



SIERRA CLUB

SANTA LUCIA

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Sierra Club comment on the Draft Environmental Impact Report for the Dana Reserve Specific Plan

The Santa Lucia Chapter of the Sierra Club represents the 3,000 members and supporters of the Sierra Club, the nation's oldest and largest grassroots environmental group, residing in San Luis Obispo County. We find the Dana Reserve Specific Plan's Draft Environmental Impact Report to be inadequate on multiple fronts:

Loss of carbon sequestration via mature oaks must be part of the EIR's Greenhouse Gas emissions evaluation

This project proposes to clear 75 acres of coast live oak woodland and oak forest on the ranch—about 4,000 individual trees, covering 40 percent of the project area -- and plant “anywhere from 1,500 to 3,000 oak trees” as mitigation.

While it has always been obvious that the replacement of mature trees with saplings is a gesture toward mitigation as opposed to actual mitigation, it has become even less appropriate as the most urgent environmental issue of our time has taken shape over the last 30 years. With carbon emissions and climate change as the issue that all proposed developments must address, the full mitigation of such impacts must be a priority. This project proposes to remove @ 4,000 of [the most efficient carbon absorbing trees](#) --- six mature oaks can sequester 1 ton of CO₂ per year -- replacing them with saplings that have nowhere near the CO₂ absorption rate of mature oaks and which will take decades to achieve it.

Timothy J. Fahey, professor of ecology in the department of natural resources at Cornell University, states that “An approximate value for a 50-year-old oak forest would be 30,000 pounds of carbon dioxide sequestered per acre. The forest would be emitting about 22,000 pounds of oxygen.”

Further: “Forests need to have a permanence of 100 years to be effective carbon stores. So you plant your saplings and then you have to maintain the forest for 100 years.”

Better to retain the existing woodlands. Per the [California Oak Foundation](#), “if we assume that our current oak woodlands and forests average 100 years of age, then we can expect to sequester almost three million tons of additional carbon a year by protecting and conserving these trees throughout the 21st century.”

The annual precipitation rate is overstated and unlikely to occur in the future

The DEIR does not consider the project to present a significant and unavoidable impact on water supply. The reader is assured that the Nipomo CSD has sufficient water supply to serve the project, and by 2025 the CSD will be “contractually required to increase the purchase of water from Santa Maria by an additional 700 acre-feet.”

Contrary to the evident belief of the authors of the DEIR, water is not a “voluntary groundwater reduction goal,” or a “Wholesale Water Supply Agreement,” or “minimum required water delivery,” or “the license agreement between the County of Santa Barbara and the NCSA,” or “the NSWP’s designed capacity,” or “pump replacements and additional system pipelines,” all of which the DEIR offers as proofs that the water to support the proposed development will be available.

In its discussion of actual water, the DEIR notes that one of the two sources of water for the proposed project is the Santa Maria River Valley Groundwater Basin. The DEIR states:

“Groundwater recharge of the basin occurs from rainfall percolation, riverbed recharge, subsurface inflows, and return flows. The average annual precipitation within the basin is 15.65 inches, based on data collected between 1958 and 2020 (MKN 2021).” In the Project Setting, the DEIR estimates annual rainfall as between 15 and 20 inches per year.

Per the NOWData program of the National Weather Service, mean precipitation in the region since 2000 has been 11.67 inches. Recent annual precipitation in the area has been as follows:

2018	8.63
2019	17.10
2020	8.28
2021	11.20

NWS precipitation levels for the first five months of 2022 are:

Jan.: 0.17
Feb.: 0.07
Mar.: 1.07
Apr.: 0.39
May: 0.00

In 22 years of measurements, the NWS recorded 1 year when precipitation for the project area met or exceeded 20 inches of rain, which was solely due to a record-breaking month in December 2010. Of the records lows set for minimum monthly precipitation over the last 22 years, 9 of the 12 record minimums (0.00) were set in the last 4 years.

This corresponds with California Drought Action's finding that "2022 had the driest January, February, and March in over 100 years" (<https://drought.ca.gov>). Per the State of California, the last 3 years have produced "a historic level of dryness...and it's only getting worse."

This data should be weighed against the DEIR's statement that average annual precipitation for the area -- if the average is calculated using data stretching back six decades -- is 15.65 inches. For current precipitation levels, see the National Weather Service data above.

In noting that the region is currently in a Stage 4 drought condition, the DEIR appears to rely on the belief that the "voluntary reduction measures" triggered by Stage 4 and Stage 5 designations will assure available water in any drought condition of any duration. We note that the Governor has asked that Californians cut their water use by 15% from 2020 levels, but this has produced no more than a 3.7% reduction.

The Draft EIR omits to mention or analyze the impact of [aridification](#). The Final EIR should include current data on this phenomenon and analyze how the effect of increasingly arid conditions in California that are drying out soils may affect groundwater recharge and otherwise impact previous projections of the region's future water supply.

Significant air quality impacts are not "potentially consistent" with existing policies

In Table 4.3-7 "Project Consistency with the SLOAPCD's CAP Transportation and Land Use Control Measures," much reliance is placed on AQ/mm-3.3, repeatedly cited as a mitigation measure that will achieve potential consistency with policy goals on the avoidance of air pollution increases and toxic exposure, strategic growth, reduction of greenhouse gas emissions, transportation control measures, etc. However, the DEIR states at 4.2-25: "With incorporation of Mitigation Measure AQ/mm-3.3...to reduce operational air emissions, operational emissions of fugitive dust would exceed daily SLOAPCD thresholds; however, emissions would not exceed quarterly thresholds."

We note that residents and wildlife in the area breathe on a daily, not quarterly, basis, and therefore quarterly non-exceedance cannot be said to render the project's air quality impacts "potentially consistent" with policies designed to protect residents from the impacts of breathing unhealthful air. No impacts that result in the conclusion that "the generation of criteria pollutants in exceedance of established daily emissions thresholds would be significant and unavoidable" can be said to be "potentially consistent" with existing policies.

Proposed mitigations for significant impacts to biological resources won't work

The coast live oak woodland on the project site "provides important native habitat for plants and wildlife" and "contributes significantly to...the region's overall biological diversity." But virtually all the proposed mitigations of significant impacts to sensitive biological resources share one feature in common: They are more than likely to fail, as noted repeatedly at [5.2.2.](#):

"...feasible mitigation may not be possible for all species...."

“...there is a lack of information about the cultural requirements to successfully propagate California spineflower at a large scale and Sand almond propagation is very difficult....”

“...due to the limited range of [Burton Mesa chaparral] and the limited availability of off-site mitigation parcels, implementation of this mitigation may not be feasible....”

“...mitigation for coast live oak woodlands should occur adjacent to the conservation/restoration of Burton Mesa chaparral on sites with sandy soil conditions suitable to support the special-status plant species that occur in the project area. This would effectively maintain and/or recreate the habitat matrix that supports the unique assemblage of species that would be lost as a result of the proposed project. However, implementation of this mitigation may not be feasible.”

We note the manner in which these impacts differ from the usual category of Class I “significant and unavoidable” impacts encountered in an EIR -- i.e. impacts are considered Class I because the mitigation measure will partially reduce the impacts but not below a level of significance (“Mitigation has been included to reduce VMT and associated emissions; however, VMT would still exceed established thresholds”). The Class I impacts to biological resources this project will inflict are significant not because mitigations will be unable to reduce impacts below an established threshold of significance, but because there will be no mitigation at all. The loss of impacted biological resources will be total. Terms such as “very difficult” and “may not be possible” – all impermissibly vague per the requirements of the CEQA Guidelines -- mask the fact that, at this point, the EIR is going through the motions, describing mitigations that cannot be attempted or will not work but which fulfill the obligation of proposing mitigations rather than admitting that there will be no mitigation measures for the impacts described.

No overriding consideration can outweigh the project’s unmitigable significant impacts

In noting that the County of San Luis Obispo’s approval of this project will require the adoption of a Statement of Overriding Considerations due to its significant impacts, the DEIR suggests that “the County may determine the long-term benefits of the project, such as fostering additional regional housing opportunities, including affordable housing, [provide] substantial overriding considerations for approving the project despite the identified adverse environmental impacts that would result from implementation of the project.”

Before the County determines that a legally defensible Statement of Overriding Considerations can be based on the project’s affordable housing component, it would do well to note the project’s “cumulative impacts associated with substantial unplanned population growth,” which “would be significant and unavoidable” (5.2.2.5 - Population and Housing). Specifically, “The project would induce substantial unplanned population growth in the Nipomo area, resulting in a significant impact. Buildout of the DRSP would result in substantial population growth within the Inland South County Planning Area that is not specifically projected or planned for in local or regional County planning documents and would result in the exceedance of projected population growth for the unincorporated community of Nipomo.”

In other words, the project would provide an affordable housing component while significantly impacting population and housing and “increasing the jobs/housing gap.”

It would be affordable housing provided by a project that relies on a future rate of annual precipitation that is extremely unlikely, while putting pressure on a water supply in a region that is already in Stage 4 drought conditions. It would be affordable housing provided by a project that will mean “maximum daily operational air pollutant emissions [that] exceed SLOAPCD’s operational significance thresholds” (and deteriorating air quality is not a selling point for potential home buyers). It would be affordable housing provided by a project that will result in “a cumulatively considerable impact to greenhouse gas emissions,” not even including the current and future sequestered carbon lost in the destruction of 4,000 mature oak trees. It would be affordable housing provided by a project that will run counter to the “goals and policies identified within the County of San Luis Obispo General Plan Conservation and Open Space Element, Framework for Planning (Inland), LUO, and South County Area Plan regarding preservation and no net loss of sensitive biological resources and preservation of rural visual character.”

The DEIR also notes that the project’s “air emissions and water usage...could indirectly impact agricultural operations near the project site and within the region” and that “it is reasonable to assume that development of the project site with residential and commercial uses could increase the development pressure on agricultural lands nearby the project site,” resulting in “conversion of farmland to non-agricultural use,” accelerating the loss of farmland. Hence, the County’s approval of a Statement of Overriding Considerations would risk sacrificing South County’s agriculture for a promise of affordable housing while assuring that a “deterioration in a jobs-to-housing imbalance would be anticipated to hinder regional and local improvements related to increased transportation mobility and potential increase in VMT.”

In short, the inclusion of a percentage of affordable housing will not override this project’s impacts to the environment and the economy of the region and the County. The Dana Reserve Specific Plan illustrates the reason why affordable housing should be an outcome of public policy, not left to the largesse of developers, inserted into a project proposal like a carrot on a stick for the sole purpose of persuading elected officials to ignore their project’s highly destructive environmental impacts.

Select the Burton Mesa chaparral avoidance alternative

The DEIR’s alternatives analysis states that “While the Burton Mesa chaparral avoidance alternative would substantially avoid and reduce impacts to biological resources; reduce air pollutant and GHG emissions, VMT, and unplanned population growth; and improve project consistency with applicable plans and policies, this alternative would not reduce significant impacts related to aesthetic resources.”

Aside from the attempt to claim that an aesthetic impact outweighs the avoidance of multiple significant impacts to the environment, the DEIR equates “aesthetic impact” with density and multi-family residential units.

The DEIR argues that this alternative does not “meet the basic project objective of providing a range of housing types, including affordable housing.” It’s clear that this alternative does provide a range of housing types, merely in a different ratio (“Single-family units would be reduced from 831 to 111 and multi-family units would be increased from 458 units to 704 units...resulting in a higher density of commercial and residential development along U.S. Route (US) 101.”

We cite the Urban Land Institute’s report “Higher Density Development: Myth and Fact:”

“Most public leaders want to create vibrant, economically strong communities where citizens can enjoy a high quality of life in a fiscally and environmentally responsible manner, but many are not sure how to achieve it.... Arguably, no tool is more important than increasing the density of existing and new communities, which includes support for infill development, the rehabilitation and reuse of existing structures, and denser new development.”

The argument that this alternative would not provide affordable housing is contradicted by the statement in the alternative analysis that “This alternative would also have the potential to facilitate the development of accessory dwelling units (ADUs).” And while the developer may not feel inclined to retain its promised percentage of this alternative’s 704 multi-family units and/or 111 single-family units as affordable housing, the County is able to require that designation.

As this alternative is the only one that would substantially avoid or reduce impacts to biological resources while reducing air pollutants, GHG emissions, VMT, and unplanned population growth while rendering the project consistent with applicable plans and policies, and as the DEIR’s arguments against housing density and its attempts to allege the loss of affordable housing are without merit, we urge the County to require Burton Mesa chaparral avoidance alternative.

Thank you for this opportunity to comment,

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