

EXHIBIT A

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

The Nipomo Community Services District (the "District"), on April 22, 2009, adopted Resolution 2009-1137 that certified the NCSO Waterline Intertie Final Environmental Impact Report, State Clearinghouse Number 2005071114, which consisted of the contents of the DEIR, the responses to Comments to the DEIR, the Mitigation Monitoring/Reporting Program, the Staff Report, documents, reports, and studies referenced in the FEIR, the Findings of Fact and Statement of Overriding Considerations, public hearing testimony, and any other related attachments or additional materials.

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

BACKGROUND

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

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

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

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

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

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

The proposed project may also require the following approvals by other involved regulatory agencies including: 4) Section 404 Permits under the Clean Water Act from the U.S. Army Corps of Engineers, which regulates the discharge of dredged and/or fill material into the "waters of the United States;" 5) Public Resources Code Sections 1601-1603 Streambed Alteration Agreements from the State of California, Department of Fish and Game, which regulates all diversions, obstructions or changes in the natural flow or bed, channel or bank of any river, stream or lake which supports fish or wildlife; 6) a National Pollution System (NPDES) permit to comply with Section 401 of the Clean Water Act from the State Water Quality Control Board in the event that a Section 404 Permit from the U.S. Army Corps of Engineers is required; 7) a Section 401 Water Quality Certification and a General Permit for Storm Water Discharges Associated with Construction Activities from the Central Coast Regional Water Quality Control Board; 8) a Section 7 Consultation or Section 10(a) Permit from the United States Fish and Wildlife Service which allows the "taking" of an endangered species; 9) a Section 7 Permit from or informal consultation with the National Oceanographic and Atmospheric Administration (NOAA) which oversees fisheries management in waterways nationwide; 10) a new or amended Domestic Water Supply Permit from the State Department of Public Health (formerly the Department of Health

Services) for the introduction of supplemental water into the Nipomo Community Services District system; 11) an Authority to Construct issued by the San Luis Obispo County Air Pollution Control District and the Santa Barbara Air Pollution Control District in order to allow proposed horizontal directional drilling; 12) easements across the Santa Maria River and along the southern boundary of the river secured from landowners and other entities for right-of-way and construction of either Directional Drilling Options A and B and 13) any necessary construction and/or encroachment permits from the County of San Luis Obispo, the City of Santa Maria or the County of Santa Barbara for equipment staging and construction operations.

THE ENVIRONMENTAL IMPACT REPORT

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

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

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

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

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

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

SECTION 1

STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

1. Slow the depletion of the above-sea-level groundwater in storage beneath the Nipomo Mesa Water Conservation Area which is also referred to herein and within the Final EIR as the Nipomo Mesa Groundwater Management Area (NMMA) of the Santa Maria Groundwater Basin to reduce the potential for sea water intrusion by using supplemental water consistent with the settlement agreement and the judgment related to the groundwater adjudication.
2. Comply with the 2005 groundwater adjudication settlement stipulation and judgment that dictates the need for active management of the NMMA.
3. Assist in stabilizing the groundwater levels in the NMMA by reducing pumping in the NMMA.
4. Augment current water supplies available to the Nipomo Community Services District by a phased delivery of supplemental water. Phase I will supply approximately 2,000 AFY by pipeline from Santa Maria following Phase 1 construction completion. Phase II will supply up to an additional 1,000 AFY by pipeline from Santa Maria (a cumulative total of 3,000 AFY). A third phase (Phase III), if implemented, would supply up to an additional 3,200 AFY (a cumulative total of 6,200 AFY) by pipeline from Santa Maria.
5. Augment current water supplies available to the Woodlands and other water purveyors on the Mesa by 831 acre-feet per year as follows: Woodlands (415 AFY), Golden State Water Company (208 AFY) and Rural Water Company (208 AFY).

6. Increase the reliability of District water supply by providing a diversity of water sources. Avoid the potential use of supplemental water return flows from the District, the Woodlands and the other purveyors, being used to support the water requirements of new development.
7. Comply with Local Agency Formation Commission (LAFCO) conditions for securing supplemental water prior to annexation of lands now within the District's Sphere of Influence. This supplemental water for annexations shall be in addition to the 3,000 AFY developed by Phases I and II.
8. Avoid multiple waterline crossings of the Santa Maria River and associated environmental impacts, by constructing a single pipeline capable of transporting sufficient water for potential NMMA growth consistent with the South County Area Plan (Inland) of San Luis Obispo County's General Plan.
9. Slow the depletion of the above-sea-level groundwater in storage beneath the NMMA = supplemental water for new development within the current service area of the District and the Mesa's other water purveyors (Golden State, Woodlands and Rural Water Companies) consistent with the South County Area Plan (Inland), facilitating supplemental water delivery for new development within the District's Sphere of Influence consistent with the South County Area Plan (Inland) and the conditions in LAFCO's 2004 Sphere of Influence Update and providing the basis for the assessment of County Impact Fees upon development outside the District's Sphere of Influence and the service areas of the Mesa's other water purveyors (Golden State, Woodlands and Rural Water Companies).

SECTION 2

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

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

A. Land

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

Mitigations – No mitigation measures are proposed.

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

Supportive Evidence – The proposed project involves importation of water in order to reduce the current imbalance of groundwater levels and to serve new development consistent with the South County Area Plan within the current boundaries of the Nipomo Community Services District and its Sphere of Influence areas which are located adjacent to the District boundaries.

The proposed project will not directly cause a change in the San Luis Obispo County land use designation or zoning or an increase in the intensity of currently-designated land uses. The proposed project does, however, involve the provision of additional water supplies thereby reducing or eliminating a potential constraint to future development within areas to be served by this additional water. Any increase in density or change of land use to the South County Area Plan within the area to be served by the additional water supplies from Phase III of the proposed project would, however, first require a General Plan Amendment and zone change. A General Plan Amendment would study a variety of land use and environmental issues before being approved or land use policies, traffic and circulation impacts, the provision of public services, etc. This process involves significant public involvement and the implementation of the California Environmental Quality Act (per CEQA). Any future development within areas served by the additional water supplies would also require a number of additional approvals including approval of a Specific Plan, conditional use permit or

tract map by the County of San Luis Obispo. These future discretionary approvals will require the preparation and certification of additional environmental documentation (pursuant to CEQA) to address the potential land use and planning impacts of these future approvals.

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

B. Population and Housing

Impacts – The proposed project may indirectly induce a substantial growth in population as a result of the reduction or elimination of a potential constraint upon development within areas served by the increased water supplies provided by the proposed project.

Mitigations – No mitigation measures are proposed

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

Supportive Evidence – The proposed project involves the importation of water in order to reduce the current imbalance of groundwater levels, to serve new development consistent with the South County Area Plan within the current boundaries of the Nipomo Community Services District and its Sphere of Influence areas which are located adjacent to the District boundaries.

The proposed project will not directly generate any new population or housing. The proposed project does, however, involve the provision of additional water supplies thereby reducing or eliminating a potential constraint to future development within areas to be served by this additional water. However, any increase in residential density beyond that allowed by the South County Area Plan and the resultant increase in population and housing will require a General Plan Amendment and zone changes as well as other subsequent approvals by the County of San Luis Obispo such as a Specific Plan, conditional use permit or tract map. These future discretionary approvals will require preparation and certification of additional environmental documentation (CEQA) to address the potential population and housing impacts of these future approvals. While the Nipomo Community Services District may provide the County with input regarding land use decisions, it does not have any authority over land use entitlements. Development projects within the boundaries of the Nipomo Community Services District or its Sphere of Influence are approved by the County contingent upon receiving water and sewer services from a community water system such as the NCSD.

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

SECTION 3

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

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

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

A. Land Use and Planning

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

Mitigations -

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

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

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

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

- All existing irrigation systems shall be located in order to avoid damaging buried irrigation lines, wells, risers and other agricultural infrastructure
- Early notice of any planned closures or detours on existing roadways either within the fields or along existing paved roads with regular updates about forthcoming closures or detours shall be provided to area agricultural producers so that adequate planning can be made for the movement of agricultural goods and personnel.

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

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

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

B. Water

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

C-1: A public awareness program shall be implemented by the Nipomo Community Services District that alerts District customers to the potential harmful effects of chloramines on certain aquatic species and reptiles and to treatment products that are readily available to treat water for fish tanks. Users of ultra-pure water, kidney dialysis patients and chloramine-sensitive manufacturing processes shall also be notified of the addition of chloramine to the District water supplies.

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

Supportive Evidence – The Nipomo Community Services District currently employs chlorination water treatment in order to provide disinfection within the District's water distribution system and meet State and Federal drinking water standards. The City of Santa Maria utilizes chloramination to boost chloramine levels in their blended groundwater and imported State Water supplies.

The District has chosen to maintain a chloramine residual throughout the NCS D system by converting the free chlorination treatment process at the wells to chloramination. This approach was selected due to the fewest water quality impacts. The use of chloraminated water will reduce trihalomethane generation potential and will result in a reduction in chlorine-related taste and odor, all of which are associated with chloraminated water. Maintaining a chloramine residual in the NCS D water supply will, according to the project engineer, result in the lowest potential for formation of disinfection by-products (DBP's) and the fewest water quality problems in the water distribution system. In addition, the District will see a reduction in customer complaints related to taste and odor. However, this change in treatment method may affect certain aquatic pet species and reptiles, users of ultra pure water, kidney dialysis patients and sensitive manufacturing processes. Monitoring and public awareness programs will be required in order to insure that potential water quality incompatibility is a potentially significant but mitigable impact.

Mitigation Measure C-1 will reduce potentially significant impacts related to water quality incompatibility due to differences in water treatment employed by the City of Santa Maria and the NCS D to an insignificant level.

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

C-2: Construction shall occur during the dry season (i.e., April 15 to November 15) when there is little or no flow in the Santa Maria River in order to reduce potential contact of frac-out fluids with surface waters.

C-3: The Nipomo Community Services District shall complete a preliminary geotechnical investigation along the underground horizontal directional drilling route to further define the stratigraphy and determine the appropriate depth of drilling to avoid frac-outs (i.e., the depth of finest grained sediments) and to determine appropriate methods (i.e., appropriate drilling mud mixtures for specific types of

sediments). Drilling pressures shall be closely monitored so that they do not exceed those needed to penetrate the formation.

C-4: The Nipomo Community Services District shall prepare a Frac-out Monitoring, Response and Clean-up Plan that shall be approved by the Regional Water Quality Control Board prior to any underground horizontal directional drilling activities. The Plan shall include the following elements:

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

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

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

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

prevents the drilling mud from permeating the surrounding strata and migrating to the ground surface or groundwater.

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

Mitigation Measures C-2, C-3, and C-4 will reduce potentially significant water horizontal directional drilling-induced frac-outs to an insignificant level.

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

Mitigations –

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

- Properly maintain (off-site) all construction vehicles and equipment that enter the construction area to prevent leaks of fuel, oil, and other vehicle fluids.
- Conduct equipment and vehicle fueling off-site. If refueling is required at the Project site, it will be done within a bermed area with an impervious surface to collect spilled fluids.
- Prepare a Spill Prevention/Spill Response Plan for the site that includes training, equipment and procedures to address spills from equipment, stored fluids and other materials including disposal of spilled material and materials used for clean up of contaminated soils and materials.
- Place all stored fuel, lubricants, paints, and other construction liquids in secured and covered containers within a bermed area.
- Conduct any mixing and storage of concrete and mortar in contained areas.
- Insure that all equipment washing and major maintenance is prohibited at the project site except in bermed areas.
- Remove all refuse and excess material from the site as soon as possible.

- Channelize storm water to avoid construction equipment and materials, and to divert runoff to existing drainages.

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

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

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

C.

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

Mitigations –

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

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

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

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

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

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

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

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

Mitigations –

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

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

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

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

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

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

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

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

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

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

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

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

impacts to foraging special-status raptors are expected to be minimal. Surveying of potential nesting habitat of all migratory and special-status bird species in the project area prior to construction will result in potentially significant but mitigable impacts.

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

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

Mitigations -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mitigations –

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

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

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

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

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

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

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

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

Mitigations –

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

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

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

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

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

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

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

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

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

Mitigation Measure D-22 will reduce potentially significant long-term impacts associated with the generation of silt and sedimentation to an insignificant level.

- Pipeline operation and maintenance activities may result in long-term adverse impacts to special-status species.

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

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

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

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

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

D. Aesthetics

. . - Project infrastructure facilities may degrade views from adjacent areas.

Mitigations -

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

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

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

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

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

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

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

Mitigation Measures E-1 through E-3 will reduce potentially significant aesthetic impacts associated with views of project facilities to an insignificant level.

- Long-term project operations may result in the generation of light and glare into surrounding areas.

Mitigations-

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

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

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

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

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

E. Cultural Resources

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

Mitigations -

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

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

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

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

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

SLO-1394 is located southeast of the intersection of Tefft Street and Highway 101. This site, located on a vacant lot, consists of a scatter of Pismo clam shells. While the proposed project will not directly impact these resources, the vacant lot should not be utilized as a staging area for project construction.

A significant amount of weathered shell fragments and a bone fragment were observed on the south side of Southland Street on a lot directly south of 641 Southland. Although these shell and bone fragments are not considered to be a significant resource, a 100 meter long area should be monitored during construction trenching along Southland Street during Phase I construction of the proposed project in order to record the distribution and nature of the shells. If any trash pits or unusual items are unearthed they can be examined by a qualified principal archeologist and appropriate recommendations made.

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

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

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

F-1

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

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

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

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

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

F. Geology

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

Mitigations –

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

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

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

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

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

G. Traffic

Impact – Project construction activities may result in the diversion of traffic creating an unacceptable level of service, insufficient parking, blocking or impeding access to adjacent properties or result in hazards to pedestrians or bicyclists.

Mitigations –

H-1: All project construction sites accessing onto or occurring adjacent to public roadways shall provide adequate signage, barriers and, if necessary, flagmen in order to insure the safe diversion of traffic, bicyclists and/or pedestrians. These measures shall also insure continued access from adjacent properties to local roadways.

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

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

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

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

Mitigation Measure H-1 will reduce potentially significant impacts related to the diversion of traffic, impeding access to adjacent properties and potential hazards to pedestrians or bicyclists to an insignificant level.

H. Noise

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

Mitigations –

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

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

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

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

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

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

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

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

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

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

Mitigations –

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

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

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

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

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

I. Air Quality

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

Mitigations –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mitigations –

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

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

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

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

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

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

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

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

SECTION 4

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN IDENTIFIED AS INSIGNIFICANT

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

A. Land Use and Planning

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

Mitigations – No mitigation measures are proposed.

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

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

B. Population and Housing

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

Mitigations – No mitigation measures are proposed.

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

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

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

C. Water

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

Mitigations – No mitigation measures are proposed.

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

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

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

However, management of the Santa Maria Valley Groundwater Basin has been evaluated and restructured by the Settlement Stipulation and Judgment with specific provisions related to groundwater rights, groundwater monitoring programs and

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

D. Biological Resources

Impact – Construction activities within the proposed pipeline alignments, water storage tank and pump station locations may adversely affect non-listed wildlife occupying adjacent habitats within the Santa Maria River wildlife migration corridors.

Mitigations – No mitigation measures are proposed.

Findings - Potential impacts upon non-listed wildlife species, the Santa Maria River wildlife migration corridor or foraging bird species are considered to be less than significant.

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

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

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

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

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

Mitigations –

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

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

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

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

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

E. Aesthetics

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

Mitigations – No mitigation measures are proposed.

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

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

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

F. Geology

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

Mitigations – No mitigation measures are proposed.

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

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

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

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

- No mitigation measures are proposed.

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

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

- The proposed project would be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and could potentially result in lateral spreading, subsidence, liquefaction, or collapse.

Mitigations - No mitigation measures are proposed.

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

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

Impact - The proposed project would potentially result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state and that is delineated on a local general plan, specific plan or other land use plan.

Mitigations - No mitigation measures are proposed.

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

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

G. Traffic

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

Mitigations – No mitigation measures are proposed.

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

Supportive Evidence – The proposed project will generate a minor amount of traffic during construction activities. The traffic generated by project construction activities will involve automobile trips associated with worker commutes, haul trucks and construction equipment. A maximum total of employees for Phase I project construction is 54 workers. Given its extensive nature, Phase I construction activities represent a maximum probable impact (“worst case”) scenario for traffic impacts during project construction. It should be noted however that this employee total is distributed to five separate locations. The maximum number of employees at any one location is fifteen workers.

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