LET THE COMMUNITY DECIDE NIPOMO'S FUTURE

Standing for Real Affordable Housing, Critical Infrastructure, and Environmental Preservation

January 2025 Newsletter

Stop the Dana Reserve as currently proposed--a socially & environmentally irresponsible mega-development in Nipomo

SUMMARY OF LAFCO Meeting

The first half-hour of the November 14 LAFCO meeting highlighted significant tensions between development interests and environmental concerns regarding a newly identified Manzanita species on the proposed Dana Reserve site in San Luis Obispo County. LAFCO staff director Rob Fitzroy advised commissioners to dismiss this discovery, claiming it lacked formal publication or endangered species status, and equating it to mere public opinion. Dr. Bill Waycott, co-author of the study identifying the species, observed his research being dismissed.

Consultant Emily Creel, advocating for the developer, argued there was no need for a supplement to the Environmental Impact Report (EIR) and downplayed the significance of the new Manzanita species. Her testimony, which inaccurately described the plant's characteristics and its transplant feasibility, was aimed at maintaining the project's timeline without reevaluation. Creel's remarks about replacement planting policies further disregarded the species' limited geographic range, confined to Nipomo, contradicting existing mitigation plans.

During public comment, Dr. Waycott had limited time to counter these claims, providing evidence of the plant's genetic uniqueness and its critical conservation status. However, the meeting's structure and preemptive framing by LAFCO staff and the developer's team revealed a broader bias favoring the development.

The meeting underscored systemic issues: behind-the-scenes influence by developers, a lack of critical deliberation by decision-makers, and the financial imbalance between developers and community opposition. Supervisor Jimmy Paulding stood out for raising thoughtful concerns about infrastructure and community impacts.

So, against this backdrop of a stacked deck against community efforts to collaborate and compromise the message is still:

It's not over!

NAC & CNPS LAWSUIT IN "Lay" language

This lawsuit exemplifies the growing tension between development and environmental stewardship in California, highlighting the need for balanced, sustainable planning. As it unfolds, the outcome will resonate far beyond San Luis Obispo County, shaping the future of land use and environmental policy in the state.

The lawsuit requests an injunction to halt project activities until compliance with environmental and legal standards is ensured. The key issues we have raised are:

1. **Destruction of Biodiversity**: The project site encompasses critical habitats, including 127 acres of oak woodlands that support rare plant and animal species. The Final Environmental Impact Report (FEIR) estimates the removal of nearly 4,000 oak trees, raising concerns over biodiversity loss.
2. **Water Resource Mismanagement**: We assert that the FEIR inadequately addresses water supply issues. and that the Nipomo Community Services District (NCSD) lacks the legal and physical capacity to meet the project's estimated water demand of 2,388 acre-feet annually.
3. **Wildfire Risks**: The area's high susceptibility to wildfires raises concerns about the project's impact on emergency response and evacuation. Fire experts have criticized the reliance on "temporary refuge areas," deemed inadequate for wildfire scenarios.

Flaws in Project Alternatives and Mitigation

1. **Unexplored Alternatives**: The lawsuit contends that viable, environmentally superior alternatives, such as the Burton Mesa Chaparral Avoidance Alternative, were dismissed without substantial evidence. This option would reduce significant environmental impacts while still meeting housing goals.
2. **Unrealistic Mitigation Plans**: The lawsuit criticizes the reliance on a future homeowners' association (HOA) to finance and implement critical mitigation measures, questioning the feasibility of this approach.

Broader Implications: The lawsuit emphasizes the broader consequences of the DRSP:

- **Affordable Housing Debate**: While the developer has promoted the project as a solution to housing shortages, it actually prioritizes market-rate housing with minimal affordable units, undermining state housing goals.
- **Precedent for Environmental Law Compliance**: The case could influence future developments by reinforcing rigorous adherence to CEQA's standards.

DISCOVERY OF NEW SPECIES ON DR SITE

- A new species of manzanita, *Arctostaphylos* on the project site necessitates a supplemental environmental review under CEQA guidelines due to its potential extinction risk.
- This newly discovered endangered Manzanita raises further concerns about habitat destruction as nearly half of the species' specimens exist on this land. Click here for an image of the locations of the manzanitas.

- The California Environmental Quality Act (CEQA) mandates a supplemental Environmental Impact Report (EIR) if new significant information emerges, such as the discovery of this species. The EIR must reevaluate the project's biological impact and consider alternatives**.**

****A NEW LAWSUIT HAS BEEN FILED, THIS TIME AGAINST LAFCO****

The lawsuit contends that: (brief summary)

- the DRSP's FEIR contains numerous flaws, including failure to address legal, environmental, and practical concerns, necessitating reevaluation and adherence to CEQA requirements.
- LAFCO failed to evaluate whether the Nipomo Community Services District (NCSD) can legally and physically supply water to a proposed annexation project, as required by Government Code sections 56668(k) and 65352.5
- NCSD's reliance on Phase II water transfers is unlawful because this water is reserved exclusively for infill development within NCSD's existing boundaries, as confirmed by NCSD's 2009 FEIR, subsequent addendums, and binding agreements. LAFCO allegedly ignored this evidence and failed to analyze the water supply's sufficiency.

Please consider making a donation to NAC to support these ongoing legal actions. and THANK YOU to all who have already done so!

HAPPY NEW YEAR! ¡FELIZ AÑO NUEVO!

Upcoming important dates—MARK YOUR CALENDARS!

January 12, 5p.m.--NAC Community Meeting, Blacklake Community Room, 498 Colonial Place
February 5—Court hearing on NAC and CNPS lawsuit against the County and NKT

NAC website https://stopdanareserve.com/ Email: nipomoaction@gmail.com

The Nipomo Action Committee's (NAC) mission is to collaborate with all interested Nipomo and central coast stakeholders to maintain and enhance Nipomo's rural character and ensure appropriate and compatible growth consistent with the unique biodiversity and cultural heritage of this area now and for generations to come.