

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

**ADDITIONAL COMMENTS ON DRAFT EIR**

# **I. INTRODUCTION AND PURPOSE**

## **A. ENVIRONMENTAL PROCEDURES AND FORMAT**

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

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

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

# Summary of Comments on Supplemental Water EIR

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

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

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

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


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

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

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

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

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

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

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

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

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


## **B. CEQA TOPICS LOCATION**

<u>TOPIC</u>	<u>LOCATION</u>
Environmental Procedures and Format	Section I
EIR Summary	Section II

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I. Introduction and Purpose  
*NCS D Waterline Intertie EIR*

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



## II. EIR SUMMARY/MITIGATION MONITORING PROGRAM

### A. EIR SUMMARY

#### 1. Project Summary


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

The proposed project extends from a proposed pipeline connection and pump station site at the intersection of West Taylor Street and North Blosser Road approximately one mile south of the Santa Maria River in the City of Santa Maria. A proposed pipeline extension will run north on Blosser Road to the Santa Maria River levee. At that point, a pipeline will be placed under the levee, extended toward the bank of the river through an agricultural area, then directionally drilled beneath the Santa Maria River to a point on the Nipomo Mesa. Connection will be made to an existing pipeline on Orchard Road near Joshua Street which runs to Southland Street. This line will connect to an upgraded NCS D 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 NCS D will be upgraded or replaced. A final element of the proposed project involves the conversion of District water supply wells from chlorination to chloramination treatment in order to provide disinfection that is compatible with the imported water supply.

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

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


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

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


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

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 Author: Date: 1/9/2009 12:14:50 AM


The EIR has performed no actual analysis of effects of enabling this development.

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 Author: Date: 1/9/2009 12:15:32 AM

Because the EIR is not on the real project and It does not include the the real approvals.

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 Author: Date: 1/9/2009 12:16:27 AM

The EIR fails to note the approval of the settlement by the PUC that is needed and the funding approval for Golden State Water's portion by the PUC and the failure of that approval to undo the reliance the EIR places on the settlement.

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

**2. Summary of Impacts and Mitigation Measures**

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


- Class I Impact - Significant and unavoidable adverse impacts that cannot be mitigated to a level of insignificance. Although mitigation measures may be proposed, these measures are not sufficient to reduce project impacts to a level of insignificance.
- Class II Impacts - Potentially significant adverse impacts which can be reduced to a level of insignificance or avoided entirely with the implementation of proposed mitigation measures.
- Class III Impacts - Adverse impacts which are found not to be significant.
- Class IV Impacts - Project impacts which are considered to be positive or of benefit to the site or the adjacent environment.

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

**TABLE 1  
SUMMARY OF RESIDUAL IMPACTS AFTER MITIGATION**


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

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 Author: Date: 1/9/2009 12:16:46 AM

The overall chart is wrong see text of comments for all sections.

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 Author: Date: 1/8/2009 8:19:05 PM


Water should clearly be class I impact given the court's talk about future overdraft and the resulting increased demand on the basin as a whole

DESCRIPTION OF IMPACT	MITIGATION MEASURE SUMMARY	Comment Page Number 16 RESIDUAL IMPACTS
<p><b>B-2.</b> 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.</p>	<p>No mitigation measures are proposed.</p>	<p>impacts which cannot be reduced to an insignificant level. These significant, unavoidable adverse impacts will require the adoption of a Statement of Overriding Considerations by the Lead Agency (Class I Impact).</p> <p>Potential impacts related to increased housing demand associated with project construction activities are considered to be less than significant (Class III Impact).</p>

**C. WATER**

<p><b>C-1.</b> 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</p>	<p><b>C-1:</b> 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.</p>	<p>Mitigation Measure C-1 will reduce potentially significant impacts related to water quality incompatibility due to differences in water treatment employed by the City of Santa Maria and the NCSD to an insignificant level (Class II Impact).</p>
<p><b>C-2.</b> The proposed project may result in degradation of surface and shallow groundwater quality as a result of underground horizontal directional drilling-related frac-outs.</p>	<p><b>C-2:</b> 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.</p> <p><b>C-3:</b> 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</p>	<p>Mitigation Measures C-2, C-3, and C-4 will reduce potentially significant water quality impacts related to underground horizontal directional drilling-induced frac-outs to an insignificant level (Class II Impact).</p>

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




DESCRIPTION OF IMPACT	MITIGATION MEASURE SUMMARY	Comment Page Number 18 RESIDUAL IMPACTS
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<p>C-4. The proposed project may result in a substantial depletion of the Santa Maria Groundwater Basin supplies, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.</p> <p>C-5. The proposed project will result in the replenishment of groundwater supplies within the Nipomo Mesa Management Area.</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Place all stored fuel, lubricants, paints, and other construction liquids in secured and covered containers within a bermed area.</li> <li>• Conduct any mixing and storage of concrete and mortar in contained areas.</li> <li>• Insure that all equipment washing and major maintenance is prohibited at the project site except in bermed areas.</li> <li>• Remove all refuse and excess material from the site as soon as possible.</li> <li>• Channelize storm water to avoid construction equipment and materials, and to divert runoff to existing drainages.</li> </ul> <p>No mitigation measures are proposed.</p> <p>No mitigation measures are proposed.</p>	<p>Potential impacts related to the groundwater supplies within the Santa Maria Groundwater Basin are considered to be less than significant (Class III Impact).</p> <p>Potential impacts related to groundwater supplies within the Nipomo Mesa Management Area are considered to be beneficial (Class IV Impact).</p>
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#### D. BIOLOGICAL RESOURCES

<p>D-1. Construction activities within the proposed pipeline alignments, water storage tank and pump station locations may adversely affect non-listed wildlife occupying adjacent habitats within the Santa Maria River wildlife migration corridors.</p> <p>D-2. Construction activities within the proposed</p>	<p>No mitigation measures are proposed.</p> <p>D-1: Pipeline, water storage tank and pump station construction operations shall be conducted</p>	<p>Potential impacts upon non-listed wildlife species, the Santa Maria River wildlife migration corridor or foraging bird species are considered to be less than significant (Class III Impact).</p> <p>Mitigation Measure D-1 will reduce potentially</p>
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 Author: Date: 1/9/2009 12:17:43 AM  
That's just not reality, see additional comments.

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

Double the homes double the salt.

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

DESCRIPTION OF IMPACT	MITIGATION MEASURE SUMMARY	Comment Page Number 29 RESIDUAL IMPACTS
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<p><b>G-4.</b> 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.</p>	<p>No mitigation measures are proposed.</p>	<p>Potential impacts related to locating the project on an unstable geologic unit or unstable soils are considered to be less than significant (Class III Impact).</p>
<p><b>G-5.</b> 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.</p>	<p>No mitigation measures are proposed.</p>	<p>Potential impacts related to the loss of availability of a known mineral resource are considered to be less than significant (Class III Impact).</p>

#### H. TRAFFIC


<p><b>H-1.</b> The proposed project will generate additional traffic which could result in traffic congestion or unacceptable levels of service on an adjacent roadway or intersection.</p>	<p>No mitigation measures proposed.</p>	<p>Potential impacts related to traffic generation are considered to be less than significant (Class III Impact).</p>
<p><b>H-2.</b> 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.</p>	<p><b>H-1:</b> 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.</p>	<p>Mitigation Measure H-1 will reduce potentially significant impacts related to the diversion of traffic, impeding access to adjacent properties and potential hazards to pedestrians or bicyclists to an insignificant level (Class II Impact).</p> <p>Potential impacts related to the loss of available parking are considered to be less than significant (Class III Impact).</p>

#### I. NOISE

<p><b>I-1.</b> The proposed project will generate construction noise which may impact</p>	<p><b>I-1:</b> All project construction activities shall comply with the County of San Luis Obispo Noise Ordinance Section 22.06.042(d) which limits</p>	<p>Mitigation Measures I-1 through I-3 will reduce potentially significant</p>
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II. EIR Summary  
NCSD Waterline Intertie EIR

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


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

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

**TABLE 3**  
**MITIGATION MONITORING PROGRAM**

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
<b>A. LAND USE AND PLANNING</b>			
No mitigation measures are proposed.	--	--	--
<b>B. POPULATION AND HOUSING</b>			
No mitigation measures are proposed.	--	--	--
<b>C. WATER</b>			
<b>C-1:</b> 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
<b>C-2:</b> 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
<b>C-3:</b> 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
<b>C-4:</b> The Nipomo Community Services District shall prepare a Frac-out Monitoring, Response and Clean-up Plan that shall be approved by the Regional Water Quality Control Board prior to any	Prepare a Frac-out Monitoring, Response and Clean Up Plan	Prior to project construction	Nipomo Community Services District

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

San Luis Obispo County Air Pollution Control District	July 24, 2008	<ul style="list-style-type: none"> <li>• Notification of APCD if contaminated soils encountered</li> <li>• Construction and operational permit requirements</li> <li>• Environmental information requirements</li> </ul>
Santa Maria Valley Water Conservation District	July 18, 2008	<ul style="list-style-type: none"> <li>• <del>SMVWCD supports the proposed project and will abide by the recent Court judgment</del></li> </ul>
Maria Vista Estates Homeowners Association, the Bening Company LLC and Maria Vista Estates (identical letters)	July 22, 2008	<ul style="list-style-type: none"> <li>• Areas of analysis to be included in the Draft EIR</li> </ul>
Bening Company LLC	July 22, 2008	<ul style="list-style-type: none"> <li>• Inadequacy of project description</li> </ul>
William Petrick	July 23, 2008	<ul style="list-style-type: none"> <li>• Status of contract with City of Santa Maria</li> <li>• Reliability of SWP water</li> <li>• Project costs and funding</li> </ul>
Harold Snyder	July 28, 2008	<ul style="list-style-type: none"> <li>• Areas of analysis to be included in the Draft EIR</li> </ul>
<b>Scoping Meeting Respondent</b>		
William Petrick	July 23, 2008	<ul style="list-style-type: none"> <li>• Project alternatives must include use of SWP water</li> <li>• Lack of an agreement with the City of Santa Maria</li> </ul>
Jennifer Joshwick	July 23, 2008	<ul style="list-style-type: none"> <li>• Reclamation offers a viable alternative water source</li> </ul>
Arthur Tognazzi	July 23, 2008	<ul style="list-style-type: none"> <li>• No withdrawal of groundwater from the NMMA</li> <li>• Water from the City of Santa Maria to be a blend of groundwater and SWP water</li> </ul>