


TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: OCTOBER 6, 2006



HETRICK WATERLINE REPLACEMENT PROJECT ENVIRONMENTAL DETERMINATION

ITEM

Consider adoption of Mitigated Negative Declaration and Notice of Determination on Hetrick Waterline Replacement Project (Recommend Approval).

BACKGROUND

Your Honorable Board on April 21, 2006, reviewed the project design prepared by Boyle Engineering and authorized this environmental review. Staff then retained Padre Associates to prepare the Initial Study and to process the Environmental Review. Padre published the Draft Initial Study and Mitigated Negative Declaration in July 2006 and staff posted and published the attached Notice of Availability on August 11, 2006. At the end of the comment period, there were no comments and thus there are no responses.

Staff has prepared the attached Resolution Adopting a Mitigated Negative Declaration and Authorizing the General Manager to file the Attached Notice of Determination. The Board should note that the Mitigation and Monitoring Program attached to the Resolution implements the Mitigations set forth in the Initial Study.

Kris Vardas of Padre Associates is scheduled to present the Initial Study to your Honorable Board at the Board Meeting. As set forth in the attached Notice of Availability this meeting is the opportunity for the public to provide feedback to the Board on the environmental determination.

The Board should note that staff has advertised for bids with a bid opening scheduled for October 17, 2006. Should your Honorable Board adopt the attached Resolution at this Board Meeting, staff will present the Bids to you at your October 25, 2006, Board Meeting.

RECOMMENDATION

Staff agrees with Padre that this project qualifies for a Mitigated Negative Declaration based on implementation of the proposed Mitigation and Monitoring Program. Staff recommends that your Honorable Board open the Public Hearing, receive public input, close the Public Hearing and then adopt the attached Resolution.

ATTACHMENTS

- INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
- NOTICE OF AVAILABILITY
- DRAFT RESOLUTION
- NOTICE OF DETERMINATION

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
HETRICK ROAD WATER MAIN UPGRADE PROJECT**

Lead Agency:

Nipomo Community Services District

Environmental Consultant:

Padre Associates, Inc.
811 El Capitan Way, Suite 130
San Luis Obispo, CA 93401

July 2006

Project No. 0602-1151



TABLE OF CONTENTS

Section	Page
1.0 INTRODUCTION.....	1-1
1.1 PURPOSE OF THE IS/MND	1-1
1.2 IS/MND FORMAT AND CONTENTS	1-1
2.0 PROJECT DESCRIPTION.....	2-1
2.1 PROJECT LOCATION	2-1
2.2 PROJECT SETTING	2-1
2.3 PROJECT PROPONENT	2-1
2.4 PROJECT CONTACT PERSON	2-1
2.5 BACKGROUND.....	2-2
2.6 PURPOSE AND NEED	2-2
2.7 PROJECT DESCRIPTION	2-2
2.8 PROJECT ENTITLEMENTS AND REQUIREMENTS.....	2-9
2.9 MITIGATION MEASURES	2-9
3.0 ENVIRONMENTAL ANALYSIS.....	3-1
3.1 AESTHETICS.....	3-4
3.2 AGRICULTURAL RESOURCES.....	3-5
3.3 AIR QUALITY	3-6
3.4 BIOLOGICAL RESOURCES.....	3-9
3.5 CULTURAL RESOURCES.....	3-12
3.6 ENERGY AND MINERAL RESOURCES	3-13
3.7 GEOLOGY, SEISMICITY AND SOILS	3-14
3.8 HAZARDS AND HAZARDOUS MATERIALS.....	3-18
3.9 HYDROLOGY AND WATER QUALITY.....	3-21
3.10 LAND USE AND PLANNING.....	3-25
3.11 NOISE	3-26
3.12 POPULATION AND HOUSING	3-28
3.13 PUBLIC SERVICES	3-30

TABLE OF CONTENTS - CONTINUED

3.14 RECREATION.....3-31
3.15 TRANSPORTATION/TRAFFIC3-33
3.16 UTILITIES AND SERVICE SYSTEMS3-35
3.17 MANDATORY FINDINGS OF SIGNIFICANCE.....3-38
4.0 REFERENCES.....4-1

FIGURES

2-1 SITE VICINITY MAP2-3
2-2 SITE LOCATION MAP2-5
2-3 LAYOUT PLAN AND PROFILE.....2-7

APPENDICES

- APPENDIX A MITIGATION MONITORING AND REPORTING PROGRAM
- APPENDIX B GEOTECHNICAL REPORT

1.0 INTRODUCTION

1.1 PURPOSE OF THE IS/MND

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify and assess the anticipated environmental impacts of a water main upgrade on Hetrick Road in Nipomo, California. The project site is located along a section of Hetrick Road between Willow Road and Live Oak Ridge Road. The proposed project would be sponsored, constructed, and operated by the Nipomo Community Services District (NCSD).

This document has been prepared to satisfy the requirements of the California Environmental Quality Act (CEQA) (Pub. Res. Code Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects for which they have discretionary authority before they approve or implement such projects.

The Initial Study (IS) is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. In the case of the proposed project, the NCSD is the CEQA Lead Agency and would use the IS to determine whether the project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either alone or in combination with other projects, may have a significant effect on the environment, that agency is required to prepare an Environmental Impact Report (EIR), a supplement to a previously prepared EIR, or a subsequent EIR to analyze the project. If the lead agency finds no substantial evidence that the project or any of its aspects may cause a significant impact on the environment, a Negative Declaration shall be prepared. If, over the course of the analysis, the project is found to have a significant impact on the environment that, with specific mitigation measures, can be reduced to a less-than-significant level, a Mitigated Negative Declaration (MND) shall be prepared.

1.2 IS/MND FORMAT AND CONTENTS

In addition to Section 1.0 - Introduction, this IS/MND is organized into the following sections:

- **Section 2.0 - Project Description:** Includes a detailed description of the proposed project.
- **Section 3.0 - Environmental Analysis:** Contains the Environmental Checklist Form together with an environmental setting and an impact discussion for each of the checklist questions. The Checklist Form is used to determine the following for the proposed project:
 - 1) "Potentially Significant Impacts" that may not be mitigated even with the inclusion of mitigation measures;
 - 2) "Potentially Significant Impacts Unless Mitigated" which could be mitigated with incorporation of mitigation measures;

- 3) "Less Than Significant Impacts" which would be less than significant and do not require the implementation of mitigation measures; and,
 - 4) "No Impact" which would not result in any discernible impact.
- **Section 4.0 - Determination:** Identifies the determination of whether impacts associated with development of the proposed project are significant, and what, if any, additional environmental documentation may be required. A list of mitigation measures required for the proposed project is also included.
 - **Section 5.0 - References:** Identifies the documents (printed references) and individuals (personal communications) consulted in preparing this IS/MND.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The proposed water main upgrade project is located in unincorporated Nipomo, on the Nipomo Mesa in southern San Luis Obispo County. San Luis Obispo County is bordered by Santa Barbara County to the south and Monterey County to the north. The nearest city to the north is the City of Arroyo Grande, approximately 8 miles to the northwest. U.S. Highway 101 (U.S. 101), the major north-south route through San Luis Obispo County, bisects Nipomo, providing access to the area. The project area is located in the Nipomo, California United States Geologic Survey (USGS) 7½-minute topographic series quadrangle. Latitude and longitude are estimated to be:

- Latitude (North) 35°1'48"
- Longitude (West) 120°29'24"

2.2 PROJECT SETTING

Nipomo is located in the South County Planning Area (Inland). It is one of several unincorporated towns under the County of San Luis Obispo's jurisdiction and has public services provided by the Nipomo Community Services District (NCSD). The proposed project site is located approximately 1 mile west of U.S Highway 101 along Hetrick Road, between Live Oak Ridge Road and Willow Road, in the northwestern part of Nipomo (see Figures 2-1 and 2-2 for site vicinity and location maps, respectively). The road segment in question is 900 linear feet in length. The surrounding terrain is essentially flat, although the project site slopes up slightly to the north. The elevation of the project site is approximately 390 feet above mean sea level (msl). Existing land uses include the following:

North – (AG) Agriculture

South – (RS) Residential Suburban

East – (RR) Residential Rural

West – (RR) Residential Rural

2.3 PROJECT PROPONENT

Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444-0326

2.4 PROJECT CONTACT PERSON

Mr. Bruce Buel
Assistant to the General Manager

Nipomo Community Services District
148 South Wilson Street
P.O. Box 326
Nipomo, CA 93444-0326
(805) 929-1133

2.5 BACKGROUND

The NCSD was formed in 1965 and currently provides water, wastewater, lighting, and solid waste disposal services to approximately 12,000 residents of the Nipomo area. The NCSD is a California Community Services District organized pursuant to Government Code Sections 61000 et. seq. The NCSD's service area encompasses approximately seven square miles and overlies the southern portion of the Nipomo area within the unincorporated portion of San Luis Obispo County. Pursuant to the Government Code, the NCSD provides water to its residents, similar to a municipal water district. The NCSD's authority does not include legislative or executive power over zoning or land use. The NCSD currently relies primarily upon groundwater from the Nipomo Mesa Management Area (formerly known as the Nipomo Mesa Groundwater Sub-basin) of the Santa Maria Groundwater Basin for water supply.

2.6 PURPOSE AND NEED

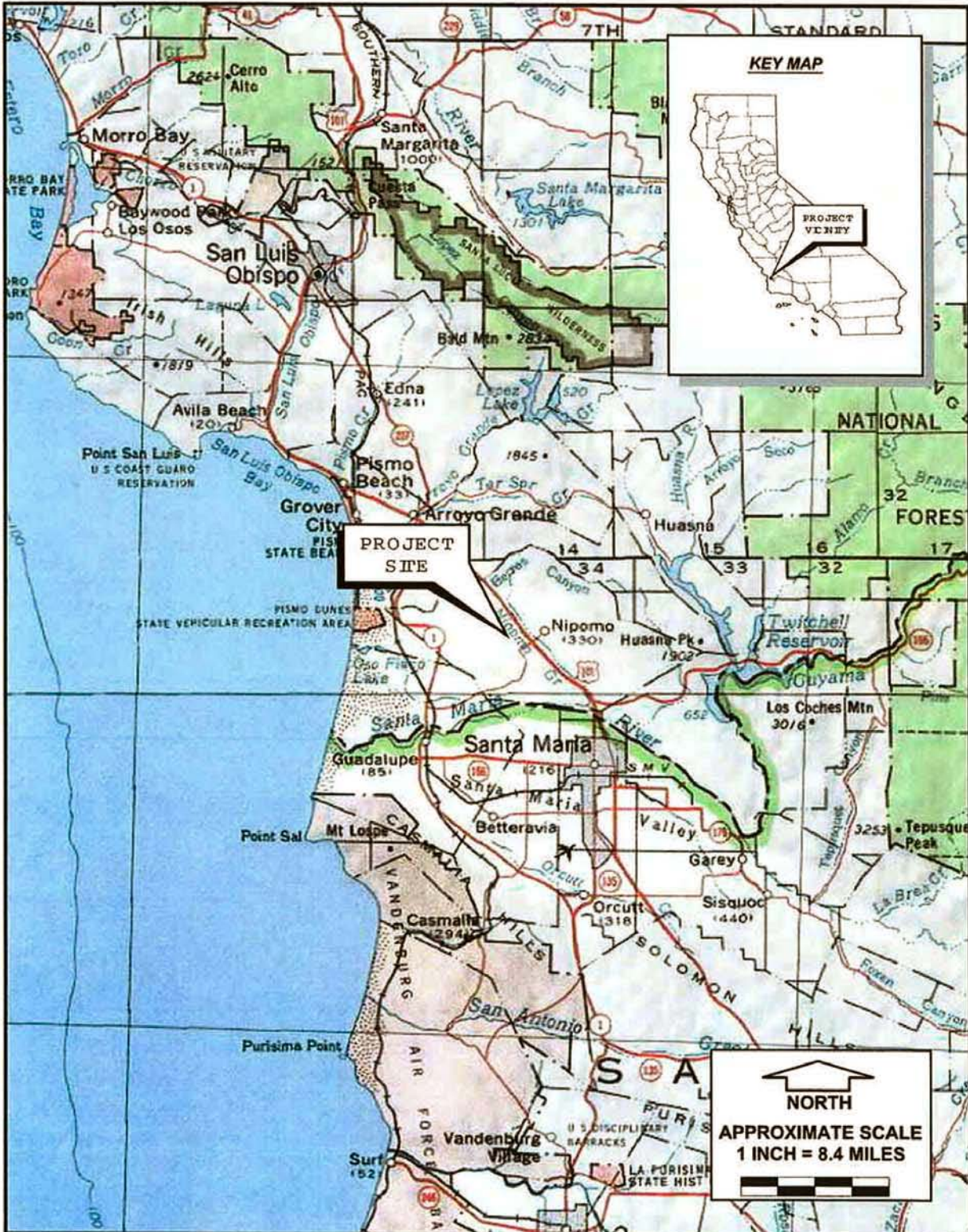
The project would involve the replacement of an existing 8" water main with a new 12" water main. The existing 8" main does not meet the NCSD's necessary transmission requirements for both municipal water supply and fire suppression.

2.7 PROJECT DESCRIPTION

The NCSD is proposing to construct and maintain an upgraded 12" water main along Hetrick Road between Willow Road and Live Oak Ridge Road (see Figure 2-3, Layout Plan and Profile).

Construction and operation of the new water main would be the responsibility of the NCSD. The existing 8" main, which is located within the shoulder next to the southbound lane, would be abandoned in place. The new 12" water main would be constructed within the road (under pavement) in County public right-of-way (ROW). Related valves and flanges would also be upgraded. See Figure 2-3.

The project also involves the granting of a temporary easement from the County of San Luis Obispo for construction of the project.



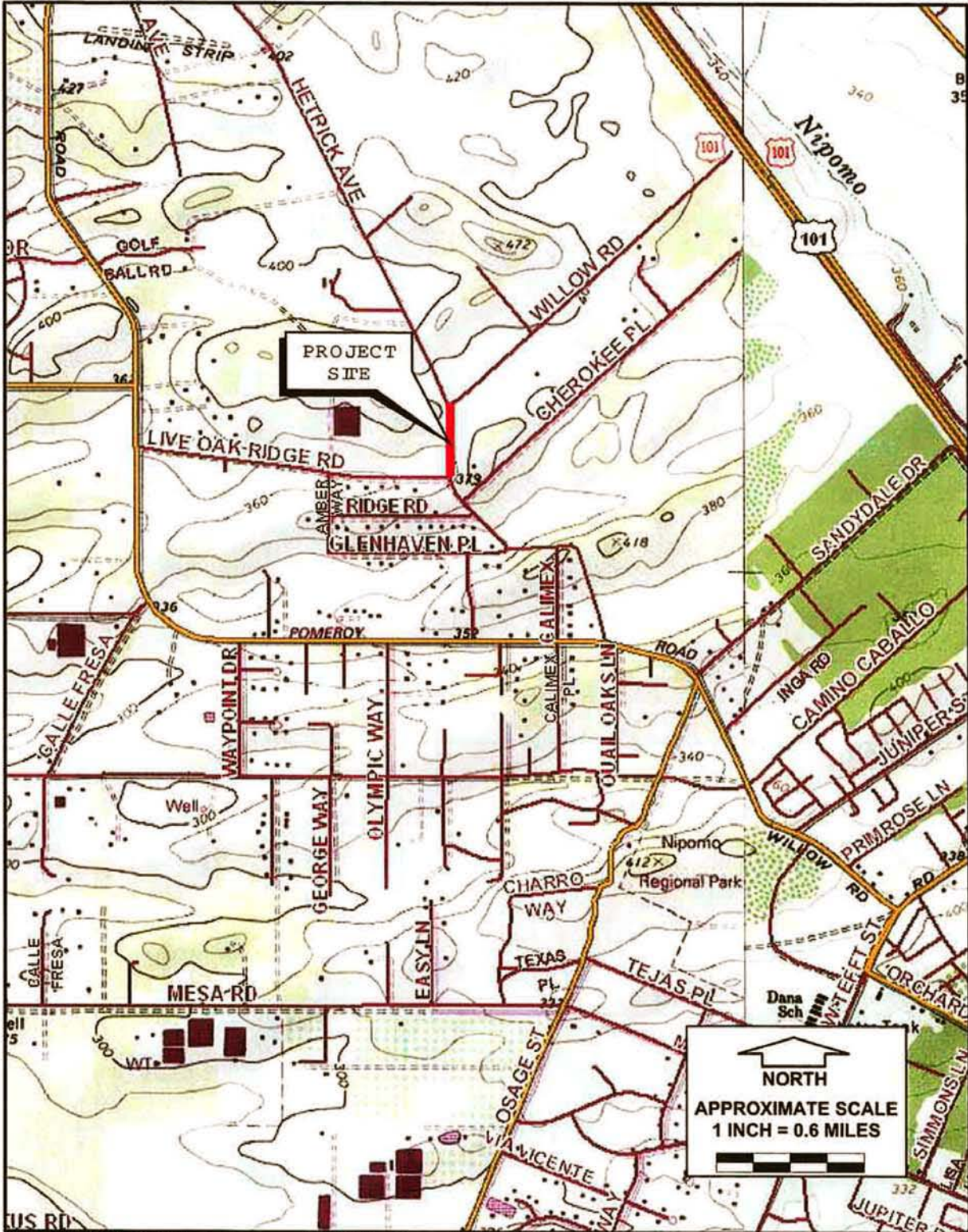
Source: TOPO! © 2004 National Geographic Holdings (www.topo.com)

SITE VICINITY MAP

FIGURE 2-1



Hetrick Road Water Main Upgrade IS/MND

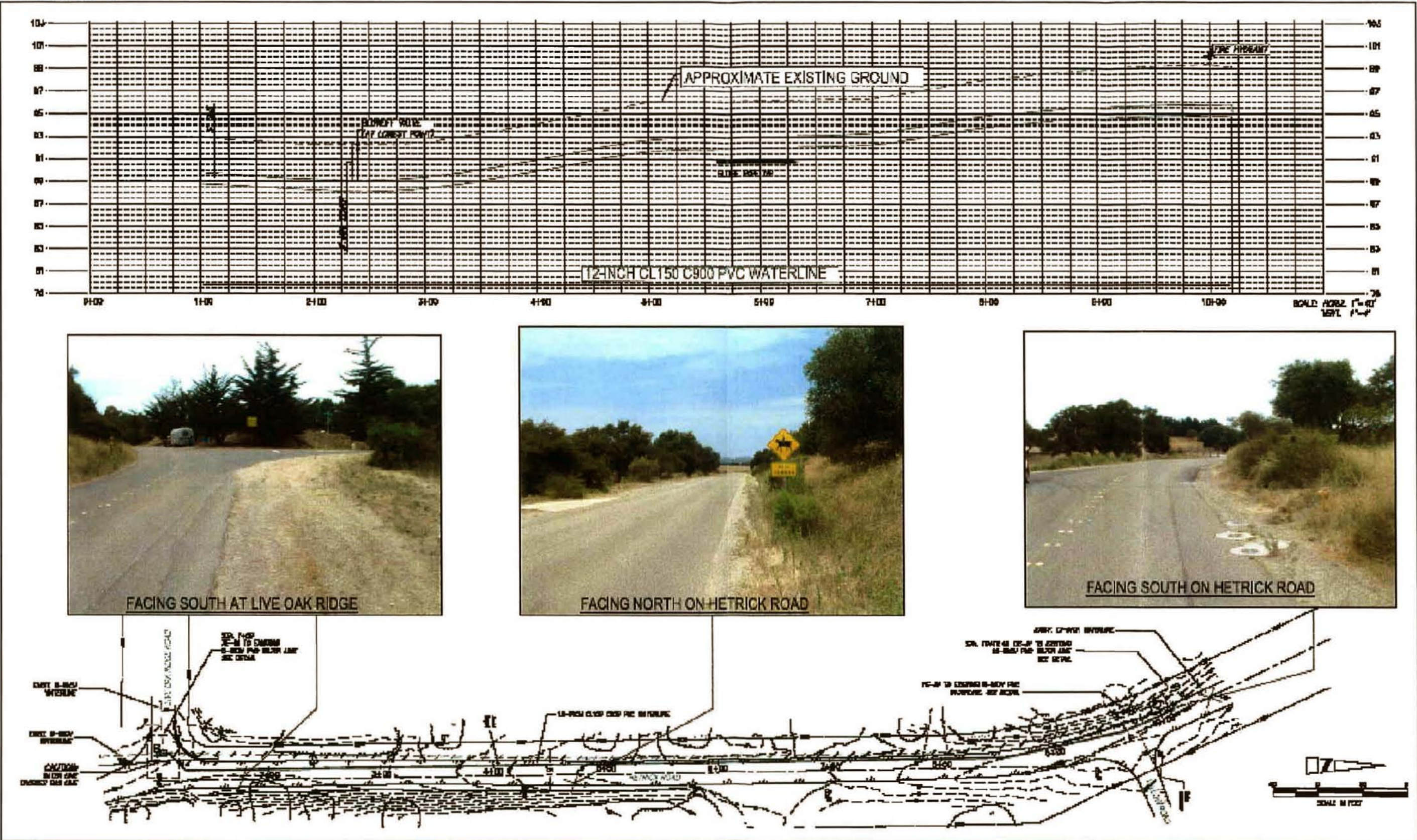


Source: TOPO! © 2004 National Geographic Holdings (www.topo.com)

padre
associates, inc.
ENGINEERS, GEOLOGISTS &
ENVIRONMENTAL SCIENTISTS

SITE LOCATION MAP
FIGURE 2-2

Hetrick Road Water Main Upgrade IS/MND



Source: Boyle Engineering Corporation



Hetrick Road Water Main Upgrade IS/MND

LAYOUT PLAN AND PROFILE

FIGURE 2-3

2.7.1 Construction Considerations

The construction duration is approximately one month. Construction would occur Monday through Friday 7 AM to 5 PM. During construction, the southbound lane of Hetrick Road would be closed; however, traffic control persons would be onsite during this period to maintain a one-way traffic system through the construction zone. The 12-inch water main would be buried at a minimum depth of 3 feet and be sloped upwards with the existing grade.

2.8 PROJECT ENTITLEMENTS REQUESTED

Lead Agency. The CEQA applies to discretionary government actions that are defined as a project and have the potential to result in either a direct or indirect physical change in the environment. An activity is considered a project if it requires issuance of a lease, permit, license, certificate, or other entitlement by a public agency. The CEQA Lead Agency is the California government agency that has the principal responsibility of approving a project and preparing the appropriate CEQA documentation. CEQA applies to all California government agencies at all levels, including local agencies, regional agencies, and state agencies, boards, commissions, and special districts. The NCSD is designated as the CEQA lead agency for approval of this project by virtue of its discretionary authority as a Community Services District (special district).

Responsible Agencies. A responsible agency is an agency other than the lead agency that has a legal responsibility for also carrying out or approving a project. The responsible agency must actively participate in the lead agency's CEQA process by reviewing the document and using it for the approval of the project. The responsible agency may also use this document to achieve CEQA compliance when issuing permits required for authorization of the project. Responsible agencies pertaining to this project include:

- County of San Luis Obispo. The project is located in the South County Planning Area (Inland) within a County Road. A temporary easement is required from the County of San Luis Obispo.

2.9 MITIGATION MEASURES

This IS/MND documents and determines the significance of potential impacts resulting from the construction activities of the water main upgrade project. Mitigation measures have been identified that are intended to avoid or reduce each potential impact to less-than-significant levels. Prior to implementation of the proposed project, a process to implement required measures is specifically addressed in the Mitigation Monitoring and Reporting Plan (MMRP) included as Appendix A of this document. The MMRP is designed to ensure that identified resource impacts are properly mitigated.

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3.0 ENVIRONMENTAL ANALYSIS

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics	--X--	Geology/Soils		Public Services
	Agricultural Resources		Hazards & Hazardous Materials		Recreation
--X--	Air Quality	--X--	Hydrology/Water Quality	--X--	Transportation & Traffic
--X--	Biological Resources		Land Use and Planning		Utilities and Service Systems
--X--	Cultural Resources	--X--	Noise	--X--	Mandatory Findings of Significance
	Energy and Mineral Resources		Population and Housing		

FISH AND GAME FEES

--X--	There is no evidence before the Department that the project will have any potential adverse effects on fish and wildlife resources or the habitat upon which the wildlife depends. As such, the project qualifies for a de minimis waiver with regards to the filing of Fish and Game Fees.
	The project has potential to impact fish and wildlife resources and shall be subject to the payment of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code. This initial study has been circulated to the California Department of Fish and Game for review and comment.

STATE CLEARINGHOUSE

	This environmental document must be submitted to the State Clearinghouse for review by one or more State agencies (e.g. Cal Trans, California Department of Fish and Game, Department of Housing and Community Development). The public review period shall not be less than 30 days (CEQA Guidelines 15073(a)).
--	--

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made, or the mitigation measures described on an attached sheet(s) have been added and agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	--X--
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potentially significant" impact(s) or "potentially significant unless mitigated" impact(s) on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature

Date

Printed Name

For: Bruce Buel,
Assistant to the General Manager

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the analysis in each section. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. The explanation of each issue should identify the significance criteria or threshold, if any, used to evaluate each question.
3. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Potentially Significant Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D) of the California Code of Regulations. Earlier analyses are discussed in Section 17 at the end of the checklist.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion. In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on earlier analysis.

- c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

3.1 AESTHETICS

Would the project:

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				-X-	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, open space, and historic buildings within a local or state scenic highway?					-X-
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				-X-	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?					-X-

3.1.1 Setting

The project area contains a variety of views and perspectives which reflect the diversity of land uses found from the southern bank of the Santa Maria River across the River onto the Nipomo Mesa. The project's site-specific visual setting includes agricultural fields, scattered oaks, and rural residential areas.

3.1.2 CEQA Guidelines

Appendix G of the CEQA Guidelines identifies the following four circumstances that can lead to a determination of a significant visual impact:

1. The project has a substantial adverse effect on a scenic vista.
2. The project substantially damages scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.
3. The project substantially degrades the existing visual character or quality of the site and its surroundings.
4. The project creates a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

3.1.3 Thresholds of Significance

The above regulatory policies set the applicable thresholds of significance. For the purposes of this analysis, the project would be determined to have a substantial negative aesthetic effect if it alters the visual resource quality of the surrounding area, adversely affects a scenic vista, or substantially degrades the existing visual character or quality of the site and its surroundings.

Given that the upgraded water main is being placed within an existing County right-of-way (ROW), the evaluation should compare the existing conditions prior to construction activities with conditions occurring during construction and after implementation.

3.1.4 Answers to Checklist Questions

Questions A – C:

Project construction activities may slightly degrade views over the short-term during placement of the upgraded 12" water main. Construction activities would involve the use of heavy equipment for digging trenches and for laying pipe. The construction period is expected to last approximately one month. No nighttime construction is planned; therefore, the proposed project would not add light or glare to the project area. While highly visible in the immediate project vicinity, impacts to views in the surrounding area are, due to their temporary nature, considered less than significant. As the project would area would be returned to existing pre-project conditions, no long-term visual impacts would occur as a result of the project.

3.1.5 Finding

No significant impact to aesthetics would result; therefore, no mitigation is required.

3.2 AGRICULTURAL RESOURCES

Would the project:

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?					--X--
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?					--X--
c) Involve other changes in the existing environment which, due to their location or nature, could result in					--X--

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
conversion of Farmland to non-agricultural use?					

3.2.1 Setting

Areas to the north of the proposed project site are designated as "Agricultural" by the Nipomo Urban Area Land Use Categories/Combining Designations map of the County's South County Planning Area. Soils in this area are not considered to be of prime or statewide importance. No agricultural operations exist within the immediate project area.

3.2.2 Answers to Checklist Questions

Question A:

The proposed project would have no significant impacts to agricultural resources as no operations are being proposed within soils considered prime or of statewide importance.

Question B:

The proposed project would not conflict with existing zoning for Agriculture. The project does not involve conversion of land currently in a Williamson Act contract.

Question C:

The proposed project does not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

3.2.3 Finding

No significant impacts to agricultural resources would result; therefore, no mitigation is required.

3.3 AIR QUALITY

Would the project:

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			-X-		
b) Conflict with or obstruct implementation of the applicable air quality plan?				-X-	

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
c) Expose sensitive receptors to substantial pollutant concentrations?				--X--	
d) Create objectionable odors affecting a substantial number of people?				--X--	
e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed qualitative thresholds for ozone precursors)?				--X--	

3.3.1 Setting

The climate of the project area can be generally described as Mediterranean, with warm, dry summers, and cooler, relatively damp, winters. Along the coast, mild temperatures are common throughout the year due to the moderating influence of the Pacific Ocean. This effect is diminished inland in proportion to distance from the ocean, or by major intervening terrain features, such as coastal mountain ranges. As a result, inland areas are characterized by a considerably wider range of temperatures conditions.

San Luis Obispo County has been identified as a non-attainment area for particulate matter (PM₁₀) by the California Air Resources Board (ARB). San Luis Obispo County has been designated a non-attainment area for the State 1-hour ozone standard starting in 1988. However, on December 5, 2003 the ARB proposed re-designating the County as in attainment because no ozone violations had been recorded during 2000-2003, and that the County should be treated separately than the rest of the South Central Coast Air Basin due to minimal ozone transport associated with intervening mountain ranges. The proposed re-designation was finalized in January 2004. Maximum concentrations of other criteria pollutants are currently within Federal and State standards.

The nearest air quality monitoring station is located approximately one mile southeast of the project site at the Nipomo Regional Park (NRP). Another contractor-operated air quality monitoring station (MESA2) operated at 1300 Guadalupe Rd (located approximately four miles to the southwest of the project site) but is no longer in service. During 2002 through 2004, the 1-hour and 8-hour ozone standard was exceeded at the NRP station once. However, the State 24-hour PM₁₀ (particles less than 10 microns) standard was exceeded 6 times during this period (samples are typically taken every six days). At the MESA2 station, 24-hour PM₁₀ was exceeded 18 times.

3.3.2 Answers to Checklist Questions

Thresholds of significance used in this section are taken from Table 6-3 of the CEQA Air Quality Handbook developed by the San Luis Obispo County Air Pollution Control District (APCD).

Question A:

Due to the small scale nature of the proposed project's construction activities, it is not anticipated that there would be a significant contribution of pollutant emissions to existing air quality. The amount of construction equipment needed, in addition to the one-month schedule and lack of operational emissions, would not likely result in significant impacts to existing air quality standards. Project construction activities would involve standard equipment mitigations (see Mitigation Measure AQ-1).

Question B:

The primary purpose of the project is to upgrade fire suppression and municipal water supply needs to meet existing water demand during peak periods. The proposed project is not expected to induce population growth or otherwise conflict with the implementation of the 2002 Clean Air Plan.

Question C:

Few sensitive receptors exist in the project area; however, a residence exists approximately 250 feet east of the project area. Construction-related combustion emissions may slightly affect this sensitive receptor. However, these impacts are considered less than significant, due to the small scale of the project, rural characteristics, and generally good wind-induced dispersion at the site.

Question D:

Diesel fuel emissions associated with heavy equipment operation would generate odors that may be considered objectionable. However, the small amount of emissions, few sensitive receptors in the immediate project vicinity, and good wind-induced dispersion at the site would prevent significant odor impacts. Furthermore, these odors would be temporary (approximately one month).

Question E:

The project region is a non-attainment area for PM₁₀. Fugitive dust generated by earthwork may result in a minor cumulatively considerable increase in PM₁₀ emissions. Implementation of Mitigation Measure AQ-1 would minimize PM₁₀ emissions.

3.3.3 Mitigation

Mitigation Measure AQ-1. The following standard mitigation measures shall be fully implemented during the construction period to ensure PM₁₀ impacts are less than significant.

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover;
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking;
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained;
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes shall only be used where preceded or accompanied by sufficient wetting to limit the visible dust emissions; and,
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

3.3.4 Finding

With the incorporation of mitigation, impacts to air quality would be less than significant.

3.4 BIOLOGICAL RESOURCES

Would the project:

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or indirectly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?					-X-

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect, on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?					--X--
c) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (e.g. Heritage Trees)?			-X-		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?					--X--
e) Conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?					--X--
f) Have a substantial adverse effect on federally protected wetlands as defined in Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, etc.) through direct removal, filling, hydrological interruption, or other means?					-X-

3.4.1 Setting

Oak trees currently exist along the shoulder of Hetrick Road and in the project vicinity. Ruderal vegetation is also present along the roadside. Based on a review of County resource maps pertaining to San Joaquin Kit Fox (SJKF), it has been determined that SJKF, and/or suitable habitat is not present in the project area.

3.4.2 Answers to Checklist Questions

Question A:

No sensitive plant or animal species are anticipated to be affected by project construction activities. As no construction or staging of equipment would occur outside of designated areas (i.e., on the road shoulder or under oak drip canopy lines), impacts to sensitive biological resources would be less than significant.

Question B:

No riparian or additional sensitive communities were identified within the project area.

Question C:

The proposed project would not conflict with any local policies or ordinances protecting biological resources, as long as construction or staging of equipment would occur outside of designated areas (i.e., on the road shoulder or under oak drip canopy lines).

Question D:

The project site is surrounded by widespread scattered development to the west and south, but there are open space and agricultural areas to the east and north that likely serve as a migration corridor for wildlife species. However, the movement of native or resident wildlife species would not be substantially affected because the new water main would be located within the existing Hetrick Road ROW and would not have a significant impact on the amount of open areas surrounding the site.

Question E:

No adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional state habitat conservation plan is applicable for the subject property.

Question F:

No federally protected wetlands have been identified within the project site. Therefore, the proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

3.4.3 Mitigation

The following mitigation measures have been identified to ensure all potential impacts are mitigated to a level of insignificance:

Mitigation Measure BIO-1. Oak Trees. The construction site shall clearly delineate specific cases where project construction would be within the immediate vicinity of oak trees. Construction fencing shall be installed at a minimum of one and a half times the dripline of oak trees.

3.4.4 Finding

With the incorporation of mitigation, impacts to biological resources would be less than significant.

3.5 CULTURAL RESOURCES

Would the project:

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historic resource? (See CEQA Guidelines 15064.5)					--X--
b) Cause a substantial adverse change in the significance of an archaeological resource? (See CEQA Guidelines 15064.5)					--X--
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?					--X--
d) Disturb any human remains, including those interred outside of formal cemeteries?					--X--

3.5.1 Prehistoric Environmental Setting

San Luis Obispo County has been home to the Northern Chumash, or Obispeño, for over 9,000 years. Archaeologists have established a detailed cultural chronology based upon various excavations and site surveys across the County. Over 1,500 archaeological sites have been recorded in San Luis Obispo County, although many of these heritage resources have been impacted by development.

3.5.2 Thresholds of Significance

Based on the mandatory findings of significance criteria at Section 15065 and Appendix G of the State CEQA Guidelines (Governor's Office of Planning and Research, 1999), an impact would be significant if any of the following conditions, or potential thereof, would result with implementation of the Proposed Project:

1. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15065.5;
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or,
3. Disturb any human remains, including those interred outside of formal cemeteries.

Section 7050.5 of the Health and Safety Code, states that in the event human remains are discovered during excavation, work must stop immediately and the County Coroner must be contacted. Section 5097.94 and 5097.98 of the Public Resources Code require consultation with the Native American Heritage Commission, protection of Native American remains, and

notification of most likely descendants. SB 447 (Chapter 404, Statutes of 1987) also protects Native American remains or associated grave goods.

Section 15064.5 of the CEQA Guidelines defines significant historic resources to include:

- A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title CCR. Section 4850 et seq.).

3.5.3 Answers to Checklist Questions

Questions A – D:

Construction of the proposed project would occur in an area already heavily disturbed by the existing road and road shoulder. It is highly unlikely significant cultural resources exist within the project impact area. No unique geologic features exist within the immediate project vicinity that would be affected by construction activities. Due to the level of disturbance, no impacts to paleontological resources are anticipated. In the unlikely event archaeological resources or human remains are discovered during project construction, the NCSD shall abide by Mitigation Measure CUL-1.

3.5.4 Mitigation

Mitigation Measure CUL-1. If any significant archeological resources or human remains are found during construction, work shall stop within the immediate vicinity of the resource (precise area to be determined by a qualified archeologist in the field) until such time as the resource can be evaluated by the archeologist and any other appropriate individuals consistent with the provisions of CEQA -Section 15064.5.

3.5.5 Finding

With the incorporation of mitigation, the proposed project would result in less-than-significant impacts to cultural resources.

3.6 ENERGY AND MINERAL RESOURCES

Would the project:

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impacts	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
a) Conflict with adopted energy conservation plans?					--X--
b) Use non-renewable resources in a wasteful and inefficient manner?					--X--
c) Result in the loss of availability of a					--X--

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impacts	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
known mineral resource that would be of value to the region and the residents of the State?					

3.6.1 Setting

The utility providing electrical services to the vicinity of the proposed site and existing NCSD facilities is Pacific Gas and Electric (PGE). Southern California Gas Company, a privately-owned company under the jurisdiction of the Public Utilities Commission, provides natural gas service to the area. The availability of natural gas is dependent upon current natural gas supplies and regulatory policies.

3.6.2 Answers to Checklist Questions

Questions A – C:

The proposed project would not consume energy significantly beyond what is currently being used to pump water through the existing 8" inch man. The project would not conflict with any energy conservation plans, use any non-renewable resources in a wasteful manner, or result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

3.6.3 Finding

No significant impacts to energy and mineral resources would occur; therefore no mitigation is required.

3.7 GEOLOGY, SEISMICITY AND SOILS

Would the project:

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:					
I. Rupture of a known earthquake fault, as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault?			-X-		
II. Strong seismic ground shaking?			-X-		

Issues, Discussion and Supporting Information Sources	Sources	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
III. Seismic-related ground failure, including liquefaction?				--X--	
IV. Landslides or mudflows?				--X--	
b) Result in substantial soil erosion or the loss of topsoil?				--X--	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslides, lateral spreading, subsidence, liquefaction, or collapse?				--X--	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			-X-		

3.7.1 Setting

The project site is located on the southern end of the Santa Lucia Mountain Range within the Coast Range geomorphic province of California. The Coast Range geomorphic province is a series of northwest-trending ridges and valleys that run parallel to the coast. The province consists of two distinct structural features existing side-by-side (the Jurassic-Cretaceous Franciscan Complex and the Jurassic-Cretaceous granitic rocks (65 to 190 million years old). The geologic and topographic characteristics of the Coast Ranges Province are a product of the combination of the tectonic processes, geologic materials, and climate of the region.

The Santa Lucia Mountains, a component of the Coast Range, extend from near the City of Santa Maria north to the City of Monterey. The mountain range is characterized by the widespread occurrence of deformed and partially metamorphosed marine rocks of the Franciscan Complex. The Franciscan Complex is a mixture of various rock types including claystone, sandstone (greywacke), chert, serpentine, greenstone, shale, and high-grade metamorphic rocks such as eclogite and blueschist. These rocks are pervasively faulted and fractured, often making them unstable on steep mountain slopes. The Franciscan Complex forms the geologic foundation underlying the bulk of the Santa Lucia Hills (Hall C.A, et al. 1979). The project area itself consists of mostly sand and dune deposits (San Luis Obispo County 2006)

3.7.1.1 Regional Seismicity

The Nipomo area is located within an active plate margin tectonic environment. Two potentially active faults and one active fault has been mapped within 5 miles (8 km) of the project site (San Luis Obispo County 2006):

- The Los Osos fault (active);

- Wilmar; and,
- West Huasna/Suey

The potentially active Wilmar Fault runs closely along U.S 101, approximately 1 mile east of the project site.

3.7.1.2 Groundshaking

San Luis Obispo County is subject to earthquakes along faults and potentially strong groundshaking. The intensity of groundshaking at any particular site is a function of many factors including: 1) earthquake magnitude; 2) distance from the epicenter; 3) the duration of strong ground motion; and 4) local geologic conditions (soil characteristics and topography).

The San Andreas Fault and the offshore Hosgri faults are considered to present the greatest risk from strong groundshaking to the region. The active Los Osos fault (located approximately 5 miles to the northeast) also has the potential to generate strong groundshaking in the area. In addition to the mapped faults, blind thrust faults, located deep below the surface in the coastal area, are capable of producing strong groundshaking (San Luis Obispo County 1999).

3.7.2 Thresholds of Significance

According to CEQA Guidelines and professional practices, the project would result in a significant geologic or geotechnical impact if:

- The project would expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides;
- The project would result in substantial soil erosion or the loss of topsoil;
- The project site is located on a geologic unit or soil that is unstable, or would become unstable as a result of the project, and result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- Onsite soils are characterized by high shrink-swell potential and have the potential for expansion and/or settlement.

3.7.3 Answers to Checklist Questions

Questions A and C:

The proposed water main is expected to experience strong earthquake groundshaking during its useful life. The project site is located near active fault and two potentially active faults, including the Los Osos (active) and the Wilmar and West Huasna/Suey (potentially active). The Wilmar fault is located closest to the site, approximately 1 mile east along U.S. 101. Exposure to potential groundshaking from this fault, or others in the region could result in rupture of the water main and localized flooding. Liquefaction potential is considered "moderate", however,

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The San Andreas Fault and the offshore Hosgri faults are considered to present the greatest risk from strong groundshaking to the region. The active Los Osos fault (located approximately 5 miles to the northeast) also has the potential to generate strong groundshaking in the area. In addition to the mapped faults, blind thrust faults, located deep below the surface in the coastal area, are capable of producing strong groundshaking (San Luis Obispo County 1999).

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due to the nature of the project, liquefaction would not pose a significant hazard. Due to the relatively flat topography of the project area, landslides and mudflows would not create a significant impact. As the project involves installation of a water main in an existing paved ROW, the area would not become unstable as a result of project implementation.

Question B:

The proposed project would be implemented within the existing, paved, County ROW; therefore, the proposed project would not result in substantial soil erosion or loss of topsoil.

Question D:

A geotechnical investigation was prepared by Fugro West, Inc. for the project site (Fugro West, 2005). Soils encountered along the alignment generally consist of artificial fill and older dune sand materials; older dune sand materials consist of loose to medium-dense silty sand, sand with silt, and sand. Excavated on-site soil should be suitable for use as trench backfill material. Selected dune sand materials excavated from the trench are expected to be suitable for bedding and pipe zone material. To minimize geologic risks, the geotechnical recommendations found in the geotechnical report provided by Fugro West, Inc. (2005), which are summarized in Mitigation Measure GEO-1, shall be implemented.

3.7.4 Mitigation

Mitigation Measure GEO-1. Proposed improvements to the Hetrick Road water main shall be designed and constructed in accordance with the following geotechnical recommendations:

- Imported, or suitable material excavated from the northern portions of the site shall be provided for bedding and pipe zone material. The limits of suitable bedding and pipe zone materials shall be evaluated during construction. If necessary, processing or segregation of the excavated materials may be needed to make the materials suitable for use as pipe zone material and to avoid contamination with silty soils.
- Temporary construction slopes will need to be either flattened to a stable slope inclination or shored to allow for the pipeline construction. Such slopes shall be constructed in conformance with the requirements of the California Occupational Health and Safety Administration (Cal OSHA). See Appendix B, Geotechnical Report for detailed specifics.
- Detailed geotechnical recommendations pertaining to grading activities, such as fill placement, materials specifications and use of on-site materials, as well as trench design, shall be followed in accordance with the recommendations in the Geotechnical Report.

3.7.5 Finding

With the incorporation of mitigation, impacts to geology, seismicity and soils would be less than significant.