TO: BOARD OF DIRECTORS

FROM: BRUCE BUEL BB

DATE: APRIL 17, 2009

AGENDA ITEM
E-1
APRIL 22, 2009

CERTIFY NCSD WATERLINE INTERTIE PROJECT FINAL EIR

ITEM

Certify NCSD Waterline Intertie Project (WIP) Final EIR [ADOPT RESOLUTION]

BACKGROUND

Staff has previously Distributed Copies of the WIP Final EIR and a rough draft of the Project Adoption Findings including the mitigation and monitoring program and a statement of overriding considerations. Your Honorable Board on April 8, 2009 authorized staff to develop an errata sheet of edits and set this hearing. Attached is the requested errata sheet, which will become part of the Final EIR and a draft resolution certifying the Final EIR. It should be noted that the edits to the Project Adoption Findings will be reviewed when the Board considers adopting the project at your May 13, 2009 Meeting.

Subsequent to publication of the Final EIR, Mr. Harold Snyder requested additional responses to his comments. Doug Wood prepared the attached additional responses and staff shared these additional responses with Mr. Snyder. Staff requests that these materials also be incorporated into the Final EIR.

At the April 8, 2009 Board Meeting, Mr. Bill Petrick submitted a restatement of his original comments and Mr. Harold Snyder submitted a spread sheet with comments. Staff is including these submittals as part of this packet for Board review.

Doug Wood is scheduled to summarize the Final EIR and to discuss the process for Certification at this Board Meeting. Notice of this hearing was mailed to all commenters and to all scoping parties. Notice of this hearing was also published in the Santa Maria Times and the Tribune.

FISCAL IMPACT – This cost of this hearing is included in the DWA Agreement funded in this year's budget.

RECOMMENDATION

Staff recommends that the Board receive the presentation, ask questions, order any final edits as appropriate and adopt the attached resolution certifying the Final EIR.

ATTACHMENTS

- Errata Sheet
- Draft Resolution
- Additional Responses to Mr. Harold Snyder
- April 8, 2009 Submittals from Mr. Bill Petrick and Mr. Harold Snyder

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ADDITIONAL PROJECT INFORMATION

Subsequent to public circulation of the Draft Environmental Impact Report and preparation of the Final Environmental Impact Report, the proposed project was revised in the following manner. The first two project phases, noted as Phases I and II in the Final Environmental Impact Report, have been combined into one phase. This combined phase would provide a total of 3,000 acre-feet of supplemental water per year. Of this total, approximately 2,500 acre-feet per year will be utilized to offset current groundwater production in the Nipomo Mesa Management Area (NMMA) in order to avoid further depletion of and assist in balancing groundwater levels in the NMMA. The remaining 500 acre-feet per year of supplemental water within this first phase will be used by the Nipomo Community Services District (NCSD) to serve future customers on currently vacant land within the existing NCSD boundaries. The currently-proposed Phase III water delivery of an additional 3,200 acre-feet of supplemental water will, as discussed in the Final EIR, be utilized to serve future development within the Sphere of Influence areas which are located adjacent to the existing NCSD boundaries. The following table provides a comparison of the project phases as discussed in the Final EIR and the consolidated Phases I and II associated with the current proposal.

Phases	Project in EIR		Current Proposal	
	amount	destination	amount	destination
I	2,000 afy	2,000 afy to offset ground-water pumping	3,000 afy	2,500 afy to offset ground-water pumping
II	1,000 afy	500 afy to offset ground-water pumping 500 afy for future customers on vacant land within NCSD boundaries		500 afy for future customers on vacant land within NCSD boundaries
III	3,200 afy	Future development in adjacent Sphere of Influence Areas	3,200 afy	Future development in adjacent Sphere of Influence Areas

As indicated in the table above, the currently proposed future use of the supplemental water delivered to the Nipomo Community Services District has not changed from the uses of the supplemental water analyzed in the Final Environmental Impact Report. As a result, none of the impact assessments or proposed mitigation measures within the Final Environmental Impact Report change as a result of the proposed consolidation of project

Phases I and II. The Final Environmental Impact Report still provides a maximum probable ("worst case") assessment of project impacts based upon a total ultimate delivery of 6,200 acre-feet per year of supplemental water to the Nipomo Community Services District.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT CERTIFYING THE NCSD WATERLINE INTERTIE PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

WHEREAS, the Nipomo Community Services District ("District") proposed Water Intertie Project ("Project"), is more particularly described in the Final Environmental Impact Report and is summarized as follows:

> The proposed Project involves the construction of a waterline from the City of Santa Maria to the Nipomo Community Services District water distribution system and the potential importation of a maximum of 6,200 acre feet of water per year to the District. The pipeline will be constructed beneath the Santa Maria River by horizontal directional drilling. A pump station(s) and water storage facilities will be constructed to boost the water pressure into the District system and provide operational or emergency water storage as necessary. Several water transmission facilities within the NCSD will be upgraded or replaced. A final element of the proposed Project involves the conversion of District water supply wells from chlorination to chloramination treatment in order to provide disinfection that is compatible with the imported water supply; and

WHEREAS, an Initial Study for the District Waterline Intertie Project was prepared by the District in June, 2008, which identified potential environmental impacts attributable to the proposed Project. These potential impact areas included land use and planning, population and housing, water, biological resources, aesthetics, cultural resources, geology, traffic, noise, and air quality; and

WHEREAS, as a result of the Initial Study, it was determined that the proposed Project may have a significant impact on the environment and an Environmental Impact Report ("EIR") was required; and

WHEREAS, a Notice of Preparation ("NOP") for the Project EIR was distributed to local Responsible and Trustee Agencies, the State Clearinghouse and other interested parties between June 27, 2008 and July 28, 2008; and

WHEREAS, a Draft Environmental Impact Report dated November, 2008 ("DEIR") was forwarded to all Responsible/Trustee Agencies and interested groups and individuals; and

WHEREAS, the State-mandated 45-day public and agency review of the DEIR began on November 20, 2008 and ended on January 9, 2009; and

WHEREAS, a Response to Comments package was prepared which presented responses to all written comments received in response to the public review of the DEIR; and

WHEREAS, a Final Project EIR dated March, 2009 ("FEIR") has been prepared; and

WHEREAS, based on the Staff Report, the FEIR and public comment the District finds as follows:

1. The contents of the DEIR, the responses to Comments to the DEIR, the Mitigation Monitoring/Reporting Program, the Staff Report, documents, reports, and studies referenced in the FEIR, and any other related attachments or additional materials comprise the FEIR for the proposed Project;
2. Based upon its review of the FEIR, the FEIR is an adequate assessment of the potentially significant environmental impacts of the Project as described in the FEIR, provides feasible mitigation measures to reduce potentially significant environmental

impacts, sets forth a reasonable range of alternatives to the Project, and reflects the independent judgment of the District;
3. The hearing to certify the FEIR has been properly noticed; and
4. Public hearings have been held on the Project's environmental impacts by the District prior to the certification of the FEIR.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, as follows:

1. The District has independently reviewed and analyzed the FEIR and considered the information contained therein and all comments, written and oral, received prior to approving this Resolution.
2. The Board of Directors certifies that the FEIR has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA guidelines.
3. The Board of Directors hereby finds that the FEIR reflects the District's independent judgment and analysis, as required by Public Resources Code Section 21082.1.
4. The above recitals are true and correct, incorporated herein, and constitute additional findings in support of this Resolution.

Upon motion by Director ____, seconded by Director ____, on the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:

the foregoing resolution is hereby passed and adopted this _____ day of _____, 2009.

_____
JAMES HARRISON
President of the Board

ATTEST:

_____
DONNA K. JOHNSON
Secretary to the Board

APPROVED:

_____
JON S. SEITZ
District Legal Counsel

Provided below is a listing of responses to additional comments contained as an attachment to the January 9, 2009 response from Mr. Harold Snyder on the NCSD Waterline Intertie Draft EIR. Mr. Snyder's additional comments are directly noted on photo copies of 53 pages from the Draft EIR. The original comments are attached to this response for reference. These additional comments generally involve a restatement of the original comments provided within his January 9, 2009 correspondence (see Responses to Correspondence J. from Harold Snyder in the Responses to Comments which are contained within Section XI. of the Final EIR). Due to a written request received from Mr. Snyder (dated March 26, 2009), responses to his comments on these 53 pages photocopied from the Draft EIR are provided below. These responses are identified by the page number as noted on the attached comments (for example, the first comment received is identified as page 8). Where applicable, reference is made to an identical or similar comment made in the original responses to Mr. Snyder's January 9, 2009 correspondence (comments 1 through 26 on pages XI-45 through XI-57 of the Responses to Comments package as contained in Section XI. of the Final EIR). Providing these additional responses does not alter any of the previously-prepared responses to Mr. Snyder's January 9, 2009 correspondence nor do they alter any of the impact assessments or mitigation measures contained within the Final EIR. They are provided in response to Mr. Snyder's specific request as additional information to be included in the Final EIR package for consideration by the Nipomo Community Services District.

Page 8: See Response to Comment 5 on pages XI-47 and XI-48 of the Responses to Draft EIR Comments.

Page 9: See Response to Comment 13 on pages XI-51 and XI-52 of the Responses to Draft EIR Comments.

Page 10: See Response to Comment 22 on pages XI-56 and XI-57 of the Responses to Draft EIR Comments.

Page 12: The actual location of the proposed project is accurately described on page II-1 of the Draft EIR. This description delineates the location of all proposed project facilities which extend from West Taylor Street and Blosser Road in Santa Maria to Tefft Street and Foothill Road in Nipomo. The project location (as noted in Section 15124 of the CEQA Guidelines) denotes the actual location of proposed facilities and not the areas potentially impacted by the project (such as the entire Santa Maria Groundwater Basin as requested in this comment).

Page 13: The Draft EIR analyzes the impacts of Phase III of project development both in terms of the direct impacts of Phase III project facilities as well as the potential land use/growth inducing impacts of this phase of project development. Growth-inducing impacts were identified as a Class I Impact in the Draft EIR. Approvals required for the proposed project are accurately listed on page II-2 of the Draft EIR. Approval of the Court Settlement and other associated funding approvals by the PUC do not relate to the EIR.

Page 14: Page II-3 of the Final EIR contains a corrected version of Table 1, Summary of Residual Impacts After Mitigation. Within this corrected version, a Class II Impact for Land Use and Planning was added. There are no Class I impacts associated with Water Supply impacts of the proposed project as noted in Response to Comment 10 on pages XI-49 and XI-50 and Response to Comment 18 on pages XI-55 and XI-56 of the Responses to Draft EIR Comments.

Page 16: Pages II-4 and II-5 of the Final EIR contain a corrected version of Table 3, Summary of Impacts and Mitigation Measures. Within this corrected version, the residual impacts discussions are re-ordered to match with the Class I Impacts within the Land Use and Planning and Population and Housing impact categories. These Class I Impacts resulted in the provision of a Statement of Overriding Considerations.

Page 18: See Response to Comment 5 on page XI-47 and XI-48, Response to Comment 10 on pages XI-49 and XI-50 and Response to Comment 18 on pages XI-55 and XI-56 of the Responses to Draft EIR Comments.

Page 29: The proposed project will not require any additional roadway improvements. The proposed project will directly generate little in the way of additional traffic or roadway demand. As such, a Class I impact is not applicable to traffic-related impacts. The indirect Land Use and Planning and Population and Housing impacts associated with the proposed project are identified as Class I impacts in the Final EIR.

Page 34: See Response to Comment 5 on page XI-47 and XI-48, Response to Comment 10 on pages XI-49 and XI-50 and Response to Comment 18 on pages XI-55 and XI-56 of the Responses to Draft EIR Comments.

Page 52: The Notice of Preparation response from the Santa Maria Valley Water Conservation District dated July 18, 2008 is contained within Technical Appendix A of the Draft EIR. As was indicated on the CD copy of the Draft EIR, these appendices are on file for public review at the Nipomo Community Services District office. This NOP response specifically states:

> "The SMVWCD understands and fully intends to abide by its obligation to support the Intertie Project and will do so under the Stipulation approved by the District and other parties in the Santa Maria Groundwater Basin Litigation. It is our intent to watch and analyze your project, it remains our intention to support all aspects of your Project that remain consistent with the Stipulation."

Page 59: See Response to Comment 2 on page XI-46, Response to Comment 10 on pages XI-49 and XI-50, Response to Comment 18 on pages XI-55 and XI-56 and Response to Comment 20 on page XI-56 of the Responses to Draft EIR Comments.

Page 60: The proposed project's long-term and cumulative Land Use and Planning impacts resulting from the elimination of a constraint on future development of areas

served by additional water supplies provided by the project are identified as a Class I Impact in the Final EIR. The Draft EIR also indicates that a portion (500 acre-feet per year) of Phase II water supplies will serve future customers on existing vacant land within the District boundaries and that Phase III water supplies (3,200 acre-feet per year) will serve new development within the Sphere of Influence areas adjacent to the existing NCSD boundaries.

Page 78: See Response to Comment 2 on page XI-46 of the Responses to Draft EIR Comments.

Page 80: The proposed project's long-term and cumulative Land Use and Planning impacts resulting from the elimination of a constraint on future development of areas served by additional water supplies provided by the project are identified as a Class I Impact in the Final EIR. The Draft EIR also indicates that a portion (500 acre-feet per year) of Phase II water supplies will serve future customers on existing vacant land within the District boundaries and that Phase III water supplies (3,200 acre-feet per year) will serve new development within the Sphere of Influence areas adjacent to the existing NCSD boundaries.

Page 84: Page III-31 of the Final EIR contains a corrected version of the Required Permits and Approvals that includes the following additional discretionary approval.

> Approval of a Final Agreement with the City of Santa Maria for the sale of supplemental water to the Nipomo Community Services District pursuant to the terms of the Memorandum of Understanding.

Approval of the Settlement Agreement by the PUC does not relate to the proposed project.

Page 86: See Response to Comment 2 on page XI-46 of the Responses to Draft EIR Comments.

Page 90: As noted on pages V-4 and V-8 through V-10 of the Final EIR,

> "While the Nipomo Community Services District may provide the County with input regarding land use decisions, it does not have any authority over land use entitlements. Development projects within the boundaries of the Nipomo Community Services District (NCSD) are approved by the County contingent upon receiving water and sewer services from a community water system such as the NCSD." (page V-4) and "The NCSD's powers do not include legislative and executive powers over zoning and land use. Zoning and land use authority for the unincorporated area of the County is designated to the County and to a limited extent the San Luis Obispo Local Agency Formation Commission...Pursuant to the "police power" set forth in the State Constitution and the statutory legislation adopted by the California

Legislature, the County of San Luis Obispo regulates land use development (growth) in the unincorporated areas of the County, including land within the NCSD and the NCSD's Sphere of Influence. County regulations that govern land use and development include the County's General Plan and the South County Area Plan (including the land use element, the housing element and the regional housing needs allocation), the County's Growth Management Ordinances and the County's Resource Management System. The NCSD can only implement project mitigation measures that are within the NCSD's expressed and implied powers, which exclude land use and development." (page V-9)

Page 92: Projects listed as Cumulative Projects on page IV-4 of the Final EIR are assumed to be included within Phase II water supply allocation of 500 acre-feet per year if the projects are located within the current District boundaries or within the Phase III allocation of 3,200 acre-feet per year if the projects are located within the Sphere of Influence areas adjacent to the District boundaries.

Page 93: See Response to Comment 13 on pages XI-51 and XI-52 of the Responses to Draft EIR Comments.

Page V-46 of the Final EIR contains a detailed listing of water-related thresholds of significance.

See Response to Comment 10 on pages XI-49 and XI-50 and Response to Comment 18 on pages XI-55 and XI-56 of the Responses to Draft EIR Comments.

Page 95: As indicated in Responses to Comment 10 on pages XI-49 and XI-50 and Response to Comment 18 on pages XI-55 and XI-56 of the Responses to Draft EIR Comments, the City of Santa Maria has adequate water supplies to sell 6,200 acre-feet per year of water to the NCSD without impacting their available water inventory. As such, future land uses within the areas being provided by the proposed supplemental water supplies are analyzed in the Final EIR. Given these facts, areas outside of those served by the proposed supplemental water supplies will not be impacted by the proposed project.

Page 96: As noted on pages V-4 and V-8 through V-10 of the Final EIR,

"While the Nipomo Community Services District may provide the County with input regarding land use decisions, it does not have any authority over land use entitlements. Development projects within the boundaries of the Nipomo Community Services District (NCSD) are approved by the County contingent upon receiving water and sewer services from a community water system such as the NCSD." (page V-4) and "The NCSD's powers do not include legislative and executive powers over zoning and land use. Zoning and land use authority for the

unincorporated area of the County is designated to the County and to a limited extent the San Luis Obispo Local Agency Formation Commission…Pursuant to the "police power" set forth in the State Constitution and the statutory legislation adopted by the California Legislature, the County of San Luis Obispo regulates land use development (growth) in the unincorporated areas of the County, including land within the NCSD and the NCSD's Sphere of Influence. County regulations that govern land use and development include the County's General Plan and the South County Area Plan (including the land use element, the housing element and the regional housing needs allocation), the County's Growth Management Ordinances and the County's Resource Management System. The NCSD can only implement project mitigation measures that are within the NCSD's expressed and implied powers, which exclude land use and development." (page V-9)

Page 97: Figure 16, South County Area Plan delineates the current land use designations within the County General Plan that will be served by a majority of the proposed supplemental water supplies.

Page 103: The proposed project's long-term and cumulative Land Use and Planning impacts resulting from the elimination of a constraint on future development of areas served by supplemental water supplies provided by the project are identified as a Class I Impact in the Final EIR.

Page 104: As noted on pages V-4 and V-8 through V-10 of the Final EIR,

"While the Nipomo Community Services District may provide the County with input regarding land use decisions, it does not have any authority over land use entitlements. Development projects within the boundaries of the Nipomo Community Services District (NCSD) are approved by the County contingent upon receiving water and sewer services from a community water system such as the NCSD." (page V-4) and "The NCSD's powers do not include legislative and executive powers over zoning and land use. Zoning and land use authority for the unincorporated area of the County is designated to the County and to a limited extent the San Luis Obispo Local Agency Formation Commission…Pursuant to the "police power" set forth in the State Constitution and the statutory legislation adopted by the California Legislature, the County of San Luis Obispo regulates land use development (growth) in the unincorporated areas of the County, including land within the NCSD and the NCSD's Sphere of Influence. County regulations that govern land use and development include the County's General Plan and the South County Area Plan (including the land use element, the housing element and the regional housing needs allocation), the County's Growth Management Ordinances and the

> County's Resource Management System. The NCSD can only implement project mitigation measures that are within the NCSD's expressed and implied powers, which exclude land use and development." (page V-9)

Page 105: As indicated on page III-27 of the Final EIR,

> "the 3,200 acre-feet per year within the third (Phase III) increment of supplemental water would be utilized to serve future development within the Sphere of Influence areas adjacent to the existing NCSD boundaries (see Figure 15, Phase III Water Use Area)."

This assignment of Phase III supplemental water supplies is stated consistently throughout the Final EIR.

There is no substantiation provided for the claim that return flows will be used to support new development.

Page 106: As indicated on page III-27 of the Final EIR,

> "the 3,200 acre-feet per year within the third (Phase III) increment of supplemental water would be utilized to serve future development within the Sphere of Influence areas adjacent to the existing NCSD boundaries (see Figure 15, Phase III Water Use Area)."

This assignment of Phase III supplemental water supplies is stated consistently throughout the Final EIR.

There is no substantiation provided for the claim that return flows will be used to support new development.

Page 114: As was indicated on the CD copy of the Draft EIR, appendices to the Draft EIR are available for public review at the Nipomo Community Services District office.

Response to Comment 17 on page XI-54 of the Responses to Draft EIR Comments provides an explanation as to why NCSD cannot use groundwater from the San Luis Obispo County portion of the Cuyama River watershed. As stated therein,

> "this option requires drilling new wells as well as additional water treatment and storage facilities and transmission pipelines to deliver water to the NCSD."

Page 120: See Response to Comment 10 on pages XI-49 and XI-50 and Response to Comment 18 on pages XI-55 and XI-56 of the Responses to Draft EIR Comments.

Page 122: Information concerning the Basin Litigation in the Draft EIR was provided by the District Legal Counsel. Any disagreements between this information and the opinions of the commenter are considered by the CEQA Guidelines (Section 15151) to be acceptable in an EIR ("Disagreements among experts does not make an EIR inadequate.")

Page 123: The Judgment rendered by the Superior Court of the State of California for the Santa Maria Groundwater Litigation is considered to be a "standing" judgment that remains in place until an appeal is considered approved. Until such time, any changes to the Settlement are speculative and should not affect or impede the efforts of the NCSD to secure supplemental water in the manner described in the Draft EIR.

As noted above, disagreements as to the detailed aspects of the Judgment are considered by the CEQA Guidelines (Section 15151) to be acceptable in an EIR.

Page 124: Information concerning the Basin Litigation in the Draft EIR was provided by the District Legal Counsel. Any disagreements between this information and the opinions of the commenter are considered by the CEQA Guidelines (Section 15151) to be acceptable in an EIR ("Disagreements among experts does not make an EIR inadequate.")

Page 126: Information concerning the Basin Litigation in the Draft EIR was provided by the District Legal Counsel. Any disagreements between this information and the opinions of the commenter are considered by the CEQA Guidelines (Section 15151) to be acceptable in an EIR ("Disagreements among experts does not make an EIR inadequate.")

The County of San Luis Obispo has approved and is considering several projects in the NCSD Service area. These projects are listed on pages IV-4 through IV-6 of the Draft EIR.

Pages 127, 128, 129, 130, 131, 132, 133, 135, 136, 137, 139, 140 and 141:

The comments on these pages involve different interpretations of data contained in the Draft EIR concerning: the hydrologic characteristics of the Nipomo Mesa Management Area (page 127); the Santa Maria groundwater litigation and prior hydrogeologic studies (page 128); sources of water for the City of Santa Maria (page 129); NCSD water quality (page 130); sources of water and historic water demand for NCSD (page 131); NCSD wells, the NMMA Technical Group, the Santa Maria groundwater litigation (page 132); the County designation of Level of Severity III groundwater condition and development outside the NCSD Sphere of Influence (pages 132 and 133); development outside the NCSD UWMP and reliability of Santa Maria as a water source (page 135); groundwater recharge and pumping (page 136); wastewater discharge requirements, water quality and water supply impacts (page 137); Santa Maria water supply information (page 139) and Santa Maria water availability, the Santa Maria groundwater litigation and impacts to the Santa Maria groundwater supply (pages 140 and 141).

Many of these concerns have been responded to within the responses to correspondence J. from Harold Snyder (comments 1 through 26 on pages XI-45 through XI-57 of the Responses to Draft EIR Comments as contained in Section XI of the Final EIR). Of particular note are Responses to Comments 10 and 18 on pages XI-49, XI-50, XI-55 and XI-56 of the Responses to Draft EIR Comments which address water supply and water quality impacts of the proposed project.

It should also be noted that much of the technical data in the Draft EIR that is the subject of these comments is based upon several sources including Nipomo Community Services District staff, the NCSD Urban Water Management Plan, District Council, the City of Santa Maria (Rich Sweet, Utilities Director) and the City of Santa Maria Urban Water Management Plan. It should also be acknowledged that both Urban Water Management Plans and the data contained therein was not contested during their respective approvals.

This disagreement between the data in the EIR and the comments received on the Draft EIR is recognized by the CEQA Guidelines as acceptable in an EIR. Section 15151 of the CEQA Guidelines states that "disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts." The data in the Final EIR and the comments received on the Draft EIR indicates the nature of this disagreement.

Page 144: Based upon information provided by the City of Santa Maria as well as data contained in the City's Urban Water Management Plan as presented on pages V-29 through V-48 of the Final EIR, the Final EIR concludes that "the impact of the additional water demands associated with the proposed project upon the Santa Maria Groundwater Basin represents a less than significant impact."

Page 209: The actual location of the proposed project is accurately described on page II-1 of the Draft EIR. This description delineates the location of all proposed project facilities which extend from West Taylor Street and Blosser Road in Santa Maria to Tefft Street and Foothill Road in Nipomo. The project location (as noted in Section 15124 of the CEQA Guidelines) denotes the actual location of proposed facilities and not the areas potentially impacted by the project (such as the entire Santa Maria Groundwater Basin as requested in this comment).

Page 218: The proposed project will not require any additional roadway improvements. The proposed project will directly generate little in the way of additional traffic or roadway demand. As such, a Class I impact is not applicable to traffic-related impacts. The indirect Land Use and Planning and Population and Housing impacts associated with the proposed project are identified as Class I impacts in the Final EIR.

Page 236: This comment reflects the author's opinion of the project's impacts as summarized in Table 26, Project Impact Summary on page VI-1 of the Final EIR. Specific disagreements are noted in prior comments.

Page 238: A proposed alternative which involves completion of project design but delaying construction until "an actual need for the pipe and a real court order" would still necessitate the same environmental analysis as represented by the current Final EIR. Such a delay would, however, be contrary to 2005 Stipulation and 2008 Court Judgment which allows the NCSD to proceed with this project. Delaying the proposed project as suggested by this comment would be contrary to the Conditions of Approval for future annexations within the Sphere of Influence Areas of NCSD that required the District to first complete negotiations for supplemental water outside the Nipomo Mesa Management Area prior to any annexations of properties into the NCSD boundaries. Delay of the proposed project is also contrary to several of the project objectives as well as recommendations contained in several technical analyses and decisions by the County of San Luis Obispo as discussed on pages V-28 through V-38 of the Draft EIR.

Page 244: The adverse impacts upon groundwater supplies associated with implementation of the No Project Alternative are discussed on pages VII-5 through VII-7 of the Draft EIR.

Page 266: Transfer of yield from the Twitchell Reservoir supply is dependent upon approval by the City of Santa Maria.

ADDITIONAL COMMENTS ON DRAFT EIR

I. INTRODUCTION AND PURPOSE

A. ENVIRONMENTAL PROCEDURES AND FORMAT

This Environmental Impact Report (EIR) has been prepared to evaluate the potential environmental impacts of the proposed Nipomo Community Services District Waterline Intertie Project (to be referred to herein as the "Intertie Project" or "proposed waterline intertie"). The Nipomo Community Services District encompasses approximately seven square miles southeast of the City of Arroyo Grande within the southern portion of San Luis Obispo County. Approximately one-half mile south of the current District boundary is the Santa Maria River with an approximate width of 2,000 to 3,000 feet at this location. The City of Santa Maria is located on the south side of the Santa Maria River.

This Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) as amended (Public Resources Code Section 21000, et. seq.). An Initial Study for the project was prepared by the Nipomo Community Services District (or "District"), which is acting as the Lead Agency for the proposed project, and a Notice of Preparation (NOP) for an EIR was distributed to local Responsible and Trustee Agencies and other interested parties between June 27, 2008 and July 28, 2008. The objective of distributing the NOP was to identify and determine the full range and scope of environmental issues of concern so that these issues may be fully examined in the EIR. Comments received during the NOP distribution process regarding potentially significant environmental impacts have been addressed in Section V. Environmental Analysis of this Draft EIR. The Initial Study, Notice of Preparation and comments resulting from their distribution are contained within Appendix A to this EIR. This EIR is intended to address all of the impacts, mitigation measures, project alternatives, etc. associated with the proposed project. This EIR will be subject to full public and agency review prior to consideration of the proposed project by the Nipomo Community Services District.

This Draft EIR begins with Section I. Introduction and Purpose, which provides an introductory discussion of the purpose and scope of the document. Section II. EIR Summary/Mitigation Monitoring Program summarizes the project impacts and mitigation measures, as subsequently described in detail within Section V. Environmental Analysis. Section II also contains the State-mandated Mitigation Monitoring Program (pursuant to Section 21081.6 of the *Public Resources Code*). Section III. Project Description, provides a description of the pertinent aspects of the proposed project and related permits and approvals. This section also discusses pertinent aspects of the project's background history and identifies the objectives of the proposed project. As noted therein, the proposed project involves connecting to the City of Santa Maria water distribution system and construction of a waterline from Santa Maria to the Nipomo Community Services District water distribution system. The pipeline will be constructed beneath the Santa Maria River by horizontal directional drilling. A pump station(s) and water storage facilities will be constructed to boost the water pressure into the District system and provide water storage as necessary. Several water transmission facilities within the NCSD will replaced and upgraded. A final element of the proposed project involves the

Summary of Comments on Supplemental Water EIR

Page: 8

Author: Date: 1/9/2009 12:12:56 AM

This is not the real project description, The real project description is "The Supplemental water project" and needs to include and analysis of the source and destination of the water supplied.

The real project is to provide up to 6200 acre feet of "supplemental water" of which the above pipeline is only a part, the project is commonly call the "supplemental water project" by NCSD staff, board and the public. In this comment letter I will use the true name of "supplemental water project" interchangeably for the incorrect name in the EIR of the "Water Intertie project"

An EIR requires the analysis of the total project as a whole and does not allow "peacemealing" the projects as is done in this EIR.

The EIR has failed to analyze the whole project as a whole including but not limited to the effects of where the water will come from, Water Quality, Water Quantity at both the beginning use of the project and decades in the future at end of the project.

conversion of District water supply wells to chloramination treatment in order to provide disinfection within the District's water distribution system. These facilities may be developed within three phases and could have an ultimate capacity to transport a maximum 6,200 acre feet per year. Section IV. Environmental Setting, provides an overview description of existing environmental conditions of the project site and the surrounding area.

Issues identified within the Initial Study are addressed in detail in Section V. Environmental Analysis. The environmental factors which require evaluation, based upon the issues identified within the Initial Study in combination with comments received during circulation of the Notice of Preparation include: land use and planning, population and housing, water, biological resources, aesthetics, cultural resources, geology, traffic, noise and air quality. The discussion of each issue within Section V. Environmental Analysis begins with a description of the existing environmental conditions followed by an identification of any pertinent thresholds of environmental significance. The nature and extent of impacts related to the proposed project are then identified. The EIR then determines whether the project impacts are significant or insignificant pursuant to the previously-identified thresholds of significance. Any regional or cumulative implications of the proposed project are also identified. Indirect or secondary impacts of the proposed project are discussed. For many environmental impacts, mitigation measures are provided in order to reduce potential environmental impacts to a level of insignificance. This analysis then identifies those residual impacts which remain significant in spite of any proposed mitigation measures. Those impacts that are not capable of being reduced to an insignificant level with mitigation measures are identified as significant, unavoidable adverse impacts (Class I Impact). Remaining project impacts will be categorized as potentially significant, but mitigated to an insignificant level (Class II Impact), non-significant (Class III Impact) or beneficial (Class IV Impact).

The significant adverse impacts which remain after implementation of proposed mitigation measures are summarized in Section VI. Unavoidable Adverse Impacts. Section VII. Growth Inducing Impacts of the Proposed Action discusses if and to what extent the proposed project will facilitate development within the areas served by the additional water supplies. Section VIII. Alternatives to the Proposed Project, provides a discussion of potential project alternatives which may be capable of reducing or eliminating the project-related adverse impacts. Project alternatives are also analyzed in terms of their ability to meet the objectives of the proposed project. Section IX. Organizations and Persons Consulted and Section X. References provide sources of information contained within the remainder of this Draft EIR. Several of the analyses of project impacts and mitigations are based upon technical reports and information, copies of which are provided as Technical Appendices to this document.

In 2005, the Nipomo Community Services District initiated preparation of a Draft and Final Environmental Impact Report which addressed the potential impacts of three proposed methods for extension of a water supply pipeline. A Draft Environmental Impact Report dated May, 2006 for that project was prepared, reviewed and circulated for public and agency review and comment during the months of May and June of 2006. Subsequent to circulation of that document, several revisions and/or additions to the

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Author: Date: 1/9/2009 12:10:22 AM

I include these initial reports and all comment made as part of my comments to this 2008 EIR as the project as a whole is the same with limited changes in the implementation of the piping and storage tank parts.

project design were recommended. These revisions included the reduction in water storage, additional NCSD water distribution system improvements, resolution of water quality issues and phased project development. In addition, an expanded number of project alternatives were also evaluated including the investigation of the viability of desalinization and direct use of State Water Project water. In December, 2006, the NCSD Board of Directors suspended further work on this prior EIR until the NCSD Board of Directors could evaluate a lower cost project and project design issues could be resolved. Since that time, several additional studies and field surveys have been prepared by NCSD in order to further evaluate and refine the design of the waterline intertie project. In addition, the NCSD recently updated their Water Master Plan (December, 2007) in which the District water model was updated and recommendations for improvements to the District water distribution system were made.

Several land use and planning documents prepared by various agencies have been utilized within this analysis and are incorporated by reference into this EIR. These documents include: the Urban Water Management Plan 2005 Update prepared for the Nipomo Community Services District; the South County Area Plan (Inland); the various Elements of the County of San Luis Obispo General Plan including Land Use and Circulation Element; the County Growth Management Ordinance; the County 2004 Annual Resources Summary Report and various environmental analyses prepared for projects throughout the Nipomo area as listed in Section X. References of this document.

This Draft EIR will provide a full and fair discussion of the environmental impacts of the proposed Nipomo Community Services District Waterline Intertie project. In preparing this EIR, the Nipomo Community Services District decision-makers, staff and members of the public will be fully informed as to the impacts, mitigation measures and reasonable alternatives associated with the proposed project. In accordance with Section 15021 of the State CEQA Guidelines, this EIR is intended to enable the Nipomo Community Services District, as Lead Agency, to evaluate these environmental impacts, mitigation measures and project alternatives in their consideration of the project proposal. The Lead Agency has an obligation to balance possible adverse effects of the project against a variety of public objectives, including economic, environmental and social factors, in determining whether the proposed project is acceptable and approved for development.

Pursuant to California *Public Resources Code* 21082.1, the Nipomo Community Services District has independently reviewed and analyzed the information contained in this Environmental Impact Report prior to its distribution as a Draft EIR. The conclusions and discussions contained herein reflect the independent judgment of the District as to those issues at the time of publication.

B. CEQA TOPICS LOCATION

TOPIC	LOCATION
Environmental Procedures and Format	Section I
EIR Summary	Section II

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Author: Date: 1/9/2009 12:13:24 AM

EIR fails to provide a full, fair, informed analysis, NCSD can not meet it's obligations of the EIR process with this EIR. This EIR needs to be rewritten and recirculated for comments.

II. EIR SUMMARY/MITIGATION MONITORING PROGRAM

A. EIR SUMMARY

1. Project Summary

The Nipomo Community Services District encompasses approximately seven square miles southeast of the City of Arroyo Grande within the southern portion of San Luis Obispo County. Approximately one-half mile south of the current District boundary is the Santa Maria River with an approximate width of 2,000 to 3,000 feet at this location. The City of Santa Maria is located in Santa Barbara County on the south side of the Santa Maria River.

The proposed project extends from a proposed pipeline connection and pump station site at the intersection of West Taylor Street and North Blosser Road approximately one mile south of the Santa Maria River in the City of Santa Maria. A proposed pipeline extension will run north on Blosser Road to the Santa Maria River levee. At that point, a pipeline will be placed under the levee, extended toward the bank of the river through an agricultural area, then directionally drilled beneath the Santa Maria River to a point on the Nipomo Mesa. Connection will be made to an existing pipeline on Orchard Road near Joshua Street which runs to Southland Street. This line will connect to an upgraded NCSD water distribution system on Orchard Road (north of Southland Street), Southland Street (east of Orchard Road), South Frontage Road (north of Southland Street), Darby Lane (east of South Frontage Road) and South Oakglen Avenue (north of Darby Lane to Tefft Street). The final project phase, if authorized, would include a pipeline extension from the proposed Pump Station No. 2 at Joshua Street and Orchard Road to the Quad Storage Tanks located at Tefft Street and Foothill Road.

A maximum of two pump stations and two water storage tanks will be constructed to boost the water pressure into the District system and provide operational or emergency water storage as necessary. Several water transmission facilities within the NCSD will be upgraded or replaced. A final element of the proposed project involves the conversion of District water supply wells from chlorination to chloramination treatment in order to provide disinfection that is compatible with the imported water supply.

The potential importation of a maximum of 6,200 acre-feet of water per year is intended to accomplish several objectives. Approximately 2,500 acre-feet per year will offset current groundwater production in order to avoid further depletion and assist in balancing of groundwater levels of the Nipomo Mesa Management Area (NMMA). The Phase I increment of 2,000 acre-feet per year of this total will be used to augment water supplies available to the existing customers of the Nipomo Community Services District thereby replacing/reducing groundwater pumping of the NMMA by that amount.

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Author: Date: 1/9/2009 12:14:34 AM

this is just the location of a small part of the project, the pipe. The actual location and area that needs to be considered is the entire Santa Maria Groundwater basin from Pismo to Point Sal and east of Sisquoc and the projects effects on all groundwater and groundwater use in the basin.

The second phase (Phase II) increment of supplemental water will total an additional 1,000 acre-feet per year. Half of this total (500 acre-feet each) will be used for the remaining groundwater replenishment for the NMMA (bringing that total to 2,500 acre-feet per year). The additional 500 acre-feet per year in the Phase II delivery of supplemental water will be used by the NCSD to serve future customers on currently vacant land within the existing NCSD boundaries.

The 3,200 acre-feet per year within the third (Phase III) increment of supplemental water could be utilized to serve future development within the Sphere of Influence areas adjacent to the existing NCSD boundaries.

The proposed Nipomo Community Services District Waterline Intertie involves a series of approvals and discretionary actions by the Nipomo Community Services District, as Lead Agency, and other involved regulatory agencies. The proposed project involves the following approvals by the Nipomo Community Services District: 1) certification of the Final Environmental Impact Report; 2) approval of the Mitigation Monitoring Program and 3) review and approval of detailed plans for pipelines, pump stations, storage facilities and other infrastructure for the proposed waterline intertie.

The proposed project may also require the following approvals by other involved regulatory agencies including: 4) Section 404 Permits under the Clean Water Act from the U.S. Army Corps of Engineers, which regulates the discharge of dredged and/or fill material into the "waters of the United States;" 5) Public Resources Code Sections 1601-1603 Streambed Alteration Agreements from the State of California, Department of Fish and Game, which regulates all diversions, obstructions or changes in the natural flow or bed, channel or bank of any river, stream or lake which supports fish or wildlife; 6) a National Pollution Discharge Elimination System (NPDES) permit to comply with Section 401 of the Clean Water Act from the State Water Quality Control Board in the event that a Section 404 Permit from the U.S. Army Corps of Engineers is required; 7) a Section 401 Water Quality Certification and a General Permit for Storm Water Discharges Associated with Construction Activities from the Central Coast Regional Water Quality Control Board; 8) a Section 7 Consultation or Section 10(a) Permit from the United States Fish and Wildlife Service which allows the "taking" of an endangered species; 9) a Section 7 Permit from or informal consultation with the National Oceanographic and Atmospheric Administration (NOAA) which oversees fisheries management in waterways nationwide; 10) a new or amended Domestic Water Supply Permit from the State Department of Public Health (formerly the Department of Health Services) for the introduction of supplemental water into the Nipomo Community Services District system; 11) an Authority to Construct issued by the San Luis Obispo County Air Pollution Control District and the Santa Barbara Air Pollution Control District in order to allow proposed horizontal directional drilling; 12) easements across the Santa Maria River and along the southern boundary of the river secured from landowners and other entities for right-of-way and construction of either Directional Drilling Options A and B and 13) any necessary construction and/or encroachment

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Author: Date: 1/9/2009 12:14:50 AM
The EIR has performed no actual analysis of effects of enabling this development.

Author: Date: 1/9/2009 12:15:32 AM
Because the EIR is not on the real project and It does not include the the real approvals.

Author: Date: 1/9/2009 12:16:27 AM
The EIR fails to note the approval of the settlement by the PUC that is needed and the funding approval for Golden State Water's portion by the PUC and the failure of that approval to undo the reliance the EIR places on the settlement.

permits from the County of San Luis Obispo, the City of Santa Maria or the County of Santa Barbara for equipment staging and construction operations.

2. Summary of Impacts and Mitigation Measures

The following summary of potential project impacts and proposed mitigation measures is arranged pursuant to the issues identified in the Initial Study and discussed in Section V. Environmental Analysis of this EIR (see Table 2, Summary of Impacts and Mitigation Measures). This table also identifies the residual impacts which remain significant after implementation of the proposed project mitigation measures. These residual impacts are classified according to the following criteria:

- Class I Impact - Significant and unavoidable adverse impacts that cannot be mitigated to a level of insignificance. Although mitigation measures may be proposed, these measures are not sufficient to reduce project impacts to a level of insignificance.

- Class II Impacts - Potentially significant adverse impacts which can be reduced to a level of insignificance or avoided entirely with the implementation of proposed mitigation measures.

- Class III Impacts - Adverse impacts which are found not to be significant.

- Class IV Impacts - Project impacts which are considered to be positive or of benefit to the site or the adjacent environment.

These residual impacts are also summarized by environmental topic in Table 1, "Summary of Residual Impacts After Mitigation" preceding this summary.

TABLE 1
SUMMARY OF RESIDUAL IMPACTS AFTER MITIGATION

ISSUE	Class I	Class II	Class III	Class IV
A. Land Use and Planning	X		X	
B. Population and Housing	X		X	
C. Water		X	X	X
D. Biological Resources		X	X	
E. Aesthetics		X	X	
F. Cultural Resources		X		
G. Geology		X	X	
H. Traffic		X	X	
I. Noise		X		
J. Air Quality		X		

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Author: Date: 1/9/2009 12:16:46 AM
The overall chart is wrong see text of comments for all sections.

Author: Date: 1/8/2009 8:19:05 PM
Water should clearly be class I impact given the court's talk about future overdraft and the resulting increased demand on the basin as a whole

DESCRIPTION OF IMPACT	MITIGATION MEASURE SUMMARY	RESIDUAL IMPACTS
		impacts which cannot be reduced to an insignificant level. These significant, unavoidable adverse impacts will require the adoption of a Statement of Overriding Considerations by the Lead Agency (Class I Impact).
B-2. The proposed project may indirectly induce a substantial growth in population as a result of the reduction or elimination of a potential constraint upon development within areas served by the increased water supplies provided by the proposed project.	No mitigation measures are proposed.	Potential impacts related to increased housing demand associated with project construction activities are considered to be less than significant (Class III Impact).

C. WATER

C-1. The proposed project may result in the creation of water quality incompatibility due to the differences in water treatment employed by the City of Santa Maria and the NCSD	**C-1:** A public awareness program shall be implemented by the Nipomo Community Services District that alerts District customers to the potential harmful effects of chloramines on certain aquatic species and reptiles and to treatment products that are readily available to treat water for fish tanks. Users of ultra-pure water, kidney dialysis patients and chloramine-sensitive manufacturing processes shall also be notified of the addition of chloramine to the District water supplies.	Mitigation Measure C-1 will reduce potentially significant impacts related to water quality incompatibility due to differences in water treatment employed by the City of Santa Maria and the NCSD to an insignificant level (Class II Impact).
C-2. The proposed project may result in degradation of surface and shallow groundwater quality as a result of underground horizontal directional drilling-related frac-outs.	**C-2:** Construction shall occur during the dry season (i.e., April 15 to November 15) when there is little or no flow in the Santa Maria River in order to reduce potential contact of frac-out fluids with surface waters. **C-3:** The Nipomo Community Services District shall complete a preliminary geotechnical investigation along the underground horizontal directional drilling route to further define the stratigraphy and determine the appropriate depth of drilling to avoid frac-outs (i.e., the depth of finest grained sediments) and to determine appropriate methods (i.e., appropriate drilling mud mixtures for specific types of sediments). Drilling pressures shall be closely monitored so that they	Mitigation Measures C-2, C-3, and C-4 will reduce potentially significant water quality impacts related to underground horizontal directional drilling-induced frac-outs to an insignificant level (Class II Impact).

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Author: Date: 1/9/2009 12:17:19 AM

But the induced substantial growth would not be due to associated construction, but the project itself and as in B1 needs to have a statement of overriding Consideration because it is a Class I impact

DESCRIPTION OF IMPACT	MITIGATION MEASURE SUMMARY	RESIDUAL IMPACTS
	• Prepare a Spill Prevention/Spill Response Plan for the site that includes training, equipment and procedures to address spills from equipment, stored fluids and other materials including disposal of spilled material and materials used for clean up of contaminated soils and materials. • Place all stored fuel, lubricants, paints, and other construction liquids in secured and covered containers within a bermed area. • Conduct any mixing and storage of concrete and mortar in contained areas. • Insure that all equipment washing and major maintenance is prohibited at the project site except in bermed areas. • Remove all refuse and excess material from the site as soon as possible. • Channelize storm water to avoid construction equipment and materials, and to divert runoff to existing drainages.	
C-4. The proposed project may result in a substantial depletion of the Santa Maria Groundwater Basin supplies, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.	No mitigation measures are proposed.	Potential impacts related to the groundwater supplies within the Santa Maria Groundwater Basin are considered to be less than significant (Class III Impact).
C-5. The proposed project will result in the replenishment of groundwater supplies within the Nipomo Mesa Management Area.	No mitigation measures are proposed.	Potential impacts related to groundwater supplies within the Nipomo Mesa Management Area are considered to be beneficial (Class IV Impact).

D. BIOLOGICAL RESOURCES

D-1. Construction activities within the proposed pipeline alignments, water storage tank and pump station locations may adversely affect non-listed wildlife occupying adjacent habitats within the Santa Maria River wildlife migration corridors.	No mitigation measures are proposed.	Potential impacts upon non-listed wildlife species, the Santa Maria River wildlife migration corridor or foraging bird species are considered to be less than significant (Class III Impact).
D-2. Construction activities within the proposed	**D-1:** Pipeline, water storage tank and pump station construction operations shall be conducted	Mitigation Measure D-1 will reduce potentially

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Author: Date: 1/9/2009 12:17:43 AM
That's just not reality, see additional comments.

Author: Date: 1/9/2009 12:19:13 AM
But water added to the Nipomo Mesa Management Area will be after use by more people increasing the salt input to the Nipomo area in proportion to the increased development associated with the new water. This creates a Class I impact and the quality in terms of salts added to the basin which are not considered.

Double the homes double the salt.

There is no data to support the water will remain in the "Nipomo Mesa Management Area" recent NCSD technical Memorandum reports indicated that 27,000 AF of water left the area in a 6 month period in the summer of 2007. There has not been any analysis of how that kind of flow of water within the basin effects the water under any Nipomo area.

DESCRIPTION OF IMPACT	MITIGATION MEASURE SUMMARY	RESIDUAL IMPACTS
G-4. The proposed project would be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and could potentially result in lateral spreading, subsidence, liquefaction or collapse.	No mitigation measures are proposed.	Potential impacts related to locating the project on an unstable geologic unit or unstable soils are considered to be less than significant (Class III Impact).
G-5. The proposed project would potentially 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 and that is delineated on a local general plan, specific plan or other land use plan.	No mitigation measures are proposed.	Potential impacts related to the loss of availability of a known mineral resource are considered to be less than significant (Class III Impact).

H. TRAFFIC

H-1. The proposed project will generate additional traffic which could result in traffic congestion or unacceptable levels of service on an adjacent roadway or intersection.	No mitigation measures proposed.	Potential impacts related to traffic generation are considered to be less than significant (Class III Impact).
H-2. Project construction activities may result in the diversion of traffic creating an unacceptable level of service, insufficient parking, blocking or impeding access to adjacent properties or result in hazards to pedestrians or bicyclists.	**H-1**: All project construction sites accessing onto or occurring adjacent to public roadways shall provide adequate signage, barriers and, if necessary, flagmen in order to insure the safe diversion of traffic, bicyclists and/or pedestrians. These measures shall also insure continued access from adjacent properties to local roadways.	Mitigation Measure H-1 will reduce potentially significant impacts related to the diversion of traffic, impeding access to adjacent properties and potential hazards to pedestrians or bicyclists to an insignificant level (Class II Impact). Potential impacts related to the loss of available parking are considered to be less than significant (Class III Impact).

I. NOISE

I-1. The proposed project will generate construction noise which may impact	**I-1:** All project construction activities shall comply with the County of San Luis Obispo Noise Ordinance Section 22.06.042(d) which limits	Mitigation Measures I-1 through I-3 will reduce potentially significant

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Author: Date: 1/9/2009 12:20:02 AM

The level of funding needed to support this project will sap the ability of the Nipomo Mesa area to support the needed improvements in Roadways and Intersections, such as the Willow Interchange.

This will create a Class I Impact that needs to be considered in the EIR.

TABLE 3
MITIGATION MONITORING PROGRAM

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
A. LAND USE AND PLANNING			
No mitigation measures are proposed.	--	--	--
B. POPULATION AND HOUSING			
No mitigation measures are proposed.	--	--	--
C. WATER			
C-1: A public awareness program shall be implemented by the Nipomo Community Services District that alerts District customers to the potential harmful effects of chloramines on certain aquatic species and reptiles and to treatment products that are readily available to treat water for fish tanks. Users of ultra-pure water, kidney dialysis patients and chloramine-sensitive manufacturing processes shall also be notified of the addition of chloramine to the District water supplies.	Conduct public awareness program	Prior to project construction	Nipomo Community Services District
C-2: Construction shall occur during the dry season (i.e., April 15 to November 15) when there is little or no flow in the Santa Maria River in order to reduce potential contact of frac-out fluids with surface waters.	Construction to occur during dry season	During project construction	Nipomo Community Services District
C-3: The Nipomo Community Services District shall complete a preliminary geotechnical investigation along the underground horizontal directional drilling route to further define the stratigraphy and determine the appropriate depth of drilling to avoid frac-outs (i.e., the depth of finest grained sediments) and to determine appropriate methods (i.e., appropriate drilling mud mixtures for specific types of sediments). Drilling pressures shall be closely monitored so that they do not exceed those needed to penetrate the formation.	Complete a preliminary geotechnical investigation	Prior to and during project construction	Nipomo Community Services District
C-4: The Nipomo Community Services District shall prepare a Frac-out Monitoring, Response and Clean-up Plan that shall be approved by the Regional Water Quality Control Board prior to any	Prepare a Frac-Out Monitoring, Response and Clean Up Plan	Prior to project construction	Nipomo Community Services District

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Author: Date: 1/9/2009 12:21:05 AM

NCSD fails to do the needed Monitoring of the future groundwater basin water Quality and Quantity needed to help reduce the Class I impacts of the pumping of water from Santa Maria Airport to the Mesa and the resulting increase in developments salt loading in the Nipomo area and in the basin as a whole.

San Luis Obispo County Air Pollution Control District	July 24, 2008	• Notification of APCD if contaminated soils encountered • Construction and operational permit requirements • Environmental information requirements
Santa Maria Valley Water Conservation District	July 18, 2008	• SMVWCD supports the proposed project and will abide by the recent Court Judgment
Maria Vista Estates Homeowners Association, the Bening Company LLC and Maria Vista Estates (identical letters)	July 22, 2008	• Areas of analysis to be included in the Draft EIR
Bening Company LLC	July 22, 2008	• Inadequacy of project description
William Petrick	July 23, 2008	• Status of contract with City of Santa Maria • Reliability of SWP water • Project costs and funding
Harold Snyder	July 28, 2008	• Areas of analysis to be included in the Draft EIR
Scoping Meeting Respondent		
William Petrick	July 23, 2008	• Project alternatives must include use of SWP water • Lack of an agreement with the City of Santa Maria
Jennifer Joshwick	July 23, 2008	• Reclamation offers a viable alternative water source
Arthur Tognazzi	July 23, 2008	• No withdrawal of groundwater from the NMMA • Water from the City of Santa Maria to be a blend of groundwater and SWP water

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Author: Date: 1/9/2009 12:22:05 AM
The letter is not included in the EIR CD and has been requested on 1/6/09. But clearly the Issues/Concern is not correctly indicted.

As indicated the Actual letter hopes that the EIR will not piecemeal the broader intent of the project (as it has done in this EIR)

B. *PROJECT OBJECTIVES*

The basic objective of the proposed Nipomo Community Services District Waterline Intertie Project is to construct a pipeline connection from the City of Santa Maria water distribution system across the Santa Maria River to the existing water distribution system within the Nipomo Community Services District. In so doing, the proposed project will also achieve the following objectives:

1. Slow the depletion of the above-sea-level groundwater in storage beneath the Nipomo Mesa Groundwater Management Area (NMMA) of the Santa Maria Groundwater Basin to reduce the potential for sea water intrusion by using supplemental water consistent with the settlement agreement and the judgment related to the groundwater adjudication. Since projections have shown that sea water intrusion could occur in 12-14 years with no new development, and under 8 years in a "dry years" scenario, the nearest-term project completion is essential. The conservative goal of this project is to provide at least 2,000 acre-feet per year (AFY) of supplemental water to the NMMA by 2013.

2. Comply with the 2005 groundwater adjudication settlement stipulation and judgment that dictates the need for active management of the NMMA.

3. Assist in stabilizing the groundwater levels in the NMMA by reducing pumping in the NMMA.

4. Augment current water supplies available to the Nipomo Community Services District by a phased delivery of supplemental water. Phase I will supply approximately 2,000 AFY by pipeline from Santa Maria following Phase 1 construction completion. Phase II will supply up to an additional 1,000 AFY by pipeline from Santa Maria (a cumulative total of 3,000 AFY). A third phase (Phase III), if implemented, would supply up to an additional 3,200 AFY (a cumulative total of 6,200 AFY) by pipeline from Santa Maria.

5. Augment current water supplies available to the Woodlands and other water purveyors on the Mesa by 831 acre-feet per year as follows: Woodlands (415 AFY), Golden State Water Company (208 AFY) and Rural Water Company (208 AFY).

6. Increase the reliability of District water supply by providing a diversity of water sources. Avoid the potential use of supplemental water return flows from the District, the Woodlands and the other purveyors, being used to support the water requirements of new development.

7. Comply with Local Agency Formation Commission (LAFCO) conditions for securing supplemental water prior to annexation of lands now within the District's

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Author: Date: 1/9/2009 12:23:31 AM
There is no "dictates" in the Judgment or settlement and the EIR provides on support for this Objective.

Author: Date: 1/9/2009 12:23:59 AM
Judgement, Settlement and MOU do not cover discretionary third phase of 6200 AF /Year in any case.

Author: Date: 1/8/2009 8:23:39 PM
Does not increase reliability because it will creates more demand based on an unreliable supply.

Author: John Subject: Comment on Text Date: 1/9/2009 12:25:49 AM
Santa Maria owns "Return flows" and can prevent use as needed and so no NCSD objective is met. NCSD does not own the "Return flows" in any case and has no right to prevent there use by other water users in the basin as a whole

Sphere of Influence. This supplemental water for annexations shall be in addition to the 3,000 AFY developed by Phases I and II.

8. Avoid multiple waterline crossings of the Santa Maria River and associated environmental impacts, by constructing a single pipeline capable of transporting sufficient water for potential NMMA growth consistent with the South County Area Plan (Inland) of San Luis Obispo County's General Plan. The pipeline diameter crossing the Santa Maria River would accommodate a 6,200 AFY capacity.

9. Slow the depletion of the above-sea-level groundwater in storage beneath the NMMA by:

   A. Providing supplemental water for new development within the current service area of the District and the Mesa's other water purveyors (Golden State and Rural Water) consistent with the South County Area Plan (Inland);

   B. Facilitating supplemental water delivery for new development within the District's Sphere of Influence consistent with the South County Area Plan (Inland) and the conditions in LAFCO's 2004 Sphere of Influence Update;

   C. Providing the basis for the assessment of County Impact Fees upon development outside the District's Sphere of Influence and the service areas of the Mesa's other water purveyors (Golden State and Rural Water Companies).

These project objectives play an important role in this EIR in that these objectives provide the basis for judging the merits of the proposed project. These objectives also assist in the evaluation (and possible adoption or rejection) of alternatives to the proposed project (see Section VII. Alternatives to the Proposed Project).

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Author: Date: 1/9/2009 12:26:11 AM
This objective creates lower reliability then two pipes both in contracts to supply water and physical delivery

Author: Date: 1/9/2009 12:26:25 AM
The South County Area Plan and the growth in that plan is supported by water under the area. As outlined in the Plans own EIR. This pipe is for additional growth.

Author: Date: 1/9/2009 12:27:13 AM
This is the true use, for increased development

Author: Date: 1/9/2009 12:36:29 AM
Yes the objective are for the real project which is to bring in 6200 AF of water to Nipomo to support new development.

(DBP's) and the fewest water quality problems in the water distribution system. In addition, the District expects to see a reduction in customer complaints related to taste and odor. However, this change in treatment method may affect certain aquatic pet species and reptiles, users of ultra pure water, kidney dialysis patients and chloramine sensitive manufacturing processes. Monitoring and public awareness programs will be required.

- ***Right-of-Way Acquisition***

Prior to construction of the proposed waterline intertie, the Nipomo Community Services District will require authorization from landowners and other entities for access and long-term maintenance of proposed project facilities. The strip of land (approximately 1,000 feet wide) between the Santa Maria River and the northern Santa Maria city limits falls within jurisdiction of the County of Santa Barbara. With proper permitting and notification, this area will be traversed by waterlines prior to crossing the river.

The proposed route for crossing the Santa Maria River will require contact with several private landowners in order to negotiate and secure required property interests, rights-of-way and construction easements (referred to as "property interests"). If securing these property interests is not agreed to by the involved landowners, the District may require the use of eminent domain in order to obtain these property interests.

Encroachment permits may be required for trenching of new pipelines along public roadways. This construction activity will necessitate a 25-foot wide trench (including the pipeline trench and temporary side slopes) for installation of new pipelines adjacent to or within public or private roadways and easements.

Several existing easements and pipelines traversing the Santa Maria River will require avoidance. An existing Conoco Phillips underground 10-inch oil pipeline runs beneath the Santa Maria River in the vicinity of the proposed 24-inch underground HDD waterline. Pacific Gas and Electric has two easements and Sempra Energy has two natural gas lines located to the east or upstream of the proposed 24-inch underground line (see Figure 12, Existing Easements and Pipelines.) The California Department of Public Health requires that a minimum distance be maintained between oil and water pipelines depending on their depth relative to one another.

- ***Future Water Needs***

The potential importation of a maximum of 6,200 acre-feet of water per year is intended to accomplish several objectives. Approximately 2,500 acre-feet per year will offset current groundwater production in order to avoid further depletion and assist in balancing of groundwater levels of the Nipomo Mesa Management Area (NMMA). The Phase I increment of 2,000 acre-feet per year of this total will be used to augment water supplies available to the existing customers of the Nipomo Community Services District thereby replacing/reducing groundwater pumping of the NMMA by that amount. While this first (Phase I) increment of supplemental water will be used entirely by the NCSD, three local water purveyors may contribute funds for the purchase of a portion of this Phase I water supply. In accordance with the Court-approved Settlement Agreement and Judgment

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Author: Date: 1/9/2009 12:39:40 AM

There is no text in the settlement or Judgment that supports the claim that there is a "depletion" or need to balance groundwater levels. All water used will support new development.

related to the future management of the Santa Maria Groundwater Basin, the Woodlands development has agreed to contribute funds equal to the cost for provision of up to 418 acre-feet per year. Both the Golden State Water Company and Rural Water Company have the option under the settlement agreement and judgment to contribute funds equal to 208 acre-feet per year or the find an alternate source of water supply. Participation of the latter two water purveyors is currently the subject of negotiations with the NCSD. While these entities will continue to pump groundwater from the NMMA, this funding of a portion of the supplemental water delivery to the NCSD is considered to be the equivalent of in-lieu fees as an offset for their continued pumping of groundwater at their current levels (see Figure 13, Phase I Water Use Area). A portion of the Phase I water supply may also be used to provide water service to vacant or undeveloped properties within the NCSD service area as long as they also pay a supplemental water capacity charge in order to offset their additional demand.

The second phase (Phase II) increment of supplemental water will total an additional 1,000 acre-feet per year. Half of this total (500 acre-feet each) will be used for the remaining groundwater replenishment for the NMMA (bringing that total to 2,500 acre-feet per year). The additional 500 acre-feet per year in the Phase II delivery of supplemental water will be used by the NCSD to serve future customers on currently vacant land within the existing NCSD boundaries (see Figure 14, Phase II Water Use Area.).

The 3,200 acre-feet per year within the third (Phase III) increment of supplemental water could be utilized to serve future development within the Sphere of Influence areas adjacent to the existing NCSD boundaries (see Figure 15, Phase III Water Use Area).

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Author: Date: 1/9/2009 12:41:17 AM
The "Option" is not part of the settlement the wording is the same for Woodlands, Golden State Water or Rural Water obligations in the settlement.

Author: Date: 1/9/2009 12:41:53 AM
A clear statment that Phase I will support new development

Author: Date: 1/8/2009 8:24:43 PM
This statement is inconsistent with the county's view of "Supplemental water" for the Nipomo Water conservation area use which is not the Phase III Water use area in figure 15 because it's outside the Sphere of Influence, the intended use has not been fully considered in the EIR

E. *REQUIRED PERMITS AND APPROVALS*

The proposed Nipomo Community Services District Waterline Intertie involves a series of approvals and discretionary actions by the Nipomo Community Services District, as Lead Agency, and other involved regulatory agencies. The proposed project involves the following approvals by the Nipomo Community Services District:

1. Certification of the Final Environmental Impact Report for the proposed Nipomo Community Services District Waterline Intertie;
2. Approval of the Mitigation Monitoring Program for the Nipomo Community Services District Waterline Intertie;
3. Review and approval of detailed plans for pipelines, pump stations, storage facilities and other infrastructure for the proposed waterline intertie.

The proposed Nipomo Community Services District Waterline Intertie may also require the following approvals by other involved regulatory agencies including:

4. Section 404 Permits under the Clean Water Act from the U.S. Army Corps of Engineers, which regulates the discharge of dredged and/or fill material into the "waters of the United States;"
5. Public Resources Code Sections 1601-1603 Streambed Alteration Agreements from the State of California, Department of Fish and Game, which regulates all diversions, obstructions or changes in the natural flow or bed, channel or bank of any river, stream or lake which supports fish or wildlife;
6. A National Pollution Discharge Elimination System (NPDES) permit to comply with Section 401 of the Clean Water Act from the State Water Quality Control Board in the event that a Section 404 Permit from the U.S. Army Corps of Engineers is required;
7. A Section 401 Water Quality Certification and a General Permit for Storm Water Discharges Associated with Construction Activities from the Central Coast Regional Water Quality Control Board;
8. A Section 7 Consultation or Section 10(a) Permit from the United States Fish and Wildlife Service which allows the "taking" of an endangered species;
9. A Section 7 Permit from or informal consultation with the National Oceanographic and Atmospheric Administration (NOAA) which oversees fisheries management in waterways nationwide;
10. A new or amended Domestic Water Supply Permit from the State Department of Public Health (formerly the Department of Health Services) for the introduction of supplemental water into the Nipomo Community Services District system;
11. An Authority to Construct issued by the San Luis Obispo County Air Pollution Control District and the Santa Barbara Air Pollution Control District in order to allow proposed horizontal directional drilling;

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Author: Date: 1/9/2009 12:43:16 AM

The real project also needs NCSD to complete a final agreement with Santa Maria for the actual water to be put in the pipe, that will have to include the true Nature, Source, reliability, Term Quality and Quality. None of those aspects have been properly considered by the EIR,

Author: Date: 1/9/2009 12:43:27 AM

The PUC would need to approve the Settlement agreement to provide any additional security that Santa Maria might provide above and beyond what NCSD would get just pumping Groundwater the for free out of the ground.

F. PROJECT TIMING

Detailed design efforts for the proposed project facilities will begin upon certification of the Final Environmental Impact Report. The District will develop a map that delineates the precise route of the waterline intertie and the location of other required project facilities (pipelines, pump stations, water storage facilities, etc.) which will provide the basis for any required right-of-way or facilities acquisition.

Phase I project construction is estimated by the project engineer to require a total of 350 to 380 calendar days. Several of the construction activities noted below will be performed concurrently within this overall range of timing. These Phase I construction activities include: 1) construction of the Blosser Road pipeline (120 to 140 days); 2) Santa Maria River crossing (280 to 300 days); 3) Pump Station # 2 and water storage tank construction (300 to 320 days) and 4) NCSD distribution system improvements (200 to 220 days). Start-up and testing of these facilities is estimated to require an additional 30 to 40 days. The project engineer has also estimated an additional 20 days for rain delays and/or contingency time.

Phase II project construction is estimated to require a total of 110 to 150 calendar days. Concurrent construction activities include: 1) Pump Station # 2 upgrades (90 to 120 days) and 2) NCSD distribution system improvements (90 to 120 days). Start-up and testing of these facilities is estimated to require an additional 10 to 20 days. The project engineer has also estimated an additional 10 days for rain delays and/or contingency time.

Phase III project construction is estimated to require a total of 350 to 380 calendar days for the additional or replacement waterline on Blosser Road, the provision of a water line to the Quad Storage Tanks and construction of or upgrades to Pump Stations No. 1 and No. 2 and an additional water storage tank.

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Author: Date: 1/9/2009 12:44:14 AM

There is no justification of the need for this timing, because the pipeline part of the project can be completed so quickly (1 to 2 years) compared to the status of any change in the groundwater basin (decades) the best alternative (that has not been considered or studied by this EIR) is to wait for an actual court order requiring the pipe line (which will include a real court ordered time frame in which it needs to be completed)

B. *CUMULATIVE PROJECTS*

Cumulative impacts of the proposed project are assessed throughout Section V. Environmental Analysis of this EIR within the discussions of various issue areas. Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." The cumulative impacts from several projects are the changes in the environment which result from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probably future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time (Section 15355 of the State CEQA Guidelines).

The analysis of cumulative impacts within each issue area in Section V. Environmental Analysis is based upon future long-term projects within the South County Planning Area Land Use Planning Area. The following listing of cumulative projects is based upon data provided by the County of San Luis Obispo Planning and Buildings Department as of September, 2008. These cumulative projects are listed by those that have been approved and those that are proposed, pending future approval.

- ***Approved Projects***

Shapiro. A Vesting Tentative Tract Map (Tract 2611) and Conditional Use Permit to allow a mixed-use planned development consisting of the subdivision of an existing 5.2 acre parcel into nine parcels ranging in size from 8,307 square feet to 1.32 acres as well as development of approximately 12,000 square feet of office space, approximately 44,000 square feet of retail space, 4,500 square feet of restaurant space and 51 multi-family residential units. The proposed project is within the Commercial Retail land use category and is located 170 South Frontage Road at the southwest corner of Hill Street and South Frontage Road.

LanDev LLC. A Tentative Tract Map to subdivide five parcels totaling 19.1 acres into 24 lots ranging in size from 0.2 to 5.0 acres and a Conditional Use Permit for a mixed use development including a three-story, 112-unit, 97,600-square foot assisted living/memory support facility, a 16,000-square foot themed restaurant and conference facility and 130,000 square feet of retail, office and professional buildings. The proposed project is located on the southeastern side of Juniper Street approximately 90 feet west of North Frontage Road.

Nipomo Center. A Vesting Tentative Tract Map (Tract 2312) and Conditional Use Permit to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres and ten commercial parcels ranging in size from 0.21 to 0.84 acres. The proposal includes 59 duplex, triplex and fourplex residential units and 75,868

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Author: Date: 1/9/2009 12:45:57 AM

It's important to note that NCSD has approved intent to serve letters for each of these projects that includes the as a key part of that approval that they have the water so serve the projects. It's inconsistent (and not credible) to claim in this EIR that the Water (2500 AF/Year) from this project will be used for an existing deficit while the NCSD board continues to issue intent to serve and Will serve letters as it has done for each year in the past that are required to be supported by a water supply.

Author: Date: 1/9/2009 12:46:07 AM

Each project listed needs to show the approximate water use expected in order to properly evaluate the effects of water use and supply and this project in this EIR document.

Allshouse. A Vesting Tentative Tract Map and Conditional Use Permit to subdivide an existing 1.19 acre parcel involving fifteen residential condominium parcels ranging in size from approximately 1,000 to 1,200 square feet and one 0.30 acre parcel for an existing four-unit apartment building. The 15 single family residences will range in size from 1,189 to 1,330 square feet. The project site is within the Residential Multi-Family land use category and is located on the southwest corner of the intersection of Avenida de Amigos and Grande Avenue.

- ***Proposed Projects Pending Approval***

Crystal Oaks Specific Plan. The South County Area Plan identifies the Canada Ranch property as an urban expansion area for a combination of commercial service, commercial retail and residential uses. The area is intended to provide job generating business to help improve the present jobs/housing imbalance in Nipomo. Protection of natural resources including the large oak woodland areas is also a major priority. Development of the site must be preceded by preparation of a Specific Plan. The South County Area Plan identifies the Canada Ranch Specific Plan area on both the west and east sides of Highway 101, however, only the portion west of Highway 101, approximately 288 acres, is the subject of the currently-proposed Specific Plan. The Specific Plan for the western portion of the Canada Ranch (hereinafter referred to a Crystal Oaks Specific Plan) will be prepared under the guidance of the County. The project site is located northwest of Sandydale Drive, west of Highway 101 and the North Frontage Road and south of the proposed Willow Road extension and interchange.

Vista Grande. A Vesting Tentative Tract Map and Conditional Use Permit to subdivide an existing 1.14 acre parcel into eighteen residential parcels ranging in size from approximately 765 to 1,509 square feet and the construction of 18 single family residences ranging in size from 1,348 to 1,635 square feet. The project site is within the Residential Multi-Family land use category and is located at the southeast corner of Avenida de Amigos and Grande Avenue, approximately 200 feet west of South Frontage Road.

Promesa. Promesa LLC Tract Map involves ten five acre lots.

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Author: Date: 1/8/2009 8:25:33 PM

Each project listed needs to show the approximate water use expected in order to properly evaluate the effects of water use and supply in this EIR document. The cumulative effect can not and has not been analyzed in this EIR because of this lack of information.

V. ENVIRONMENTAL ANALYSIS

An Initial Study for the proposed Nipomo Community Services District Waterline Intertie project was prepared by the Nipomo Community Services District and was circulated between June 27, 2008 and July 28, 2008 with the Notice of Preparation (NOP) for this EIR. The Initial Study identified issue areas which in combination with comments received during the circulation of the NOP have resulted in the evaluation of the following issues in this EIR.

- Land Use and Planning
- Population and Housing
- Water
- Biological Resources
- Aesthetics
- Cultural Resources
- Geology
- Traffic
- Noise
- Air Quality

The discussion of each environmental issue within this section adheres to the following format:

1. Existing Conditions - The existing environment within and in the vicinity of the project site is discussed from both a local and regional perspective.

2. Thresholds of Significance - Any pertinent thresholds of significance as identified by CEQA or other relevant standards are noted.

3. Project Impacts - The nature and extent of project impacts relative to the issue areas noted above are analyzed. These analyses address direct (or primary) effects of the proposed project as well as its indirect (or secondary) effects. Where applicable, impacts are identified as short- or long-term. The extent of these impacts associated with the proposed waterline intertie project are discussed. This section will also designate all impacts as significant, potentially significant but mitigable, insignificant or beneficial pursuant to the previously identified thresholds of significance.

4. Cumulative Impacts - The analysis of regional or cumulative impacts within each issue area involves an identification of those incremental impacts of the project that are added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. The analysis of cumulative impacts within each resource issue is based upon the South County Area Plan and recent estimates of future growth within the Nipomo Community Services District current and future service areas (see Section IV.B, Cumulative Projects).

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Author: Date: 1/8/2009 8:25:41 PM
This EIR fails to recognize that this is the second EIR Draft on the real project of "bring water" from Santa Maria to Nipomo. The EIR needs to recognize and consider all comments from the past EIR attempt as the overall project has not changed.

Author: Date: 1/9/2009 12:47:40 AM
The standard used for the significance of water for this project to the total basin use or Santa Maria's current use/ supply is not clearly noted or supported in any way in this EIR.

Author: Date: 1/8/2009 8:25:57 PM
Cumulative impacts on the groundwater basin as a whole are not considered or analyzed in this EIR. Stating incorrectly that other agencies will be looking at the effects does not absolved the EIR from making the needed analysis.

A. LAND USE AND PLANNING

1. Existing Conditions

The project area contains a variety of land uses including residential, commercial, light industrial, recreation, agriculture and open space uses.

Areas immediately south of the Santa Maria River are devoted primarily to single family residential uses in neighborhoods served by Blosser Road, Atlantic Place and Preisker Lane. East of these neighborhoods is U.S. Highway 101 and the Santa Maria River Bridge. West of Blosser Road adjacent to the river is vacant open space and the abandoned Northside Air Park.

The Santa Maria River channel contains a variety of sage scrub and riparian habitats with the sandy streambed in the middle of the channel. The Santa Maria River is defined as being part of the "waters of the United States" by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Portions of the riverbed downstream from the bridge contain agricultural fields adjacent to the southern levee as well as a number of motorcycle trails. Eucalyptus tree rows line portions of the northern levee adjacent to the river channel. A bicycle/running trail runs along the top of the southern levee with a trail easement running along the northern levee adjacent to the river channel.

Immediately north of the Santa Maria River, there are several industrial and commercial facilities near Highway 101 served by Hutton Road and Cuyama Lane. These facilities include a landscape supply facility, a concrete batch plant, a waste transfer station, a food distribution facility, an exterminator service, a restaurant, an antique store and an RV sales facility. Further west, elevations rise to the top of the Nipomo Mesa which contains agricultural fields with scattered residences, a P.G.& E. electrical substation and the Maria Vista residential tract. This portion of the Nipomo Mesa contains a variety of land uses including low and medium density residential uses, agricultural farmlands and open space. The majority of areas adjacent to Joshua Street and Orchard Road are devoted to agricultural farmlands and scattered residences with low and medium density residential uses near Southland Street. North of Southland Street in the area bounded by Orchard Road, South Frontage Road and Tefft Street are developed residential land uses and a variety of commercial and residential uses along South Frontage Road facing Highway 101.

The County of San Luis Obispo General Plan governs the development of unincorporated land within the South County Planning Area. The South County area is comprised of the San Luis Bay and South County Land Use Planning Areas. The cities of Arroyo Grande, Pismo Beach and Grover Beach and the unincorporated communities of Nipomo and Oceano are located in this area. The Nipomo Mesa area is also unincorporated and lies within the South County Planning Area. It is the stated intent of the South County Area Plan to focus future development within urban areas and provide buffers between developed and rural areas in order to maintain the character of the area.

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Author: Date: 1/9/2009 12:48:26 AM
The EIR fails to, and needs to, consider land uses in the groundwater basin as a whole, as any water use in one part of the basin directly or indirectly can effect other uses in the basin.

Author: Date: 1/9/2009 12:49:32 AM
The EIR fails to note that this plan has a completed EIR that includes water resource for the complete build out of the plan and the plan was approved based on there being adequate supplies for build out. Included in that analysis was the increase in water supply caused by development on the Mesa.

While the Nipomo Community Services District may provide the County with input regarding land use decisions, it does not have any authority over land use entitlements. Development projects within the boundaries of the Nipomo Community Services District (NCSD) are approved by the County contingent upon receiving water and sewer services from a community water system such as the NCSD. The General Plan identifies the type and intensity of development allowed in each of several land use categories for Nipomo and other unincorporated areas.

The following is a description of the land use categories/zoning within the County of San Luis Obispo, South County Area Plan to manage and direct development and growth (see Figure 16, South County Area Plan). It should be recognized that the Nipomo Community Services District does not have authority (police power) to approve or deny development that requires parcel maps, tentative maps and /or General Plan Amendments, however, the provision of public services such as water and sewer does increase the likelihood that an area may be developed particularly if the proposed development is within the District's boundaries and is consistent within the County's General Plan policies.

- ***Agriculture***

This land use category designates areas that have existing or potential agricultural production or capability. Agriculture has been and still is the most widespread use of land in the South County Planning Area. Minimum parcel sizes for agriculturally zoned areas range from 20 acres to 320 acres, depending on the method used to calculate the parcel size. Three factors are identified in the County Land Use Ordinance to determine maximum parcel sizes for agriculturally zoned areas, including their existing use, land capability and agriculture preserve status. Each method has "tests" that determine the minimum parcel size for an area zoned Agriculture.

Many Agricultural Preserves established under the Williamson Act exist in the Nipomo Area. The Williamson Act allows local jurisdictions to establish agricultural preserves consisting of existing agricultural or other vacant lands. The property enters into a long term agreement to retain their property in agricultural use rather than converting the land to another more intensive use. In exchange, the property owner receives a property tax assessment based on the agricultural uses and not a higher rate based upon the "land's highest and best use." Withdrawal from a Williamson Act agreement can occur if the property gives the involved jurisdiction notice of Non-Renewal. After providing this notice, the land generally remains in a preserve status for a minimum of 10 years. Approximately 33,000 acres of land are under Williamson contract in the Nipomo Mesa and Nipomo Valley Areas.

- ***Residential Rural***

This land use designation provides for estate-sized residential lots or small farms of five acres or larger. These areas are generally unsuitable for commercial agriculture because of topography, small property size, broken ownership patterns and prior residential

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Author: Date: 1/9/2009 12:53:02 AM

The EIR fails to note that NCSD can effectively deny any development projects by voting to not issue the required intent to serve letter for water in their service area if there is a real water supply limit.

NCSC has failed to deny intent to serve letters up to this point making the assumption in this EIR of a water problem false .

Author: Date: 1/9/2009 12:54:23 AM

The EIR fails to consider that NCSD can not deny a intent to serve letter if it has a water supply. The project as assumed by the EIR will provide the false assumption that there is an actual supply even though it's not a reliable, high priority supply when the reasonably for seeable approvals will occur. The true impact will come when the water supply is short and NCSD does not have actual water in the future to supply these new projects.

The EIR fails to note that this water supply has a limited life and there is no analysis when the water is turned off by Santa Maria.

Author: Date: 1/9/2009 12:55:03 AM

The EIR fails to consider any effect the new use of 6200 AF per year(or 6200 less the already over use of 2500 AF per year) will have on agricultural both in quality or quantity, directly or indirectly, now or in the future in the basin as a whole. If NCSD is using it agriculture can not.

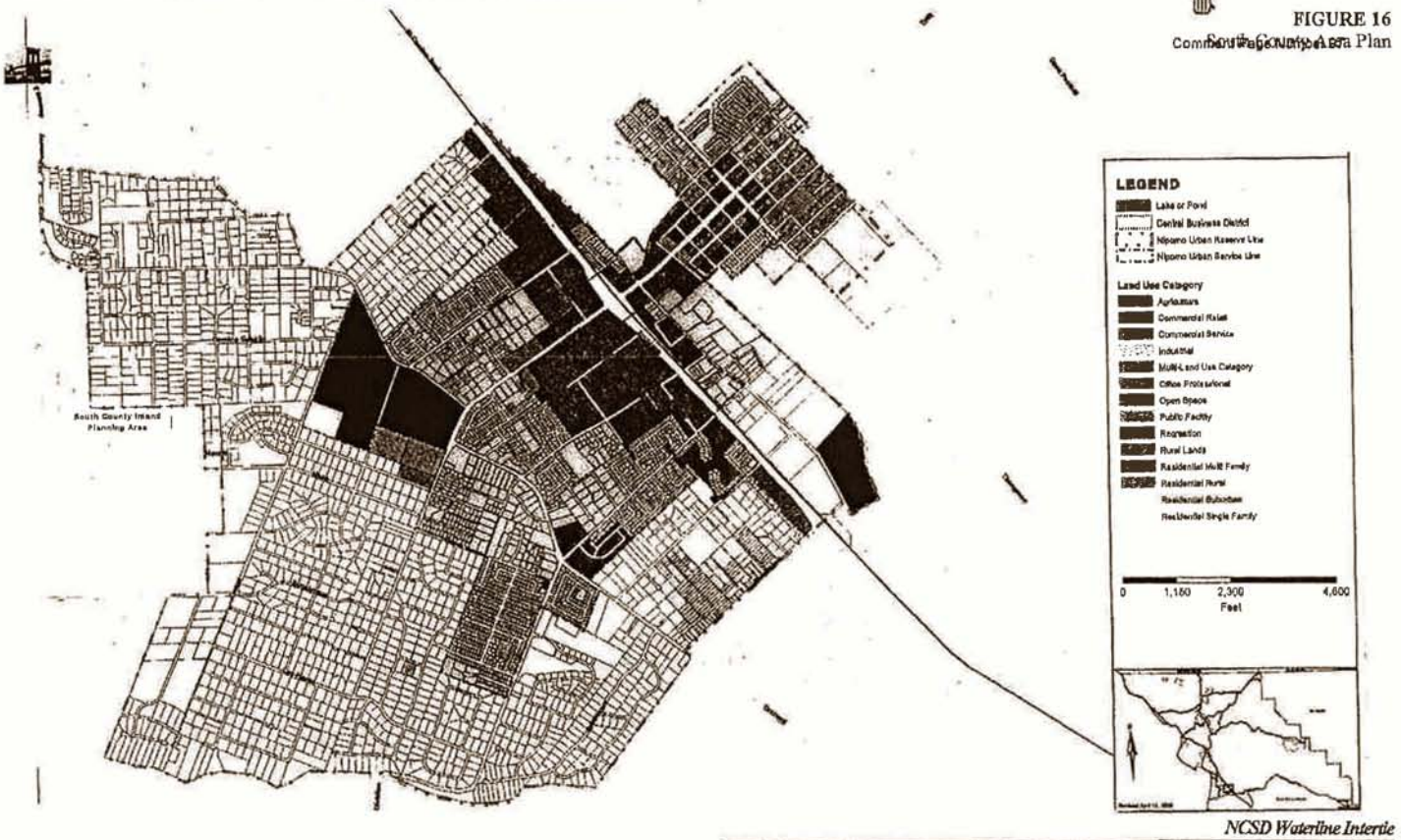

FIGURE 16
Commercial Service Area Plan

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Author: Date: 1/8/2009 8:26:50 PM

This is not the whole South County Area Plan, failure to show and consider the whole area results in a failure the EIR to analyze the full impacts of the project.

Control District), the Water Quality Control Plan – Basin Plan (Regional Water Quality Control Board) and the Regional Transportation Plan (San Luis Obispo Council of Governments). Since the proposed project would represent a reduction or elimination of a potential constraint upon future development within these areas to be served by the additional water supplies, it may indirectly conflict with these environmental plans and policies (see Impact A-2 below). The potential direct land use impacts of the proposed project represent a less than significant impact.

Impact A-2. ***The proposed project may indirectly induce changes in land use as a result of the reduction or elimination of a potential constraint upon development within areas served by the increased water supplies provided by the proposed project.***

The proposed project will not directly cause a change in the San Luis Obispo County land use designation or zoning or an increase in the intensity of currently-designated land uses. The proposed project does, however, involve the provision of additional water supplies thereby reducing or eliminating a potential constraint to future development within areas to be served by this additional water. The proposed project involves importation of water in order to reduce the current imbalance of groundwater levels and to serve new development consistent with the South County Area Plan within the current boundaries of the Nipomo Community Services District and its Sphere of Influence areas which are located adjacent to the District boundaries.

The potential importation of a maximum of 6,200 acre-feet of water per year would accomplish several objectives. Approximately 2,500 acre-feet of water per year will offset current groundwater production in order to avoid further depletion of and assist in balancing of groundwater levels in the Nipomo Mesa Management Area. An additional 500 acre feet per year will be used by the Nipomo Community Services District to serve future customers on currently vacant land within the existing NCSD boundaries. An additional 3,200 acre-feet per year could be utilized to serve future development within the current Sphere of Influence areas which are located adjacent to the existing NCSD boundaries. This additional imported water could be used to serve existing and new development within the South County Planning Area that would otherwise be served by groundwater supplies from the Nipomo Mesa Management Area.

In order to determine the additional amount of development that could be served by these additional water supplies, a breakdown of land uses (as designated by the South County Area Plan) within the existing NCSD boundaries must be identified. Table 5, NCSD Land Use Designations provides a breakdown of land uses in these areas in terms of both developed and vacant lands within the District boundaries as well as within the adjacent Sphere of Influence areas. These totals are based upon data contained within the NCSD Water and Sewer Master Plan Update as well as the NCSD Sphere of Influence Update/Municipal Services Review EIR.

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Author: Date: 1/9/2009 12:57:50 AM

May?? it's well known and been clearly stated that the county has limited growth due to limits on water availability NCSD has claimed exists and intents to keep those restrictions until this project is completed. And when the project is completed or even to the point when the county thinks money can be charged by the county to support the project They will release the restriction. that So the word "may" is incorrect and the word "Will" is the correct word. This creates a class I impact.

TABLE 5
NCSD LAND USE DESIGNATIONS (ACRES)

Land Use Designation	Existing NCSD Customers [1]	Vacant Land within NCSD[1]	Sphere of Influence Areas [2]
RMF – Residential Multi-Family	150	10	0
RSF – Residential Single Family	700	(-14)[3]	91
RS – Residential Suburban	900	5	357
RR – Residential Rural	1380	24	2107
RL – Rural Lands	3	1	1073
AG – Agricultural	110	(-98)[3]	693
PF – Public Facility	37	1	5
OP – Office and Professional	34	(- 1)[3]	0
CR – Commercial Retail	160	0	0
CS – Commercial Services	80	14	104
OS – Open Space	11	0	0
REC – Recreation	116	515	0
Black Lake	510	0	0
Southland Specific Plan	0	0	100
TOTAL	4191	457	4530

(1) Source: NCSD Water and Sewer Master Plan Update, December, 2007
(2) Source: NCSD Sphere of Influence Update/Municipal Services Review EIR, December, 2003
(3) Urban Water Management Plan indicates acreage decrease with development of certain vacant lands

As noted above, the first 2,500 acre-feet per year of water from the proposed project (Phase I and half of Phase II) will offset current groundwater production in order to avoid further depletion of and assist in balancing groundwater levels in the Nipomo Mesa Management Area. This initial increment of imported water will, therefore, serve existing customers within the NCSD boundaries (see column 1 of Table 5 above and Figure 13, Phase I Water Use Area). The additional 500 acre-feet per year of imported water (the remainder of Phase II of the proposed project) will be used by the NCSD to serve future customers on currently vacant land within the District boundaries (see column 2 of Table 5 above and Figure 14, Phase II Water Use Area).

Table 6, Phase II – Additional Development Served by 500 AFY provides a detailed breakdown of the nature and extent of development to be served by these additional water supplies. As indicated below, the importation of 500 acre-feet per year of water could ultimately serve a maximum of 370 additional dwelling units on 457 acres as well as 14 acres of additional Commercial Services uses, 515 acres of Recreation use and one acre of Public Facilities use.

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Author: Date: 1/9/2009 1:02:23 AM

This text is inconsistent with the fact that NCSD has issued will serves each year and the 2500 AF number is based on data from around the year 2000. If the assumptions is correct that there is a "depletion" the 2500 number is low (also evidenced by the fact the NCSD is charging a supplemental water charge to intent to serve/will servers now) each of those uses need to be added to the number of the "current depletion" number reducing the "Additional Development" number for a correct analysis.

TABLE 6
PHASE II – ADDITIONAL DEVELOPMENT
SERVED BY 500 AFY

Land Use Designation	Number of Acres	No. of Dwelling Units
RMF – Residential Multi-Family	10	380
RSF – Residential Single Family	(-14)	(-14)
RS – Residential Suburban	5	5
RR – Residential Rural	24	4
RL – Rural Lands	1	0
AG – Agricultural	(-98)	-4
PF – Public Facility	1	
OP – Office and Professional	-1	
CS – Commercial Services	14	
REC – Recreation	515	
TOTAL	457	370

Source: NCSD Water and Sewer Master Plan Update, December 2007.

The remaining 3,200 acre-feet per year of imported water (Phase III of the proposed project) could be used by the NCSD to serve future development within the current Sphere of Influence areas which are located adjacent to the existing NCSD boundaries (see column 3 of Table 5, NCSD Land Use Designations (Acres) and Figure 15, Phase III Water Use Area)

Table 7, Phase III Additional Development Served by 3,200 AFY provides a detailed breakdown of the nature and extent of development served by these additional water supplies. As indicated below, the importation of 3,200 acre-feet per year of water could ultimately serve a total of 1,368 dwelling units on 4,295 acres.

TABLE 7
PHASE III ADDITIONAL DEVELOPMENT
SERVED BY 3,200 AFY

Land Use Designation	Number of Acres	No. of Dwelling Units
RSF – Residential Single Family	91	364
RS – Residential Suburban	84	84
RR – Residential Rural	1995	398
RL – Rural Lands	1173	59
AG – Agricultural	652	13
SP – Specific Plan	300	450
TOTAL	4,295	1,368

Source: NCSD Sphere of Influence Update / Municipal Services Review EIR, December 2003.

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Author: Date: 1/9/2009 1:02:59 AM

The EIR fails to consider that the Phase III amount has been publicly announced to be allocated to support the growth outside the Sphere of Influence on the Mesa, for example in the County Nipomo Water Conservation area. Which the county is collecting or attempting to use this EIR to collect fees from those area's to acquire "dedicated water" from this project. The EIR fails to consider the Class I nature of these impacts and facts.

Author: Date: 1/8/2009 8:27:32 PM

It's clear from comments made by the board in 2007 and 2008 that it thinks Nipomo has a "return flow" from the "New", "Supplemental" water and that that water will be able to support additional development. This EIR fails to correct or corroborate that fact. The EIR fails to consider the additional development based on use of that water.

Although the proposed project would not directly result in a change in zoning or an increase in the intensity of currently-designated land uses, the proposed project would not only represent a reduction or elimination of a potential constraint upon future development within areas served by the additional water supplies but also has the potential to hasten the conversion of areas to more intense urbanized uses over those land uses currently allowed by the South County Area Plan. Any increase in density or change of land use to the South County Area Plan within the area to be served by the additional water supplies would, however, first require a General Plan Amendment and zone change. A General Plan Amendment would study a variety of land use and environmental issues before being approved or denied including community character and compatibility, existing land use policies, traffic and circulation impacts, the provision of public services, etc. This process involves significant public involvement and the implementation of the California Environmental Quality Act (per CEQA). Any future development within areas served by the additional water supplies would also require a number of additional approvals including approval of a Specific Plan, conditional use permit or tract map by the County of San Luis Obispo. These future discretionary approvals will require the preparation and certification of additional environmental documentation (pursuant to CEQA) to address the potential land use and planning impacts of these future approvals.

The proposed project has the potential to foster growth or changes in land uses in areas served by the additional water supplies particularly involving the conversion of agricultural lands. Potential growth-inducement involves a variety of factors including: removal of any impediments to growth such as the extension of roadways or utilities; the creation of development pressures in surrounding areas, particularly existing agricultural lands; growth-inducing impacts upon community services and the establishment of any precedent-setting effects upon parcels within the South County/Nipomo Mesa area.

Any reduction or elimination of a constraint to development (such as the importation of additional water supplies) can potentially hasten the conversion of vacant or existing agricultural lands, agricultural preserves or areas containing prime agricultural soils to developed uses. Any development in areas served by these additional water supplies beyond the uses currently allowed by the South County Area Plan will require approvals from the County of San Luis Obispo as discussed above.

Without any mitigation measures available to eliminate the potential for changes in land use, the potential long-term land use and planning impacts associated with the elimination of the constraint of available water supplies are considered to be a significant adverse impact which cannot be reduced to an insignificant level.

4. Cumulative Impacts

The proposed project may result in the reduction or elimination of a potential constraint upon the development of other cumulative projects in the area (see Section IV.B. Cumulative Projects). As such, the proposed project represents a potential contributor to the development of more urbanized uses in the areas served by the increased water

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Author: Date: 1/8/2009 8:27:41 PM

The project is to support the or "Foster" growth, that's the whole point of the 6200 AF number, The EIR claiming its "has the potential" is dishonest and falls to consider the full and complete nature of all the Class I impacts.

Author: Date: 1/9/2009 1:03:36 AM

"Can" ? "Will" is the correct word.

C. WATER

The following analysis of water is based upon the "Urban Water Management Plan Update" prepared for the Nipomo Community Services District and adopted on January 25, 2006, the "NCSD Water and Sewer Master Plan Update" dated December, 2007 and "Nipomo Community Services District Waterline Intertie Project, Water Resources Evaluation" prepared by Science Applications International Corporation (SAIC) dated July 29, 2005. These documents are included in their entirety in Technical Appendices B, D and E, respectively, of this document.

1. Existing Conditions

- ***Surface Water***

- Santa Maria River

The Santa Maria River flows originate from a large coastal watershed area comprising 1,853 square miles along the Central Coast of California, as shown in Figure 17, Santa Maria River Watershed. The Cuyama River, with flows attenuated by Twitchell Dam, joins the Sisquoc River at Fugler's Point to form the Santa Maria River, which then discharges to the Pacific Ocean through a channel near the Guadalupe sand dunes.

The watershed area of the Cuyama River is 1,130 square miles, draining the northern slopes of the Sierra Madre Range and the southern slopes of the Caliente Range. It also includes the Alamo and Huasna Creek drainages located north of Twitchell Reservoir. Twitchell Dam, the dominant hydraulic structure in the watershed, was constructed in 1959, 7.7 miles north of Fugler's Point. Twitchell Reservoir serves as both a flood control and water conservation reservoir with a total of reservoir storage of 224,000 acre-feet (AF), of which 135,615 AF is used for water conservation storage and groundwater recharge. Water in Twitchell Reservoir is released to the Santa Maria River in dry months in order to recharge the groundwater basin.

The Sisquoc River, with a watershed area of 471 square miles, drains the southern and western slopes of the Sierra Madre Range and the northern slope of the San Rafael Mountains. The main portion of the river lies within the Los Padres National Forest. Downstream of the confluence of the Sisquoc and Cuyama Rivers, the Santa Maria River runs northwest over 23 miles to a coastal estuary and into the Pacific Ocean.

The Santa Maria River exhibits typical arid zone hydrology patterns, with rare extreme runoff events and many days of low or no flow. The closest USGS streamflow gauge to the project area is along the river at Guadalupe. The records for this gauge indicate no flow during the dry summers, even with releases from Twitchell Reservoir for recharge purposes. The rarity of the high flows can be seen in the probability of exceedance graph in Figure 18, Santa Maria River Flows at Guadalupe.

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Author: Date: 1/9/2009 1:05:45 AM

But not provided on the CD from NCSD on this EIR, So the public was unable to fully comment on this EIR requiring the whole EIR to be resubmitted and allowing additional comments.

Author: Date: 1/9/2009 1:11:37 AM

The EIR has no explanation as to why NCSD can not use water from the San Luis Obispo county portion of the Cuyama River water shed which is about 1/4 of the total water in the basin without paying Santa Maria $1250 per acre foot or crossing the river with a pipe.

Although not actively being mined, several other mining claims are located within the Santa Maria Riverbed in the project area. The Troesh Ready Mix, Inc. and Santa Maria Sand Company and River Sand and Gravel, Inc. mining claims are located in this portion of the Santa Maria Riverbed.

- Nipomo Creek

Nipomo Creek originates in the hills north of Santa Maria and extends nine miles from its headwaters to the Santa Maria River near the southern boundary of the Nipomo Mesa (see Figure 18, FEMA Flood Hazard Map). Nipomo Creek has a watershed area of approximately 2,200 acres. Estimates of the average annual runoff range from 800 to 925 acre-feet. Water quality sampling of Nipomo Creek conducted in 2000 and 2001 indicated a mean total dissolved solids (TDS) concentration of 946 milligrams per liter (mg/L), a mean total suspended solids (TSS) of 26 mg/L and a mean turbidity of 20 Nephelometric Turbidity Units (NTU) (see Table 12, Surface Water Quality - Samples and Regional Board Objectives).

- Unnamed Creek Near Cuyama Lane

A small drainage area totaling 5.8 square miles has been channelized as it crosses Highway 101 in twin four-foot diameter culverts. Flood runoff is conveyed by irregularly shaped cement- and earth- lined channel to Nipomo Creek prior to its discharge into the Santa Maria River. No discharge or water quality data is available for this unnamed drainage.

- ***Groundwater***

- Santa Maria Groundwater Basin

The Santa Maria Groundwater Basin (SMGB) is bounded on the north by the San Luis and Santa Lucia Mountain Ranges, to the south by the Casmalia-Solomon Hills, to the east by the San Rafael Mountains and to the west by the Pacific Ocean. The basin is approximately 184,000 acres or 287.5 square miles with a general downslope gradient to the west. The basin is composed of water-bearing unconsolidated dune sand, river channel, and alluvial sediments which overlie non-water bearing consolidated bedrock. The water bearing deposits have an average depth of approximately 1,000 feet with maximum depths reaching 2,800 feet. Figure 20, Santa Maria Groundwater Basin illustrates the location of the groundwater basin.

The sources of recharge to the SMGB include: infiltration of precipitation, inflow from adjacent areas, return flows from irrigation and percolation of water from streams flowing across or in the vicinity of the basin, primarily the Arroyo Grande Creek to the north and the Santa Maria and Sisquoc Rivers in the south. Groundwater discharges from the basin include: use of groundwater by agricultural, municipal and industrial users (oil industry for secondary oil recovery) and groundwater discharge to the ocean to prevent seawater intrusion. Total groundwater storage capacity of the basin is estimated by the

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Author: Date: 1/9/2009 1:13:02 AM

The EIR fails to consider that at times the discharge to the ocean is because the basin can not hold the water at the level it's at(it's full). Failure to consider the benefits and restrictions on groundwater use due to the amount and timing of this water flow to the ocean results in the EIR failing to consider the full impacts of the water relocation proposed by the project both in Quantity and Quality.

State Department of Water Resources at 4,000,000 acre feet. The City's wells have a current normal year active capacity of 24,878 acre-feet per year with an actual production of an average of 661 acre-feet per year between 2000 and 2004.

General groundwater level contours shown in the vicinity of the project area, derived from data collected in the spring of 2004, ranged from 100 feet to 110 feet above mean sea level or at a depth of approximately 100 feet below ground surface.

- *The Basin Litigation*

The Santa Maria Groundwater Basin has been the subject of ongoing litigation efforts that were initiated in 1997, collectively called the Santa Maria Groundwater Litigation (Santa Maria Valley Water Conservation District vs. City of Santa Maria, et. al.) and referred to herein as the "Basin Litigation." The Santa Maria Valley Water Conservation District was originally concerned that the City of Santa Maria's banking of State Water Project water in the groundwater basin would give the City priority rights to the groundwater that was historically held by the agricultural water users. The lawsuit was broadened to address groundwater management of the entire Santa Maria Groundwater Basin. On August 3, 2005, the Court approved a Settlement Stipulation for the case which divides the Santa Maria Groundwater Basin into three separate management sub-areas, the Northern Cities Management Area, the Nipomo Mesa Management Area and the Santa Maria Valley Management Area (see Figure 20, Santa Maria Groundwater Basin).

The Court found that the Santa Maria Basin as a whole was not in a condition of long-term overdraft. The Court did, however, acknowledge that sub-areas within the basin could be found to be in overdraft as additional data is developed. The court stated that "some wells in the Nipomo Mesa area do show lowering of water levels that may result from a pumping depression or other cause, and there may be some effects in that portion of the basin that are not shared basin-wide, but that is not sufficient in any event to demonstrate basin-wide overdraft."

The Stipulation that was later included in the Judgment recognizes the Memorandum of Understanding (MOU) between the City of Santa Maria and the Nipomo Community Services District for the wholesale purchase and transmission from the City of Santa Maria to the NMMA a certain amount of water each year. The Stipulation provides that "the NCSD in Santa Maria shall employ their best efforts to timely implement the Nipomo Supplemental Water project, subject to their quasi-judicial obligations specified for administrative action and in the California Environmental Quality Act." The Stipulation goes on to provide that "once the Nipomo Supplemental Water is capable of being delivered, that the referenced stipulating parties will purchase a portion of the Nipomo Supplemental Water on a yearly basis." The Settlement Stipulation and subsequent Judgment contains specific provisions with regard to groundwater rights, groundwater monitoring programs and development of plans and programs to respond to potential water shortage conditions.

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Author: Date: 1/9/2009 1:14:20 AM
4 million is only if there is also over 100,000 AF/year of water a year going to the ocean.
For the only current reliable estimate of ocean outflow made by Mr. Scalmanini at the time of trial the capacity was more in the range of 2-2.5 million AF with a outflow of 50,000 AF average per year.

Author: Date: 1/8/2009 12:30:26 PM
The EIR incorrectly claims the settlement was "For the Case". It was for some parties inters se and it's effect only applies to those parties inter relationship. Failure of the EIR to correctly interrupt the status of the "Settlement" results in a general failure in all of the EIR to access the enviormental impacts.

Author: Date: 1/8/2009 12:33:34 PM
This is an incorrect statement. the court found that there was an overdraft in the 1950's/60's but also found that the basin "is and was not

Author: Date: 1/9/2009 1:22:36 AM
It's important to note that the "depressions" other cause considered during the process was NCSD's lack of taking, keeping and reporting records of any quality well readings resulting in the appearance of "Depressions" but no actual depressions or the gross over estimate of the size of depressions. NCSD's lack of taking, keeping and reporting records of quality well readings continues to this day. The effect is not considered in the EIR.

Author: Date: 1/8/2009 12:43:12 PM
Limited to recognizing that it exists, It did not provide any approval or conditions on the conditional and incomplete nature of the MOU.

Author: Date: 1/8/2009 12:43:03 PM
But stops short of actually providing a time limit or actual requirement that NCSD actually come to any actual agreement with Santa Maria.

Author: Date: 1/8/2009 12:51:51 PM
but the EIR fails to note the "no project option" is also consider in the settlement: "In the event that it becomes apparent that the Nipomo Supplemental Water will not be fully capable of being delivered, any Stipulating Party may apply to the Court, pursuant to a noticed motion, for appro•priate modifications to this portion of the Stipulation and the judgment entered based upon the terms and conditions of this Stipulation, including declaring this Paragraph VI to be null and void, and of no legal or binding effect."

Author: Date: 1/8/2009 12:54:57 PM
But the settlement does not consider or deal with overdraft in any way. the word "overdraft" is not in the settlement. The EIR assumes incorrectly that the terms in the settlement are in some way synonymous and that results in the failure to analyzes the full environmental impacts

The January 25, 2008 Judgment states:

> "The Groundwater Monitoring Provisions and Management Area Monitoring Programs contained in the Stipulation, including Sections IV(D) (All Management Areas); (B) (Santa Maria Management Area), VI(C) (Nipomo Mesa Management Area), and VII (1) (Northern Cities Management Area), inclusive, are independently adopted by the court as necessary to manage water production in the basin and are incorporated herein and made terms of this Judgment."

The Stipulation requires that:

> "a Monitoring Program shall be established in each of the three Management Areas to collect and analyze data regarding water supply and demand conditions. Data collection and monitoring shall be sufficient to determine land and water uses in the Basin, sources of supply to meet those uses, groundwater conditions including groundwater levels and quality, the amount and disposition of Developed Water supplies and the amount and disposition of any other sources of water supply in the Basin" and that "the NMMA Technical Group shall develop a Monitoring Program for the NMMA ("NMMA Monitoring Program") which shall be consistent with the Monitoring Program described in the paragraphs above. The NMMA Monitoring Program shall also include the setting of well elevation and water quality criteria that trigger the responses set forth herein."

The Stipulation establishes the characteristics of the trigger points:

> "1. Caution trigger point (Potentially Severe Water Shortage Conditions)
> (a) Characteristics. The NMMA Technical Group shall develop criteria for declaring the existence of Potentially Severe Water Shortage Conditions. These criteria shall be approved by the Court and entered as a modification to this Stipulation or the judgment to be entered based upon this Stipulation. Such criteria shall be designed to reflect that water levels beneath the NMMA as a whole are at a point at which voluntary conservation measures, augmentation of supply or other steps may be desirable or necessary to avoid further declines in water levels.
> (b) Responses. If the NMMA Technical Group determines that Potentially Severe Water Shortage Conditions have been reached, the Stipulating Parties shall coordinate their efforts to implement voluntary conservation measures, adopt programs to increase the supply of Nipomo Supplemental Water if available, use within the NMMA other sources of Developed Water or New Developed Water, or implement other measures to reduce Groundwater use.
>
> 2. Mandatory action trigger point (Severe Water Shortage Conditions)

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Author: Date: 1/8/2009 12:59:41 PM
Mixing the settlements requirements with the non-settling parties requirements is being appealed.

Author: Date: 1/9/2009 1:23:33 AM
The Trigger points are undeveloped at this time, but are independent from the additional requirement that the basin be protected under California law to prevent overdraft or harm to the basin yet at the same time meet the constitutional 10-2 requirement of maximum use of the basin. The EIR's failure to list and understand the Dual requirements, and how they apply to settling and non-settling parties results in a failure of the EIR to fully analyze the true environmental impacts of the project.

Author: Date: 1/9/2009 1:25:09 AM
The EIR does not note that the "Mandatory" nature only applies to some parties or that the trigger points are not the same as the overdraft point or the basins Safe Yield. This creates a failure of the EIR to properly analyze the impacts of the project.

(a) Characteristics. The NMMA Technical Group shall develop the criteria for declaring that the lowest historic water levels beneath the NMMA as a whole have been reached or that conditions constituting seawater intrusion have been reached. These criteria shall be approved by the Court and entered as a modification to this Stipulation or the judgment to be entered based upon this Stipulation.

(b) Responses. As a first response, subparagraphs (i) through (iii) shall be imposed concurrently upon order of the Court. The Court may also order the Stipulating Parties to implement all or some portion of the additional responses provided in subparagraph (iv) below."

The NMMA Technical Group has submitted and the Court has approved the Monitoring Program referenced above. Further, the NMMA Technical Group is currently in the process of establishing the trigger points for Potentially Severe and Severe Water Conditions. Within the Settlement Stipulation and subsequent Judgment, the Nipomo Community Services District has agreed to purchase supplemental water from the City of Santa Maria.

The County of San Luis Obispo has received a number of water studies for the portion of the Santa Maria Basin underlying the NMMA. These studies include: 1) the 1996 Woodland Environmental Impact Report; 2) a groundwater study of the Arroyo Grande-Nipomo Mesa area by the Department of Water Resources that began in 1993 and was completed in 2002 (2002 DWR Report) and 3) the March 2004 S.S. Papadopolus & Associates, Environmental and Water-Resource Consultants (SSPA) report titled Nipomo Mesa Groundwater Resource Capacity Study that reviewed the analysis the 2002 DWR Report and other reports and reached various conclusions and recommendations.

The above studies are summarized in the San Luis Obispo County Department of Planning and Buildings Resource Capacity Study Water Supply in the Nipomo Mesa Area dated November 2004 (2004 RCS). Additionally, the 2004 RCS reviews the County's Resource Management System (RMS) and reaches "conclusions related to the water capacity of the aquifer underlying the NMMA."

According to the 2004 RCS, the County's RMS is a mechanism for ensuring a balance between land development and the resources necessary to sustain such development. When a resource deficiency becomes apparent, efforts are made to determine how the resource capacity might be expanded, whether conservation measures could be introduced to extend the availability of unused capacity or whether development should be limited or restricted to areas with remaining resource capacities. The RMS is designed to avoid adverse impacts from depletion of a resource.

The RMS describes a resource in terms of its level of severity based on the rate of depletion and an estimate of the remaining capacity. As to the underlying groundwater basin's dependable yield and estimated extractions, the 2004 RCS includes tables that compare the estimated dependable yield to the estimated extractions for the base period (2004) as well as for 2010 and 2020.

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Author: Date: 1/9/2009 1:25:30 AM
At this time this has not occurred and the settling parties have no authority to require the court "approve" the criteria.

Author: Date: 1/8/2009 1:05:17 PM
"approved" only for the inter se relation of the settling parties, not all parties

Author: Date: 1/9/2009 1:26:09 AM
But In the MOU participants have not not agreed to any final terms and that still could end up being less then "fully capable of being delivered"

of the Resource Management System. Regarding water resources, the RMS indicates that Level of Severity III exists when water demand equals the available resource; the amount of consumption has reached the dependable supply of the resource. A Level III may also exist if the time required to correct the problem is longer than the time available before the dependable supply is reached."

These three levels of severity are summarized below:

Level 1: Projected consumption estimated to exceed dependable supply within 9 years

Level 2: Seven year lead time to develop supplementary water for delivery to users

Level 3: Resource is being used at or beyond its estimated dependable supply or will deplete dependable supply before new supplies can be developed

The Resource Capacity Study confirms that,

"for the Nipomo Mesa area, demand presently equals or exceeds the dependable yield. Therefore, Level of Severity III is recommended for the water resources of the Nipomo Mesa area. For other portions of the basin, demand may equal or exceed the dependable yield by 2010 before a supplemental water supply can reasonably be expected to be secured. Level of Severity II is recommended for the balance of the basin within San Luis Obispo County."

On May 23, 2006, the County Board of Supervisors adopted Ordinance 3090 that amended Title 22.112.020 to add a new area wide standard as follows:

"General Plan Amendments and Land Divisions.
Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the requested amendment or land division, the application shall include provisions for supplemental water as follows:
"(a) General Plan Amendments: Where the estimated non-agricultural water demand resulting from the amendment would exceed the existing non-agricultural demand, the application shall not be approved unless supplemental water to off-set the proposed development's estimated increase in non-agricultural demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and is available for delivery to the Nipomo Mesa Water Conservation Area.

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Author: John Subject: Comment on Text Date: 1/8/2009 1:13:48 PM

the assumption that part of a basin can independently have a "dependable yield" is highly contested by experts, The EIR's failure to recognize the disagreement of experts and reliance on the assumptions that there can be a "Nipomo Mesa dependable yield" results in a failure of the EIR to fully analyze the full environmental impacts of the project

Author: Date: 1/8/2009 1:15:52 PM

clearly showing the county is limiting development based on lack of water(be it true or false) and the increase in water will result in unanalyzed impacts.

"(b) Land Divisions: Where the estimated non-agricultural water demand resulting from the land division would exceed the existing non-agricultural demand, a supplemental water development fee shall be paid for each dwelling unit or dwelling unit equivalent, at the time of building permit issuance, in the amount then currently imposed by county ordinance, not to exceed $13,200. If the development resulting from the land division is subject to payment of supplemental water development fees to an entity other than San Luis Obispo County, the amount of these other fees shall be deducted from the County fee."

In June, 2007, the County Board of Supervisors certified their Severity Level III finding.

In addition to the Basin Litigation and the water studies received by the County, the District has retained an outside consultant to perform an annual spring and fall well monitoring program. This well monitoring program is coordinated with the County of San Luis Obispo's well monitoring program for the NMMA and to the extent practical uses the same wells and methodology as the Department of Water Resources in the 2002 DWR Report.

Based on the County water studies and actions, the Basin Litigation, and the District studies, the District has: a) adopted restrictions by Ordinance limiting District water commitments for residential development to 31 acre feet per year; b) hired a water conservation coordinator; c) adopted water capacity charges to be paid by new connections to finance supplemental water projects and d) participated in the NMMA Technical Group.

-Nipomo Mesa Management Area

The Nipomo Mesa Management Area underlies the sand dune deposits that form the Nipomo Mesa. The dune deposits are from 150 to 250 feet thick and overlie the Paso Robles Formation, the primary groundwater aquifer. Since there are no streams on the Nipomo Mesa and the dune deposits are highly porous and permeable, recharge to the aquifer only occurs through precipitation, agricultural and urban return flows and sub-surface inflows from the nearby Santa Maria Groundwater Basin. The precise amount of precipitation recharging the aquifer is difficult to determine. While the dune sands are highly permeable, transpiration from existing eucalyptus groves and lateral flows along clay layers to nearby dune lakes prevent a certain amount of the precipitation from recharging back into the aquifer. To the west, the Nipomo Mesa Management Area is bordered by the Pacific Ocean. As such, the potential for sea water intrusion is a continuing issue.

Based on estimates of deep percolation and subsurface inflow for 1975 through the year 2000, NCSD has projected the safe yield of the Nipomo Mesa Management Area to be between 5,450 acre-feet per year to 6,450 acre-feet per year. DWR estimated the dependable yield of the Nipomo Mesa groundwater basin to be between 4,800 to 6,000 acre-feet per year.

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Author: Date: 1/9/2009 1:27:39 AM

The EIR fails to note and recognize that the results of the consultant's work disproves the assumptions that are the foundation of the project, this EIR, and other studies, that there is a limited flow between the "Nipomo area" and other area's in the basin. That flow was earlier estimated at 400 to 1000 Af per year is a sharp contrast to the flows of 20,000 AF in a 6 month period. (a factor off of 40 to 80) from the fall 2007 water in storage technical memo from the same consulting firm.

Author: Date: 1/9/2009 1:28:29 AM

The EIR fails to note that the NMMA Technical Group is not a public entity, does not comply with the brown act, and has no obligation other then further the private interest of the parties to the settlement agreement. Attendance by the public has been ban by the group along with access to the data and documents.

Author: Date: 1/8/2009 1:40:21 PM

The settlement's "Nipomo Mesa Managment Area" is not the same as the county of San Luis Obisp's "Nipomo Water Conservation Area" which is not the same as the study area of the DWR report the "Nipomo Mesa sub-area" the EIR's failure to note the difference results in a complete failure in the EIR to consider the full enviormental impacts of the project.

Author: Date: 1/9/2009 1:29:06 AM

the DWR never calls it the "Nipomo Mesa Groundwater basin" because it was clear that the pump able water depended on flows from other "areas". This is a gross misrepresentation in the EIR and the reviewer should actually read the real report at http://www.dpla.water.ca.gov/sd/water_quality/arroyo_grande/arroyo_grande-nipomo_mesa.html

Data from the State Department of Water Resources states that groundwater levels beneath the Nipomo Mesa declined from 1 to 10 feet in the northern part between 1975 through 2000 and as much as 58 feet in the central part between 1968 through 2000. However, their report further states that groundwater levels were stable in the western and southeastern parts of the Mesa, generally following rainfall cycles. According to DWR, groundwater levels beneath the Santa Maria Valley generally declined between 1945 through 1977, recovered by year 1986, then declined until about 1992; and by 1998 groundwater levels beneath the Santa Maria Valley recovered to near historic high levels. DWR describes the formation and growth of a groundwater depression in the south-central part of the Nipomo Mesa, where many NCSD and Golden State Water Company (formerly called Southern California Water Company) wells are located. Data in the 2002 DWR report suggested groundwater overdraft, though the report did not make that finding conclusive.

Because of inconsistencies in the 2002 DWR Report raised during the Santa Maria Groundwater Litigation, the County of San Luis Obispo commissioned its own study of groundwater issues in the Santa Maria Groundwater Basin and specifically the Nipomo Mesa. This study, by S.S. Papadopulos and Associates, concluded that the 2002 DWR study correctly identified overdraft conditions in the Nipomo Mesa area of the groundwater basin. Based on this and other evidence, the County's Water Resources Advisory Committee concluded that overdraft in the Nipomo Mesa area either exists currently or is imminent. However, as noted above, based on data presented to the Court in the Santa Maria Groundwater Litigation, the Court found that the Santa Maria Basin as a whole was not in a condition of long-term overdraft. The Court did, however, acknowledge that sub-areas within the basin could be found to be in overdraft as additional data is developed.

Within the Court's Settlement Stipulation and Judgment for the Santa Maria Groundwater Litigation, the Nipomo Community Services District has agreed to purchase supplemental water for delivery to the Nipomo Mesa Management Area. A minimum of 2,500 acre-feet per year of supplemental water is to be purchased and transmitted to the Nipomo Mesa by NCSD. The following parties shall purchase the following portions of this Nipomo Supplemental Water: NCSD – 66.68% (1,667 afy); Woodlands Mutual Water Company – 16.66% (417 afy); Golden State Water Company – 8.33% (208 afy) and Rural Water Company – 8.33% (208 afy).

Additional water supplies up to 3,700 acre-feet per year may be purchased by the District resulting in a total of 6,200 acre-feet per year.

- ***City of Santa Maria***

  - *Water Supply*

The City of Santa Maria receives water from three sources, City water wells located near the Santa Maria Airport, the State Water Project (SWP) from Northern California by way

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Author: Date: 1/9/2009 1:29:40 AM
another gross misrepresentation in the EIR, In fact it found the opposite

"the study refrains from finding that the Santa Maria Groundwater Basin within San Luis Obispo County is currently in overdraft because of consistent subsurface flow to the ocean and no evidence of sea water intrusion"

Other experts claim the data suggested overdraft but the DWR did not.

Author: Date: 1/9/2009 1:30:33 AM
No inconsistencies were raised during the Santa Maria groundwater litigation. If the EIR thinks it does, it should site the location in the record. In fact is that NCSD's expert used the DWR report as the basis of it's analysis but his conclusion was not credible at the phase III trial

Author: Date: 1/9/2009 1:31:33 AM
another gross miss quote, Papadopulos did not find that the "DWR study identified overdraft" he took the data and he himself came to the opposite conclusion as the DWR.

Author: Date: 1/8/2009 1:57:00 PM
The court never made this acknowledgement. It did however allow anyone who wanted to, bring forward their claim and proof of a sub-area overdraft. NCSD tried but failed to succeed in phase 3 of the trial and did not bring additional evidence or argument in phase 4 or 5. So No sub area was found, and no subarea was found to have an overdraft.

Author: Date: 1/9/2009 1:32:04 AM
There is no "court's settlement stipulation"
the EIR misrepresents this again, some parties voluntarily signed a settlement stipulation other did not. The court accepted the voluntarily settlement as a replacement for the filed claims between the settling parties.

Author: Date: 1/9/2009 1:33:24 AM
3700 acre-feet floats out of mid air and lands here in the EIR, The EIR fails back up this number or the basis of the assumptions of this number with any documentation, because in reality the number it is a future discretionary decision for NCSD as part of the project, the EIR needs to fully analyze the value, alteratives, and ramifications of this number. There is no "result" to make 6,200 AF

of the Coastal Branch Aqueduct and recharge from Twitchell reservoir. The blend or mix ratio of water from these sources varies with the amount of available SWP water and seasonal demand. The City of Santa Maria has a water supply agreement with the Central Coast Water Authority for 17,820 acre-feet of water per year of imported SWP water which is delivered to the City via the Coastal Branch of the California Aqueduct from the Polonio Pass Water Treatment Plant. Pursuant to this agreement, the City has agreed to import and use no less than 10,000 acre-feet per year of available SWP water or the full amount of available SWP water if the amount available is less than 10,000 acre-feet in any given year. The City plans to import its full allotment of 17,280 acre-feet of SWP water. Based on the Department of Water Resources Delivery Reliability Report prepared in 2005, the long-term average SWP deliveries are estimated to be approximately 77 percent of the SWP allocations because of the level of development of the SWP facilities and operational constraints which results in Santa Maria's long-term average SWP deliveries to be 13,706 acre-feet per year (AFY). Groundwater for the City is supplied by nine wells within the Santa Maria Valley Groundwater Basin. As previously noted, the total groundwater to storage capacity of the basin is estimated at approximately 4,000,000 acre-feet. This volume of groundwater in the basin provides, according to the City, a buffer to respond to drought conditions in the basin. The Settlement Stipulation and Judgment for the Santa Maria Groundwater Basin has given the City appropriative rights to pump a total of 12,795 acre-feet per year of groundwater from the Santa Maria Valley Groundwater Basin.

In addition to the natural recharge of the basin, recharge from Twitchell Reservoir represents an additional, man-made source of groundwater recharge which is operated for flood control and water conservation purposes. Releases from Twitchell Reservoir are controlled in order to maximize recharge of the basin through percolation along the Santa Maria River bed. Yield from the Twitchell Reservoir percolation when comingled with the other developed groundwater sources totals 14,300 acre-feet per year. Return flows from the use of State Water Project water is 65 percent of SWP water in the basin or an additional 8,909 acre-feet per year. These sources account for a total of 49,710 acre-feet per year of water introduced into the Santa Maria Groundwater Basin. This water supply is projected to remain relatively constant through the year 2030 in order to meet current and projected water demands over that period.

The City of Santa Maria expects to have an available supply in excess of projected water demands through the year 2030. In 2001, the City of Santa Maria's annual water demand was 12,930 acre-feet while current demands total approximately 15,000 acre-feet per year. The projected annual water demand for the City of Santa Maria in the year 2020 is estimated to be 20,500 acre-feet, 25,000 acre-feet per year by 2025 and 28,867 acre-feet per year by 2030.

- Water Quality

In the City's annual water quality report, the water from the city wells had an average TDS concentration of 764 mg/L and an average nitrate concentration of 25.5 mg/L. Water from the SWP had an average TDS of 280 mg/L and a nitrate concentration of 2.3

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Author: John Subject: Comment on Text Date: 1/9/2009 1:35:09 AM
The EIR, incorrectly, with out support makes the assumption that there are three sources.
All Twitchell reservoir water becomes groundwater before being pumped with wells by Santa Maria.

Author: Date: 1/8/2009 4:00:13 PM
This bogus statement is based on the basin being full to capacity of the basin which it is not and has not be for at least 100 years. There is no basis to assume there is 4,000,000 AF of groundwater in the basin.

Author: Date: 1/8/2009 4:03:23 PM
There is no section in the settlement or Judgment that has 12795 AF/Year listed as a "appropriative right", even if there was such a section the appropriative right is a low priority right that is elimlnated during a shortage of water in the groundwater basin and can not be relied on to supply groundwater with out class I impacts.

Author: Date: 1/8/2009 4:05:49 PM
Twitchell Reservoir "water" is part and parcel of the common groundwater. Any assumption otherwise is being appealed in the current litigation.

Author: Date: 1/9/2009 1:37:14 AM
this is completely unsupported the settlement notes the Twitchell yield is 32,000 AF per year. But it only purports to reallocate it because the parties to the settlement to not own the rights to it and therefor do not have the ability to reallocated it as Santa Maria claims.

Author: Date: 1/8/2009 4:09:43 PM
this is incorrect in this context because the 65% number is a past historical number not a future number

Author: Date: 1/8/2009 4:13:23 PM
If the number is true on average it's not true every year and the EIR fails to analyze the impacts of the yearly variation.

The Total number is not an amount of water that Santa Maria has a priority to in times of shortage. The priority amount is the State water actually delivered plus the actual return flow of that state water plus a contested deminimis prescriptive amount. some thing in the range of 5000 AF per year in a shortage

Author: Date: 1/8/2009 4:16:45 PM
there is no documentation to support this projection and it is highly contested that the supply will meet demand in the future. NCSD, Santa Maria and Golden State Water claimed that the basin was 30,000 AF short just 10 years ago and have not rejected or abandon those claims for the future litigation process.

mg/L. In 1997, the City of Santa Maria began using chloramine to treat its SWP supply. Chloramine is created when ammonia is added to stabilize free chlorine. Chloramine provides a long-lasting contact time with disinfection to the end of the distribution systems and does not have the chlorine odor or taste. The small amount of residual chloramine, 1.6 to 2.6 mg/L in the City of Santa Maria water supply, is considered safe for drinking by the U.S. Environmental Protection Agency (EPA). Generally, chloramines are ingested at low concentrations and are neutralized before they enter the bloodstream. The drawback to chloramine is that if it directly contacts the blood stream, it becomes unsafe. Kidney dialysis patients, owners of certain fish and reptiles and manufacturers which require ultra-pure water must take precautionary measures to remove the chloramine.

- ***Nipomo Community Services District***

  - Water Supply

The water supply for the Nipomo Community Services District (NCSD) is currently provided by eight active groundwater wells with an additional five wells on standby or currently out of service. The eight active wells possess a combined capacity of approximately 3,920 gallons per minute which extract groundwater from the Nipomo Mesa Management Area in order to provide water to its customers (see Table 13, Water Well Supply).

TABLE 13
WATER WELL SUPPLY

Water Wells	Flowrate Range (gpm)	Average Flow Capacity (gpm)	Cumulative Capacity (gpm)
Active Wells			
Sundale	800-1,200	1,000	1,000
Eureka	820-965	890	1,890
Via Concha	700-800	750	2,640
BL Well No. 4	300-450	375	3,015
Bevington	330-405	370	3,385
Knollwood	210-270	240	3,625
BL Well No. 3	120-210	165	3,790
Olympic	110-150	130	3,920
Standby Wells			
Church*	130-160	145	
Dana No. 1 (Cheyene)	75-125	---	
Dana No. 2 (Mandi)	75-125	---	
Savage	Out of Service	---	
Omiya	Out of Service	---	

* Water Quality less than desirable.

The District distributes the water through two separate operating systems: Blacklake Division (approximately 600 accounts) and the Town Division (approximately 3,400 accounts). Table 14, Nipomo Mesa and NCSD Historic Water Demand indicates the historic extractions from the Nipomo groundwater basin by NCSD.

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Author: Date: 1/8/2009 4:26:49 PM

There is no analysis of NCSD water Quality with or with out the project now or 30 years in the future.
The EIR has failed to analyze many reasonably foreseeable environmental impacts of quality because of this failure, such as the impact of the additional connections supported people who must have salt discharge into the sewer system that goes back to the basin.

TABLE 14
NIPOMO MESA AND NCSD HISTORIC WATER DEMAND (AFY)

	Nipomo Mesa Management Area					NCSD (Town\Black Lake Divisions)	
Year	*Population*[1]	*Urban*[2]	*Agriculture*[3]	*Other*[4]	*Total Demand*	*Accounts*	*Production Needed*[5]
1975	5,530	1,500	1,400	950	3,850	-	-
1980	6,490	2,100	1,700	950	4,750	-	-
1985	7,580	3,000	2,000	960	5,960	1,170	817
1990	9,666	3,900	1,900	960	6,760	1,731	1,247
1995	10,400	3,100	1,600	970	5,760	2,652	1,653
2000	No data available after 1995					3,254	1,892
2005						3,672	2,325

[1]Population values from DOF Special Projections for DWR in 1996
[2]Multiplying population by per capita water demand
[3]Derived from crop acreage multiplied by crop irrigation efficiency
[4]Conveyances losses, environmental demands, miscellaneous
Source: DWR 2002.

[5] Estimated by multiplying the consumption by 1.1
[6] 2005 estimates based upon 2004 data
Source: NCSD UWMP 2004.

Table 15, Recent Groundwater Pumping by NCSD indicates the extent of the most recent five-year groundwater pumping by NCSD.

TABLE 15
RECENT GROUNDWATER PUMPING BY NCSD (AFY)

Source	*NCSD Division*	*2000*	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*	*2007*
Nipomo Mesa Management Area of Santa Maria Groundwater Basin	Town	2,002	1,905	2,252	2,105	2,402	2,195	2,364	2.693
Nipomo Mesa Management Area of Santa Maria Groundwater Bain	Blacklake	409	373	447	435	476	411	384	290
Sub-Total, NCSD production from NMMA		2,411	2,278	2,699	2,904	2,878	2,606	2,748	2,983
Nipomo Valley Groundwater	Town	3	7	11	93	30	0	0	0
Total Pumped by NCSD		2,414	2,285	2,710	3,033	2,908	2,606	2,748	2,983

In response to the Stipulated Judgment, NCSD has implemented many policies to protect the Nipomo Mesa Management Area through the development of alternative water sources. NCSD's Annexation Policy requires that "...annexations shall provide a reliable water source, other than water from the Nipomo Hydrologic Sub-Area or pay for the costs of supplemental water for the area of annexation as a condition of District approval." New connections in NCSD's existing service area are required to pay a supplemental water fee. NCSD's future groundwater pumping from the NMMA will be monitored by the NMMA Technical Group, and depending on the condition of the groundwater basin, pumping of NCSD as well as others from the NMMA could be curtailed under Court authority pursuant to the Stipulated Judgment.

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Author: Date: 1/8/2009 4:29:10 PM
This is only one source of highly contested numbers. The EIR fails to analyze or disclose this fact and that results in many reasonably foreseeable environmental impacts.

Author: Date: 1/8/2009 4:30:36 PM
There is no analysis of the other purveyors that are reasonably foreseeable to use the water and the many reasonably foreseeable environmental impacts that will result.

Author: Date: 1/9/2009 1:38:27 AM
if you read the text it's only under mutual agreement by all the TMA parties. If there is a court order it will come from the litigation track and California common law requirements.

The Stipulated Judgment calls for the Nipomo Community Services District to develop 2,500 acre feet per year of supplemental water to reduce demand on groundwater resources. As a result, the District is developing outside sources of supplemental water to help offset existing groundwater use and to meet future needs. Future supplemental water sources could include state water (CCWA) and desalinated water. Table 16, Future Annual Water Supply indicates the assumptions made for transitioning from current water supply conditions using wells, to CCWA/wells and ultimately to desalination/wells. In general, near-term is defined as needing to occur by the year 2010, interim by 2020, and future by 2030.

TABLE 16
FUTURE ANNUAL WATER SUPPLY

Source/Condition	Current	Near-Term (2010)	Interim (2020)	Future (2030)
NCSD Wells	3,000	1,000	1,000	1,000
Proposed Project	--	2,500	1,500	0
Desalination	--	0	2,000	5,200
Total	3,000	3,500	4,500	6,200

As indicated above, future annual water supply projections indicate a significant reduction in District well usage from current production levels. It is anticipated that once supplemental water is secured wells will be primarily used to offset seasonal peak demand.

As previously discussed, NCSD's future groundwater pumping has been directed by the Court (pursuant to the Stipulated Judgment) through the directives of the NMMA Technical Group. It has been assumed that the Court and the Technical Group will manage the Nipomo Mesa Management Area to protect the long-term safe yield of the basin. However, with this management, in times of drought it may be necessary to take groundwater in excess of water annually recharged, known as "mining" the groundwater. This operation could only be allowed to the extent that an adequate sized buffer pool of groundwater storage remained above mean sea level so that sea water intrusion into the groundwater basin is precluded. Mining of groundwater provides some additional flexibility in water management. However, this cannot be considered a consistent supply. Mining of groundwater would need to be followed by additional replenishment in subsequent years.

The Nipomo Mesa Management Area was designated by the San Luis Obispo County Board of Supervisors as a Level of Severity III groundwater condition whereby "discretionary projects should be reviewed to insure inclusion of efficient water use practices for agricultural and domestic uses."

In May, 2006, as a part of the annual Growth Management Ordinance update, the County Board of Supervisors adopted the following relating to the Nipomo area:

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Author: Date: 1/9/2009 1:40:11 AM
There is no "Calls", NCSD willingly agreed to consider developing 2,500 AF of "Supplemental" water but has yet to make the decision per the MOU to do that.

Author: Date: 1/8/2009 3:40:50 PM
We heard that when the Sun Dale well EIR was done. So it's more then reasonably foreseeable (history) that NCSD will just add up all the "Capacity" and use that total as a basis for increased development, which this EIR has not properly evaluated. Nor has this EIR evaluated the same process that the City of Santa Maria has done to come up with the "Supply" from which the transported 6200 AF is to be a insignificant part.

Author: Date: 1/8/2009 3:31:36 PM
There is no "direction" from the court and the EIR can not support that with any text from the transcripts or judgment.

Author: Date: 1/8/2009 3:41:16 PM
The NMMA Technical Group run by unanimous consent. NCSD has the discretion to disagree with any attempt to take action by others on the NMMA. So there is effectively no direction from others to NCSD.

Author: Date: 1/8/2009 3:46:13 PM
There is no basis to state that "the Technical group will manage the Nipomo Mesa Management Area to protect the long-term safe Yield of the basin". The term "Safe Yield" is only applied to the Northern area, not in the Nipomo Mesa Management Area in the settlement in any form.

Author: Date: 1/8/2009 3:53:28 PM
The Settlement does not include an text on "mining" nor does the Judgment and is completely unsupported in this EIR. It should be removed.The assumption results in the failure of the EIR to access the actual environmental impacts of the project

Author: John Subject: Comment on Text Date: 1/8/2009 3:53:25 PM
The county has never considered the "Nipomo Mesa Management Area" to have a level of severity. This is total fabrication by the EIR and should be removed. The assumption results in the failure of the EIR to access the actual environmental impacts of the project

1. Reaffirm limiting new residential development in the Nipomo Mesa Area to an annual 1.8% growth rate;
2. Change the Level of Severity for Water Supply from II to III; however, the Board further determined that a building moratorium would not be necessary based on implementing the following measures, as well as environmental determinations for development proposals on the Nipomo Mesa would continue to be made on a case-by-case basis, where an EIR would not necessarily be required if water supply is identified as the only significant issue. The following water conservation measures were required of all new development (and added as County LUO planning area standards) as of August, 2006:
    a. Require all sink faucets in bathrooms and kitchens in new residences be equipped with automatic shut off devices. This also applies when a bathroom is added, or when the floor area is increased by twenty per cent (20%). Automatic shut off faucets operate by means of a hands-free electric sensor.
    b. Require drip-line irrigation for all landscaped areas (except turf areas) installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware.
    c. The maximum amount of turf (lawn) area may not exceed twenty percent of the site's total irrigated landscape area, and, in all cases the site's total irrigated landscape area shall be limited to 1,500 square feet.

Water purveyors in the Nipomo Mesa area were encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water.

Also, in an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations may be recommended.

In August, 2006, the Board also approved new requirements for all land divisions accepted for processing after June 23, 2006 and General Plan Amendments submitted after June 23, 2006 in the Nipomo and the Nipomo Mesa areas. Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area will include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the land division, the project will be subject to contributing towards acquiring supplemental water.

On June 26, 2007, the Board of Supervisors, as a part of the County's Resource Management System annual update, reaffirmed and certified a Level of Severity III for

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Author: Date: 1/8/2009 4:50:41 PM
The board only made the change for the "Nipomo Mesa Water conservation area" less the Woodlands which have a approved water source on the Nipomo Mesa for there future development.

Author: Date: 1/8/2009 4:53:40 PM
The EIR, incorrectly, does not include this development in the EIR process that is outside of the NCSD sphere of influence in it's analysis.

NCSD Future Water Demands By Land Use Scenario and Growth Rate provides a summary of estimated future water demands within the NCSD service area and sphere of influence area for each land use scenario and growth rate. As indicated therein, projected water demands for 2025 range from 4,030 acre-feet per year (assuming the existing Land Use designation scenario and the 2.3 percent growth rate) to 5,750 acre-feet per year (assuming the high density land use assumption and the 7.8 percent growth rate).

TABLE 18
NCSD FUTURE WATER DEMANDS BY LAND USE SCENARIO AND GROWTH RATE

Land Use Scenario and Growth Rate	2010	2015	2020	2025	2030
Existing Land Use Designations and 2.3% Growth Rate	3,450	3,920	3,980	4,030	4,080
Existing Land Use Designations and 3.7% Growth Rate	3,650	3,930	4,030	4,130	4,230
Existing Land Use Designations and 7.8% Growth Rate	3,730	4,000	4,210	4,510	4,720
Existing Land Use Designations with Land Use Amendments and 2.3% Growth Rate	3,480	3,960	4,030	4,080	4,150
Existing Land Use Designations with Land Use Amendments and 3.7% Growth Rate	3,680	3,980	4,080	4,200	4,330
Existing Land Use Designations with Land Use Amendments and 7.8% Growth Rate	3,760	4,060	4,300	4,650	4,880
High Density Land Uses and 2.3 % Growth Rate	3,600	4,350	4,720	4,800	4,930
High Density Land Uses and 3.7% Growth Rate	3,800	4,630	4,790	5,000	5,220
High Density Land Uses and 7.8% Growth Rate	4,180	4,740	5,150	5,750	6,200

Future water demands, as noted above, were compared to projected water supplies during a normal water year, a single dry year and multiple dry years. A normal supply year is found sufficient to serve the existing service area through the year 2030, using the lower and middle growth rates. The highest growth rate under each land use scenario exceeds available normal supplies and the high density land use scenario exceeds these available normal supplies the soonest (as early as 2011).

Within a single dry year, no differences in conditions from the normal supply year are anticipated. Additional irrigation demands within this scenario are expected to be compensated by water conservation.

Within multiple dry years, irrigation uses would be limited and additional conservation measures would be required. A management alternative to the imposition of major water demand reductions is the pumping of additional groundwater in excess of the amount of water annually recharged known as groundwater "mining."

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Author: Date: 1/8/2009 4:55:51 PM
The EIR fails to consider the demand supplied by this project outside the Urban Water Management plan area.

Author: Date: 1/8/2009 4:57:39 PM
The EIR does not consider the effect of NCSD relying on Santa Maria delivering water and then not having the priority to deliver and it's effect on the water supply.

The NCSD Water and Sewer Master Plan Update, dated December, 2007, provides a detailed breakdown of existing water demand and projections of future demand by land use designation based upon the assumption of future development within the District and its adjacent Sphere of Influence areas pursuant to the current County General Plan (i.e. the South County General Plan). Table 19, Existing and Future Annual Water Demand By Land Use indicates existing and future water demand totals from the District Master Plan Update.

TABLE 19
EXISTING AND FUTURE ANNUAL WATER DEMAND BY LAND USE

Land Use Designation	Existing Annual Demand (afy)	Estimated Water Use at Buildout (afy)
RMF – Residential Multi-Family	332	600
RSF – Residential Single Family	867	1632
RS – Residential Suburban	520	1237
RR – Residential Rural	163	688
RL – Rural Lands	0.2	106
AG – Agricultural	0	0
PF – Public Facility	13	25
OP – Office and Professional	5	9
CR – Commercial Retail	134	227
CS – Commercial Services	17	69
OS – Open Space	8	13
REC – Recreation	67	618
Black Lake	461	530
Southland Specific Plan	--	98
Total	2,587	5,852[1]

[1] Source: NCSD Water and Sewer Master Plan Update, December, 2007

These demand totals have been rounded to 3,000 afy for existing conditions and 6,200 afy for estimated water use at build-out to account for in-lieu groundwater recharge and an 8% unaccounted system loss factor.

Nipomo Mesa well water meets primary drinking water quality standards. The entire NCSD water supply is classified as hard water with data from four wells indicating TDS concentrations over 500 mg/L. The NCSD uses one active well to extract groundwater from the Nipomo Valley. NCSD tries to limit the use of Nipomo Valley groundwater in order to avoid potential interference with agricultural pumping in the area because this water source contains elevated levels of sulfides and dissolved solids.

NCSD currently uses chlorine to disinfect its water supply. Chlorine disinfection is very efficient and has a low cost. The disadvantage is that chlorine is fast acting and may not reach the ends of the water distribution system. It also may cause an unpleasant taste and if there is organic material in the water, trihalomethanes (THMs) may be formed which are known carcinogens.

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Author: John Subject: Comment on Text Date: 1/8/2009 5:01:10 PM

There is no such legal thing as "in-lieu groundwater recharge", it's a term used as a slight of hand to claim more water rights then a purveyor really has the rights to. and the EIR should not be based on this false assumption.

Author: Date: 1/8/2009 5:02:18 PM

Ag water use has never been a reason to limit the pumping in the valley, only the sulfides and dissolved solids are the real reason. The EIR does not support this incorrect statement.

2. Thresholds of Significance

Water-related impacts would be considered significant if the proposed project resulted in:

- Violation of any water quality standards or waste discharge requirements.
- Otherwise substantially degrade water quality.
- Substantial interference with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- Substantial alteration of the existing drainage pattern of the site or area, including through alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
- Creation or contribution of runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Exposure of people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam.
- Substantial depletion of groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)

3. Project Impacts

Impact C-1. *The proposed project may result in the creation of water quality incompatibility due to the differences in water treatment employed by the City of Santa Maria and the NCSD.*

The importation of water from the City of Santa Maria water system creates water quality compatibility issues. The Nipomo Community Services District currently employs chlorination water treatment in order to provide disinfection within the District's water distribution system and meet State and Federal drinking water standards. The City of Santa Maria utilizes chloramination to boost chloramine levels in their blended groundwater and imported State Water supplies. Engineering analyses provided three potential water treatment alternatives, those being: 1) uncontrolled blending of City of Santa Maria and NCSD water; 2) converting City of Santa Maria water to chlorine treatment or 3) converting the NCSD water supply system to chloramine treatment.

The advantage of uncontrolled blending is that no changes in the NCSD water disinfection system are required. However, uncontrolled blending of City of Santa Maria and NCSD water may result in the loss of chlorine residual in the interface zone where the two sources of water meet in the NCSD water distribution system. As a result, a higher than desired chlorine to ammonia ratio is created. Blending of chloraminated and

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Author: Date: 1/8/2009 5:04:04 PM
The NCSD is currenly in Violation of Waste water Discharge requirements. The EIR fails to analyze the change in the Violations resulting from this project.

Author: Date: 1/8/2009 5:05:15 PM
The EIR fails to analyze the change in the water quality due to the additional development this project is to support.

Author: Date: 1/8/2009 6:42:37 PM
The EIR fails to analyze the projects effect increasing the water in storage under the mesa and prevent the additional recharge from the Santa Maria valley. This is a Class I unavoidable Effect of the project.

Author: Date: 1/9/2009 1:43:10 AM
The project is clearly going to deplete 6200 AF per year from the Santa Maria Valley an area determined to be in overdraft in the 1950 and 60 with no analysis as to the amount of water being used today or the maximum capacity of the basin as a whole or the Santa Maria Valley area. Even if the EIR incorrectly assumes that Santa Maria can pump an amount of water the EIR has failed to analyze the effect that water use will have on other basin users. That impact based on the entire set of evidence at the Santa Maria groundwater basin trial to date is reasonable foreseeable to have a Class I unavoidable impact. NO STUDY has looked at the Maximum amount of water that can be extracted from the basin as a whole to know the effect of this project. This project will result in a net increase in pumping.

outs could potentially result in adverse impacts to both surface water quality in the Santa Maria River and the underlying Santa Maria Groundwater Basin.

Frac-outs generally occur in very coarse grained, pebbly to cobbly sands, such as occur within the currently and formerly active channels of the Santa Maria River, to a depth of approximately 130 feet, or in fractured bedrock. Underground horizontal directional drilling in clay, silt, and sand generally does not result in frac-outs, as these types of sediments allow a cohesive mudpack, or filter-pack, to form on the walls of the borehole. The integrity of the mudpack in these types of sediments prevents the drilling mud from permeating the surrounding strata and migrating to the ground surface or groundwater.

The potential for frac-outs also increases with increasing length of the underground borehole. Longer drilling reaches require increased hydraulic pressures for effective drilling at increased distances from the drill rig. Higher pressures also occur with increases in elevation. This increased hydraulic pressure increases the pressure on the surrounding strata, thus increasing the potential for frac-outs. Therefore, the extended length of the proposed bores (up to 2,500 feet) and the generally coarse-grained materials through which drilling would occur would result in potentially significant, but mitigable impacts.

Impact C-3. *The proposed project may result in degradation of surface water quality as a result of potential construction related spills.*

Concrete work and use of fuels and lubricants associated with the construction equipment could affect water quality in the event that an accidental spill occurred during construction and was washed into nearby drainages or the Santa Maria River. Water quality impacts would be potentially significant, but mitigable.

Impact C-4. *The proposed project may result in a substantial depletion of the Santa Maria Groundwater Basin supplies, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.*

In dry years, when the City of Santa Maria receives a less than average allotment of SWP water, the City may increase pumping from the Santa Maria Groundwater Basin to make deliveries to the Nipomo area. Diversion of up to a maximum of 6,200 acre-feet per year of City of Santa Maria water to the NCSD is a potential part of the project.

As previously discussed, the three sources of water to the City of Santa Maria, groundwater from City Wells, the State Water Project (including return flows) and a recharge from Twitchell Reservoir provides a total of 49,710 acre-feet per year of water being introduced into the Santa Maria Groundwater Basin. This water supply is projected to remain relatively constant throughout the year 2030 in order to meet current and projected water demands over that period. Current water demands within the City of Santa Maria are approximately 15,000 acre-feet per year with projected water demands in the year 2020 estimated to be 20,500 acre-feet per year, 25,000 acre-feet per year in the year 2025 and 28,867 acre-feet per year in the year 2030.

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Author: Date: 1/8/2009 6:54:50 PM
And in future years when Santa Maria just uses all it's SWP in an average year.

Author: Date: 1/8/2009 6:53:15 PM
But Santa Maria does not have a priority right to pump groundwater and can end up short and unable to provide this water. That would be a potential class I impact.

Author: Date: 1/8/2009 6:53:33 PM
There is no basis for this claim water does enter the supply but Santa Maria does not have a priority right to pump Groundwater or Twitchell water, State water and it's return flow can be greatly reduced from the maximum 17600 AF to 10-20% of that

The additional demand of 3,000 acre-feet per year (Phases I and II of the proposed waterline intertie project) combined with the current total demand of 15,000 acre-feet per year results in a total demand of 18,000 acre-feet per year or a net surplus of 31,710 acre-feet per year. The additional "worst-case" demand of 6,200 acre-feet per year (completion of Phase III of the proposed project) results in a total demand of 26,700 acre-feet per year by the year 2020, 31,200 acre-feet per year by the year 2025 and 35,067 acre-feet per year by the year 2030. These future water demand levels result in a net surplus of 23,010 acre-feet per year in the year 2020, 18,510 acre-feet per year in the year 2025 and 14,643 acre-feet per year in the year 2030. With the additional water demands associated with the provision of the proposed waterline intertie project, the City of Santa Maria expects to have an available water supply in excess of projected water demands through the year 2030. The impact of the additional water demands associated with the proposed project upon the Santa Maria Groundwater Basin represents a less than significant impact.

However, management of the Santa Maria Valley Groundwater Basin has been evaluated and restructured by the Settlement Stipulation and Judgment with specific provisions related to groundwater rights, groundwater monitoring programs and development of plans and programs to respond to potential water shortage conditions. The City of Santa Maria recently entered an agreement, dated July 7, 2005, with other water purveyors in the Santa Maria Groundwater Basin, which stipulates that a proposed entity will monitor groundwater levels and water quality in the basin, as well as recommend groundwater management actions if needed. Therefore, groundwater extractions would be limited to maintain a safe yield. Any limits set forth by the adjudication could also limit the NCSD deliveries. The City would not be able to provide water to the Nipomo area in excess of limitations of the adjudication. This would act to further protect the Santa Maria Valley Groundwater Basin, resulting in a less than significant impact.

Impact C-5. *The proposed project will result in the replenishment of groundwater supplies within the Nipomo Mesa Management Area.*

The importation of additional water as a result of the NCSD Waterline Intertie will augment current water supplies available to the Nipomo Community Services District as well as supplies available to other local water purveyors by diminishing groundwater pumping and via return flows. It will also provide a greater diversity of water sources to the District thereby increasing the reliability of water supply to the District through the addition of a second water source which reduces the potential need for groundwater "mining." A portion of these future water supplies (2,500 acre-feet per year) can assist in the balancing of groundwater levels in the Nipomo Mesa Management Area. These additional water supplies will serve existing customers, new development within the current service area of NCSD, the District's Sphere of Influence area and areas outside both the current service area or Sphere of Influence area of the District or local water purveyors. For these reasons, the proposed project will provide a beneficial impact to groundwater supplies within the Nipomo Mesa Management Area.

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Author: Date: 1/8/2009 6:58:05 PM
There is no support by any study that there is a surplus of 31,710 AF of water in the basin or that Santa Maria has excess to. The EIR has been duped by Santa Maria propaganda and failed to analyze all the reasonably foreseeable impacts of the project. There has been no analysis of the relation of the 3,000 AF to the actual supply that can be used.

Author: Date: 1/8/2009 7:04:27 PM
and I could find someone who would sell NCSD the Brooklyn bridge.
see Cultural Significance at ttp://en.wikipedia.org/wiki/Brooklyn_Bridge

References to "selling the Brooklyn Bridge" abound in American culture, sometimes as examples of rural gullibility but more often in connection with an idea that strains credulity. For example, "If you believe **that**, I have a wonderful bargain for you..."

Author: Date: 1/8/2009 7:05:02 PM
but what about other users in the basin?

Author: Date: 1/8/2009 7:07:02 PM
There is no basis or standard to support this conclusion. the only conclusion based on the information is that the project will have a Class I significant potential impact that is reasonably foreseeable and the EIR fails to support any other conclusion.

Author: Date: 1/8/2009 7:11:35 PM
only as to the settling parties, NCSD and all other settling parties still have to follow the full extent of California Common law along with the other litigating parties (Litigating only, Litigating and settling and Settling only parties)

Author: Date: 1/8/2009 7:12:38 PM
That entity does not exist and creation of an enity as proposed is considered by many as unconstitutional.

Author: Date: 1/8/2009 7:13:36 PM
There is no support in the Settlement to support this statement

Author: Date: 1/8/2009 7:15:42 PM
There is no evidence that it will result in a less then significant impact.

Author: Date: 1/8/2009 7:21:52 PM
But increase the potential to "Mining" in the Santa Maria Air Port area. There is no evidence that one is better then the other or that the total effect is not a class I Impact.

Author: Date: 1/8/2009 7:19:37 PM
This does not consider the detrimental impact of reduced subsurface recharge, future loss of pumping rights, increased salt load on the basin, increase in pumping overall in the basin.

Author: Date: 1/8/2009 7:21:57 PM
To recap this section "and I could find someone who would sell NCSD the Brooklyn bridge"

4. Cumulative Impacts

Installation of the proposed waterline intertie would provide a source of water that would eliminate a potential constraint upon the future development and population growth within the planning area. Regional drainage patterns will not be altered as a result of the proposed project. No significant net change in downstream flooding conditions is anticipated as a consequence of the proposed project. Although the proposed project in combination with other cumulative projects in the area (see Section IV.B. Cumulative Projects) represents an incremental change in regional drainage patterns, the proposed project within the cumulative development scenario represents an insignificant change in the regional or cumulative drainage and flooding conditions. The proposed project in combination with other cumulative projects in the area represents an incremental addition of graded and impervious surfaces. Increases in surface drainage due to the proposed project, however, are considered to be a minor addition to existing water quality conditions. With proper erosion control and other water quality measures in place, potential project impacts related to downstream sedimentation and the introduction of other pollutants typical of urban use within the cumulative development scenario will not significantly impact cumulative or regional water quality conditions.

Within the cumulative development scenario, cumulative projects in the area (see Section IV.B. Cumulative Projects) would generate additional water demands. These additional demands may impact available water supplies within the entire Santa Maria Groundwater Basin. Withdrawal of groundwater from the Santa Maria Valley Management Area would contribute to these potential cumulative water resources impacts. Management of the Santa Maria Valley Management Area has been evaluated and restructured by the Settlement Stipulation and Judgment with specific provisions related to groundwater rights, groundwater monitoring programs and development of plans and programs to respond to potential water shortage conditions. The City of Santa Maria recently entered an agreement with other water purveyors in the Santa Maria Valley Management Area, which stipulates that a separate entity will monitor groundwater levels and water quality in the basin, as well as recommend groundwater management actions if needed. Therefore, groundwater extractions would be limited to maintain a safe yield. Any limits by the adjudication could also limit the NCSD deliveries. The City would not be able to provide water to the Nipomo area in excess of limitations of this adjudication. This would act to further protect the Santa Maria Valley Management Area, resulting in less than significant cumulative impacts.

Provision of additional water supplies to the Nipomo Mesa Management Area as a result of the proposed project is considered to represent a beneficial cumulative impact to this area.

5. Mitigation Measures

The following measure addresses Impact C-1, potential creation of water quality compatibility issues in District water supplies.

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Author: Date: 1/8/2009 7:22:57 PM
It is a constraint not a "potential" constraint

Author: Date: 1/8/2009 7:26:28 PM
There is no support in the Settlement that the pumping would be limited to the safe yield, in fact this EIR has discussion of the exceeding the safe yield on an ongoing basis.

Author: Date: 1/8/2009 7:28:31 PM
could be less then significant in the Santa Maria valley Management area, but Major Class I significant impacts in the Nipomo area with homes that NCSD can't supply needed water to. So the overall impact is Cass I

Author: Date: 1/8/2009 7:29:54 PM
but Unreliable, low priority supplies result in Major Class I significant impacts in the Nipomo area with homes that NCSD can't supply needed water to. So the overall impact is Cass I

Mitigation Measures C-2, C-3, and C-4 will reduce potentially significant water quality impacts related to underground horizontal directional drilling-induced frac-outs to an insignificant level (Class II Impact). Mitigation Measure C-5 will ~~reduce~~ potentially significant water quality impacts associated ~~with~~ equipment maintenance and fueling spills to an insignificant ~~level (Class II~~ Impact).

Potential impacts related to the groundwater supplies within the Santa Maria Groundwater Basin are considered to be less than significant (Class III Impact).

Potential impacts related to groundwater supplies within the Nipomo Mesa Management Area are considered to be beneficial (Class IV Impact).

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Author: Date: 1/8/2009 7:31:58 PM
See text above both impacts are Class I

G. GEOLOGY

The following analysis of geology is based upon the "Nipomo Community Services District Waterline Intertie Project, Geological Resources Evaluation" prepared by Science Applications International Corporation (SAIC) dated July 29, 2005. This analysis is included in its entirety in Technical Appendix H of this document.

1. Existing Conditions

- ***General Topography and Stratigraphy***

The project area includes the Nipomo Mesa on the north and the Santa Maria Plain to the south. The northern, Nipomo Mesa portion of the project area, which is located generally north of the Santa Maria River, consists of a relatively flat-topped mesa, which rises approximately 120 feet above the adjacent Santa Maria River. This area is underlain primarily by Pleistocene older alluvium, older dune sand and the Orcutt Formation. The older alluvium consists of gravel, boulders, sand and other coarse detrital material of local origin imbedded in a dense matrix of silt and clay. These deposits are crudely stratified, poorly consolidated and locally cemented. Thicknesses of these deposits range between 10 and 90 feet.

The older dune sand deposits consist of coarse- to fine-grained, massive sand beds, containing some silt and clay. The sands are loosely to slightly compacted. These deposits are typically anchored by vegetation and have a well-developed soil mantle. Localized clay layers create perched groundwater conditions. The older dune sand deposits have a maximum thickness of approximately 250 feet in the project area. The Orcutt Formation in the project area consists primarily of loosely compacted, massive, medium-grained sand with lenses of clay. The thickness of the formation is approximately 100 feet.

The southern portion of the project area, which is underlain by the relatively flat-lying Santa Maria River bottom, is underlain by Holocene alluvium, consisting primarily of unconsolidated, poorly-bedded, poorly sorted sand, gravel, silt, and clay with some cobbles and boulders. The alluvium is approximately 130 feet thick in the project area. Interbedded clay, clayey sand and gravel are present at depths below 130 feet.

- ***Site-Specific Topography and Stratigraphy***

The southern terminus of the project area is located approximately one mile south of the Santa Maria River at the intersection of Blosser Road and West Taylor Street. The east-west trending flood control levee along the southern bank of the Santa Maria River consists of a sediment core that is armored by partially grouted boulders and is underlain by Holocene alluvial deposits. Immediately north of the southern flood control levee is a relatively flat-lying overbank area of the Santa Maria River. An approximate six foot high river bank is present along the boundary of the main (i.e. active) river channel, which ranges between 30 and 50 feet in width. Sediments in the southern overbank area,

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Author: Date: 1/8/2009 7:38:31 PM

but the EIR fails analyze the geology of the whole true project area of the Santa Maria groundwater basin or the hydro geology of the area.

H. TRAFFIC

1. Existing Conditions

Primary access to the project area is provided via State Highway 101. In the project area, Highway 101 is a four-lane freeway served by interchanges at Tefft Street, Hutton Road (Highway 166) and Broadway Street. Other regional roadways near the project area are State Highway 1 and State Highway 166. The local circulation system serving the Nipomo area includes Joshua Street, Orchard Road, Southland Street, South Frontage Road, Darby Lane, South Oakglen Avenue and Tefft Street. With the exception of the four lanes on Tefft Street, all these local roadways are two-lane paved roads. Immediately north of the Santa Maria River, Cuyama Lane and Hutton Road west of Highway 101 are the two-lane paved roadways serving the industrial and commercial uses in this area.

On the south side of the Santa Maria River, local roadways include Blosser Road and Preisker Lane, both two-lane local roadways, which lead to the four-lane Broadway Street and its interchange at Highway 101. Atlantic Place runs parallel to the southern river levee. West Taylor Street intersects and terminates at Blosser Road approximately one mile south of the Santa Maria River.

2. Thresholds of Significance

The County of San Luis Obispo defines Level of Service C as the lowest acceptable service level for intersections and roadway segments in rural areas. According to San Luis Obispo County significance criteria, a significant traffic-related impact would occur if the addition of project traffic causes an intersection or roadway segment currently operating at acceptable levels of service (LOS C or better) to reduce to unacceptable levels (below LOS C) or if a project contributes additional traffic to intersections or roadways currently operating at unacceptable levels of service.

Construction activities may result in significant impacts to traffic circulation if they result in the long-term diversion of traffic or closure of a roadway or intersection resulting in an unacceptable level of service. Construction activities may also result in significant impacts if they result in the creation of insufficient parking, block or impede access to other properties or result in hazards to pedestrians or bicyclists.

3. Project Impacts

Impact H-1. *The proposed project will generate additional traffic which could result in traffic congestion or unacceptable levels of service on an adjacent roadway or intersection.*

The proposed project will generate a minor amount of traffic during construction activities. The traffic generated by project construction activities will involve automobile trips associated with worker commutes, haul trucks and construction equipment. As

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Author: Date: 1/8/2009 7:47:39 PM

Everyone knows, more water, more houses, more people, more cars, more traffic. More people, more stores, more cars,more traffic. It's more then reasonably foreseeable that there could be a class I impact on traffic that is not analyzed by the EIR.

VI. UNAVOIDABLE ADVERSE IMPACTS

The State CEQA Guidelines state that an EIR must describe any significant impacts which cannot be avoided or eliminated if the proposed project is completed. These impacts have been discussed in detail in Section V. Environmental Analysis of this EIR and are listed in Table 26, Project Impact Summary below with their respective impact category.

TABLE 26
PROJECT IMPACT SUMMARY

Project Impact	Impact Category	Impact Area
A. Land Use and Planning	Class I	Long-term and cumulative impacts due to elimination of a constraint upon future development in areas served by additional water supplies.
	Class III	Direct impacts on adjacent land uses due to project construction and operations.
B. Population and Housing	Class I	Long-term and cumulative impacts due to elimination of a constraint upon future development in areas served by additional water supplies.
	Class III	Increased housing demand associated with project construction.
C. Water	Class II	Water quality impacts due to differences in water treatment employed by the City of Santa Maria and the NCSD, underground horizontal directional drilling and equipment maintenance/refueling.
	Class III	Impacts to groundwater supplies in the Santa Maria Groundwater Basin.
	Class IV	Addition of groundwater supplies to the Nipomo Mesa Management Area.
D. Biological Resources	Class II	Impacts related to nesting activities of protected migratory birds and raptors, special-status terrestrial and avian species, special-status aquatic or semi-aquatic species, sensitive habitat areas within the Santa Maria River, large eucalyptus trees located on Southland Street and Orchard Road, the generation of silt and sedimentation and long-term pipeline operations and maintenance activities.
	Class III	Impacts upon non-listed wildlife species, the Santa Maria River wildlife migration corridor, foraging bird species and special-status plant species.
E. Aesthetics	Class II	Impacts associated with views of project facilities and the generation of light and glare.
	Class III	Visual impacts associated with project construction.
F. Cultural Resources	Class II	The potential disturbance or alteration of cultural resources or the discovery of unknown cultural resources during project construction.
G. Geology	Class II	Erosion-induced siltation of the Santa Maria River and other local drainages.
	Class III	Exposure of facilities to seismic ground shaking and associated ground failure, exposure of facilities to landslides, locating the project on an unstable geologic unit or unstable soils and the loss of available mineral resources.
H. Traffic	Class II	Impacts related to the diversion of traffic, impeding access to adjacent properties and potential hazards to pedestrians or bicyclists.
	Class III	Impacts related to construction-related traffic generation and the loss of available parking.
I. Noise	Class II	Impacts related to the short-term generation of construction noise and long-term project operations.
J. Air Quality	Class II	Air quality impacts associated with project construction and long-term project operations.

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Author: Date: 1/8/2009 7:49:19 PM
See comments above, this is not a correct list of the true projects true impacts.

VII. ALTERNATIVES TO THE PROPOSED PROJECT

According to the State CEQA Guidelines, an EIR is obligated to present alternatives to the proposed project which are capable of eliminating significant environmental impacts. A reasonable range of alternatives to the proposed project that could feasibly attain the basic project objectives must be provided. Significant environmental effects of the alternatives must be discussed, but the discussion may be in less detail than the prior analyses concerning the effects of the proposed project. This analysis of project alternatives will also identify the environmentally superior project alternative(s).

This Draft EIR addresses the following alternatives to the proposed project:

A. No Project Alternative
B. Eastern River Crossing Alternative
C. Highway 101 Bridge Alternative
D. Surface Crossing Alternative
E. Existing Pipeline Alternative
F. New Bridge Alternative
G. Reduced Pipeline Capacity Alternative
H. Alternative Project Sites
I. Alternative Water Sources

The analysis of each project alternative begins with a description of the alternative followed by a discussion of its environmental impacts. Following this discussion, the environmentally superior project alternatives (as compared to the proposed project) are identified. This determination is based upon three separate analyses: a) the ability of the project alternatives to reduce and/or eliminate the significant unavoidable adverse (Class I) impacts associated with the proposed project; b) the ability of the project alternatives to reduce or eliminate the remaining potentially significant but mitigable, i.e. direct (Class II) impacts associated with the proposed project and c) the project alternatives which adversely impact the Nipomo Mesa Management Area groundwater supplies.

Based upon the following analysis, the No Project Alternative and the Reduced Pipeline Capacity Alternative are capable of reducing or eliminating the significant unavoidable adverse impacts in the areas of land use and planning and population and housing that are associated with the proposed project. It was further concluded that the No Project Alternative was capable of eliminating the potentially significant but mitigable (i.e. direct) impacts associated with the proposed waterline intertie. It was also concluded that the Eastern River Crossing, Highway 101 Bridge, Surface Crossing, Existing Pipeline and New Bridge Alternatives have significant but mitigable (i.e. direct) impacts that are greater than those associated with the proposed intertie project and the remaining project alternatives. It was finally determined that two project alternatives, the No Project Alternative and the Reduced Capacity Alternative, will result in additional adverse impacts upon groundwater supplies within the Nipomo Mesa Management Area as compared to the proposed project and the remaining project alternatives.

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Author: Date: 1/8/2009 8:15:37 PM
This does not include the alternative to complete design of the pipe and wait until there is an actual need for the pipe and a real court order with an actual time line required.

4. Aesthetics – The No Project Alternative will eliminate any impacts to visual resources and light and glare associated with the proposed project.

5. Cultural Resources – Potential impacts to cultural resources will be eliminated with the No Project Alternative.

6. Traffic/Noise/Air Quality – Traffic and associated air quality and noise impacts associated with the proposed project will be eliminated with the No Project Alternative.

3. Comparative Analysis

The No Project Alternative eliminates the significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing that are associated with the proposed project. The No Project Alternative also eliminates the potentially significant but mitigable (i.e. direct) impacts associated with the proposed project. The No Project Alternative will, however, result in additional adverse impacts upon the groundwater supplies within the Nipomo Mesa Management Area.

The No Project Alternative fails to meet all of the proposed objectives related to the avoiding further depletion of NMMA groundwater supplies, compliance with the Groundwater Adjudication, assisting in balancing groundwater levels, augmenting NCSD water supplies, augmenting water supplies to current purveyors, provision of a diversity of water sources, responding to LAFCO requirements and provision of supplemental water supplies to the NCSD service area and Spheres of Influence (see Table 27, Project Alternatives, Comparison With Project Objectives).

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Author: Date: 1/9/2009 1:47:35 AM
There is no technical support backed by real data to support this claim.

ALTERNATIVE WATER SOURCES

The Nipomo Community Services District considered several alternative sources of supplemental water prior to their selection of the proposed waterline intertie project. These options include: 1) Santa Maria Groundwater; 2) State Water Project Water; 3) Desalination; 4) Brackish Agriculture Drainage; 5) Nacimiento Water Project; 6) Wastewater Recharge and 7) Recycling. The evaluation of these alternative water sources was based upon several factors including: 1) water supply, 2) water quality, 3) reliability of supply, 4) schedule (i.e. timing), 5) institutional (legal and regulatory) constraints and 6) project costs.

1. Santa Maria Groundwater

This alternative water source involves acquiring supplemental water supplies from the City of Santa Maria through the direct pumping of groundwater from the Santa Maria Groundwater Basin at a new well site adjacent to the Santa Maria River. In addition to a new well, this option also requires water treatment, storage and transmission pipelines to deliver water to the NCSD.

As discussed in Section V.C. Water, the City of Santa Maria has adequate water supplies to provide supplemental water to the NCSD in the quantities currently proposed. However, it is uncertain whether this alternative water source will provide a "new" supply of water to the NCSD or whether it will intercept the existing inflow of groundwater from the Santa Maria Valley Management Area (SMVMA) to the Nipomo Mesa Management Area (NMMA).

The hydrogeologic interaction between NMMA and the SMVMA is currently not well defined. According to the 2005 Santa Barbara County Groundwater Report, these separate management areas appear to have limited interaction. However, a 2002 Department of Water Resources study notes that groundwater flow from the SMVMA to the NMMA may occur and is dependent on groundwater elevation and hydraulic gradients. That report further estimated inflow to the NMMA from the SMVMA to be between 1,200 and 5,100 AFY in 1995. There is also the likelihood that extracting groundwater at the location proposed would lower groundwater elevations, thereby reducing the hydraulic gradient between the SMVMA and the NMMA. If such a reduction in gradient were to occur, the effect would be to reduce the quantity of groundwater flowing from SMVMA to NMMA, and by extension, could also reduce the movement of groundwater from NMMA to the Northern Cities Management Area.

Water quality and reliability were not considered to be significant constraints to the implementation of this option. It is estimated that four to six years would be required to fully implement this alternative water source in comparison to the one year required for construction of Phase I of the proposed project.

The institutional constraints on this option involve the potential violation of the Stipulated Settlement and Judgment for the Sana Maria Groundwater Basin due to lowering of groundwater elevations and/or impacts upon the hydrologic interaction between the SMVMA and the NMMA. This option is also dependent upon the willingness of the City of Santa Maria to pursue this options and a transfer of yield from the Twitchell Reservoir supply.

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Author: Date: 1/9/2009 1:50:21 AM
There is no support for this comment. There is no legal restriction on any pumping in a non overdrafted basin.

TO: Bruce Buel, Nipomo Community Services District
NCSD Board of Directors

FROM: Bill Petrick, Blacklake Resident

Date: April 6, 2009

SUBJECT: **My Response to Your Response on the Draft EIR Comments**

REFERENCES:
(1) Written comments, July 23, 2008 NCSD Board Meeting
(2) NCSD Waterline Intertie Draft EIR, November 2008
(3) "Comments on the Waterline Intertie Draft EIR", Jan. 2009
(4) NCSD Response to Draft EIR Comments, March, 2009
(5) State Water Allocations for the City of Santa Maria, CCWA, April 2009.

The initial environmental impact review for the waterline intertie project was presented to the NCSD Board on July 23, 2008. My written comments were submitted at that time (ref. 1) and acknowledged in the initial draft of the EIR (ref. 2). After most of my comments were not adequately addressed in the draft EIR, I wrote a letter intended to restate and clarify my positions (ref. 3). The NCSD response to that letter is included in a chapter of the draft EIR (ref. 4).

The NCSD response to my comments is unresponsive and dismissive, so I will try (once again) to make my points. I realize there are other points of view, so a rational discussion of concerned parties would be beneficial. I hope we can have those discussions.

SPECIFIC COMMENTS.

1. Justification for this project.

From ref. 3: "As far as the environmental impact is concerned, any pipeline construction project is more destructive than no pipeline (also documented in section VII of ref. 2). If the pipeline does not meet any realistic needs, then why do it and damage the environment?"

My point, here, is to question the justification for this project which leads to downgrading the No Project Alternative. Things have changed in the four years since the Stipulation was made and maybe the underlying assumptions need to be revisited. The Nipomo Mesa Technical Group is now capable of making informed technical assessments and maybe the judge needs to review the latest plans before $20M+(up from $6M at the time of the Stipulation) is committed to the NCSD rate-payers.

2 Missing or inaccurate data.

Your comments completely dismissed the environmental impact concerns in my statement by disputing the numbers in my table. If the numbers were wrong, you could have fixed them and addressed the concerns. I am disappointed in your characterization that my table is "highly inaccurate" and is based on data not available to NCSD or the City of Santa Maria. Do you think I make this stuff up? My data came from publicly-available information (DWR, CCWA, City of Santa Maria, etc.). However, since you questioned my sources, I have contacted CCWA for an "official" accounting of the State Water that goes to the City of Santa Maria (ref. 5). My new table (and concerns) are shown below.

Santa Maria Water Supply

Source	2004	2008	2009 (no pipeline)	2009 (with 3000 AFY pipeline)
Total Water Needed	13243	15000*	15000*	18000*
SWP (AFY) used or available	12020 (used)	7792 (35% of allocation) + others	5245 (20% of allocation) + others	5245 (20% of allocation) + others
Groundwater (AFY) used or needed	1223	6237	9755	12755
% Groundwater	9%	42%	65%	71%

* pgs. V-37 and V-48, Draft EIR

From an environmental impact view, this change in pumping is exactly what the Santa Maria litigation is all about. Almost 50 years ago the basin was in overdraft by over-pumping, so the Twitchell Dam was built to assist in the basin recharge, and better water conservation and management practices were implemented. The recent Stipulation agreement is the latest attempt at protecting the basin's water supply. The proposed "pipeline" moves water from one part of the basin to another without regard for the damage it could do to the Santa Maria area. The draft EIR only identifies the "benefits" to the Nipomo Mesa area. What about the impact on Santa Maria?

3. Missing impact statements.

Again, you missed my point on the environmental impact of a higher mix of groundwater to state water. If the previous table was not correct, why not provide a correct set of data, rather than generalized statements and dismissing my attempt to quantify the quality of the delivered water?

The draft EIR is deficient in that it does not include the environmental effect on the water quality of the water transported from one area of the basin to the other. The water quality in both Nipomo and Santa Maria will be adversely affected, thereby making this option a

bad choice. The following table shows the calculated effect of the groundwater mixing (see table above) on the Total Dissolved Solids (TDS) for Santa Maria. The TDS data is taken from the Santa Maria Urban Water Management Plan and the calculation assumes the TDS is a mixture of the weighted fraction of groundwater and SWP.

Santa Maria Water Quality (Total Dissolved Solids, TDS)

	2005	2009	2009 (with pipeline)
% Groundwater	9%	65%	71%
TDS (mixed)	301 ppm	736 ppm	754 ppm

where:
%GW = % groundwater in mix
TDS (mixed) = %GW x (GW TDS @ 844 ppm) + (1.0-%GW) x (SWP TDS @ 247 ppm)
Note 1: In the Santa Maria Urban Water Management Plan, it is recommended that TDS should be less than 500 ppm.
Note 2: The actual TDS for Nipomo water in 2007 was 571 ppm.
Note 3: The actual TDS for State water at the Santa Maria turnout is as high as 495 ppm. The value of 247 is the optimistic low.

In 2009, due to the decreased amount of state water available to Santa Maria, there will be a large negative impact on the water quality in Santa Maria. Pumping an additional 3000 AFY for the waterline intertie will just exacerbate an already poor situation. At the Nipomo end of the pipeline, the water quality is no better. The draft EIR uses the data from 2004 to make a positive statement about the water quality when, in fact, the water quality will be poorer than the existing Nipomo water. Furthermore, NCSD, in promoting this project, has explicitly stated that Nipomo residents could eliminate any water softeners, when in fact the water quality and hardness will be worse. This issue should be included and analyzed in the EIR.

Although this analysis only looks at TDS, the draft EIR should look at all the components of the latest water quality values for both Nipomo and Santa Maria, then compute the expected values after the intertie is in place. These are the numbers that should be in the draft EIR, not the historical data that will never be delivered.

The impact statements for water (C-1 through C-5, pgs V-45 through v-48 of the draft EIR) are all "fru-fru" statements that do not address the really significant water impacts listed above. I believe these missing impact statements are Class I and cannot be ignored or dismissed by NCSD.

In summary, the proposed pipeline will endanger the water supply in Santa Maria by pumping more water than is necessary from the Santa Maria valley (which has already had an overdraft situation 50 years ago), and will degrade the water quality at both ends of the pipeline.

4. Effects of global warming

You missed my point completely on this. Your response is not even relevant to my concern. My concern is that you have not evaluated data (available from DWR) that will affect pumping patterns and amounts of state water and groundwater available to the basin under various global warming scenarios.

5. Flawed analysis of alternatives

This comment was concerned with how the alternatives were evaluated and that, from an environmental impact view, obtaining state water at the Nipomo turnout is the least damaging. The arguments against that option are political and should not be included in the environmental impact.

WIP (supplemental water) EIR comments:								
	Average AF/Year			Stipulating				
	SM	GSWC	NCSD	Landowners				
AF/Y Pumping	12795	11400	3000		12796	SM 1997 NN		
					11400	GSWC 1996,2000 F17,F18		
State water contract	17280	500	0		3000	NCSD 2004, 2006 RMS		
Average State Water	77%	77%	0					
State water delivered	13306	385	0					
Return flow	65%	45%	0					
Average Retun flow water	8649	173	0		13706	0.65	8909	SM return flow
Appropreatve rights AF/Y	12795	11400	?					
Average "Twitchell Yeild"	12800	12800	0	6400	32000	0.4	12800	SM Twitchell
Developed Water rights	1500	?	?	?				
					stipulation alocation			
Existing shortage	0	-208	-1667			%	AF	
"Requirment" to buy water		208	1667		2500	0.6668	1667	NCSD
					2500	0.1666	417	Woodlands
Total	49049	24758	3000		2500	0.0833	208	GSWC
					2500	0.0833	208	RWC
	12800 AF @$24/AF							
"Twitchell Yeild" cost/Year	$200,000	$200,000		$100,000	TMA/Twitchell Costs		$/AF/Year	
average AF/Y	12800	12800		6400	$500,000	32000	$16	
average Cost per AF	$16	$16		$16				
WIP Water cost/Year		$249,900	$2,000,400					
AF/Y		208.25	1667					
Cost per AF		$1,200	$1,200					
GSWC								
Yearly est Water cost per 10000 hookups		$45						
Yearly Pipe line cost est		$0						
NCSD								
Yearly est Water cost per 3000 hookups			$667					
Yearly Pipe line cost est			$400					
The "supply Excess ends" in 2030								
Cost for the next 20 years		$899.80	$21,336					

The EIR is not complete and non-responsive and should be re-agenized after it is really complete so people can properly comment.

The EIR response to the actual source of the water brings up many red flags that have not been addressed.

1. Mike Winn has stated that NCSD won the lawsuit. If so where is NCSD's appropriative rights considered? If Santa Maria can sell it's rights can't NCSD use there's? Any appropriative rights would reduce the amount of water existing customers need and the related Impacts.

2. Buried in the "Twitchell water" 14300AF is a **new number of 1500AF of "developed water"**. Mike Winn has stated that NCSD won the lawsuit. If so where is NCSD's developed water rights? Even a small amount of "developed water" would make a considerable difference in the costs for existing water customers. Where is the option of buying others parties such as SLO's "developed water"?

3. Twitchell Yeild is spread over three groups. The EIR does not consider the alternatives of GSWC or Landowners supplying that water for a lower cost closer to $16/AF instead of $1200/AF from Santa Maria.

4. The EIR is **based on the fiction of average supply**, there is no consideration of the actual supply in a years of shortage or drought. This year State water will be a very low number, 20%, Return flows will also be 20%. Twitchell Yeild is near 0 and the other "Developed water" will be very low. So there will be no "surplus" water for NCSD to use. Santa Maria will have to increase it's appropriative pumping to supply NCSD. (and will get an increase appropriative right over NCSD in the future).

5. The EIR does not consider the growth inducing fact that the project will not only remove a constraint but will subsidize future development. Three years ago a very similar project to bring in 6,400 AF was proposed for $24 million dollars, split 50/50, ½ or $12 million paid for by future development, ½ or $12 million paid for existing requirements. Now the cost for the existing requirements has nearly doubled to $21 million but the cost for the third phase for future development has only increased to $16 million for a total project cost of $37 million. With the first phase of the project for 3000 AF at $21 million and the second phase for future development is $16 million, **Future development costs will be subsidized by millions of dollars.**

6. Given that Mike Winn wrote: "Past developers – by the way, many of whom are still practicing their trade here now - did not pay enough. We knew it then, just as we know it now" (9/22/08), every effort should be made to find lower cost alternatives to the Santa Maria offer for the portion of water that existing customers must pay.

7. The EIR does not consider the effects of a unreliable supply so I conclude with a quote by Mike Winn on the reliability: **"the ocean for us represents the only long term sustainable drought proof water supply that we can get, State water allocations are iffy, you know the smelt decision and others have a reduced the deliveries, we don't know that those are going to be sustainable in the future, the others where you take water and your sort of move it around you still have a finite amount with in your basin and when it's utilized to it's full maximum it's over"** (Mike Winn, 10/16/07 comments to the San Luis Obispo Board of Supervisors)

WIP (supplemental water) EIR comments On: V. Environmental Analysis, ***NCSD Waterline Intertie Final EIR,*** V-37to V-38, ***City of Santa Maria-*** *Water Supply,*

The City of Santa Maria receives water from three sources, City water wells located near the Santa Maria Airport, the State Water Project (SWP) from Northern California by way of the Coastal Branch Aqueduct and recharge from Twitchell reservoir. The blend or mix ratio of water from these **sources varies with the amount of available SWP water and seasonal demand.** The City of Santa Maria has a water supply agreement with the Central Coast Water Authority for 17,820 acre-feet of water per year of imported SWP water which is delivered to the City via the Coastal Branch of the California Aqueduct from the Polonio Pass Water Treatment Plant. Pursuant to this agreement, the City has agreed to import and use no less than 10,000 acre-feet per year of available SWP water or the full amount of available SWP water if the amount available is less than 10,000 acre feet in any given year.

The City plans to import its full allotment of 17,280 acre-feet of SWP water. Based on the Department of Water Resources Delivery Reliability Report prepared in 2005, the long-term average SWP deliveries are estimated to be approximately 77 percent of the SWP allocations because of the level of development of the SWP facilities and operational constraints which results in Santa Maria's long-term average SWP deliveries to be 13,706 acre-feet per year (AFY). Groundwater for the City is supplied by nine wells within the Santa Maria Valley Groundwater Basin. As previously noted, the **total groundwater to storage capacity of the basin is estimated at approximately 4,000,000 acre-feet**. This volume of groundwater in the basin provides, according to the City, a buffer to respond to drought conditions in the basin. **The Settlement Stipulation and Judgment for the Santa Maria Groundwater Basin has given the City appropriative rights to pump a total of 12,795 acre-feet per year of groundwater from the Santa Maria Valley Groundwater Basin.**

In addition to the natural recharge of the basin, recharge from Twitchell Reservoir represents an additional, man-made source of groundwater recharge which is operated for flood control and water conservation purposes. Releases from Twitchell Reservoir are controlled in order to maximize recharge of the basin through percolation along the Santa Maria River bed. Yield from the Twitchell Reservoir percolation **when comingled with the other developed groundwater sources totals 14,300 acre-feet per year**. Return flows from the use of State Water Project water is 65 percent of SWP water in the basin or an additional 8,909 acre-feet per year. These sources account for a total of 49,710 acre-feet per year of water introduced into the Santa Maria Groundwater Basin. This water supply is projected to remain relatively constant through the year 2030 in order to meet current and projected water demands over that period.

The City of Santa Maria expects to have an available supply in excess of projected water **demands through the year 2030**. In 2001, the City of Santa Maria's annual water demand was 12,930 acre-feet while current demands total approximately 15,000 acre-feet per year. The projected annual water demand for the City of Santa Maria in the year 2020 is estimated to be 20,500 acre-feet, 25,000 acre-feet per year by 2025 and 28,867 acre-feet per year by 2030