#4

Ramirez, Angelica

LATE DIST

From: Courtney Taylor <me@courtneyetaylor.com>
Sent: Tuesday, December 14, 2021 1:06 PM
To: Nelson, Bob; Williams, Das; Hart, Gregg; Hartmann, Joan; Lavagnino, Steve
Cc: sbcob; sbcob
Subject: Dept. Item #4: Responsive Memos
Attachments: RioCanna-BienNacido-Hydrogeo_LOCT_Rebut_14Dec2021_rev1.pdf; 2021.12.13 Memo to Supervisors - Grading Code.pdf

Dear Supervisors and Clerk of the Board:

In response to the memos submitted by Applicant, Canna Rios, attached please find the following memos:

1. Memo from Dr. Jim McCord at Lynker regarding wells onsite, responding to memos from Walch Geosciences and a memo from Dudek submitted late yesterday.
2. Memo from John Haan Jr. regarding grading violations, responding to Applicant's letter of Friday, December 10th.

We request the Board allow this memo be included in the record given the other late submissions to which we need an opportunity to respond.

Thank you,
Courtney

Courtney E. Taylor
6465 Nursery Way, San Luis Obispo, CA 93405
p: 805.316.1278 | ***c:*** 805.234.2706 | ***w:*** courtneyetaylor.com
Legal Counsel to the **Alcohol Beverage Industry**

Click here to book time with me.

#4

LATE DIST

Lynker

14 December 2021

Law Office of Courtney Taylor, APC
Attn: Courtney Taylor
6465 Nursery Way
San Luis Obispo, California 93405

RE: Response to Applicant's Experts on Hydrogeologic Evaluation of Irrigation Water Supplies for Canna Rios Cannabis Production Project, 3205 White Rock Lane, Santa Maria, CA; APN 129-040-010

Dear Courtney:

Pursuant to your request, I have performed a technical review of the Canna Rios LLC ("Canna Rios" or "the Applicant") consultants' reports[1] on the hydrology and hydrogeology in the Santa Maria River basin in the vicinity of the Canna Rios proposed cannabis production project, located at the northern limit of the Santa Maria basin near Garey, California. This technical memo specifically focuses on responding to four (4) key points raised in their reports that challenge aspects of my original report submitted to the Santa Barbara County on 07 December 2021.

1. *Well Location and Distance to the nearest surface stream channel*
   The entire analysis in my original report was based on the location of irrigation well on the property that was shown as the primary source of irrigation water according to documents included in the Canna Rios permit application (Plates, P1, W2, and UT.1). That location was chosen based on those drawings, because the well location originally provided by the Applicant was inaccurate, placing the well in the middle of a field on the north side of the Cuyama River (see Fig. 1 in my original report). Now, in the Applicant's hydrology report (Walch Geoscience, 2021) submitted on 08 December 2021, they have identified a completely different well location for the principal source of irrigation water, but the driller log is the same. As stated by Walch (2021):

> The existing well (Well #2) to be used for irrigation of the cannabis farm is about 1,000 feet north of Santa Maria Mesa Road just west of the main access to the property and project site. The well is located approximately 3050 feet from the Cuyama River and 2200 feet from the Sisquoc River. Well #2 is located at the following GPS coordinates; 34° 53' 47.07" North, 120° 18' 07.70" West.

   Driscoll (2021) cites exactly the same distances from the Sisquoc and Cuyama River channels as described by Walch (2021). I have plotted that well location in Google Earth as shown in **Figure R1**.

---

[1] Walch Geosciences, 2021. Hydrology Report of the property at 4651 Santa Maria Mesa Road, Santa Maria, CA, prepared for Canna Rios LLC, Updated December 8, 2021.
Driscoll, T., 2021 Canna Rios, LLC Cannabis Cultivation Project, Case No. 19LUP-00000-00116 – Water Resources Peer Review, Technical Memo to Amy Steinfeld, Brownstein, Hyatt Farber and Schreck, LLP, 13 Dec 2021.

Figure R1. Location of Canna Rios Well #2 from Walch (2021) and showing Google Earth measured distances from that well to Santa Maria Mesa Road and to the Siquoc and Cuyama River channels

According to the location provided by Walch (2021), I agree with the Applicant's experts on the location of the well and the distance from the well to the Santa Maria Mesa Road and to the Cuyama River channel. The cited distance to the Sisquoc River channel, however, is greatly in error: the Applicants experts cite that distance as 2,200 feet, but as shown in **Figure R1** and using the Google Earth measuring tool, that distance is actually less than 1,000 feet.

2. *Well #2 is only tapping into Paso Robles and Careaga Formations*
Based on the geologic log and geophysical log for Well #2 provided by Walch (2021), the hydrogeologic profile is the same as that analyzed for Canna Rios Well #1, located approximately 1,000 feet from Well #2. As noted by Walch (2021) and Driscoll (2021), and based on Dibblee (1994), the well encounters river alluvium at the ground surface, and I agree with that conclusion. I

strongly disagree, however, with the interpretation by Walch (2021) that the recent alluvium is only 25 feet thick at that location. In fact, based on the driller's log, it appears that the Paso Robles is encountered at a depth no shallower than 185 feet. The recording of "streaks of white clay" in the descriptions from a 185-foot depth to the 306 feet is suggestive of the Paso Robles formation. However, even below the 306-foot depth, the descriptions of the material colors and clast descriptions are more consistent with recent alluvium that Paso Robles formation. Thus, my opinion is unchanged that the top of the Paso Robles formation at Well #2 is no shallower than 185 feet below ground surface (BGS), and it could go beyond the 300-foot depth. To better characterize the top of the Paso Robles would take a more detailed investigation employing multiple well logs from the vicinity, in an ideal world augmented by cuttings collected during drilling if possible.

Based on my interpretation of the geologic log and the geophysical log, I have annotated Walch's (2021) Figures 6 and 7 to show a more defensible interpretation of the Paso Robles top surface, as shown in **Figures R2** and **R3** below. The groundwater levels shown from the original Walch figures were checked and verified, and thus are unchanged in my annotated figures. The critical item to note in these figures is that the Well #2 sandpack extends well up into the saturated portion of the connected alluvial sediments. Thus, the conceptual model presented as **Figure 6** in my original report remains the same: connected alluvial groundwater will be drawn into the sandpack and flow downward to the well intake screen, to be produced at the surface as a major component of the overall well discharge.

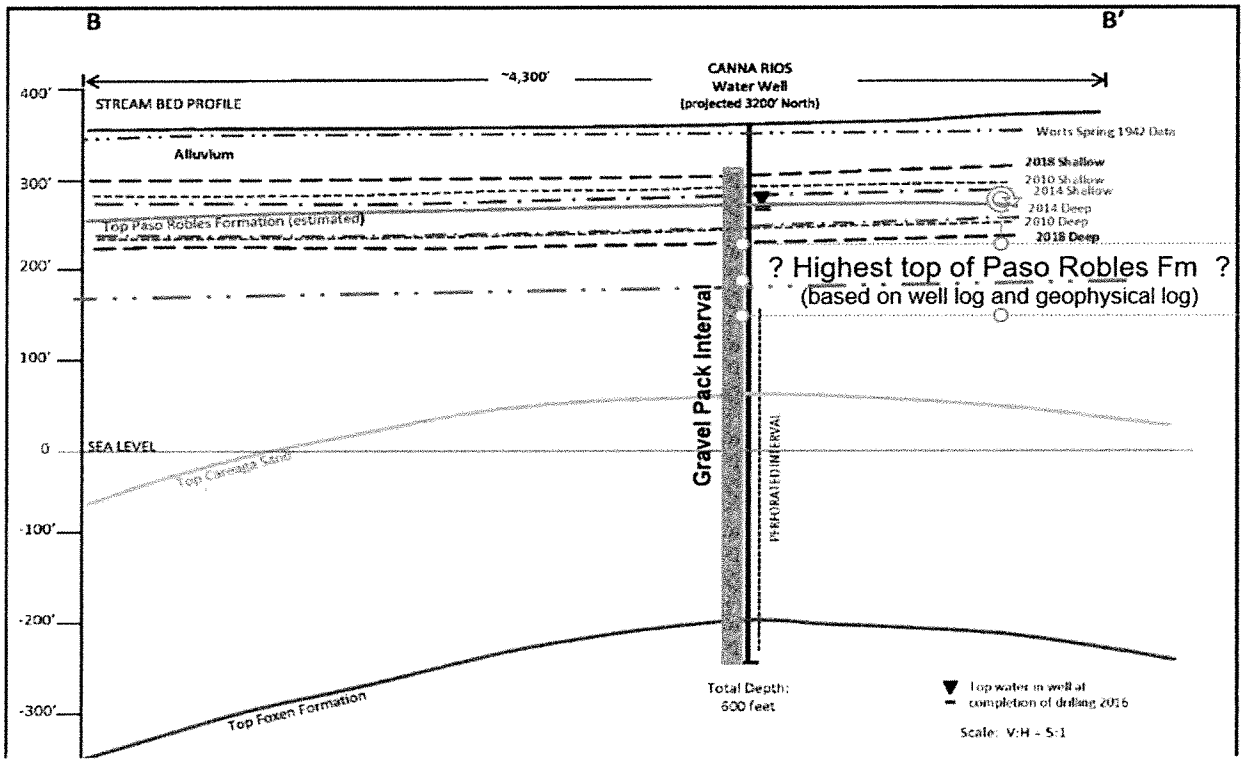

Figure R2. Annotation of Walch (2021) Figure 6 showing corrected top of Paso Robles formation at the Canna Rios Well #2 location.

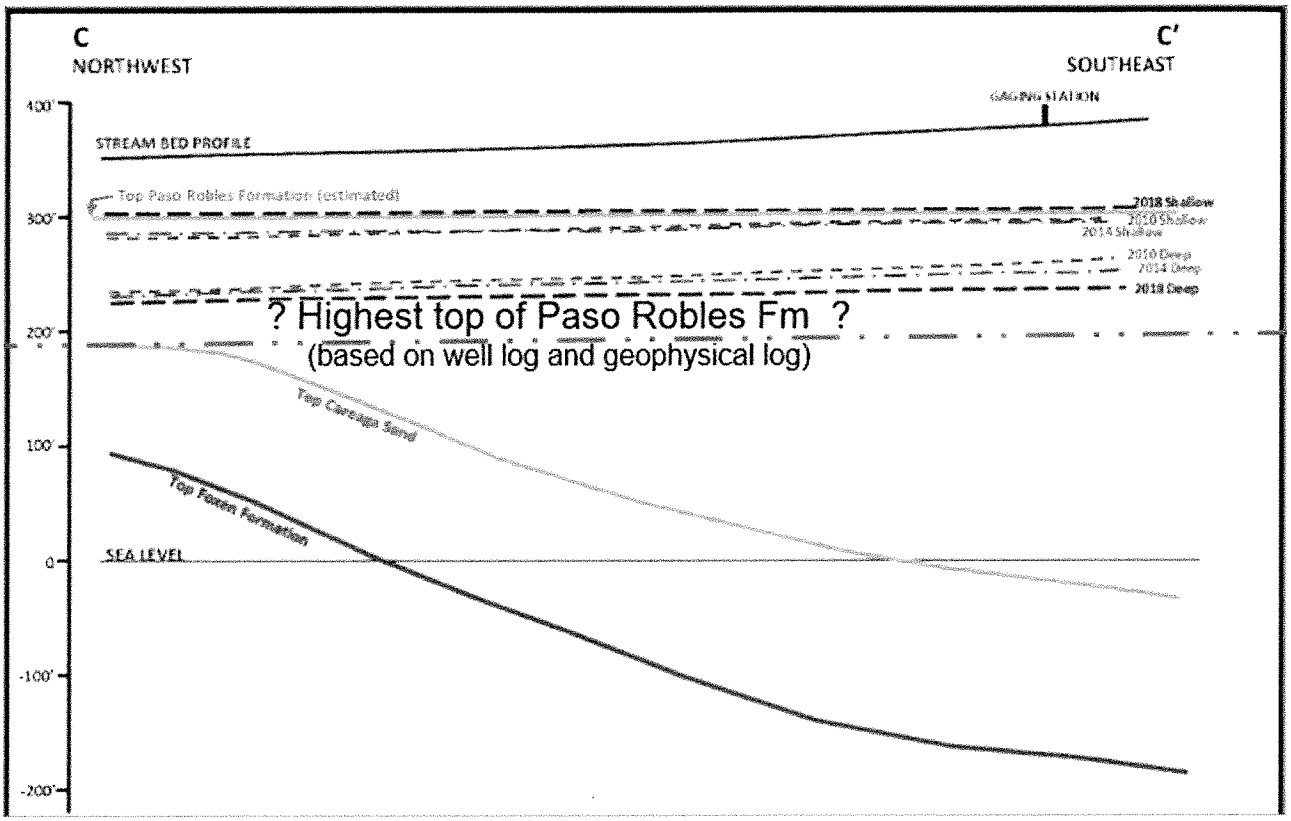

Figure 3. Annotation of Walch (2021) Figure 7 showing corrected top of Paso Robles formation parallel to the channel of the Sisquoc River

3. *Statements about Sisquoc River is frequently dry do not contradict connection of Canna Rios' wells to connected alluvial groundwater*

   The contention that Well #2 pumping cannot be tapping connected alluvial groundwater since the surface water stream channels only flow during the wet season is not correct. As clearly stated in my original report, the stream - aquifer interaction modeling that was developed and presented is not intended to be quantitatively definitive. Rather, the calculations were intended to illustrate how these strongly connected alluvial wells will impact groundwater which is recharged by surface water losses This illustration relies on the Principal of Superposition, i.e., that the well impact from this simple model can be "superimposed" on the background baseline conditions (Reilly et al., 1987). The fact of significant recharge by the Siquoc River is stated clearly in the Walch (2021) report. Also as stated in my original report, a three-dimensional groundwater flow model would be a more rigorous approach to quantify production of alluvial groundwater, but no such model currently exists. So even while the surface channel may be dry, the water that the well is producing has a significant component of alluvial groundwater. And pumping that water during the irrigation season "mines a hole" in the alluvial aquifer that must be filled by surface water recharge to the alluvial aquifer during the following wet season.

4. *New well location poses more of a drawdown interference impact to Bien Nacido wells*
   Section 3.2 in my original report focused on impact of pumping Canna Rios Well #1 on water levels in nearby wells. In that report, the closest wells were Bien Nacido wells located 1,310 and 1,950 feet away, and thus the concern was minor. Now with the emphasis on Canna Rios Well #2 as the principal irrigation supply source, this well is much closer to the Bien Nacido wells in question and thus issue of interference becomes much more of a concern. Unfortunately, due the short time between the submittal of the Walch (2021) report and the hearing, a detailed analysis of interference could not be undertaken.

Summary of Findings

In summary, based new data and information provided in the Walch (2021) and Driscoll (2021) reports, my opinions as presented in my original hydrogeology report are unchanged. The reader is referred to my original report for technical details on the data acquisition, review, compilation and applied analyses that underlie my findings and opinions.

Please let me know if you have any follow-up questions or need additional information.

Sincerely,

James T. "Jim" McCord, PhD, PE
Principal Water Resource Engineer / Groundwater Lead
Lynker Technologies, LLC | +1-505-261-0837 (US) +51-986-061-266 (Peru) | jtmccord@lynker.com

REFERENCES

Dibblee, T, et al., 1994. Dibblee, T.W., and Ehrenspeck, H.E., Geologic map of the Santa Maria and Twitchell Dam quadrangles, Santa Barbara County, California

Driscoll, T., 2021 Canna Rios, LLC Cannabis Cultivation Project, Case No. 19LUP-00000-00116 – Water Resources Peer Review, Technical Memo to Amy Steinfeld, Brownstein, Hyatt Farber and Schreck, LLP, 13 Dec 2021.

Reilly, T.E., O.L. Franke, and G. D. Bennet, 1987. The principle of superposition and its application in ground-water hydraulics, US Geologic Survey Techniques of Water Resources Investigations Report 03-B6.

Walch Geosciences, 2021. Hydrology Report of the property at 4651 Santa Maria Mesa Road, Santa Maria, CA, prepared for Canna Rios LLC, Updated December 8, 2021.

Worts, G.F. Jr., 1951. Geology and Ground-Water Resources of the Santa Maria Valley Area, California, US Geological Survey Water-Supply Paper 1000, prepared in cooperation with Santa Barbara County, 176 pp.

Young, M., and M. Scrudato, 2018.Santa Maria River Valley Groundwater Basin: Basin Boundary Modification Request, Technical Report prepared for California Dept of Water Resources BBMR.

#4

LATE DIST

ROGERS, SHEFFIELD & CAMPBELL, LLP

Date: December 13, 2021

To: Santa Barbara County Board of Supervisors

From: John H. Haan, Jr.

Re: Appeal of Planning Commission Approval
Canna Rios LLC - Outdoor Cannabis Cultivation (19LUP-00000-00116)
Grading Code Violation

As a follow up to the Memorandum dated December 3, 2021 from Kim McCormick regarding the Federal Rivers and Harbors Act and Clean Water Act Issues, the Board of Supervisors must also address the applicant's failure to obtain a grading permit from Santa Barbara County for the construction of the earthen berm described in Ms. McCormick's memo. Section 14-10 of the Grading Code (Santa Barbara County Code, Ch. 14) states in pertinent part: "Except as provided in sections 14-6, 14-8 and 14-9 of this chapter, no person shall perform any grading, excavation or fill without first obtaining a grading permit and land use permit for such work from the planning and development department of the County of Santa Barbara." While section 14-8 of the Grading Code provides for certain exemptions regarding agricultural practices, none of those exemptions apply in this situation. Specifically, the following acts do not fall under the agricultural exemption:

1. Grading in excess of fifty cubic yards within two hundred feet of any exterior property line (Grading Code Sec. 14-8(c)(3));

2. Any grading within fifty feet of the top of the bank of any stream, creek or natural watercourse (Grading Code Sec. 14-8(c)(6)).

The location of the berm is approximately 100 feet from the property line where the Maldonado property and Bien Nacido Vineyard property meet, as shown by a Google Earth calculation in appellant's hearing presentation. Moreover, the construction of the berm at this location (given its size, which is conservatively approximately 130,000 sq. ft. in surface area or 4,800 CY in mass if at least one-foot in depth) required the movement of more than fifty cubic yards of earth material.

Finally, the construction of the berm clearly constitutes grading within 50 feet of the top of the Cuyama River (as it has resulted in the rerouting of the river and is thus located in the riverbed). Thus, the agricultural exemption would not apply pursuant to Section 14-8(c)(3) or (6) of the Grading Code, and a grading permit is required.

While the unpermitted berm is not located within the project site, it is located on the same lot as the project and is adjacent to the project. Any corrective measures required to remove the berm or construct a bridge, would impact the project given its proximity to the berm. As a result, the lot on which the project is located, and is affected by the berm, is not in compliance with the Grading Code.