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

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

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

- Nipomo Creek

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

- Unnamed Creek Near Cuyama Lane

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

• *Groundwater*

- Santa Maria Groundwater Basin

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

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



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

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

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

- The Basin Litigation

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

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

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

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

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The EIR incorrectly claims the settlement was "For the Case". It was for some parties inters se and its effect only applies to those parties inter relationship. Failure of the EIR to correctly interrupt the status of the "Settlement" results in a general failure in all of the EIR to access the environmental impacts.

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This is an incorrect statement. The court found that there was an overdraft in the 1950's/60's but also found that the basin "is and was not

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

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Limited to recognizing that it exists, it did not provide any approval or conditions on the conditional and incomplete nature of the MOU.

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But stops short of actually providing a time limit or actual requirement that NCS actually come to any actual agreement with Santa Maria.

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

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But the settlement does not consider or deal with overdraft in any way. The word "overdraft" is not in the settlement. The EIR assumes incorrectly that the terms in the settlement are in some way synonymous and that results in the failure to analyze the full environmental impacts

■ The January 25, 2008 Judgment states:

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

The Stipulation requires that:

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

The Stipulation establishes the characteristics of the trigger points:

“1. Caution trigger point (Potentially Severe Water Shortage Conditions)
(a) Characteristics. The NMMA Technical Group shall develop criteria for declaring the existence of Potentially Severe Water Shortage Conditions. These criteria shall be approved by the Court and entered as a modification to this Stipulation or the judgment to be entered based upon this Stipulation. Such criteria shall be designed to reflect that water levels beneath the NMMA as a whole are at a point at which voluntary conservation measures, augmentation of supply or other steps may be desirable or necessary to avoid further declines in water levels.

(b) Responses. If the NMMA Technical Group determines that Potentially Severe Water Shortage Conditions have been reached, the Stipulating Parties shall coordinate their efforts to implement voluntary conservation measures, adopt programs to increase the supply of Nipomo Supplemental Water if available, use within the NMMA other sources of Developed Water or New Developed Water, or implement other measures to reduce Groundwater use.

2. **Mandatory** action trigger point (Severe Water Shortage Conditions)

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Mixing the settlements requirements with the non-settling parties requirements is being appealed.

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

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The EIR does not note that the "Mandatory" nature only applies to some parties or that the trigger points are not the same as the overdraft point or the basins Safe Yield. This creates a failure of the EIR to properly analyze the impacts of the project.

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

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

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

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

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

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

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

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At this time this has not occurred and the settling parties have no authority to require the court "approve" the criteria.

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"approved" only for the inter se relation of the settling parties, not all parties

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But in the MOU participants have not not agreed to any final terms and that still could end up being less then "fully capable of being delivered"

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

These three levels of severity are summarized below:

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

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

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

The Resource Capacity Study confirms that,

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

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

"General Plan Amendments and Land Divisions.

Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the requested amendment or land division, the application shall include provisions for supplemental water as follows:

"(a) General Plan Amendments: Where the estimated non-agricultural water demand resulting from the amendment would exceed the existing non-agricultural demand, the application shall not be approved unless supplemental water to off-set the proposed development's estimated increase in non-agricultural demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and is available for delivery to the Nipomo Mesa Water Conservation Area.

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

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

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

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

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

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

- Nipomo Mesa Management Area

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

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

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

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

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

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

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

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

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

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

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

- *City of Santa Maria*
 - *Water Supply*

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

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another gross misrepresentation in the EIR, in fact it found the opposite

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

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

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No inconsistencies were raised during the Santa Maria groundwater litigation. If the EIR thinks it does, it should site the location in the record. In fact it is that NCSA's expert used the DWR report as the basis of its analysis but his conclusion was not credible at the phase III trial

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another gross miss quote, Papadopoulos did not find that the "DWR study identified overdraft" he took the data and he himself came to the opposite conclusion as the DWR.

Author: Date: 1/8/2009 1:57:00 PM

The court never made this acknowledgement. It did however allow anyone who wanted to, bring forward their claim and proof of a sub-area overdraft. NCSA tried but failed to succeed in phase 3 of the trial and did not bring additional evidence or argument in phase 4 or 5. So no sub area was found, and no subarea was found to have an overdraft.

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There is no "court's settlement stipulation"

the EIR misrepresents this again, some parties voluntarily signed a settlement stipulation other did not. The court accepted the voluntarily settlement as a replacement for the filed claims between the settling parties.

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3700 acre-feet floats out of mid air and lands here in the EIR, The EIR falls back up this number on the basis of the assumptions of this number with any documentation, because in reality the number is a future discretionary decision for NCSA as part of the project, the EIR needs to fully analyze the value, alternatives, and ramifications of this number. There is no "result" to make 6,200 AF

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

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

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

- Water Quality

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

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The EIR, incorrectly, with out support makes the assumption that there are three sources. All Twitchell reservoir water becomes groundwater before being pumped with wells by Santa Maria.

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This bogus statement is based on the basin being full to capacity of the basin which it is not and has not be for at least 100 years. There is no basis to assume there is 4,000,000 AF of groundwater in the basin.

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

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Twitchell Reservoir "water" is part and parcel of the common groundwater. Any assumption otherwise is being appealed in the current litigation.

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this is completely unsupported the settlement notes the Twitchell yield is 32,000 AF per year. But it only purports to reallocate it because the parties to the settlement do not own the rights to it and therefor do not have the ability to reallocated it as Santa Maria claims.

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this is incorrect in this context because the 65% number is a past historical number not a future number

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If the number is true on average it's not true every year and the EIR fails to analyze the impacts of the yearly variation.

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

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there is no documentation to support this projection and it is highly contested that the supply will meet demand in the future. NCSO, Santa Maria and Golden State Water claimed that the basin was 30,000 AF short just 10 years ago and have not rejected or abandon those claims for the future litigation process.

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

- ***Nipomo Community Services District***

- *Water Supply*

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

**TABLE 13
WATER WELL SUPPLY**

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

* Water Quality less than desirable.

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

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

There is no analysis of NCSD water Quality with or with out the project now or 30 years in the future.

The EIR has failed to analyze many reasonably foreseeable environmental impacts of quality because of this fallure, such as the Impact of the additional connections supported people who must have salt dlscarge into the sewer system that goes back to the basin.

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

Year	Nipomo Mesa Management Area					NCSD (Town\Black Lake Divisions)	
	Population ¹	Urban ²	Agriculture ³	Other ⁴	Total Demand	Accounts	Production Needed ⁵
1975	5,530	1,500	1,400	950	3,850	-	-
1980	6,490	2,100	1,700	950	4,750	-	-
1985	7,580	3,000	2,000	960	5,960	1,170	817
1990	9,666	3,900	1,900	960	6,760	1,731	1,247
1995	10,400	3,100	1,600	970	5,760	2,652	1,653
2000	No data available after 1995					3,254	1,892
2005						3,672	2,325
¹ Population values from DOF Special Projections for DWR in 1996 ² Multiplying population by per capita water demand ³ Derived from crop acreage multiplied by crop irrigation efficiency ⁴ Conveyances losses, environmental demands, miscellaneous Source: DWR 2002.						⁵ Estimated by multiplying the consumption by 1.1 ⁶ 2005 estimates based upon 2004 data Source: NCSD UWMP 2004.	

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

**TABLE 15
RECENT GROUNDWATER PUMPING BY NCSD (AFY)**

Source	NCSD Division	2000	2001	2002	2003	2004	2005	2006	2007
Nipomo Mesa Management Area of Santa Maria Groundwater Basin	Town	2,002	1,905	2,252	2,105	2,402	2,195	2,364	2,693
Nipomo Mesa Management Area of Santa Maria Groundwater Basin	Blacklake	409	373	447	435	476	411	384	290
<i>Sub-Total, NCSD production from NMMA</i>		2,411	2,278	2,699	2,540	2,878	2,606	2,748	2,983
Nipomo Valley Groundwater	Town	3	7	11	93	30	0	0	0
Total Pumped by NCSD		2,414	2,285	2,710	3,033	2,908	2,606	2,748	2,983

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

 Author: Date: 1/8/2009 4:29:10 PM

This is only one source of highly contested numbers. The EIR fails to analyze or disclose this fact and that results in many reasonably foreseeable environmental impacts.

 Author: Date: 1/8/2009 4:30:36 PM

There is no analysis of the other purveyors that are reasonably foreseeable to use the water and the many reasonably foreseeable environmental impacts that will result.

 Author: Date: 1/9/2009 1:38:27 AM

if you read the text it's only under mutual agreement by all the TMA parties. If there is a court order it will come from the litigation track and California common law requirements.

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

**TABLE 16
FUTURE ANNUAL WATER SUPPLY**

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

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

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

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

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

T Author: Date: 1/9/2009 1:40:11 AM

There is no "Calls", NCSD willingly agreed to consider developing 2,500 AF of "Supplemental" water but has yet to make the decision per the MOU to do that.

T Author: Date: 1/8/2009 3:40:50 PM

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

T Author: Date: 1/8/2009 3:31:36 PM

There is no "direction" from the court and the EIR can not support that with any text from the transcripts or judgment.

T Author: Date: 1/8/2009 3:41:16 PM

The NMMA Technical Group run by unanimous consent. NCSD has the discretion to disagree with any attempt to take action by others on the NMMA. So there is effectively no direction from others to NCSD.

T Author: Date: 1/8/2009 3:46:13 PM

There is no basis to state that "the Technical group will manage the Nipomo Mesa Management Area to protect the long-term safe yield of the basin". The term "Safe Yield" is only applied to the Northern area, not in the Nipomo Mesa Management Area in the settlement in any form.

T Author: Date: 1/8/2009 3:53:28 PM

The Settlement does not include a text on "mining" nor does the Judgment and is completely unsupported in this EIR. It should be removed. The assumption results in the failure of the EIR to assess the actual environmental impacts of the project.

T Author: John Subject: Comment on Text Date: 1/8/2009 3:53:25 PM

The county has never considered the "Nipomo Mesa Management Area" to have a level of severity. This is total fabrication by the EIR and should be removed. The assumption results in the failure of the EIR to assess the actual environmental impacts of the project.

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

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

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

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

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

 Author: Date: 1/8/2009 4:50:41 PM

The board only made the change for the "Nipomo Mesa Water conservation area" less the Woodlands which have a approved water source on the Nipomo Mesa for there future development.

 Author: Date: 1/8/2009 4:53:40 PM

The EIR, incorrectly, does not include this development in the EIR process that is outside of the NCSD sphere of Influence in it's analysis.

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

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

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

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

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

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

 Author: Date: 1/8/2009 4:55:51 PM

The EIR fails to consider the demand supplied by this project outside the Urban Water Management plan area.

 Author: Date: 1/8/2009 4:57:39 PM

The EIR does not consider the effect of NCS D relying on Santa Maria delivering water and then not having the priority to deliver and it's effect on the water supply.

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

**TABLE 19
EXISTING AND FUTURE ANNUAL WATER
DEMAND BY LAND USE**

Land Use Designation	Existing Annual Demand (afy)	Estimated Water Use at Buildout (afy)
RMF – Residential Multi-Family	332	600
RSF – Residential Single Family	867	1632
RS – Residential Suburban	520	1237
RR – Residential Rural	163	688
RL – Rural Lands	0.2	106
AG – Agricultural	0	0
PF – Public Facility	13	25
OP – Office and Professional	5	9
CR – Commercial Retail	134	227
CS – Commercial Services	17	69
OS – Open Space	8	13
REC – Recreation	67	618
Black Lake	461	530
Southland Specific Plan	--	98
Total	2,587	5,852¹

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

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

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

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

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

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

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

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

2. Thresholds of Significance

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

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

3. Project Impacts

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

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

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

Author: Date: 1/8/2009 5:04:04 PM

The NCS D is currently in violation of waste water discharge requirements. The EIR fails to analyze the change in the violations resulting from this project.

Author: Date: 1/8/2009 5:05:15 PM

The EIR fails to analyze the change in the water quality due to the additional development this project is to support.

Author: Date: 1/8/2009 6:42:37 PM

The EIR fails to analyze the project's effect increasing the water in storage under the mesa and prevent the additional recharge from the Santa Maria valley. This is a Class I unavoidable effect of the project.

Author: Date: 1/9/2009 1:43:10 AM

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

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

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

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

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

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

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

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

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

 Author: Date: 1/8/2009 6:54:50 PM

And In future years when Santa Maria just uses all it's SWP in an average year.

 Author: Date: 1/8/2009 6:53:15 PM

But Santa Maria does not have a priority right to pump groundwater and can end up short and unable to provide this water. That would be a potential class I Impact.

 Author: Date: 1/8/2009 6:53:33 PM

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

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

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

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

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

Author: Date: 1/8/2009 6:58:05 PM

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

Author: Date: 1/8/2009 7:04:27 PM

and I could find someone who would sell NCSD the Brooklyn bridge.
see Cultural Significance at http://en.wikipedia.org/wiki/Brooklyn_Bridge

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

Author: Date: 1/8/2009 7:05:02 PM

but what about other users in the basin?

Author: Date: 1/8/2009 7:07:02 PM

There is no basis or standard to support this conclusion. the only conclusion based on the information is that the project will have a Class I significant potential impact that is reasonably foreseeable and the EIR fails to support any other conclusion.

Author: Date: 1/8/2009 7:11:35 PM

only as to the settling parties, NCSD and all other settling parties still have to follow the full extent of California Common law along with the other litigating parties (Litigating only, Litigating and settling and Settling only parties)

Author: Date: 1/8/2009 7:12:38 PM

That entity does not exist and creation of an entity as proposed is considered by many as unconstitutional.

Author: Date: 1/8/2009 7:13:36 PM

There is no support in the Settlement to support this statement

Author: Date: 1/8/2009 7:15:42 PM

There is no evidence that it will result in a less than significant impact.

Author: Date: 1/8/2009 7:21:52 PM

But increase the potential to "Mining" in the Santa Maria Air Port area. There is no evidence that one is better than the other or that the total effect is not a class I impact.

Author: Date: 1/8/2009 7:19:37 PM

This does not consider the detrimental impact of reduced subsurface recharge, future loss of pumping rights, increased salt load on the basin, increase in pumping overall in the basin.

Author: Date: 1/8/2009 7:21:57 PM

To recap this section "and I could find someone who would sell NCSD the Brooklyn bridge"

4. Cumulative Impacts

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

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

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

5. Mitigation Measures

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

 Author: Date: 1/8/2009 7:22:57 PM

It is a constraint not a "potential" constraint

 Author: Date: 1/8/2009 7:26:28 PM

There is no support in the Settlement that the pumping would be limited to the safe yield, in fact this EIR has discussion of the exceeding the safe yield on an ongoing basis.

 Author: Date: 1/8/2009 7:28:31 PM

could be less then significant in the Santa Maria valley Management area, but Major Class I significant impacts in the Nipomo area with homes that NCSD can't supply needed water to. So the overall impact is Cass I

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but Unreliable, low priority supplies result in Major Class I significant impacts in the Nipomo area with homes that NCSD can't supply needed water to. So the overall Impact is Cass I

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

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

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



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See text above both impacts are Class I

G. GEOLOGY

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

1. Existing Conditions

- ***General Topography and Stratigraphy***

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

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

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

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

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

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

H. TRAFFIC

1. Existing Conditions

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

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

2. Thresholds of Significance

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

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

3. Project Impacts

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

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

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

VI. UNAVOIDABLE ADVERSE IMPACTS

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

**TABLE 26
PROJECT IMPACT SUMMARY**

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

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See comments above, this is not a correct list of the true projects true impacts.

VII. ALTERNATIVES TO THE PROPOSED PROJECT

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

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

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

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

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

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This does not include the alternative to complete design of the pipe and wait until there is an actual need for the pipe and a real court order with an actual time line required.

4. Aesthetics – The No Project Alternative will eliminate any impacts to visual resources and light and glare associated with the proposed project.
5. Cultural Resources – Potential impacts to cultural resources will be eliminated with the No Project Alternative.
6. Traffic/Noise/Air Quality – Traffic and associated air quality and noise impacts associated with the proposed project will be eliminated with the No Project Alternative.

3. Comparative Analysis

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

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

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There is no technical support backed by real data to support this claim.



ALTERNATIVE WATER SOURCES

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

1. Santa Maria Groundwater

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

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

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

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

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

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There is no support for this comment. There is no legal restriction on any pumping in a non overdrafted basin.