VI. UNAVOIDABLE ADVERSE IMPACTS

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

TABLE 26
PROJECT IMPACT SUMMARY

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

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Class I Impact – Significant 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. These significant, unavoidable adverse impacts require the adoption of a Statement of Overriding Consideration by the Lead Agency if the proposed project is approved.
Class II Impact – 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 Impact – Adverse impacts which are found not to be significant for which mitigation measures may be applied but are not required.
Class IV Impact – Project impacts which are considered to be positive or of benefit to the site or the adjacent environment.

The significant unavoidable adverse (Class I) impacts noted above are also listed and briefly described below. These descriptions are followed by a cross-reference to the subsection of Section V. Environmental Analysis of this EIR where a detailed discussion of the significant impact is provided.

Land Use and Planning - 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 (see Section V.A. Land Use and Planning).

Population and Housing - 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 (see Section V.B. Population and Housing).

These significant, unavoidable adverse impacts cannot be reduced to an insignificant level and will require the adoption of a Statement of Overriding Consideration by the Nipomo Community Services District as the Lead Agency.

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VII. ALTERNATIVES TO THE PROPOSED PROJECT

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

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

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

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

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

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The proposed project alternatives must also be considered and evaluated in terms of their ability to feasibly attain as many of the objectives of the proposed project as possible as well as their ability to reduce or eliminate the significant environmental impacts of the proposed project. These project objectives are discussed in Section III.B. Project Objectives of this EIR and are listed below.

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

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

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

4. Augment current water supplies available to the Nipomo Community Services District by a phased delivery of supplemental water. Phase I will supply approximately 2,000 AFY by pipeline from Santa Maria following Phase 1 construction completion. Phase II will supply up to an additional 1,000 AFY by pipeline from Santa Maria (a cumulative total of 3,000 AFY). A third phase (Phase III), if implemented, would supply up to an additional 3,200 AFY (a cumulative total of 6,200 AFY) by pipeline from Santa Maria. *Each phase will be separately approved and funded by authorization of the NCSD Board of Directors. Phases I and II will supply water only to customers in the current NCSD boundaries and other water purveyors in the NMMA, specifically the Woodlands Mutual Water Company, Golden State Water Company and Rural Water Company. Only in Phase III will water be made available to new customers in the 2004 Sphere of Influence Areas that are annexed into the NCSD boundaries."*

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.

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

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

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

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

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

These project objectives provide the basis for the evaluation (and possible adoption or rejection) of various project alternatives. Table 27, Project Alternatives, Comparison With Project Objectives provides a tabular comparison of project objectives and the project alternatives. The basic objective of the proposed Nipomo Community Services District Waterline Intertie is to construct a pipeline connection from the City of Santa Maria water distribution system across the Santa Maria River to the existing water distribution system within the Nipomo Community Services District in order to meet the stated objectives of the project through the provision of supplemental water supplies. Several of the project alternatives are capable of meeting these objectives, those being the Eastern River Crossing, Highway 101 Bridge, Surface Crossing, Existing Pipeline and New Bridge Alternatives. Two project alternatives, the No Project and Reduced Pipeline Capacity Alternatives, are not capable of meeting the project objectives in a manner similar to the proposed project. The Nipomo Community Services District, as Lead Agency, must evaluate the comparative merits of these alternatives in their consideration of the proposed project.

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TABLE 27
PROJECT ALTERNATIVES
COMPARISON WITH PROJECT OBJECTIVES

	ALTERNATIVES						
OBJECTIVES	No Project	Eastern River Crossing	Highway 101 Bridge	Surface Crossing	Existing Pipeline	New Bridge	Reduced Pipeline Capacity
Slow the Depletion of NMMA Groundwater Supplies	0	3	3	3	3	3	1
Comply With Groundwater Adjudication	0	3	3	3	3	3	3
Assist in Stabilizing Groundwater Levels	0	3	3	3	3	3	1
Augment NCSD Water Supplies	0	3	3	3	3	3	3
Augment Water Supplies to Other Current Purveyors	0	3	3	3	3	3	3
Provide Diversity of Water Sources	0	3	3	3	3	3	2
Respond to LAFCO Requirements	0	3	3	3	3	3	3
Avoid Multiple River Crossings	*4*	3	3	3	3	3	1
Provide Water to NCSD Service Area and Spheres of Influence	0	3	3	3	3	3	1

0 – Project alternative fails to meet objective.
1 – Project alternative meets objective but to a level which is significantly less than that provided by the proposed project.
2 – Project alternative meets objective but to a level less than the proposed project.
3 – Project alternative meets objective to a level equal to the proposed project.
4 – Project alternative meets objective to a level which exceeds the proposed project.

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A. NO PROJECT ALTERNATIVE

1. Description of No Project 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 for supplemental water to the Nipomo Community Services District.

2. Impacts of the No Project Alternative

The No Project Alternative maintains the existing conditions in the project area as discussed in Section V. Environmental Analysis of this EIR. The No Project Alternative eliminates the following impacts that are associated with the proposed project and other development alternatives considered with this analysis:

1. Land Use and Planning/Population and Housing – The No Project Alternative by negating the potential for supplemental water delivery to the Nipomo Community Services District would reduce the amount of future water supplies available to serve new development within the Nipomo Mesa Management Area. By maintaining water supplies at current levels, a potential constraint to future development, that being the future availability of long-term water supplies, is retained. The No Project Alternative eliminates the significant (Class I) land use and planning and population and housing impacts associated with the proposed project.

2. Geology/Water – Grading and construction impacts associated with impacts upon landform, geology and hydrology of the project area will be eliminated with this alternative. In terms of water supply, the No Project Alternative eliminates the potential for supplemental water delivery to the Nipomo Community Services District at this time. In so doing, the ability of the District and other Mesa water providers to provide area-wide groundwater management is reduced while increasing dependence upon pumping of the groundwater basin. With the No Project Alternative, other water purveyors within the Nipomo area, who are not governed by many of the conditions and regulations applied to the Nipomo Community Services District, may utilize the groundwater basin as a future water source for new development. These water purveyors, as illustrated in Figure 29, Water Purveyors in Nipomo, have the capability and authority to pump additional groundwater from the Nipomo Mesa Management Area thereby potentially contributing to continued degradation and potential overdraft of the groundwater basin which would result in an additional significant adverse impact upon these groundwater supplies.

3. Biological Resources – Impacts to existing biological resources associated with the proposed project will be eliminated with the No Project Alternative.

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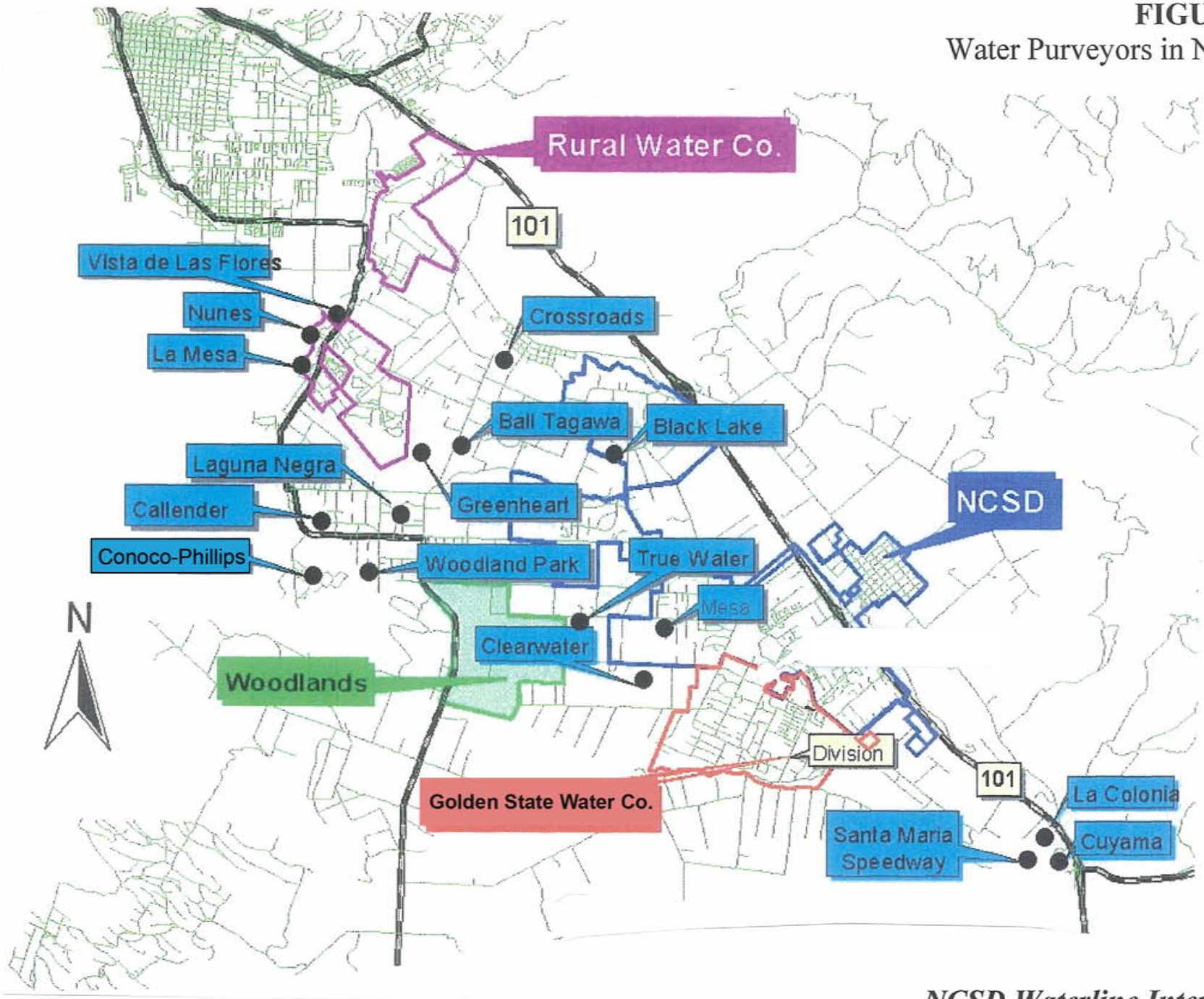
FIGURE 29
Water Purveyors in Nipomo



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

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

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

3. Comparative Analysis

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

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

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B. EASTERN RIVER CROSSING ALTERNATIVE

1. Description of Surface Crossing Alternative

Two options were identified as potential routes for an eastern pipeline alignment beneath the Santa Maria River (see Figures 30A and 30B, Eastern River Crossing Alternatives). 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 (Alternative 30A) or 5,200 feet (Alternative 30B) 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 (Alternative 30A) or the abandoned 1917 State Highway alignment (Alternative 30B). 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.

2. Impacts of Eastern River Crossing Alternative

Environmental impacts associated with the Eastern River Crossing Alternative are discussed below.

1. Land Use and Planning/Population and Housing – The Eastern River Crossing Alternative has similar land use and planning and population and housing impacts as the proposed project. This alternative results in the same significant, unavoidable adverse (Class I) impacts as the proposed project.

2. Geology/Water – The potential seismic impacts associated with the Eastern River Crossing Alternative are similar to those associated with the proposed project. The extent of impacts associated with geology and drainage would be greater with the Eastern River Crossing Alternative than that associated with the proposed project. There is due to the original trenching within the Santa Maria Riverbed with this Alternative than with the proposed project (1,800 feet as compared to 900 feet for the proposed project), significantly greater trenching required on the south side of the river levee (4,300 or 5,200 linear feet) and an additional 7,300 linear feet on the north side of the river.

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FIGURE 30A
Eastern River Crossing Alternative

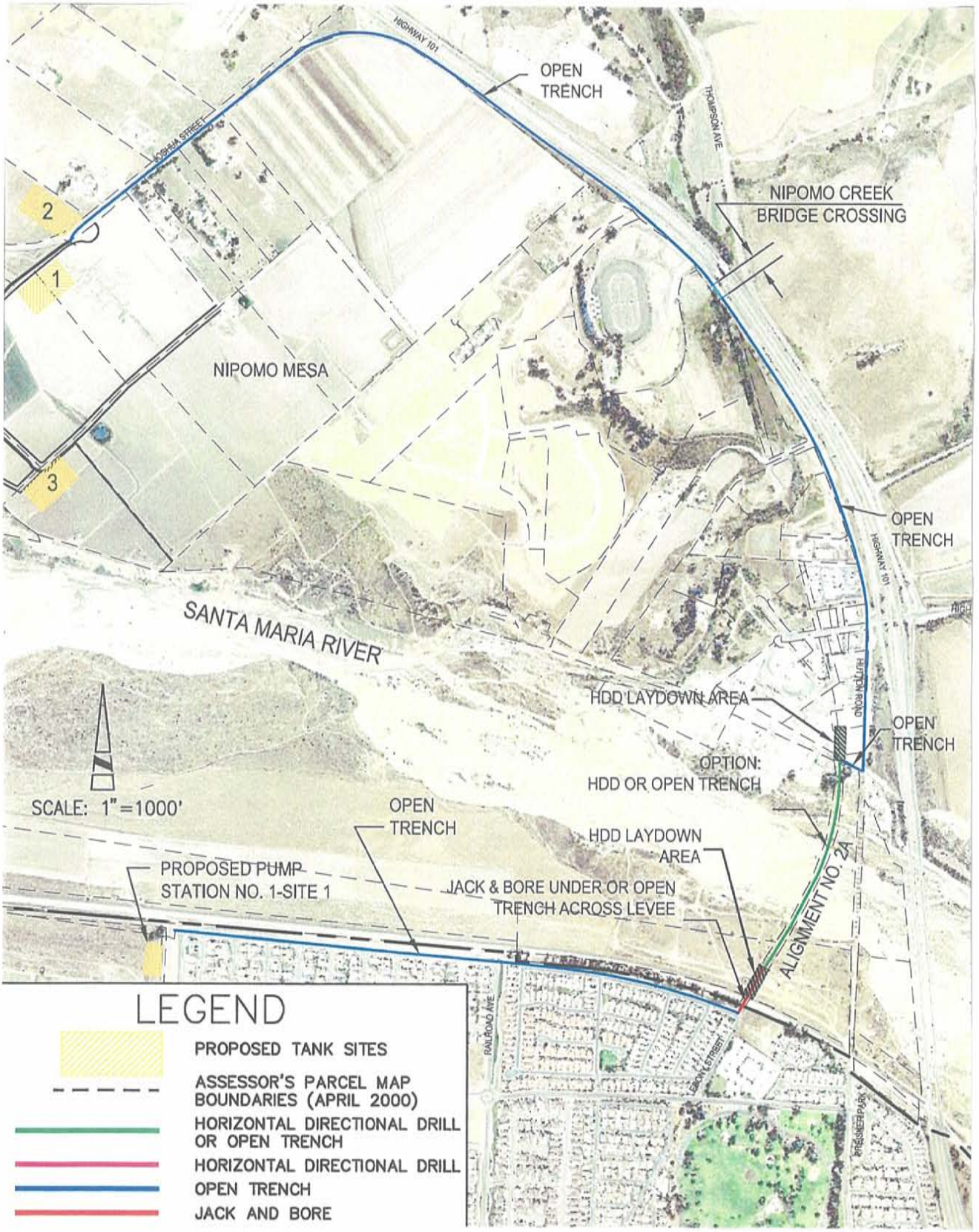

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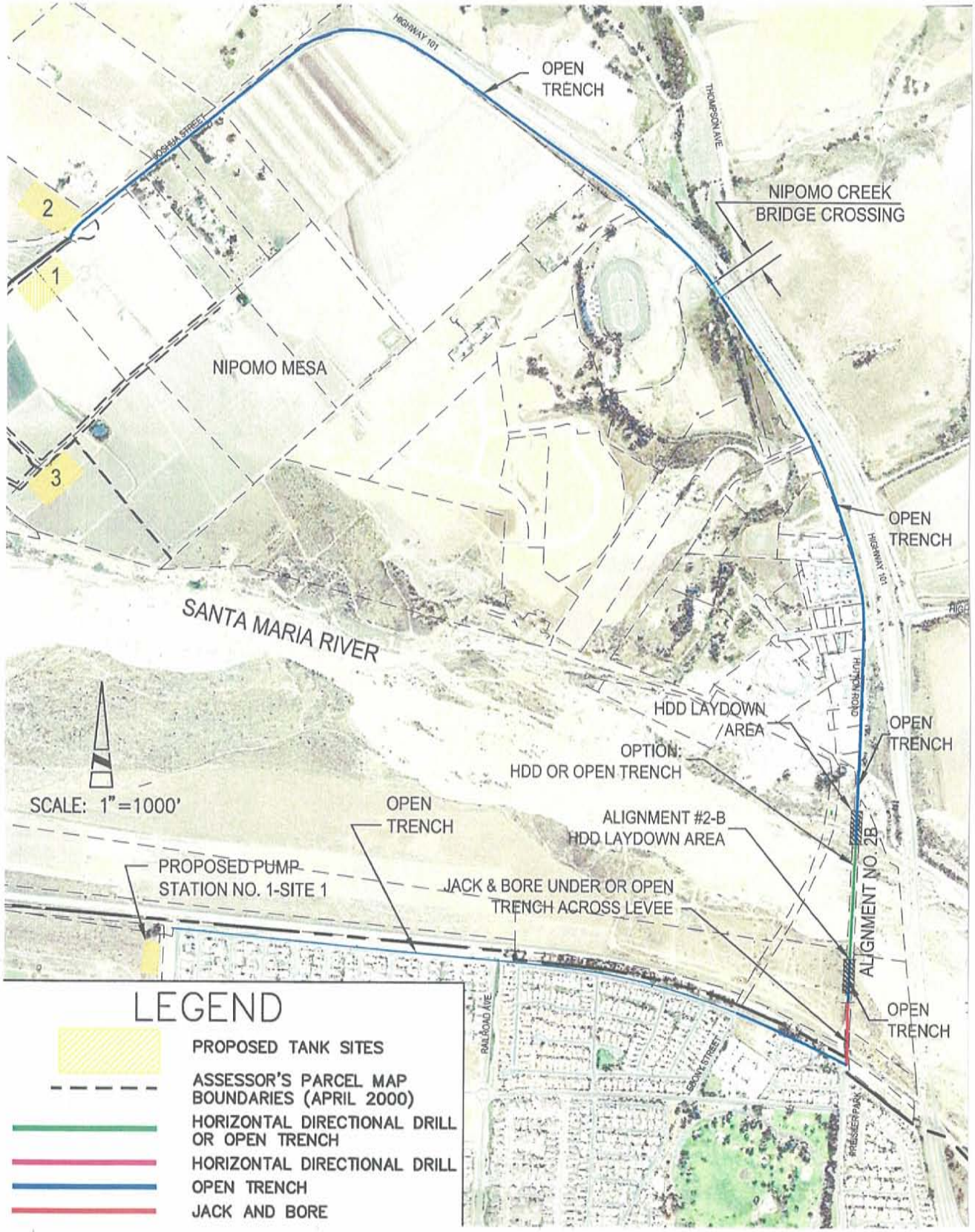
FIGURE 30B
Eastern River Crossing Alternative



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Impacts associated with potential degradation of surface and shallow groundwater quality as a result of proposed horizontal directional drilling due to the Eastern River Crossing Alternative are similar to those associated with the proposed project since both options involve a similar amount of horizontal directional drilling.

Impacts upon surface water quality as a result of potential construction related spills is greater with the Eastern River Crossing Alternative due to the increased amount of surface trenching required within and on each side of the Santa Maria Riverbed as compared to the proposed project.

3. Biological Resources – The extent of potential impacts upon sensitive biological resources is greater with the Eastern River Crossing Alterative as compared to the proposed project due to the need to traverse Nipomo Creek with the pipeline. Nipomo Creek has been observed to contain the California red-legged frog (CRLF), a Federally-listed threatened species and a California Species of Special Concern. Construction activities within the area proposed for crossing Nipomo Creek may also impact riparian habitat, wetland vegetation and other sensitive biological resources at this location. This Alternative alignment will, however, avoid three other observed locations of the CRLF in areas near the proposed project pipeline alignment.

4. Aesthetics – The Eastern River Crossing Alternative will have increased short-term visual impacts as compared to the proposed project due to the increased amount of surface trenching required within and on each side of the Santa Maria Riverbed as compared to the proposed project.

5. Cultural Resources – The Eastern River Crossing Alternative would have similar impacts upon cultural resources as the proposed project.

6. Traffic/Noise/Air Quality – The Eastern River Crossing will have increased traffic, noise and air quality impacts as compared to the proposed project due to the increased amount of surface trenching required within and on each side of the Santa Maria Riverbed.

3. Comparative Analysis

The Eastern River 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, aesthetics and traffic/noise/air quality as compared to the proposed project.

The Eastern River Crossing Alternative meets all of the project objectives in a manner similar to the proposed project (see Table 27, Project Alternatives, Comparison with Project Objectives).

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C. HIGHWAY 101 BRIDGE ALTERNATIVE

1. Description of Highway 101 Bridge Alternative

The Highway 101 Bridge Alternative involves attaching the pipeline to the existing Highway 101 Bridge which spans the Santa Maria River (see Figure 31, Highway 101 Bridge Alternative). 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 California Department of Transportation (Caltrans) has stated that the current structure would support any retrofitted supports and the new waterlines. According to Caltrans, the Highway 101 Bridge is scheduled for upgrading and expansion by the year 2012. If attachment of the waterline to the current bridge is not pursued, space can be created for the waterline in the design phase of the bridge upgrade project. 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.

2. Impacts of Highway 101 Bridge Attachment

Environmental impacts associated with the Highway 101 Bridge Alternative are discussed below.

1. Land Use and Planning/Population and Housing – The Highway 101 Bridge Alternative has similar land use and planning and population and housing impacts as the proposed project. This alternative results in the same significant, unavoidable adverse (Class I) impacts as the proposed project.

2. Geology/Water – The potential seismic impacts associated with the Highway 101 Bridge Alternative are similar to but less that those associated with the proposed project as the pipeline would be suspended on the existing Highway 101 bridge rather than buried under the Santa Maria River. The extent of impacts associated with geology and drainage would be greater with the Highway 101 Bridge Alternative than that associated with the proposed project. Although there is slightly less trenching within the Santa Maria Riverbed with this Alternative than with the proposed project (800 feet as compared to 900 feet for the proposed project), there is significantly greater trenching required on the south side of the river levee (5,900 linear feet) and an additional 7,300 linear feet on the north side of the river.

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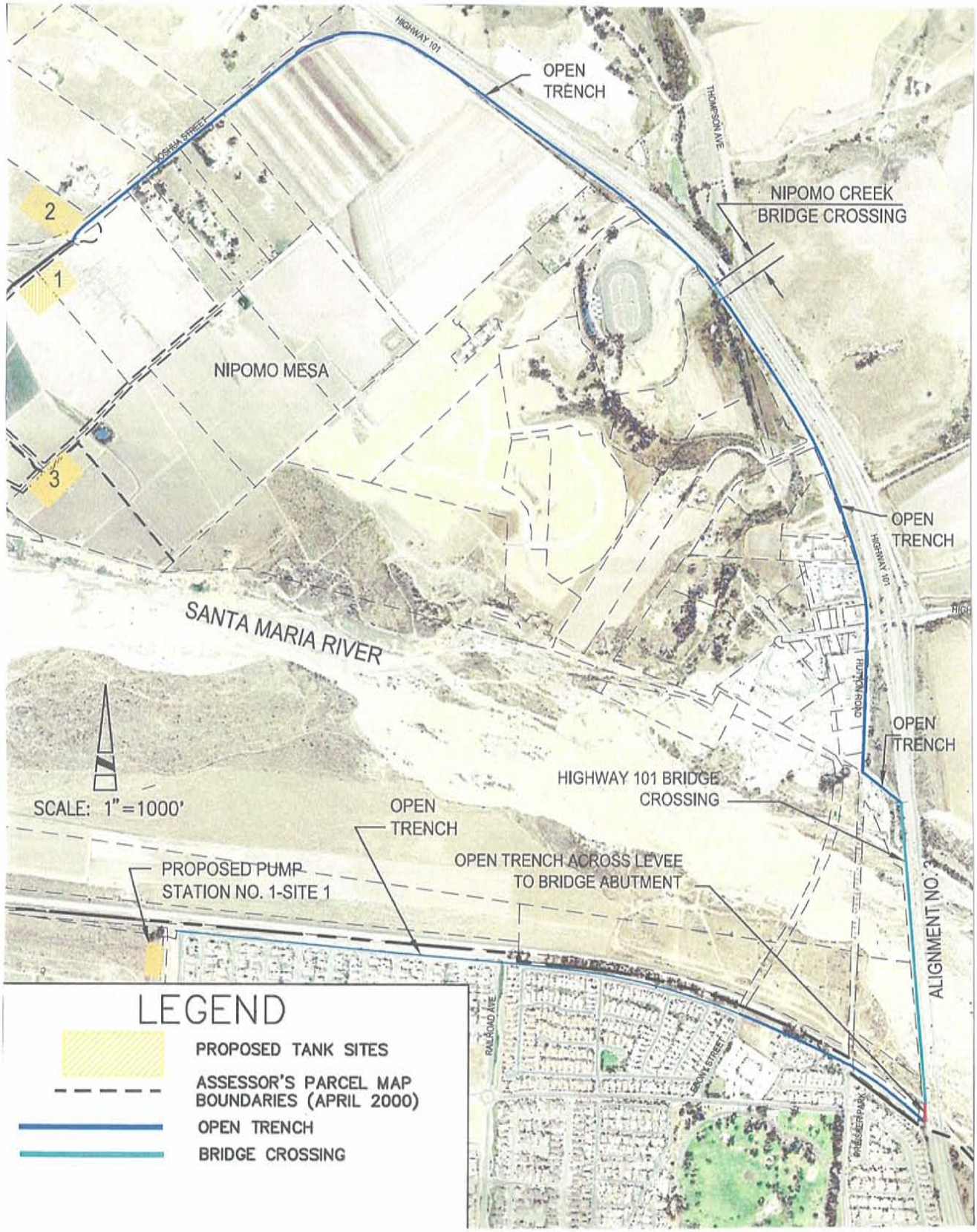
FIGURE 31
Highway 101 Bridge Alternative



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Impacts associated with the potential degradation of surface and shallow groundwater quality as a result of proposed horizontal directional drilling are eliminated with the Highway 101 Bridge Alternative.

Impacts upon surface water quality as a result of potential construction related spills is greater with the Highway 101 Bridge Alternative as compared to the proposed project due to the increased use of construction equipment needed for attachment of pipelines to the bridge within the Santa Maria riverbed as well as the increased amount of surface trenching on each side of the Santa Maria River as compared to the proposed project.

3. Biological Resources – The extent of potential impacts upon sensitive biological resources is greater with the Highway 101 Bridge Alternative as compared to the proposed project due to the need to traverse Nipomo Creek with the pipeline. Nipomo Creek has been observed to contain the California red-legged frog (CRLF), a Federally-listed threatened species and a California Species of Special Concern. Construction activities within the area proposed for crossing Nipomo Creek may also impact riparian habitat, wetland vegetation and other sensitive biological resources at this location. This Alternative will, however, avoid three other observed locations of the CRLF in areas near the propose project pipeline alignment.

4. Aesthetics – The Highway 101 Bridge Alternative will have increased short-term visual impacts as compared to the proposed project due to the increased amount of surface trenching required on each side of the Santa Maria River as well as the additional use of construction equipment needed for attachment of pipelines to the bridge.

5. Cultural Resources – The Highway 101 Bridge Alternative would have similar impacts upon cultural resources as the proposed project.

6. Traffic/Noise/Air Quality – The Highway 101 Bridge Alternative will have increased traffic, noise and air quality impacts as compared to the proposed project due to the increased amount of surface trenching required on each side of the Santa Maria River.

3. Comparative Analysis

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 and traffic/noise/air quality as compared to the proposed project.

The Highway 101 Bridge Alternative meets all of the project objectives in a manner similar to the proposed project (see Table 27, Project Alternatives, Comparison with Project Objectives).

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D. SURFACE CROSSING ALTERNATIVE

1. Description of Surface Crossing 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.

2. Impacts of Surface Crossing Alternative

Environmental impacts associated with the Surface Crossing Alternative are discussed below.

1. Land Use and Planning/Population and Housing – The Surface Crossing Alternative has similar land use and planning and population and housing impacts as the proposed project. This alternative results in the same significant, unavoidable adverse (Class I) impacts as the proposed project.

2. Geology/Water – The Surface Crossing Alternative will, due to the extent of excavation associated with open trench construction, have significantly increased impacts upon geology and drainage as compared to the proposed project. Open trenching across the Santa Maria River (up to 40 feet in width) and the temporary stockpiling of excavated soil would involve soil disturbance and exposure of soil to wind and water erosion, which could result in increased siltation of the river. Trenching up the steep, south-facing bluff of the Nipomo Mesa along the proposed waterline intertie alignment would potentially result in severe slope erosion and shallow slope failures, as this bluff face consists of loose, relatively unconsolidated sands which are prone to erosion.

   If construction of this alternative occurs while there are flows in the river, water flows would require diversion which would temporarily alter existing drainage patterns. Impacts associated with diversion of river flows can be averted if construction activities in the riverbed were confined to the dry season.

   Water quality impacts associated with potential spills from equipment operating within the riverbed would be greater with this alternative as compared to the proposed project as additional construction equipment would be required and more surface disturbance will occur within the riverbed.

3. Biological Resources – The Surface Crossing Alternative will, as a result of excavation associated with open trench construction, have increased impacts upon biological resources as compared to the proposed project. If open trenching associated with this alternative were to occur along the proposed waterline intertie alignment, the extent of trenching would be increased by a distance of approximately 3,600 linear feet or

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approximately 0.7 miles in order to traverse the river and the steep cliff surrounding the Nipomo Mesa. Trenching at this location would disturb approximately 3.4 acres of habitats including alluvial scrub and riparian habitats within the river bottom and coastal scrub on the bluff face as well as creating the potential for accelerated erosion on the steep bluff.

4. Aesthetics – The Surface Crossing Alternative would result in increased aesthetics impacts during project construction as compared to the proposed project due to the excavation of an open cut trench and associated stockpiling of excavated soil within the Santa Maria River channel and the bluff face.

5. Cultural Resources – Soil disturbance associated with the Surface Crossing Alternative increases the potential for discovery of cultural resources during construction. Because no prehistoric or historic cultural resources were identified along the proposed pipeline routes, potential adverse impacts can be mitigated with the currently proposed mitigation measures. As such, potential impacts to cultural resources associated with this alternative are similar to those associated with the proposed project.

6. Traffic/Noise/Air Quality – The Surface Crossing Alternative will have increased traffic, noise and air quality impacts as compared to the proposed project due to the noise and air pollutants generated during excavation of the open cut trenches and the associated stockpiling of excavated soil within the Santa Maria River channel.

3. Comparative Analysis

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, noise and air quality as compared to the proposed project.

The Surface Crossing Alternative meets all of the project objectives in a manner similar to the proposed project (see Table 27, Project Alternatives, Comparison With Project Objectives).

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E. EXISTING PIPELINE ALTERNATIVE

1. Description of Existing Pipeline 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 (see Figure 32, Existing Pipeline Routes). The Sempra Energy line was replaced in the mid 1990's utilizing directional drilling methods but Sempra representatives have not been able to confirm if the old line was removed. These pipelines are all currently in service, however, the Nipomo Community Services District may be able to negotiate for their future use.

Two methods of installation of a water pipeline area available with this alternative. The most commonly used method for replacing a pipe is pipe bursting. The pipe bursting process involves driving a tool on the front end of the replacement pipe that expands, splits, or cracks the existing pipe to a larger diameter, allowing the new pipe to be pushed through the void. Pipe bursting allows for replacement or upsizing of an existing pipe with little to no excavation. The condition of the pipe, and whether or not is in encased in concrete, is vital to successful pipeline replacement. The second method is known as slip-lining or close-fit lining of the existing pipe. The process entails inserting a new line into an existing line by pushing or pulling it into place. This is accomplished using a fully expanded cylindrical pipe or a folded liner which will then need to be expanded and cured in place. Polyethylene is the most commonly used material for this method.

2. Impacts of Existing Pipeline Alternative

1. Land Use and Planning/Population and Housing – The Existing Pipeline Alternative has similar land use and planning and population and housing impacts as the proposed project. This alternative results in the same significant, unavoidable adverse (Class I) impacts as the proposed project.

2. Geology/Water – The Existing Pipeline Alternative will have increased impacts upon geology and water quality as compared to the proposed project. Pipe bursting has limitations in that difficulties can arise in expansive soils, close proximity of other service lines, point repairs that reinforce the existing pipe with ductile material, a collapsed pipe at a certain point along the pipe, etc. These potential limitations may result in increased drilling or excavation at the point of limitation.

3. Biological Resources – Any required excavation associated with the Existing Pipeline Alternative may result in increased impacts upon biological resources as compared to the proposed project. Riparian and alluvial scrub habitats in the riverbed would be disturbed.

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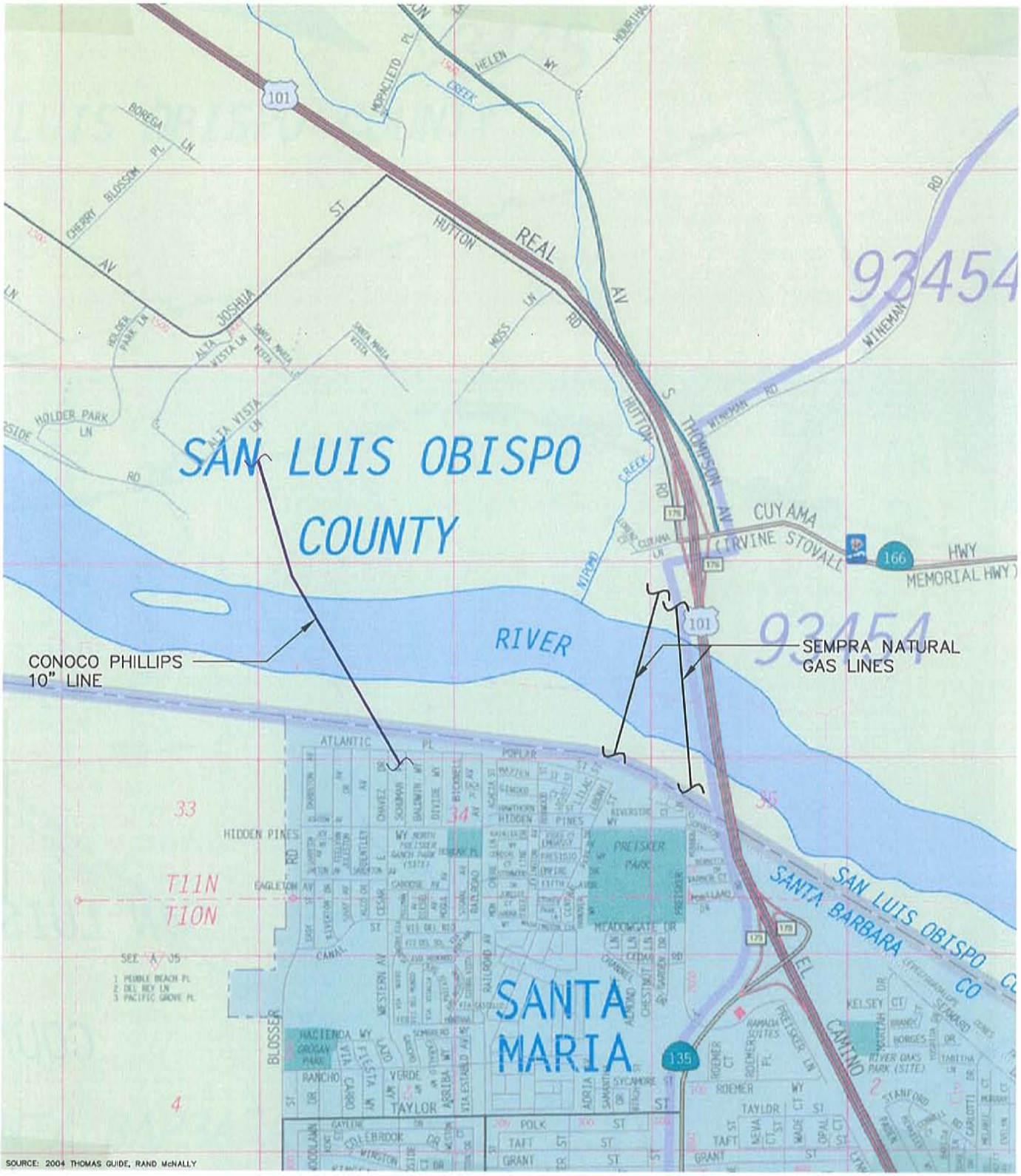
FIGURE 32
Existing Pipeline Routes



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4. Aesthetics – The Existing Pipeline Alternative would have similar visual impacts as the proposed project

5. Cultural Resources – The Existing Pipeline Alternative would have similar cultural resources impacts as the proposed project.

6. Traffic/Noise/Air Quality – The Existing Pipeline Alternative would have similar traffic, noise and air quality impacts as the proposed project.

3. Comparative Analysis

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.

The Existing Pipeline Alternative meets all of the project objectives in a manner similar to the proposed project (see Table 27, Project Alternatives, Comparison With Project Objectives).

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F. NEW BRIDGE ALTERNATIVE

1. Description of New Bridge Alternative

Similar to attaching a new pipeline to the Highway 101 Bridge, 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 (see Figure 33, New Bridge Routes).

2. Impacts of New Bridge Alternative

1. Land Use and Planning/Population and Housing – The New Bridge Alternative has similar land use and planning and population and housing impacts as the proposed project. This alternative results in the same significant, unavoidable adverse (Class I) impacts as the proposed project.

2. Geology/Water – The New Bridge Alternative will have increased impacts upon geology and drainage as compared to the proposed project as a result of the excavation and grading required for bridge construction. The excavation required for bridge supports and the associated stockpiling of excavated soil will result in soil disturbance and exposure of soil to wind and water erosion and siltation in the river.

   If construction of this alternative occurs while there are flows in the river, water flows would require diversion which would temporarily alter drainage patterns. Water quality impacts associated with potential spills from construction equipment in the riverbed would also be greater with this alternative as compared to the proposed project.

3. Biological Resources – The New Bridge Alternative will, as a result of excavation and grading required for bridge construction, have increased impacts upon biological resources as compared to the proposed project. Riparian and alluvial scrub habitats in the riverbed could be disturbed.

4. Aesthetics – The New Bridge Alternative will result in increased aesthetics impacts as compared to the proposed project due to the excavation and grading required for bridge construction and the associated stockpiling of excavated soil.

5. Cultural Resources – Soil disturbance associated with the New Bridge Alternative increases the potential for discovery of cultural resources during construction. Because no prehistoric or historic cultural resources were

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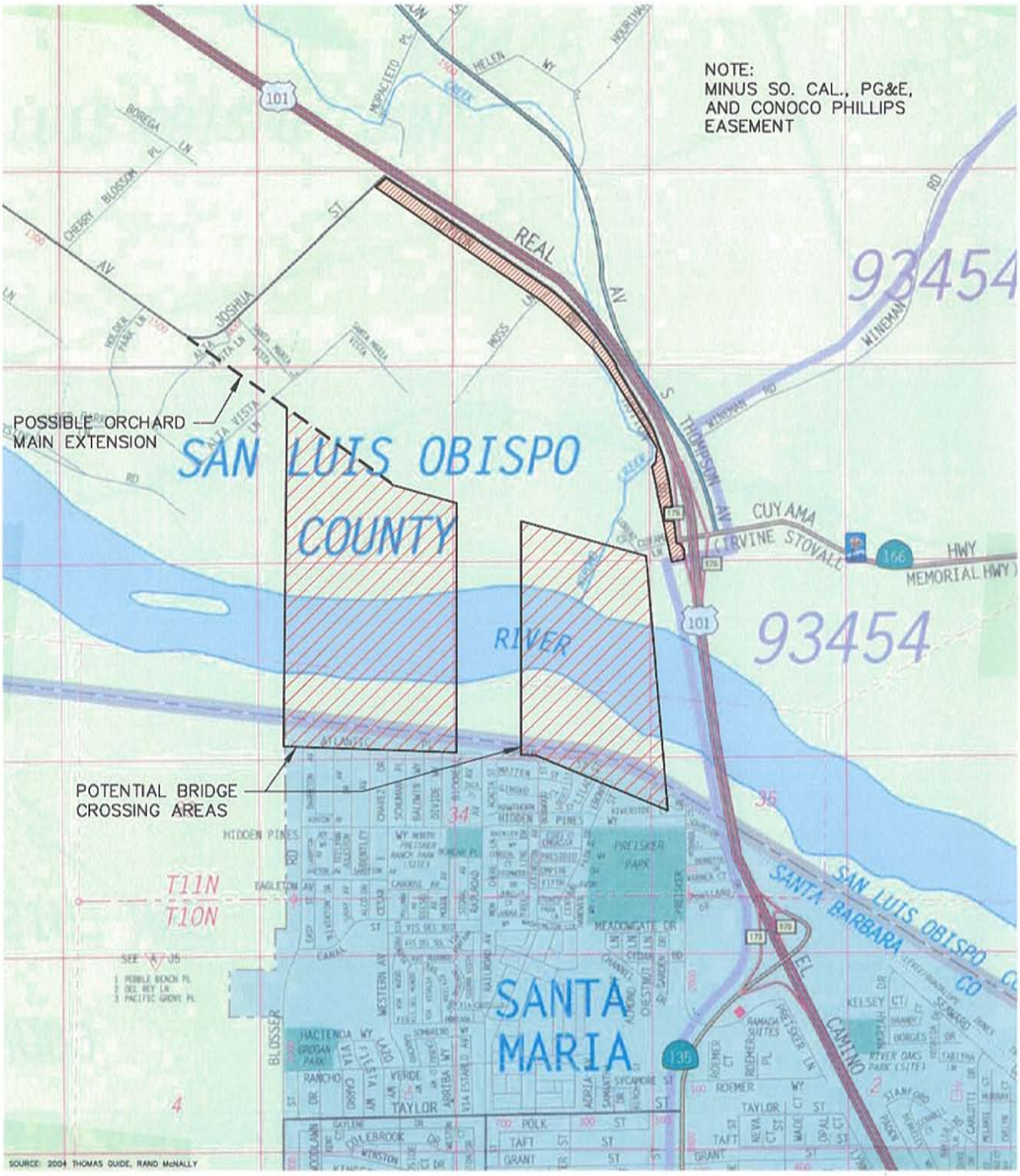
FIGURE 33
New Bridge Routes



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identified in the riverbed, potential adverse impacts can be mitigated with the currently proposed mitigation measures. As such, potential impacts to cultural resources associated with this alternative are similar to those associated with the proposed project.

6. Traffic/Noise/Air Quality – The New Bridge Alternative will have increased traffic, noise and air quality impacts as compared to the proposed project due to noise and air pollutants generated as a result of excavation and grading required for bridge construction and the associated stockpiling of excavated soil.

3. Comparative Analysis

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.

The New Bridge Alternative meets all of the project objectives in a manner similar to the proposed project (see Table 27, Project Alternatives, Comparison With Project Objectives).

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G. REDUCED PIPELINE CAPACITY ALTERNATIVE

1. Description of Reduced Pipeline Capacity Alternatives

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. If this higher capability is ever authorized, an additional pipeline is necessary. This new development, which is assumed to be consistent with the South County Area Plan, would not be provided with supplemental water with the Reduced Pipeline Capacity Alternative.

2. Impacts of the Reduced Pipeline Capacity Alternative

1. Land Use and Planning/Population and Housing – The Reduced Pipeline Capacity Alternative reduces the significant, unavoidable adverse (Class I) land use and planning and population and housing impacts associated with the proposed project by maintaining a potential constraint to future development in areas currently proposed to be served by supplemental water supplies beyond the 2,500 acre-foot per year provided by this Alternative. Those areas include vacant land within the Nipomo Community Services District boundaries and the Sphere of Influence Areas adjacent to the current NCSD boundaries.

2. Geology/Water – The Reduced Pipeline Capacity Alternative will have similar geologic and drainage impacts as the proposed project. In terms of water supply, 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.

3. Biological Resources – The Reduced Pipeline Capacity Alternative would have similar impacts to biological resources as the proposed project.

4. Aesthetics – The Reduced Pipeline Capacity Alternative would have similar visual impacts as the proposed project.

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5. Cultural Resources – The Reduced Pipeline Capacity Alternative would have similar cultural resources impacts as the proposed project.

6. Traffic/Noise/Air Quality- The Reduced Pipeline Capacity Alternative would have similar traffic, noise and air quality impacts as the proposed project.

3. Comparative Analysis

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. 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 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. This alternative meets the project objective related to the provision of a diversity of water sources to a level less than the proposed project. This alternative meets the remaining project objectives, those 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 (see Table 27, Project Alternative, Comparison With Project Objectives).

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H. ALTERNATIVE PROJECT SITES

The State CEQA Guidelines require an evaluation of reasonable alternatives to the location of the proposed project when appropriate. Alternative project sites should be considered when the proposed project results in unavoidable significant adverse impacts. A primary constraint in this consideration is finding an alternative project site of nearly equivalent size under a single ownership which is either not the subject of a development application or approval or not possessing significant environmental constraints of its own. The consideration of alternative project sites must be based upon their feasibility and their ability to meet the project objectives.

The Nipomo Community Services District considered several project alternatives, including those analyzed within this EIR, in order to select the proposed 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 (Class I) impacts in the areas of land use and planning and population and housing, would remain with a waterline crossing at this alternative location.

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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. The evaluation of these alternative water sources was based upon several factors including: 1) water supply, 2) water quality, 3) reliability of supply, 4) schedule (i.e. timing), 5) institutional (legal and regulatory) constraints and 6) project costs.

1. Santa Maria Groundwater

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

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

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

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

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

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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.

2. State Water Project

The State Water Project (SWP) is a system of dams, reservoirs, power and pumping plants, canals and aqueducts that conveys water from Lake Oroville to Southern California. The "Coastal Branch" of the SWP consists of water conveyance facilities built by the California Department of Water Resources (DWR) and regional distribution and treatment facilities constructed by the Central Coast Water Authority (CCWA). Water could be provided to the NCSD via a turnout along the Coastal Branch within the District's boundaries. Water would then be delivered either directly to the District's water system or indirectly via aquifer storage and recovery.

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. Water quality is not considered to be a constraint with this option.

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.

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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.

3. Desalination

This alternative 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. Water quality is not considered a constraint however the need for increased treatment reduces the amount of water produced. 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.

4. Brackish Agricultural Drainage

This alternative 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. Rainfall runoff accounts for an additional 152 acre-feet per year resulting in a total annual inflow of 1,120 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. It has been estimated that if 100% of the irrigated area were

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to adopt sprinkler/drip systems, the annual runoff volume would decrease to 440 AFY. It is therefore concluded that 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.

5. 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, however, the final reach of the Nacimiento Water Project could be upgraded by an additional involved agency to provide up to 3,000 acre-feet per year.

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.

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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.

6. 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.

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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.

7. 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

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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.

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J. ENVIRONMENTALLY SUPERIOR ALTERNATIVES

The State CEQA Guidelines require an EIR to identify the alternative(s) that are environmentally superior to the proposed project. This determination is based upon three separate analyses: a) the ability of the project alternatives to reduce and/or eliminate the significant unavoidable adverse (Class I) impacts associated with the proposed project; b) the ability of the project alternatives to reduce or eliminate the remaining potentially significant but mitigable, i.e. direct (Class II) impacts associated with the proposed project and c) the project alternatives which adversely impact the Nipomo Mesa Management Area groundwater supplies.

Based upon the ability of the project alternatives to reduce and/or eliminate the significant unavoidable adverse (Class I) impacts associated with the proposed project, alternatives to the proposed project are ranked in Table 28, Environmentally Superior Alternatives–Significant Impacts. The project alternatives considered to be environmentally superior to the proposed project include the No Project Alternative and the Reduced Pipeline Capacity Alternatives.

TABLE 28
ENVIRONMENTALLY SUPERIOR ALTERNATIVES-
SIGNIFICANT IMPACTS

Ranking	Alternative
1	No Project Alternative
2	Reduced Pipeline Capacity Alternative
3	PROPOSED PROJECT
3	Highway 101 Bridge Alternative
3	Eastern River Crossing
3	Surface Crossing Alternative
3	Existing Pipeline Alternative
3	New Bridge Alternative

Based upon the ability of the project alternatives to reduce and/or eliminate the remaining potentially significant but mitigable, i.e. direct (Class II) impacts associated with the proposed project, alternatives to the proposed project are ranked in Table 29, Environmentally Superior Alternatives–Direct Impacts. The project alternatives considered to be environmentally superior to the proposed project include the No Project Alternative and the Reduced Pipeline Capacity Alternative.

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TABLE 29
ENVIRONMENTALLY SUPERIOR ALTERNATIVES-
DIRECT IMPACTS

Ranking	Alternative
1	No Project Alternative
2	PROPOSED PROJECT
2	Reduced Pipeline Capacity Alternative
3	Existing Pipeline Alternative
4	Highway 101 Bridge Alternative
5	Eastern River Crossing Alternative
6	New Bridge Alternative
7	Surface Crossing Alternative

Based upon project alternatives which adversely impact the Nipomo Mesa Management Area groundwater supplies, alternatives to the proposed project are ranked in Table 30, Environmentally Superior Alternatives–Groundwater Impacts. None of the project alternatives considered to be environmentally superior to the proposed project. The No Project and the Reduced Pipeline Capacity Alternatives result in additional adverse impacts upon groundwater supplies within the Nipomo Mesa Management Area as compared to the proposed project and the remaining project alternatives.

TABLE 30
ENVIRONMENTALLY SUPERIOR ALTERNATIVES-
GROUNDWATER IMPACTS

Ranking	Alternative
1	PROPOSED PROJECT
1	Highway 101 Bridge Alternative
1	Eastern River Crossing
1	Surface Crossing Alternative
1	Existing Pipeline Alternative

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1	New Bridge Alternative
2	Reduced Pipeline Capacity Alternative
3	No Project Alternative

Alternative project sites and alternative projects were not ranked due to the lack of information concerning their location or precise design.

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

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VIII. GROWTH INDUCING IMPACTS

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. Provision of additional water supplies necessary to serve future growth within and adjacent to the Nipomo Community Services District is discussed in detail within the following subsection titled "Removal of an Impediment to Growth."

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 identifies the type and intensity of development allowed in each of several land use categories for Nipomo and other unincorporated areas (see Figure 16, South County Area Plan.) While

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

In order to determine the additional amount of development that could be served by these additional water supplies, a breakdown of land uses (as designated by the South County Area Plan) within the existing NCSD boundaries must be identified. Table 31, NCSD Land Use Designations provides a breakdown of land uses in these areas in terms of both developed and vacant lands within the District boundaries as well as within the adjacent Sphere of Influence areas. These totals are based upon data contained within the NCSD Water and Sewer Master Plan Update as well as the NCSD Sphere of Influence Update/Municipal Services Review EIR.

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TABLE 31
NCSD LAND USE DESIGNATIONS (ACRES)

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

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

As noted above, the first 2,500 acre-feet per year of water from the proposed project (Phase I and half of Phase II) will offset current groundwater production in order to avoid further depletion of and assist in balancing groundwater levels in the Nipomo Mesa Management Area. This initial increment of imported water will, therefore, serve existing customers within the NCSD boundaries (see column 1 of Table 31 above and Figure 13, Phase I Water Use Area). The additional 500 acre-feet per year of imported water (the remainder of Phase II of the proposed project) will be used by the NCSD to serve future customers on currently vacant land within the District boundaries (see column 2 of Table 31, NCSD Land Use Designations (Acres) and Figure 14, Phase II Water Use Area).

Table 32, Phase II – Additional Development Served by 500 AFY provides a detailed breakdown of the nature and extent of development to be served by these additional water supplies. As indicated below, the importation of 500 acre-feet per year of water could ultimately serve a maximum of 370 additional dwelling units on 457 acres as well as 14 acres of additional Commercial Services uses, 515 acres of Recreation use and one acre of Public Facilities use.

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TABLE 32
PHASE II – ADDITIONAL DEVELOPMENT
SERVED BY 500 AFY

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

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

The remaining 3,200 acre-feet per year of imported water (Phase III of the proposed project) could be used by the NCSD to serve future development within the current Sphere of Influence areas which are located adjacent to the existing NCSD boundaries (see column 3 of Table 31, NCSD Land Use Designations (Acres) and Figure 15, Phase III Water Use Area)

Table 33, Phase III Additional Development Served by 3,200 AFY provides a detailed breakdown of the nature and extent of development served by these additional water supplies. As indicated below, the importation of 3,200 acre-feet per year of water could ultimately serve a total of 1,368 dwelling units on 4,295 acres.

TABLE 33
PHASE III ADDITIONAL DEVELOPMENT
SERVED BY 3,200 AFY

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

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

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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. (Further details concerning the legislative authority of the Nipomo Community Services District can be found in Section V.A. Land Use).

Impact on Community Service Facilities

Based upon the results of the Initial Study (a copy of which is included in Technical Appendix A of this document), 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.

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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 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 as discussed above.

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 this 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.

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IX. ORGANIZATIONS AND PERSONS CONSULTED

Boyle Engineering (Mike Nunley, Josh Reynolds)

California Department of Transportation (James Kilmer)

Cannon Associates (Ernie Rey, Brien Vierra, Jack Mitchell)

City of Santa Maria (Rick Sweet)

County of San Luis Obispo (John Nall, John McKenzie, Jay Johnson, James Caruso, Brian Pedrotti)

Gibson's Archaeological Consulting (Robert Gibson)

Mestre Greve Associates, Inc. (Fred Greve, Matt Jones)

Nipomo Community Services District (Bruce Buel, Peter Sevcik)

Padre Associates, Inc. (Brian Dugas)

San Luis Obispo County Air Pollution Control District (Larry Allen, Andrew Mutziger)

San Luis Obispo Local Agency Formation Commission (David Church)

Science Applications International Corporation (SAIC) (Lauren Brown, Bill O'Brien, Meredith Clement)

Shipsey and Seitz (Jon Seitz)

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X. REFERENCES

City of Santa Maria, 2005 Urban Water Management Plan Update; April, 2007

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San Luis Obispo County , Growth Management Ordinance (current version).

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Santa Maria Intertie, Route and Facility Alternatives; Cannon Associates; June, 2005.

Sphere of Influence Update and Municipal Service Review, City of Pismo Beach, Expanded Initial Study/Mitigated Negative Declaration; San Luis Obispo Local Agency Formation Commission; February, 2002.

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Troesh Land Use Ordinance Amendment, Initial Study and Negative Declaration; County of San Luis Obispo; September, 2003.

2003, Clean Air Plan San Luis Obispo County; County of San Luis Obispo Air Pollution Control District; Updated 2005.

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Water and Sewer Master Plan Update for the Nipomo Community Services District; Cannon Associates; December, 2007.

Waterline Feasibility Study, Santa Maria River Crossing Alternatives; Cannon Associates; April, 2005.

Willow Road/Highway 101 Interchange, Final Environmental Impact Report; County of San Luis Obispo; March, 1999.

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COPIES OF APPENDICES ARE AVAILABLE UPON REQUEST FROM THE NIPOMO COMMUNITY SERVICES DISTRICT
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XI. RESPONSES TO DRAFT EIR COMMENTS

The following individuals and agencies commented on the Draft EIR within the State-mandated public review period (between November 20, 2008 and January 9, 2009). Within the following pages, the comments received from each individual or agency are summarized and are followed by the respective response. Copies of the actual comment letters received are also included for reference.

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A. STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (January 6, 2009)

Comment 1: The Governor's Office of Planning and Research distributed the Draft EIR to selected State agencies for review and comment. The review period has closed and comments from the State agencies were received. This letter acknowledges that the Lead Agency (Nipomo Community Services District) has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the California Environmental Quality Act.

Response: The State Clearinghouse distributed copies of the Draft EIR for review and comment by State agencies. With the close of the required 45-day review period, comments were received from one State agency (California Department of Public Health dated December 8, 2008) which is contained in this Responses to Comments package. The Lead Agency is obligated to prepare a Final EIR which includes responses to significant environmental concerns raised during the review of the Draft EIR. The Final EIR must be completed and certified prior to the final consideration of the proposed project.

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B. STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH (December 8, 2009)

Comment 1: The NCSD shall apply for a permit amendment for the intertie connection, addition of storage tanks, booster stations and disinfection changeover from free chlorine to chloramines.

Response: As noted on page III-31 of the Draft EIR, one of the required project approvals by other involved regulatory agencies in addition to the Nipomo Community Services District includes "a new or amended" Domestic Water Supply Permit from the State Department of Public Health for the introduction of supplemental water into the Nipomo Community Services District system."

Comment 2: The NCSD shall submit plans and specifications for the intertie connection, pipeline, booster stations, storage facilities and chloramination facilities. Since water disinfected with chloramines has a potential to cause nitrification problems, the NCSD shall submit a nitrification monitoring and control plan to the Department of Public Health.

Response: See Response to Comment 1 above.

Comment 3: The NCSD shall complete all public notification requirements before chloraminated water can be provided to the public. The NCSD proposes to switch over the disinfectant of groundwater supply to chloramines since the water received through the intertie with Santa Maria is treated with chloramines. During the period that the NCSD supplies chloramines to its consumers, the public served by the NCSD shall be periodically notified that chloramines are used to disinfect the water, including any dialysis centers in the service area, and shall answer questions that the public and dialysis centers may have.

Response: Pages V-45 and V-46 of the Draft EIR provides a detailed explanation of the potential for water quality incompatibility due to the differences in water treatment currently employed by the City of Santa Maria and the NCSD. As noted therein, the proposed change in water treatment from the chlorination methods currently employed by the NCSD to chloramination "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."

In response to this potentially significant impact, Mitigation Measure C-11 (see page V-50 of the Draft EIR) states:

> "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

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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."

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C. COUNTY OF SAN LUIS OBISPO, DEPARTMENT OF AGRICULTURE/ MEASUREMENT STANDARDS (January 9, 2009)

The County Department of Agriculture/Measurement Standards recommends the inclusion of various measures to avoid the use of prime farmland for storing, staging or permanent infrastructure, to avoid or minimize temporary construction-related impacts to farmland and farm operators, to coordinate construction schedules to avoid or minimize impacts to growers and to compensate growers for any losses during project construction. These proposed measures are noted below as comments followed by actions to be taken within the responses.

Comment 1: Locate the proposed pipeline to avoid impacts to prime farmland soils used for agricultural production of high value crops and place the pipeline in a route that avoids the farm fields south and southwest of Orchard Street and Joshua Street.

Response: Four alternative pipeline routes were evaluated in preliminary engineering investigations for the proposed project. The selected routes are intended to minimize impacts to farmland in this area since they follow the routes of existing roads (see Figure 4, Pipeline Route and Project Facilities).

Comment 2: Evaluate the potential for Horizontal Directional Drilling (HDD) under farm fields to avoid disturbance of prime farmland and agricultural operations.

Response: Horizontal directional drilling is being performed under the agricultural fields until it surfaces at the proposed HDD drilling location. Where trenching is required, the trench route follows existing roads. Mitigation Measures noted below will be implemented to protect farmland soils and allow future agricultural use.

Comment 3: Avoid the placement of any permanent facilities on prime farmland or other lands utilized for agricultural production.

Response: Access and pipeline easements will be used for equipment transport and storage. Project construction within agricultural fields will only occur in areas devoted to permanent facilities.

Comment 4: Avoid permanent acquisition of rights-of-way to the extent feasible, instead using access and pipeline easements which allow for continued agricultural production on the south mesa's prime farmland soils.

Response: Access and pipeline easements will be used thereby eliminating the need for the permanent acquisition of rights-of-way.

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Comment 5: Minimize temporary construction impacts to the degree feasible by storing construction materials and staging construction activities off soils mapped as prime farmland by the Natural Resources Conservation Service.

Response: Construction and equipment storage areas will be delineated on all project constructions plans in order to limit the extent of intrusion into adjacent agricultural fields.

Comment 6: For any construction staging or storage proposed on prime farmland, avoid permanent impacts to soil resources with the following measures: a) utilize a geotextile membrane on top of native soils prior to placement of any stockpile, fill, base materials or construction materials; b) restoration of native soils upon project completion; c) place pipelines at an adequate depth to insure the ability of both current and future agricultural practices; a pipeline depth of 60 to 72 inches is considered adequate; d) stockpile all excavated soils during construction in a manner that protects the soils' physical, chemical and biological characteristics and e) replace soils in a manner that mimics the pre-construction characteristics or the soils.

Response: Mitigation Measure A-1, as noted below in italics, shall be added to page II-4 (adjacent to Impact A-1), page II-22 and page V-15 of the Draft EIR.

> *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*

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

Comment 7: Project construction should be coordinated with property owners and any farm lessee/operators in order to avoid or minimize impacts to the agricultural utilization of the property through: a) locating all existing irrigation systems to avoid damage to these facilities; b) provide early notice for planned closures or detours in the area and c) provide updated information on any impacted roadways.

Response: Mitigation Measure A-2, as noted in italics below, shall be added to pages II-4 (adjacent to Impact A-1), page II-22 and page V-15 of the Draft EIR.

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.*

As a result of the addition of the two mitigation measures noted above, the following addition to the residual impacts discussions in Section A. Land Use and Planning (noted in italics below) shall be added to page II-4 (adjacent to Impact A-1) and page V-15 of the Draft EIR.

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

In addition, page II-22 of the Draft EIR will be revised to include Mitigation Measures A-1 and A-2 as noted below (additions noted in italics).

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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	*Coordinate with property owners, lessee/ operators*	*During project construction*	*Nipomo Community Services District*

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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.*			

Table 1, Summary of Residual Impacts After Mitigation on page II-3 of the Draft EIR shall be revised as noted in italics below

TABLE 1
SUMMARY OF RESIDUAL IMPACTS AFTER MITIGATION

ISSUE	Class I	Class II	Class III	Class IV
A. Land Use and Planning	X	*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		

Comment 8: Prior to commencement of construction, landowner(s) should be compensated for any temporary loss of areas utilized for agricultural production.

Response: The Nipomo Community Services District is currently in negotiation with affected property owners on this issue.

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D. SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION (January 9, 2009)

Comment 1: The Draft EIR appears to provide a comprehensive analysis of all of the issues regarding the waterline intertie project.

Response: The San Luis Obispo Local Agency Formation Commission (LAFCO) was consulted during the circulation of the Notice of Preparation as well as during the preparation of the Draft EIR. The Sphere of Influence Update and Municipal Service Review for the Nipomo Community Services District prepared by LAFCO (dated December 5, 2003) and the associated Program EIR (dated December 8, 2003) were sources of land use and water supply information for impact discussions and proposed mitigation measures in this Environmental Impact Report.

Comment 2: LAFCO's Sphere of Influence Update and associated Program EIR contained mitigation measures that were implemented as conditions of approval placed upon the Nipomo Community Services District's Sphere of Influence.

Response: The mitigation measures in the Program EIR for LAFCO's Sphere of Influence Update which were implemented as conditions of approval on the Sphere of Influence areas within the NCSD involve the following requirements as summarized below. A copy of these Conditions of Approval are attached to the correspondence received from the Local Agency Formation Commission which reflect the actions taken by LAFCO on May 20, 2004.

1. Prior to extending services to areas within the Sphere of Influence, all areas requiring County and LAFCO approvals must be secured and California Environmental Quality Act requirements must be met.

2. Several study areas were reduced in size or eliminated.

3. Prior to any annexation, NCSD shall implement a water conservation program capable of decreasing water use by 15% and shall update the District's Urban Water Management Plan.

4. Prior to any annexation, the District shall complete negotiations for a supplemental water source outside the Nipomo Mesa Management Area.

5. Prior to any annexation, a Water Supply Assessment for that area shall be completed.

Comment 3: Project Objective 4 on page III-6 of the Draft EIR should be clarified to indicate that supplemental water for annexations will not be available until Phase III of the proposed project.

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Response: Project Objective 4 (on page III-6 of the Draft EIR) shall be revised to read as follows (revisions noted in italics):

> "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. *Each phase will be separately approved and funded by authorization of the NCSD Board of Directors. Phases I and II will supply water only to customers in the current NCSD boundaries and other water purveyors in the NMMA, specifically the Woodlands Mutual Water Company, Golden State Water Company and Rural Water Company. Only in Phase III will water be made available to new customers in the 2004 Sphere of Influence Areas that are annexed into the NCSD boundaries."*

Comment 4: The Draft EIR on page V-9 states that LAFCO has authority over Land Use matters in the area. LAFCO is specifically precluded by the Cortese/Knox/Hertzberg Act from making any decisions with regard to land use. Decisions by LAFCO relate to boundaries of a jurisdiction.

Response: Page V-9 of the Draft EIR cites Government Code Section 56001 which states that LAFCO's authority extends to

> "…the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands and efficiently extending government services" and that "LAFCO, in recognition of its authority and in order to promote orderly development within the NCSD's Sphere of Influence Areas related to water resources, established conditions for annexations of territories within the NCSD's Sphere of Influence."

Comment 5: Project Objective 4 as listed on page VII-2 of the Draft EIR should be clarified to indicate that supplemental water for annexations will not be available until Phase III of the proposed project.

Response: Project Objective 4 (on page VII-2 of the EIR) shall be revised to read as follows (revisions noted in italics):

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> "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. *Each phase will be separately approved and funded by authorization of the NCSD Board of Directors. Phases I and II will supply water only to customers in the current NCSD boundaries and other water purveyors in the NMMA, specifically the Woodlands Mutual Water Company, Golden State Water Company and Rural Water Company. Only in Phase III will water be made available to new customers in the 2004 Sphere of Influence Areas that are annexed into the NCSD boundaries."*

Comment 6: The Draft EIR on page VII-7 makes reference to LAFCO requirements. These requirements involve the conditions of approval placed upon the Nipomo Community Services District Sphere of Influence and do not apply to areas currently served by the District.

Response: Page VII-7, paragraph 5 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> 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 (see Table 27, Project Alternatives, Comparison With Project Objectives).

Section VII Alternatives to the Proposed Project contains analyses of the ability of various project alternatives to meet the project objectives. Reference to the ability to respond to LAFCO requirements involves these conditions of approval which apply to the District's Sphere of Influence areas. The revised wording of Project Objective 4 as noted above does not alter any of the conclusions contained in Section VII of the Draft EIR.

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E. SANTA BARBARA COUNTY PUBLIC WORKS DEPARTMENT, FLOOD CONTROL & WATER AGENCY (January 9, 2009)

Comment 1: The proposed waterline improvements, where crossing the Santa Maria River levee, shall be designed to be compatible with the proposed levee reinforcement project currently being pursued by the U.S. Army Corps of Engineers.

Response: At Atlantic Street and Blosser Road, approximately 300 linear feet of 24-inch carrier pipe will be installed inside a 36-inch steel casing which will be placed under the Santa Maria levee at this location. This pipeline and protective casing will be installed under the levee using perpendicular jack-and-bore construction methods. Installation of the pipeline under the levee (instead of trenching up and over the levee) was identified as the method of pipeline installation preferred by the Santa Barbara County Public Works Department and is intended to be compatible with the proposed levee reinforcement project currently being pursued by the U.S. Army Corps of Engineers.

Comment 2: The proposed waterline improvements will require review and approval by the U.S. Army Corps of Engineers for any portion that crosses the levee and by the Santa Barbara County Flood Control District for any portion that crosses the levee or Flood Control property.

Response: The Nipomo Community Services District shall comply with any required reviews and approvals of the U.S. Army Corps of Engineers for any portion of the proposed waterline intertie that crosses the levee. As noted above in the Response to Comment 1, the proposed pipeline will be installed under the levee.

As also noted on page III-32 of the Draft EIR, one of the required project approvals by other involved regulatory agencies in addition to the Nipomo Community Services District includes "any necessary construction and/or encroachment permits by the County of San Luis Obispo, the City of Santa Maria or the County of Santa Barbara for equipment staging and construction operations."

Comment 3: Any activity on Flood Control & Water Agency property will require a temporary entry permit and any construction on Flood Control & Water Agency property will require inspection and payment of inspection fees.

Response: As noted on page III-32 of the Draft EIR, one of the required project approvals by other involved regulatory agencies in addition to the Nipomo Community Services District includes "any necessary construction and/or encroachment permits." The Nipomo Community Services District will be responsible for the payment of any required inspection fees and necessary inspections on Flood Control & Water Agency property.

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Comment 4: Any future Santa Barbara County projects on Flood Control & Water Agency property shall take priority over waterline improvements if there is a conflict in location.

Response: According to the project engineer, the proposed project has been designed to avoid conflicts with any County projects anticipated in the project area.

Comment 5: Construction timing shall take into consideration water levels and shall not interfere with Flood Control winter/emergency operations.

Response: Mitigation Measure C-2 (see page V-50 of the Draft EIR) requires that project construction within the Santa Maria riverhead (i.e. horizontal directional drilling) "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."

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F. ED EBY (January 7, 2009)

Comment 1: Page I-3, paragraph 3 of the Draft EIR should be revised to indicate that the Draft EIR will provide a discussion of potential environmental impacts and that the Lead Agency must balance possible adverse impacts of the project against a variety of public objectives and benefits.

Response: Page I-3, paragraph 3 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "This Draft EIR will provide a fair and full discussion of the *potential* environmental impacts of the proposed Nipomo Community Services District Waterline Intertie project…The Lead Agency has an obligation to balance adverse effects of the project against a variety of possible objectives *and benefits*, including economic, environmental and social factors, in determining whether the proposed project is acceptable and approved for development."

Comment 2: Page III-25, paragraph 6 of the Draft EIR should be revised to indicate that the Golden State Water Company will receive a portion of the first increment of supplemental water supplies.

Response: Page III-25, paragraph 6 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "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."

Comment 3: Figure 13, Phase I Water Use Area (page III-28 of the Draft EIR) should indicate that the Maria Vista Tract is currently served by the Nipomo Community Services District.

Response: A total of ten residential lots out of the 77 lots that are approved for the Maria Vista residential tract are currently provided water service by the Nipomo Community Services District.

Comment 4: Figure 16, South County Area Plan (page V-5 of the Draft EIR) indicates that the southwest corner of the Nipomo Community Park is zoned "Residential Suburban" instead of "Recreation".

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Response: According to the County of San Luis Obispo, Department of Planning and Building (Jay Johnson), Figure 16, South County Area Plan of the Draft EIR is incorrect in that the existing zoning in the southwest corner of the Nipomo Community Park is "Recreation" instead of the "Residential Suburban" zoning that is currently shown.

Comment 5: Page V-134, paragraph 4 of the Draft EIR should be revised to indicate that the greenhouse effect is a natural process by which radiant heat from the sun is captured in the lower atmosphere.

Response: Page V-134, paragraph 4 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "The greenhouse effect is a natural process by which some of the radiant *heat* from the sun is captured in the lower atmosphere of the earth."

Comment 6: Mitigation Measure J-18 (page V-143 of the Draft EIR) needs additional performance standards.

Response: Mitigation Measure J-18 (pages II-21, II-39 and V-143 of the Draft EIR) shall be revised to read as follows (revisions noted in italics):

> "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.*"

Comment 7: Page X-2 of the Draft EIR should be revised to indicate that the Technical Memorandum prepared by Science Application International Corporation involves emergency water shortage regulations.

Response: Page X-2 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "Technical Memorandum, Emergency Water *Shortage* Regulations and Future Groundwater in Storage; Science Applications International Corporation (SAIC); January 6, 2008."

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G. JAMES HARRISON (January 7, 2009)

Comment 1: Mitigation Measure D-1 states that no construction will occur between February 15th and September 15th or if not feasible, a qualified biologist shall conduct surveys in the area. Why not just require a qualified biologist to conduct surveys of the area? With other requirements in Mitigation Measures C-2, D-10, G-1, etc. is there only one month that construction could occur?

Response: Mitigation Measure D-1 requires that either project construction avoids the bird nesting season or, if not feasible, that pre-construction surveys be conducted to identify potential nesting sites. If nesting sites are identified, construction activities may either be modified or delayed until appropriate buffers are identified. This measure would only apply to areas where nesting sites are identified and would not preclude construction during the nesting season. Mitigation Measure C-2 applies only to construction within the Santa Maria River (primarily horizontal directional drilling activities). Construction activities outside of the Santa Maria River can proceed independent of the timing of the rainy season. Mitigation Measure D-10 also applies only to construction activities within the Santa Maria River those activities being horizontal directional drilling. Mitigation Measure G-1 prohibits grading during the rainy season (November 1 to April 15) unless adequate erosion control measures are implemented. These measures could include the use of temporary berms, sedimentation traps, silt fencing, straw bales, sand bags, etc. With these measures, project grading could occur independent of the timing of the rainy season.

Comment 2: CRLF must refer to the California Red-Legged Frog

Response: The acronym CRFL refers to the California Red-Legged frog, a Federally-listed Threatened Species and a California Species of Special Concern.

Comment 3: Why not just remove the eucalyptus trees?

Response: As indicated on page V-77 of the Draft EIR, large eucalyptus trees located along Southland Street, Orchard Road, South Frontage Road and Darby Lane represent potential habitat for Monarch butterflies (a California Species of Special Concern) and nesting raptors. These trees could be impacted by proposed trenching activities. 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 or death. Avoidance of root systems of large eucalyptus trees, as stipulated in Mitigation Measure D-21, would result in a potentially significant, but mitigable impact.

Comment 4: Why require trees that only grow to six feet in two years at the proposed booster stations as stated in Mitigation Measure E-2? Screening will need to be higher.

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Response: While the two proposed pump stations are not considered to represent a major addition to the visual landscape of the area, mitigation measures are provided which include the use of landscape screening to further mitigate any potentially significant visual impacts. Mitigation Measure E-1 requires provision of a Landscape Plan which includes provision of a landscape screen consisting of trees or shrubs adjacent to the proposed booster stations. Trees are required to reach a height of six feet within two years in order to provide coverage of a majority of the eight foot walls of the proposed booster stations. The six-foot size recommendation is intended to provide an adequate, yet cost-effective means of visual screening of the pump station. Subsequent to the two-year establishment period, these trees are anticipated to grow higher thereby providing additional visual buffering of these facilities.

Comment 5: If NCSD only brings in the water that is needed to meet agreement with the Court Order, why would this be a Class I impact?

Response: The proposed project will not provide supplemental water to new customers outside the current NCSD boundaries or other NMMA water purveyors until Phase III. 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 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 does, however, involve the provision of additional water supplies within Phase III of the proposed project thereby reducing or eliminating a potential constraint to future development within areas to be served by this additional water. Without any available mitigation measures, the proposed project's potential long-term and cumulative land use and planning impacts resulting from the elimination of a constraint upon future development areas served by the additional water supplies within Phase III of the proposed project are considered to be significant 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).

Comment 6: The proposed project should have no great impact on housing. What facts provide the basis for the Class I Impact?

Response: The proposed project does not directly generate any new population or housing. Any increased 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. The proposed project does, however, involve the provision of additional water supplies within Phase III of the

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proposed project thereby reducing or eliminating a potential constraint to future development within areas to be served by this additional water.

Without any available mitigation measures, 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 additional water supplies within Phase III of the proposed project are considered to be significant 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).

Comment 7: Mitigation Measure D-22 states that Mitigation Measure D-14 contains plans for stabilizing the water storage tank. Mitigation Measure D-14 involves compliance with the San Luis Obispo County Land Use Ordinance, and State Water Resources Control Board requirements as well as providing a Spill Contingency Plan, Streambed Alteration Agreement, etc. These requirements do not appear to relate to water tank stabilization.

Response: The requirements of Mitigation Measure D-14 relate to stabilization of soils in areas undergoing project construction. As such, Mitigation Measure D-22 relates to the stabilization of soils surrounding the proposed water storage tanks that are affected by project construction. Mitigation Measure D-22 on pages II-14, II-32 and V-83 shall be revised to read as follows (revisions noted in italics):

> "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*."

Comment 8: Is there a special reason as to why the vacant parcel southeast of the Tefft Street/Highway 101 intersection should not be used if agreement from the owners is obtained?

Response: As noted on page V-103 of the Draft EIR, the archival records check conducted as part of the Cultural Resources Assessment for this project reported an archaeological site, SLO-1394, located on the vacant lot southeast of the intersection of Tefft Street and Highway 101. Mitigation Measure F-2 prohibits use of this vacant lot during project construction in order to avoid impacting existing cultural resources at this location.

Comment 9: Is Mitigation Measure J-14 necessary? Requiring a construction company to replace diesel-powered equipment with other fuel alternatives is more costly and less efficient.

Response: Mitigation Measure J-14 states that "where possible, diesel powered equipment shall be replaced with gasoline, electrical, CNG or

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LPG powered equipment." These alternative fuel sources are generally utilized on less powerful equipment. The major equipment required for the horizontal directional drilling would not be feasibly operated with any of these alternative fuels. However, other smaller equipment could be powered by these alternative fuels. It should also be noted that Mitigation Measures J-1 through J-15 within the Draft EIR are standard mitigation measures provided and required by the San Luis Obispo Air Pollution Control District.

Comment 10: How will using electric pumps in Mitigation J-17 reduce potentially significant air quality impacts? Electricity generation produces pollutants.

Response: Mitigation Measure J-17 requires using electric pumps for daily water pumping operations with diesel-powered pumps available for backup (standby) operation. Table 25 on page V-139 of the Draft EIR provides a tabular comparison of pollutant emissions associated with the use of diesel and electric powered pumps for daily pumping operations. As noted therein, there is a significant reduction in the amount of annual pollutant generation between diesel and electric powered pumps. Electric powered pumps result in a net reduction of 0.65 tons per year in the generation of Reactive Organic Gases, 3.50 tons per year of Nitrogen Oxides, 0.49 tons per year of Sulfur Oxides, 0.30 tons per year of particulates and, most significant, a reduction of 306.92 tons per year in the generation of carbon monoxide. Pollutants produced by the generation of electricity at an off-site location are factored into the quantified comparison noted above.

Comment 11: While solar power should be investigated as indicated in Mitigation Measure J-18, how will this work to water dirt stored during the project construction period?

Response: Mitigation Measure J-18 applies to Impact J-2 which is related to the generation of pollutants during long-term project operations rather that during project construction.

Comment 12: Mitigation Measures C-2, D-1 and D-10 contain restrictions on the time periods when project construction cannot take place which leaves very little time to get the work completed.

Response: See Response to Comment 1 above.

Comment 13: Mitigation Measure D-22 states that Mitigation D-14 contains plans for stabilizing the water storage tank. Requirements in Mitigation Measure D-14 do not appear to relate to water storage tank stabilization.

Response: See Response to Comment 7 above.

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Comment 14: Planting trees that will reach six feet in height after two years to screen a water storage tank as required in Mitigation Measure E-2 is a waste of time and money.

Response: See Response to Comment 4 above.

Comment 15: Mitigation Measure J-6 which requires speeds for construction vehicles not to exceed 15 miles per hour on any unpaved surface at a construction site should be in the construction company's safety plan. Why is it necessary in an EIR?

Response: Mitigation Measures J-1 through J-15 within the Draft EIR are standard mitigation measures provided by the San Luis Obispo Air Pollution Control District for inclusion in EIR's for projects within their jurisdiction.

Comment 16: Why give any exception to covering loads if trucks are on a public road. Their loads should be covered.

Response: Mitigation Measure J-7 states that "all trucks hauling dirt, sand, soil or other loose materials shall be covered or maintain at least two feet of freeboard." This requirement is provided by the San Luis Obispo Air Pollution Control District and applies to all construction vehicles utilizing public roadways.

Comment 17: Is Mitigation Measure J-14 necessary since it appears to be costly and inefficient and unlikely that equipment other than diesel powered equipment can efficiently do the work.

Response: See Response to Comment 9 above.

Comment 18: Why would horizontal drilling equipment being used in Santa Barbara County need a permit from the San Luis Obispo County APCD?

Response: Horizontal direction drilling will originate from two points, one located on the Nipomo Mesa and one within the Santa Maria riverbed (see Figure 4, Pipeline Route and Project Facilities on page III-13 of the Draft EIR) both of which are located in San Luis Obispo County. The border between the two counties runs along the base of the southern levee .

Comment 19: Mitigation Measure J-17 requires use of electric pumps for daily water pumping operations. How will the pumps get to the job site and will electricity be produced for these pumps?

Response: The proposed pump stations are located along Blosser Road (Pump Station #1) and near Joshua Road (Pump Station #2). In both cases, electricity is available from electrical lines adjacent to these roadways. Mitigation Measure J-18 requires the District to investigate the feasibility and cost-effectiveness of the use of solar

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power or other alternative energy sources to power water pumps or other project facilities.

Comment 20: Use of solar power in the construction phase of the project is unreasonable.

Response: Mitigation Measure J-18 requires the investigation of the feasibility and cost-effectiveness of the use of solar power or other alternative energy sources for long-term project operations (water pumps of other project facilities) rather than during project construction.

Comment 21: The supplemental water will only be used to serve new development within the third phase of water delivery.

Response: One of the objectives of the proposed project is the securing of supplemental water prior to annexation of lands currently within the District's Sphere of Influence. Supplemental water to these future annexation areas will be in addition to the 3,000 acre feet per year imported as part of Phases I and II of the proposed project. Only in Phase III of the project will water be made available to new customers in areas annexed into the NCSD boundaries.

Comment 22: Figure 4 on page III-13 of the Draft EIR indicates two pump stations on the south side of the river. How many pump stations are proposed and did the EIR evaluate the environmental impacts of each?

Response: A maximum of two pump stations may be constructed for the proposed project. Pump Station No. 1, if determined to be necessary, will be located at one of two locations, both of which are south of the Santa Maria River adjacent to Blosser Road. One potential location is approximately 600 feet north of the West Taylor Street/South Blosser Road intersection while second possible site is located on the west side of Blosser Road at Atlantic Place (see Figure 4, Pipeline Route and Project Facilities). During the initial project phase, a flow meter will be installed at the Pump Station No. 1 site in order to monitor the volume of water flows. The need for construction of a pump station at this location will be evaluated during subsequent project phases (see "Project Phasing").

A second pump station, known as Pump Station No. 2, will be located on the north side of the river on the Nipomo Mesa adjacent to the underground water storage tank site near Joshua Street and Orchard Road. None of these potential pumps station sites contained significant environmental resources or constraints.

Comment 23: How will pipe be laid out on Blosser Road with the existing development?

Response: Pipelines will be laid along Blosser Road either within the roadway immediately adjacent to the curb or along the sidewalk or grass median adjacent to the roadway.

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Comment 24: Project plans indicate that the pipeline from Pump Station #2 to Joshua Street is 18 inches in diameter while the EIR text states that it is 24 inches.

Response: The pipeline from Pump Station No. 2 to Joshua Street will be 18 inches. Page III-14, paragraph 2 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "At this surface location on the Nipomo Mesa, approximately 2,500 linear feet of *18*-inch waterline will be installed using open trench construction along one of two proposed routes to the proposed Pump Station No.2 and reservoir site near Joshua Street and Orchard Road."

Comment 25: Does the description of soils on the Nipomo Mesa on page IV-1 agree with recent drilling data?

Response: Page IV-1 of the Draft EIR indicates that the Nipomo Mesa is underlain by sand dune deposits whose thickness ranges from 150 to 250 feet in depth at certain locations. Data from recent drilling investigation does not contradict this general description.

Comment 26: Are there agricultural fields in the riverbed against the southern levee?

Response: Agricultural fields are located within the Santa Maria riverbed adjacent to the southern levee. These fields are located in the vicinity of the northern terminus of Blosser Road.

Comment 27: Blosser Road is a four lane roadway from West Taylor Street to Atlantic Place.

Response: Page IV-2, paragraph 3 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "On the south side of the Santa Maria River, local roadways include Blosser Road *a four lane roadway north of West Taylor Street*, and Atlantic Place and Priesker Lane, *both* two lane roadways. *Priesker Lane* leads to the four lane Broadway Street and its interchange at Highway 101."

Comment 28: Maximum summer temperatures can reach over 100 degrees rather than the high 80's or 90's.

Response: While occasional maximums can reach the 100's, summertime maximums generally reach the high 80's or 90's as stated on page IV-2 of the Draft EIR.

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Comment 29: The California Department of Forestry is now Cal Fire.

Response: Page IV-2, paragraph 6 of the Draft EIR shall be revised as follows (revisions noted in italics):

> "Fire protection and emergency response services for the Nipomo area are currently provided by *Cal Fire."*

Comment 30: The discussion of fire fighting resources assigned to Cal Fire Station 20 should be updated.

Response: Page IV-2, paragraph 6 and page IV-3, paragraph 1 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "Law enforcement services for the Nipomo area are provided by the County of San Luis Obispo, Sheriff's Department from their *Oceano* Substation located at *1681 Front Street in Oceano*. Fire protection and emergency response services for the Nipomo area are currently provided by *Cal Fire*. The Nipomo Station 20, located at 450 Pioneer Street in Nipomo (at the corner of Oak Glen and Pioneer Streets near Tefft Street) *and the Nipomo Mesa Station 22 located at 2391 Willow Road* would be the first stations to participate in any fire or emergency response to the project area."
> "*Both stations are* equipped with *two Type I fire engines while the Nipomo Station 20 also has one Schedule B* wildland fire engine (used during the dry season), *one rescue engine, one battalion chief vehicle and one utility vehicle for both fire-fighting and personnel transport.*"

Comment 31: The listing of approved projects on page IV-4 of the Draft EIR includes the Shapiro project which now may be under different ownership.

Response: The listing of cumulative projects, both approved projects and proposed projects pending approval, is based upon the information provided by the San Luis Obispo Department of Planning and Building which is current as of September, 2008 which was immediately prior to public circulation of the Draft EIR.

Comment 32: The County of San Luis Obispo does not show a trail on the north side of the Santa Maria River nor are there any trial easements.

Response: Page V-3, paragraph 2 of the Draft EIR shall be revised to read follows (revisions noted in italics):

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"A bicycle/running trail runs along the top of the southern levee with *an informal dirt trail* running along the northern levee adjacent to the river channel."

Comment 33: What is the recreational area shown on the east side of South Thompson Road in Figure 16 of the Draft EIR?

Response: Figure 16, South County Area Plan does not indicate any areas designated Recreation on the east side of Thompson Road.

Comment 34: The County recently approved changing the minimum lot size in the Residential Single Family land use designation from 6,000 to 5,000 square feet.

Response: Page V-7, paragraph 1 of the Draft EIR shall be revised as follows (revisions noted in italics):

"The minimum parcel size *in the Residential Single Family zoning category* ranges from *5,000* square feet to one acre depending upon the circumstances of a particular site."

Comment 35: It should be noted on page V-11 of the Draft EIR that the first two phases of the proposed project will be used to meet the needs within the present boundaries of the NCSD not to increase the size of the District by expanding to the Sphere of Influence areas.

Response: Page V-11, paragraph 3 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

"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. *Phases I and II of the proposed project will be separately approved and funded by authorization of the NCSD Board of Directors. Phases I and II totaling 3,000 acre-feet per year will supply water only to*

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customers within the current NCSD boundaries and other water purveyors in the NMMA. Only in Phase III totaling an additional 3,200 acre-feet per year of supplemental water will be made available to new customers in the 2004 Sphere of Influence Areas that are annexed into the District."

Comment 36: Page V-12 of the Draft EIR indicates that 500 acre-feet per year in Phase II of the project will be used for growth.

Response: Page V-12, paragraph 1 of the Draft EIR states that the additional 500 acre-feet per year of imported water (the remainder of Phase II of the proposed project) will be used by the NCSD to serve future customers on currently vacant land within the District boundaries. Table 6 is intended to provide a breakdown of the nature and extent of development to be served by this additional 500 acre-feet per year of imported water. The addition to page V-11 noted in the Response to Comment 35 above is intended to further clarify the future use of supplemental water within all three phases of the proposed project.

Comment 37: NCSD is not planning on the completion of Phase III of the proposed project in the foreseeable future.

Response: See Response to Comment 35 above

Comment 38: Page V-14, paragraph 1 of the Draft EIR should make it clear that future growth pertains to Phase III of the proposed project.

Response: Page V-14, paragraph 1 of the Draft EIR is intended to indicate that the proposed project would not directly result in a change of zoning or an increase in land use densities, however, the proposed project represents a reduction or an elimination of a constraint upon growth within Phase III of the proposed project. Page V-14, paragraph 1 shall be revised to read as follows (revisions noted in italics):

"Any increase in density or change of land use to the South County Area Plan within the area served by the additional water supplies *from Phase III of the proposed project* would, however, first require a General Plan Amendment and zone change."

Comment 39: It should be emphasized that the first two phases of the project are being contemplated at this time.

Response: Project Objective 4 (on page III-6 of the Draft EIR) has been revised to indicate that each phase of the proposed project will be separately approved and funded by authorization by the NCSD Board of Directors and that only Phase III of the project will supply water to customers currently outside the NCSD boundaries (see Response to Comment 4 from the San Luis Obispo Local Agency

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Formation Commission). The EIR is obligated to access the potential impacts of all three phases of the proposed project.

Comment 40: Table 12 in the Draft EIR notes that a water quality sampling site is located at the Siquoc River at Santa Maria Way which should be at Santa Maria Mesa Road.

Response: Table 12 on page V-25 of the Draft EIR shall be revised to indicate that the first water sampling site is located at the Sisquoc River at Santa Maria Mesa Road.

Comment 41: The gravel pit mines noted on page V-26 of the Draft EIR are not correct.

Response: Page V-26, paragraph 6 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> *"There are gravel pit mines located along the Santa Maria River south of the Twitchell Reservoir. These mining parcels are located in the river channel and in nearby agricultural lands. Reclamation occurs through natural sediment replacement."*

Comment 42: Table 14 in the Draft EIR should be updated with more recent data.

Response: Table 14 in the Draft EIR, Nipomo Mesa and NCSD Historic Water Demand contains water demand data for the Nipomo Mesa Management Area, which was only available through 1995. More recent available water demand date for the NCSD within this table is from the NCSD Urban Water Management Plan Update.

Comment 43: Mitigation Measure D-1 in the Draft EIR states that no construction will occur between February 15th and September 15th or if not feasible, a qualified biologist shall conduct surveys in the area. Why not just require a qualified biologist to conduct surveys of the area? With other requirements in Mitigation Measures C-2, D-10, G-1, etc. is there only one month that construction could occur?

Response: Mitigation Measure D-1 requires that either project construction avoids the bird nesting season or, if not feasible, that pre-construction surveys be conducted to identify potential nesting sites. If nesting sites are identified, construction activities may either be modified or delayed until appropriate buffers are identified. This measure would only apply to areas where nesting sites are identified and would not preclude construction during the nesting season. Mitigation Measure C-2 applies only to construction within the Santa Maria River (primarily horizontal directional drilling activities). Construction activities outside of the Santa Maria River can proceed independent of the timing of the rainy

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season. Mitigation Measure D-10 also applies only to construction activities within the Santa Maria River those activities being horizontal directional drilling. Mitigation Measure G-1 prohibits grading during the rainy season (November 1 to April 15) unless adequate erosion control measures are implemented. These measures could include the use of temporary berms, sedimentation traps, silt fencing, straw bales, sand bags, etc. With these measures, project grading could occur independent of the timing of the rainy season.

Comment 44: Where is the Hanson's Aggregate property?

Response: The nearest known occurrence of the Least Bell's Viveo, a State and Federally-listed Endangered Species, is at the Hanson Aggregate property. This property is located adjacent to Foxen Canyon Road southwest of the Sisquoc River approximately ten miles east of Highway 101.

Comment 45: Does this section list all of the mining claims in the area?

Response: Page V-121 of the Draft EIR notes several of the mining operations north of the Santa Maria River but does not attempt to list all of the mining claims in the project area.

Comment 46: Blosser Road is a four lane roadway from West Taylor Street to Atlantic.

Response: Page V-126, paragraph 2 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "On the south side of the Santa Maria River, local roadways include Blosser Road, *a four lane roadway north of West Taylor Street*, and Preisker Lane, *a two lane roadway. Priesker Lane* leads to the four lane Broadway Street and its interchange at Highway 101."

Comment 47: There is no mention of O.R.V. use in the Oceano Dunes area as a source of particulates.

Response: Page V-134, paragraph 1 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "The major sources for PM_{10} are mineral quarries, grading, demolition, agricultural tilling, road dust and vehicle exhaust. *One local source of particulates is off-road vehicle use at the Oceano Dunes Recreation Area.*

Comment 48: Why is the discussion of global warming necessary if current models are not sensitive enough to predict the effects of individual projects?

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Response: Page V-135, paragraph 1 of the Draft EIR provides a detailed listing of the Executive Order and State legislative actions which have lead to the current requirements for assessment of greenhouse gas emissions in Environmental Impact Reports.

Comment 49: Why would San Luis Obispo APCD issue permits for horizontal directional drilling equipment that will be used on the south side of the river?

Response: See Response to Comment 18 above.

Comment 50: The pressure from the Santa Maria City water system should be adequate to transport water to the Mesa pump station. Booster stations on the Mesa will be required to transport water to higher elevations.

Response: Pump Station No. 2 will be located on the Nipomo Mesa and will be constructed in the first phase of the proposed project with the potential for the installation of additional pumps at a later phase. Pumps will be sized to transport water to the entire NCSD supply system. During the first two project phases, a flow meter will be installed at the Pump Station No. 1 site in order to monitor the volume of water flows. The need for construction of this pump station will be evaluated during subsequent project phases.

Comment 51: Mitigation Measure J-15 in the Draft EIR indicates the necessity to obtain an Authority to Construct from the San Luis Obispo APCD for horizontal directional drilling. If the drilling takes place on the south side of the river, a permit from Santa Barbara County would be required.

Response: See Response to Comment 18 above.

Comment 52: Why not consider propane, natural gas or other power sources for emergency power rather than using diesel pumps during power outages?

Response: A diesel powered water pump will be utilized only in emergency situations such as a power outage or equipment breakdown. Diesel power is considered to provide a readily-available power source in these emergency situations. Such short-term use of diesel power is considered to be an acceptable trade-off for the long-term reduction of pollutants associated with the proposed use of electric powered pumps. Table 25 on page V-139 of the Draft EIR provides a tabular comparison of the significant reduction in the amount of annual pollutant generation due to the long-term use of electric-powered pumps.

Comment 53: Page V-143 of the Draft EIR states that Mitigation Measures J-17 and J-18 address Impact J-2, the generation of pollutants associated with long-term project operations. Item J-2 on page V-141 addresses dirt stockpiling during construction.

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Response: Impact J-2, noted on page V-138 of the Draft EIR, states that "the proposed project will generate pollutants associated with long-term project operations." Mitigation Measures J-17 and J-18 address this potentially significant impact by requiring the use of electric-powered pumps (Mitigation Measures J-17) and investigating feasibility of the use of solar power or other alternative energy source (Mitigation Measure J-18).

Mitigation Measure J-2 on page V-141 of the Draft EIR (not Impact J-2) addresses the short-term construction-related impact of dirt stockpiling.

Comment 54: The discussion of land use and planning on page VII-2 should again emphasize that supplemental water is not for development but for the redirection of pumping from the aquifer.

Response: See Response to Comment 35 above.

Comment 55: Table 31 in the Draft EIR shows that vacant and agricultural land will have a negative balance.

Response: Table 31, NCSD Land Use Designations is based upon data from the NCSD Master Plan Water and Sewer Update (for existing NCSD customers and vacant land) and the NCSD Sphere of Influence Update Municipal Services Review EIR (for Sphere of Influence areas). As noted therein, the NCSD Urban Water Management Plan Update indicates a decrease in agricultural and vacant lands with anticipated development.

Comment 56: What effect will the waterline intertie have on efforts to construct a desalination plant.

Response: The Nipomo Community Services District has conducted several studies on the costs and feasibility of constructing and operating a desalination plant. Page VII-28 provides a detailed assessment of the results of these investigations. As noted therein, "the NCSD intends to continue to investigate this option [desalination] as a future long-term water source."

Comment 57: Has NCSD already paid the initial fee for signing the Memorandum of Understanding. NCSD will have paid $750,000 prior to receiving any water.

Response: The financial aspects of the Memorandum of Understanding or any other agreement between the NCSD and the City of Santa Maria is beyond the scope or responsibility of an Environmental Impact Report.

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H. LARRY VIERHEILIG (January 9, 2009)

Comment 1: The residual impacts noted for Impacts A-1 and A-2 in the Draft EIR should be interchanged.

Response: Page II-4 of the Draft EIR shall be revised to reverse the position of the residual impact discussions listed under Item A. Land Use and Planning.

Comment 2: The residual impacts noted for Impacts B-1 and B-2 in the Draft EIR should be interchanged.

Response: Pages II-4 and II-5 of the Draft EIR shall be revised to reverse the position of the residual impact discussions listed under Item B. Population and Housing.

Comment 3: There is no discussion of the impacts of noise or vibration from construction machinery on biological resources.

Response: Mitigation Measure D-1 requires that either the project construction avoids the bird nesting season (February 15 to September 15) or, if not feasible, that pre-construction surveys be conducted to identify potential bird nesting sites. If nest sites are identified, construction activities may either be modified or delayed to avoid impacts to these nesting sites or until appropriate buffers are established. Mitigation Measure D-2 requires that all equipment staging and construction crew parking be located within pre-designated areas identified on construction plans in order to avoid identified sensitive habitats. These mitigation measures are intended to avoid both the direct impacts to nesting birds (i.e. the "take" of these species) but also the indirect impacts due to noise and vibration from construction equipment. It should also be noted that Mitigation Measures I-2 and I-3 are provided in order to reduce the extent of noise and vibration from construction equipment.

Comment 4: Mitigation Measure D-1 restricts project construction to avoid nesting season (February 15 to September 15) while the Mitigation Measure C-2 restricts construction to the dry season (April 15 to November 15). This leaves less than two months for construction (September 16 to November 16).

Response: Mitigation Measure D-1 requires that either project construction avoids the bird nesting season or, if not feasible, that pre-construction surveys be conducted to identify potential nesting sites. If nesting sites are identified, construction activities may either be modified or delayed until appropriate buffers are identified. This measure would only apply to areas where nesting sites are identified and would not preclude construction during the nesting season. Mitigation Measure C-2 applies only to construction within the Santa Maria River (primarily horizontal directional drilling activities). Construction activities outside of the Santa Maria River can proceed independent of the timing of the rainy season.

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Comment 5: Impact D-9 does not address impacts from project operations and maintenance including repairs, replacement of pipes, pumps and valves, pump operations, fencing of facilities, painting, cleaning, weed abatement, etc.

Response: Several of the maintenance activities noted above are considered to represent a short-term impact which will be largely confined to a specific and relatively small area. These activities will not directly impact any biological resources due to their limited extent and short duration as well as the fact that they will be conducted in areas already disturbed by construction of these facilities. Operations of pumps will occur within an enclosed building thereby eliminating potential noise and vibration impacts from this source.

Comment 6: Mitigation Measures E-1 through E-3 do not address screening of the storage tanks if they are not totally underground.

Response: The proposed project involves the construction of 0.5 million gallon water storage tanks both in Phase I and Phase III of the project. These tanks will measure approximately seventy feet in diameter and 22 feet in depth. While not currently proposed, there remains a possibility due to unforeseen geologic constraints that these storage tanks could be constructed above ground. In order to ensure adequate mitigation for these potential (albeit speculative) impacts, Mitigation Measure E-1 (page V-92) should be expanded to include any above-ground water storage tanks.

Mitigation Measure E-1 on pages II-15, II-33 and V-92 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "E-1: Prior to project construction, a Landscape Screening Plan shall be prepared for the District which provides landscape 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."

Comment 7: The impact of noise and vibration on biological resources is not addressed.

Response: Mitigation Measure D-1 requires that either the project construction avoids the bird nesting season (February 15 to September 15) or, if not feasible, that pre-construction surveys be conducted to identify potential bird nesting sites. If nest sites are identified, construction activities may either be modified or delayed to avoid impacts to these nesting sites or until appropriate buffers are established. Mitigation Measure D-2 requires that all equipment staging and construction crew parking be located within pre-designated areas identified on construction plans in order to avoid identified sensitive habitats. These mitigation

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measures are intended to avoid both the direct impacts to nesting birds (i.e. the "take" of these species) but also the indirect impacts due to noise and vibration from construction equipment. It should also be noted that Mitigation Measures I-2 and I-3 are provided in order to reduce the extent of noise and vibration from construction equipment.

Comment 8: The costs of all proposed mitigation measures need to be estimated to provide a more complete picture of project costs.

Response: The Environmental Impact Report is required to address all potential physical impacts of the proposed action. As stated in Section 15121 of the State CEQA Guidelines:

> "an EIR is an informational document which will inform public agency decision makers and the public generally of the significant effect of the project, identify possible ways to minimize the significant effects and describe reasonable alternatives to the project."

The Environmental Impact Report is not required to estimate or identify costs associated with the implementation of mitigation measures identified in the document.

Comment 9: Figure 6, Typical Booster Station in the Draft EIR should include chain-link fencing and barbed wire.

Response: The booster station depicted in Figure 6 is included to provide the reader with a general idea of the appearance of a typical booster station. These pictures are not intended to reflect the precise design for the booster stations associated with the proposed project.

Comment 10: Page III-24, paragraph 1 in the Draft EIR concludes with a statement that suggests that chloramination causes taste, odor and trihalomethane problems in potable water.

Response: Page III-24, paragraph 1 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "Engineering analyses provided three potential water treatment alternatives, those being: 1) uncontrolled blending of City of Santa Maria and NCSD water; 2) converting City of Santa Maria water to chlorine treatment or 3) converting the NCSD water supply system to chloramine treatment. The third alternative 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."

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Comment 11: Page III-27, paragraph 1 of the Draft EIR should be revised to indicate that private water companies should either contribute funds equal to 208 acre-feet per year or fund an alternate water source.

Response: Page III-27, paragraph 1 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "Both the Golden State Water Company and Rural Water Company have the option under the settlement agreement and judgment to contribute funds equal to 208 acre-feet per year or *to* find an alternate source of water supply. Participation of the latter two water purveyors is currently the subject of negotiations with the NCSD."

Comment 12: Page IV-1, paragraph 5 of the Draft EIR should be revised to reflect the accurate area of the Nipomo Creek watershed.

Response: Page IV-1, paragraph 5 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "The Nipomo Creek watershed encompasses approximately *16,318* acres. The project area west of Highway 101 is characterized by open flat areas, linear drainages and hillsides which define the southern portion of the Nipomo Mesa."

Comment 13: Page IV-2, paragraph 6 of the Draft EIR should be revised to indicate that law enforcement is provided by the Oceano substation and that fire protection is provided by Cal Fire.

Response: Page IV-2, paragraph 6 of the Draft EIR shall be revised as follows (revisions noted in italics):

> "Law enforcement services for the Nipomo area are provided by the County of San Luis Obispo, Sheriff's Department from their *Oceano* Substation located at *1681 Front Street in Oceano*. Fire protection and emergency response services for the Nipomo area are currently provided by *Cal Fire*. The Nipomo Station 20, located at 450 Pioneer Street in Nipomo (at the corner of Oak Glen and Pioneer Streets near Tefft Street) *and the Nipomo Mesa Station 22 located at 2391 Willow Road* would be the first station*s* to participate in any fire or emergency response to the project area."

Comment 14: The current equipment levels at the involved Cal Fire stations should be confirmed.

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Response: Page IV-3, paragraph 1 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "*Both stations are* equipped with *two Type I fire engines while the Nipomo Station 20 also has one Schedule B* wildland fire engine (used during the dry season), *one rescue engine, one battalion chief vehicle and one utility vehicle for both fire-fighting and personnel transport*."

Comment 15: The existing facilities within the industrial/commercial area near Highway 101 served by Hulton Lane and Cuyama Road should be updated.

Response: Page V-3, paragraph 4 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "Immediately north of the Santa Maria River, there are several industrial and commercial facilities near Highway 101 served by Hutton Road and Cuyama Lane. These facilities include a landscape supply facility, a concrete batch plant, a waste transfer station, a food distribution facility, an exterminator service, a restaurant, *a cleaning warehouse supplies* store and an RV sales facility."

Comment 16: Page V-8 of the Draft EIR should be updated to indicate that open space or open space easements can be owned by other entities than the County.

Response: Page V-8, paragraph 3 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "The Open Space category is applied to lands in public fee ownership or private lands where an open space agreement or easement has been executed between the property owner and the County *or other appropriate agency or entity*."

Comment 17: The discussion of the legislative authority of the NCSD should indicate that the NCSD does not have authority over land use planning.

Response: The final paragraph on page V-8 of the Draft EIR indicates that "NCSD's powers do not include legislative and executive powers over zoning and land use" and that "zoning and land use authority for the unincorporated area of the County is designated to the County and to a limited extent the Local Agency Formation Commission." Subsequent discussions describe the extent of the land use regulatory authority exercised by the two agencies.

Comment 18: Page V-28, paragraph 2 of the Draft EIR should be revised to reflect the accurate area of the Nipomo Creek watershed.

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Response: Page V-28, paragraph 2 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "Nipomo Creek originates in the hills north of Santa Maria and extends nine miles from its headwaters to the Santa Maria River near the southern boundary of the Nipomo Mesa (see Figure 18, FEMA Flood Hazard Map). Nipomo Creek has a watershed area of approximately *16,318* acres."

Comment 19: Page V-30, paragraph 5 of the Draft EIR should be revised to indicate that NCSD and the City of Santa Maria shall employ their best efforts to implement the NCSD Supplemental Water project.

Response: Page V-30, paragraph 5 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> The Stipulation that was later included in the Judgment recognizes the Memorandum of Understanding (MOU) between the City of Santa Maria and the Nipomo Community Services District for the wholesale purchase and transmission from the City of Santa Maria to the NMMA a certain amount of water each year. The Stipulation provides that "the NCSD *and* Santa Maria shall employ their best efforts to timely implement the Nipomo Supplemental Water project, subject to their quasi-judicial obligations specified for administrative action and in the California Environmental Quality Act."

Comment 20: Page V-33, paragraph 1 of the Draft EIR should correctly refer to the Tri-Cities area.

Response: Page V-33, paragraph 1 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "This comparison of dependable yield and extractions indicates that for the worst case scenario, representing the lowest estimate of dependable yield, dependable yield is exceeded in the base period (2004) for the Nipomo Mesa, the Santa Maria Valley and the Main Basin. For the year 2010, dependable yield is exceeded in the Tri-Cities *area*, Nipomo Mesa and the Main Basins."

Comment 21: Page V-35, paragraph 4 of the Draft EIR should indicate that limits to commitments for residential development totals 34.3-acre feet per year.

Response: Page V-35, paragraph 4 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

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> "Based on the County water studies and actions, the Basin Litigation, and the District studies, the District has: a) adopted restrictions by Ordinance limiting District water commitments for residential development to *34.3* acre-feet per year; b) hired a water conservation coordinator; c) adopted water capacity charges to be paid by new connections to finance supplemental water projects and d) participated in the NMMA Technical Group."

Comment 22: Page V-46, paragraph 3 of the Draft EIR concludes with a statement that suggests that chloramination causes taste, odor and trihalomethane problems in potable water.

Response: Page V-46, paragraph 3 of the Draft EIR shall be revised to read as follows (revisions noted in italics):

> "The third alternative available to the District is to maintain a chloramine residual throughout the NCSD system by converting the free chlorination treatment process at the wells to chloramination. This alternative 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."

Comment 23: Page V-46 of the Draft EIR does not discuss frac-outs where drilling fluids go in some other direction than up.

Response: Frac-outs are defined as an inadvertent return of drilling fluids to the ground surface. These occurrences may have potentially significant surface water quality impacts. Drilling fluids that migrate through subsurface ground fractures do not result in any surface or subsurface water quality impacts.

Comment 24: Table 27 on page VII-4 of the Draft EIR provides a comparison of proposed project alternatives with the project objectives. The No Project Alternative should have a "4" rating (i.e. meets project objective to a level which exceeds the proposed project) for the avoidance of multiple river crossings.

Response: Table 27 on VII-4 of the Draft EIR shall be revised to indicate a "4" rating for the ability of the No Project Alternative to avoid multiple river crossings. This alternative avoids all river crossings, at least for the short-term. The No Project Alternative may, however, only defer the need for one or more pipeline crossings of the Santa Maria River at a later date.

Comment 25: The list of water purveyors on Figure 29, Water Purveyors in Nipomo in the Draft EIR should be updated to reflect the current water purveyors.

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Response: Figure 29, Water Purveyors in Nipomo of the Draft EIR shall be revised to delete Dana Elementary and to change Cal Cities Water to Golden State Water Co. and Phillips to Conoco Phillips.

Comment 26: The EIR states that the objective of the proposed project is to "avoid future depletion of and assist in balancing groundwater levels. Elimination of all pumping of the NMMA by the NCSD would curtail only 30% of the water provided on the Mesa. All the project will do is slow down future depletion of the Mesa.

Response: The proposed importation of supplemental water will not only allow curtailment of pumping of NMMA by the NCSD but will also allow an off-set of ongoing pumping of groundwater by several of the private water companies within the NMMA.

As noted on page III-3 of the Draft EIR, one of the primary project objectives (Objective #1) is to

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

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I. BILL PETRICK (January 2, 2009)

Comment 1: The fundamental justification for the proposed waterline intertie project is that the Court ordered NCSD to import a certain amount of supplemental water. There has not been a legal or factual finding by any court based upon the evidence and the law that requires NCSD to do anything other than monitoring at this time.

Response: This response should not be construed or interpreted as the NCSD's agreement with the assumptions and conclusions contained in the comment.

The Nipomo Community Service District is a party to a June 30, 2005 Stipulation related to the Santa Maria groundwater litigation, as described in the DEIR. The Stipulation recognizes the prior MOU between the District and the City of Santa Maria. The Stipulation provides that "the NCSD and Santa Maria shall employ their best efforts to timely implement the Nipomo Supplemental Water project, subject to their quasi-judicial obligations specified for administrative action and in the California Environmental Quality Act." The Stipulation goes on to provide that "once the Nipomo Supplemental Water is capable of being delivered, that the referenced stipulating parties will purchase a portion of the Nipomo Supplemental Water on a yearly basis." On August 3, 2005, the Court issued an Order approving the Stipulation. The Court Order included the following: "the Court finds that the Settlement Stipulation was negotiated in good faith, that it's terms are reasonable, that it provides certainty to the parties, that it is a physical solution that protects the water resources and the rights and interests of all parties." The Stipulation was subsequently incorporated into the January 25, 2008 Judgment After Trial. Additionally, the Settlement Stipulation and subsequent Judgment contains specific provisions with regard to groundwater rights, groundwater monitoring programs and development of plans and programs to respond to potential water shortage conditions.

Page V-32 of the Draft EIR contains a listing of documents, all of which are incorporated by reference into the Draft EIR, which have provided the basis for conclusions that the Nipomo Mesa Water Conservation Area is either experiencing an overdraft condition or such a condition is imminent. This basin deficiency is based upon a variety of factors including control of growth, rainfall and pumping by overlying users of the basin (see pages V-30 through V-36).

Within the Court's Settlement Stipulation and Judgment for the Santa Maria Groundwater Litigation, the Nipomo Community Services District has agreed to purchase supplemental water for delivery to the Nipomo Mesa Management Area. A minimum of 2,500 acre-feet per year of supplemental water is to be purchased and transmitted to the Nipomo Mesa by the NCSD. Within the Stipulation and Judgment, additional water supplies up to 3,700 acre-feet per year may be purchased by the District resulting in a total of 6,200 acre-feet per year.

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These supplemental water supplies will reduce pumping from the Nipomo Mesa Management Area.

It should also be noted that the EIR is not intended to provide a rationale or justification for the proposed project but rather to provide an assessment of project impacts and provide measures capable of reducing those impacts or propose project alternatives capable of reducing significant impacts while considering the identified project objectives. The Draft EIR included the inclusion of the No Project Alternative and provided an assessment of the impacts of this Alternative in relation to the identified significant impacts as well as its capability to meet the identified project objectives.

Comment 2: Supplemental water is water that originates outside the Santa Maria Valley basin. State Water Project (SWP) water and water from a desalinization plant fits this definition. NCSD has redefined supplemental water to include State Water Project water with groundwater from the Santa Maria Valley Basin. A table is provided that shows the expanding need for groundwater with reduced amounts of available SWP water.

Response: This response should not be construed as the NCSD's agreement with the premises, conclusions, and definitions of the comment.

Section VI.A.1 of the Court Stipulation states that the "NCSD has entered into a Memorandum of Understanding ('MOU') with Santa Maria which contemplates the wholesale purchase and transmission from Santa Maria to the NMMA of a certain amount of water each year (the 'Nipomo Supplemental Water'). No statements are made in the Stipulation or MOU that requires this supplemental water originate outside of the Santa Maria Valley Basin.

Pages V-36 and V-37 of the Draft EIR provide detailed background information concerning the sources of water supply within the City of Santa Maria. Pages V-47 and V-48 of the Draft EIR provide a detailed assessment of the potential impacts of the proposed waterline intertie project upon the available water supply of the City of Santa Maria through the year 2030. This information was provided by the City of Santa Maria, Utilities Department.

Data contained within the table titled "Santa Maria Water Supply" is not based upon information possessed by either the NCSD or the City of Santa Maria. In particular, the amount of available water attributed to the State Water Project (SWP) is highly inaccurate. For example, the City of Santa Maria received 9,000 acre-feet of SWP water, approximately 44.3% (or 2,763 acre-feet) higher than the total cited in this table. Estimates of subsequent SWP water availability in 2009 are 2,673 acre-feet per year (or 29.7%), well below the water received in 2008. These estimates do not reflect the various methods of securing additional SWP water that have been and will be utilized by the City of Santa Maria. These methods include the purchase of additional, excess water from other participating

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agencies (in the SWP) such as the County of San Luis Obispo, the receipt of carry-over water from a prior year's allocation and the purchase of spot-water from the State. These are examples of the City's ability to secure additional water supplies without relying upon increased use of groundwater as is assumed in this table.

According to the City of Santa Maria, it is their goal to receive 50% to 60% of their water supply from imported water; the table within this comment concludes that imported water will total between 15% and 18% of the total water supply, a significant deviation from the balanced water supply that the City has maintained as noted above. Subsequent conclusions within this comment are based upon this inaccurate data.

Comment 3: The Draft EIR does not address the environmental effect on the quality of water transported from one area of the basin to another. The water quality in Nipomo and Santa Maria will be adversely affected. A table is provided that shows the effect of groundwater mixing on the total dissolved solids (TDS) of Santa Maria.

Response: Pages V-37 and V-38 of the Draft EIR provide detailed background information concerning the quality of water within the City of Santa Maria. Pages V-45 and V-46 of the Draft EIR provide a detailed assessment of the potential water quality impacts of the proposed waterline intertie project upon water quality within the NCSD. It should also be noted that the City of Santa Maria is obligated pursuant to the Memorandum of Understanding to supply water to the NCSD at the same water quality levels as they provide their own customers. It is also recognized that the water imported from the City of Santa Maria will have TDS (total dissolved solids) levels within the regulated limits as required by State law. With the blend of water from Santa Maria, potable water supplies within the NCSD system will have lower (i.e. improved) TDS levels than the current groundwater supplies.

In terms of water quality within Santa Maria, it should be noted that funds from the sale of blended water (i.e. SWP water and groundwater) to the NCSD will be used to purchase higher quality SWP water for introduction into the Santa Maria water supply system, thereby indirectly improving water quality within Santa Maria.

Data contained within the table titled "Santa Maria Water Quality" contains the same inaccurate date as the previous table discussed in the Response to Comment 2 above, in terms of the percentage mix of lower quality groundwater. As such, subsequent conclusions within this comment are based upon this inaccurate data.

Comment 4: Although the proposed project will not have any significant, measurable effect on global warming, the effect of global warming on the proposed project needs to be evaluated. Effects of global warming include reduced seasonal runoff

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from the Sierra Mountains, reduced available water from Northern California and rises in sea level resulting in the possibility of sea water intrusion.

Response: Page V-135, paragraph 1 and page V-140 of the Draft EIR provide a detailed listing of the Executive Order and State legislative actions and the current requirements for assessment of greenhouse gas emissions in Environmental Impact Reports.

As noted on page V-140, "in the absence of quantitative thresholds of significance, consistency with adopted programs and policies is used by many jurisdictions to evaluate the significance of cumulative impacts. A project's consistency with the implementing programs and regulations to achieve the statewide GHG emission reduction goals established under Executive Order S-3-05 and AB 32 cannot yet be evaluated because they are still under development. Nonetheless, the Climate Action Team, established by Executive Order S-3-05, has recommended strategies for implementation at the statewide level to meet the goals of the Executive Order. In the absence of an adopted plan or program, the Climate Action Team's strategies serve as the current statewide approach to reducing the State's GHG emissions."

"The Climate Action Team strategy of fuel usage reduction and thus greenhouse gases during project construction is implemented through mitigation measures which insure proper tuning and maintenance of construction equipment, use of the proper diesel fuels, minimizing the use of diesel equipment, certification of horizontal directional drilling equipment and implementation of Best Available Control Technologies."

Mitigation Measures J-17 and J-18 in the Draft EIR address the impacts of greenhouse gas generation during project operations through the use of electric-powered water pumps (Mitigation Measure J-17) and the investigation of the feasibility and cost-effectiveness of the use of solar power or other alternative energy sources (Mitigation Measure 18).

Mitigation Measure J-17 requires using electric pumps for daily water pumping operations with diesel-powered pumps available for backup (standby) operation. Table 25 on page V-139 of the Draft EIR provides a tabular comparison of pollutant emissions associated with the use of diesel and electric powered pumps for daily pumping operations. As noted therein, there is a significant reduction in the amount of annual pollutant generation between diesel and electric powered pumps. Electric powered pumps result in a net reduction of 0.65 tons per year in the generation of Reactive Organic Gases, 3.50 tons per year of Nitrogen Oxides, 0.49 tons per year of Sulfur Oxides, 0.30 tons per year of particulates and, most significant, a reduction of 306.92 tons per year in the generation of carbon monoxide. Pollutants produced by the generation of electricity at an off-site location are factored into the quantified comparison noted above.

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These requirements for greenhouse gas assessment do not involve evaluating the potential long-term effects of global warming, such as reduced rainfall and runoff or future seawater intrusion, upon the future water availability or the pursuit of other project alternatives. Since the extent of these potential long-term impacts is not known, any evaluation of their implications upon local water availability would be highly speculative.

Comment 5: The Draft EIR provides biased results which support or justifies the need for the intertie project. The only viable, unbiased option for supplemental water is to bring State Water Project water through the turnout in Nipomo.

Response: This response should not be construed as NCSD's agreement with the premises and conclusions of the comment.

Pages VII-27 and VII-28 of the Draft EIR provide a detailed analysis of the project alternative involving the direct importation of the State Water Project water. As noted therein, "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. Water quality is not considered to be a constraint with this option.

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 of 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

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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 will require an additional public vote prior to pursuing any supply option involving the purchase of SWP water.

This alternative water source was also analyzed in detail within the "Evaluation of Supplemental Water Alternatives – Technical Memorandum No.3, Implementation of Water Supply from CCWA/State Water Pipeline" dated November 30, 2007 and prepared by Boyle Engineering. A comparison of this alternative with other water supply alternatives was provided in the "Evaluation of Supplemental Water Alternatives – Technical Memorandum No. 1, Constraints Analysis" dated June, 2007 and prepared by Boyle Engineering. These documents are on file with the Nipomo Community Services District and are available for public review. These documents are hereby incorporated by reference into the Final Environmental Impact Report.

Based upon the above information, 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.

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J. HAROLD SNYDER (January 9, 2009)

Comment 1: The EIR does not evaluate the effect of the project reducing NCSD's future pumping rights while increasing Santa Maria's future pumping rights compared to the No Project alternative or other alternatives, where NCSD pumps its full use from the basin.

Response: This response should not be interpreted as NCSD's agreement to the premise, assumptions or legal conclusions contained in the comment.

According to the State CEQA Guidelines, an EIR is obligated to present alternatives to the proposed project which are capable of eliminating significant environmental impacts. A reasonable range of alternatives to the proposed project that could feasibly attain the basic project objectives must be provided. The Draft EIR addressed both the No Project and Reduced Pumping Alternatives on page VII-4 through VII-7 and pages VII-23 to VII-24, respectively. Based upon the analysis of both these alternatives, it was concluded on page VII-33 that both the No Project and Reduced Pumping Alternatives are capable of reducing or eliminating the significant unavoidable adverse impacts that are associated with the proposed project and are therefore considered to be environmentally superior to the proposed project. However, as noted on page VII-7, the No Project Alternative fails to meet all of the project objectives while the Reduced Pumping Alternative, as noted on page VII-24 meets several of these project objectives. These projects include 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. This alternative meets the project objective related to the provision of a diversity of water sources to a level less than the proposed project. As a result of their inability to meet these project objectives, these alternatives were rejected in favor of the proposed project.

Pages V-47 and V-48 of the Draft EIR provide a detailed assessment of the potential impacts of the proposed waterline intertie project upon the available water supply of the City of Santa Maria through the year 2030. This information was provided by the City of Santa Maria, Utilities Department. As noted therein,

> "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.

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This would act to further protect the Santa Maria Valley Groundwater Basin, resulting in a less than significant impact. "

Comment 2: The EIR incorrectly relies on the assumption that NCSD does not have discretion to decide not to bring water from "Santa Maria" to Nipomo.

Response: This response should not be interpreted as agreeing to the premise or assumption of the comment.

As noted in Response to Comment 1 above, the Draft EIR provided a detailed assessment of the No Project Alternative on pages VII-4 through VII-7. Although the Nipomo Community Services District has the discretionary ability to adopt this alternative, they would do so with the realization that the No Project Alternative fails to meet all of the project objectives. At this time, the District retains its discretionary authority over the project.

The Nipomo Community Service District is a party to a June 30, 2005 Stipulation related to the Santa Maria groundwater litigation, as described in the DEIR. The Stipulation recognizes the prior MOU between the District and the City of Santa Maria. The Stipulation provides that "the NCSD and Santa Maria shall employ their best efforts to timely implement the Nipomo Supplemental Water project, subject to their quasi-judicial obligations specified for administrative action and in the California Environmental Quality Act." The Stipulation goes on to provide that "once the Nipomo Supplemental Water is capable of being delivered, that the referenced stipulating parties will purchase a portion of the Nipomo Supplemental Water on a yearly basis." On August 3, 2005, the Court issued an Order approving the Stipulation. The Court Order included the following: "the Court finds that the Settlement Stipulation was negotiated in good faith, that it's terms are reasonable, that it provides certainty to the parties, that it is a physical solution that protects the water resources and the rights and interests of all parties." The Stipulation was subsequently incorporated into the January 25, 2008 Judgment After Trial.

If the NCSD used its discretionary power to disregard this stipulation, it would still not satisfy the project objectives. In addition the San Luis Obispo Local Agency Formation Commission imposed 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. Abandonment of the proposed project is also contrary to the 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.

Comment 3: NCSD has yet to approve any final agreement on supplemental water. The EIR has failed to consider all aspects of that discretionary decision.

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Response: According to the Stipulation and Court Judgment as summarized in response to Comment 2 and the DEIR, the Final EIR for the proposed Waterline Intertie project must be certified prior to the NCDS entering into a formal agreement with the City of Santa Maria for the delivery of supplemental water in the manner discussed in the EIR. At that time, the NCSD will review this agreement and take action, either approval or rejection of the agreement. Until that time, the District has the ability to cease processing of this proposed project in the event another source of supplemental water is found or the decision is made to implement the No Project Alternative and maintain the existing conditions.

Comment 4: NCSD has failed to diligently pursue CEQA compliance for the delivery of the Supplemental Water and the facilities necessary to transport the Supplemental Water from City to NCSD. NCSD has also failed to develop a project description for the Supplemental Water Agreement contemplated in the MOU and has failed to use reasonable efforts to complete all associated CEQA studies and reports.

Response: This response should not be interpreted as agreeing to the premise or assumptions of the comment.

The Nipomo Community Services District has made a good-faith effort to complete a Draft and Final Environmental Impact Report for the proposed NCSD Waterline Intertie Project as directed in the Memorandum of Understanding (MOU). The NCSD has met or is in the process of meeting the three timeframes from the MOU cited in this document. A detailed project description is provided in Section III of this Draft EIR. All associated CEQA studies and reports will be completed with certification of this document. Consideration of certification of this document can occur once the Final EIR is completed which is anticipated to occur within 30 to 45 days.

Comment 5: An EIR requires the analysis of the total project as a whole and does not allow "piecemealing" the project as is done in this EIR. The EIR has also failed to analyze the 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 and end of the project.

Response: This response should not be interpreted as agreeing to the premise or assumptions of the comment.

According to Section 15378 of the State CEQA Guidelines, a "project" is meant to cover the "whole of an action which has a potential for resulting in either a direct physical change to the environment or a reasonable foreseeable indirect physical change in the environment." All three phases of the proposed project are described in detail within Section III. Project Description of the Draft EIR. Although only the first two project phases are being contemplated at this time, the

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Draft EIR indicates that the ultimate project will be capable of importing a maximum of 6,200 acre-feet per year. The initial project will either be sized to carry this ultimate amount of water or additional facilities are identified (on page III-24) which would be constructed in order to increase the capacity of the system to handle this level of supplemental water.

Pages V-37 and V-38 of the Draft EIR provide detailed background information concerning the quality of water within the City of Santa Maria. Pages V-45 and V-46 of the Draft EIR provide a detailed assessment of the potential water quality impacts of the proposed waterline intertie project upon water quality within the NCSD. It should also be noted that the City of Santa Maria is obligated pursuant to the Memorandum of Understanding to supply water to the NCSD at the same water quality levels as they provide their own customers. It is also recognized that the water imported from the City of Santa Maria will have TDS (total dissolved solids) levels within the regulated limits as required by State law. With the blend of water from Santa Maria, potable water supplies within the NCSD system will have lower (i.e. improved) TDS levels than the current groundwater supplies.

In terms of water quality within Santa Maria, it should be noted that funds from the sale of blended water (i.e. SWP water and groundwater) to the NCSD will be used to purchase higher quality SWP water for introduction into the Santa Maria water supply system, thereby indirectly improving water quality within Santa Maria.

Comment 6: The project as a whole is contingent on a future discretionary agreement by NCSD.

Response: As noted in Response to Comment 5 above, the entire NCSD Waterline Intertie Project was evaluated within the Draft EIR. The NCSD has the discretionary ability to approve this proposal or any of the project alternatives evaluated in the EIR.

Comment 7: The EIR's analysis of the "No Project" alternative is an admission that there is discretion by the NCSD Board to select the "No Project" alternative.

Response: See Response to Comment 2 above.

Comment 8: The EIR does not analyze the effect of the costs for this temporary Supplemental water project will have on the funding for other needed future projects like desalinization that are required to provide a reliable, priority source of water.

Response: The consideration of the financial aspects of the proposed project and/or various project alternatives (including desalinization) is beyond the scope or responsibility of an Environmental Impact Report. It should also be acknowledged that the desalinization alternative was analyzed on page VII-28 of

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the Draft EIR and is the subject of Technical Memorandum No. 1 prepared by Boyle Engineering.

Comment 9: The EIR does not analyze the effect of the true nature of the temporary Supplemental water this project provides. It does not note that the ocean represents the only long term sustainable drought proof water supply.

Response: Page VII-28 of the Draft EIR provides a detailed analysis of the project alternative involving the use of desalinization as an alternative source of supplemental water to the NCSD. As noted therein,

> "Desalination would offer an unlimited source of water supply subject to the limits imposed by regulatory agencies. Water quality is not considered a constraint however the need for increased treatment reduces the amount of water produced. 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."

It should also be acknowledged that the desalinization alternative is the subject of Technical Memorandum No. 1 prepared by Boyle Engineering which is hereby incorporated by reference into the Final Environmental Impact Report.

Comment 10: The EIR fails to analyze the unreliable nature of the water from Santa Maria both in terms of water quality and quantity.

Response: This response should not be interpreted as agreeing to the premise or assumptions of the comment.

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Pages V-47 and V-48 of the Draft EIR provide a detailed assessment of the potential impacts of the proposed waterline intertie project upon the available water supply of the City of Santa Maria through the year 2030. As noted therein:

> "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."
>
> According to the City of Santa Maria, there is a sufficient supply of water at this time to provide supplemental water to the NCSD and funds from the sale of this water to NCSD will be used to purchase additional water supplies from the sources noted above. With the blend of water from Santa Maria, potable water supplies within the NCSD system will have lower (i.e. improved) TDS levels than the current groundwater supplies.
>
> In terms of water quality within Santa Maria, it should be noted that funds from the sale of blended water (i.e. SWP water and

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groundwater) to the NCSD will be used to purchase higher quality SWP water for introduction into the Santa Maria water supply system, thereby indirectly improving water quality within Santa Maria.

Comment 11: The EIR fails to analyze the nature of the water from Santa Maria in terms of water quality, quantity, priority and availability as it will change from now to the end of the term of the contract as more water is used by both Santa Maria and Nipomo.

Response: See Response to Comment 10 above.

Comment 12: The EIR fails to analyze the priority of source of the water from Santa Maria during times of shortage and surplus.

Response: The Draft EIR indentifies the three sources of water to the City of Santa Maria (City Wells, State Water Project and Twitchell Reservoir recharge) and indicates that the water supply from these sources is projected to remain relatively constant thorough the year 2030 in order to meet current and projected demands over that period. The amount of water attributed to these three water sources as cited in the Draft EIR are from the City of Santa Maria Urban Water Management Plan (UWMP) that was adopted on April 3, 2007. This Plan was not contested during or subsequent to the approval of the UWMP.

Comment 13: Included are comments from the prior Draft EIR which should be applied to this EIR as an integral part of this comment letter. The "project" as a whole is essentially the same with some limited changes in the implementation of the piping and storage tank parts of the real project.

Response: In 2005, the Nipomo Community Services District initiated preparation of a Draft and Final Environmental Impact Report which addressed the potential impacts of these 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 project design were recommended. These revisions included the reduction in water storage, additional NCSD water distribution system improvements, resolution of water quality issues and phased project development. In addition, an expanded number of project alternatives were also evaluated including the investigation of the viability of desalinization and direct use of State Water Project water. In December, 2006, the NCSD Board of Directors suspended further work on the EIR until the NCSD Board of Directors could evaluate a lower cost project and project design issues could be resolved.

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Since that time, several additional studies and field surveys have been prepared by NCSD in order to further evaluate and refine the design of the waterline intertie project. This information includes the Preliminary Engineering Memorandum, prepared by Boyle Engineering, dated November, 2006; Evaluation of Supplemental Water Alternatives – Technical Memorandum No. 1, prepared by Boyle Engineering dated June 2007; Evaluation of Desalinization as a Source of Supplemental Water - Technical Memorandum No. 2, prepared by Boyle Engineering dated September 28, 2007; Evaluation of Supplemental Water Alternatives - Technical Memorandum No. 3, prepared by Boyle Engineering dated November 30, 2007; California Red-Legged Frog Survey Results, prepared by Padre Associates dated April 12, 2007; Recent Biological Field Survey Results from Padre Associates dated March, 2008 and final Preliminary Engineering Memorandum for the proposed project dated May, 2008 prepared by Boyle Engineering. These documents are hereby incorporated by reference into the Final Environmental Impact Report.

In addition, the NCSD recently updated their Water and Sewer Master Plan (December, 2007) in which the District water model was updated and recommendations for improvements to the District water distribution system were made. The final Preliminary Engineering Memorandum presented several revisions to the project design which included revised pipeline sizes and routes, a relocated pump stations, elimination of another pump station, a resized water storage reservoir, upgraded in-system water distribution facilities, phased development of the proposed project and an alternative method of water treatment.

In January, 2008, the State Court issued its final decision on the groundwater rights litigation discussed above.

In April, 2008, the NCSD Board of Directors authorized preparation of a new Draft and Final Environmental Impact Report pursuant to the requirements set forth in the California Environmental Quality Act (Public Resources Code 21000 et. seq.) and the State CEQA Guidelines which will address the environmental impacts of the currently proposed project. Given the significant amount of additional information prepared and the changed circumstances and conditions since the prior Draft EIR was prepared and circulated, the Nipomo Community Services District, as Lead Agency, prepared a new Notice of Preparation for a Draft EIR on the revised project, the nature of which is described above. This current Draft EIR is, therefore, considered to be a separate document independent from the Draft Environmental Impact Report circulated in 2006. As such, any comments on the prior document are based upon a project that is no longer proposed, upon circumstances that are currently out-of-date and do not reflect the additional technical studies and project information that was prepared since May, 2006. These comments are, therefore, not relevant to this environmental document.

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Comment 14: The EIR does not include the need for discretionary approval for an agreement with Santa Maria to acquire the water that is clearly anticipated in the MOU which is an "agreement to make an agreement."

Response: Page III-31 of the EIR shall be revised to read as follows (revisions noted in italics):

> The proposed Nipomo Community Services District Waterline Intertie involves a series of approvals and discretionary actions by the Nipomo Community Services District, as Lead Agency, and other involved regulatory agencies. The proposed project involves the following approvals by the Nipomo Community Services District:
>
> 1. Certification of the Final Environmental Impact Report for the proposed Nipomo Community Services District Waterline Intertie;
>
> 2. Approval of the Mitigation Monitoring Program for the Nipomo Community Services District Waterline Intertie;
>
> 3. Review and approval of detailed plans for pipelines, pump stations, storage facilities and other infrastructure for the proposed waterline intertie.
>
> *4. 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.*

Subsequent approvals listed on this page shall be re-numbered accordingly.

Comment 15: The project and project EIR references and relies on the Santa Maria Groundwater litigation, and the "Settlement" but fails to note that the judgment which includes the Settlement as a part is being appealed and is not final until the appeal process is over.

Response: This response should not be construed or interpreted as an agreement with the assumptions and conclusions of the comment. The District further understands that the commentor is a member of the referenced Appellant.

The underlying condition of the groundwater basin underlying the Nipomo Mesa Water Conservation Area is summarized on, generally, V32-V38, It is also noted that the MOU predates the settlement Stipulation. There is nothing in the Stipulation that prohibits the "Project". 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

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speculative and should not affect or impede the efforts of the NCSD to secure supplemental water in the manner described in the Draft EIR.

Comment 16: Because the NCSD Southland Sewer Plant that treats the majority of water NCSD supplies to customers after use flows into Nipomo Creek, any change or increase in water to NCSD will be reasonably foreseeable to change the flows and quality of water and salts in the creek.

Response: This response should not be construed as an agreement with the assumptions and conclusions of the comment.

The Nipomo Community Services District recently (January, 2009) approved an Expanded Initial Study (dated December 10, 2008) for the proposed Southland Wastewater Treatment Facilities Improvements.

The proposed project involves the provision of additional facilities necessary to expand the treatment capabilities of the Southland Wastewater Treatment Facility (WTF). The three basic elements of the proposed project involve additional collection facilities, upgraded treatment facilities and expanded disposal capabilities. Proposed collection facilities involve replacement of the existing 12-inch sewer trunk main which runs along South Frontage Road from Division Street to the Southland WTF with a 21-inch pipeline. Proposed treatment facilities improvements to the Southland WTF include upgrading the influent pump station, provision of headworks improvements, reconstruction of two of the existing treatment ponds and utilization of the two remaining treatment ponds for storage, decanting and disposal. These improvements will increase the treatment capacity of the Southland WTF from its current capacity of 0.9 million gallons per day to 1.4 million gallons per day. The District considered several methods of disposal of remaining effluent after treatment including discharge into percolation ponds, discharge into subsurface disposal systems, surface irrigation, recycling to recreation/open space areas or deep underground injection.

Based upon their evaluation of the information within this Expanded Initial Study, a determination was made that the project may have a significant effect upon the environment and that an Environmental Impact Report on this project is required. This project will address and resolve issues related to the capacity of and impacts associated with the operations of the existing Southland Wastewater Treatment Facility.

Comment 17: The EIR has no explanation as to why NCSD cannot use groundwater that results from the San Luis Obispo County portion of the Cuyama River watershed which is about ¼ of the total water in the basin.

Response: This alternative water source involves acquiring supplemental water supplies through the direct pumping of groundwater from the Cuyama River watershed which is upstream of the Santa Maria Groundwater Basin. This option

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

As discussed in Section V.C. Water, of the Draft EIR, 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 into the Santa Maria Valley Management Area (SMVMA).

The institutional constraints on this option involve the potential violation of the Stipulated Settlement and Judgment for the Santa Maria Groundwater Basin due to lowering of groundwater elevations and/or impacts upon the SMVMA.

Comment 18: The EIR fails to consider that even with the claim of having 49,710 AF/Year of water and only using a fraction of that at 15,000 AF/Year, the City of Santa Maria is still buying additional water.

Response: Pages V-47 and V-48 of the Draft EIR provide a detailed assessment of the potential impacts of the proposed waterline intertie project upon available water supply of the City of Santa Maria through the year 2030. As noted therein,

> "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

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> 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."

According to the City of Santa Maria, there is a sufficient supply of water at this time to provide supplemental water to the NCSD and funds from the sale of this water to NCSD will be used to purchase additional water supplies from the sources noted above.

Comment 19: There is no listed source for the information on page V-47 of the Draft EIR regarding water supply sources in Santa Maria.

Response: The water supply data on pages V-47 and V-48 of the Draft EIR is from the City of Santa Maria Urban Water Management Plan (UWMA) that was adopted on April 3, 2007. This Plan and its data was not contested during or subsequent to the approval of the UWMP.

Comment 20: The Judgment that accepted NCSD and Santa Maria's Settlement of their complaints includes several sections that are reasonably foreseeable that eliminate the settlement and it's "protections" to the Santa Maria Valley area and eliminate the City's ability to provide water to NCSD in the future.

Response: This comment addresses potential deficiencies in the Court Judgment. The long-term projections of future water supply are discussed in the Response to Comment 18 above.

Comment 21: The EIR fails to consider the effect of NCSD relying on water in the future which is intrinsically unreliable and the significant environmental impacts that can result from that supply being reduced or eliminated in the future.

Response: See Response to Comment 18 above.

Comment 22: The EIR fails to allow the Lead Agency to meet it's 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.

Response: This comment quotes page I-3 of the Draft EIR and makes a claim that the EIR is deficient without any background information or substantiation beyond the other comments provided. The Draft EIR provides ample information in the form of impact assessment, proposed mitigation measures and project alternatives pursuant to the requirements of the State CEQA Guidelines to allow the Lead

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Agency to meet its 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.

Comment 23: Comments are directly noted on 53 pages of the EIR that are attached to this comment letter.

Response: The comments noted on the copies of pages from the Draft EIR are a restatement of concerns noted in the above comments.

Comment 24: Comments from the Notice of Preparation are included within this comment letter.

Response: Comments received from the Notice of Preparation were reflected or responded to throughout the Draft EIR.

Comment 25: Comments made on the previous EIR are included within this comment letter.

Response: See Response to Comment 13 above.

Comment 26: Because the size of this draft EIR and the repetitive nature of the areas covered within it, each comment is placed or referenced to a related location but applies to the document as a whole and text in any location within the Draft EIR as needed.

Response: All comments received on the Draft EIR as well as responses to these comments will become part of the Final Environmental Impact Report. This information will be provided to and considered by the Nipomo Community Services District prior to their consideration of certification of the Final EIR and prior to their consideration as to whether the proposed project is acceptable and approved for development.

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A

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

January 6, 2009

Bruce Buel
Nipomo Community Services District
148 S. Wilson Street
Nipomo, CA 93444-0326

Subject: Nipomo Community Services District Waterline Intertie
SCH#: 2005071114

Dear Bruce Buel:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on January 5, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. 1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

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NIPOMO COMMUNITY SERVICES DISTRICT

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

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Document Details Report
State Clearinghouse Data Base

SCH# 2005071114
Project Title Nipomo Community Services District Waterline Intertie
Lead Agency Nipomo Community Services District

Type EIR Draft EIR

Description The project involves the construction of a new pipeline and related pumping, storage and treatment facilities. The project is intended to provide the capacity to transport up to 6,300 acre ft per year of new water to the Nipomo Mesa to minimize the adverse impacts of groundwater overdraft in the Nipomo Mesa. The new water would in part replace water previously provided by groundwater wells and in part meet the needs of new development.

Lead Agency Contact

Name Bruce Buel
Agency Nipomo Community Services District
Phone (805) 929-1133 **Fax**
email bbuel@ncsd.ca.gov
Address 148 S. Wilson Street
City Nipomo **State** CA **Zip** 93444-0326

Project Location

County San Luis Obispo
City Nipomo
Region
Lat / Long
Cross Streets Orchard and Joshua
Parcel No.
Township 12N **Range** 35W **Section** **Base**

Proximity to:

Highways 101
Airports Santa Maria
Railways Southern Pacific
Waterways Santa Maria River
Schools Dana, Nipomo Elem
Land Use

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Fiscal Impacts; Geologic/Seismic; Growth Inducing; Landuse; Noise; Public Services; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 5; Department of Health Services; State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; State Lands Commission

Date Received 11/20/2008 **Start of Review** 11/20/2008 **End of Review** 01/05/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

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B

State of California—Health and Human Services Agency
California Department of Public Health

MARK B HORTON, MD, MSPH
Director

ARNOLD SCHWARZENEGGER
Governor

December 8, 2008

Nipomo Community Services District
P O Box 326
Nipomo, CA 93444

Attention: Mr. Bruce Buel
General Manager

PWS No.: 4010026

Dear Mr. Buel;

The California Department of Public Health (CDPH) has been informed that a draft EIR has been received by our Environmental Review Unit for the Nipomo Community Services District's waterline intertie with City of Santa Maria. Our office reviewed the executive summary and offers the following comments:

1. The NCSD shall apply for a permit amendment for the intertie connection to City of Santa Maria, addition of storage tanks, booster stations and disinfection changeover from free chlorine to chloramines. The permit amendment application is available at the following website; 1

http://www.cdph.ca.gov/certlic/drinkingwater/Documents/Permits/AmendedPermitApplication.pdf

2. The NCSD shall submit plans and specifications for the intertie connection to Santa Maria, pipeline, booster stations, storage facilities and chloramination facilities. Since water disinfected with chloramines has a potential to cause nitrification problems, the NCSD shall submit a nitrification monitoring and control plan to the Department 2

3. The NCSD shall complete all public notification requirements before chloraminated water can be served to the public. The NCSD proposes to switchover the disinfectant of groundwater supply to chloramines and the water received through the intertie with Santa Maria is treated with chloramines. While the NCSD supplies chloramines to its consumers, the public served by the NCSD shall be periodically notified that chloramines are used to disinfect the water including any dialyses centers in the service area. The 3

Southern California Drinking Water Field Operations Branch
1180 Eugenia Place, Suite 200, Carpinteria, CA 93013-2000
(805) 566-1326; (805) 745-8196 fax
Internet Address: http://www.dhs.ca.gov/ps/ddwem/default.htm

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NCSD shall answer questions that the public and dialyses centers may have. The notification shall be repeated yearly in the NCSD Consumer Confidence Report. The NCSD shall verify that all hospitals and dialyses centers that treat dialyses patients are periodically notified. The NCSD shall contact the Department of Licensing and Certification at (805) 654-4800 for the list of dialyses facilities located in its service area and public notification requirements.

If you have any questions concerning this letter, please contact this office at (805) 566-1326.

Sincerely,

Kurt Souza, P.E.
Regional Engineer
Santa Barbara District (CDPH-DWFOB)

cc: San Luis Obispo County Environmental Health
CDPH - Environmental Review Unit

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CHLORAMINES
NOTIFICATION GUIDELINES

Chloramines are a potential hazard to individuals with kidney disease who undergo dialysis with artificial kidney machines. They are also toxic to fish. Before a water utility is permitted to convert to chloramine disinfection the utility shall provide notification of the impending change and its consequences to all consumers and all chronic and acute care dialysis facilities within its service area. Suggested letters are attached. The notice to consumers reviews toxicity to fish as well as dialysis treatment problems.

Dialysis Facilities

The recommended limit for chloramines in water used for dialysis is 0.1 milligram per liter and facilities that carry out kidney dialysis must provide sufficient water treatment to achieve this limit. Activated carbon or ascorbic acid treatment are used to remove chloramines. However, water treatment provided at many dialysis facilities may not have either of these processes. Therefore, the responsible individuals for these facilities must be notified of the impending change to chloramines and be given adequate time to provide the necessary treatment.

Facilities that provide dialysis treatment fall into two categories, chronic care and acute care. Chronic care facilities are hospitals or clinics that are involved in the long term treatment of individuals with kidney disease. Home patients and their doctors are normally associated with chronic care facilities. Acute care facilities are hospitals that normally provide dialysis on an emergency basis.

All chronic facilities, with the possible exception of federal government facilities are members of the End Stage Renal Dialysis (ESRD) Network Coordinating Council. There are two ESRD Networks in the state, the Northern California Network in San Francisco[1] and Southern California Network in Los Angeles[2]. Chronic care facilities are also licensed by the state kidney dialysis centers.

Almost all acute facilities are licensed by the state under the hospital's general license. Only federal facilities such as military hospitals are not under state license.

---

[1] ESRD Network Organization Number Seventeen
Trans Pacific ESRD Network
Attention: Joann Brown
Director of Quality Improvement
25 Mitchell Blvd, Suite 7
San Rafael, CA 94903
(415) 331-1545

[2] ESRD Network Organization Number Eighteen
Southern California Renial Disease Council
Attention: Jean Colls, R.N. MN
6255 Sunset Blvd, Suite 2211
Hollywood, CA 90028
(213) 962-2020

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Dialysis Facility Notification Procedures

The notification process will take place in two stages. In the first stage, the utility will advise each facility of the proposed conversion to chloramines. Because acute care facilities are not specifically licensed as dialysis centers, all hospitals will have to be notified. The names and locations of all facilities will be provided by the Drinking Water Field Operations Branch (DWFOB) of the Department of Health Services. DWFOB will also contact the respective ESRD Network, the Division of Licensing and Certification of the Department of Health Services and the County Health Department(s) and apprise them of the proposed change.

The utility must also determine that all dialysis care facilities have installed adequate treatment to remove chloramines. Approximately one month prior to commencing chloramine disinfection, the water utility will contact all facilities to confirm that these facilities are prepared to treat chlorinated water. Confirmation may be carried out by written correspondence or by on-site visits to the facilities. The utility will advise DWFOB when this has been completed. Chloramine use will not be permitted until DWFOB has been assured that all facilities have been contacted. To provide additional assurance that all facilities and home patients are contacted, it is expected that the respective ESRD Network will also contact their member chronic care facilities. In addition, it is recommended that the County Health Department(s) contact practicing nephrologists through the county medical association.

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TO: General Acute Hospital Facilities

ATTENTION: Medical Director
Administrator

Although your facility has not been identified as one which regularly performs kidney dialysis on chronic patients, you may have occasion to conduct dialysis for some of your acute patients.

This is to alert you about proposed changes in the disinfection of the water supply which will require you to take appropriate measures to protect kidney dialysis patients. We are planning to switch from chlorine to chloramine as our primary disinfectant in order to reduce trihalomethane levels in the water being delivered to meet (be more assured of meeting) the State Drinking Water Standards. This changeover will begin on _____.

Chloramines are of particular concern to dialysis patients because they can cause hemolytic anemia. This potential danger can be avoided by using either activated carbon or ascorbic acid treatment to eliminate the chloramine to use in dialysis.

It is essential that appropriate actions be taken prior to _____ to enable you to test for and remove chloramines from water used for dialysis fluids. Daily testing for chloramines is strongly recommended to assure that dialysis patients are protected.

If you have any questions or if there are any problems in protecting your patients by the _____ deadline, please call me at _____.

Revised 10/10/95

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TO: Consumer of the _____

SUBJECT: Change in Treatment

The _____ is preparing to change its method of disinfection in the water supply you are receiving. Beginning on _____ (date), chloramines will be used instead of chlorine. This is being done to lower levels of total trihalomethanes (TTHM) in the water and meet (to be more assured of meeting) the TTHM Drinking Water Standards. To date, the TTHM Standard has (has not) been met.

Chloramine treatment is not new as chloramines have been used for disinfection purposes for many years and are considered an effective disinfectant. It is encouraging to note that complaints of tastes and odors have been found to decrease in many systems after the use of chloramines begins.

Chloramines do not pose a health hazard to the general population. However, they can be a serious problem to individuals with kidney disease undergoing dialysis treatment on artificial kidney machines unless the chloramines are reduced to acceptable levels. We have been working with State and County Health Departments to ensure that everyone involved with the treatment of dialysis patients is alerted and that proper precautions are taken. If you are a dialysis patient receiving dialysis treatment in your home, please contact your dialysis facility.

Chloramines like chlorine are toxic to fish. Therefore, anyone putting fish into water obtained from our supply should assure that the fish are properly protected. Local pet and fish shops should be contacted to determine that best measures to cope with a chloraminated supply. Holding the water for a period of time may work well with chlorine, but is not a reliable procedure with chloramines which are able to persist must longer.

If you have any questions on this change in our water treatment, please contact_____at _____.

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TO: **Chronic Dialysis Facilities**

ATTENTION: Medical Director
Administrator

Your facility has been identified as one which regularly performs kidney dialysis on chronic patients.

This is to alert you about proposed changes in the disinfection of the water supply which will require you to take appropriate measures to protect kidney dialysis patients. We are planning to switch from chlorine to chloramine as our primary disinfectant in order to reduce trihalomethane levels in the water being delivered to meet (be more assured of meeting) the State Drinking Water Standards. This changeover will begin on _____.

Chloramines are of particular concern to dialysis patients because they can cause hemolytic anemia. This potential danger can be avoided by using either activated carbon or ascorbic acid treatment to eliminate the chloramine prior to use in dialysis.

It is essential that appropriate action be taken prior to _____ to enable you to test for and remove chloramines from water used for dialysis fluids. Daily testing for chloramines is strongly recommended to assure that dialysis patients are protected.

If you have any questions or if there is any problem in protecting your patients by the _____ deadline, please call me at _____.

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C

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Measurement Standards
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: **January 9, 2009**

TO: **Nipomo Community Services District**

FROM: **Michael Isensee, San Luis Obispo County Agriculture Department**

SUBJECT: **NCSD Waterline Intertie Draft EIR**

The County Agriculture Department thanks you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the proposed installation of new water infrastructure to deliver water from the City of Santa Maria to the Nipomo Community Services District (NCSD). The project as proposed would deliver up to an additional 6,200 acre feet of water annually. The initial 2,500 acre feet would offset existing groundwater production and the remainder is intended to serve future development within and beyond the NCSD's boundaries.

The Agriculture Department agrees that the project as proposed has significant impacts, including potentially significant impacts to agricultural resources and operations. The growth inducing, long-term and cumulative impacts are adequately noted in the DEIR, although no discussion regarding potential mitigation is included. There is also no discussion or identification of mitigation measures for either the permanent conversion of agricultural soils to nonagricultural uses or the temporary construction related impacts associated with the proposal. The DEIR does not quantify the impacted agricultural resources and does not include adequate discussion about or proposed mitigation measures to address potentially significant impacts identified during the initial study.

The Agriculture Department recommends inclusion of measures to:

- Avoid or minimize the use of prime farmland for staging, storage, or permanent infrastructure associated with the project.
- Avoid or minimize temporary construction-related impacts to farmland and farm operators.
- Coordinate construction schedules to avoid or minimize impacts to growers.
- Compensate growers for any losses due to temporary construction-related impacts.

Details on these measures are included in the enclosed report.

These comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. If I can be of further assistance, please contact me at 781-5753.

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Project Review

There is not adequate information presented in the DEIR to determine the quantity of farmland that is being permanently or temporarily impacted. There is also no description of the prime farmland soils potentially impacted by these project components in the DEIR.

Permanent farmland impacts
Permanent impacts within San Luis Obispo County appear to be associated with locating a 500,000 gallon buried water tank, a pump station (Pump Station No. 2), and a pressure reducing valve station (Maria Vista PRV station) on prime farmland.

Temporary farmland impacts
Temporary impacts appear to include an open trench through farm field and prime farmland soils, the northern HDD laydown area plus any necessary access roads or equipment storage areas. The DEIR includes no proposed mitigation measures to avoid, minimize or reduce either permanent or temporary construction impacts to agricultural resources, although such impacts were identified in the initial study as potentially significant unless mitigated (Initial Study, page V-2 and V-3).

County policy conflicts
The DEIR incorrectly states that the proposed project "would not directly conflict with any...[adopted] policies" (DEIR, page V-10). The County has specific policies relating to locating improvements on farmland:

> Agriculture Policy 18, *Location of Improvements* specifies that new facilities are to be located so as to protect agricultural land, should not bisect farm fields, and should utilize the minimum amount of farmland possible. This means, to the degree feasible, such facilities should be located off of lands in agricultural production and especially off of prime farmland.
>
> Agriculture Policy 24, *Conversion of Agricultural Land*, states: "avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible location within the urban or village reserve lines." The proposed project locates pump stations and tanks in a rural area although these facilities are for urban uses. There does not appear to be any discuss in the Alternatives section whether the permanent project facilities proposed on prime farmland could instead be located within the Nipomo urban reserve line or served by the NCSD.

Significant land use impacts
The Agriculture Department agrees with the conclusion that there will be cumulative and growth inducing impacts associated with the proposed project, especially any project components which are proposed to provide in excess of the 2,500 AFY intended for groundwater offsets. Each additional increment of water will enable continued growth and development in and around Nipomo, including the conversion of prime farmland, farmland of statewide importance, and the potential conversion of existing agricultural operations. Increased urban and rural population growth in proximity to agricultural operations generally leads to increased incompatibilities between agricultural and non-agricultural uses.

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Recommended Mitigation

The Agriculture Department recommends measures to mitigate impacts to agricultural resources and operations.

Permanent farmland impacts
The preferred mitigation would be to avoid the placement of the proposed pipeline and associated infrastructure on prime farmland utilized to produce high value crops.

1. Locate the proposed pipeline to avoid impacts to prime farmland soils used for agricultural production of high value crops. **1**

    1.1. Place the pipeline in a route that avoids the farm fields south and southwest of Orchard Street and Joshua Street.

    1.2. Evaluate the potential for HDD under farm fields to avoid disturbance of prime farmland and agricultural operations. **2**

2. Avoid the placement of any permanent facilities on prime farmland or other lands utilized for agricultural production. **3**

3. Avoid permanent acquisition of rights of way to the extent feasible, instead using access and pipeline easements which allow for continued agricultural production on the south mesa's prime farmland soils. **4**

Temporary farmland impacts
Avoiding the location of the pipeline in an area of prime farmland utilized for high value crop production would largely avoid temporary impacts to farmland and farm operators. If the pipeline location cannot feasible be moved to the east, the following measures will reduce impacts to farmland and farm operators:

4. Minimize temporary construction impacts to the degree feasible by storing construction materials and staging construction activities off soils mapped as prime farmland by the Natural Resources Conservation Service (NRCS). **5**

5. For any construction staging or storage proposed on prime farmland, avoid permanent impacts to these soil resources with the following mitigation measures: **6**

    5.1. Utilize a geotextile membrane atop the native soils prior to the placement of any stockpile, fill, base materials, or construction materials in areas where construction equipment will be utilized or stored, including the HDD laydown area and during the stockpiling of soils associated with open trench pipeline construction. The use of durable, geotextile matting as an underlayment will prevent rock and stone or construction materials from becoming embedded in the native soils. All fill material should be removed upon completion of the project and the native soil should be restored to its previous soil texture, available water holding capacity, and soil permeability.

    5.2. Place pipelines at an adequate depth to ensure the ability of both current agricultural practices and future potential practices. Generally, a pipeline depth of 60-72 inches

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should be adequate to accommodate agricultural practices, although greater depth may be necessary to minimize impacts to future irrigation infrastructure improvements.

5.3. Stockpile all excavated soils during construction in a method that protects the soils' physical, chemical and biological characteristics. Segregate biologically active topsoil (A horizon) from deeper soils during construction and replace the soil horizons upon completion.

5.4. At the conclusion of construction, replace soils in a manner that mimics the pre-construction characteristics of the soils, including compacting soils to the same soil's natural bulk density (soil permeability), soil texture, and available water holding capacity.

6. Coordinate construction with property owners and any farm lessee/operators in order to avoid or minimize impacts to the agricultural utilization of the property. 7

6.1. Coordinate with growers and/or property owners to locate all irrigation systems in order to avoid damaging buried irrigation lines, wells, risers and other agricultural irrigation infrastructure.

6.2. Include early notice of planned closures and/or detours to area agricultural producers so adequate planning can be made for the movement of agricultural goods and personnel.

6.3. Provide timely and updated information to agricultural users of impacted roads, with regular updates about forthcoming closures or detours.

7. Prior to commencement of construction, landowner(s) should be compensated for any temporary loss of areas typically utilized for agricultural production. 8

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COMMISSIONERS

RICHARD ROBERTS
CHAIR, Public Member

DAVID BROOKS
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County Member

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City Member

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Special District Member

TOM MURRAY
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VACANT
City Member

JAMES R. PATTERSON
County Member

STAFF

PAUL L. HOOD
Executive Officer

RAYMOND A. BIERING
Legal Counsel

DAVID CHURCH
Deputy Executive Officer

DONNA J. BLOYD
Commission Clerk

January 9, 2009

Mr. Bruce Buel
Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444

Subject: Draft Environmental Impact Report NCSD Waterline Intertie

Dear Mr. Buel:

Thank you for the opportunity to comment on the Draft Environmental Impact Report being prepared by the Nipomo Community Services District for the Waterline Intertie with the City Santa Maria. LAFCO may use the Final EIR to assist in evaluating future LAFCO actions that may be considered in the area. We offer the following comments regarding the Draft EIR:

1. The Draft EIR appears to provide a comprehensive analysis of all of the issues regarding the waterline intertie project. The District and their Consultant Team are to be commended for having completed such a thorough and well researched document. **1**

2. On page III-2 the EIR discusses LAFCOs Sphere of Influence Update in 2004, the associated Program EIR and the mitigation measures that were implemented as conditions of approval. It should be noted that these were conditions of approval placed on the NCSD's Sphere of Influence using the Program EIR. The conditions are attached for reference. **2**

3. On page III-6, Project Objective #7 should be clarified with regard to when compliance with LAFCO conditions will occur. The existing wording appears to indicate that the supplemental water for annexations will not be available until Phase III of the project is complete. This should be clearly stated in objective 7 since in the EIR it appears that Phases I and II of the project are intended to serve areas already within the NCSD. **3**

1042 Pacific Street, Suite A • San Luis Obispo, California 93401
Tel: 805.781.5795 Fax: 805.788.2072
www.slolafco.com

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4. On page V-9, the EIR states that LAFCO has authority over Land Use matters in the area. LAFCO is specifically precluded by the Cortese/Knox/Hertzberg Act from making any decisions with regard to land use. 4

> ***56375(3)*** *A commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at buildout, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be prezoned. The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and prezoning of the city.*

LAFCO does consider land use information as a factor in its decision making process, however; the decisions made by LAFCO are regarding the boundaries of a jurisdiction. The Cities and County General Plans are used as one factor to be considered in the annexation process.

5. On page VII-2, objective 7., comment number 3 above should be considered. 5

6. On page VII-7, the last sentence reference LAFCO requirements with regard to the service area and Sphere of Influence. If the requirements being referenced are the conditions of approval, these apply to areas within the Sphere of Influence and proposed for annexation, not areas already within the Service Area. Properties within the service area are subject to decisions and policies made by the NCSD with regard to water service. 6

Thank you for the opportunity to comment on the Draft EIR. If you have any questions regarding our comments please contact David Church at 781-5795.

Sincerely,

Paul Hood

PAUL HOOD
LAFCO Executive Officer

cc. LAFCO Commissioners
Doug Wood, Douglas Wood and Associates

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NIPOMO COMMUNITY SERVICES DISTRICT
CONDITIONS OF APPROVAL
Sphere of Influence Update and Municipal Service Review
May 20, 2004

LAND USE

1. Prior to providing services to an area or property in the District's Sphere of Influence one or more of the following processes shall be completed:

   a. Approval by the County of San Luis Obispo of Tract or Parcel Map, Conditional Use Permit, Specific Plan, and/or General Plan Amendment, or

   b. Approval by LAFCO of an Outside User Agreement or an Annexation.

   These processes shall be subject to the environmental review process consistent with the California Environmental Quality Act (CEQA). Any conflicts between the Sphere of Influence and the General Plan shall be resolved through these processes stated above. Impacts associated with premature or " leapfrog" development, development outside the Urban Reserve Line, potential growth-inducing impacts, and the availability of public services shall also be addressed and mitigated to the greatest possible degree through these discretionary approval processes.

2. The proposed Sphere of Influence shall be reduced from the eight Study Areas to exclude all of Study Area #6.

   A map identifying the Sphere of Influence is found in the Exhibit A of this resolution.

3. The District shall not provide sewer services to Study Areas #4 (except for the Southland Specific Plan Area and areas zoned Residential Suburban), #5 (Residential Suburban zoning only), #7, and #8. This condition shall be applied by LAFCO to any annexations proposed in those Study Areas as shown in the map found in Exhibit A of this resolution and by the District through any annexation agreements they approve.

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WATER

4. Except as provided below, prior to LAFCO approval of any annexation, the District shall:

   A. Implement a water conservation program that decreases water use by 15% based on per connection water consumption. Annexations shall only be approved if the District provides documentation that certifies a 15% decrease in water use has occurred since the approval date of the Sphere of Influence. Conservation measures shall be implemented at the District's discretion.

   B. Complete or update the Urban Water Management Plan to reflect the need to provide water service in the amount of 1,000 acre-feet for the expanded Sphere of Influence. The Urban Water Management Plan prepared or updated by the District shall be prepared consistent with the State of California's Urban Water Management Plan Act. A Registered Professional Engineer specializing in water resource planning shall certify that the Plan is consistent with the State's Urban Water Management Plan Act. The Registered Professional Engineer shall be selected from a list of qualified professionals provided by LAFCO.

5. Prior to approval by LAFCO of any annexation, the District shall complete negotiations for a supplemental water source outside the Nipomo Hydrologic Sub-Area and provide documentation that an agreement is in place to deliver such water by January 1, 2009. Documentation shall be consistent with Section 5, Step Two, Documenting Supply, of the SB 610 Guidebook dated October 8, 2003. A Registered Professional Engineer specializing in water planning shall review and certify such documentation. The Registered Professional Engineer shall be selected from a list of qualified professionals provided by LAFCO.

6. Prior to final approval of any annexation that is a "project", as defined under the Water Code 10912, the District shall submit a Water Assessment pursuant to the procedures found in the Guidebook for Implementation of SB 610 and SB 221, using only the steps applicable to SB 610.

7. Conditions 4, 5, and 6 shall not apply to the following proposed annexations:

   A. County Service Area 1 Reorganization. This proposal would dissolve CSA 1 and annex those areas into the District. The District would not be providing water service, but would assume the provision of sewer services and the maintenance of drainage facilities to these areas.

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This proposal has no impacts on District water resources since these areas are already served by Cal Cities Water Company.

B. **Patterson Annexation.** This annexation is one single-family residence that was not included in the Robertson Annexation because it was not covered by the County's environmental determination. Mr. Patterson has filed an application with LAFCO. The proposal is being processed. It is reasonable to assume that the impacts on the District's water supply would be insignificant.

C. **Moss Lane Annexation.** These are the six residences that were not a part of the Maria Vista annexation. These residences have failing wells that may create a health and safety problem in the near future. Hookups are readily available through Maria Vista. The impact to the District's water supply would be insignificant.

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E

Santa Barbara County Public Works Department
Flood Control & Water Agency

January 9, 2009

Nipomo Community Services District
148 S. Wilson Street
Nipomo, CA 93444

RE: Nipomo Community Services District Waterline Intertie
Draft Environmental Impact Report

Dear Sir or Madam:

Thank you for the opportunity to review the subject document. The Santa Barbara County Flood Control District has the following comments.

1. The proposed water line improvements, where crossing the Santa Maria River levee, shall be designed to be compatible with the proposed levee reinforcement project currently being pursued by the U.S. Army Corps of Engineers. 1
2. The proposed waterline improvements will require review and approval by the U.S. Army Corps of Engineers for any portion that crosses the levee, and by the Santa Barbara County Flood Control District for any portion that crosses the levee or Flood Control property. 2
3. Any activity on Flood Control property will require a temporary entry permit, and any construction on Flood Control property will require inspection and payment of inspection fees. 3
4. Any future Santa Barbara County projects on Flood Control property shall take priority over water line improvements if there is a conflict in location. 4
5. Construction timing shall take into consideration water levels and shall not interfere with Flood Control winter/emergency operations. 5

Please let us know if you have any questions or concerns.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By: _____

Nick Bruckbauer
Development Review Engineer

RAR_Nipomo_Water

Scott D. McGolpin
Public Works Director

123 East Anapamu Street, Santa Barbara, California 93101
PH: 805 568-3440 FAX: 805 568-3434 www.countyofsb.org/pwd/water

Thomas D. Fayram
Deputy Public Works Director

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G

Nipomo Community Services District Water line Intertie:

Questions and comments: By James Harrison 857 Inga Road Nipomo California 805-929-2935

D-2 States no work from 2/15 until 9/15 because of nesting birds:
Work may be completed on Pipeline, water storage tanks, pump station, only before 2/15 and after 9/15 if not feasible a qualified biologist shall conduct surveys of area (Why not just require a qualified biologist to conduct surveys of the area? With all the other requirements in C-2. D-1, D-10 G3, etc does this mean that there is only one month that work could be done on the entire project.) 1

D-10 States No work between October 15 and April 15,

G-3 No grading November to April 15,

D-12 CRLF must be California Red Legged Frog? 2

D-21 Why not just remove the Eucalyptus trees? They are not native, they make a mess! 3

E-2 Why require trees that only grow to six feet in two years at the booster stations? If they are going to do any screening they will need to be higher than six feet. If only six feet tall why require them at all. 4

A-1 If NCSD only brings in the water that is needed to meet agreement with Courts Order why would this be a class one impact? 5

B-1 This project should not have a great impact on housing. What facts did you base the class one impact on? The water that NCSD is trying to bring in from Santa Maria in phase one and two is not for growth and should not be considered as providing for growth. 6

D-22 Says D-14 contains plans for stabilizing water storage tank; I think this may be a print error. D-14 discussed commencing construction: Compliance with SLO Land Use Ordinance: Storm water Resources Control Board management: Spill Contingency Plan: Streambed Alteration: Frac-out Contingency: Frac-out clean-up procedures: I did not see anything about water storage tank stabilization in D-14 on page ll-11, ll-12, ll-13: 7

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F-2 "The vacant lot located southeast of the intersection of Tefft Street and Highway 101 containing SL)-1394 shall not be utilized during any project construction activities including, but not limited to, a staging area for project construction." **8**
What is the purpose of this paragraph why is it in this document is there some special reason why this vacant parcel should not be used if agreement from the owners is obtained?

J-14 Is this necessary? Why would we even think that we should require a construction company to replace their diesel powered equipment with more costly less powerful gas, CNG, or LPG fueled equipment? (I do not believe using the term powered by these fuels is a proper use if the term it is powered by an internal combustion engine) (it is like saying we have an electric engine instead of an electric motor.) Where would you get the electricity to run a dirt mover the size that will be needed to do this work? If they were using electric powered equipment to bore the line under the river they would have to generate the electricity on site using a fuel powered generator. If we were to make this a requirement it would drive up the cost of getting the work completed. **9**

J-17 How will using electric pumps reduce potentially significant air quality impacts related to pollutant generation? The electricity has to be generated somewhere and it produces pollutants. **10**

J-18 I agree that solar power should be looked into as the sources of power for the completed project but how will this work to water the dirt storage from the grading and storage of the dirt during the construction period? **11**

Page 11-23 C-2 Construction shall take place from April 15 to November 15

Page 11-25 D-1 No work between February 15 and September 15

Page 11-27 and 28 D-10 No work between Oct 15 and April 15 **12**

So if work can not be done between Feb and Sept, or Between April 15 and November 15 or October 15 to April 15, that leaves very little time to get the work completed.
It seems as if we are making it so complicated to do this project that it will take years instead of months to complete.

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Page 11-32 again states that D-14 includes stabilization plans for the water storage tanks: I could not find it in D-14 this is repeated from D-22 at the beginning of the document but in D-14 I could not find anything that discusses stabilization of the water storage tanks! 13

Page 11-33 it seems that this is a waste of time and money to plant trees that will reach a height of six feet in two years to obscure 500,000 gallon water tank. 14

Page 11-37, J-6 this should be in the Construction Company's safety plan why would it need to be in the EIR? 15

J-7 Why give any exception to covering the load if they are on a public road the load should be covered. 16

Page 11-38 J-14 Is it necessary to include this statement? It is costly, inefficient, and unlikely that other than diesel powered equipment can efficiently do this work. 17

J-15Why would the horizontal drilling equipment being used in Santa Barbara County need an A.P.C.D. permit from San Luis Obispo County? 18

J-17 How do you propose to get the electric pumps to the job site? How is the electricity going to be produced for these pumps? 19

J-18 I support solar power for the daily operation of the system after it is constructed however to propose that solar power is used for the construction phase of the project is a little unreasonable. 20

Page 111-7 #9, A Water for new development is only in the third phase of this project and should be emphasized that this only provides for the reduced pumping for the present usage and for some infill of the present zoned land within the NCSD. 21

Page 111-13 Map showing the pump station locations is confusing how many pump stations are we going to have? Why show two pump stations for the south side of the river? Does this EIR discuss the impacts of each location in detail and which is the best one from an environmental point of view? 22

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How are you going to be able to lay out the pipe you indicate on this map with the development and traffic on Blosser road? **23**

The map shows 18" line from Pump Station 2 to Joshua Street and Orchard Road however the written plan on page 111-14 says that the pipe will be 24 inches in diameter which is correct? **24**

Page 1V -1 Paragraph 3 Does this description agree with the core drilling by Fugro? **25**

Page 1V-1 Paragraph 6 are there ag fields in the river bed against the southern levee? **26**

Page 1V-2 Blosser is a four lane road almost all the way from Skyway to Atlantic, It is a two lane from Foster to Clark, your pictures on page V104 shows a portion of the road near Blosser and West Taylor you can plainly see in both pictures that it is a four lane road. Also it does not ever intersect with Broadway!!! This was pointed out in the response to the draft EIR three years ago yet it has yet to be corrected why? **27**

Page 1V 2 Maximum Summer time temperatures should be rechecked I have been here over forty years and can not remember any year that we did not have a few over 100 degree days. So the contention that the Maximum Summer time temperatures are the high 80's and 90's seems a little incorrect. **28**

Page 1V-2 paragraph 6 California Department of Forestry is now "CAL FIRE" and the report should be changed to reflect this detail.. **29**

Page 1V 3 Need to check the fire resources assigned to Cal Fire Station 20 and determine if the fire construction dozer is still assigned to that Station Also the Station has two type three and one type one engine not a (on- road) The type one is a schedule A Station engine. The type three engines may be assigned to a Schedule A station or a Schedule B stations also some Schedule B stations may have a type one engine during the time it is open. **30**

Page 1V-4 Shapiro I think he is no longer associated with this project I think Mr. Marinai (sp) now has it. All the facts for this E.I.R. need to be checked for accuracy! **31**

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Page V-3 I have been told by parks that there is no trail easement on the north levee. The County Of San Luis Obispo does not show a trail on the north side of the river in their trails map that was adopted this year. This trail alone with many others was removed because of the concern expressed by the farmers, Farm Bureau, and Cattleman's Associations. 32

Page V-5 map what is the recreational area shown on the east side of South Thompson supposed to represent? 33

Page V-7 Again this needs to be updated I believe that the county just approved changing the minimum lot size in the (Residential Single Family) zoning from 6000 to 5000 sq feet 34

Page V-11 Paragraph three says: ("The proposed project involves importation of water in order to reduce the current imbalance of groundwater levels" (and than continues with) "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.")** A note should be inserted to make it clear that the first two phases which are the ones we are planning at this time only include water to meet the needs within the NCSD present boundaries not to increase the size of the NCSD by expanding to the sphere of influence! 35

Page V-12 Document indicates that there is 500 AFY in the in phase two of the proposed project to be used for growth it does not consider the water that is supposed to go to other purveyors, Golden State, Rural, and Woodlands are supposed to get this water I do not think it is accurate to indicate that there is five hundred acre feet per year for growth. It needs to be stressed in this document through that phase one and phase two are replace the over pumping of the aquifer not for any new development. If this type language continues in the document the County will contend that we no longer have a water problem and will likely allow uncontrolled growth to return to the Mesa. This statement is not factual and should be removed from this page and all other references that indicate that there will be water for growth should be removed. Table six also should be removed it tends to support that there will be additional water for the growth. 36

Page V-13 Table 7 is a good depiction of what additional 3,200 AFY water could be used for. However we are not planning on the completion of phase 37

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three in the foreseeable future. Also it should be stressed that should some future board decide to plan for and complete phase three to obtain this additional 3,2000 AFY it will take more money, more planning and more negation with Santa Maria City. We do not have a contract with Santa Maria to get this water even if we did build the pipe line.

Page V-14 first paragraph it should be made clear this pertains to phase three which we are not planning on completing at this time or in the foreseeable future. **38**

Page V-19 Emphasis needs to be placed on the fact that the first two phases of the project that we are contemplating at this time do not include any water for new growth that it is only to offset the over pumping of the aquifer. **39**

V-25 Table 12: First line Sisquoc River at Santa Maria Way: There is no such location!!! Perhaps it is Santa Maria Mesa Road? **40**

V-26: Last paragraph There are two gravel pit mines located along the Santa Maria River downstream of Twitchell reservoir: the Coast Rock and the SP Milling gravel mines." "The SP Milling gravel mine is located in the Santa Maria River near Sisquoc and covers 404 acres" these statements are not correct!! SP Milling gravel mine is not down stream from the Twitchell Dam and it is not in the Santa Maria River. **41**
This paragraph also states that Coast Rock Gravel operation is in the Santa Maria River. Is that correct?
Why is there no mention of the Union Asphalt Gravel operation in the Santa Maria River?

V-39 Table 14 needs to be reworked. Why are no data available after 1995? Where did you get the 2,325 Production needed? You say by multiplying the consumption by 1.1 but if you take the total demand of 5,760 in 1995 and multiply it by 1.1 you get 6,336 even if you take the entire 3000 AFY from the demand in 1995 and multiply that by 1.1 you still get 3.036, We all know that the demand for water has increased on the mesa from 1995 until 2009: **42**

V-50 Here you say construction shall be between April 15 and November 15 when there is little or no flow in the Santa Maria River. But D-2 says no work February 15 to Sept 15, D-10 says no work between Oct 15 and April 15, G-3 No work Nov 1 to April 15. How is all this work going to be completed between Sept 15 to Oct 15? **43**

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V-66 States that Hanson aggregates Near Sisquoc River, Yet Hanson Aggregates are not mentioned as one of the projects mining in the Santa Maria, Sisquoc, or Cuyama Rivers, could you tell us where this is located. **44**

V-121 Does this section list all the mining claims in this Project area? **45**

V-126 second paragraph: Here again your manual says that Blosser is a two lane road leading to Broadway: See your maps on V-104 Blosser is a four lane road from Skyway to Alantic north of Taylor. IT DOES NOT INTERSECT WITH BROADWAY ANYWHERE! **46**

V-134 Paragraph 1 Major sources of P.M. 10. There is no mention of O.R.V. in the Dunes area. (ARE THEY NOT A MAJOR SOURCE FOR THIS NON COMPLIANCE WITH STATE REQUIREMENTS THAT CAUSE San Luis Obispo Co. to be classified as a non-containment area?) **47**

V-134 Why is this section needed if in fact the Greenhouse Gas Models are not sensitive enough to be able to predict the effect of individual projects on global temperatures and resulting climate change? The over all temperatures for 2008 are down from the previous year and the temp each of the last three years has shown a decrease from the previous year. Perhaps Global warming is another of Al Gore's inventions that are not supported by fact. **48**

V-137 Why would San Luis Obispo County Air Pollution Control District APCD issue permits for portable directional drilling equipment if it is used on the south side of the river? Why is there no mention of the need of permits from Santa Barbara County APCD? **49**

V-137 Boost pressure for transport to enter the higher pressure NCSD water Supply System (this is an error) NCSD Supply System is not higher pressure than Santa Maria City System. We need to boost the pressure to get the water from the pump station on the Mesa to the tanks on the hill; we will have to put in pressure reduction stations all along Orchard, Southland, Frontage and some parts of Grand ave. The pressure from Santa Maria City system should be adequate to get the water to the Mesa pump station and could in fact provide water to our system in the Orchard area however it would not get the water to the tanks on the hill so we have to provide the booster stations. **50**

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V-142, J-15 Indicates that it will be necessary to obtain a Authority to Construct issued by the San Luis Obispo County Air Pollution Control District (APCD) for the horizontal directional drilling. If the drilling is to take place from the south side of the river it will not be in San Luis Obispo County. Who is no mention of the requirements of the County in which the drilling will be taking place? **51**

V-143 J-17 Why even consider Diesel power pumps for emergency power outages if you are really so concerned by the potential pollutants that these engines give off why not just specify propane, natural gas, solar powered, etc emergency pumps? **52**

V-143 "The following measures address Impact J-2, the generation of pollutants associated with long-term project operations." Item J-2 on page V-143 does not deal with a long-term operation the dirt stockpiled during construction is not a long-term problem. J-17 and J-18 seem to deal with the operation of the completed system not with what to do with the stock-piled dirt during construction. **53**

V1-2 Land use and Planning again should emphasis this water in this project is not for development but for the reduction of pumping from the aquifer. **54**

V111-3 table 31 how can Vacant and Ag land in NCSD have a negative balance? (This chart shows a minus 98 acres of Ag land) **55**

V111-6 Paragraph one "no additional water supply facilities will be required in the future. As such, the proposed waterline intertie will not be setting a precedent for similar projects in the NCSD service area." What effect will this have on any efforts to get supplemental water by doing a desal plant? There is a term to this agreement and the NCSD has to plan for the end of the use of this pipe line when this water is no longer available because of the build out of Santa Maria and or the unwillingness of Santa Maria to continue to sell us the water at an affordable price. NCSD needs to be pursuing the Desal Plant now. **56**

Has NCSD already paid Santa Maria the $35,500 Initial Fee on signing of the MOU? Per the MOU NCSD will have paid Santa Maria $750,000 prior to the delivery of one gallon of water. **57**

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Because of the above concerns I believe this EIR is faulty and have concerns that it does not provide the necessary information and or mitigations to meet the CEQA requirements while providing the means to successfully complete a project.

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H

WIP Draft EIR Comments

Larry Vierheilig

#1. Page II-4 Items A-1 & A-2: It appears that the Residual Impacts (RI) descriptions should be interchanged. The description for A-1 applies to A-2 and visa versa. 1

#2. Pages II-4 & II-5 Items B-1 & B-2: Same as Items A-1 & A-2 above, the RI descriptions should be interchanged. 2

#3. Page II-7 Item D. BIOLOGICAL RESOURCES: There is no discussion of the impact of noise or construction machinery vibration on biological resources and the associated mitigation measures. 3

#5. Page II-8 Item D-2: States that ".....construction activities **shall** be conducted prior to, or after, the nesting season (February 15 to September 15) to avoid....." Item C-2 & Mitigation Measure C-2 on page II-5 states "Construction **shall** occur during the dry season (i.e., April 15 to November 15) when....." 4

This would give a construction window of September 16 to November 15; scant time to even set up to begin construction.

#6. Page II-15 Item D-9: Does not answer **all** impacts from operations and maintenance. O&M would include equipment necessary to effect repairs such as pipe replacement, replacement of pumps and valves, noise from pump operation, fencing of facilities for security purposes, painting, cleaning, weed abatement, etc. 5

#7. Page II-15 Item E-2: Mitigation Measures E-1 thru E-3 do not address screening of the storage tank(s) if they are not totally underground and partially or totally above ground. While the current plan is to have the tank(s) underground, that could change when more is known about the soil characteristics of the proposed sites. 6

#8. Page II-18 Item I. NOISE: The impact of noise and construction machinery vibration on biological resources is not addressed. 7

REGARDING ALL OF THE MITIGATION MEASURES- The costs of these measures need to be estimated so NCSD will have a more complete picture of project costs. These costs (mitigation and monitoring) are **not** included in AECOM's project cost estimates. 8

When the project is put out for bid, it is imperative that the contractors know the scope of the mitigation measures they will have to comply with. Many of the measures will require the contractor(s) to construct and maintain them in accordance with the mitigation criteria during the project construction phase.

#9. Page III-17 Figure 6: Should include chain-link fencing with barbed wire. 9

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#10. Page III-24 Water Quality: First paragraph beginning with 'The importation of....' Last sentence which reads 'The third alternative was selected due to the fewest water quality impacts, reduced trihalomethane generation potential and a reduction in chlorine-related taste and odor all of which are associated with chloraminated water.' 10

The way this reads, it would suggest that chloramination causes the taste, odor and trihalomethane problems.

#11. Page III-27: Top paragraph, 5th line '.....208 acre-feet per year or **the** find an alternate source of water supply.' Change **'the'** to **'to'** 11

#12. Page IV-1 Environmental Setting, A. Existing Conditions: 5th paragraph beginning with 'The project area south of the Santa Maria River.....' 3rd sentence 'The Nipomo Creek watershed encompasses approximately 2,200 acres.' 12

The Land Conservancy of SLO County in their report on the Nipomo Creek watershed and potential projects indicated the Nipomo Creek watershed encompassed approximately 53,000 acres. **Need to verify watershed acres by contacting Bob Hill of LC of SLO County.** I cannot find my final report so I am uncertain as to actual total acres in the Nipomo Creek watershed.

#13. Page IV-2: Last paragraph beginning with 'Law enforcement services...' Law enforcement is provided from the **Oceano Substation**. Fire protection is provided by **CalFire** not CDF. 13

#14. Page IV-3: Top of page..... Check with CalFire as to contingency of engines at Station 20. 14

#15. Page V-3: 4th paragraph, 2nd sentence beginning with 'These facilities include.....an **antique store** and an RV sales facility. Change antique store to **cleaning supplies warehouse**. 15

#16. Page V-8 Open Space: 1st sentence beginning with 'The Open Space category.....property owner and the County. After County, add **or other appropriate agency or entity**. Open space or open space easements can be owned by other entities than the County. 16

#17. Page V-8 Legislative Authority of NCSD: **Need to update CSD's powers to latest legislative action, i.e., everything but land use planning.** 17

#18. Page V-28 Nipomo Creek: Size of Nipomo Creek watershed is stated as '..... approximately 2,200 acres.' **See #12 above**. 18

#19. Page V-30 Last Paragraph: 5th line beginning with..... 'the NCSD **in** Santa Maria.....' Change **in** to **and**. 19

#20. Page V-33 Top Paragraph: 4th line beginning with 'Main Basin. For the year..... in the Tri-Cities **Mesa**..... Is **Mesa** the correct description or should it be **area**? 20

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#21. Page V-35: Middle of page, paragraph beginning with 'Based on the County water..... 3rd line '..... commitments for residential development to **31** acre feet per year..... I believe the **31** should be **34.3** AFY. 21

#22. Page V-46 Second Paragraph: Last line 'taste and odor, all of which are associated with chloraminated water.' **See #10 above**. 22

#23. Page V-46 Impact C-2: The discussion of 'frac-outs' refers to those where the drilling fluids return to the surface. 23

What of those frac-outs where the drilling fluids go in some other direction than up?

#24. Page VII-4 Table 27: Objectives 'Avoid Multiple River Crossings' – No Project is rated as a 3. 24

I would rate it as a 4 since it would not only avoid multiple river crossings, it would avoid any river crossings which exceeds the current project.

#25. Page VII-6 Figure 29: List of water purveyors in Nipomo. 25

Need to delete Dana Elementary, change Cal Cities Water to Golden State Water Co. and Phillips should be ConocoPhillips.

If a purveyor is someone or entity who *'provide or supply (food, drink, or other goods) as one's business', are all of those listed actually purveyors?

* 'The OXFORD American College Dictionary' 2002

#26. Throughout the Draft EIR, the phrase..... 'avoid further depletion of and assist in balancing groundwater levels'..... 26

If NCSD were to eliminate all pumping at this time, only approximately 30% of the water produced on the Mesa for consumptive use would be curtailed. The consumptive use estimate for 2007 is 10,650 AFY. If a safe-yield estimate of 6,000 AFY is used, the shortfall is still about 1,500 AFY.

All the project will do is slow-down further depletion of the NMMA.

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NIPOMO COMMUNITY
SERVICES DISTRICT

I

TO: Bruce Buel, Nipomo Community Services District

FROM: Bill Petrick, Blacklake Resident

Date: January 2, 2009

SUBJECT: **Comments on the Waterline Intertie Draft EIR**

REFERENCES: (1) Written comments, July 23, 2008 NCSD Board Meeting
(2) NCSD Waterline Intertie Draft EIR, November 2008

The initial environmental impact review for the waterline intertie project was presented to the NCSD Board on July 23, 2008. My written comments were submitted at that time (ref. 1) and acknowledged in the initial draft of the EIR (ref. 2). Most of my comments were not adequately addressed in the draft EIR, so this letter is intended to restate and clarify my positions for further consideration.

SUMMARY

My comments address the following specific environmental impact concerns:

- the draft EIR contains inaccurate and misleading statements about the need for the pipeline which make this option appear environmentally attractive when, in fact, it is environmentally damaging
- data is missing and/or inaccurate that, when corrected, would refute the claims made in the impact statements
- there are missing impact statements on the environmental effects outside Nipomo
- there is no discussion or analysis of the effects of global warming on this option
- the analysis of alternatives is inaccurate and biased

SPECIFIC COMMENTS.

1. Justification for this project.

1

The fundamental premise of the waterline intertie project is that "The Court has ordered NCSD to bring in a certain amount of supplemental water" (ref. Mike Winn comment on Nipomo Community user group). This statement is inaccurate and misleading, according to one present at the court proceedings, who states "There has not been a legal and factual finding by any court based on the evidence and the law that requires NCSD to do anything other than monitoring at this time" (ibid). Other comments from the user group suggest that it was NCSD who requested the Santa Maria pipeline provision be added to the Stipulation.

My concern is that the Court has over-specified the solution to the problem by including the Santa Maria pipeline and a requirement of 2500 AFY of supplemental water in the Stipulation agreement. First, I would argue that the Court found no overdraft condition over the entire basin, therefore, including a physical solution, such as a $30M+ pipeline is

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punitive and unwarranted. Second, specifying 2500 AFY of supplemental water is arbitrary -- there is no data to suggest that 2500 AFY of water replaces past pumping excesses nor is there any data that shows 2500 AFY will prevent future problems. Rather than prescribe this arbitrary and indefensible solution, the Court should allow the Santa Maria and Nipomo technical groups (TMA and NMMA) to determine the health of the basin and recommend corrective actions. Why not let those groups determine how much (if any) supplemental water is needed? They are technically equipped to answer that question, not the Court.

A further argument in favor of allowing the technical groups to do their jobs is that the first annual report on the health of the basin is due to be presented to the Court in a few months. After that report is submitted, why not ask both technical groups to arrive at a consensus on the amount of supplemental water needed to maintain the health of the basin? If the 2500 AFY is needed to ensure the health of the basin and if 6200 AFY is needed to sustain further development on the mesa, then let's see a technical report by experts to support these claims.

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

2 Missing or inaccurate data. 2

Another issue related to the "need" for a pipeline relates to the definition of "supplemental water". Clearly it is everyone's intent that supplemental water is water that originates outside the Santa Maria valley basin. State Water Project (SWP) water and water from a desalination plant would fit this definition. NCSD has redefined supplemental water to include SWP mixed with groundwater from the same basin we are trying to protect. In order to really understand my concern, I have constructed the following table of water sources based on current data rather than the old 2004 data shown in the draft EIR.

Santa Maria Water Supply

Source	2004	2008	2009 (no pipeline)	2009 (with 3000 AFY pipeline)
Total Water Needed	13243	15000*	15,000*	18000*
SWP (AFY) used or available	12020 (used)	6237 (35% of allocation)	2673 (15% of allocation)	2673 (15% of allocation)
Groundwater (AFY) used or needed	1223	8763	12327	15327
% Groundwater	9%	58%	82%	85%

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

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According to the Santa Maria Urban Water Management Plan, the City of Santa Maria has 9 wells capable of producing 24,878 AFY. For the 2009 SWP allocation, the projected groundwater pumping would result in almost 50% of the capacity being used for Santa Maria customers. Committing to supply water to Nipomo would increase that pumping percentage to 62%. At what capacity can the city reliably provide water to all these customers? What about Title 22 requirements for peak demand and fire flow?

From an environmental impact view, this change in pumping is exactly what the Santa Maria litigation is all about. Almost 50 years ago the basin was in overdraft by over-pumping, so the Twitchell Dam was built to assist in the basin recharge, and better water conservation and management practices were implemented. The recent Stipulation agreement is the latest attempt at protecting the basin's water supply. The proposed "pipeline" moves water from one part of the basin to another without regard for the damage it could do to the Santa Maria area. The draft EIR only identifies the "benefits" to the Nipomo Mesa area. Nipomo does not need a benefit at the expense of the people in Santa Maria.

3. Missing impact statements. 3

The draft EIR is also deficient in that it does not include the environmental effect on the water quality of the water transported from one area of the basin to the other. The water quality in both Nipomo and Santa Maria will be adversely affected, thereby making this option a bad choice. The following table shows the calculated effect of the groundwater mixing (see table above) on the Total Dissolved Solids (TDS) for Santa Maria. The TDS data is taken from the Santa Maria Urban Water Management Plan and the calculation assumes the TDS is a mixture of the weighted fraction of groundwater and SWP.

Santa Maria Water Quality (Total Dissolved Solids, TDS)

	2005	2009	2009 (with pipeline)
% Groundwater	9%	82%	85%
TDS (mixed)	301 ppm	736 ppm	754 ppm

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

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

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

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

In summary, the proposed pipeline will endanger the water supply in Santa Maria by pumping more water than is necessary from the Santa Maria valley (which has already had an overdraft situation 50 years ago), and will degrade the water quality at both ends of the pipeline. This pipeline cannot be a viable option.

4. Effects of global warming 4

The sections on global warming are also deficient in the draft EIR. I agree that the proposed project will not have any significant, measurable effect on global warming itself, however, the effect of global warming on this alternative can be significant and needs to be evaluated. For example, DWR has already released studies showing that global warming will change the seasonal runoff from the Sierra mountains. This affects the delta and the source of state water, which is the underlying premise of this pipeline. Furthermore, global warming is projected to raise the sea levels around the world. If the sea level rises, the seawater/aquifer interfaces will change, the outflow to the ocean will change, and the possibility for seawater intrusion may increase. These changes will affect how much groundwater can safely be extracted from the basin (Nipomo and Santa Maria). This could result in the "pipeline to nowhere".

5. Flawed analysis of alternatives 5

In the section of the analysis of alternatives, the draft EIR has biased the results to support NCSD's claims for the intertie project. If the options are unbiased, the only viable option for "supplemental water" is to bring it in through the turnout in Nipomo. The barrier to this option is mainly political, but from an environmental view, it is the

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best option. In order for this option to be implemented, the counties of San Luis Obispo and Santa Barbara have to work out an agreement with CCWA that benefits both counties. For example, San Luis Obispo county has excess allocation available, whereas Santa Barbara county has excess pipeline capacity. An agreement can be worked out if both counties are serious about protecting the Santa Maria basin water supply. The comment about the voters in Nipomo does not reflect the current situation and is a specious argument. Any negotiations on this option need to occur at the county level, not at the purveyor level. How can this option be dismissed when it has never been given a chance?

Until a viable SWP source of water can be negotiated, the only realistic option available to the Mesa is to monitor the state of the basin, develop contingency plans, develop well management plans, and encourage water conservation. For all the rhetoric, NCSD has failed to meet the water conservation goals set by LAFCO in 2004. Why reward them for poor performance by building an expensive pipeline that hides their failure?

Finally, where is the option that gets all of the water users on the Mesa together to work out a solution that is acceptable to everyone? NCSD controls approximately 30% of the water produced on the Mesa. Where is the voice of the other 70%? There are grant funds available for exactly this type of activity, but it needs to occur at the county level. NCSD has already failed in an attempt at state grant funding, scoring a 66 out of 100 on their recent application. The county needs to step in and obtain a grant for a "shared vision planning" project that can bring all the stakeholders together and develop an acceptable solution with minimal environmental impact. NCSD is not qualified or empowered to do this.

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NIPOMO COMMUNITY
SERVICES DISTRICT

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January 9, 2009

Nipomo Community Services District
148 Wilson Street
P.O. Box 326
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Dear Bruce Buel:

I would like to make the following comment on the NCSD Water Intertie EIR (Draft Environmental Impact Report, second try in 2009, Number SCH# 2005071114). Each of the following points out a deficiency in the EIR that results a failure of the EIR to adequately analyze potentially significant environmental impacts of the real project or the alternative projects that are reasonably foreseeable to resulting in Class 1 impacts.

1. The EIR does not evaluate the effect of the project reducing NCSD's future pumping rights while increasing Santa Maria's future pumping rights compared to the no project alterative or other alternatives, where NCSD pumps its full use from the basin. NCSD's will have a reduced future appropriative priority due to it's reduced pumping in the future and Santa Maria will have an increased appropriative priority due to it's increased pumping in the future. This lowering in pumping priority will affect NCSD's future ability to supply water. The EIR needs to do a proper analysis of this effect. 1

2. The EIR incorrectly relies on the assumption that NCSD does not have discretion to decide not to bring water from "Santa Maria" to Nipomo. 2

3. The MOU between the NCSD and the City of Santa Maria at section 5.1 states:

   (a) General Feasibility. City will deliver to NCSD, as soon as possible following the execution of this MOU, such further documents, plans, maps, studies, reports, records, permits, licenses and contracts relating to the Supplemental Water that NCSD may deem necessary or desirable in order to assess the viability and feasibility of the Supplemental Water for NCSD's intended use. NCSD will have until the proposed Contract Date to review and **approve or disapprove the same**. 3

   NCSD has yet to approve any final agreement on supplemental water the EIR has failed to consider all the aspects of that discretionary decision.

4. The MOU between the NCSD and the City of Santa Maria at section 5.1 states: 4
   (c) CEQA Compliance. NCSD will **diligently pursue CEQA compliance for the delivery of the Supplemental Water and the facilities necessary to transport the Supplemental Water from City to NCSD**. NCSD agrees to the following time line:

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(i) **To develop a project description for the Supplemental Water Agreement contemplated in this MOU** no later than one hundred and twenty (120) days from the date upon which NCSD's Board of Directors approves this MOU; and
(ii) To retain environmental consultants within one hundred and twenty (120) days from the date upon which NCSD's Board of Directors approves this MOU; and
(iii) To use reasonable efforts to complete all associated CEQA studies and reports.

NCSD has failed to diligently pursue CEQA compliance for the delivery of the Supplemental Water and the facilities necessary to transport the Supplemental Water from City to NCSD and instead attempted to focus only on the pipe line as the project.

NCSD has failed to develop a project description for the Supplemental Water Agreement contemplated in this MOU (note the tense of the word contemplated, results in a future discretionary decision)

NCSD has failed to use reasonable efforts to complete all associated CEQA studies and reports

5. On Page I-1 the EIR incorrectly states: **5**

Section III. Project Description, provides a description of the pertinent aspects of the proposed project and related permits and approvals. This section also discusses pertinent aspects of the project's background history and identifies the objectives of the proposed project. As noted therein, the proposed project involves connecting to the City of Santa Maria water distribution system and construction of a waterline from Santa Maria to the Nipomo Community Services District water distribution system. The pipeline will be constructed beneath the Santa Maria River by horizontal directional drilling. A pump station(s) and water storage facilities will be constructed to boost the water pressure into the District system and provide water storage as necessary. Several water transmission facilities within the NCSD will replaced and upgraded. A final element of the proposed project involves the I. Introduction and Purpose 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.

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" NCSD staff, board and the public. In this comment letter I will use the true name of "supplemental water project" or "real project" interchangeably for the incorrect name "Water Intertie project"

An EIR requires the analysis of the total project as a whole and does not allow "peace mealing" 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 and end of the project.

6. Every aspect of supplemental water (and the WIP) is discretionary. Among other places this as is clearly outlined on the NCSD website at **6**

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http://ncsd.ca.gov/Library/Supplemental_Water/E%20VERSION%20%20FAQ%20Waterline%20Intertie%20Project.pdf "NCSD would initially execute an agreement with the City of Santa Maria for the purchase of up to 3,000 acre feet per year of supplemental water.", The project as a whole is contingent on a future discretionary agreement by NCSD. Try as it might the EIR can not hide behind the words of the (currently appealed) Judgment, the settlement it contains or the MOU referenced in the settlement that any part of the project as a whole is not discretionary

7. The EIR's analysis of the "No project" alterative is an admission that there is discretion by the NCSD board to select the "No Project" alterative, if there was a non-discretionary requirement by the court or other agency the EIR would need to based only on alternatives that met that minimum requirement. **7**

8. The EIR does not analyze the effect of the costs for this temporary Supplemental water project will have on the funding for other needed future projects like desalinization that are required to provide a reliable, priority source of water. **8**

9. The EIR does not analyze the effect of the true nature of the temporary Supplemental water this project provides. It does not note the clear unambiguous comments made by NCSD Board members on the reliability of Supplemental water options. "the ocean for us represents the only long term sustainable drought proof water supply that we can get, State water allocations are iffy, you know the smelt decision and others have a reduced the deliveries, we don't know that those are going to be sustainable in the future, the others where you take water and your sort of move it around you still have a finite amount with in your basin and when it's utilized to it's full maximum it's over" (Mike Winn, 10/16/07 comments to the San Luis Obispo Board of Supervisors meeting on Supplemental water for the Nipomo area, See attached link for audio/Video copies). **9**

10. The EIR fails to analyze the unreliable nature of the water from Santa Maria both in quality and quantity **10**

11. The EIR fails to analyze the nature of the water from Santa Maria as it will change from now to the end of the term of the contract as more water is used by both Santa Maria and Nipomo, both in quality, quantity, priority and reliability are reasonability foreseeable to change considerably over time. **11**

12. The EIR fails analyze the priority of source of the water from Santa Maria during times of shortage and surplus. **12**

13. As noted on page I-2 this EIR is a second draft of an earlier 2005/2006 EIR, I include my comments from that draft and apply them to this EIR as an integral part of this comment letter, as the "project" as a whole is essentially the same with some limited changes in the implementation of the piping and storage tank parts of the real project. **13**

14. The EIR states on page II-2 **14**

> "The proposed Nipomo Community Services District Waterline Intertie involves a series of approvals and discretionary actions by the Nipomo Community

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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."

This section does not include the need discretionary approval for an agreement with Santa Maria to acquire the water that is clearly anticipated in the MOU which is an "agreement to make an agreement". There are no final terms as for the source, amount, quality, cost, quantity or reliability of the water and it's reasonably foreseeable that any of those aspects will change considerably up to and eliminating the source of water completely. Doing the EIR before an actual contract is developed prevents The EIR from evaluating the full impacts with out considerable investigation into all contract options, this EIR has failed to consider all reasonably foreseeable results of that future discretionary decision which is a key part of the project as a whole.

15. The project and project EIR references and relies on the Santa Maria Groundwater litigation, and the "Settlement" but fails to note that the judgment which includes the Settlement as a part. Is being appealed and is not final until the appeal process is over. See notice of appeal at Submit Date: 04/01/2008 http://www.sccomplex.org/cases/noticelink.jsp?FormCaseId=VAE2661C98F&FormDocId=KD3D5B15C3DE **15**

16. Because the NCSD South land sewer plant that treats the majority of water NCSD supplies to customers after use, is flowing into Nipomo Creek, any change or increase in water to NCSD will be reasonably foreseeable to change the flows and quality of water and salts in the creek. The EIR has failed to analyze those impacts that will be a class I impact if no mitigation measures are taken. **16**

17. The EIR has no explanation as to why NCSD can not use ground water that results from the San Luis Obispo county portion of the Cuyama River water shed which is about 1/4 of the total water in the basin with out paying Santa Maria $1250 per acre foot as an alternate project. **17**

18. The EIR claims the City of Santa Maria has 49,710 AF of "water" and the attached article in the Santa Maria Times dated 12/28/08 states a similar number from Santa Maria's staff: **18**

> Including 38,000 acre-feet of groundwater, the city's annual total water supply from various sources is nearly 50,000 acre-feet — significantly more than the city's present annual use of only 15,000 acre feet.

But in the same article it also states with all that water that they have they are still trying to buy new water for Quality.

> The county holds an entitlement to 12,000 acre-feet of State Water that could be pushed through city pipes, Ness said, and the city is interested in making a deal with the county and Central Coast Water Authority in the next year or two to acquire "what the city could afford and what would be available" to improve the quality of municipal water.

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The EIR fails to consider that even with the outrageous claim of having 49,710 AF/Year of water and only using a fraction of that at 15,000 AF/Year, the City of Santa Maria is still buying additional water. The inconsistency between having so much that they can sell and transport a 6200 AF/Year over the next 30 years as a insignificant amount and needed to buy attritional water during a non long term drought period now, has not been fully or properly analyzed in the EIR. That Failure results in possible Class I impacts not being properly considered in the EIR on both water Quality and Quantity .

19. On page V-47 the EIR states: **19**

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

There is no listed source for this bogus information, The city does not have fixed supply or a fixed allocation, the "Cities Wells" is a low priority right to pump after the full needs of the overlying landowners is satisfied (less a potential deminimis prescripted amount [a few hundred AF/Year) and may be cut back during any dry period to protect the basin by the court independently of the settlement. The Twitchell rights were not modified by the court and no party has a prior right to that water (see full trial transcripts and Judgment) effectively making it part of the common water supply and prioritized the same as city well water. That only leaves the State water and it's return flows as a priority source of water to supply NCSD, which depend on the percentage delivered which have been below 20% and most likely will be in that range this year. 17,820 Af * 20% = 3564 AF Plus a 65% return flow on that gives **Santa Maria a priority right to 5880 AF/Year far below the needs of the city** of now of 15,000 AF not even considering the Extra 6200 AF of this project.
The EIR fails to consider the Priority of Santa Maria's water supply and the resulting reliability and it's effect on delivery to Nipomo now and in the future.

20. On page V-47 the EIR states: **20**

> **"Impact C-4.** *The proposed project may result in a substantial depletion of the Santa Maria Groundwater Basin supplies, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.*
> In dry years, when the City of Santa Maria receives a less than average allotment of SWP water, the City may increase pumping from the Santa Maria Groundwater Basin to make deliveries to the Nipomo area. Diversion of up to a maximum of 6,200 acre-feet per year of City of Santa Maria water to the NCSD is a potential part of the project.
> As previously discussed, the three sources of water to the City of Santa Maria, groundwater from City Wells, the State Water Project (including return flows) and a recharge from Twitchell Reservoir provides a total of 49,710 acre-feet per year of water being introduced into the Santa Maria Groundwater Basin. This water supply is projected

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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."

The Judgment that accepted NCSD and Santa Maria's Settlement of there complaints inter se (but not with respect to litigating and non-settling parties), includes several sections that are reasonably foreseeable that eliminate the settlement and it's "protections" to the Santa Maria Valley area and eliminate the Cities ability to provide water to NCSD in the future. Such as settlement section:

Page 31 X D 1. To the extent allowed by law, SCWC and RWC shall comply with this Stipulation, prior to obtaining California Public Utilities Commission ("PUC") approval. If the PUC fails to approve SCWC's and RWC's participation or fails to provide approval of the necessary rate adjustments so that SCWC and RWC may meet their respective financial obligations, including the participation in Developed Water projects, Monitoring Programs, TMA and as otherwise provided in this Stipulation, **shall render the entirety of the Stipulation and those terms of any judgment based on this Stipulation invalid, void and unenforceable**, as to any Stipulating Party who files and serves a notice of rescission within sixty days of notice by SCWC or RWC of a final PUC Order.

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The EIR fails to consider those discretionary outcomes and the environmental effects that may result from that aspect of this project because those decisions are part and parcel of the project as a whole.

21. The EIR fails to consider the effect of NCSD relying on water in the future which is intrinsically unreliable and the Significant environmental impacts that can result from that supply being reduced or eliminated in the future. **21**

22. On page I-3 the EIR states: **22**

> "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."
>
> The EIR fails on each of the above quoted points and will not allow the Lead Agency to meet it's 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. It needs to be returned and reworked to the point that an additional comment period is now needed after any revisions.

23. Because the EIR document was not provided in a word processing format allowing easy quoting and commenting in the context of the document, In addition to the comments written out in the text above I included the comments directly noted on the 53 pages in the attached copy of the EIR as if they were a written above. **23**

24. Because the EIR does not respond or deal with the majority of Attached comments made in the (2008) NOP response letter dated July 28th 2008 I include those in full as included comments to this letter on this EIR **24**

25. Because the EIR is on the same project as the 2005/2006 Draft EIR and this EIR does not respond or deal with the majority of Attached comments made on the 2005/2006 Draft EIR and the Comments Numbered 1 to 5 dated 8/2006 I include my specific comments to that 2005/2006 draft EIR in full to this (2008) EIR, along with any other comments, in full, made on the 2005/2006 Draft EIR or the NOP of the 2005/2006 draft EIR **25**

26. Because the size of this draft EIR and the repetitive nature of the areas covered within it, each comment is placed or referenced to a related location but applies to the document as a whole and text in any location with in the draft EIR as needed. **26**

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Attachments that are included as an integral part of this comment letter:

Santa Maria Times article from 12/28/08, Orcutt water use expanded.
Commented copy of the Draft EIR
(2008) NOP response letter dated July 28th 2008
Comments on NCSD Intertie EIR Number 1 06 0813
Comments on NCSD Intertie EIR Number 2 06 0814
Comments on NCSD Intertie EIR Number 3 06 0815
Comments on NCSD Intertie EIR Number 4 06 0816
Comments on NCSD Intertie EIR Number 5 06 0817
The 2005/2006 Draft EIR
The 2005/2006 Draft EIR technical appendices, A. Notice of Preparation, Initial Study and Project Correspondence
The 2005/2006 Draft EIR comments, Keep Nipomo Rural
The 2005/2006 Draft EIR comments, Santa Maria Valley Water Conservation District August 16th 2006.

Documents that are included by reference to this comment letter:

To these EIR comments I include by reference the entire contents and comments made in response to the second (2008) NOP including but not limited to:

My response letter dated July 28th 2008

To these EIR comments I include by reference the entire contents and comments of the documents in the "2006" EIR process for the "City of Santa Maria /Nipomo Community Services District Water Intertie" project, as noted on page I-2, weather held by NCSD or Douglas Wood or Douglas Wood and Associates, Inc. or not, including but not limited to:

The comments submitted by me and all others in 2005 through 2006, including but not limited to:

Comments on NCSD Intertie EIR Number 1 06 0813
Comments on NCSD Intertie EIR Number 2 06 0814
Comments on NCSD Intertie EIR Number 3 06 0815
Comments on NCSD Intertie EIR Number 4 06 0816
Comments on NCSD Intertie EIR Number 5 06 0817

The 2005/2006 Draft/Initial Study
The 2005/2006 Draft EIR
The 2005/2006 comments and responses

To these EIR comments I include by reference the entire contents of the case titled Santa Maria Groundwater Case No. 1-97-CV-770214, located at the Superior Court of the State of California, County of Santa Clara, most of which is on the Internet at www.sccomplex.org, including but not limited to, from each of the five phases of the trial.:

The pleadings
Transcripts
Evidence
Decisions

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To these EIR comments I include by reference the entire contents of the Internet, including but not limited to:

The entire contents of the NCSD web site at www.ncsd.ca.gov now and as it exists at the time of this comment letter.

The entire contents of the San Luis Obispo County website at http://www.slocounty.ca.gov/ including but not limited to:

The Board meeting agenda, Minutes, Board packets and audio/video records located at http://www.slocounty.ca.gov/Page106.aspx

The entire contents of the DWR web site at http://www.dpla.water.ca.gov/ as it exists at the time of this comment.

Including but not limited to the reports and information:
http://wdl.water.ca.gov/ (water level data)
http://www.dpla.water.ca.gov/sd/water_quality/arroyo_grande/arroyo_grande-nipomo_mesa.html
http://www.groundwater.water.ca.gov/bulletin118/index.cfm
http://www.dpla.water.ca.gov/sd/groundwater/publications/water_facts_3.pdf
http://www.dpla.water.ca.gov/sd/groundwater/publications/water_facts_5.pdf
http://www.dpla.water.ca.gov/sd/groundwater/publications/water_facts_6.pdf
http://www.dpla.water.ca.gov/sd/groundwater/publications/water_facts_7.pdf
http://www.dpla.water.ca.gov/sd/groundwater/references.html
http://www.dpla.water.ca.gov/sd/groundwater/publications/bulletin%20170-98.pdf

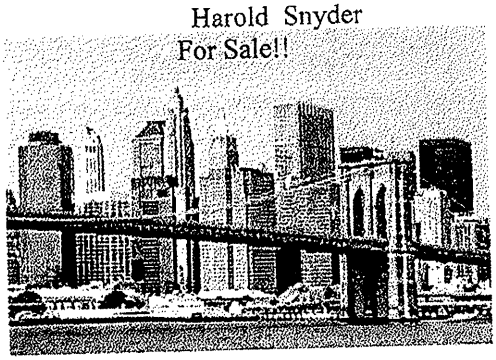
The results of Google searches with any words used in this Comment packet in any combination or order including but not limited to: water, Santa Maria, Nipomo, NCSD, Supplemental Water, EIR, Intertie, pipeline, Lafco, San Luis Obispo, return flow, state water, transport, supplemental, water, project,

To these EIR comments I include by reference the entire contents of the documents and records kept by NCSD including but not limited to:

All Board meeting agenda, minutes, board packets, audio recordings, and reports.
All Board Committee meeting agenda, minutes, board packets, audio recordings, and reports.
All reports provided to NCSD.

Thank You

Harold Snyder



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