of imported water and desalination, to achieve Basin sustainability. For instance, injection wells may be needed to stop Zone E intrusion.
7. We will request that the Basin Management Committee negotiates and implements a Basin-wide conservation program in cooperation with the County that requires all users of the Basin to meter and report water use and to participate in a Basin-wide conservation.
8. We will request that the Committee has the Basin model peer reviewed by a neutral third party expert and that the model is fully updated and has a thorough uncertainties analysis.
9. We will request that the Committee has Cleath-Harris Geologists, the Basin Management Committee's main consultant, run modeling scenarios in which (1) Broderson leach fields are non-operational in pushing back seawater intrusion, and (2) the fifteen-year average rainfall total of 15.14" is used to predict sustainable yields, rather than the 17.5" currently used.
10. We will also request that the Basin Management Committee revises the definition of "sustainable yield." Currently, it allows seawater intrusion to move further into the Basin. The definition is not consistent with accepted definitions, which is a yield that results in no undesirable effects.

The Basin Plan recognizes that “Bold and decisive actions are needed to stop and reverse seawater so that we will have a sustainable Basin. However, in the past 6 years, the Basin Management Committee has implemented only a few of the mitigation measures provided for in the Basin Plan.

We are asking the Basin Management Committee to follow-through on its goals and promises including aggressively implementing programs and spreading costs equitably. Doing so, we believe, will provide the most reliable and cost-effective water supply possible for the area. We ask for your support.