TO: BOARD OF DIRECTORS

FROM: BRUCE BUEL

DATE: MAY 8, 2009

AGENDA ITEM
E-1
MAY 13, 2009

APPROVE WATERLINE INTERTIE PROJECT AND AUTHORIZE NOD FILING

ITEM

Approve Waterline Intertie Project and authorize filing of Notice of Determination [ADOPT RESOLUTION]

BACKGROUND

Members of the community, the Peer Review Panel, the Projects Committee and your Honorable Board reviewed and commented on the Draft WIP Concept Design Report. AECOM has submitted the attached Final Report revised to reflect this input and the Final EIR (the final costs do incorporate AECOM's projected cost to comply with all of the Mitigations Measures). Also attached is a memorandum from AECOM documenting the specific response to each of the comments submitted by the Peer Review Panel. Finally, attached is a Resolution prepared by District Legal Counsel making project findings, approving the project and directing staff to file a Notice of Determination with the County in compliance with CEQA.

FISCAL IMPACT

Preparation of the concept design has cost approximately $500,000 of Supplemental Water Fund funds in AECOM's approved Scope of Work. Preparation of the resolution involved approximately $3,000 in charges from District Legal Counsel and Doug Wood and Associates. Adoption of the resolution initiates the balance of the design.

RECOMMENDATION

Staff believes that the proposed project will achieve the objectives set forth by the Board in the FEIR in a timely and cost effective manner. Staff further believes that development of the project described in the Concept Design will reduce NMMA pumping so as to protect the groundwater basin from the current consumptive use exceeding natural recharge. Staff recommends that the Board receive any public feedback; ask any questions of AECOM, DWA or Staff; and then adopt the attached resolution.

ATTACHMENTS

- Concept Design Report
- Peer Review Panel Responses
- Draft Resolution

t:\documents\board matters\board meetings\board letter 2009\S.doc

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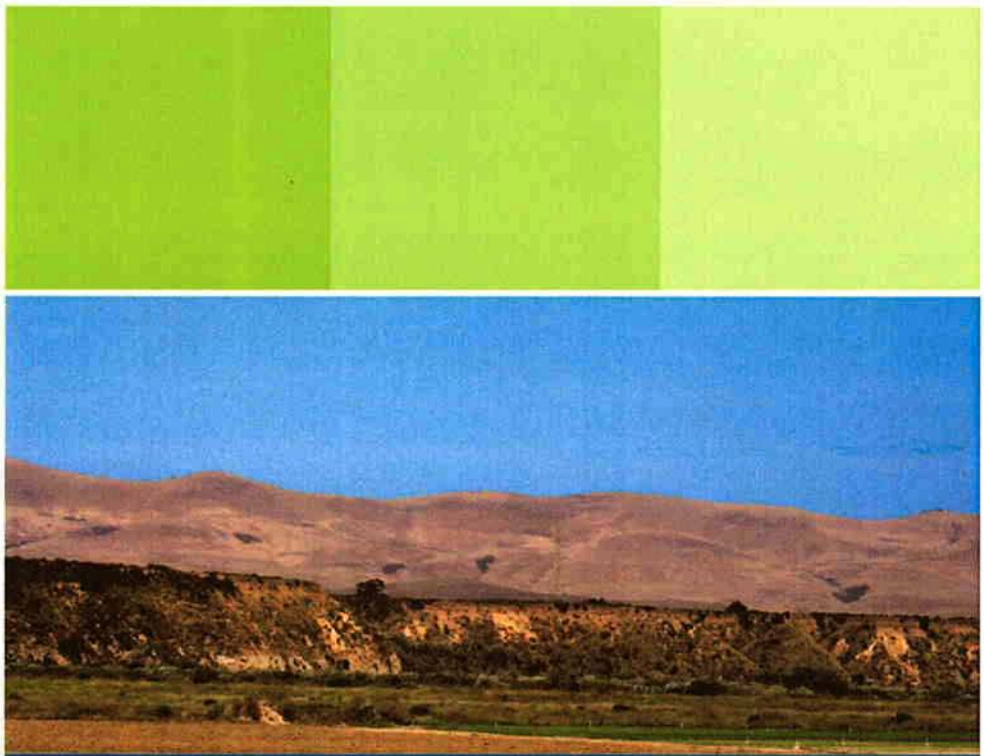
Nipomo Waterline Intertie Project

CONCEPT DESIGN REPORT
Volume 1 of 3



April 2009

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CONCEPT DESIGN REPORT APPENDICES

Volume 2 of 3

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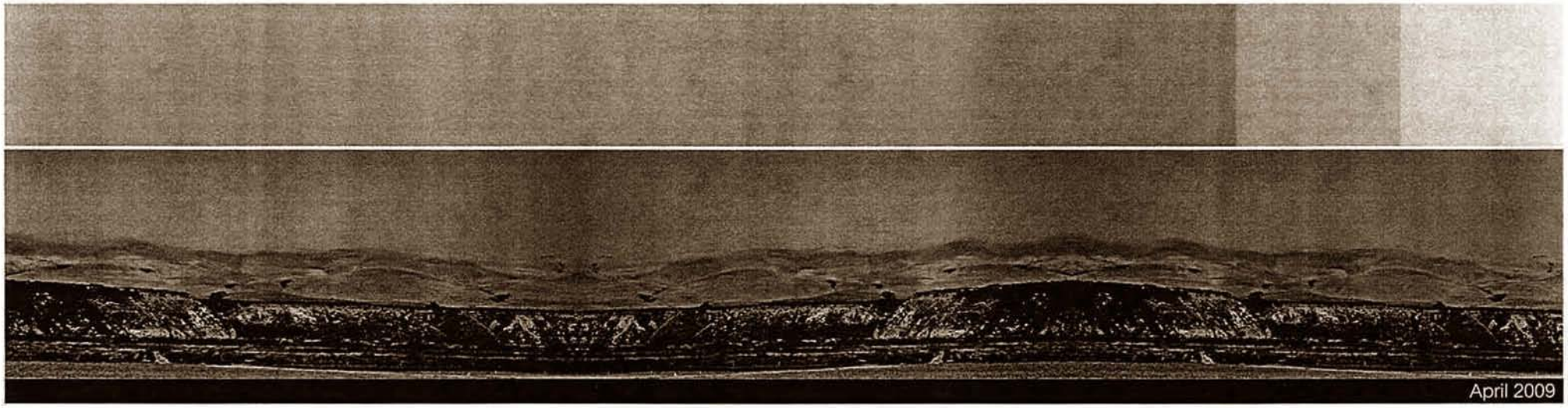
CONCEPT DESIGN REPORT 30% DESIGN PLANS
Volume 3 of 3



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Memorandum

Date:	May 6, 2009
To:	Bruce Buel, NCSD General Manager Peter Sevcik, PE, NCSD District Engineer
From:	Mike Nunley, PE Josh Reynolds, PE Eileen Shields, EIT
Subject:	Response to Comments: Waterline Intertie Project Draft Concept Design Report

In April 2009, the Nipomo Community Services District (NCSD) acquired peer review comments on the Waterline Intertie Project Draft Concept Design Report (AECOM, April 2009) from area professionals in the engineering and construction management field. AECOM reviewed these comments, prepared responses, contained herein, and addressed design issues where appropriate in the Final Concept Design Report.

The peer review process is an important step in design and we appreciate the time spent and consideration provided. The final Concept Design Report was completed in May 2009; we've included a copy for your reference. Outlined below are AECOM's responses to the comments provided by members of the peer review team and construction management team. Comments are identified by team member initials as follows: Paul Karp = PK, Jim Garing = JG, and Kim Lindbery = KL. If you have any questions or concerns regarding the Concept Design, we welcome discussion and look forward to working together towards the 60% design submittal.

PK 1: Volume 1 of 3, Page 2 of 84; Section 1.2, Project Background: The third paragraph states, *According to City staff, the City currently delivers State Water to their customers at all times except during the scheduled State Water outages in November.* This statement has not been true for some time. The City has been blending State Water supplies with local groundwater supplies consistently since June 2007. The City attempts to maximize the use of State Water supplies that are available, and makes up the difference between available State Water supply and customer demand with local groundwater. With the reduction in allocation for the last three years due to statewide drought conditions, groundwater has played an increasingly larger part of the water supply portfolio.

AECOM: The sentence was deleted and reference to the water source was changed to "municipal mix, including both City groundwater and State Water Project supplies".

PK2: Volume 1 of 3, Page 3 of 83; Section 1.2, Project Background: Provision #3 states, *Payment will be either $1,250 per acre feet or an Annual Variable Rate in the amount of $895 per AF, adjusted by 3% annually through June 30, 2065.* This is inconsistent with the draft wholesale water supply agreement. Payment terms should probably reference the wholesale water supply agreement draft to avoid confusion until the text is finalized.

AECOM: The discussion of payment terms was deleted and replaced with "*The District and the City of Santa Maria are currently negotiating the terms of the water supply agreement*".

PK3: Volume 1 of 3, Page 5 (no page number) of 84; Section 1.3, Project Components: Figure 1-1 bears in the Legend a green colored line designated to represent "Horizontal Directional Drill or Open Trench". I haven't determined the location of such an improvement in the figure and I assume its merely a superfluous remainder from the previous options study work and it should be deleted.

AECOM: Legend symbol was deleted.

PK4: Volume 1 of 3, Page 17 of 84; Section 3.3, Existing Utilities: The third paragraph highlights the possibility for conflicts with irrigation pipelines near the HDD exit point. The drawing labeled Page C102, Sheet 4 of 11 (BP1, Volume 3 of 3) indicated the presence of "Agricultural Field Under Cultivation," but there does not appear to be any recorded irrigation line easements. Appropriate notes regarding pipe locations (possible relocations and rights of way issues) must be added in a later phase of design when property acquisitions are complete.

AECOM: The District is currently working with property owners. The following sentences were added to Section 3.3, end of third paragraph "The need for irrigation pipeline relocation will be further assessed as the design progresses. Utility relocation logistics will be addressed during the right-of-way acquisition process."

PK5: Volume 1 of 3, Page 47 of 84; Section 6.2.14, Tank Bypass: The section states, *A bypass will be constructed to allow water to flow directly from the river crossing pipeline into the pump station suction piping, allowing the tank to be taken offline for maintenance while the pump station continues to transfer City water.* The hydraulic surge analysis discussed (sic) starting on Page 53 of 84 provides an assumption that the proposed buried tank is at 50% water level. Has a surge analysis been conducted that removes the buried tank from the analysis to simulate the conditions described above? What are the potential impacts to the City of Santa Maria system under these conditions?

AECOM: AECOM has investigated the hydraulics of the transmission main with the tank offline, and does not anticipate the need for surge control to protect the transmission main (surge pressures in the transmission main are safely within the working rating of the selected pipe). AECOM will prepare a Technical Memorandum to evaluate the effects a hydraulic surge event could have on the City's water distribution system prior to the 60% project design submittal.

PK6: Volume 1 of 3, Page 48 (no page number) of 84; Figure 6-1, Hydraulic Profile: This figure was bound into my copy of the report with a backwards orientation.

AECOM: Noted and rotated for future reproduction.

PK7: Volume 1 of 3, Page 49 of 84; Section 6.4, Flow Control: This section states, *The flow control valve will act to protect the tanks from overflow by closing in the event that the tanks reach a preset high water level.* While it is understandable that NCSD desires operational protections that reduce the risk of tank overflow, by providing the mechanism described above, NCSD is passing on an operational burden to CSM staff and/or infrastructure. Under this scenario, the City is forced to reserve some of its storage for potential increased flows from NCSD, creating de facto storage for Nipomo in City reservoirs. While CSM can make operational changes to avoid this scenario, CSM staff would be accepting an additional operational responsibility that it currently doesn't have. Perhaps this can be mitigated by an alternative solution or procedural agreements between the agencies to address daily operations.

AECOM: AECOM recommends that a detailed operations plan be prepared by NCSD and the City to outline the procedures that will govern the operation of the waterline intertie. See Section 5.4, "Flow Control."

PK8: Volume 1 of 3, Page 52 of 84; Section 6.5.4, Control of Pumps: The second paragraph states: *The Quad Tanks level will be used to send an emergency "off" signal to the booster station in the even (sic) that a high water alarm is detected at the Quad Tanks. A low water level in the buried reservoirs will shut the booster pumps off to prevent cavitation in the pumps.* There is no reference to alarms that will alert the operator to conditions of concern in advance of an "off" signal to the booster pumps. Nipomo staff should receive information alerting them to conditions out of the operational norm so that adjustments can be made that are less severe than shut-off of the booster pumps, which, at a minimum will have a negative impact on the City of Santa Maria distribution system, as described above.

AECOM: Yes, alarms will be integrated into the system to alert staff to changing conditions. Section 5.5.4 has been modified to reference this.

PK9: Volume 2 of 3, Appendix E: The System Pressure Reduction Study left me with a few questions. From my reading, Option 1 proposes use of individually plumbed pressure regulators at dwellings within the area of high pressure between Story and Southland Streets. Use of 4 pressure reducing valve (PRV) stations (per the Executive Summary, Page ES-2) or 5 (per Table 1-2, Page 10 of 84) stations, will create an increase construction cost and ongoing energy consumption. The stations will also add to maintenance and operation costs and add a potential liability for private property damage. In the event of equipment malfunction or errors by staff or district contractors, every property within the service area would be exposed to the increased operating pressures called for under every option except Option 1. Individual regulator failure would not affect a major exposure of multiple customers to the higher pressure, and the operation pressure would be about 10 psi lower under Option 1. The required increased pressures to operate with the PRV stations also seem to have raised the pipe class rating of the new system reinforcement. The inferior pressure available for fire protection with the PRV options has already been noted.

AECOM: NCSD and AECOM are investigating some methods to mitigate the potential liability in the event a PRV station fails. It is AECOM and the District's belief that the recommended project carries the least risk of failure, especially considering the age and unknown condition of the existing water distribution infrastructure in the high pressure zone.

The model shows that there is actually better fire flow available in the high pressure zone compared to the existing conditions with the recommended project, for more information refer to Table 3 of Technical Memorandum No 9, System Pressure Reduction Study, Appendix A in the Final Concept Design Report.

KL1: Volume 1 of 3, 2.4 – Bid Process – MNS would like to recommend at least two pre-bid meetings, one for the HDD pipe bid package and one for the other three. Since the HDD pipe is specific to a limited number of contractors, and would not typically be able to be bid on by local pipe line contractors, we recommend a pre-bid meeting be held for just this bid package. We would also like to suggest the District and AECOM consider holding two pre-bid meetings for the other three contracts (if they are all released at the same time) about 7 – 10 days apart to ensure all the contractors have a chance to attend. Sometimes contractors will attend both meetings and return with questions which can be easily answered and documented as part of the of the pre-bid vs. individual faxes and phone calls which then have to be made available to all bidders. If the bid documents are released in stages, then just one meeting for each might be the best approach.

AECOM: Noted and will be incorporated as the project progresses.

KL2: Volume 1 of 3, 3.3 – Existing Utilities – It was noted that irrigation pipelines near the HDD exit point may need to be relocated. These appear to be private and MNS assumes AECOM or the District will make preparations with the owners to have these relocated prior to construction if needed.

AECOM: The District is currently working with property owners. The following sentences were added to Section 3.3, end of third paragraph "The need for irrigation pipeline relocation will be further assessed as the design progresses. Utility relocation logistics will be addressed during the right-of-way acquisition process."

KL3: Volume 1 of 3, 3.5.1 – Hydraulics – MNS noted the difference in operating and maximum pressures between the piping systems for the treated water pipe lines and wanted to make sure the pressure testing specifications be double checked so they are applicable to the individual pipes and operating pressures, as well as the appurtenances.

AECOM: Chapter 9 (Hydrotesting and Commissioning) of AWWA Manual M55 - PE Pipe Design, indicates that the pipe may be subjected to a maximum hydrostatic test pressure of 1.5 times the rated pressure of the pipe in accordance with ASTM F2164 – Standard practice for Field Leak Testing of Polyethylene (PE) Piping Systems Under Hydrostatic Pressure. That said, the recommended pipe material is AWWA C906-07 DR-9 HDPE with a corresponding pressure class rating of 200 psi. At 1.5 times the rated pressure, the maximum permissible test pressure at the lowest point in the test section is 1.5 x 200 psi = 300 psi. This maximum permissible test pressure exceeds the maximum operating pressure plus estimated surge of 220 psi. A maximum test pressure of 220 psi at the lowest point along the profile is recommended. The following changes are incorporated to the report text:

Section 3.5.1, fourth paragraph, second sentence is deleted. The following sentence is inserted in its place "The carrier pipeline material shall have sufficient internal pressure capacity to accommodate the estimated maximum pressure including surge of 220 psi as well as the design test pressure.

Section 3.5.1, Table 3-1 (24-inch Carrier Pipeline Hydraulics) is expanded to include hydraulics for both the entry point and the exit/high point.

Section 3.6, first paragraph, third sentence is deleted. The following sentence is inserted in its place "According to AWWA C906-07, DR-9 pipe has a recurring surge capacity of 100 psi (in addition to working pressure rating of 200 psi) which is more than sufficient to handle the estimated maximum pressure including surge of 220 psi.

Section 3.6, Second paragraph is inserted as follows "Hydrostatic field leak test pressure will not exceed 220 psi at the HDD low point. Due to profile, test pressure will vary along pipeline alignment."

KL4: Volume 1 of 3, MNS would like to recommend that acceptable locations or methods for disposal of water after bacterial testing of the HDPE pipe be considered as the contract documents develop. It is assumed that disposal of water after testing in other areas of the system could be made through the District's sewer system, but if this is not the case, this should be considered as well.

AECOM: Noted. This issue will be addressed as the design progresses.

KL5: Volume 1 of 3, 3.7.1 – Subsurface Conditions and Anticipated Ground Behavior During HDD – Installation of the pipe was recommended during "low flow" due to the potential for seasonal water. As design moves forward and the bid package develops, MNS would like to make sure this constraint is noted so the contract duration is consistent with timing for construction during low flow. Depending on the severity of this issue, there could be discussion at a later date to consider scheduling constraints in the contract documents.

AECOM: Per the project EIR, construction shall occur during the dry season (i.e., April 15 to October 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. Furthermore, the EIR indicates that no construction activities shall occur during or immediately following a rain event or if water is flowing within the Santa Maria River. These requirements will be incorporated into the Contract Documents.

KL6: Volume 1 of 3, 3.7.4 – Construciton Considerations – A "mid-path" intercept was discussed using two drill rigs. Unless AECOM and Jacobs Associates have determined this method will be specified in the contract documents, MNS would like to have further discussion about the advantages or disadvantages of allowing the contractors this option or requiring it. It appears to be highly recommended for a successful installation.

AECOM: Noted.

KL7: Volume 1 of 3, 3.9 – Permits – If the contractor is to be required to obtain the encroachment permits discussed, MNS suggests AECOM and the District work with these agencies in advance of releasing the bid documents to determine any requirements and costs, and include sample permits in the bid documents if possible (with the actual requirements specific to this project). This will allow the contractors to bid accurately on the permits and will prevent change orders to the District later. The success of this also depends on the agency's cooperation in advance and being willing to provide details which they won't change later.

AECOM: This is currently in progress.

KL8: Volume 1 of 3, 4.3 – Geotechnical Design Recommendations – If any native material could be used as suggested, MNS recommends testing the material in advance and clearly detailing its approved use, or that it can't be used. This will prevent the contractors from assuming it can be used, then finding out later it can't and charging the District and extra (sic). If native material is not allowed during bid, but could potentially be allowed later, then it is recommended the bid documents be structured to allow the District to receive a credit.

AECOM: This recommendation will be incorporated into the bid documents.

KL9: Volume 1 of 3, 4.7 – Nipomo Mesa Pipelines – It was noted in this section, as well as several other sections relating to the pipeline installation in different areas that "various concrete, rubble and unidentified buried objects" were encountered in the soil borings. MNS would like to discuss this with AECOM and the District at a later date to see if any of this could be quantified or addressed in the bid documents in such a way that it prevents an opportunity for the contractor to submit differing site condition change orders in these objects are encountered during construction. At this time it is not clear how extensive this is and how it might impact the project.

AECOM: AECOM is currently pursuing subsurface utility investigations that could shed more light on this issue.

KL10: Volume 1 of 3, 4.18.2 – It is assumed that details for an acceptable area to manage or store drilling fluid/slurry separation will be provided at the 60% design (MNS understands the levee is currently recommended by Jacobs Associates).

AECOM: Additional detail will be available by the 60% submittal.

KL11: Volume 1 of 3, 4.18.2 – Highway 101 Crossing – It is recommended that details of the method for monitoring heaving or settlement during the bore and jack be reviewed and made clear to the contractors in the bid documents. Caltrans may also have details of monitoring required in their encroachment permit and if they do, these can be incorporated. The concern is if the monitoring requirements are not made clear, they will not be adequate to identify and prevent a serious problem.

AECOM: Technical Specification Section 317216 – Jacked Steel Casing will include a section regarding heave and settlement monitoring requirements. A typical detail showing a settlement monitoring device will be included in Section 317216. Caltrans' requirements will also be included.

KL12: Volume 1 of 3, 5.4.1 – Connection to the Southland WWTF Influent Main – MNS concurs with AECOM analysis for the ease of coordination and construction savings.

AECOM: Noted.

KL13: Volume 1 of 3, 5.4.3 – MNS concurs with AECOM recommendation to do video inspection of the sewer line discussed, prior to construction, to determine the number of laterals connected to the pipe. This could potentially save the District change order costs during construction.

KL14: Volume 1 of 3, 5.4.6 – Manholes – MNS concurs with the AECOM approach to collect additional field survey data on manholes.

AECOM: Noted.

KL15: Volume 1 of 3, 5.4.9 – Consideration of Pipe Reaming for Sewer Replacement – Based on MNS's understanding of the constraints with the existing sewer and the new water line, MNS concurs with AECOM that trenchless construction is not recommended.

AECOM: Noted.

KL16: Volume 1 of 3, 5.6 – Coordination with Southland WWTF Upgrades – After discussion with the District regarding additional sewer line replacement and review of the AECOM analysis, MNS recommends adding additional sewer line replacement to the intertie project. The WWTF Upgrade may require piping, but the contractor who bids on this project will likely be more familiar with facility piping and not as productive in longer runs of pipeline trenching in the streets. If they subcontract this portion of work to another contractor, this will increase the bid cost and any changed order costs. If there are constraints we are not aware of, MNS would be interested in further discussion of the pros and cons to this alternative.

AECOM: AECOM will keep MNS up to date on the status of the Frontage Road Sewer.

KL17: Volume 3 of 3: MNS recommends a slight darkening of the shaded existing features and facilities on the plans. Some of the features are difficult to see.

AECOM: Noted, and changes will be incorporated in subsequent submittals.

KL18: Volume 3 of 3: MNS understands waterline valve locations are based on a standard spacing at this time and concurs with AECOM that they need to be considered with Operation staff as the design progresses. Some may be able to be eliminated or more strategically located for ease in maintenance or future facility changes.

AECOM: Noted, and will be discussed with the District prior to the 60% submittal.

KL19: Volume 3 of 3: MNS also understands that AECOM plans to do thorough potholing of existing utilities prior to construction and highly recommends this for cost savings during construction.

AECOM: This is in progress.

KL20: Volume 3 of 3: As the plans develop, it is recommended that all temporary construction easements be shown in the plan view.

AECOM: Noted, and changes will be incorporated in subsequent submittals once easements are defined.

KL21: Volume 3 of 3, Dwg C-105 – MNS would like to know what AECOM determines regarding the two storm drain crossings, since constraints here are tight and could be expensive.

AECOM: Noted. These crossings are recommended for potholing.

KL22: Volume 3 of 3, Dwg 106 – It is recommended that the 48: SD designation be continued to cross the new water line in plan view, as the 72" SD does, making it clearer to see.

AECOM: Noted, and changes will be incorporated in subsequent submittals once the actual alignment of the 48-in SD is known.

KL23: Volume 3 of 3, Dwg C-110 – Was any possibility of locating the new waterline out of the roadway eliminated?

AECOM: The sensitive habitat restrictions along the Blosser Drainage Channel would make construction outside the roadway impractical.

KL24: Volume 3 of 3, Dwg C-112 – Is there any possibility of locating the receiving pit for the bore and jack out of the roadway and closer to the levee?

AECOM: This was investigated; however, the sensitive habitat restrictions along the Blosser Drainage Channel would make construction outside the roadway impractical.

KL25: Volume 3 of 3, Dwg G-003 – MNS recommends showing Highway 101 on the Sheet Index Map for clarity.

AECOM: Noted, and changes will be incorporated in subsequent submittals.

KL26: Volume 3 of 3, Dwg C-139/140 – Darby Lane – MNS would like to discuss construction impacts to adjacent properties at a later date to determine if there is any mitigation which should be done. We would also like to continue a dialogue with the District and AECOM regarding impacts to the community overall on the project and how we might be able to structure the contract documents to eliminate some of these and to take a proactive approach in notification to property owners and residents of potential impacts prior to construction.

AECOM: A meeting with MNS will be established prior to the 60% submittal.

KL27: General Comment 1 – The prequalification document format looks good.

AECOM: Thank you; noted.

KL28: General Comment 2 – MNS recommends an overall Utility Coordination List as the project documents develop.

AECOM: Noted, and will be prepared.

JG1: Page 29 of 84 – Suggest consideration of 18: C905 DR 14 in Blosser and pump station to Santa Maria Vista Road as the C905 will have lower surge pressures than DIP. Same for 24" applications, if available.

AECOM: C905 pipe material was considered and rejected. Ductile iron is less likely to split longitudinally or fail if tapping or other modifications are required in the future.

JG2: Probably should use restrained joints, well wrapped wherever restraint is required as thrust blocks will be immense.

AECOM: Restrained joints are planned, and will be shown on the 60% submittal.

JG3: If there is any risk of the need of future pigging, pigs won't go through butterfly valves.

AECOM: Pigging facilities (and compatibility with valves and other pipeline appurtenances) will be considered. Section 4.14 "Pigging Facilities" was added to the report.

JG4: Pg 49 of 84 – Regarding flow control valve, perhaps I misunderstand the application, but I think flow control valves are not energy efficient. Note the attached image of the Lompoc WTP master filter control panel running three different pumps, each with different operating conditions. Fore bay set point 96.5 (actual at time of photo 96.48), three different pump vacuum conditions, each separate filter pump flow matched within 0.5%, (1105, 1106, and 1101 GPM respectively) total flow of 3309 GPM to Clearwater reservoir using variable frequency drives and proportional integral derivative controller programming. Fore bay volume in above example is about 10,000 gallons, so control precision is very good. Given the level of precision attainable here, I think the 500,000 gallon reservoir "New Tank" is far larger than needed.

AECOM: A tank is required for other operational reasons; see section 5.2.10 of the Report for updated discussion of the need for the tank.

JG5: Pg 50 – 379 feet (164 psi), probably already caught

AECOM: Corrected.

JG6: Pg 52 – Suggest consideration of an ultrasonic level transducer as more precise and easier to service. Fore bay level in example above is measured with an ultrasonic device producing 0.01 foot precision.

AECOM: Ultrasonic level transducer was considered, but a submersible pressure transducer is preferred for this application since the high precision is not needed with the tank volume specified, and the pressure transducer is easier to install and maintain.

JG7: Pg 80 – Probably a dumb cluck question, but I don't understand why total project costs including project management, engineering and any incidental costs are not presented as I think these numbers will be needed to establish project financing.

AECOM: Corrected. See Table 8-1.

JG8: Volume 3; C-118, note comment above regarding size. In addition, this reservoir could be steel and left unburied using the grading shown in C-114. Significant savings could be realized by going to AWWA steel tank. My first steel tank job was in 1973, a rebuild of a riveted steel tank in Grover Beach (owned by Pismo Beach). The tank was over 40 years old at that time and now, still going strong approaching 80. Look closely at presentations by the concrete wire wrap community, as first cost, in my experience, of a comparable steel reservoir is far below that of a concrete reservoir and maintenance costs of a steel reservoir are below those presented by the concrete competition. As an example, even old technology coatings will go over 30 years (reservoir II GB) and the newer epoxy coatings longer. Low cost cathodic protection systems adequately protect the submerged steel and good coating systems protect steel above water.

AECOM: Buried tank is required for other operational reasons; see Section 5.2.10 of Report for updated discussion of the need for the tank.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING CEQA FINDINGS OF FACT FOR THE NCSD INTERTIE PROJECT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING A PROJECT MITIGATION MONITORING PLAN; APPROVING THE NCSD WATERLINE INTERTIE PROJECT; AND AUTHORIZING THE FILING OF THE NOTICE OF DETERMINATION

WHEREAS, the Nipomo Community Services District ("NCSD") Waterline Intertie Project ("Project") is more particularly described in Exhibit A and depicted on Exhibit B and is generally described as follows:

> The 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, on April 22, 2009, the District Board of Directors adopted Resolution 2009-1137 certifying the Project's Final Environmental Impact Report ("Project FEIR"). The Project FEIR and Resolution 2009-1137 are incorporated herein by this reference; and

WHEREAS, attached hereto as Exhibit A is a document titled "FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2005071114) FOR THE NCSD WATERLINE INTERTIE" ("Project FEIR Findings"). These Project FEIR Findings contain and discuss the following:

(a) Introduction that includes background and Environmental Impact Report sections:
1. Section 1: Statement of Overriding Considerations;
2. Section 2: Significant Unavoidable Environmental Impacts Which Cannot Be Mitigated to a Level of Insignificance;
3. Section 3: Potential Environmental Impacts Which Have Been Mitigated to a Level of Insignificance;
4. Section 4: Potential Environmental Impacts Which Have Been Identified as Insignificant;
5. Section 5: Potential Environmental Impacts Which May Have Been Identified as Beneficial;
6. Section 6: Growth-Inducing Impacts of the Proposed Project; and
7. Section 7: Findings Regarding Alternatives.

WHEREAS, the Project FEIR identified certain significant and potentially significant adverse impacts on the environment caused by the Project (Exhibit A, Sections 2 through 6); and

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING CEQA FINDINGS OF FACT FOR THE NCSD WATERLINE INTERTIE PROJECT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING A PROJECT MITIGATION MONITORING PLAN; APPROVING THE NCSD WATERLINE INTERTIE PROJECT; AND AUTHORIZING THE FILING OF THE NOTICE OF DETERMINATION

WHEREAS, the District Board of Directors is required pursuant to CEQA (Guidelines Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, the District has prepared written Findings of Fact for each significant and potentially significant environmental impact identified in the Project FEIR, supported by substantial evidence, and for each significant and potentially significant impact the District has:

(a) determined that changes have been made to the Project that either avoid the significant environmental effects or reduce such environmental effects to levels of insignificance (Exhibit A, Section 3); or
(b) adopted a Statement of Overriding Considerations (Exhibit A, Section 1); and

WHEREAS, the District Board of Directors recognizes that the Project FEIR identifies two potential significant environmental impacts that can not be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives (Exhibit A, Section 2), the District declares that there exist certain overriding economic, social, and other considerations for approving the Project that the District believes justify the occurrence of those impacts (Exhibit A, Section 1); and

WHEREAS, CEQA (Guidelines Section 15043) affirms the District Board of Directors' authority to approve this Project even though it may cause significant effects on the environment so long as the District makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (Guidelines Section 15091) and that there are specifically identified expected benefits from the Project that outweigh the policy of reducing or avoiding significant environmental impacts of the Project (Guidelines Section 15093); and

WHEREAS, the construction of the Project will have beneficial effects on the environment by replenishment of the groundwater supplies with in the Nipomo Mesa Water Conservation Area (also known as the Nipomo Mesa Management Area)(Exhibit A, Section 5); and

WHEREAS, all Findings of Fact and Statement of Overriding Considerations incorporated into Exhibit A hereto are hereby specifically incorporated herein by this reference; and

WHEREAS, a Mitigation Monitoring Plan has been prepared to implement mitigation measures, said mitigation measure and mitigation monitoring plan are attached hereto as Exhibit C; and

WHEREAS, Exhibits A, B and C, attached hereto, are incorporated herein by this reference; and

WHEREAS, on May 13, 2009, the District held a public hearing and considered the Staff Report, this Resolution (with Exhibits) and public comment; and

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING CEQA FINDINGS OF FACT FOR THE NCSD WATERLINE INTERTIE PROJECT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING A PROJECT MITIGATION MONITORING PLAN; APPROVING THE NCSD WATERLINE INTERTIE PROJECT; AND AUTHORIZING THE FILING OF THE NOTICE OF DETERMINATION

WHEREAS, the District Board of Directors specifically finds that, where more than one reason for approving the Project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the District Board of Directors would have made its decision on the basis of any one of those reasons; and

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

1. The District Board of Directors has reviewed and considered the information contained in the Project FEIR Findings (attached hereto as Exhibit A) and supporting documentation. The District determines that the Project FEIR Findings contain a complete and accurate reporting of the environmental impacts and mitigation strategies associated with the Project. The District further finds the Project FEIR Findings have been completed in compliance with CEQA and State CEQA Guidelines. The District hereby approves and adopts the Project FEIR Findings attached hereto as Exhibit A.
2. The District finds, as referenced in Exhibit A, Section 2, that the Project will have significant unavoidable environmental impacts which cannot be mitigated to a level of insignificance. The District has balanced the economic, legal, social, technological, and other benefits of the Project against these unavoidable environmental impacts that may result from the Project, and finds that specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental impacts (Exhibit A, Section1). The District, therefore, finds the adverse environmental effects of the Project to be "acceptable". The District hereby adopts the Statement of Overriding Considerations found in Section 1 of Exhibit A.
3. The District further finds, pursuant to Section 15092 of the CEQA Guidelines that approval of the Project will result in significant effects on the environment as referenced in Section 3 of Exhibit A, however, the District eliminated or substantially lessened these significant effects where feasible, as further referenced in Exhibit A, Section 3.
4. The Mitigation Monitoring Plan attached hereto as Exhibit C (Mitigation Monitoring Plan) is hereby adopted to ensure implementation of feasible mitigation measures identified in the Project FEIR. The District Board of Directors find that these mitigation measures are fully enforceable conditions on the Project and shall be binding upon the District and affected parties.
5. The District Board of Directors has considered alternatives to the Project (Exhibit A, Section 7) and finds, based on substantial evidence in the record, that the Project, as proposed, is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein.
6. These findings made by the District Board of Directors are supported by substantial evidence in the record, which is summarized in Exhibit A.
7. The District Board of Directors hereby approves the construction and development of the NCSD Waterline Intertie Project and authorizes Staff to file a Notice of Determination for said approval as required by law.

8. The above recitals, including referenced and associated documents, are incorporated herein by this reference and constitute further findings in support of the District's approval of the Project.
9. The Nipomo Community Services District, located at 148 S. Wilson St., Nipomo, CA, as lead agency, attention District General Manager, is the custodian of the documents and other materials which constitute the record of the proceedings upon which this Resolution and CEQA findings are based.

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

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EXHIBIT A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2005071114) FOR THE NCSD WATERLINE INTERTIE

The Nipomo Community Services District (the "District"), on April 22, 2009, adopted Resolution 2009-1137 that certified the NCSD Waterline Intertie Final Environmental Impact Report, State Clearinghouse Number 2005071114, which consisted of 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, the Findings of Fact and Statement of Overriding Considerations, public hearing testimony, and any other related attachments or additional materials.

Having received, reviewed and considered the foregoing information, as well as any and all information in the record, the Nipomo Community Services District hereby makes these Findings of Fact pursuant to, and in accordance with, Section 21081 of the Public Resource Code as follows:

BACKGROUND

The proposed NCSD Waterline Intertie 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 and the Golden State Water Company thereby replacing/reducing groundwater pumping of the NMMA by that amount.

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 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.

THE ENVIRONMENTAL IMPACT REPORT

An Initial Study for the NCSD Waterline Intertie project was prepared by the Nipomo Community Services District in June, 2008, which identified potential environmental impacts attributable to the proposed project. These potential impact areas include land use and planning, population and housing, water, biological resources, aesthetics, cultural resources, geology, traffic, noise and air quality. In addition, the State CEQA Guidelines require analysis of Unavoidable Adverse Impacts, Project Alternatives, Growth Inducing Impacts, Cumulative Impacts, and provision of a Mitigation Monitoring/Reporting Program. As a result of the Initial Study, it was determined that the proposed project may have a significant effect on the environment and an Environmental Impact Report (EIR) was required.

The Final EIR analyzed both project and cumulative effects of potential environmental impacts noted above. The Final EIR developed and identified a variety of mitigation measures to minimize, reduce, avoid or compensate for the potential adverse effects of the proposed project.

The Final EIR discussed a number of potential alternatives to the proposed project, including the: 1) the No Project Alternative; 2) the Eastern River Crossing Alternative; 3) the Highway 101 Bridge Alternative; 4) the Surface Crossing Alternative; 5) the Existing Pipeline Capacity Alternative; 6) the New Bridge Alternative; 7) the Reduced Pipeline Alternative; 8) Alternative Project Sites and 9) Alternative Water Sources. Alternative water sources that were analyzed included: 1) the Santa Maria Groundwater Basin; 2) the State Water Project; 3) Desalinization; 4) Brackish Agricultural Drainage; 5) the Nacimiento Water Project; 6) Wastewater Recharge and 7) Recycling.

Public hearings have been held on the project proposal and its associated environmental impacts by the Nipomo Community Services District Board of Directors prior to the certification of the Final EIR. The Final EIR was certified by the NCSD Board of Directors on April 22, 2009.

The Nipomo Community Services District makes the following findings in approving the Project. Section 1 of these Findings contains the Statement of Overriding Considerations. Section 2 discusses the significant unavoidable environmental effects of the proposed project which cannot be feasibly mitigated to a level of insignificance. Section 3

discusses those potential environmental effects of the proposed project which have been mitigated to a level of insignificance. Section 4 discusses the potential environmental effects of the proposed project which were determined to be insignificant. Section 5 discusses the potential environmental effects of the proposed project which were determined to be beneficial. Section 6 discusses the growth-inducing impacts of the proposed project. Section 7 discusses the alternatives to the proposed project discussed in the Final EIR. Section 8 discusses the Mitigation Monitoring/Reporting Program for the proposed project. Section 9 contains the required Section 15091 and 15092 Findings. The findings set forth in each section are supported by substantial evidence in the administrative record of the proposed Project. The Project approval incorporates the Mitigation Monitoring/Reporting Program for the proposed Project.

SECTION 1

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified and discussed significant effects which will occur as a result of the proposed NCSD Waterline Intertie project. With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to a level of insignificance except for project-related significant, unavoidable adverse impacts in the areas of Land Use and Planning and Population and Housing as identified in Section 2 of these Findings.

Having reduced the effects of the proposed project by adopting a program to monitor mitigation measures for certain project impacts (as discussed in Section 3 and 4 of these Findings) and having balanced the benefits of the proposed project against the proposed project's potential unavoidable adverse impacts (as noted in Section 2 of these Findings), the Nipomo Community Services District hereby determines that the following benefits of the proposed project outweigh these potential unavoidable adverse impacts based on the following overriding considerations:

1. Slow the depletion of the above-sea-level groundwater in storage beneath the Nipomo Mesa Water Conservation Area which is also referred to herein and within the Final EIR as 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.

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 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.

9. Slow the depletion of the above-sea-level groundwater in storage beneath the NMMA by: providing supplemental water for new development within the current service area of the District and the Mesa's other water purveyors (Golden State, Woodlands and Rural Water Companies) consistent with the South County Area Plan (Inland), 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 and 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, Woodlands and Rural Water Companies).

SECTION 2

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS WHICH CANNOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

The Nipomo Community Services District has determined that certain environmental impacts cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 1 of these Findings) to substantiate the District's decision to accept these unavoidable adverse environmental impacts because of the benefits afforded by the proposed project.

A. Land Use and Planning

Impact – 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.

Mitigations – No mitigation measures are proposed.

Findings – Specific economic, social, legal, technical or other considerations make the mitigation measures or alternatives identified in the Final Environmental Impact Report infeasible.

Supportive Evidence – 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 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. 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 from Phase III of the proposed project 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's potential long-term and cumulative land use and planning impacts resulting from the elimination of a constraint upon future development of areas served by the additional water supplies provided by the proposed project are considered to be significant impacts which cannot be reduced to an insignificant level.

B. Population and Housing

Impacts – 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.

Mitigations – No mitigation measures are proposed

Findings – Specific economic, social, legal, technical or other considerations make the mitigation measures or alternatives identified in the Final Environmental Impact Report infeasible.

Supportive Evidence – The proposed project involves the importation of water in order to reduce the current imbalance of groundwater levels, 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 proposed project will not directly generate any new population or housing. 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. However, any increase in residential density beyond that allowed by the South County Area Plan and the resultant increase in population and housing will require a General Plan Amendment and zone changes as well as other subsequent approvals by the County of San Luis Obispo such as a Specific Plan, conditional use permit or tract map. These future discretionary approvals will require preparation and certification of additional environmental documentation (CEQA) to address the potential population and housing impacts of these future approvals. 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 or its Sphere of Influence are approved by the County contingent upon receiving water and sewer services from a community water system such as the NCSD.

The proposed project's potential long-term and cumulative population and housing impacts resulting from the elimination of a constraint upon future development of areas served by the additional water supplies provided by the proposed project are considered to be significant impacts which cannot be reduced to an insignificant level.

SECTION 3

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN MITIGATED TO A LEVEL OF INSIGNIFICANCE

All Final EIR mitigation measures (as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings) have been incorporated into the NCSD Waterline Intertie Project.

The Nipomo Community Services District has determined that these mitigation measures will result in a substantial reduction of the following impacts which have been mitigated to a level of insignificance. The mitigation measures referred to below are contained within the Mitigation Monitoring Program which is attached as Exhibit A to these Findings.

A. Land Use and Planning

Impact – The proposed project may impact agricultural land uses in areas adjacent to short-term project construction activities or long-term project operations.

Mitigations –

A-1: For any construction staging or storage proposed on prime farmland, permanent impacts to soil resources can be avoided with the following measures

- A geotextile membrane shall be placed on top of native soils prior to the placement of any stockpile, fill, base materials or construction materials
- Upon completion of the project, native soil will be replaced to its previous condition in terms of soil texture, water holding capacity and soil permeability
- Pipelines will be placed five to six feet below existing grade through agricultural farmland
- All excavated soils will be stockpiled during construction in a manner that protects the soils' physical, chemical and biological characteristics. Biologically active topsoil (A horizon) shall be segregated from deeper soils during construction and replaced in a similar manner upon completion of construction
- At the conclusion of construction, soils will be replaced in a manner that mimics the pre-construction characteristics of the soils, including

compacting the soils to the same soil permeability, soil texture and available water holding capacity

A-2: Project construction shall be coordinated with property owners and any farm lessee/operators. Impacts to agricultural use of the property can be avoided or minimized with the following measures

- All existing irrigation systems shall be located in order to avoid damaging buried irrigation lines, wells, risers and other agricultural infrastructure

- Early notice of any planned closures or detours on existing roadways either within the fields or along existing paved roads with regular updates about forthcoming closures or detours shall be provided to area agricultural producers so that adequate planning can be made for the movement of agricultural goods and personnel.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – The areas through which the proposed pipeline extension and construction of various infrastructure facilities are located are within an area containing agricultural land uses. The proposed project may represent a short-term conflict with existing agricultural uses during project construction activities.

Mitigation Measures A-1 and A-2 will reduce potentially significant temporary or permanent impacts to agricultural lands to an insignificant level.

B. Water

Impact – 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.

Mitigations –

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.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen certain significant environmental effects as identified in the Final EIR.

Supportive Evidence – 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.

The District has chosen to maintain a chloramine residual throughout the NCSD system by converting the free chlorination treatment process at the wells to chloramination. This approach was selected due to the fewest water quality impacts. The use of chloraminated water will reduce trihalomethane generation potential and will result in a reduction in chlorine-related taste and odor, all of which are associated with chloraminated water. Maintaining a chloramine residual in the NCSD water supply will, according to the project engineer, result in the lowest potential for formation of disinfection by-products (DBP's) and the fewest water quality problems in the water distribution system. In addition, the District will 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 in order to insure that potential water quality incompatibility is a potentially significant but mitigable impact.

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.

Impact – The proposed project may result in degradation of surface and shallow groundwater quality as a result of underground horizontal directional drilling-related frac-outs.

Mitigations –

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 do not exceed those needed to penetrate the formation.

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 underground horizontal directional drilling activities. The Plan shall include the following elements:

- Description of the equipment and procedures for controlling fluid pressures to reduce the risk of hydraulic fracturing.
- Description of monitoring procedures to detect surface exposures of drilling mud in dry areas and in flowing waters or to groundwater.
- Description of equipment and procedures to respond to hydraulic fractures that break out at the ground surface or to the groundwater including overland access routes, containment methods and materials, equipment to be used and availability, environmental protection measures, emergency response plan, and post-containment clean up and restoration.
- Description of equipment, procedures and materials for grouting and abandoning an incomplete pilot hole that cannot be advanced further.
- Evaluation plan and criteria for continuing drilling.
- Agency notification and post-event permitting.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen certain significant environmental effects as identified in the Final EIR.

Supportive Evidence – Proposed horizontal directional drilling would occur in relatively coarse-grained sediments beneath the Santa Maria River. Although the exact depth of underground horizontal directional drilling beneath the river channel has not yet been determined, the primary concern associated with this method of construction is frac-outs, which are generally defined as an inadvertent return of drilling fluids to the ground surface. Frac-outs could potentially result in adverse impacts to both surface water quality in the Santa Maria River and the underlying Santa Maria Groundwater Basin. In conjunction with required permits and approvals, the Regional Water Quality Control Board and State Department of Public Health will be involved in approval of a Frac-out Monitoring Plan as well as any required monitoring of drilling activities.

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.

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.

Impact – The proposed project may result in degradation of surface water quality as a result of potential construction related spills.

Mitigations –

C-5: The Nipomo Community Services District shall develop a Stormwater Pollution Prevention Plan (SWPPP) that will include Best Management Practices (BMPs) to prevent the discharge of construction materials, contaminants, washings, concrete, fuels, and oils. The SWPPP will be reviewed and approved by the Central Coast RWQCB prior to commencement of any clearing or other construction activities. BMPs should include the following measures:

- Properly maintain (off-site) all construction vehicles and equipment that enter the construction area to prevent leaks of fuel, oil, and other vehicle fluids.
- Conduct equipment and vehicle fueling off-site. If refueling is required at the Project site, it will be done within a bermed area with an impervious surface to collect spilled fluids.
- 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.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen certain significant environmental effects as identified in the Final EIR.

Supportive Evidence - 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.

Mitigation Measure C-5 will reduce potentially significant water quality impacts associated with equipment maintenance and fueling spills to an insignificant level.

C. Biological Resources

Impact – Construction activities within the proposed pipeline alignments, storage tank and pump station locations could adversely affect nesting activities of protected migratory birds and raptors.

Mitigations –

D-1: Pipeline, water storage tank and pump station construction operations shall be conducted prior to, or after, the nesting season (February 15 to September 15) to avoid any potential impacts to nesting birds. This shall include any necessary vegetation and/or tree removals which could disrupt nesting birds. Therefore, construction activities should be conducted between the months of October and January to the extent feasible.

If the above measure is not feasible, pre-construction surveys shall be conducted by a qualified biologist two weeks prior to the initiation of construction activities initiated between February 15 and September 15 to identify potential bird nesting sites.

- If active nest sites of common bird species protected under the Migratory Bird Treaty Act (e.g., Northern mockingbird, House finch, etc.) and Fish and Game Code Sections 3503 and 3503.5 are observed within 300 feet of construction activities, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs and/or young.
- If active nest sites of raptors and/or species of special concern are observed within the vicinity of project construction activities, construction shall avoid the nest site or be terminated until the California Department of Fish and Game is contacted and an appropriate buffer zone around the nest site is established. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest or the nest is abandoned.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

Supportive Evidence – Raptor and migratory bird species protected under the Migratory Bird Treaty Act and the California Fish and Game Code may nest along portions of the pipeline alignments (i.e., eucalyptus woodland) and the areas adjacent to the Santa Maria River and Nipomo Mesa affected by the proposed horizontal directional drilling operations. These include ground nesters (Western meadowlark and Lark sparrow), small tree/shrub nesters (Bushtit, American robin, Northern mockingbird, Loggerhead shrike, House finch, and Lesser goldfinch), freshwater marsh nesters (Red-winged blackbird) and several raptors which require large trees, such as eucalyptus for nesting purposes (Turkey vulture, Red-tailed hawk, Red-shouldered hawk, Great-horned owl and Barn owl). Short-term impacts to these species may occur from vegetation clearing, debris removal, dust deposition and noise disturbance associated with project-related trenching and general construction activities and traffic. Specifically, vegetation removal and grading activities may significantly impact nests, nestlings, or hatchlings of these protected bird species. Scheduling pipeline, storage tank and pump station construction outside the nesting season or conducting pre-construction surveys would result in potentially significant, but mitigable impacts.

Mitigation Measure D-1 will reduce potentially significant impacts to nesting activities of protected migratory birds and raptors to an insignificant level.

Impact – Construction activities could adversely affect special-status terrestrial and avian species potentially occurring in the project area.

Mitigations –

D-2: All equipment staging and construction crew parking areas shall be located within pre-designated staging areas identified on construction plans which avoid identified sensitive habitats as determined by a qualified biological monitor. This shall include pre-designation of all staging areas, proposed horizontal directional drilling and jack-and-bore operations. Additionally, all construction access routes shall be established in previously disturbed areas and/or existing roadways.

D-3: Exclusionary and silt fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species. The exact location of exclusionary and silt fencing for each construction area shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each project component.

D-4: A qualified biological monitor shall conduct a worker orientation for all construction contractors (site supervisors, equipment operators and laborers) which emphasizes the presence and identification of special-status species within the project area, their habitat requirements and applicable regulatory policies and provisions regarding their protection and measures being implemented to avoid and/or minimize impacts.

D-5: If nighttime construction activities are warranted, all equipment lighting shall be shielded away from adjacent wildlife habitat areas and the open sky in order to minimize lighting/glare impacts of wildlife while still providing safe working conditions for construction personnel.

D-6: A dust control program during the construction phase of the project shall be implemented to minimize dust impacts to adjacent vegetation communities and associated special-status species

D-7: A qualified biologist shall conduct a pre-activity survey to determine presence/absence of California horned lizard within and adjacent to the horizontal directional drilling laydown areas and jack-and-bore locations along the southern boundary of the Santa Maria River. Surveys shall only be required during the active period of California horned lizards (generally April through September). If California horned lizards are identified adjacent to and/or within work areas, hand rakes or an equivalent method shall be utilized by the biologist in order to scarify the ground surface and encourage the horned lizards (and other wildlife) to vacate the immediate area prior to construction. Alternatively, drift fences shall be used to capture horned lizards. As necessary, the qualified biologist shall physically relocate any California horned lizards to suitable habitat located outside the construction zone(s). Procedures and protocols for relocation shall be based up on pre-project consultation with the California Department of Fish and Game.

D-8: A qualified biological monitor shall be on-site during all vegetation clearing and shall periodically monitor the project area during construction activities in order to inspect protective fencing, equipment staging areas and to physically relocate or remove any special-status wildlife species entering the construction zone (e.g., California horned lizard, etc.). All special-status species shall be relocated to suitable habitat located outside the construction zone by the qualified biologist. Exact procedures and protocols for relocating shall be based upon pre-project consultation with California Department of Fish and Game.

D-9: Nesting bird surveys shall be conducted between February 15 and August 15 to identify nest sites of special-status bird species including Loggerhead shrike, California horned lark, Northern harrier, Cooper's hawk, White-tailed kite and Tricolored blackbird.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

Supportive Evidence - The proposed short-term construction activities have the potential to adversely affect terrestrial special-status wildlife species found in the project area. Specifically, the Coast horned lizard may be present within and/or adjacent to the proposed work areas along the southern boundary of the Santa Maria River during the construction phase of the project. Construction activities in this area would include both the proposed jack-and-bore and proposed horizontal directional drilling laydown area operations along the southern boundary of the Santa Maria River. This species prefers open sandy areas, washes and floodplains with sufficient red-ant populations. Suitable habitat for this species is predominately found along the sandy open areas along the southern boundary of the Santa Maria River channel. It is likely that historical disturbance, including agriculture and encroachment of residential development, has resulted in a decreased population of Coast horned lizard within the project area. As such, the number of individuals affected is expected to be very small. However, increased mortality of this species would be expected to affect the overall distribution and/or survival of this species in the region. Therefore, impacts to coast horned lizard are considered to be potentially significant but mitigable.

Special-status bird species such as the Sharp-shinned hawk that have the potential to periodically frequent the project area for the purpose of foraging and may be temporarily affected by construction activities due to the short-term loss of foraging opportunities. However, Loggerhead shrike and California horned lark could potentially be impacted during construction through the disruption of breeding activities and/or short-term loss of foraging opportunities within areas of construction. This would be most applicable within the temporary proposed horizontal directional drilling laydown area along the south side of the Santa Maria River. The Northern harrier could also be affected during the breeding season by the short-term disturbance of the open grassland areas along the south side of the river channel. Further, the White-tailed kite and Cooper's hawk are likely to be affected by the short-term disturbance of both foraging habitat and potential nest sites, including the eucalyptus woodland windrows located along Blosser Avenue. Lastly, the special-status Tricolored blackbird was observed within the agricultural stock pond located directly northeast of the pipeline alignment on the Nipomo Mesa during the 2008 spring survey and could be affected during its breeding period by pipeline trenching and proposed horizontal directional drilling operations at this location. Due to the relatively small area of disturbance and short-term construction period, overall impacts to foraging special-status raptors are expected to be minimal. Surveying of potential nesting habitat of all migratory and special-status bird species in the project area prior to construction will result in potentially significant but mitigable impacts.

Mitigation Measures D-2 through D-9 will reduce potentially significant impacts to special-status terrestrial and avian species to an insignificant level.

Impact – Pipeline construction activities could adversely affect aquatic and semi-aquatic special-status species within the Santa Maria River, Blosser Road drainage canal, and agricultural stock ponds located along the Nipomo Mesa.
Mitigations –

D-10: Site disturbance and construction activities associated with the Santa Maria River pipeline crossing, including the horizontal directional drilling operations shall not occur during the rainy season (October 15 to April 15). No construction activities shall occur during or immediately following a rain event or if water is flowing within the Santa Maria River.

D-11: A qualified biological monitor stall conduct a worker orientation which emphasizes the presence of semi-aquatic, special-status species within the project area (e.g., California red-legged frog, Two-striped garter snake, etc.), their habitat requirements, applicable regulatory policies and provisions regarding their protection and measures being implemented to avoid and/or minimize impacts.

D-12: The Blosser Road drainage canal shall be illustrated on all final construction plans. At no time shall any equipment and/or materials staging be allowed within the bed or banks of the drainage feature. In addition, a row of silt fencing or equivalent shall be installed along the perimeter of the drainage canal during project operations to prohibit CRLF movement into the work zone.

D-13: All work areas within 100 feet of known California red-legged frog habitat shall be surveyed by a qualified biologist each day prior to the initiation of construction activities. As necessary, the qualified biologist shall physically relocate semi-aquatic, special-status species (e.g., Southwestern pond turtle, Two-striped garter snake, etc.) and common semi-aquatic species (e.g., Western toad, Pacific chorus frog, etc.) to suitable habitat areas located outside the construction zone(s). Exact procedures and protocols for relocation of the special-status species shall be based upon pre-project consultation with the California Department of Fish and Game. In the event California red-legged frog is identified in a work area, all work shall cease until the California red-legged frog has safely vacated the work area. At no time shall any California red-legged frog be relocated and/or affected by project operations without prior approval from the U.S. Fish and Wildlife Service. Exclusionary fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species. In addition, silt fencing will be installed around temporary aquatic habitats (i.e. trenches that have perched groundwater) that have formed during project activities, to minimize the potential for migration of CRLF from the adjacent agricultural pond. The exact location of exclusionary and silt fencing shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each individual project component.

D-14: Prior to commencing construction, NCSD shall prepare the following plans and agency permit applications, and shall implement all plans prior to, during and immediately following construction activities.

- In compliance with the San Luis Obispo County Land Use Ordinance, the District shall prepare an Erosion and Sedimentation Control Plan (ESCP) outlining the measures to address both temporary (i.e., site disturbance, stock piling and horizontal directional drilling activities) and final (i.e., post-construction) methods for stabilizing soil and minimizing soil loss from the proposed project site. All applicable measures shall be included on final construction plans and adhered to throughout the project.

- All project operations shall comply with the requirements under the General Construction Storm Water General Permit, issued by the State Water Resources Control Board. Such requirements will include preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site.

- A Spill Contingency Plan (SCP) shall be prepared outlining measures to prevent the release of petroleum and hazardous materials including containment methods for emergency clean-up operations. Prevention measures shall include, but not be limited to identification of appropriate fueling areas away from sensitive habitat areas such as swales and/or drainages, a maintenance schedule for equipment, and a list of appropriate containment and spill response materials to be stored on-site. All vehicles shall be staged only in appropriately marked and protected areas and at no time shall any cleaning and/or refueling of equipment be allowed upslope and/or within the vicinity of any drainages and/or wetland habitat areas, including agricultural stock ponds. If an accidental spill of a hazardous or toxic material occurs, the Regional Water Quality Control Board (RWQCB), the California Department of Fish and Game and California Department of Toxic Substances (CDTS) shall be notified.

- The District shall submit an application for a Streambed Alteration Agreement (SAA) to the California Department of Fish and Game. If required, the final SAA shall be received prior to project construction. All conditions in the final SAA shall be strictly adhered to during construction.

- A Frac-out Contingency Plan (FCP) shall be prepared for horizontal directional drilling operations within the Santa Maria River channel and shall include appropriate measures for containment of spills, agency notifications (including a detailed call-down list of all applicable regulatory agency representatives), clean-up protocols, and procedures for restoring the river channel to pre-disturbance conditions. The "Frac-out" clean-up procedures shall emphasize minimizing and/or avoiding impacts to the main channel and

alluvial scrub habitat areas of the Santa Maria River. Lastly, the FCP shall include the conditions by which the boring operation would be abandoned, if applicable, and how many repeated bores may be attempted.

D-15: Prior to commencing project construction, the District shall retain a biological monitor experienced with horizontal directional drilling technology. The biological monitor shall be responsible for conducting field inspections of horizontal directional drilling operations, reporting, and enforcement of all applicable conditions of approval, including any required conditions from the California Department of Fish and Game SAA. Specifically, the qualified monitor shall be on-site to inspect the river corridor and pipeline alignment during drilling activities that have the potential for a spill or "Frac-out" (i.e. pull back operations, etc.) to ensure no impacts occur to the Santa Maria River. In the event of a spill or "Frac-out" within the Santa Maria River corridor, all work shall be halted and the spill shall be contained using the procedures outlined in the FCP.

D-16: Spill containment equipment shall be available on-site during all construction activities. As necessary, this shall include placement of individual spill response trailers at each active work area during project operations.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

Supportive Evidence – During proposed site disturbance activities, including pipeline excavations and trenching, levee jack-and-boring and horizontal directional drilling operations beneath the Santa Maria River, down-gradient sediment and incidental spills or leaks of oils or fluids from equipment and machinery may result in a pollutant discharge into the Santa Maria River corridor and floodplain, Nipomo Mesa agricultural stock ponds and associated drainage channels and/or the Blosser Road drainage canal. Such inadvertent spills and/or discharges would have the potential to result in direct impacts to special-status aquatic and semi-aquatic species or result in the degradation of existing wetland/riparian vegetation and overall water quality. Further, mobile semi-aquatic, special-status species, such as the California red-legged frog have the potential to occur within and/or adjacent to proposed project segments containing suitable habitat, including the proposed pipeline alignment along the Blosser Road drainage canal and the proposed horizontal directional drilling laydown area on the Nipomo Mesa. This species is known to travel up to two miles between aquatic sites during the rainy season and therefore could be present anywhere in the project area during this period.

Proposed horizontal directional drilling operations have the potential to result in frac-out into the Santa Maria River which could result in the release of drilling mud, increased turbidity, and localized degradation of riparian vegetation and water quality within the channel. Such water quality and habitat effects have the potential to result in significant impacts to Steelhead and Arroyo chub within the river system.

Impacts to the Arroyo chub, Southern California ESU Steelhead, California red-legged frog, Southwestern pond turtle and Two-striped garter snake are considered to be potentially significant but mitigable with implementation of mitigation measures to avoid or minimize impacts to these species.

Mitigation Measures D-10 through D-16 will reduce potentially significant impacts to special-status aquatic or semi-aquatic species to an insignificant level.

Impact – Construction activities could result in short-term impacts to the sensitive habitat areas of the Santa Maria River, including jurisdictional Waters of the United States and designated critical habitat of the Southern California ESU Steelhead.

Mitigations –

D-17: In the event that a "Frac-out" occurs within the Santa Maria River channel due to horizontal directional drilling operations, the appropriate permits shall be obtained by the governing regulatory agency to facilitate clean-up and restoration of the affected portions of river channel to pre-project conditions. As necessary, this shall include a 404 Permit from the Army Corps of Engineers, a 401 Permit from the Regional Water Quality Control Board and Streambed Alteration Agreement from the California Department of Fish and Game.

D-18: The restoration component of the Frac-out Contingency Plan (Mitigation Measure D-14) shall be implemented as necessary to ensure that the affected portions of stream channel and associated sensitive habitat areas are restored to pre-project conditions. The restored portions of stream channel shall be monitored until all performance criteria have been met as specified by the regulatory agency permits.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

Supportive Evidence - Surrounding sensitive habitats include the riparian corridors of Santa Maria River, Nipomo Creek and associated mixed willow series, a sensitive plant community and wetlands under the definition adopted by CDFG and USFWS. Although the riparian corridor of nearby Nipomo Creek and associated mixed willow series habitat areas would be entirely avoided by the project operations through

project design, short-term impacts to the sensitive habitats of the Santa Maria River, including alluvial scrub and areas considered Waters of the U.S. may result from temporary horizontal directional drilling operations including heavy equipment operation, temporary materials staging and in the event of a "Frac-out" along the river floodplain (i.e., worst-case scenario). This could result in direct adverse impacts to sensitive habitat of the Santa Maria River channel, including areas under jurisdiction of regulatory agencies, such as the U.S. Army Corps of Engineers, CDFG, and RWQCB and designated critical habitat of the Southern California ESU Steelhead. Implementation of mitigation measures to avoid or minimize impacts to sensitive species would result in a potentially significant, but mitigable impact.

Mitigation Measures D-17 and D-18 will reduce potentially significant short-term impacts upon sensitive habitat areas within the Santa Maria River to an insignificant level.

Impact – The proposed project may result in long-term impacts to the large eucalyptus trees located along the proposed pipeline alignment located on Southland Street, Orchard Road, South Frontage Road and Darby Lane. These trees may represent potential habitat for Monarch butterflies or nesting raptors.

Mitigations –

D-21: The proposed waterline shall be aligned to avoid impacting the root systems of large eucalyptus trees located on Southland Street, Orchard Road, South Frontage Road and Darby Lane. The precise location shall be reviewed by a qualified arborist to insure avoidance of or minimize impacts to the root systems of large trees throughout pipeline alignment at these locations.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – The majority of the proposed waterline extension will occur in areas generally lacking significant biological resources. The pipeline alignment along Blosser Road would also be installed along the east side of the drainage channel away from the root systems of the existing eucalyptus windrow at this location. Further, impacts to biological resources located along Orchard Avenue would be minimized by tying the new pipeline alignment(s) into an existing 12-inch pipeline that is located along this roadway. However, large eucalyptus trees located along Southland Street, Orchard Road, South Frontage Road and Darby Lane represent potential habitat for Monarch butterflies or nesting raptors, which could be impacted by proposed trenching activities. Specifically, pipelines installed within the drip line of these trees could result in direct impacts to vital root systems, which may lead to potential long-term impacts such as susceptibility to pests/diseases and/or death. Avoidance of root systems of large eucalyptus trees would result in potentially significant, but mitigable impacts.

Mitigation Measure D-21 will reduce potentially significant impacts to large eucalyptus trees located on Southland Street, Orchard Road, South Frontage Road and Darby Lane to an insignificant level.

Impact – Long-term impacts associated with the potential generation of silt and sedimentation sources along the pipeline alignments, water storage tank and pump stations could result in adverse effects to adjacent habitat areas and associated special-status wildlife species.

Mitigations –

D-22: Mitigation Measure D-14 includes provisions for stabilizing soils surrounding the water storage tank, pump station sites and pipeline alignments affected by project construction and monitoring. As necessary, this shall include the following:

- Implementation of standard Best Management Practices (e.g., hydroseeding, wattles, and earthen swales, etc.) along the recontoured sites and erosion control monitoring during subsequent rainy seasons to ensure that previously disturbed areas are stabilized.
- Installation of long-term drainage devices at all water storage tank and pump stations, including, as necessary, catchment basins, culverts with down-drains and storm flow energy dissipating devices (riprap or diffusers).

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence- Terrestrial and semi-aquatic, special-status wildlife species potentially present within the pipeline alignments, storage tank and pump stations includes the Coast horned lizard, CRLF, Southwestern pond turtle and Two-striped garter snake. The majority of these species (if present) would be expected to forage and possibly breed within the alluvial scrub and aquatic habitats along the Santa Maria River, the Blosser Road drainage channel and the agricultural stock ponds on the Nipomo Mesa. The proposed project will result in trenching and localized surface disturbance of ruderal, agricultural, and California annual grassland habitat areas throughout the project area. Potential long-term surface erosion of the recontoured pipeline alignments could result in the degradation of adjacent habitat areas over time due to increased silt and sedimentation. Further, uncontrolled runoff from the newly proposed water storage tank and pump stations along Blosser Road and on the Nipomo Mesa could result in long-term silt and sedimentation impacts to adjacent drainages and secondary effects to associated aquatic habitats and residing special-status species. Implementation of mitigation measures to avoid or minimize impacts to habitat areas would result in potentially significant but mitigable impacts.

Mitigation Measure D-22 will reduce potentially significant long-term impacts associated with the generation of silt and sedimentation to an insignificant level.
Impact – Pipeline operation and maintenance activities may result in long-term adverse impacts to special-status species.

Mitigations –

D-23: All water storage tank and pump station facility lighting shall be shielded away from adjacent wildlife habitat areas and sky to minimize lighting/glare impacts of wildlife, to the extent feasible while still providing safe working conditions for facility personnel.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence - The proposed project will include the construction of water storage facilities and two pump stations along the pipeline alignments. This would include one pump station along the west side of Blosser Road and another pump station on the Nipomo Mesa near Orchard Avenue. These newly-installed facilities would result in the addition of a permanent noise source to the project area as well as potential additional source of night-time lighting. Specifically, each pump station will contain four, 75 horsepower pumps housed within an enclosed booster station structure. The structures will be designed to insure minimal increase of exterior noise levels due to pump operations. It is anticipated that the facilities would also require periodic inspections and routine maintenance to ensure proper function and operation of the pumps and water storage facilities.

The drainage channel located along Blosser Road provides suitable habitat for the California red-legged frog which was identified in the drainage channel during a 2007 field survey. Further, the rows of eucalyptus trees along Blosser Road provide suitable nesting habitat for a number of migratory birds and raptors. Lastly, the southern boundary of the Santa Maria River provides suitable habitat for the Coast horned lizard, migratory birds, and, when water is present, a number of semi-aquatic, special-status species including, the Southwestern pond turtle and Two-striped garter snake. Although, the new noise source associated with the water storage tank and pump station facilities (including periodic maintenance) is expected to be negligible due to structure design coupled with the current and ongoing level of agricultural activities within these areas, these new lighting sources would have the potential to result in adverse impacts to California red-legged frog and other special-status wildlife due to increased glare. Shielding of facility lighting away from adjacent wildlife habitat areas would result in long-term light and glare impacts that are potentially significant but mitigable impacts. Long-term lighting and glare impacts are considered to be potentially significant but mitigable.

Mitigation Measure D-23 will reduce potentially significant impacts to special-status species due to long-term pipeline operations and maintenance activities to an insignificant level.

D. Aesthetics

Impact – Project infrastructure facilities may degrade views from adjacent areas.

Mitigations –

E-1: Prior to project construction, a Landscape Screening Plan shall be prepared for the District which provides landscaped screening consisting of trees and/or shrubs adjacent to proposed booster stations or any above ground storage facilities. Trees or shrubs will be provided which will reach six (6) feet surrounding booster stations without sacrificing safety considerations within two years of construction of these facilities.

E-2: Prior to project construction, a Landscape Maintenance Plan shall be prepared which provides a program for growing and maintaining the proposed vegetative screens so that they achieve the two-year growth plan for vegetation. The plan shall also identify the long range maintenance and vegetative replacement plan to insure that said screening will be maintained for 15 years, including replacement of any trees which may die.

E-3: Prior to project construction, a color board will be provided which identifies the exterior colors and materials to be utilized on proposed water storage tanks and booster stations. The colors and materials selected will involve muted tones which match or are comparable with the colors found in the surrounding areas.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence - In order to provide adequate storage and accommodate anticipated waterline flows, one 0.5 million gallon underground water storage tank will be constructed at one of three possible locations on the Nipomo Mesa. Since these water storage facilities will be placed underground, the primary design elements to be visible will be security, fencing, employee parking and security lighting. A second water storage tank may be constructed in Phase III.

In addition, a single pressure reducing station will be installed on the existing 12-inch waterline serving the recently-constructed Maria Vista residential development and four pressure reducing stations on Orchard Road, Southland Street, South Frontage Road and South Oakglen Avenue.

While none of these facilities are considered to represent a major addition to the existing visual landscape of the area, several measures including the use of landscaped screening and proper color selection will result in potentially significant, but mitigable impacts.

Mitigation Measures E-1 through E-3 will reduce potentially significant aesthetic impacts associated with views of project facilities to an insignificant level.
Impact – Long-term project operations may result in the generation of light and glare into surrounding areas.

Mitigations-

E-4: Prior to project construction, an Exterior Lighting Plan shall be prepared for the District which indicates the height, location and intensity of all proposed exterior lighting. All light fixtures shall be shielded so that neither the lamp nor the reflective interior surface is visible from beyond 50 feet of project facilities. All light poles, fixtures and hoods shall be dark (non-reflective) colored. All exterior lighting sources shall be low-level adjusted so that light is directed downward. Security lighting shall be shielded so as not to create glare when viewed from adjacent properties with lighting heights no more than is absolutely necessary. All project lighting shall not be obtrusive to travelers along any adjacent roadways.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Proposed project infrastructure facilities, primarily booster stations and security for the proposed water storage tank will require exterior lighting for security purposes. It is anticipated that such low-level lighting will remain on throughout the evening. While night lighting will be generated by these facilities, travelers on surrounding roadways as well as residents in adjacent areas will not be as sensitive to the presence of night lighting at these locations. This is due to the relatively low level of illumination proposed coupled with existing night lighting emanating from adjacent properties as well as light and glare from nearby roadways, particularly from lighting and traffic on Highway 101.

The extent of visual impacts associated with project lighting is highly dependent upon the type and design of lighting selected for the project. By specifying appropriate lighting fixtures and types of lighting to be utilized, potential light and glare generated by project facilities will result in potentially significant, but mitigable impacts.

Mitigation Measure E-4 will reduce potentially significant aesthetic impacts due to the generation of light and glare to an insignificant level.

E. Cultural Resources

Impact – Project construction may disturb or materially alter areas containing prehistoric cultural resources which may be related to an identified prehistoric site.

Mitigations –

F-1: Cultural resource monitoring shall accompany construction trenching and excavation along the South Frontage Road near Grande Avenue (SLO-808), between Division Street and Story Street (SLO-1254) as well as along a 100 meter area on the south side of Southland Street directly south of 641 Southland. A Cultural Resource Monitoring Plan shall be developed and approved by the County of San Luis Obispo which will include project review, a pre-construction archeological workshop, Chumash involvement, networking with all involved members of the project and the production of a final monitoring report.

F-2: The vacant lot located southeast of the intersection of Tefft Street and Highway 101 containing SLO-1394 shall not be utilized during any project construction activities including, but not limited to, a staging area for project construction.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – SLO-808 is located on a vacant lot near the intersection of Hill Street and the South Frontage Road. It is unknown if intact cultural deposits of SLO-808 exist beneath the South Frontage Road. Both north and south of SLO-808, prehistoric sites originally extended across the highway and frontage roads towards Nipomo Creek. It is possible that displaced and/or intact cultural resources from SLO-808 may be encountered during construction trenching along the South Frontage Road during Phase I construction of the proposed project. Given the lack of information concerning intact portions of SLO-808, it is recommended that cultural resources monitoring accompany construction trenching along the South Frontage Road in the vicinity of Grande Avenue. If any displaced or intact cultural resources are unearthed, work in that area should halt until they can be evaluated by a qualified archeologist and Chumash representative and appropriate recommendations made.

SLO-1254 is located southwest of the intersection of Division Street and the South Frontage Road. No cultural resources were observed between the South Frontage Road and the multi-family residential development on the adjacent lot. However, several artifacts were observed in a cut bank at this location. It is possible that either intact or displaced cultural resources are located beneath the South Frontage Road between Division Street and Story Street which may be encountered during construction trenching along the South Frontage Road during Phase I construction of the proposed project. Given the lack of information concerning intact portions of SLO-1254, it is recommended that cultural resource monitoring accompany construction trenching along the South Frontage Road from Division Street south to Story Street. If any displaced or intact cultural resources are unearthed, work in that area should halt until they can be evaluated by a qualified archeologist and Chumash representative and appropriate recommendations made.

SLO-1394 is located southeast of the intersection of Tefft Street and Highway 101. This site, located on a vacant lot, consists of a scatter of Pismo clam shells. While the proposed project will not directly impact these resources, the vacant lot should not be utilized as a staging area for project construction.
A significant amount of weathered shell fragments and a bone fragment were observed on the south side of Southland Street on a lot directly south of 641 Southland. Although these shell and bone fragments are not considered to be a significant resource, a 100 meter long area should be monitored during construction trenching along Southland Street during Phase I construction of the proposed project in order to record the distribution and nature of the shells. If any trash pits or unusual items are unearthed they can be examined by a qualified principal archeologist and appropriate recommendations made.

For the remainder of the project areas for pipeline routes, facilities and staging areas, no prehistoric cultural materials (chert flakes, weathered shell or other prehistoric materials) or historic cultural materials were noted and no cultural resource monitoring is recommended during construction unless undiscovered cultural materials are accidentally unearthed.

Mitigation Measures F-1 and F-2 will reduce potentially significant impacts due to the disturbance or alteration of prehistoric cultural resources during project construction to an insignificant level.

Impact – Project grading and construction may result in the discovery of currently-unknown cultural resources.

Mitigations –

F-3: An archaeological workshop shall be conducted by a qualified archaeologist at the pre-construction meeting for construction personnel to educate them about what types of cultural material may be encountered during construction grading and excavation. A procedure for notification of accidental discovery and communication network shall be developed so that if any suspected cultural materials are unearthed, they can be quickly examined and evaluated by a qualified archaeologist and appropriate recommendations can be made.

F-4: During any grading or excavation associated with the project, if any cultural materials are unearthed, work in that area shall be halted until all cultural materials can be examined by a qualified archaeologist and appropriate recommendations made pursuant to County Land Use Ordinance Section 22.0.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence - Surface walkover surveys did not reveal any prehistoric or historic resources beyond those discussed above. Although no other significant cultural resources were encountered in the area during site surveys, there remains the potential that currently unknown cultural resources may be unearthed during project grading or construction. If any cultural resources are unearthed during project grading or excavation, work will be temporarily halted in that area until the unearthed cultural resources are examined and appropriate recommendations are made. In addition, an archaeological workshop shall be conducted for construction personnel to educate them as to the types of cultural resources that may be encountered during construction grading and excavation. These workshops are effective in preventing accidental damage to significant cultural resources during the construction phase of a project; they also help to reduce unnecessary delays in construction activity. The ability to halt grading or excavation when unknown cultural resources are encountered coupled with the archaeological workshops for construction personnel will result in potentially significant, but mitigable impacts.

Mitigation Measures F-3 and F-4 will reduce potentially significant impacts related to the discovery of currently-unknown cultural resources during project construction to an insignificant level.

F. Geology

Impact – The proposed project could result in substantial soil erosion or the loss of topsoil into the Santa Maria River or other local drainages.

Mitigations –

G-1: The following shall be included in Final Grading and Drainage Plans to prevent erosion induced siltation of on-site and off-site drainages:

- The use of temporary berms and sedimentation traps, such as silt fencing, straw bales, and sand bags, to be installed in association with project excavations, grading and underground horizontal directional drilling activities in order to minimize erosion of soils and sedimentation into the Santa Maria River and other local drainages. Sedimentation basins and traps shall be cleaned periodically with silt removal and disposal in a location approved by the District.

- A prohibition against grading during the rainy season (November 1-April 15) unless erosion control measures found adequate by the District are implemented.

- Methods for revegetation of disturbed soils for long-term stabilization.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – The proposed horizontal directional drilling would generate large quantities of drilling cuttings, which must be temporarily stockpiled prior to off-site disposal. Exposure of such soil cuttings could result in erosion-induced siltation of local drainages or the Santa Maria River. Excavating and grading for the proposed pipeline, water tank, pump stations and other facilities could result in potential erosion. Such activities would result in a short-term increase in soils exposed to wind and water erosion. Removal of vegetation, creation of temporary spoil piles, construction of temporary haul roads and excavation and filling operations could also result in disturbance of on-site soils, which would potentially contribute to increased erosion. Pipeline repair activities, such as in the event of seismically induced failure, would involve excavating a portion of the trench to expose the pipe, temporary stockpiling of soil, the use of temporary haul roads, backfilling and compaction operations. These activities could similarly result in erosion-induced siltation of local drainages and the adjacent Santa Maria River, resulting in a potentially significant, but mitigable impact.

Mitigation Measure G-1 will reduce potentially significant impacts associated with erosion induced siltation of the Santa Maria River and other local drainages to an insignificant level.

G. Traffic

Impact – 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.

Mitigations –

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.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Project construction activities may result in the short-term diversion of automobile traffic or farm equipment from adjacent agricultural farmlands on certain local roadways. These roadways may include Blosser Road, West Taylor Street and Atlantic Place south of the Santa Maria River and Joshua Street, Orchard Road, Southland Street, South Frontage Road, Darby Lane, South Oakglen Avenue and Tefft Street north of the Santa Maria River. With the provision of traffic controls or flagmen, where necessary, these impacts to traffic and circulation are considered to be potentially significant, but mitigable impacts.

Project construction may result in the temporary loss of available parking on roadways. However, most areas of project construction have adequate on- or off-street parking generally in areas with little parking demand. The potential loss of parking is considered to be short-term and, therefore, represents a less than significant impact.

Project construction activities may also result in the temporary blockage of access to adjacent properties or pedestrian or bicycle routes on roadways subject to construction. These blockages are considered to be short-term and with the provision of traffic controls or flagmen, where necessary, are considered to represent potentially significant, but mitigable impacts.

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.

H. Noise

Impact – The proposed project will generate construction noise which may impact surrounding areas containing noise sensitive uses.

Mitigations –

I-1: All project construction activities shall comply with the County of San Luis Obispo Noise Ordinance Section 22.06.042(d) which limits noise-generating construction activities to the hours between 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays.

I-2: All construction equipment utilizing combustion engines shall be equipped with "critical" grade (rather than "stock" grade) noise mufflers that are in good condition. Noise level reductions with the use of "critical" grade mufflers can be as high as 5 dBA. Back up "beepers" will also be tuned to insure lowest possible noise levels.

I-3: All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest residence do not exceed an exterior noise level of 60 dBA. During project construction, noise monitoring shall be conducted by a qualified acoustical engineer in order to insure the acceptable noise threshold of 60 dBA at the property line of the nearest sensitive receptor.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Noise sensitive uses in the immediate vicinity of proposed locations for construction activities associated with the proposed horizontal

directional drilling include residential uses adjacent to Blosser Road and Atlantic Place south of the Santa Maria River and existing residential uses in areas adjacent to Joshua Street and Orchard Road north of the river and the Maria Vista residential tract.

Maximum noise levels from construction equipment associated with the proposed horizontal directional drilling at the southern HDD laydown area to the nearest residence which is located adjacent to Blosser Road or Atlantic Place on the south side of the Santa Maria River (a distance of approximately 1000 feet from the proposed construction area) is 69 dBA. Existing residences on the north side of the river are located no less than 500 feet from the proposed construction area. Noise generated by the installation of a pipeline underneath the southern levee using jack-and-bore construction techniques which may impact residences located adjacent to Blosser Road and Atlantic Place will not generate noise levels that meet or exceed those associated with underground directional drilling. However, the proximity of existing residences adjacent to Blosser Road or Atlantic Place (a distance of approximately 200 feet from the construction area) results in a maximum noise exposure of 83dBA. In all cases, these maximum noise levels would be temporary and represent "worst case" estimates of construction noise. Average noise levels during peak periods of construction are not expected to exceed 60 CNEL.

The County of San Luis Obispo Noise Ordinance requires construction activities and their resultant noise impacts occur during the hours between 7:00 a.m. and 9:00 p.m. on weekdays and between 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays. In addition, all project construction equipment utilizing combustion engines will be equipped with mufflers. These construction noise impacts are considered short-term and with mitigation measures represent a potentially significant, but mitigable impact.

Mitigation Measures I-1 through I-3 will reduce potentially significant impacts related to the generation of short-term construction noise to an insignificant level.

Impact – The proposed project will generate increased noise levels due to long-term project operations.

Mitigations –

I-4: Stationary noise sources (i.e. pump stations and other project facilities) shall be located at least 300 feet from any occupied residential dwellings unless noise-reducing engine housing enclosures or other appropriate noise screens are provided in order to insure that exterior noise levels do not exceed 60 CNEL.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence - Noise associated with long-term operations of the proposed project will involve the operation of the pump stations, metering and electrical equipment as well as occasional vehicle trips for maintenance.

Maximum exterior noise levels from equipment within the enclosed pump stations is not expected to exceed 60 dBA. Any stationary noise sources located within 300 feet of any occupied residential dwellings must be contained within a housing enclosure or other appropriate noise screen in order to insure that exterior noise levels do not exceed 60 CNEL. Noise generated by long-term project operations or vehicle traffic is considered negligible. Long-term noise impacts are considered to be potentially significant, but mitigable impacts.

Mitigation Measure I-4 will reduce potentially significant noise impacts associated with long-term project operations to an insignificant level.

I. Air Quality

Impact – The proposed project will result in the generation of air pollutants during project construction activities.

Mitigations –

J-1: Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving any construction site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed water, if available, shall be used for dust control and other construction-related purposes during project construction.

J-2: All dirt stock-pile areas shall be sprayed daily as needed.

J-3: Exposed ground areas that are planned to be reworked at dates greater than one month shall be sown with a fast-germinating native grass seed and watered until vegetation is established.

J-4: All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting or other methods approved by the APCD.

J-5: All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

J-6: Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at a construction site.

J-7: All trucks hauling dirt, sand, soil or other loose materials shall be covered or maintain at least two feet of freeboard.

J-8: Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.

J-9: Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.

J-10: All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day.

J-11: All PM10 mitigation measures required must be included on any grading or building plans. These plans shall indicate the source of reclaimed water to be used for dust control. In addition, the contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of particulate matter off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to construction.

J-12: All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.

J-13: All off-road and portable, diesel-powered equipment, including, but not limited to, bulldozers, grading, cranes, loaders, scrapers, backhoes, generator sets, compressors or auxiliary power units, shall be fueled exclusively with CARB motor vehicles diesel fuel. Such equipment shall be stored within a fenced enclosure during non-working hours in order to minimize potential vandalism.

J-14: Where possible, diesel powered equipment shall be replaced with gasoline, electrical, CNG or LPG powered equipment.

J-15: Diesel equipment used in proposed horizontal directional drilling shall either be certified pursuant to the California Air Resources Board's Portable Equipment Registration Program or will be subject to an Authority to Construct issued by the San Luis Obispo County Air Pollution Control District (APCD). This permit will allow implementation of Best Available Control Technologies including diesel particulate filters and/or proper fuel selection.

J-16: Prior to any project grading, a geologic analysis will be performed in order to determine if asbestos-bearing serpentine rock is present. If naturally occurring asbestos is found at the project site, an Asbestos Health and Safety Program and an Asbestos Dust Control Plan will be submitted to the Air Pollution Control District for review and approval prior to project grading.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

Supportive Evidence – Particulate matter in the form of fugitive dust will be generated during the grading required for site preparation of the proposed pump stations and water storage tank as well as for installation of various pipelines. Emissions associated with grading to prepare for construction and/or installation of these facilities are based upon estimates which assume that a maximum probable ("worst case") impact assessment of project grading impacts include the simultaneous construction of one pump station (Pump Station No. 2), the proposed underground water storage tank and approximately 1,000 linear feet of pipeline at one time. The size of the area to be disturbed with this maximum (or "worst case") level of project construction is 35,000 square feet or 0.80 acres (10,000 square feet for the pump station, 10,000 square feet for the water storage tank and 15,000 square feet for the pipeline). These estimates also assume 21 working days per month. Construction activities for large development projects are estimated in the San Luis Obispo County Air Pollution Control District CEQA Handbook to generate approximately 40 pounds per acre per day, or approximately 0.42 ton per acres per month of disturbed soil. If water or other soil stabilizers are used to control dust, the emissions can be reduced by 50 percent.

This grading activity is estimated to generate a "worst-case" total of 0.168 tons of particulate matter per month or approximately 16 pounds of particulates per day. With implementation of proposed mitigation measures to reduce dust generation during project construction, this total does not exceed the APCD Tier 2 significance thresholds. With these measures, short-term air quality impacts associated with fugitive dust generation during project construction are considered to represent a significant but mitigable impact. It should be noted that the impact due to grading is very localized. Additionally, this material is inert silicates rather than the complex organic particulate matter released from combustion sources which are more harmful to health. In some cases, grading may be near existing development. Care should be taken to minimize the generation of dust. Common practice for minimizing dust generation is watering before and during grading.

Serpentine rock has been identified by the State Air Resources Board (ARB) as having the potential to contain naturally-occurring asbestos, identified by the ARB as a toxic air contaminant. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, a geologic analysis will be necessary to determine if asbestos-bearing serpentine rock is present. If naturally occurring asbestos is found at the site, an Asbestos Health and Safety Program and an Asbestos Dust Control Plan

are required to be approved by the Air Pollution Control District prior to project grading.

Air pollutants will be emitted by construction equipment including equipment necessary for the proposed underground horizontal directional drilling as well as the construction of the proposed pumps stations, a water storage reservoir and other pipeline and water well improvements. During the anticipated period of operation of this equipment, nitrogen oxides, reactive organic gases, sulphur oxides, particulates and carbon monoxide will be emitted. Operation of diesel fueled drilling or trenching equipment may generate pollutants that exceed the SLOAPCD thresholds of significance. In particular, diesel equipment used in proposed horizontal directional drilling shall either be certified pursuant to the California Air Resources Board's Portable Equipment Registration Program (PERP) or will be subject to an Authority to Construct issued by the San Luis Obispo County Air Pollution Control District (APCD). This permit will allow implementation of Best Available Control Technologies including diesel particulate filters and proper fuel selection. According to the County APCD, with implementation of proposed mitigations, total emissions from this equipment is not expected to exceed the calendar quarter SLOAPCD emissions thresholds for these pollutants.

Mitigation Measures J-1 through J-16 will reduce potentially significant air quality impacts associated with project construction to an insignificant level.

Impact – The proposed project will generate pollutants associated with long-term project operations.

Mitigations –

J-17: The daily water pumping operations for the proposed projects shall utilize electric-powered pumps; diesel pumps shall be provided for backup (standby) operation to be used only on an emergency basis during power outages or equipment breakdown.

J-18: The District shall investigate the feasibility and cost-effectiveness of the use of solar power or other alternative energy sources to power water pumps or other project facilities. This analysis shall assess the existing technologies and tradeoffs in order to determine the feasibility of alternate energy sources including solar power. This assessment will be based upon cost constraints, reliability, space requirements and other implementation factors.

Findings – Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Supportive Evidence – Long-term project operations will involve the operation of pump stations, metering and electrical equipment and vehicle trips for District personnel. Long-term operation of 75 horsepower pumps are required in order to

handle the anticipated flow rates of the imported water as well as provide backup (standby) service. Pumps will be sized to accept water from the City of Santa Maria water system at Blosser Road and West Taylor Street and boost pressure for transport and to enter the higher pressure NCSD water supply system. The primary pumps used for pumping the imported water will be electrically powered, the backup (standby) pump, to be used only on an emergency basis during power outages or equipment breakdown.

With the exception of nitrogen oxides at the completion of Phase III of the proposed project, these totals do not exceed the APCD Tier 1significance thresholds of 10 pounds per day. The Phase III generation of nitrogen oxides falls slightly above this threshold, however, the use of electric power combined with other proposed mitigation measures generates pollutants during the operation of pumps which is considered to be a potentially significant, but mitigable impact.

It should be noted that pollutants generated by electrical use are produced at the power plant rather than at the project site. As such, these pollutants will not be introduced into the local but rather regional air inventory.

Mitigation Measures J-17 and J-18 will reduce potentially significant air quality impacts related to pollutant generation associated with long-term project operations to an insignificant level.

SECTION 4

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN IDENTIFIED AS INSIGNIFICANT

Certain impacts were analyzed in the Final EIR which have been identified as insignificant. In certain cases, mitigation measures (as set forth in the Mitigation Monitoring Program) have been incorporated into the NCSD Waterline Intertie project. The Nipomo Community Services District has determined that the following impacts are insignificant.

A. Land Use and Planning

Impact – The proposed project may impact land uses in areas adjacent to short-term project construction activities or long-term project operations.

Mitigations – No mitigation measures are proposed.

Findings – Potential direct impacts upon adjacent land uses associated with project construction and operations are considered to be less than significant.

Supportive Evidence – The areas through which the proposed pipeline extension and construction of various infrastructure facilities are located are within a variety of land uses including residential, commercial, industrial and recreation facilities. The proposed project may represent a short-term conflict with existing uses during project construction activities. These short-term land use conflicts represent a less than significant impact.

B. Population and Housing

Impact – The proposed project may result in the demand for new housing due to the need for labor during project construction.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to increased housing demand associated with project construction activities are considered to be less than significant.

Supportive Evidence – Construction activities associated with the proposed project are estimated to generate a maximum total of 54 employees over a period of approximately one year for Phases I and III of project construction and up to five months for Phase II of project construction. It is anticipated that many of these employees will reside locally thereby not generating any demand for temporary housing. Those employees residing outside the area will find temporary accommodations in hotels and motels in the area or in short-term rental housing. The

general availability of temporary housing in the area is expected to accommodate these workers with no substantial displacement of people or significant affect upon the available housing inventory. As a result, the construction phase of the proposed project will not create the demand for additional new housing. Therefore, the potential for creation of demands for new housing as a result of project construction represents a less than significant impact.

C. Water

Impact – 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.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to the groundwater supplies within the Santa Maria Groundwater Basin are considered to be less than significant.

Supportive Evidence – 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.

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.

D. Biological Resources

Impact – 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.

Mitigations – No mitigation measures are proposed.

Findings - 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.

Supportive Evidence - Proposed pipeline alignment, water storage tank and pump station locations would be disturbed by construction-related activities. In addition, the proposed horizontal directional drilling (HDD) operations would result in short-term construction activity along the southern perimeter of the Santa Maria River and on the Nipomo Mesa.

In general, construction-related disturbance (noise, dust, heavy equipment and truck traffic) may prevent local wildlife species from foraging and breeding within portions of the Santa Maria River and adjacent habitat areas. However, these adverse effects would only affect a small portion of available habitat for a relatively short period. Periods of intense activity would likely be limited to several months at any one project location. Due to the relatively small area of habitat to be affected by project operations and the short duration of overall impacts, no significant impacts upon non-listed wildlife or their foraging or breeding habitats is expected due to project construction activities. Moreover, areas of the proposed pipeline alignments located within existing residential areas would not be expected to result in significant effects to local wildlife because the new pipeline segments would be installed within previously disturbed and/or currently developed areas (i.e., within existing paved roadways, etc.).

Conversely, drilling activities adjacent to the Santa Maria River may reduce the quality of this established wildlife movement corridor by introducing another source

of disturbance (noise, dust, human presence, etc.). However, the proposed project has been designed to avoid and/or minimize direct impacts to the Santa Maria River channel and surrounding alluvial scrub habitat areas for only a short period. Due to the small area affected, location of the horizontal directional drilling operations and laydown areas outside the river channel and the short duration of disturbance, impacts to this wildlife movement corridor are considered to be less than significant.

Impact – Horizontal directional drilling operations along the southern boundary of the Santa Maria River have the potential to result in the permanent loss of special-status plant species.

Mitigations –

Although impacts to Blochman's ragwort are considered to be less than significant, the following measures will avoid and/or minimize potential impacts to this special-status plant species during project operations:

D-19: Prior to project construction, a qualified botanist shall complete a focused botanical survey of the pipeline alignment along the southern boundary of the Santa Maria River. All Blochman's ragwort identified within 50 feet of the proposed horizontal directional drilling laydown area and pipeline alignment shall be marked with temporary flagging.

D-20: Protective fencing shall be installed around populations of Blochman's ragwort to prevent loss of this special-status plant species. As necessary, this shall include minor modifications of the designated horizontal directional drilling laydown area to avoid Blochman's ragwort to the extent feasible.

Findings - Potential impacts associated with special-status plant species are also considered to be insignificant, however, Mitigation Measures D-19 and 20 are provided to further reduce these impacts.

Supportive Evidence – The only special-status plant species observed within the project boundaries during surveys conducted was Blochman's ragwort. Specifically, a fairly dense population (less than 100 plants) is located directly north and bordering the proposed horizontal directional drilling laydown area along the southern boundary of the Santa Maria River. This plant has been designated as a List 4 species by the California Native Plant Society, which denotes a plant of limited distribution or infrequent throughout a broader area in California and vulnerability or susceptibility to threat appears low at this time. Therefore, this species is not considered rare or endangered. The proposed project has the potential to result in the loss of only a small number of individuals of this species, however, is not expected to substantially affect the distribution or survival of this species in the region. Therefore, potential long-term impacts to special-status plant species are considered to be less than significant.

E. Aesthetics

Impact – Project construction may result in the short-term alteration of views from adjacent areas.

Mitigations – No mitigation measures are proposed.

Findings - Potential impacts related to the visual impacts associated with project construction are considered to be less than significant.

Supportive Evidence – Construction activities associated with the proposed project involve the use of heavy equipment for underground horizontal directional drilling activities or other construction equipment including trucks, graders and bull dozers at various infrastructure sites. These construction activities will result in short-term impacts to views of these areas from surrounding vantage points. Temporary construction impacts will also result during site preparation and construction of proposed infrastructure facilities, primarily water storage facilities, booster stations and waterlines to be installed adjacent to several local roadways. Project construction is expected to commence with construction of facilities at the connection location at the intersection of West Taylor Street and Blosser Road and the pipeline extension along Blosser Road to the Santa Maria River levee which will require 124 to 140 days to complete. Construction involving the crossing of the Santa Maria River (including the installation of a waterline beneath the levee, a waterline extension north to the horizontal directional drilling site and the horizontal directional drilling operations are expected to required 280 to 300 days. Construction of the pump station and underground water storage tank on the Nipomo Mesa is expected to require 300 to 320 days with other NCSD distribution system improvements requiring 200 to 220 days. Several of these construction functions may occur simultaneously thereby reducing the overall longevity of these construction operations.

Construction activities, while usually considered obtrusive, are unable to employ mitigation measures such as those implemented after a project is constructed. While highly visible, impacts to views in surrounding areas are, due to their temporary nature, considered to be less than significant.

F. Geology

Impact – The proposed project could expose facilities to potential substantial adverse effects, including the risk of loss, involving strong seismic ground shaking and associated ground failure, including liquefaction.

Mitigations – No mitigation measures are proposed.

Findings - Potential impacts related to exposure of facilities to seismic ground shaking and associated ground failure are considered to be less than significant.

Supportive Evidence – Several regionally active faults are capable of producing significant ground shaking in the project area which could damage and/or rupture the proposed pipeline, water tank and related facilities. Other possible types of seismic-related ground failure include lateral spreading, differential settlement, tectonic subsidence and liquefaction. Lateral spreading typically occurs when unsupported stream banks or drainage banks fail laterally during strong ground shaking, resulting in expansion cracks and ground collapse. The proposed pipeline associated with the proposed horizontal directional drilling would be buried well below the ground surface, thus minimizing the potential for lateral spreading impacting these pipelines. However, proposed above ground structures, such as the proposed pump stations, as well as pipelines in trenched areas, would be located at or near the ground surface and would potentially be subject to damage as a result of lateral spreading. Damage to such infrastructure cannot be totally precluded even with implementation of modern engineering and construction practices.

Several design measures are required by the State of California Uniform Building Code to minimize the potential earthquake shaking impacts noted above. A 50-foot setback is required from active faults. In addition, engineering designs must incorporate reinforcement and materials that can withstand seismic activity effects related to known credible ground acceleration factors. Although no active faults are located in the immediate vicinity of the site, all structures would be required to incorporate designs consistent with the Uniform Building Code Seismic Zone IV, corresponding to 0.75 g to 0.80 g. Because these measures are regulated by ordinance, they would be required as part of standard San Luis Obispo County Department of Planning and Building plan check review. Therefore, these regulations would reduce the potential impacts of earthquake ground shaking on proposed pipeline, water tank, pump stations and other related facilities. These potential seismic impacts are considered to be less than significant.

Impact – The proposed project could expose facilities to the risk of landslides.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to exposure of facilities to landslides are considered to be less than significant.

Supportive Evidence – With the exception of the steep, south-facing bluffs of the Nipomo Mesa, the topography along the proposed pipeline alignment is generally gently sloping. Therefore, the potential for landslides is low. The steep bluffs of the Nipomo Mesa generally consist of loose, unconsolidated sand deposits, which are prone to severe erosion and shallow slope failures during prolonged, heavy rainfall events. However, the proposed pipeline extension would be bored at a significant depth beneath this slope. Therefore, the potential for landslides, as a result of the proposed project, is low and impacts are considered to be less than significant.

Impact – 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.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to locating the project on an unstable geologic unit or unstable soils are considered to be less than significant.

Supportive Evidence – The proposed pipeline extension is located in an area of potential lateral spreading and liquefaction susceptibility. Lateral spreading and liquefaction-induced ground failure could result in pipeline damage and/or failure. However, several design measures are required by the State of California Uniform Building Code to minimize potential earthquake shaking impacts. Because these measures are regulated by ordinance, they would be required as part of standard San Luis Obispo County Department of Planning and Building plan check review. As a result of these regulations, the potential impacts of earthquake ground shaking on the proposed pipeline, water tank, pump stations and other project facilities are considered to be less than significant.

Impact – 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.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to the loss of availability of a known mineral resource are considered to be less than significant.

Supportive Evidence – The Santa Maria River portion of the project area is located in an area designated as MRZ-2. There is a high likelihood that significant deposits of PCC-grade aggregate are located in this area. The proposed horizontal directional drilling traverses the Troesh Ready Mix, Inc. mining claim. However, the pipeline easement would be approximately 10 to 16 feet wide. The quantity of potential aggregate that would be unavailable for mining along this corridor as a result of the proposed project, in comparison to extensive unmined MRZ-2 areas along the Santa Maria River, as well as the area surrounding the City of Santa Maria, would be negligible. Therefore, impacts associated with the potential loss of the availability of mineral resources are considered to be less than significant.

G. Traffic

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

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to traffic generation and the potential loss of available parking are considered to be less than significant.

Supportive Evidence – 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. A maximum total of employees for Phase I project construction is 54 workers. Given its extensive nature, Phase I construction activities represent a maximum probable impact ("worst case") scenario for traffic impacts during project construction. It should be noted however that this employee total is distributed to five separate locations. The maximum number of employees at any one location is fifteen workers.

Assuming two daily vehicle trips per employee combined with an additional two trips per employee to account for vehicle trips associated with supervisors, haul trucks, construction equipment, etc. results in an estimated maximum of 216 total vehicle trips per day with no individual site generating more than 60 vehicle trips per day. These low daily volumes combined with the short-term nature of construction activities results in a less than significant impact. Regional traffic flows will not be affected by the long-term operation of project facilities.

SECTION 5

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN IDENTIFIED AS BENEFICIAL

Certain impacts were analyzed in the Final EIR which have been identified as beneficial and, therefore, no mitigation measures are required.

The Nipomo Community Services District has determined that the following impact is beneficial.

A. Water

Impacts – The proposed project will result in the replenishment of groundwater supplies within the Nipomo Mesa Management Area.

Mitigations – No mitigation measures are proposed.

Findings – Potential impacts related to groundwater supplies within the Nipomo Mesa Management Area are considered to be beneficial.

Supportive Evidence – 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.

SECTION 6

GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

The State CEQA Guidelines (Section 15126 (g)) require an EIR to discuss how a proposed project could directly or indirectly lead to economic, population or housing growth. A project may be growth-inducing if it removes obstacles or impediments to growth, taxes community service facilities or encourages other activities or sets precedents which cause significant environmental effects. The potential growth-inducing impacts of the proposed project are discussed below in terms of these criteria.

Economic, Population or Housing Growth

The proposed project will not directly generate any significant increases in population or housing.

Construction activities associated with the proposed project are estimated to generate a maximum total of 54 employees over a period of approximately one year for Phases I and III of project construction and approximately five months for Phase II of project construction. It is anticipated that many of these employees will reside locally thereby not generating any demand for temporary housing. Those employees residing outside the area will find temporary accommodations in hotels and motels in the area or in short-term rental housing. The general availability of temporary housing in the area is expected to accommodate these workers with no substantial displacement of people or significant affect upon the available housing inventory. As a result, the construction phase of the proposed project will not create the demand for additional new housing.

The proposed project involves 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. However, any increase in residential density or other land use entitlements beyond that allowed by the South County Area Plan and any resultant increase in population and housing will require a General Plan Amendment, zone change as well as other subsequent approvals by the County of San Luis Obispo, for example, a Specific Plan, conditional use permit or tract map. These future discretionary approvals will require preparation and certification of additional environmental documentation (CEQA) to address the potential population and housing impacts of these future approvals.

Removal of an Impediment to Growth

The County of San Luis Obispo General Plan governs the development of unincorporated land within the South County Planning Area. The County General Plan (South County Area Plan) identifies the type and intensity of development allowed in each of several land use categories for Nipomo and other unincorporated. While service districts, including the Nipomo Community Services District, may provide the County with input regarding land use decisions and water availability, it does not have any authority over

land use entitlements. Development projects are sometimes approved by the County contingent upon receiving water and sewer services from a community water system such as the NCSD. It should be recognized that the Nipomo Community Services District does not have authority to approve development, however, the provision of public services such as water and sewer does increase the likelihood that an area may be developed.

The proposed project does not require any amendments to the South County Area Plan or any other Elements of the County General Plan and does not require any changes to existing zoning. The proposed project would not directly conflict with any environmental plans or policies adopted by agencies with jurisdiction over the project area. 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 represents a reduction or elimination of a potential constraint upon future development within areas served by the additional water supplies and has the potential to hasten the conversion of areas to more intense urbanized uses over those land uses currently consistent with the South County Area Plan.

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.

Any increase in density of change or 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. These future discretionary approvals will require the preparation and certification of additional environmental documentation (pursuant to CEQA) to address the potential environmental impacts of these future approvals. 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. It should be noted again that the proposed importation of supplemental water is intended to respond to development consistent with the South County Area Plan (Inland).

The Nipomo Community Services District is a California Community Services District organized pursuant to Government Code Sections 61000 et. seq. The NCSD's service area overlies the southern portion of the Nipomo area within the unincorporated portion of San Luis Obispo County. Pursuant to the Government Code, the NCSD provides water to its residents, similar to a municipal water district. The Nipomo Community Services District's authority does not include legislative or executive powers over zoning or land use.

Impact on Community Service Facilities

Based upon the results of the Initial Study, the proposed project is not expected to significantly impact public services (police protection and fire protection) or utilities (natural gas/electricity, communication systems, water service, wastewater treatment and solid waste).

The importation of additional water as a result of the proposed waterline intertie project will augment current water supplies available to the Nipomo Community Services District as well as supplies available to other local water purveyors. 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 constant, non-fluctuating water source which reduces the potential need for groundwater "mining." A portion of these future water supplies will assist in the balancing of groundwater levels in the Nipomo Mesa Management Area by reducing dependence upon the pumping of the groundwater basin and augmenting the groundwater basin through return flows. These additional water supplies will serve new development within the current service area of NCSD as well as the District's Sphere of Influence areas. For these reasons, the proposed project will provide a beneficial impact to groundwater supplies within the Nipomo Mesa Management Area.

Precedent-Setting Effects

Precedent setting concerns are defined as the ability of a project to set an example of what can be achieved elsewhere within the project area. The proposed project involves importation of water in order to reduce the current imbalance of groundwater levels, to serve new development (pursuant to the South County Area Plan) within the current boundaries of the Nipomo Community Services District and its adjacent Sphere of Influence areas. Since the proposed project is intended to provide water supplies adequate to serve the build-out condition within the NCSD, no additional water supply facilities will be required to serve properties currently within the District boundaries in the future. As such, the proposed waterline intertie will not be setting a precedent for similar projects in the NCSD service area.

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. 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, however, require approvals from the County of San Luis Obispo.

The secondary or cumulative impacts associated with the proposed project are discussed within the Cumulative Impacts subsection within each environmental topic in Section V. Environmental Analysis of the Final EIR. These various assessments of cumulative impacts are addressed in relation to the following topic areas: land use and planning, population and housing, water, biological resources, aesthetics, cultural resources, geology, traffic, noise and air quality.

SECTION 7

FINDINGS REGARDING ALTERNATIVES

Alternatives to the proposed project described in the Final Environmental Impact Report were considered. The alternatives discussed in the Final EIR constitute a reasonable range of potential options necessary to permit a reasoned choice. The Final EIR identified the No Project Alternative and the Reduced Pipeline Capacity Alternative as "environmentally superior" to the proposal project but approves the proposed project with the Final EIR mitigation measures which will provide a substantial mitigation of the potential environmental effects. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (See Section 1 of these Findings) to substantiate the District's decision to reject the environmentally preferred alternatives because of the benefits afforded by the proposed project.

A. No Project Alternative

Description of Alternative: The No Project Alternative would retain the project area in its current condition and could eliminate the City of Santa Maria as a future source of supplemental water to the Nipomo Community Services District.

Comparison of Effects: 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 (Class I Impacts). The No Project Alternative also eliminates the potentially significant but mitigable (i.e. direct) impacts associated with the proposed project identified in Sections 3 and 4 of these Findings (Class II Impacts). It is, therefore, considered an "environmentally superior" alternative. The No Project Alternative will, however, result in additional adverse impacts upon the groundwater supplies within the Nipomo Mesa Management Area.

Findings: After comparing the relative impacts and benefits of the proposed project and the No Project Alternative, the Nipomo Community Services District did not select this alternative. However, mitigation measures and features incorporated into the proposed project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: 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 for NCSD annexations under the conditions of the 2004 Sphere of Influence Update and provision of supplemental water supplies to the NCSD service area and Spheres of Influence. The No Project Alternative also eliminates the other benefits associated with the proposed project as listed in

Sections 1 and 5 of these Findings. For these reasons, the No Project Alternative was rejected.

B. Eastern River Crossing Alternative

Description of Alternative: Two options were identified as potential routes for an eastern pipeline alignment beneath the Santa Maria River. Both alignments connect to the proposed 18-inch waterline along Blosser Road near its intersection with Atlantic Place. At this point, the pipeline is extended approximately 300 feet north on Blosser Road and either 4,300 feet or 5,200 feet east along Atlantic Place via open trench construction. At this point, approximately 300 linear feet of 24-inch carrier pipe will be installed with a 36-inch steel casing under the river levee using jack-and-bore construction methods. An additional 1,800 linear feet of pipeline will then be installed from the Santa Maria River levee to a horizontal directional drilling site within the riverbed. This open trench construction will either follow the existing abandoned railroad alignment or the abandoned 1917 State Highway alignment. The next 2,500 linear feet of 24-inch waterline will be installed either directly in the ground or within a 36-inch steel casing from the Santa Maria riverbed to the Nipomo Mesa using horizontal directional drilling. This methodology and underground drilling distance is approximately equal to that associated with the pipeline alignment for the proposed project. The pipeline continues as a 24-inch waterline along Hutton Road via open-trench construction approximately 3,800 linear feet to Nipomo Creek where the pipeline transverses the Creek by attachment to the existing bridge. Following this bridge crossing, the pipeline will continue approximately 6,000 linear feet to the proposed water storage tank and Pump Station No. 2 near the intersection of Joshua Street and Hutton Road.

Comparison of Effects: The Eastern River Crossing Alternative has similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as the proposed project. This alternative has increased direct impacts in the areas of geology, water, biological resources, aesthetics, traffic, noise and air quality as compared to the proposed project.

Findings: After comparing the relative impacts and benefits of the proposed project and the Eastern River Crossing Alternative, the Nipomo Community Services District did not select this Alternative. However, mitigation measures and features incorporated into the proposed project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Eastern River Crossing Alternative meets all of the project objectives in a manner similar to the proposed project. However, this alternative has increased direct impacts in the areas of geology, water, biological resources, aesthetics, traffic, noise and air quality as compared to the proposed project. For these reasons, the Eastern River Crossing Alternative was rejected.

C. Highway 101 Bridge Alternative

Description of Alternative: The Highway 101 Bridge Alternative involves attaching the pipeline to the existing Highway 101 Bridge which spans the Santa Maria River. This alternative alignment connects to the proposed 18-inch waterline along Blosser Road near its intersection with Atlantic Place. At this point, the pipeline is extended approximately 300 feet north on Blosser Road and 5,900 linear feet east along Atlantic Place via open trench construction. At this point, the pipeline is reduced to four parallel 12-inch pipes to be attached underneath the bridge with coring between the girders and through the bridge abutments. The pipeline will be extended approximately 2,100 linear feet attached to the bridge. Following the bridge crossing, the pipeline is consolidated back to a 24-inch pipeline which is extended via open-trench construction approximately 800 linear feet to Hutton Road. The pipeline continues as a 24-inch waterline along Hutton Road via open-trench construction approximately 3,800 linear feet to Nipomo Creek where the pipeline transverses the Creek by attachment to the existing bridge. Following this bridge crossing, the pipeline will continue approximately 6,000 linear feet to the proposed water storage tank and Pump Station No. 2 near the intersection of Joshua Street and Orchard Road.

Comparison of Effects: The Highway 101 Bridge Alternative will have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as the proposed project. This alternative has increased direct impacts in the areas of geology, water, biological resources, aesthetics, traffic, noise and air quality as compared to the proposed project.

Findings: After comparing the relative impacts and benefits of the proposed project and Highway 101 Bridge Alternative, the Nipomo Community Services District did not select this Alternative. However, mitigation measures and features incorporated into the proposed project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Highway 101 Bridge Alternative meets all of the project objectives in a manner similar to the proposed project. However, this alternative has increased direct impacts in the areas of geology, water, biological resources, aesthetics, traffic, noise and air quality as compared to the proposed project. For these reasons, the Highway 101 Bridge Alternative was rejected.

D. Surface Crossing Alternative

Description of Alternative: Extension of a waterline across the surface of the Santa Maria River channel will involve excavating an open trench. This would involve excavation of a trench approximately twelve feet deep and forty feet wide at the surface as it traverses the Santa Maria River channel. When combined with the open trench construction required to scale and traverse the Nipomo Mesa, involving a 15-foot wide trench, a total surface soil disturbance of approximately 4.55 acres will result.

Comparison of Effects: The Surface Crossing Alternative will have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as the proposed project. This alternative has increased direct impacts in the areas of geology, water, biological resources, traffic, noise and air quality as compared to the proposed project.

Findings: After comparing the relative impacts and benefits of the proposed project and the Surface Crossing Alternative, the Nipomo Community Services District did not select this Alternative. However, mitigation measures and features incorporated into the proposed project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Surface Crossing Alternative meets all of the project objectives in a manner similar to the proposed project. However, this alternative has increased direct impacts in the areas of geology, water, biological resources, traffic, noise and air quality as compared to the proposed project. For these reasons, the Surface Crossing Alternative was rejected.

E. Existing Pipeline Alternative

Description of Alternative: Three pipelines cross the Santa Maria River in the vicinity of the proposed project. Conoco Phillips has two pipelines: an 8-inch pipeline immediately downstream from the Highway 101 Bridge and a 10-inch pipeline approximately one mile downstream from the highway. The third pipeline is owned by Sempra Energy and is located between the Conoco Phillips 8-inch line and the Highway 101 Bridge. These pipelines are all currently in service, however, the Nipomo Community Services District may be able to negotiate for their future use.

Comparison of Effects: The Existing Pipeline Alternative will have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as the proposed project. This alternative has increased direct impacts in the areas of geology, water and biological resources as compared to the proposed project.

Findings: After comparing the relative impacts and benefits of the proposed project and the Existing Pipeline Alternative, the Nipomo Community Services District did not select this alternative. However, mitigation measures and features incorporated into the proposed project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Existing Pipeline Alternative meets all of the project objectives in a manner similar to the proposed project. However, this alternative has increased direct impacts in the areas of geology, water and biological resources as compared to the proposed project. For these reasons, the Existing Pipeline Alternative was rejected.

F. New Bridge Alternative

Description of Alternative: The New Bridge Alternative involves an over-river crossing of the pipeline attached to a bridge structure. This new bridge may be a dedicated pipeline bridge that could suspend the pipe across the river or a multi-purpose bridge which could include a pedestrian/bicycle trail. Bridge construction will involve excavation and grading to construct bridge supports and the hauling of materials into the riverbed for bridge construction.

Comparison of Effects: The New Bridge Alternative will have similar significant, unavoidable adverse impacts in the issue areas of land use and planning and population and housing as the proposed project. This alternative has increased direct impacts in the areas of geology, water, biological resources, aesthetics, traffic, noise and air quality as compared to the proposed project.

Findings: After comparing the relative impacts and benefits of the proposed project and the New Bridge Alternative, the Nipomo Community Services District did not select this alternative. However, mitigation measures and features incorporated into the proposed project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The New Bridge Alternative meets all of the project objectives in a manner similar to the proposed project. However, this alternative has increased direct impacts in the areas of geology, water, biological resources, aesthetics, traffic, noise and air quality as compared to the proposed project. For these reasons, the New Bridge Alternative was rejected.

G. Reduced Pipeline Capacity Alternative

Description of Alternative: The Reduced Pipeline Capacity Alternative involves the provision of a waterline intertie with the capacity of 2,500 acre-feet per year rather than the 6,200 acre-feet per year capacity pipeline that is currently proposed. This reduced capacity would be utilized to avoid further depletion and assist in balancing of groundwater levels in the Nipomo Mesa Groundwater Management Area by augmenting water supplies available to the Nipomo Community Services District and provide additional water supplies to other local water purveyors who overlie the Nipomo Mesa Management Area. The additional 3,700 acre-feet per year is required to serve new development within vacant land within the Nipomo Community Services District boundaries as well as the Sphere of Influence areas adjacent to the current NCSD boundaries.

Comparison of Effects: The Reduced Pipeline Capacity Alternative reduces 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 remaining potentially significant but mitigable (i.e. direct) environmental impacts associated with this alternative are similar to the proposed project. It is, therefore, considered an

"environmentally superior" alternative. The Reduced Pipeline Capacity Alternative will, however, result in additional significant adverse impacts upon the groundwater supplies within the Nipomo Mesa Management Area.

The Reduced Pipeline Capacity Alternative reduces or eliminates supplemental water availability to certain areas currently proposed to be served by supplemental water supplies. By reducing the amount of supplemental water available to the Nipomo Community Services District and indirectly to the entire Nipomo Mesa Management Area, this alternative reduces the ability of the District and other Mesa water providers to provide area-wide groundwater management and increases the dependence upon pumping of the groundwater basin thereby continuing degradation and potential overdraft of the groundwater basin which would result in an additional significant adverse impact upon these groundwater supplies.

Findings: After comparing the relative impacts and benefits of the proposed project and the Reduced Pipeline Capacity Alternative, the Nipomo Community Services District did not select this alternative. However, mitigation measures and features incorporated into the proposed project, as described in Sections 3 and 4 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Reduced Pipeline Capacity Alternative meets the project objectives related to compliance with the Groundwater Adjudication, augmenting NCSD water supplies and augmenting water supplies to current purveyors in a manner similar to the proposed project. However, this alternative meets the project objectives related to slowing depletion of NMMA groundwater supplies, assisting in stabilizing groundwater levels, provision of supplemental water supplies to the NCSD current service area and Spheres of Influence and avoiding multiple river crossings to a level significantly less than the proposed project and meets the project objective related to the provision of a diversity of water sources to a level less than the proposed project. For these reasons, the Reduced Pipeline Capacity Alternative was rejected.

H. Alternative Project Sites

The Nipomo Community Services District considered several project alternatives, including those analyzed within this EIR as discussed in this Section, in order to select the method for traversing the Santa Maria River with the proposed waterline intertie.

The only alternative location for the proposed project that was beyond those previously considered by the District was a pipeline crossing of the Santa Maria River in the vicinity of Suey Road approximately one-mile east (upstream) of the Highway 101 Bridge. This alternative location was not selected due to the additional pipelines necessary to bring water from this crossing location to connect to existing Nipomo Community Services District facilities. Many of the impacts associated with the proposed project, including the unavoidable, significant adverse impacts in the areas of land use and planning and population and housing, would remain with a waterline crossing at this alternative location.

I. 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. Their 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. Provided below is a description of each alternative water source and its reason for rejection.

- Santa Maria Groundwater

Santa Maria Groundwater as a 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.

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.
This alternative water source was rejected by the NCSD due to the fact that pumping groundwater from near the Santa Maria may result in no net gain to the District and that such pumping has significant institutional and legal obstacles which must be resolved in order to implement this option.

- State Water Project

The State Water Project allocates its deliveries in any year among its customers based upon the contracted amounts purchased by these agencies which extend from Santa Maria south to Carpinteria in Santa Barbara County and from Morro Bay to Pismo Beach in San Luis Obispo County. There are several potential scenarios for purchase of State Water Project water including acquisition of unused or excess water supplies, purchase of water from other CCWA participants (similar to the proposed project's purchase from the City of Santa Maria) or direct participation in the State Water Project. Although sufficient supply may be available from one of these sources, the reliability of SWP water as a supplemental water source remains a variable. Being dependent upon Northern California hydrological conditions, the SWP is not always available to provide the full allocation of water to its customers. In such cases, deliveries are distributed to each customer based upon a portion of their purchase allocation. Based upon the California Department of Water Resources Delivery Reliability Report prepared in 2005, the long-term average SWP deliveries are estimated to be approximately 72 percent of SWP allocations. The actual amount of available excess water available for purchase is, therefore, not fully known at this time.

It is estimated that four to six years will be required to fully implement this alternative water source in comparison to the one year required for construction Phase I of the proposed project.

The institutional constraints with the purchase of State Water Project water involve the fact that any transfer of permanent entitlement from one SWP customer to another requires multiple jurisdictional approvals. These agencies include the CCWA as well as the San Luis Obispo and Santa Barbara County Boards of Supervisors and the Department of Water Resources. As such, the opinions and goals of these agencies must be addressed and satisfied in order to secure additional SWP water. It should also be recognized that there exists competing interests among current SWP participants with regard to unused or excess capacity of SWP supplies. Finally, a prior voter referendum regarding NCSD involvement in the State Water Project specified that the District would not contract with the State DWR for State Project water. Therefore, the District should require a public vote prior to pursuing any supply option involving the purchase of SWP water.

This alternative water source was rejected by the NCSD given the inability to precisely identify the source and amount of available SWP water and the extent of required agency and voter approval necessary to implement this option.

- Desalination

Desalination as a water source involves the desalination of seawater or brackish groundwater in order to provide the NCSD with a reliable water source. Three desalination alternatives have been identified involving either the construction of an NCSD owned facility or the NCSD partnering with either the Nipomo Refinery or with the South San Luis Obispo County Sanitation District in the construction of a desalination plant.

Desalination would offer an unlimited source of water supply subject to the limits imposed by regulatory agencies. The reliability of this option is also considered to be high with temporary interruptions occurring only in the event of a power outage or required maintenance and repair.

It is estimated that between 6.5 and 10.5 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 involved with desalination involve entering into agreements with other agencies if the District decides to partner in the construction of a desalination plant, approval for construction of supply lines across ocean dunes from regulatory agencies involved in resource protection and approvals from the California Coastal Commission and State Lands Commission.

The timing for implementation of the desalination option combined with the institutional approvals required was the basis for rejection of this option at this time. However, the NCSD intends to continue to investigate this option as a future long-term water source.

- Brackish Agricultural Drainage

The use of Brackish Agricultural Drainage water source involves the treatment of shallow groundwater or agricultural runoff from Oso Flaco Lake and the delivery of treated water to the NCSD distribution system. Oso Flaco Lake is owned by the California Parks Department and is the largest of four small freshwater lakes located in the Guadalupe Nipomo Dunes complex. It occupies a surface area of 82 acres and is classified by the U.S. Fish and Wildlife Service as a "palustrine emergent wetlands". It is considered a valuable wildlife habitat as well as resource for recreational and educational activities.

Oso Flaco Lake represents a limited supply source since its primary water source is agricultural runoff estimated at 968 acre-feet per year. Efforts are currently underway to improve agricultural irrigation efficiency to both reduce the quantity of water applied and the volume of agricultural runoff. Extracting either 3,000 or 6,300 acre-feet per year from

the lake or hydraulically-connected shallow aquifer would significantly lower the existing level of the lake. As such, the water supply and reliability of this water source is highly questionable.

The quality of water extracted from the lake requires a water treatment facility to respond to high coliform, nitrate, ammonia and chlorophyll concentrations as well as high Ph, low dissolved oxygen and high toxicity and pesticide levels found in lake water.

It is estimated that between 7 and 10 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 associated with this alternative water source involve the required approval from the California Parks Department who would support the project only if it was demonstrated that it would result in an environmentally beneficial and compatible use of the parkland. Since the Oso Flaco drainage is considered a component of the Santa Maria Valley Groundwater Basin, use of this supply would require approval by all signatory parties to the litigation and subsequent management agreements. Use of water from Oso Flaco Lake would, due to its poor water quality, be subject to California Department of Health Services water quality requirements.

This alternative water source was rejected by the NCSD given the lack of supply and reliability combined with poor water quality and the institutional approvals required to implement this option.

- Nacimiento Water Project

The Nacimiento Water Project is a water transmission project that will convey untreated water from Lake Nacimiento to several San Luis Obispo communities. The initial participants include the Cities of Paso Robles and San Luis Obispo as well as the Atascadero Municipal Water Company, Templeton Community Services District and the Cayucos County Services Area 10A. The project consists of 45 miles of water transmission lines as well as storage reservoirs and pump stations. The pipeline terminates at the City of San Luis Obispo Water Treatment Plant. Use of the Nacimiento Water Project as an alternative water source would require extending a pipeline from the City of San Luis Obispo Water Treatment Plant to the NCSD water system.

Current plans for the Nacimiento Water Project indicate that approximately 2,148 acre-feet of reserve (unsubscribed) entitlement of water would be available at the San Luis Obispo Water Treatment Plant.

Water from the Nacimiento Water Project would require treatment to remove various chemicals, algae and other pollutants or develop an aquifer storage and recovery system.

Reliability of this alternative water source is considered to be good since involved participants are to be provided their total entitlements over an eleven month period with one month set aside for routine maintenance.

It is estimated that the Nacimiento Water Project will require 5 to 7 years to fully complete construction of the extension of the water transmission pipeline to San Luis Obispo in comparison to the one year required for construction of Phase I of the proposed project.

The institutional constraints associated with this alternative water source involve receiving approval from all of the project participants and the alteration of existing entitlement contracts.

This alternative water source was rejected by the NCSD due to the lack of supply water treatment requirements and the timing for completion.

- Wastewater Recharge

The Nipomo Community Services District owns and operates the Southland Wastewater Treatment Facility (WTTF), located west of Highway 101 at Southland Street and South Frontage Road. The WWTF provides secondary treatment for a mixture of domestic and industrial wastewater from Nipomo. Existing facility components include four aeration ponds, two sludge-drying beds and eight infiltration basins. The WWTF has a permitted capacity of 900,000 gallons per day based on the maximum monthly demand. Use of wastewater recharge as an alternative water source involves developing a groundwater recharge program within the Nipomo Mesa Management Area (NMMA) in order to recharge of the groundwater basin with recycled water from Southland WWTF.

The proposed groundwater recharge alternative is intended to function as a groundwater management program within the NMMA. As such, no increase in supply to the District would result because Southland WWTP discharge is included in the groundwater budget that has been presented during litigation involving the Santa Maria and Nipomo aquifers (i.e., WWTP groundwater recharge is already considered as "return flows" to the NMMA). As no new supplemental water will be imported from outside the NMMA, there will be no effect on the overall water balance within the NMMA. However, there may be some benefit to specific areas of the depressed groundwater basin within the NMMA.

Average annual flow rates to the Southland WWTP are currently 0.59 MGD, equivalent to approximately 662 acre-feet per year (AFY). These flows are projected to increase to 1,460 AFY (1.3 MGD) in the year 2030.

Wastewater recharge as an alternative water source must respond to potential water quality impacts due to high salt and nitrogen levels. The 2007 Draft Groundwater Recharge Reuse Regulations prepared by the California Department of Health Services

indicate that recycled water used for groundwater recharge reuse projects must meet the definition of filtered, disinfected tertiary wastewater.

Recycled water is considered a reliable water supply. However, its reliability as it pertains to groundwater recharge is contingent on the NCSD's ability to provide and maintain recycled water quality meeting the Draft Groundwater Recharge Reuse Regulations as well as taking additional necessary measures to mitigate salt accumulation in the groundwater basin. The recharged groundwater will be extracted by existing or new NCSD wells. Therefore, the reliability of the return flows will be approximately the same as the existing groundwater supply. As such, its reliability may be hindered by drought conditions within the NMMA and any further development/expansion of the pumping depressions.

It is estimated that wastewater recharge facilities will require approximately 2 to 4 years to complete in comparison to the one year required for construction of Phase I of the proposed project.

The primary institutional constraint associated with this alternative water source is the fact that wastewater recharge is not considered a new source of supplemental water thereby conflicting with terms of the Stipulated Settlement and Judgment.

This alternative water source was rejected by the NCSD due to its not being a source of supplemental water. However, the NCSD intends to proceed with expansion of the wastewater treatment capacity and wastewater recharge independent of its consideration as an alternative water source.

- Recycling

This alternative water source consists of developing a program involving delivery of recycled water from Southland WWTF for direct use as irrigation in-lieu of groundwater pumping. This alternative provides for disposition of effluent from Southland WWTP to locations other than the existing percolation ponds. Upgrades to the Southland WWTP and the provision of transmission lines and pumping facilities will be required to deliver effluent to irrigation locations.

Recycling of treated wastewater is intended to function as a groundwater management program within the NMMA. Very little increase in supply to the District would result because the net effect of this type of exchange is much smaller than the volume of water exchanged. Approximately ten percent of the water exchanged is retained within the groundwater aquifer. As no new supplemental water will be imported from outside the NMMA with this option, there will be no effect on the overall water balance within the NMMA. However, there may be some benefit to the specific areas of the depressed groundwater basin within the NMMA.

Recycling may have negative impacts to water quality in the local, underlying aquifer due to salt accumulation. Other water quality constraints associated with the recycling of

treated water involves the removal of chlorides, nitrogen, total dissolved solids and sodium which may impact agricultural crops.

Recycled water is considered a reliable water supply. However, its reliability is contingent on the NCSD's ability to provide and maintain levels of recycled water quality that meet the applicable water quality standards as well as taking additional necessary measures to mitigate salt accumulation in the groundwater basin.

It is estimated that recycling facilities will require approximately 2 to 4 years to complete in comparison to the one year required to complete construction of Phase I of the proposed project.

The primary institutional constraint associated with this alternative water source is the fact that recycled water will not affect the overall water balance in the NMMA thereby conflicting with the terms of the Stipulated Settlement and Judgment.

This alternative water source was rejected by the NCSD due to its not being a source of supplemental water.

SECTION 8

FINDINGS REGARDING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a) (1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the proposed project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment.

The Nipomo Community Services District hereby finds and accepts that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potential environmental impacts.

SECTION 9

SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the Nipomo Community Services District has made one of more of the following findings with respect to the significant effects of the proposed project:

a. Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Final Environmental Impact Report.

b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

c. Specific economic, social, legal, technical or other considerations make the mitigation measures or alternatives identified in the Final Environmental Impact Report infeasible.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing findings:

a. All significant effects on the environment due to the proposed project have been eliminated or substantially lessened where feasible as discussed in Sections 3 and 4 of these Findings.

b. The benefits of the proposed project set forth in the foregoing Statement of Overriding Considerations, as noted in Section 1 of these Findings, outweigh any remaining significant effects of the project on the environment found to be unavoidable as discussed in Section 2 of these Findings.

The Nipomo Community Services District located at 148 S. Wilson Street, Nipomo, CA 93444, as Lead Agency, is the custodian of the documents and other material which constitute the record of the proceedings upon which its decision concerning EIR certification is based.

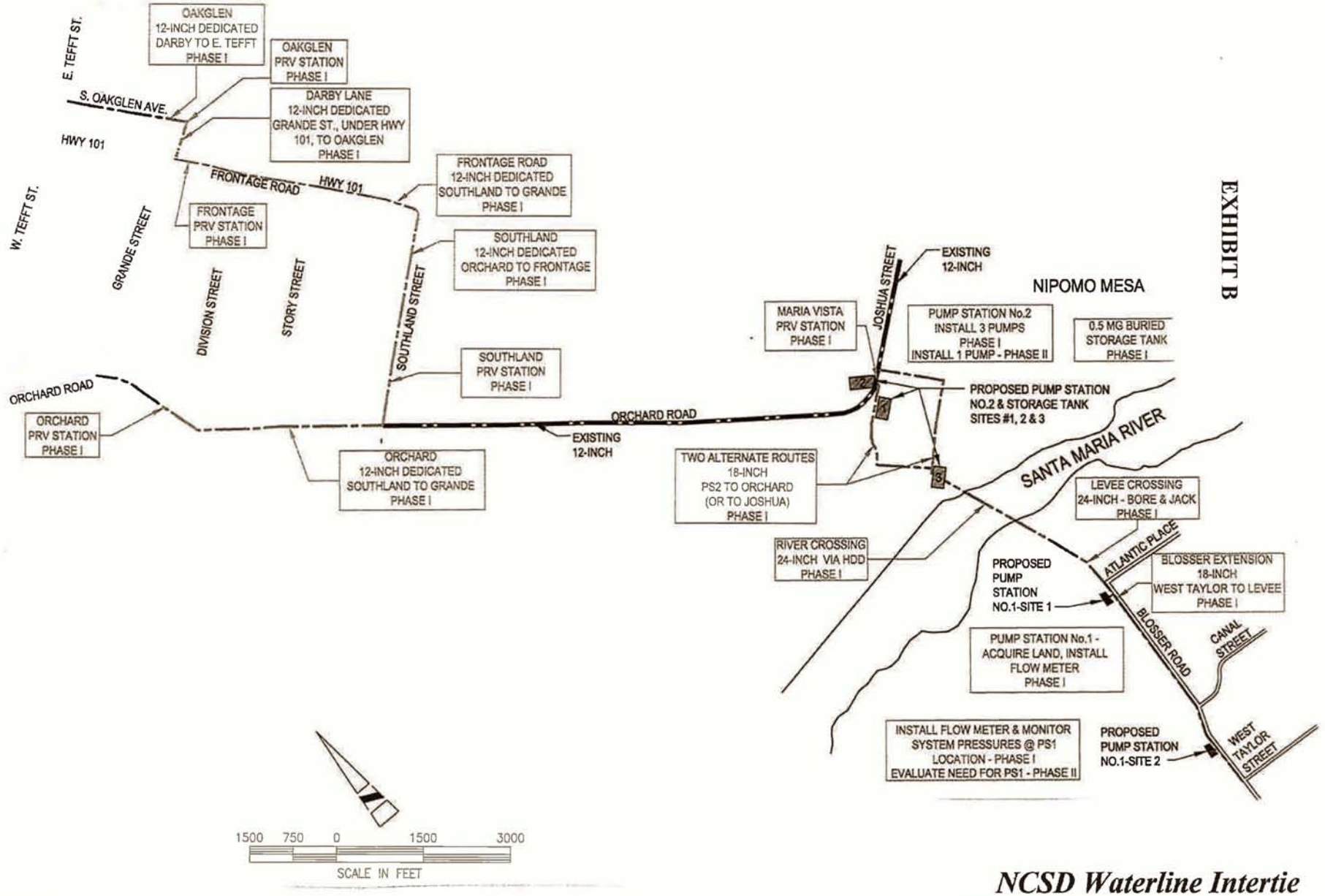

EXHIBIT C

MITIGATION MONITORING PROGRAM

MITIGATION MONITORING PROGRAM

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
A. LAND USE AND PLANNING			
A-1: For any construction staging or storage proposed on prime farmland, permanent impacts to soil resources can be avoided with the following measures ▪ *A geotextile membrane shall be placed on top of native soils prior to the placement of any stockpile, fill, base materials or construction materials* ▪ *Upon completion of the project, native soil will be replaced to its previous condition in terms of soil texture, water holding capacity and soil permeability* ▪ *Pipelines will be placed five to six feet below existing grade through agricultural farmland* ▪ *All excavated soils will be stockpiled during construction in a manner that protects the soils' physical, chemical and biological characteristics. Biologically active topsoil (A horizon) shall be segregated from deeper soils during construction and replaced in a similar manner upon completion of construction* ▪ *At the conclusion of construction, soils will be replaced in a manner that mimics the pre-construction characteristics of the soils, including compacting the soils to the same soil permeability, soil texture and available water holding capacity*	*Avoid impacts to agricultural soils*	*During project construction*	*Nipomo Community Services District*
A-2: Project construction shall be coordinated with property owners and any farm lessee/operators. Impacts to agricultural use of the property can be avoided or minimized with the following measures ▪ *All existing irrigation systems shall be located in order to avoid damaging buried irrigation lines, wells, risers and other agricultural infrastructure*	*Coordinate with property owners, lessee/ operators*	*During project construction*	*Nipomo Community Services District*

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
▪ *Early notice of any planned closures or detours on existing roadways either within the fields or along existing paved roads with regular updates about forthcoming closures or detours shall be provided to area agricultural producers so that adequate planning can be made for the movement of agricultural goods and personnel.*			

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 underground horizontal directional drilling activities. The Plan shall include the following elements: • Description of the equipment and procedures for controlling fluid pressures to reduce the risk of	Prepare a Frac-Out Monitoring, Response and Clean Up Plan	Prior to project construction	Nipomo Community Services District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
hydraulic fracturing. • Description of monitoring procedures to detect surface exposures of drilling mud in dry areas and in flowing waters or to groundwater. • Description of equipment and procedures to respond to hydraulic fractures that break out at the ground surface or to the groundwater including overland access routes, containment methods and materials, equipment to be used and availability, environmental protection measures, emergency response plan, and post-containment clean up and restoration. • Description of equipment, procedures and materials for grouting and abandoning an incomplete pilot hole that cannot be advanced further. • Evaluation plan and criteria for continuing drilling. • Agency notification and post-event permitting.			
C-5: The Nipomo Community Services District shall develop a Stormwater Pollution Prevention Plan (SWPPP) that will include Best Management Practices (BMPs) to prevent the discharge of construction materials, contaminants, washings, concrete, fuels, and oils. The SWPPP will be reviewed and approved by the Central Coast RWQCB prior to commencement of any clearing or other construction activities. BMPs should include the following measures: • Properly maintain (off-site) all construction vehicles and equipment that enter the construction area to prevent leaks of fuel, oil, and other vehicle fluids. • Conduct equipment and vehicle fueling off-site. If refueling is required at the Project site, it will be done within a bermed area with an impervious surface to collect spilled fluids. • 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	Develop a Stormwater Pollution Prevention Plan	Prior to project construction	Nipomo Community Services District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
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.			

D. BIOLOGICAL RESOURCES

D-1: Pipeline, water storage tank and pump station construction operations shall be conducted prior to, or after, the nesting season (February 15 to September 15) to avoid any potential impacts to nesting birds. This shall include any necessary vegetation and/or tree removals which could disrupt nesting birds. Therefore, construction activities should be conducted between the months of October and January to the extent feasible. If the above measure is not feasible, pre-construction surveys shall be conducted by a qualified biologist two weeks prior to the initiation of construction activities initiated between February 15 and September 15 to identify potential bird nesting sites. • If active nest sites of common bird species protected under the Migratory Bird Treaty Act (e.g., Northern mockingbird, House finch, etc.) and Fish and Game Code Sections 3503 and 3503.5 are observed within 300 feet of construction activities, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs and/or young. • If active nest sites of raptors and/or species of special concern are observed within the vicinity of project construction activities, construction shall avoid the nest site or be terminated until the California Department of Fish and Game is contacted and an appropriate buffer zone around the nest site is established. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest or the nest is abandoned.	Avoid bird nesting season or conduct pre-construction surveys	Prior to project construction	Nipomo Community Services District and California Department of Fish and Game
D-2: All equipment staging and construction crew parking areas shall be located within pre-designated staging areas identified on construction plans which avoid identified sensitive habitats as determined by a qualified biological monitor. This shall include pre-designation of all staging areas, proposed horizontal directional drilling and jack-and-bore operations. Additionally, all construction access routes shall be established in previously disturbed	Locate equipment staging and construction areas away from sensitive habitats	During project construction	Nipomo Community Services District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
areas and/or existing roadways.			
D-3: Exclusionary and silt fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species. The exact location of exclusionary and silt fencing for each construction area shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each project component.	Provide exclusionary and silt fencing	During project construction	Nipomo Community Services District
D-4: A qualified biological monitor shall conduct a worker orientation for all construction contractors (site supervisors, equipment operators and laborers) which emphasizes the presence and identification of special-status species within the project area, their habitat requirements and applicable regulatory policies and provisions regarding their protection and measures being implemented to avoid and/or minimize impacts.	Conduct worker orientation	Prior to and during project construction	Nipomo Community Services District
D-5: If nighttime construction activities are warranted, all equipment lighting shall be shielded away from adjacent wildlife habitat areas and the open sky in order to minimize lighting/glare impacts of wildlife while still providing safe working conditions for construction personnel.	Shield nighttime lighting from adjacent wildlife habitat areas	During project construction	Nipomo Community Services District
D-6: A dust control program during the construction phase of the project shall be implemented to minimize dust impacts to adjacent vegetation communities and associated special-status species.	Implement dust control program	During project construction	Nipomo Community Services District
D-7: A qualified biologist shall conduct a pre-activity survey to determine presence/absence of California horned lizard within and adjacent to the horizontal directional drilling laydown areas and jack-and-bore locations along the southern boundary of the Santa Maria River. Surveys shall only be required during the active period of California horned lizards (generally April through September). If California horned lizards are identified adjacent to and/or within work areas, hand rakes or an equivalent method shall be utilized by the biologist in order to scarify the ground surface and encourage the horned lizards (and other wildlife) to vacate the immediate area prior to construction. Alternatively, drift fences shall be used to capture horned lizards. As necessary, the qualified biologist shall physically relocate any California horned lizards to suitable habitat located	Conduct surveys to determine presence or absence of California horned lizard	Prior to project construction	Nipomo Community Services District and California Department of Fish and Game

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
outside the construction zone(s). Procedures and protocols for relocation shall be based up on pre-project consultation with the California Department of Fish and Game.			
D-8: A qualified biological monitor shall be on-site during all vegetation clearing and shall periodically monitor the project area during construction activities in order to inspect protective fencing, equipment staging areas and to physically relocate or remove any special-status wildlife species entering the construction zone (e.g., California horned lizard, etc.). All special-status species shall be relocated to suitable habitat located outside the construction zone by the qualified biologist. Exact procedures and protocols for relocating shall be based upon pre-project consultation with California Department of Fish and Game.	Monitor vegetation clearing and construction	During project construction	Nipomo Community Services District and California Department of Fish and Game
D-9: Nesting bird surveys shall be conducted between February 15 and August 15 to identify nest sites of special-status bird species including Loggerhead shrike, California horned lark, Northern harrier, Cooper's hawk, White-tailed kite and Tricolored blackbird.	Conduct bird nesting surveys	Prior to project construction	Nipomo Community Services District
D-10: Site disturbance and construction activities associated with the Santa Maria River pipeline crossing, including the horizontal directional drilling operations shall not occur during the rainy season (October 15 to April 15). No construction activities shall occur during or immediately following a rain event or if water is flowing within the Santa Maria River.	Horizontal directional drilling to avoid rainy season and special-status wildlife species	During project construction	Nipomo Community Services District
D-11: A qualified biological monitor stall conduct a worker orientation which emphasizes the presence of semi-aquatic, special-status species within the project area (e.g., California red-legged frog, Two-striped garter snake, etc.), their habitat requirements, applicable regulatory policies and provisions regarding their protection and measures being implemented to avoid and/or minimize impacts.	Conduct worker orientation	Prior to and during project construction	Nipomo Community Services District
D-12: The Blosser Road Drainage canal shall be illustrated on all final construction plans. At no time shall any equipment and/or materials staging be allowed within the bed or banks of the drainage feature. In addition, a row of silt fencing or equivalent shall be installed along the perimeter of the drainage canal during project operations to prohibit CRLF movement into the work zone.	Avoid Blosser Road drainage canal	During project construction	Nipomo Community Services District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
D-13: All work areas within 100 feet of known California red-legged frog habitat shall be surveyed by a qualified biologist each day prior to the initiation of construction activities. As necessary, the qualified biologist shall physically relocate semi-aquatic, special-status species (e.g., Southwestern pond turtle, Two-striped garter snake, etc.) and common semi-aquatic species (e.g., Western toad, Pacific chorus frog, etc.) to suitable habitat areas located outside the construction zone(s). Exact procedures and protocols for relocation of the special-status species shall be based upon pre-project consultation with the California Department of Fish and Game. In the event California red-legged frog is identified in a work area, all work shall cease until the California red-legged frog has safely vacated the work area. At no time shall any California red-legged frog be relocated and/or affected by project operations without prior approval from the U.S. Fish and Wildlife Service. Exclusionary fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species. In addition, silt fencing will be installed around temporary aquatic habitats (i.e. trenches that have perched groundwater) that have formed during project activities, to minimize the potential for migration of CRLF from the adjacent agricultural pond. The exact location of exclusionary and silt fencing shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each individual project component.	Survey work areas adjacent to special-status species habitats	Prior to and during project construction	Nipomo Community Services District and California Department of Fish and Game
D-14: Prior to commencing construction, NCSD shall prepare the following plans and agency permit applications and shall implement all plans prior to, during and immediately following construction activities. • In compliance with the San Luis Obispo County Land Use Ordinance, the District shall prepare an Erosion and Sedimentation Control Plan (ESCP) outlining the measures to address both temporary (i.e., site disturbance, stock piling and horizontal directional drilling activities) and final (i.e., post-construction) methods for stabilizing soil and minimizing soil loss from the proposed project site. All applicable measures shall be included on final construction plans and adhered to throughout the project.	Prepare plans and agency permit applications	Prior to and during project construction	Nipomo Community Services District, Regional Water Quality Control Board, California Department of Fish and Game and California Department of Toxic Substances

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
• All project operations shall comply with the requirements under the General Construction Storm Water General Permit, issued by the State Water Resources Control Board. Such requirements will include preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site. • A Spill Contingency Plan (SCP) shall be prepared outlining measures to prevent the release of petroleum and hazardous materials including containment methods for emergency clean-up operations. Prevention measures shall include, but not be limited to identification of appropriate fueling areas away from sensitive habitat areas such as swales and/or drainages, a maintenance schedule for equipment, and a list of appropriate containment and spill response materials to be stored on-site. All vehicles shall be staged only in appropriately marked and protected areas and at no time shall any cleaning and/or refueling of equipment be allowed upslope and/or within the vicinity of any drainages and/or wetland habitat areas, including agricultural stock ponds. If an accidental spill of a hazardous or toxic material occurs, the Regional Water Quality Control Board (RWQCB), the California Department of Fish and Game and California Department of Toxic Substances (CDTS) shall be notified. • The District shall submit an application for a Streambed Alteration Agreement (SAA) to the California Department of Fish and Game. If required, the final SAA shall be received prior to project construction. All conditions in the final SAA shall be strictly adhered to during construction. • A Frac-out Contingency Plan (FCP) shall be prepared for horizontal directional drilling operations within the Santa Maria River channel and shall include appropriate measures for containment of spills, agency notifications (including a detailed call-down list of all applicable regulatory agency representatives), clean-up protocols, and procedures for restoring the river channel to pre-disturbance conditions. The "Frac-out" clean-up procedures shall emphasize minimizing and/or avoiding impacts to the main channel and alluvial scrub habitat areas of the Santa Maria River. Lastly, the FCP shall include the			

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
conditions by which the boring operation would be abandoned, if applicable, and how many repeated bores may be attempted.			
D-15: Prior to commencing project construction, the District shall retain a biological monitor experienced with horizontal directional drilling technology. The biological monitor shall be responsible for conducting field inspections of horizontal directional drilling operations, reporting, and enforcement of all applicable conditions of approval, including any required conditions from the California Department of Fish and Game SAA. Specifically, the qualified monitor shall be on-site to inspect the river corridor and pipeline alignment during drilling activities that have the potential for a spill or "Frac-out" (i.e. pull back operations, etc.) to ensure no impacts occur to the Santa Maria River. In the event of a spill or "Frac-out" within the Santa Maria River corridor, all work shall be halted and the spill shall be contained using the procedures outlined in the FCP.	Monitor horizontal directional drilling	During project construction	Nipomo Community Services District and the California Department of Fish and Game
D-16: Spill containment equipment shall be available on-site during all construction activities. As necessary, this shall include placement of individual spill response trailers at each active work area during project operations. Mitigation Measures D-10 through D-14 require provision of (pre-designated staging and fueling areas and equipment access routes, exclusionary fencing to protect sensitive habitat areas, dust control measures, etc.).	Make spill equipment available during construction activities	During project construction	Nipomo Community Services District
D-17: In the event that a "Frac-out" occurs within the Santa Maria River channel due to horizontal directional drilling operations, the appropriate permits shall be obtained by the governing regulatory agency to facilitate clean-up and restoration of the affected portions of river channel to pre-project conditions. As necessary, this shall include a 404 Permit from the Army Corps of Engineers, a 401 Permit from the Regional Water Quality Control Board and Streambed Alteration Agreement from the California Department of Fish and Game.	Obtain regulatory permits for Frac-out cleanup and habitat restoration	During project construction	Nipomo Community Services District, Army Corps of Engineers, the Regional Water Quality Control Board and the California Department of Fish and Game
D-18: The restoration component of the Frac-out Contingency Plan (Mitigation Measure D-14) shall be implemented as necessary to ensure that the affected portions of stream channel and associated sensitive habitat areas are restored to pre-project conditions. The restored portions of stream channel	Prepare Frac-out Contigency Plan	During project construction	Nipomo Community Services District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
shall be monitored until all performance criteria have been met as specified by the regulatory agency permits.			
D-19: Prior to project construction, a qualified botanist shall complete a focused botanical survey of the pipeline alignment along the southern boundary of the Santa Maria River. All Blochman's ragwort identified within 50 feet of the proposed horizontal directional drilling laydown area and pipeline alignment shall be marked with temporary flagging.	Complete focused botanical survey for Blochman's ragwort	Prior to project construction	Nipomo Community Services District
D-20: Protective fencing shall be installed around populations of Blochman's ragwort to prevent loss of this special-status plant species. As necessary, this shall include minor modifications of the designated horizontal directional drilling laydown area to avoid Blochman's ragwort to the extent feasible.	Install protective fencing	During project construction	Nipomo Community Services District
D-21: The proposed waterline shall be aligned to avoid impacting the root systems of large eucalyptus trees located on Southland Street, Orchard Road, South Frontage Road and Darby Lane. The precise location shall be reviewed by a qualified arborist to insure avoidance of or minimize impacts to the root systems of large trees throughout pipeline alignment at these locations.	Avoid root systems of eucalyptus trees	During project construction	Nipomo Community Services District
D-22: Mitigation Measure D-14 includes provisions for stabilizing *soils surrounding* the water storage tank, pump station sites and pipeline alignments *affected by project construction* and monitoring. As necessary, this shall include the following: • Implementation of standard Best Management Practices (e.g., hydroseeding, wattles, and earthen swales, etc.) along the recontoured sites and erosion control monitoring during subsequent rainy seasons to ensure that previously disturbed areas are stabilized. • Installation of long-term drainage devices at all water storage tank and pump stations, including, as necessary, catchment basins, culverts with down-drains and storm flow energy dissipating devices (riprap or diffusers).	Implement Best Management Practices and install drainage facilities	During project construction	Nipomo Community Services District
D-23: All water storage tank and pump station facility lighting shall be shielded away from adjacent wildlife habitat areas and sky to minimize lighting/glare impacts of wildlife, to the extent	Shield lighting away from adjacent wildlife habitat areas	During project construction	Nipomo Community Services District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
feasible while still providing safe working conditions for facility personnel.			

E. AESTHETICS

E-1: Prior to project construction, a Landscape Screening Plan shall be prepared for the District which provides landscaped screening consisting of trees and/or shrubs adjacent to proposed booster stations *or any above ground water storage facilities*. Trees or shrubs will be provided which will reach six (6) feet surrounding booster stations without sacrificing safety considerations within two years of construction of these facilities.	Prepare Landscape Screening Plan	Prior to project construction	Nipomo Community Services District
E-2: Prior to project construction, a Landscape Maintenance Plan shall be prepared which provides a program for growing and maintaining the proposed vegetative screens so that they achieve the two-year growth plan for vegetation. The plan shall also identify the long range maintenance and vegetative replacement plan to insure that said screening will be maintained for 15 years, including replacement of any trees which may die.	Prepare Landscape Maintenance Plan	Prior to project construction	Nipomo Community Services District
E-3: Prior to project construction, a color board will be provided which identifies the exterior colors and materials to be utilized on proposed water storage tanks and booster stations. The colors and materials selected will involve muted tones which match or are comparable with the colors found in the surrounding areas.	Select colors and materials with muted tones for storage tanks and pump stations	Prior to project construction	Nipomo Community Services District
E-4: Prior to project construction, an Exterior Lighting Plan shall be prepared for the District which indicates the height, location and intensity of all proposed exterior lighting. All light fixtures shall be shielded so that neither the lamp nor the reflective interior surface is visible from beyond 50 feet of project facilities. All light poles, fixtures and hoods shall be dark (non-reflective) colored. All exterior lighting sources shall be low-level adjusted so that light is directed downward. Security lighting shall be shielded so as not to create glare when viewed from adjacent properties with lighting heights no more than is absolutely necessary. All project lighting shall not be obtrusive to travelers along any adjacent roadways.	Prepare Exterior Lighting Plan	Prior to project construction	Nipomo Community Services District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY

F. CULTURAL RESOURCES

F-1: Cultural resource monitoring shall accompany construction trenching and excavation along the South Frontage Road near Grande Avenue (SLO-808), between Division Street and Story Street (SLO-1254) as well as along a 100 meter area on the south side of Southland Street directly south of 641 Southland. A Cultural Resource Monitoring Plan shall be developed and approved by the County of San Luis Obispo which will include project review, a pre-construction archeological workshop, Chumash involvement, networking with all involved members of the project and the production of a final monitoring report.	Monitor construction trenching and excavation along South Frontage Road	During project construction	Nipomo Community Services District
F-2: The vacant lot located southeast of the intersection of Tefft Street and Highway 101 containing SLO-1394 shall not be utilized during any project construction activities including, but not limited to, a staging area for project construction.	Avoid archaeological site SLO-1394	During project construction	Nipomo Community Services District
F-3: An archaeological workshop shall be conducted by a qualified archaeologist at the pre-construction meeting for construction personnel to educate them about what types of cultural material may be encountered during construction grading and excavation. A procedure for notification of accidental discovery and communication network shall be developed so that if any suspected cultural materials are unearthed, they can be quickly examined and evaluated by a qualified archaeologist and appropriate recommendations can be made.	Conduct archaeological workshop for construction personnel	Prior to and during project construction	Nipomo Community Services District
F-4: During any grading or excavation associated with the project, if any cultural materials are unearthed, work in that area shall be halted until all cultural materials can be examined by a qualified archaeologist and appropriate recommendations made pursuant to County Land Use Ordinance Section 22.0.	Halt construction if cultural materials are unearthed	During project construction	Nipomo Community Services District

G. GEOLOGY

G-1: The following shall be included in Final Grading and Drainage Plans to prevent erosion induced siltation of on-site and off-site drainages:	Include measures to prevent erosion induced siltation on Final	Prior to project construction	Nipomo Community Services District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
• The use of temporary berms and sedimentation traps, such as silt fencing, straw bales, and sand bags, to be installed in association with project excavations, grading and underground horizontal directional drilling activities in order to minimize erosion of soils and sedimentation into the Santa Maria River and other local drainages. Sedimentation basins and traps shall be cleaned periodically with silt removal and disposal in a location approved by the District. • A prohibition against grading during the rainy season (November 1-April 15) unless erosion control measures found adequate by the District are implemented. • Methods for revegetation of disturbed soils for long-term stabilization.	Grading and Drainage Plans		

H. TRAFFIC

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.	Provide adequate signage, barriers or flagmen	During project construction	Nipomo Community Services District

I. NOISE

I-1: All project construction activities shall comply with the County of San Luis Obispo Noise Ordinance Section 22.06.042(d) which limits noise-generating construction activities to the hours between 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays.	Comply with County Noise Ordinance	During project construction	Nipomo Community Services District
I-2: All construction equipment utilizing combustion engines shall be equipped with "critical" grade (rather than "stock" grade) noise mufflers that are in good condition. Noise level reductions with the use of "critical" grade mufflers can be as high as 5 dBA. Back up "beepers" will also be tuned to insure lowest possible noise levels.	Utilize "critical" grade mufflers	During project construction	Nipomo Community Services District
I-3: All necessary measures to muffle, shield or enclose construction equipment shall be	Muffle, shield or enclose	During project construction	Nipomo Community Services District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
implemented in order to insure that noise levels at the property line of the nearest residence do not exceed an exterior noise level of 60 dBA. During project construction, noise monitoring shall be conducted by a qualified acoustical engineer in order to insure the acceptable noise threshold of 60 dBA at the property line of the nearest sensitive receptor.	construction equipment		
I-4: Stationary noise sources (i.e. pump stations and other project facilities) shall be located at least 300 feet from any occupied residential dwellings unless noise-reducing engine housing enclosures or other appropriate noise screens are provided in order to insure that exterior noise levels do not exceed 60 CNEL.	Locate stationary noise sources away from residences	During project construction	Nipomo Community Services District

J. AIR QUALITY

J-1: Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving any construction site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed water, if available, shall be used for dust control and other construction-related purposes during project construction.	Use water trucks or sprinkler systems for dust control	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-2: All dirt stock-pile areas shall be sprayed daily as needed.	Spray dirt stock-pile areas	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-3: Exposed ground areas that are planned to be reworked at dates greater than one month shall be sown with a fast-germinating native grass seed and watered until vegetation is established.	Plant exposed ground areas	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-4: All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting or other methods approved by the APCD.	Use soil stabilizers in disturbed soil areas	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-5: All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	Pave roadways, driveways, sidewalks, etc. as soon as possible	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-6: Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at a construction site.	Restrict construction vehicle speed	During project construction	Nipomo Community Services District and County Air Pollution Control District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
J-7: All trucks hauling dirt, sand, soil or other loose materials shall be covered or maintain at least two feet of freeboard.	Cover trucks hauling dirt, sand, soil or other loose material	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-8: Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.	Use wheel washers or gravel pads	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-9: Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.	Sweep streets daily	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-10: All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day.	Water excavated or graded material	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-11: All PM10 mitigation measures required must be included on any grading or building plans. These plans shall indicate the source of reclaimed water to be used for dust control. In addition, the contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of particulate matter off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to construction.	Include PM10 measures on any grading or building plans	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-12: All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.	Properly maintain and tune construction equipment	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-13: All off-road and portable, diesel-powered equipment, including, but not limited to, bulldozers, grading, cranes, loaders, scrapers, backhoes, generator sets, compressors or auxiliary power units, shall be fueled exclusively with CARB motor vehicles diesel fuel. Such equipment shall be stored within a fenced enclosure during non-working hours in order to minimize potential vandalism.	Use CARB diesel fuel	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-14: Where possible, diesel powered equipment shall be replaced with gasoline, electrical, CNG or LPG powered equipment.	Replace diesel equipment where possible	During project construction	Nipomo Community Services District and County Air Pollution Control District

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
J-15: Diesel equipment used in proposed horizontal directional drilling shall either be certified pursuant to the California Air Resources Board's Portable Equipment Registration Program or will be subject to an Authority to Construct issued by the San Luis Obispo County Air Pollution Control District (APCD). This permit will allow implementation of Best Available Control Technologies including diesel particulate filters and/or proper fuel selection.	Use certified diesel equipment	During project construction	Nipomo Community Services District and County Air Pollution Control District
J-16: Prior to any project grading, a geologic analysis will be performed in order to determine if asbestos-bearing serpentine rock is present. If naturally occurring asbestos is found at the project site, an Asbestos Health and Safety Program and an Asbestos Dust Control Plan will be submitted to the Air Pollution Control District for review and approval prior to project grading.	Prepare analysis to determine presence of asbestos-bearing soils	Prior to project construction	Nipomo Community Services District and County Air Pollution Control District
J-17: The daily water pumping operations for the proposed projects shall utilize electric-powered pumps; diesel pumps shall be provided for backup (standby) operation to be used only on an emergency basis during power outages or equipment breakdown.	Utilize electric-powered water pumps	During project operations	Nipomo Community Services District
J-18: The District shall investigate the feasibility and cost-effectiveness of the use of solar power or other alternative energy sources to power water pumps or other project facilities. *This analysis shall assess the existing technologies and tradeoffs in order to determine the feasibility of alternate energy sources including solar power. This assessment will be based upon cost constraints, reliability, space requirements and other implementation factors.*	Investigate feasibility of solar power	Prior to project operations	Nipomo Community Services District