

NIPOMO COMMUNITY SERVICES DISTRICT

Wednesday, January 30, 2008

6:30 P. M.

SPECIAL MEETING MINUTES

BOARD of DIRECTORS

MICHAEL WINN, **PRESIDENT**
JAMES HARRISON, **VICE PRESIDENT**
ED EBY, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
LARRY VIERHEILIG, **DIRECTOR**

PRINCIPAL STAFF

BRUCE BUEL, **GENERAL MANAGER**
LISA BOGNUDA, **ASSIST. GENERAL MANAGER**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DISTRICT ENGINEER**

MEETING LOCATION
THE FORUM
NIPOMO HIGH SCHOOL
525 North Thompson Avenue
Nipomo, California

A. CALL TO ORDER, ROLL CALL, AND FLAG SALUTE

President Winn called the meeting to order at 6:35 p.m. and led the flag salute. At Roll Call, all Board members were present. Each Director introduced himself and gave a short bio.

President Winn welcomed everyone to the meeting. He explained that according to the Brown Act, public may comment only to items on topic. There is only one topic at this meeting "Emergency Water Supply Regulations".

He presented an overview of the process for the night. The speakers will give their presentation. "Public Appearance Request Forms" were made available. The persons requesting to speak will be taken in the order the requests were received. Each speaker will have four minutes.

B. PRESENT PROPOSED EMERGENCY WATER SUPPLY REGULATIONS AND RECEIVE COMMUNITY FEEDBACK

Bruce Buel, General Manager, reviewed the process for consideration of the Emergency Water Supply Regulations. He introduced Dr. Brad Newton of SAIC (Science Applications International Corporation) who presented a set of slides describing the Nipomo Mesa Area as it pertains to the Emergency Water Supply Regulations. (A copy of the slides is available for viewing in the District office.) Dr. Newton described the Scope of Work SAIC was commissioned to perform. The list of slides for the Emergency Water Shortage Regulations is as follows:

Scope of Work

- Evaluate Current Consumptive Use
- Groundwater in Storage (1975-2039)
- Proposed Water Emergency Triggers

Land Use Calculation

Consumptive Use Calculation
Groundwater in Storage Above Sea Level
Historic GWS and CU
Estimates of Future GWS (1)

Estimates of Future GWS (2)

Estimates of Future GWS Summary
Evaluate GWS as Trigger Mechanism
Evaluation of GWS as Trigger (1)
Evaluation of GWS as Trigger (2)
Summary of Findings

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Bruce Buel, General Manager, gave a summary of the Emergency Water Supply Regulations.

The Board took a break from 7:37 p.m. to 7:49 p.m.

The following members of the public spoke:

Phil Henry – Water use is an attitude. Growth is going to come and it needs to be managed. He stated that he applauds the Board for looking at this situation.

Jim Pelkey – thanked the Board and Mr. Buel for their work in the District. He suggested no more Intent-to-Serve letters to avoid salt water intrusion. He stated "Let's be responsible."

Ian Wallace – stated that the regulations are premature and too punitive. Other water purveyors should get involved. To Dr. Newton he stated that one reading in April is not good enough for stages predictions.

Bill Petrick – stated that the information presented is speculative. There is no universal model. He showed a slide with data and drew different conclusions. He stated that the trigger points are meaningless.

Sharon Petrick – asked what happened to supplemental water? We paid \$750,000 for the MOU. We are being punished by NCSD's failures.

Mark Westfall – asked for a 15% voluntary conservation. Conservation is not a difficult thing for adults to do.

Terry Stenson – stated that he is a landscape engineer. The biggest users are the biggest offenders. He stated that golf courses use 60 million gallons of water per year. Water is too cheap. There needs to be an incentive. Low-flow toilets are not much of a water saver. He asked where the "fine" money would go.

Rick Dean – stated there are problems with the proposed regulations. The Board is supposed to provide water to its customer. There should be a building moratorium.

John Snyder – stated that he has attended every groundwater adjudication trial hearing. There is no basis that Nipomo needs to have its rainfall falling solely within that yellow line. He stated that the information on the chart is incorrect.

Harry Eby – stated that we are in an overdraft because we have over-built. He is against spending more money on research. Stop building until supplemental water.

Jeanne Taylor – read a statement asking where the water emergency is. She read some figures that concluded in the past 53 years, there has been no overdraft.

Bill Larsen – also read a statement saying NCSD needs to cease the scare tactics. He stated with 3000 AFY NCSD pumped, it is only 30% of the 10,000 pumped from the Mesa. With the proposed conservation, it would only save about 15%. At Level 4, NCSD customers must reduce consumption by 50%. If prohibition of watering lawns were implemented, over 4 years all plant life would die and property values would plummet. The San Luis Obispo Board of Supervisors should pass laws for all the water companies on the Mesa.

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PUBLIC COMMENT (CONTINUED)

Pat Eby – asked why the regulations were based on excessive negative measures. She suggested positive measures. We all need to conserve without unjustified scare tactics. The Board was elected to serve all the members of the District.

Noel Heal – stated that for NCSD to implement the proposed regulations would be like declaring a unilateral cease-fire without the others joining.

Howard Elston – stated that some regulations should have been done a while ago. Voluntary conservation is the best. Measure levels more than once a year.

Ian Cook – stated that he moved to Nipomo seven years ago. Now NCSD may take away big yard. Levels need to be measured more than once a year. Why are we issuing any more building permits?

Ingmar Laurinson – stated that he hates to pay for studies but someone needs to find out where the water that is coming in is going out.

Lana Sigman – stated that we need to preserve water, power etc. The Board is elected to help, not create scare tactics.

Steven D. Forst – stated his concern that his using less water this year will come back on him later. If we don't have enough water, then stop the building. Take care of the customers who are here.

Dave Gaddis – asked what stage of conservation is the District in now. He stated that jail time for excessive use of water is too much. The District needs a moratorium.

President Winn announced that staff would respond.

Bruce Buel, General Manager, explained how growth occurs on the Nipomo Mesa.

San Luis Obispo County has the land use authority.

Board of Supervisors has designated Nipomo as one of the primary growth areas.

Nipomo Mesa is approx. 20,000 acres. Nipomo CSD is about 4,000 acres. The District is roughly 20% of the land mass. The District cannot prevent the formation of mutual water companies but could possibly have some effect on drilling of new wells.

The Nipomo Community Services District Board has established an allocation program as a means to limit new Intent-to-Serve letters.

In response to the public comments:

- Consumptive use irrelevant – That is not the case. There is production minus the return flow. Consumptive use is 10,560 and the average recharge is 5,500 acre feet. With zero additional growth, we are in the hole on the average about 5,000 acre feet a year.
- Where the fine money will go? – the Board policy is yet to be addressed. Perhaps it will be used to help pay for the loss of revenue from customers conserving water.
- Save water now, penalize tomorrow? – No, that is not the case. A flat amount per lot size is planned to be used.

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Bruce Buel's comments (continued)

- What stage are we in now? - With the Spring water level measure at 93,000 AF, we would be at Stage 1. Depending on how much the basin recharged during the recharge period. The groundwater level is generally low in October.

Dr. Brad Newton, SAIC - in response to the public comments:

- Consumptive use? – The amount of water taken out of the system. The return flows are not a part of the consumptive use.
- Value of multiple measurements in a water cycle
- Geology on the mesa is very complex. For the report, SAIC needed to make simplifications.
- Subsurface flow bounds account for variations.
- Yellow Line? – A boundary that was chosen in 1975 and has been consistently used
- Where did the 27,000 AF go? - There was a 25-foot drop on average across the mesa. It is likely that it was due largely to the lack of rainfall last year, some from pumping, some outfall to the ocean. We don't know exactly.

Jon Seitz, District Legal Counsel – in response to the public comments:

- Some people say that the District seems to be cherry-picking the reports. San Luis Obispo County commissioned Papadopoulos to do an independent study in 2003-04. That report came to the same conclusions. The County has adopted a Level of Severity III for the Nipomo Mesa. The groundwater use is exceeding the recharge.
- Judge Komar, in the groundwater adjudication, made a finding regarding the Nipomo Mesa and the cones of depression – one single event did not constitute enough to establish a general overdraft groundwater-basin-wide which includes from Santa Maria to Pismo Beach. But the judge did finally find an overdraft in the Santa Maria Basin. It is suggested to focus on the judge's findings and not the testimonies which may be misleading.
- The District has taken several measures toward conservation. The yellow line, as referenced before, is approx. the Nipomo Conservation Area adopted by the SLO County Board of Supervisors
- The District had SLO County pass Ordinance 3090 that there would be no more General Plan Amendments within the NMMA until a supplemental water supply is on the mesa to serve the proposed project. Ord. 3090 also says that no subdivision authorized at the current general plan can subdivide without paying a supplemental water fee.
- The District imposed large supplemental water capacity fees. Developers are paying toward finding a supplemental water supply.
- The District has a water allocation policy that limits the number of Intent-to-Serve letters per year.

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Director Eby

The proposed Emergency Water Supply Regulations are in draft form and not in effect. He stated that jail time for water use violations is over the top. He stated that does not support them as written.

NCSD uses only 30% of the water in the mesa. Even with conservation, we will run out of water in 12-14 years.

There may be some errors in the reports but it seems to be the best information available. The reports do show a trend. Conservation alone will not solve the problem. The District is looking into getting a supplemental water supply quickly.

Director Vierheilig

He stated that he is on the Water Conservation Committee. The proposed regulations are not palatable. Conserving water is necessary.

Director Trotter

He stated that he is pleased with the turn out to the meeting. He agreed that the regulations are too punitive. The groundwater adjudication court settlement dictated a committee be formed.

Director Harrison

He stated that the regulations should be educational. We will try to make the regulations fair even though some people will not like it.

Growth will happen even if the District did not allow any more connections. Mutual water companies would be formed and there would be no regulation on the amount of water use.

It is possible to stay below the minimum water use.

Director Winn

He stated that the directors have listened to the public and have taken notes. They will try to incorporate some of the suggestions. As for conservation, sometimes educating the public is not enough. For example, the Cachuma Resources Conservation District analyzed water use in Nipomo Park and showed the Nipomo Parks how they could save \$25,000 per year, but they have yet to implement the changes.

The groups at this meeting have differing views about many things including overdraft or not, growth or not.

C. ADJOURNMENT

President Winn adjourned the meeting at 9:28 p.m.