TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: SEPTEMBER 23, 2022

AGENDA ITEM C

SEPTEMBER 28, 2022

PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.
Receive Announcements and Reports from Directors

C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: SEPTEMBER 23, 2022

AGENDA ITEM

D

SEPTEMBER 28, 2022

CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

Questions or clarification may be made by the Board members without removal from the Consent Agenda

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE SEPTEMBER 14, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

D-3) AUTHORIZE STAFF TO BID THE EUREKA WELL #2 EQUIPPING PROJECT [RECOMMEND AUTHORIZE STAFF TO BID PROJECT]

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: LISA BOGNUDA
FINANCE DIRECTOR

DATE: SEPTEMBER 23, 2022

AGENDA ITEM
D-1(A)
SEPTEMBER 28, 2022

WARRANTS

COMPUTER CHECKS GENERATED – SEE ATTACHED	$294,627.28
HAND WRITTEN CHECKS	NONE
VOIDED CHECKS	#8741

Item D-1(A) Warrants SEPTEMBER 28, 2022

Nipomo Community Services District

By Payment Number

Payment Dates 09/28/2022 - 09/28/2022

Vendor Name	Description (Payable)	Payable Number	Payment		Amount
Payment: 8787					
Amazon Capital Services, Inc.	Meter supplies	1JH3-MG9N-F7HQ	09/28/2022		48.65
Amazon Capital Services, Inc.	Office supplies	1YGX-4NNJ-LNY6	09/28/2022		14.69
Amazon Capital Services, Inc.	Door chime	1FLL-LR7H-7QJH	09/28/2022		30.02
Amazon Capital Services, Inc.	Office Supplies	1FXK-1L33-43HM	09/28/2022		39.67
Amazon Capital Services, Inc.	Office Supplies	16VW-CVFJ-799W	09/28/2022		12.58
				Payment 8787 Total:	**145.61**
Payment: 8788					
AT&T	Telephone	000018668676	09/28/2022		990.24
AT&T	Telephone	000018668677	09/28/2022		1,595.74
AT&T	Telephone	000018668675	09/28/2022		112.95
				Payment 8788 Total:	**2,698.93**
Payment: 8789					
Beth & Don Glidden	Washer Rebate 2022	SEPT 2022	09/28/2022		75.00
				Payment 8789 Total:	**75.00**
Payment: 8790					
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI273283	09/28/2022		766.82
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI273282	09/28/2022		818.19
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI275551	09/28/2022		499.13
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI273284	09/28/2022		1,338.44
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI271836	09/28/2022		706.66
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI275550	09/28/2022		597.92
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI273285	09/28/2022		133.84
				Payment 8790 Total:	**4,861.00**
Payment: 8791					
Cannon Corporation	NCSD Summit Station	81755	09/28/2022		1,086.47
Cannon Corporation	Eureka Well Completition-	81658	09/28/2022		4,702.88
Cannon Corporation	Palms Lift Station Support	81709	09/28/2022		311.00
				Payment 8791 Total:	**6,100.35**
Payment: 8792					
Carahsoft	WaterGEMS/SewerGEMS	28932493	09/28/2022		10,099.00
				Payment 8792 Total:	**10,099.00**
Payment: 8793					
Carquest Auto Parts	Bulb	7314-ID-1327235	09/28/2022		6.78
				Payment 8793 Total:	**6.78**
Payment: 8794					
Charter Communications	Internet - Shop and/or Office	0224495092022	09/28/2022		734.20
				Payment 8794 Total:	**734.20**
Payment: 8795					
Charter Communications	Internet - Shop and/or Office	0225708092222	09/28/2022		734.20
				Payment 8795 Total:	**734.20**
Payment: 8796					
Engel & Gray, Inc.	Biosolids collection	28X00011	09/28/2022		6,361.55
				Payment 8796 Total:	**6,361.55**
Payment: 8797					
Excel Personnel Services, Inc.	Employment agency	4038904	09/28/2022		421.60
				Payment 8797 Total:	**421.60**
Payment: 8798					
Executive Janitorial	Janitorial services	84817	09/28/2022		780.00
				Payment 8798 Total:	**780.00**

Item D-1(A) Warrants SEPTEMBER 28, 2022 — **Payment Dates: 09/28/2022 - 09/28/2022**

Vendor Name	Description (Payable)	Payable Number	Payment		Amount
Payment: 8799					
Famcon Pipe and Supply, Inc.	Valves, boxes, and pipe	S100086767.001	09/28/2022		2,189.14
				Payment 8799 Total:	**2,189.14**
Payment: 8800					
FGL Environmental	Lab tests	280877A	09/28/2022		799.00
FGL Environmental	Lab tests	280218A	09/28/2022		763.00
				Payment 8800 Total:	**1,562.00**
Payment: 8801					
Frontier Communications	BL Telephone	OCT 2022	09/28/2022		60.83
				Payment 8801 Total:	**60.83**
Payment: 8802					
Grace Johnson	Live scan reimbursement	SEPT 2022	09/28/2022		89.00
				Payment 8802 Total:	**89.00**
Payment: 8803					
Great Western Alarm and	Alarm monitoring service	220904376201	09/28/2022		125.00
				Payment 8803 Total:	**125.00**
Payment: 8804					
Heacock Trailers & Truck	Truck accessories -F250-2022	16710	09/28/2022		5,779.32
				Payment 8804 Total:	**5,779.32**
Payment: 8805					
Iglesias, Mario	Cell phone reimbursement	SEPT 2022	09/28/2022		65.00
				Payment 8805 Total:	**65.00**
Payment: 8806					
Integrated Industrial Supply, Inc.	Paint	86776	09/28/2022		450.07
				Payment 8806 Total:	**450.07**
Payment: 8807					
Maldonado, Francisco	Renewal for Collections	CSM-3 Renewal 2022	09/28/2022		105.00
				Payment 8807 Total:	**105.00**
Payment: 8808					
Mark Lyon	Washer Rebate 2022	SEPT 2022	09/28/2022		75.00
				Payment 8808 Total:	**75.00**
Payment: 8809					
Mechanics Bank	Petty Cash	SEPT 2022	09/28/2022		126.14
				Payment 8809 Total:	**126.14**
Payment: 8810					
Miranda Dominguez	Washer Rebate 2022	Sept 2022	09/28/2022		75.00
				Payment 8810 Total:	**75.00**
Payment: 8811					
Mission Uniform Service	Uniforms	517715303	09/28/2022		203.31
Mission Uniform Service	Uniforms	517800977	09/28/2022		191.64
Mission Uniform Service	Uniforms	517762424	09/28/2022		190.67
				Payment 8811 Total:	**585.62**
Payment: 8812					
MNS Engineers, Inc.	CM- Nipomo Palms Lift Station	81177	09/28/2022		3,600.25
				Payment 8812 Total:	**3,600.25**
Payment: 8813					
N. Brent Knowles Construction	307 Blue Springs and Carillo	2507	09/28/2022		19,090.11
				Payment 8813 Total:	**19,090.11**
Payment: 8814					
NexTraq	GPS subscription	AT1475577	09/28/2022		507.15
				Payment 8814 Total:	**507.15**
Payment: 8815					
Nunley & Associates, Inc.	Frontage Road Sewer Truck	101243	09/28/2022		73,229.19
				Payment 8815 Total:	**73,229.19**

Item D-1(A) Warrants SEPTEMBER 28, 2022 — **Payment Dates: 09/28/2022 - 09/28/2022**

Vendor Name	Description (Payable)	Payable Number	Payment		Amount
Payment: 8816					
Office Depot	Office supplies	267304918001	09/28/2022		78.30
Office Depot	Office supplies	264087954001	09/28/2022		321.73
Office Depot	Office supplies	264750860001	09/28/2022		36.30
				Payment 8816 Total:	**436.33**
Payment: 8817					
Perry's Electric Motors &	Pump repair	26302	09/28/2022		4,729.84
				Payment 8817 Total:	**4,729.84**
Payment: 8818					
PG&E	Electricity	SEPT2022	09/28/2022		71,428.89
				Payment 8818 Total:	**71,428.89**
Payment: 8819					
Ray Morgan Company	B&W/Color copies	3846115	09/28/2022		313.56
Ray Morgan Company	B&W/Color copies	3846114	09/28/2022		65.77
Ray Morgan Company	B&W/Color copies	3846113	09/28/2022		146.36
				Payment 8819 Total:	**525.69**
Payment: 8820					
Richards, Watson & Gershon	Acquisition of Dana Foothills	238880	09/28/2022		295.00
Richards, Watson & Gershon	Water Right Adjudication	238877	09/28/2022		8,053.50
Richards, Watson & Gershon	Eureka Well Site Acquisition	238879	09/28/2022		2,923.93
Richards, Watson & Gershon	General Legal Services August	238876	09/28/2022		6,885.00
Richards, Watson & Gershon	Dana Reserve Specific Plan-PCIA	238878	09/28/2022		1,561.70
				Payment 8820 Total:	**19,719.13**
Payment: 8821					
Rogers, Anderson, Malody &	Progress billing audit Invoice for	71213	09/28/2022		12,500.00
				Payment 8821 Total:	**12,500.00**
Payment: 8822					
Santa Maria Ford Lincoln	Oil Change F250-2017	220228	09/28/2022		56.70
				Payment 8822 Total:	**56.70**
Payment: 8823					
Simplot Grower Solutions	CAN 17	780154757	09/28/2022		982.29
				Payment 8823 Total:	**982.29**
Payment: 8824					
SLO County Auditor Controller	LAFCO Charges FY 22-23	LAFCO 22-23	09/28/2022		28,477.73
				Payment 8824 Total:	**28,477.73**
Payment: 8825					
SoCalGas	Heat - shop/office	SEPT2022A	09/28/2022		17.93
SoCalGas	Heat - shop/office	SEPT2022B	09/28/2022		25.54
				Payment 8825 Total:	**43.47**
Payment: 8826					
Special District Financing &	Arbitrage Rebate Computation -	15681	09/28/2022		2,000.00
				Payment 8826 Total:	**2,000.00**
Payment: 8827					
Terminix Commercial	Pest Control	424600192	09/28/2022		69.00
				Payment 8827 Total:	**69.00**
Payment: 8828					
Thompson Reuters	Software support	SP10630399	09/28/2022		120.00
				Payment 8828 Total:	**120.00**
Payment: 8829					
Tyler Business Forms	Office supplies	74700	09/28/2022		327.69
				Payment 8829 Total:	**327.69**
Payment: 8830					
USA Bluebook	Adapter	095600	09/28/2022		70.73
USA Bluebook	Filters	114201	09/28/2022		357.75

Item D-1(A) Warrants SEPTEMBER 28, 2022 **Payment Dates: 09/28/2022 - 09/28/2022**

Vendor Name	Description (Payable)	Payable Number	Payment	(None)		Amount
USA Bluebook	Guard	107931	09/28/2022			1,034.68
					Payment 8830 Total:	**1,463.16**
Payment: 8831						
Xylem Water Solutions USA, Inc.	Nipomo Palms Lift Station	3556C40053	09/28/2022			2,388.67
Xylem Water Solutions USA, Inc.	Nipomo Palms Lift Station	3556C37259	09/28/2022			7,393.87
Xylem Water Solutions USA, Inc.	Nipomo Palms Lift Station	3556C38810	09/28/2022			249.32
Xylem Water Solutions USA, Inc.	Nipomo Palms Lift Station	3556C39277	09/28/2022			983.46
					Payment 8831 Total:	**11,015.32**

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: LISA BOGNUDA
FINANCE DIRECTOR

DATE: SEPTEMBER 23, 2022

AGENDA ITEM
D-1(B)
SEPTEMBER 28, 2022

WARRANTS – BLACKLAKE ASSESSMENT DISTRICT 2020-1

COMPUTER CHECKS GENERATED – SEE ATTACHED	$742.50

Item D-1(B) Warrants SEPTEMBER 28, 2022

Nipomo Community Services District

By Payment Number

Payment Dates 09/28/2022 - 09/28/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date		Amount
Payment: 68					
Richards, Watson &	Blacklake Sewer Consolidation	238876B	09/28/2022		742.50
				Payment 68 Total:	**742.50**

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: SEPTEMBER 23, 2022

AGENDA ITEM
D-2
SEPTEMBER 28, 2022

APPROVE SEPTEMBER 14, 2022 REGULAR BOARD MEETING MINUTES

ITEM

Approve action minutes from previous Board meetings. [RECOMMEND APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve Minutes

ATTACHMENT

A. September 14, 2022 draft Regular Board Meeting Minutes

SEPTEMBER 28, 2022

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MINUTES

SEPTEMBER 14, 2022 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS
ED EBY, **PRESIDENT**
RICHARD MALVAROSE, **VICE PRESIDENT**
DAN ALLEN GADDIS, **DIRECTOR**
DAN WOODSON, **DIRECTOR**
CRAIG ARMSTRONG, **DIRECTOR**

PRINCIPAL STAFF
MARIO IGLESIAS, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
CRAIG STEELE, **GENERAL COUNSEL**

Mission Statement:
Provide our customers with reliable, quality, and cost-effective services now and in the future.

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of September 14, 2022, to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Directors were present.

Mario Iglesias, General Manager, introduced Grace Johnson the District's new Customer Service Clerk II to the Board.

There were no public comments.

C. PRESENTATIONS AND REPORTS

C-1) AUTOMATED METERING INFRASTRUCTURE ("AMI"), NCSD PROGRAM UPDATE [RECOMMEND RECEIVE AND FILE]

Mario Iglesias, General Manager, presented the item and answered questions from the Board.

C-2) RWG PRESENTATION: DISTURBING PUBLIC MEETINGS, VIOLATING PUBLICS RIGHT TO ASSEMBLE [RECOMMEND RECEIVE AND FILE]

Craig Steele, District Legal Counsel, presented the item and answered questions from the Board.

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.
Receive Announcements and Reports from Directors

Director Eby

- *September 2, attended Board Officers' meeting.*
- *September 7, attended WRAC meeting.*

C-4) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

There were no public comments.

Upon the motion of Director Malvarose and seconded, the Board approved receiving and filing presentations and reports.
Vote 5-0.

YES VOTES	*NO VOTES*	*ABSENT*
Directors Malvarose, Woodson, Armstrong, Gaddis, and Eby	*None*	*None*

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE AUGUST 24, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

D-3) ACCEPT DEED RESTRICTION FOR APN 092-576-012, 149 SOUTH FRONTAGE ROAD, NIPOMO [RECOMMEND ADOPT RESOLUTION ACCEPTING OFFER OF DEED RESTRICTION]

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board approved the Consent Agenda. Director Malvarose abstained from item D-1 due to a conflict of interest relating to his employer.
D-1 Vote 4-0-1.
D-2 to D-3 Vote 5-0.

	YES VOTES	*ABSTAIN*	*ABSENT*
D-1	*Directors Armstrong, Woodson, Gaddis, and Eby*	*Malvarose*	*None*
D-2 to D-3	*Directors Armstrong, Woodson, Malvarose, Gaddis, and Eby*	*None*	*None*

E. ADMINISTRATIVE ITEMS

No Administrative items.

F. GENERAL MANAGER'S REPORT

Mario Iglesias, General Manager, presented the item and answered questions from the Board.

There were no public comments.

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Woodson requested that staff research changes water rights from the State Water Resource Board.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced that item 1 would be discussed in closed session.

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
    a. SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES

Craig Steele, District Legal Counsel, announced that there was no reportable action.

ADJOURN MEETING

President Eby adjourned the meeting at 11:20 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 12 minutes
Closed Session	1 hour 08 minutes
TOTAL HOURS	2 hour 20 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board Date

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS

DATE: SEPTEMBER 22, 2022

AGENDA ITEM
D-3
SEPTEMBER 28, 2022

AUTHORIZE STAFF TO BID EUREKA WELL #2 PUMP PROJECT

ITEM

Authorize staff to advertise Eureka Well #2 Pump Project for bid [RECOMMEND AUTHORIZE STAFF TO BID PROJECT].

BACKGROUND

The Eureka Well had historically been one of the District's largest producing wells. The well was drilled in 1979 and the 2007 Master Plan Update identified a nominal flow capacity of 890 gallons per minute (gpm) for the well, based on the long-term average of flow records. In late 2016, the well casing failed and staff determined that the well was no longer serviceable.

The well was properly destroyed and a new well was drilled, Eureka #2, on the same site in 2020. The replacement well was drilled on the same site as the old well since the old well had excellent water quality and quantity characteristics. In addition, using the existing site for the replacement well maximizes use of the District's investment in support infrastructure at the site.

The next phase of the project is to equip the new well so that it can be utilized to provide water to the District's water system. The work involves, but is not limited to, equipping the new well with a new pump and motor, constructing a prefabricated steel building, site piping, bladder tank, generator pad, electrical equipment, telemetry, and site improvements. The design documents required to bid the Eureka Well #2 Pump Project (Project) are currently being finalized.

At the June 22, 2022 Board meeting, the Board adopted Resolution 2022-1634 that established a contractor pre-qualification policy for the Project. Pre-Qualification of contractors will help ensure that the Project is constructed by reputable, experienced, and qualified contractors.

One general contractor and one electrical subcontractor pre-qualified to submit bids for the project. The final procurement step, in accordance with the District's Purchasing Policy, is Board approval to solicit bids for the project.

STRATEGIC PLAN

Goal 1 – WATER SUPPLY – Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

Goal 5. OPERATIONS. Maintain a proactive program to ensure readiness of systems and cost-effectiveness of operations.

FISCAL IMPACT

The estimated construction cost is $1,500,000. Funding for the project is available in the FY 2022-2023 budget.

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, authorize staff to solicit bids for the Eureka Well #2 Pump Project.

ATTACHMENTS

None

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS

DATE: SEPTEMBER 22, 2022

AGENDA ITEM
E-1
SEPTEMBER 28, 2022

CONSIDER RESOLUTION TO ADOPT MITIGATED NEGATIVE DECLARATION AND AUTHORIZE THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION FOR THE FOOTHILL WATER TANK SITE ACQUISITION AND CONSTRUCTION PROJECT

ITEM

Adopt Mitigated Negative Declaration and authorize staff to file Notice of Determination for the Foothill Water Tank Site Acquisition and Construction Project [RECOMMEND APPROVE RESOLUTION ADOPTING MITIGATED NEGATIVE DECLARATION AND AUTHORIZING STAFF TO FILE NOTICE OF DETERMINATION].

BACKGROUND

The District's 2007 Water System Master Plan identified the need to build additional water storage tanks at the District's Foothill Water Tank site. In early 2010, the District contracted with Cannon to perform some conceptual site plan work to assist the District with identifying the land required for building additional water storage tanks at the site. The Foothill Tank Project (Project) was put on hold later in 2010 as the District shifted its focus to the Nipomo Supplemental Water Project.

The need for the additional water storage has not diminished and has actually increased given the limited water storage capacity that was constructed as part of the Nipomo Supplemental Water Project. Design and construction of the Project is not scheduled to begin until FY 23-24. However, the District is currently pursuing acquisition of the additional land required for the Project since it will likely take a considerable length of time to complete the process.

The California Environmental Quality Act (CEQA) defines the purchase of land as a project. Therefore, a necessary step, prior to acquisition of the additional land required for the Project, was to complete an environmental review for the Project in order to comply with CEQA. In August 2021, the District Board approved a contract with SWCA Environmental Consultants for CEQA compliance services for both the site acquisition and construction phases of the Project. SWCA subsequently prepared a document entitled Initial Study/Mitigated Negative Declaration for the Foothill Water Tank Site Acquisition and Construction Project, Nipomo, San Luis Obispo County, California dated July 2022.

Upon completion of the Draft MND in July 2022, the District initiated a public comment period by preparing and sending a Notice of Intent to Adopt an MND ("NOI") for the Draft MND to all interested persons, agencies, and organizations. The NOI was also posted at the District office, was published in the Santa Maria Times, and was filed with the San Luis Obispo County Recorder/Clerk. The Draft MND was made available on the District's website and the State CEQA Clearing House website for a 30-day public review period beginning on August 10, 2022, and ending on September 28, 2022.

Agencies and members of the public have been afforded ample opportunity to comment on the Draft MND. During and following the public review period for the Draft MND, no public comments were received.

Attached is a draft resolution that would formalize the Board's Environmental Determination in the form of a Mitigated Negative Declaration.

FISCAL IMPACT

The District's 2022/2023 Budget includes $50,000 for site acquisition for the Foothill Tank Project.

STRATEGIC PLAN

Goal 1 – WATER SUPPLY – Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

RECOMMENDATION

Staff recommends that the Board receive staff's presentation, feedback from the public and following closure of the public hearing, approve the attached Resolution 2022-XXXX Foothill Tank MND, adopting a Mitigated Negative Declaration for the Foothill Tank Site Acquisition and Construction Project and authorizing staff to file a notice of determination for the project.

ATTACHMENTS

A. Resolution 2022-16XX Foothill Tank MND
B. Notice of Intent to Adopt Negative Declaration
C. Draft Initial Study and Mitigated Negative Declaration Dated July 2022

SEPTEMBER 28, 2022

ITEM E-1

ATTACHMENT A

RESOLUTION NO. 2022-16XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION FOR THE FOOTHILL WATER TANK SITE ACQUISITION AND CONSTRUCTION PROJECT

WHEREAS, the Nipomo Community Services District ("District") is a community services district with limited purposes and powers as identified in Sections 61000 *et seq.* of the Government Code; and

WHEREAS, pursuant to Government Code Section 61100(a) the District is authorized to "Supply water for beneficial uses" to users in the District; and

WHEREAS, pursuant to Title 22 of the California Code of Regulations, the District is required to maintain sufficient water storage capacity within its system to meet three basic needs: 1) fire suppression storage, 2) emergency storage, and 3) equalization storage. The District also considers operational storage to be an important need to accommodate delivery of Nipomo Supplemental Water Project ("NSWP") water, which is received on a constant flow basis; and

WHEREAS, the District intends to add to its water storage capacity by constructing an additional 2 million gallons of potable water storage at its existing Foothill Water Storage site on Foothill Road, while also increasing the amount of its emergency water storage in above-ground water storage tanks; and

WHEREAS, the Foothill Water Tank Site Acquisition and Construction Project ("Project") involves the District's proposed acquisition of a 1.93 acre portion of a larger parcel, fee interest in the existing 1.84 acre where the existing water tanks are located and temporary construction easements in the area to facilitate the Project; and

WHEREAS, the California Environmental Quality Act (CEQA) requires the District to assess the impact of the Project on the environment, and circulate such assessment for public comment; and

WHEREAS, as part of the environmental review process the District retained SWCA Environmental Consultants ("SWCA") to assess the impacts of the Project on the environment; and

WHEREAS, SWCA has prepared a document entitled Initial Study/Mitigated Negative Declaration for the Foothill Water Tank Site Acquisition and Construction Project, Nipomo, San Luis Obispo County, California dated July 2022. The Initial Study includes a detailed description of the Project and those documents are incorporated herein by reference; and

WHEREAS, the Initial Study proposes that a Negative Declaration with Mitigation Measures be approved for the Project (herein "Draft MND"); and

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION FOR THE FOOTHILL WATER TANK SITE ACQUISITION AND CONSTRUCTION PROJECT

WHEREAS, having received, reviewed and considered the foregoing information, as well as any and all information in the record and based on its independent review and analysis, the staff analysis, oral and written testimony, the Initial Study, and this Draft MND, the Board of Directors hereby makes the following Findings:

1. To the best of the Board Members' knowledge, the above-stated facts are true and correct.

2. The Draft MND has determined the Project, with mitigation, will not result in a significant effect on the environment.

3. Upon completion of the Draft MND in July 2022, the District initiated a public comment period by preparing and sending a Notice of Intent to Adopt an MND ("NOI") for the Draft MND to all interested persons, agencies, and organizations. The NOI also was posted at the District office and on the District's website at https://ncsd.ca.gov/wp-content/uploads/2022/08/Foothill-Water-Tanks-Project-Draft-IS-ND_072822_compiled.pdf and was published in the Santa Maria Times, and was filed with the San Luis Obispo County Recorder/Clerk. The Draft MND was made available for a 30-day public review period beginning on August 10, 2022, and ending on September 28, 2022.

4. Agencies and members of the public have been afforded ample opportunity to comment on the Draft MND. During and following the public review period for the Draft MND, no public comments were received.

5. The Final MND, which is on file with the District's General Manager, is incorporated herein by this reference. The Final MND consists of the Draft MND and all of its appendices, an introductory section, and a Mitigation, Monitoring, and Reporting Program.

6. On September 28, 2022, the District's Board of Directors considered the Final MND at a duly-noticed public meeting, at which time District staff presented a report and interested persons had an opportunity to be heard and to present evidence regarding the Final MND.

7. Section 15074 of the CEQA Guidelines requires that a public agency, before approving a project for which a MND is required, consider the proposed MND together with any comments received during the public review process.

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION FOR THE FOOTHILL WATER TANK SITE ACQUISITION AND CONSTRUCTION PROJECT

8. Prior to taking action, the District Board has heard, been presented with, reviewed, and considered the information and data in the administrative record, including the MND, staff reports and presentations, and all oral and written testimony regarding the MND.

9. Custodian of Records. The District's General Manager is the custodian of records, and the documents and other materials that constitute the record of proceedings upon which this decision is based are located at the NCSD Office, 148 South Wilson Street, Nipomo, California 93444.

10. The District's Board of Directors has independently considered the administrative record before it, which is hereby incorporated by reference and which includes the MND, staff reports, and all testimony related to environmental issues regarding the Project and hereby adopts the MND and Mitigation Monitoring Program, as set forth in Exhibit A to this Resolution.

11. The MND fully analyzes and discloses the potential impacts of the Project, and those impacts have been mitigated or avoided to the extent feasible.

12. The MND reflects the independent judgment of the District Board. The District Board further finds that the additional information provided in the staff reports, and the evidence presented in written and oral testimony does not constitute new information requiring recirculation of the MND under CEQA. None of the information presented has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the District has declined to implement.

13. The District Board hereby directs District staff to implement and to monitor the mitigation measures as described in the Final MND, and to take such other actions as the General Manager deems necessary to prepare for the Project.

14. The District Board hereby directs staff to file a Notice of Determination as set forth in Public Resources Code Section 21152.

RESOLUTION NO. 2022-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION FOR THE FOOTHILL WATER TANK SITE ACQUISITION AND CONSTRUCTION PROJECT

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this 28th day of September, 2022, on the following roll call vote:

AYES:

NOES:

ABSENT:

CONFLICTS:

_____
Ed Eby, President
Nipomo Community Services District

ATTEST:

_____
Mario E. Iglesias,
General Manager

APPROVED AS TO FORM:

_____
Craig A. Steele
District Legal Counsel

SEPTEMBER 28, 2022

ITEM E-1

ATTACHMENT B

NIPOMO COMMUNITY SERVICES DISTRICT

BOARD MEMBERS
ED EBY, **PRESIDENT**
RICHARD MALVAROSE, **VICE PRESIDENT**
DAN ALLEN GADDIS, **VICE PRESIDENT**
DAN WOODSON, **DIRECTOR**
CRAIG ARMSTRONG, **DIRECTOR**

STAFF
MARIO IGLESIAS, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
PETER SEVCIK, P.E., **DIRECTOR OF ENG. & OPS.**
CRAIG STEELE, **GENERAL COUNSEL**

Serving the Community since 1965

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

Notice of Intent to Adopt a Mitigated Negative Declaration

The Nipomo Community Services District (NCSD, or District) has completed the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Foothill Water Tank Site Acquisition Project (project). The IS/MND found the project to have potential environmental impacts associated with aesthetics, air quality, biological resources, cultural resources, energy, geology/soils, greenhouse gas emissions, land use and planning, noise, tribal cultural resources, utilities and service systems, and mandatory findings of significance that would be less than significant with mitigation.

Lead Agency: Nipomo Community Services District (NCSD)
148 South Wilson Street
Nipomo, CA 93444

Project Title: Foothill Water Tank Site Acquisition Project

Project Location: The proposed Foothill Water Tank Site Acquisition Project (project) would be located on a small part of an approximately 470-acre parcel (Assessor's Parcel Number [APN] 090-031-003) in San Luis Obispo County east of the unincorporated community of Nipomo. The existing Foothill Water Tank Site is located north of the intersection of North Dana Foothill Road and East Tefft Street. The project proposes to acquire a total of 1.93 acres of land from the 470-acre parcel, a portion of which would be permanently acquired by the Nipomo Community Services District (NCSD) to accommodate expanded water storage facilities, and a portion of which would only be temporarily acquired through a temporary construction easement. As part of the proposed acquisition, the NCSD plans to also convert the existing 1.84-acre easement area where the existing tanks are located (Foothill Water Tank Site) to fee simple ownership. Together, the 1.84-acre NCSD Foothill Water Tank Site and the adjacent proposed 1.93-acre acquisition area comprise the project site, for a total project site area of 3.77 acres.

Project Description: The NCSD currently maintains four water storage tanks with a combined capacity of 3 million gallons, which are located on a 1.84-acre easement on Foothill Road (Foothill Water Tank Site). The NCSD proposes to acquire a 1.93-acre portion of the underlying 470-acre parcel directly southeast of the existing NCSD Foothill Water Tank Site to facilitate the future construction of facilities to maintain an additional 2 million gallons of potable water storage on-site per the recommendations in the MPU (project). A portion of the 1.93-acre acquisition site (1.01 acres) would be permanently acquired by the NCSD to facilitate the construction of these additional water storage facilities. The remainder of the acquisition area would be utilized for tank construction through a temporary construction easement, but fee ownership would remain with the current property owner. The project also proposes to permanently acquire and/or convert the existing 1.84-acre easement area where the existing tanks are located (Foothill Water Tank Site) to fee simple ownership by the NCSD. These additional water storage facilities would comply with the State minimum requirements for emergency water storage for both the existing and future customers of the NCSD service area. Project construction is anticipated to last approximately 3 years.

Hazardous Waste Sites: Based on a search of the DTSC EnviroStor database, SWRCB Geotracker database, and California Environmental Protection Agency (CalEPA) Cortese List website, there are no hazardous waste cleanup sites within 1 mile of the project site.

Public Review: A 30-day public review period for the IS/MND will commence on August 10, 2022 and will end on September 8, 2022 for interested individuals and public agencies to submit written comments on the document. Comments must be received no later than 4:30 p.m. on Thursday, September 8, 2022.

Public Meeting: The project and the IS/MND are anticipated to be considered for approval by the NCSD Board of Directors at its regular meeting on September 28, 2022 held at 9:00 a.m. This meeting date and time may change depending on the circumstances.

Written comments may be submitted to:

Peter Sevcik, Director of Engineering and Operations
148 South Wilson Street Nipomo, CA 93444

Or by email at: psevcik@ncsd.ca.gov

SEPTEMBER 28, 2022

ITEM E-1

ATTACHMENT C

Initial Study/Mitigated Negative Declaration for the Foothill Water Tank Site Acquisition and Construction Project, Nipomo, San Luis Obispo County, California

JULY 2022

PREPARED FOR

Nipomo Community Services District

PREPARED BY

SWCA Environmental Consultants

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE FOOTHILL WATER TANK SITE ACQUISITION AND CONSTRUCTION PROJECT, NIPOMO, SAN LUIS OBISPO COUNTY, CALIFORNIA

Prepared for

Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444-0326
Attn: Peter Sevcik, P.E.

Prepared by

Cassidy Williams, B.S.

SWCA Environmental Consultants
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401
(805) 543-7095
www.swca.com

SWCA Project No. 67881

July 2022

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Appendices

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ENVIRONMENTAL DETERMINATION FORM

1. Project Title:

Foothill Water Tank Site Acquisition Project

2. Lead Agency Name and Address:

Nipomo Community Services District

P.O. Box 326
Nipomo, CA 93444

3. Contact Person and Phone Number

Peter Sevcik, P.E., Director of Engineering and Operations
Nipomo Community Services District
(805) 929-1133

4. Project Location

The proposed Foothill Water Tank Site Acquisition and Construction Project (project) would be located on a small part of an approximately 470-acre parcel (Assessor's Parcel Number [APN] 090-031-003) in San Luis Obispo County east of the unincorporated community of Nipomo (Figure 1). The project proposes to acquire a total of 1.93 acres of land from the 470-acre parcel, a portion of which would be permanently acquired by the Nipomo Community Services District (NCSD) to accommodate expanded water storage facilities, and a portion of which would only be temporarily acquired through a temporary construction easement. The acquisition area referred to in this document includes the areas proposed to permanently acquired, as well as the areas to be temporarily used through a temporary construction easement. The 1.93-acre area to be acquired is located immediately adjacent to the existing NCSD Foothill Water Tank Site, which the NCSD manages under an existing easement agreement with the property owners of the 470-acre parcel. As part of the proposed acquisition, the NCSD plans to also convert the existing 1.84-acre easement area where the existing tanks are located (Foothill Water Tank Site) to fee simple ownership. The existing Foothill Water Tank Site is located north of the intersection of North Dana Foothill Road and East Tefft Street (Figure 2). The land to be acquired is located directly southeast of the existing NCSD Foothill Water Tank Site and is approximately 210 feet wide and 400 feet long.

Together, the 1.84-acre NCSD Foothill Water Tank Site and the adjacent proposed 1.93-acre acquisition area comprise the project site, for a total project site area of 3.77 acres.

5. Project Sponsor's Name and Address:

Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444-0326

6. General Plan Designation:

Agriculture

7. Zoning:

N/A

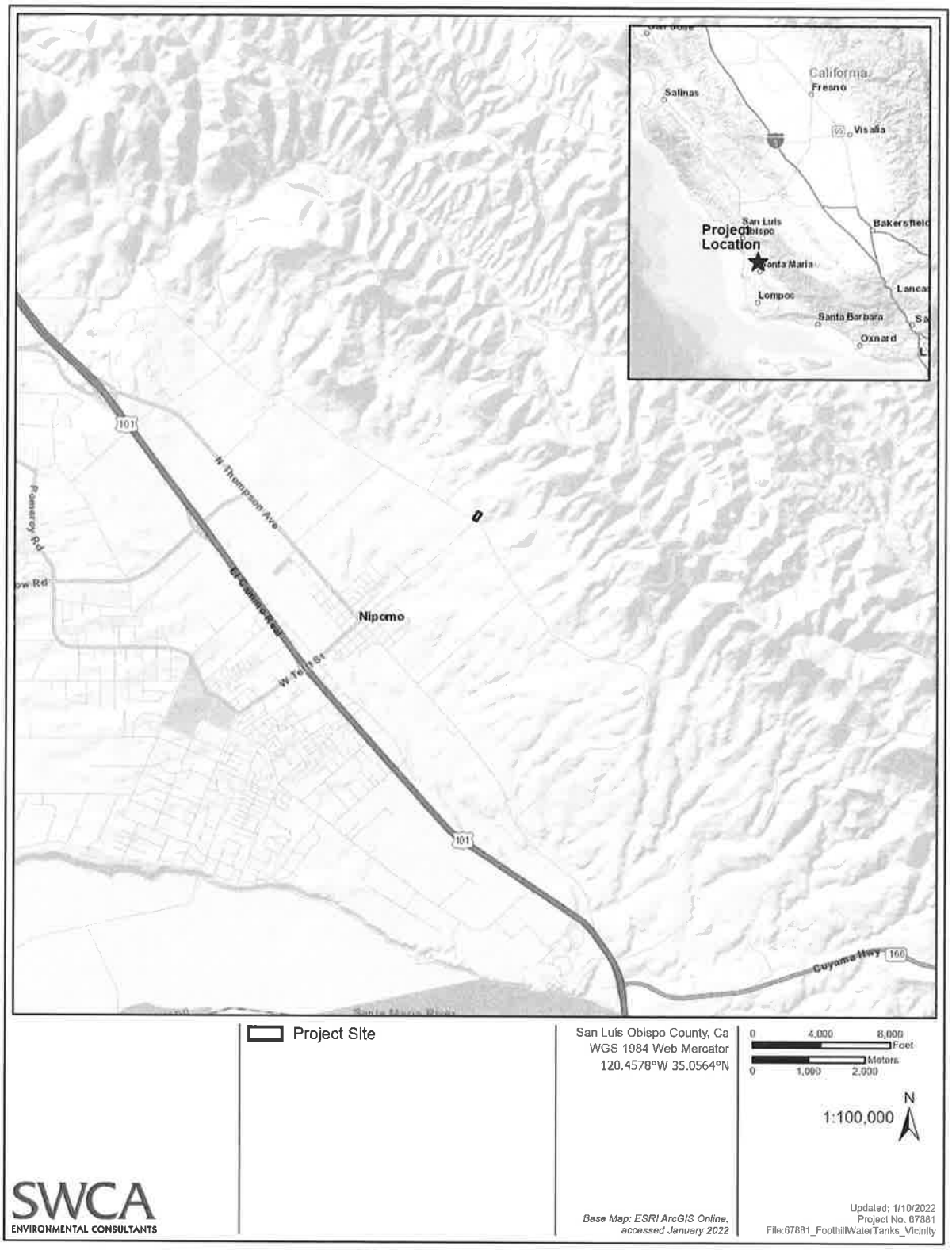


Figure 1. Project Vicinity Map.

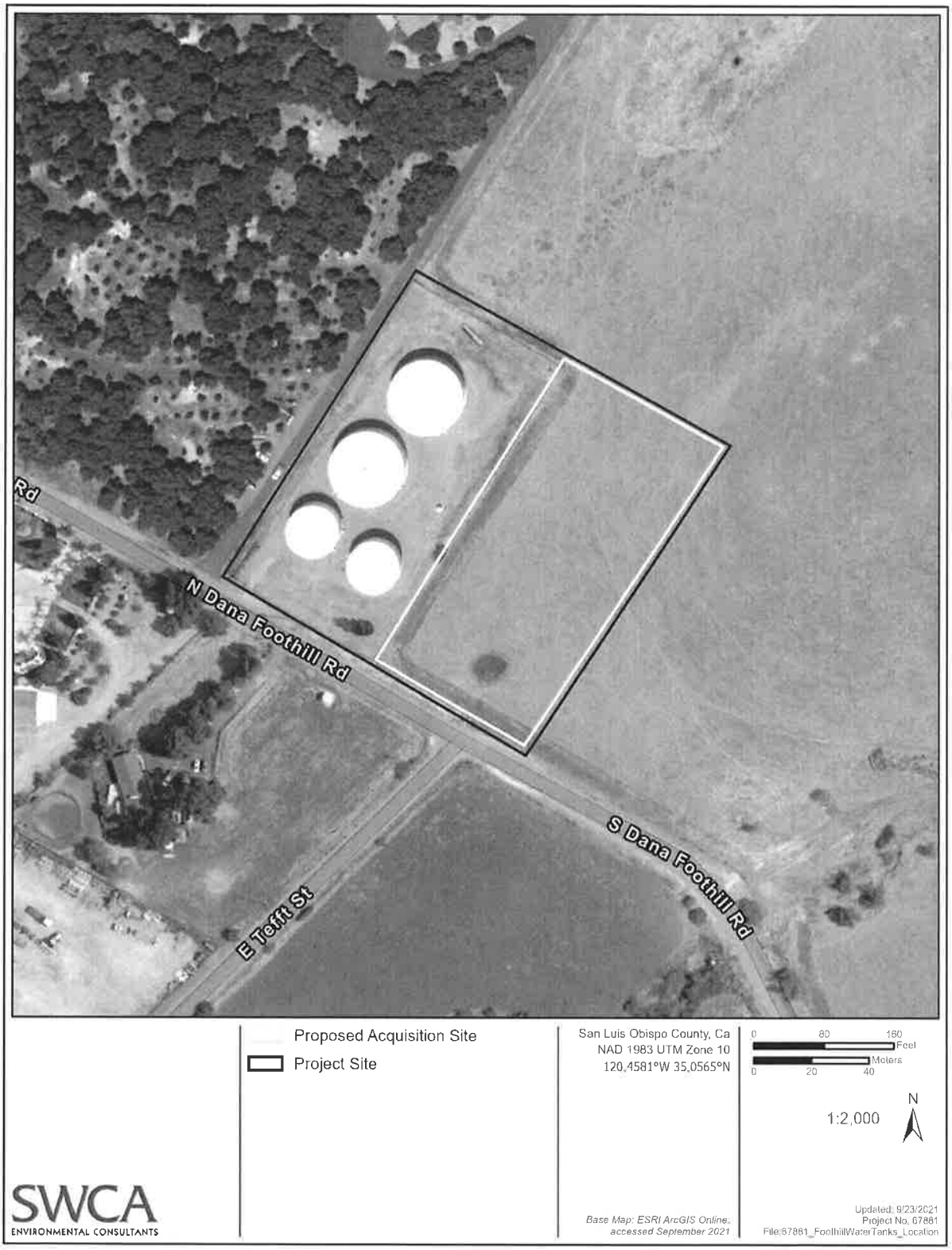


Figure 2. Project Location Map.

8. Project Background

The NCSD is required by California Code of Regulations (CCR) Title 22 to maintain sufficient water storage capacity within its system to meet three basic needs: fire suppression storage, emergency storage, and equalization storage. Fire suppression storage must be greater than that required to produce the maximum anticipated fire flow for a specified duration. Emergency storage must be on hand to produce at least 50 gallons per capita per day for 3 days. Equalization storage is necessary to maintain availability of demand during peak conditions when system demands are greater than the volume of water being fed directly from supply sources. The NCSD also considers operational storage as a storage need to accommodate delivery of Nipomo Supplemental Water Project (NSWP) water from the City of Santa Maria, which is supplied on a constant-flow basis.

The NCSD's existing storage capacity consists of 3.8 million gallons of useful storage—3 million gallons of that storage is currently held at the Foothill Water Tank Site in two 500,000-gallon water storage tanks and two 1-million-gallon water storage tanks.

The NCSD currently maintains four water storage tanks with a combined capacity of 3 million gallons, which are located on a 1.84-acre easement on Foothill Road (Foothill Water Tank Site). The Foothill Water Tank Site is currently enclosed by an existing chain-link security fence and locked gates. The site also supports existing security lighting and storage and use of disinfectants as needed to maintain water quality, including ammonium sulfate and sodium hypochlorite to form chloramines, which are used to treat drinking water and provide long-lasting disinfection as the water moves through pipes to consumers.

The NCSD *Water and Sewer Master Plan Update* (MPU) included an evaluation of existing and future water system storage capacity needs and concluded that the NCSD's existing tank storage is adequate to meet current and future needs given the four major storage requirement components discussed above (NCSD 2007). However, this evaluation was based on the assumption that the Sundale well has reliable backup emergency power and the well itself would be available during an emergency. As the NCSD continues to reduce its reliance on the local groundwater basin and increases its reliance on imported water from the NSWP, some wells are used less. Due to reduced use, the Sundale Well might be immediately available to provide water in an emergency depending on how long the well had been idle prior to the emergency. The MPU ultimately included a recommendation to construct approximately 2 million gallons of additional storage in order to: (1) meet the NCSD's goal to have a larger proportion of its emergency storage in aboveground elevated storage tanks, and (2) provide sufficient tank capacity to handle differences between supplemental water deliveries and actual demand (NCSD 2007).

9. Description of Project

The NCSD proposes to acquire a 1.93-acre portion of the underlying 470-acre parcel directly southeast of the existing NCSD Foothill Water Tank Site to facilitate the future construction of facilities to maintain an additional 2 million gallons of potable water storage on-site per the recommendations in the MPU (project). A portion of the 1.93-acre acquisition site (1.01 acres) would be permanently acquired by the NCSD as the location of the newly-constructed water tank or tanks. The remainder of the acquisition area would be utilized for construction activities through a temporary construction easement, but fee ownership would remain with the current property owner.

The project also proposes to permanently acquire and/or convert the existing 1.84-acre easement area where the existing tanks are located (Foothill Water Tank Site) to fee simple ownership by the NCSD.

These additional water storage facilities would comply with the State minimum requirements for emergency water storage for both the existing and future customers of the NCSD service area. Construction of the additional storage facilities is anticipated in the next 2 to 4 years following property acquisition; however, the size, type, and location of these additional storage facilities has not yet been designed. Since the project area is being acquired solely to facilitate the future construction of these facilities, this document analyzes the potential environmental impacts that could result from construction and operation of these facilities, as required by the State California Environmental Quality Act (CEQA) Guidelines Section 15003 to analyze the whole of the project.

Preliminary design of the future water storage tank(s) is anticipated to incorporate one of the three design alternatives described below (Table 1), with the impacts of each analyzed in this document.

Table 1. Future Tank Design Alternatives

	Future Tank Design Alternatives		
	Alternative 1	**Alternative 2**	**Alternative 3**
Number and Capacity of Water Tank(s)	Two steel 1-million-gallon tanks	Two steel 1-million-gallon tanks	One concrete 2-million-gallon tank
Dimensions of Water Tank(s)	24 feet tall, 86-foot diameter	24 feet tall, 86-foot diameter	24 feet tall, 122-foot diameter
Dimensions of Permanent Impact Area	110 feet wide, 400 feet long	57 feet wide, 400 feet long	89 feet wide, 400 feet long
Proposed Volume Cut	13,000 cubic yards	9,100 cubic yards	5,820 cubic yards
Proposed Volume Fill	130 cubic yards	120 cubic yards	100 cubic yards
Proposed Volume of Exported Materials	12,870 cubic yards	8,980 cubic yards	3,360 cubic yards
Proposed Volume of Shoring Backfill Materials	N/A	N/A	2,360 cubic yards

Alternative 1

Alternative 1 would include grading of the acquisition site to provide future tank locations at the same elevation as the existing water tanks located on the Foothill Water Tank Site and slopes outside the proposed water tank area to blend with adjacent topography. Alternative 1 would include the construction of two 1-million-gallon steel water storage tanks. Each water tank would be 24 feet tall, 86 feet in diameter, and pale blue in color (all consistent with the existing water tanks). The water tanks would be located just east of the existing water storage tanks on the Foothill Water Tank Site (Figure 3).

Alternative 1 would include the construction of a 460-cubic-yard drainage basin located southeast of the existing southernmost 500,000-gallon water storage tank located on the Foothill Water Tank Site. The existing eastern fence line on the site would be relocated approximately 105 feet farther east to enclose the proposed water storage facilities. Alternative 1 would require approximately 13,000 cubic yards of cut, 130 cubic yards of fill, and 12,870 cubic yards of exported material.

Alternative 2

Alternative 2 would include grading the acquisition site and installing a 21-foot-tall (maximum height) retaining wall to provide future tank locations at the same elevation as the existing water

tanks located on the Foothill Water Tank Site. Construction of a retaining wall would minimize the quantity of earthwork and exported materials required for the future siting of proposed steel water storage facilities. Alternative 2 would include the construction of two 1-million-gallon steel water storage tanks. Each water tank would be 24 feet tall, 86 feet in diameter, and pale blue in color (all consistent with the existing water tanks). The water tanks would be located just east of the existing water storage tanks on the Foothill Water Tank Site (Figure 4).

Alternative 2 would include the construction of a 460-cubic-yard drainage basin located southeast of the existing southernmost 500,000 water storage tank located on the Foothill Water Tank Site. The existing southeastern fence line on the site would be relocated approximately 57 feet farther southeast to enclose the future water storage facilities. Alternative 2 would require approximately 9,100 cubic yards of cut, 120 cubic yards of fill, and 8,980 cubic yards of exported material.

Alternative 3

Alternative 3 would include grading the acquisition site to provide a future tank location at the same elevation as the existing water tanks located at the Foothill Water Tank Site, and to embed (bury) a portion of a proposed 2-million-gallon concrete water storage tank. The proposed water tank would be 24 feet tall, 122 feet in diameter, and pale blue in color (all consistent with the existing water tanks). The water tank would be located east of the existing southernmost 1-million-gallon water tank located on the Foothill Water Tank Site (Figure 5).

Alternative 3 would include the construction of a 460-cubic-yard drainage basin to be located south of the two existing 500,000-gallon water tanks on the Foothill Water Tank Site. The existing southeastern fence line on the site would be relocated approximately 89 feet farther southeast to enclose the future water storage facility. Alternative 3 would require approximately 5,820 cubic yards of cut, 100 cubic yards of fill, 3,360 cubic yards of exported material, and 2,360 cubic yards of material to be used as shoring backfill.

Each alternative would require future water storage facilities to be located at the same elevation as existing Foothill Water Tank storage facilities to allow for gravity-fed water conveyance. Each alternative also includes installation of additional security lighting and extension of the existing security fencing around the project site. Proposed fencing would include chain-link fencing with razor wire placed on top to deter unauthorized access. The project would also include additional on-site storage and use of disinfectants as needed to maintain water quality, including ammonium sulfate and sodium hypochlorite to form chloramines, which are used to treat drinking water and provide long-lasting disinfection as the water moves through pipes to consumers. All disinfectants and other treatment chemicals would be stored in secured containers or in a new chemical storage shed next to the proposed water tank(s).

The estimated construction period for all three project alternatives would be approximately 9 to 12 months. Once constructed, the proposed water storage tank(s) would be connected to the existing water conveyance system through the existing underground connection at the Foothill Water Tank Site. This connection would allow water from the proposed water storage tank(s) to be provided to customers even in the event of a power outage through the gravity-fed NCSD water conveyance system.

10. Surrounding Land Uses and Setting

The project site is generally surrounded by scattered rural residential development, orchards, and undeveloped land to the north; undeveloped land to the east; and rural residential development and agricultural uses to the south and west.

11. Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement):

San Luis Obispo County Air Pollution Control District (SLOAPCD) Construction Permit

California State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) Water System Permit Amendment

12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, has consultation begun?

Pursuant to California Public Resources Code (PRC) Section 21080.3.1, the NCSD (the CEQA Lead Agency) provided notice of the project to Mona Tucker, a representative of the yak tityu tityu yak tiłhini Northern Chumash Tribe of San Luis Obispo County and Region, on December 16, 2021. The results of the consultation process are summarized under Section XVIII, Tribal Cultural Resources.

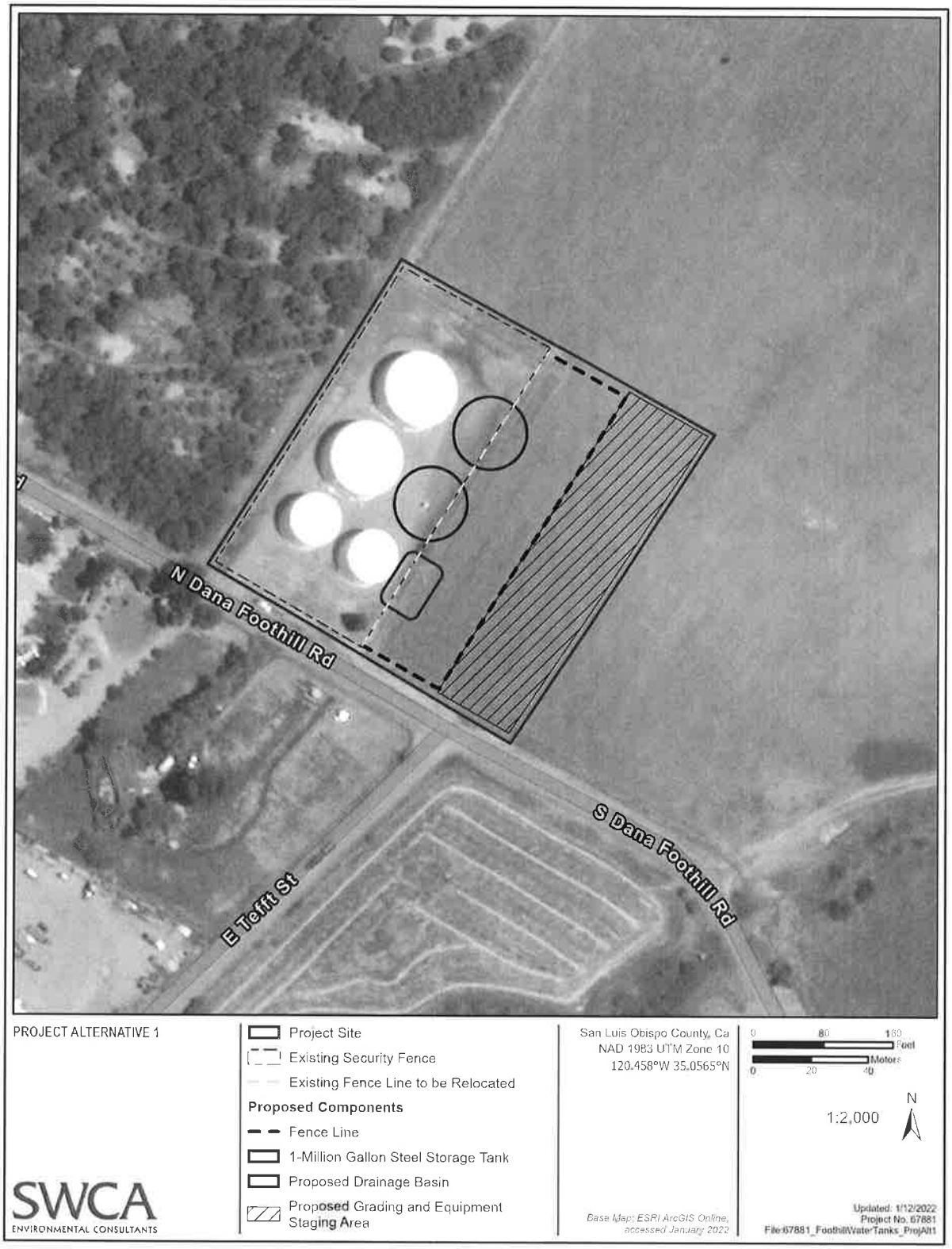


Figure 3. Project Alternative 1 Map.

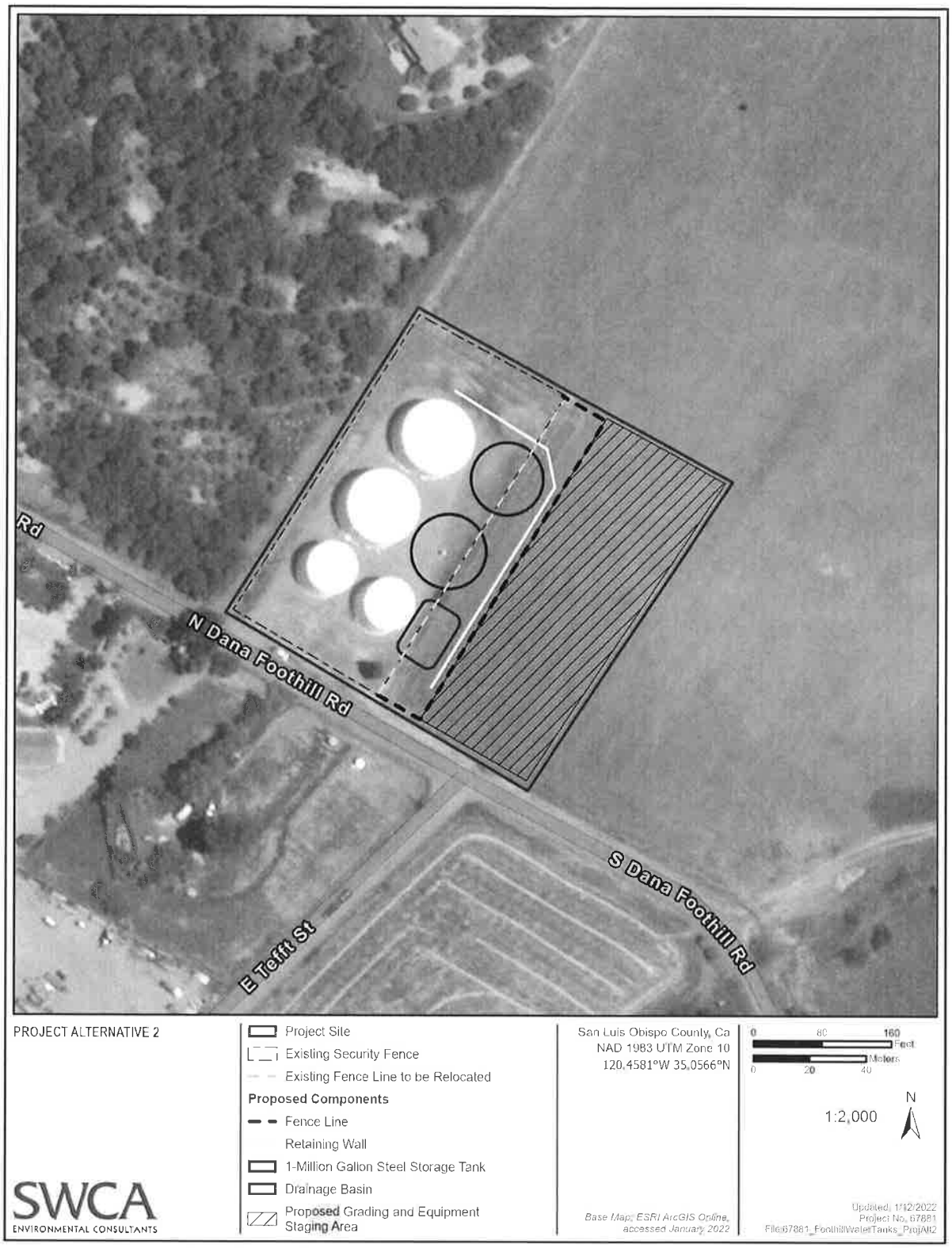


Figure 4. Project Alternative 2 Map.

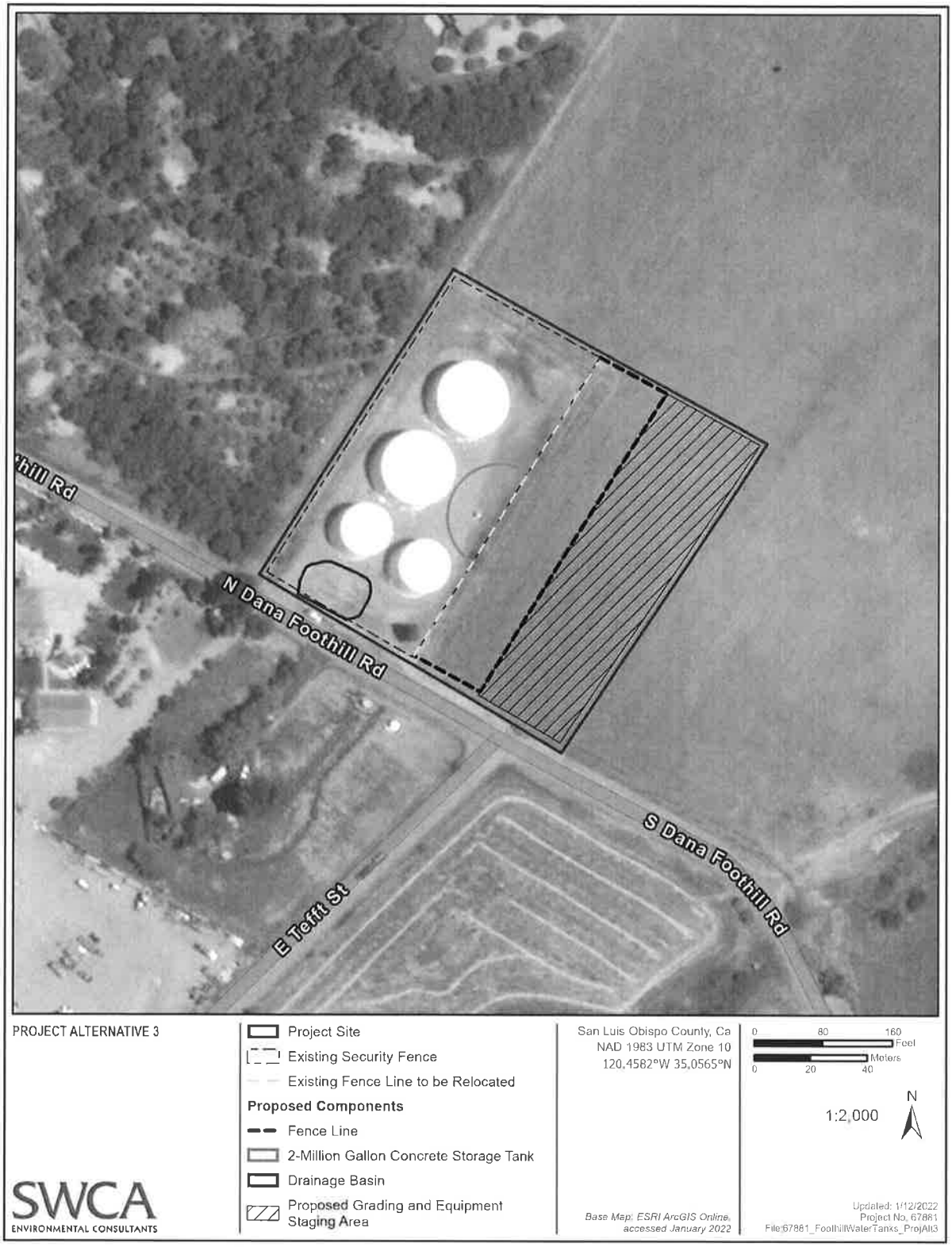


Figure 5. Project Alternative 3 Map.

1 ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☒ Aesthetics	☒ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture and Forestry Resources	☐ Hazards and Hazardous Materials	☐ Recreation
☒ Air Quality	☐ Hydrology and Water Quality	☐ Transportation
☒ Biological Resources	☒ Land Use and Planning	☒ Tribal Cultural Resources
☒ Cultural Resources	☐ Mineral Resources	☒ Utilities and Service Systems
☒ Energy	☒ Noise	☐ Wildfire
☒ Geology and Soils	☐ Population and Housing	☒ Mandatory Findings of Significance

ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: 7/12/2022 **Signed:** Cassidy L. Williams

I. Aesthetics

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
(a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☒	☐	☐
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Setting

CEQA establishes that it is the policy of the state to take all action necessary to provide people of the state "with… enjoyment of aesthetic, natural, scenic and historic environmental qualities" (California Public Resources Code [PRC] Section 21001(b)).

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. Some scenic vistas are officially or informally designated by public agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. A proposed project's potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

The project would be carried out and overseen by the NCSD, which is a public utility services district that serves as the CEQA Lead Agency. Therefore, NCSD projects would not be subject to County of San Luis Obispo (County) regulations, such as the *County of San Luis Obispo Title 22 – Land Use Ordinance* (LUO) or *County of San Luis Obispo General Plan Conservation and Open Space Element* (COSE). While all NCSD facilities are exempt from the County LUO, scenic destinations identified in the LUO are described here to provide context for evaluation of project impacts to designated scenic resources. The County LUO defines a Sensitive Resource Area (SRA) combining designation that applies to areas having high scenic quality and/or special ecological or educational significance (County of San Luis Obispo 2021a). These designated areas are considered visual resources by the County, and the County LUO establishes specific standards for development projects located within these areas. Based on the County Land Use View mapping tool, the project site is not located within or adjacent to a visual SRA (County of San Luis Obispo 2021b).

The LUO also maps portions of the Salinas River Highway Corridor, San Luis Obispo Highway Corridor, and South County Highway Corridor that are subject to the County highway corridor design standards. These standards include, but are not limited to, setbacks from highway rights-of-way, guidelines for

development along ridgelines, limitations on graded slopes, protection of landmark features, and standards for building height and color (LUO 22.10.095; County of San Luis Obispo 2021a).

California's Scenic Highway Program was created by the state legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. Based on the California Department of Transportation (Caltrans) California Scenic Highways map, the portion of U.S. Route 101 (US 101) in the vicinity of the project site is designated as eligible for listing as a State Scenic Highway (Caltrans 2018).

The *County of San Luis Obispo Design Guidelines* provide design objectives, guidelines, and examples of ways to enhance the unique character of the unincorporated communities and rural areas of San Luis Obispo County. These Design Guidelines are intended to be an information resource, not regulations. Objective RU-6 of the Design Guidelines states that water tanks, satellite dishes over 2 feet in diameter, solar water heaters, and other similar infrastructure that support rural residences should be located or painted to reduce their visibility (County of San Luis Obispo 1998).

The project site is generally surrounded by scattered rural residential development, orchards, and undeveloped land to the north; undeveloped land to the east; and rural residential development and agricultural uses to the south and west. The project site is located on an approximately 470-acre parcel located at the base of Temettate Ridge (APN 090-031-003), which is a ridgeline formation with a peak elevation of approximately 1,703 feet (Topozone.com 2021). The project parcel is low in elevation (approximately 540 feet above sea level) where the project site is proposed and steadily increases in elevation in the northeast direction, with the highest elevations of the parcel supporting some ridgelines. The project site currently supports four existing aboveground water storage tanks, paved vehicle access areas, chain-link fencing, and undeveloped land historically used for agricultural uses (Figures 6 and 7).

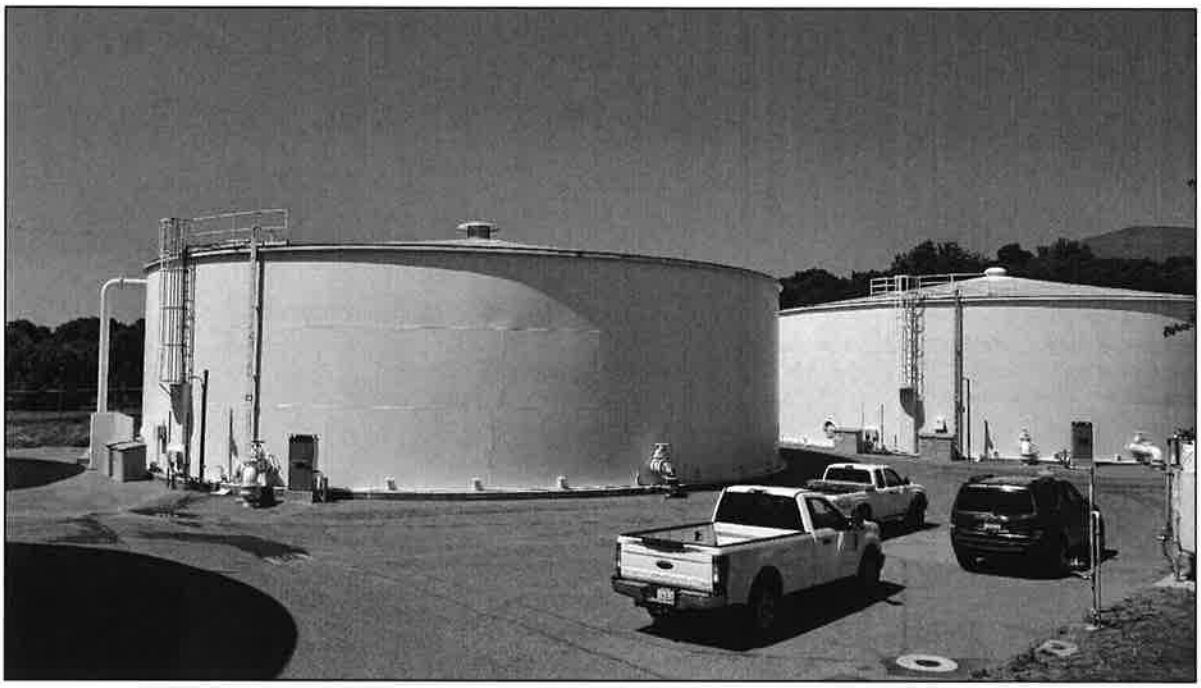


Figure 6. Photograph of existing Foothill Water Tank Site, facing north (August 26, 2021).

Figure 7. Photograph of proposed site acquisition area, facing northeast (July 21, 2021).

Environmental Evaluation

a) Would the project have a substantial adverse effect on a scenic vista?

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. While the project site is not located within or adjacent to a designated visual SRA or other scenic resource designation, views of the Temettate Ridge (herein referred to as the foothills) located northeast of the project site constitute a high-quality natural landscape. Under existing conditions, views of the foothills are intermittently visible to viewers traveling along North Dana Foothill Road, which runs roughly parallel to the foothills, through gaps of varying lengths between orchards, trees and other natural vegetation, and the existing Foothill water tanks. East Tefft Street is located roughly perpendicular to the ridge and views of the foothills from the easternmost portion of East Tefft Street are almost entirely unimpeded for a 0.7-mile stretch.

The project would result in the future construction of additional water storage facilities and associated features within and adjacent to the existing NCSD Foothill Water Tank Site. Visual simulations were prepared for each of the proposed project alternatives, as viewed from three key viewpoints: one from North Dana Foothill Road west of the project site, one from South Dana Foothill Road east of the project site, and one from East Tefft Street approaching the intersection of East Tefft Street and North Dana Foothill Road.

Alternative 1 would include the construction of two new 1-million-gallon steel storage tanks east of the existing water storage tanks (see Figure 3). These tanks would be constructed at the same elevation as the existing tanks and would be 24 feet tall and have an 86-foot diameter, which would be consistent with the dimensions of the two existing 1-million-gallon water storage tanks on-site. Alternative 1 would include

site grading to form a level terrain for construction of the water tanks and create a gradual slope on the southeastern side of the project site. Upon completion of construction and grading activities, the chain-link fence around the existing Foothill Water Tank Site would be extended approximately 105 feet farther southeast to enclose the new project components. The graded slope and fencing would not block views of the foothills (Figure 8). However, the proposed water tank closest to North Dana Foothill Road would partially block views of the foothills for a short duration (5 seconds or less) for viewers traveling west on North Dana Foothill Road (Figure 9).

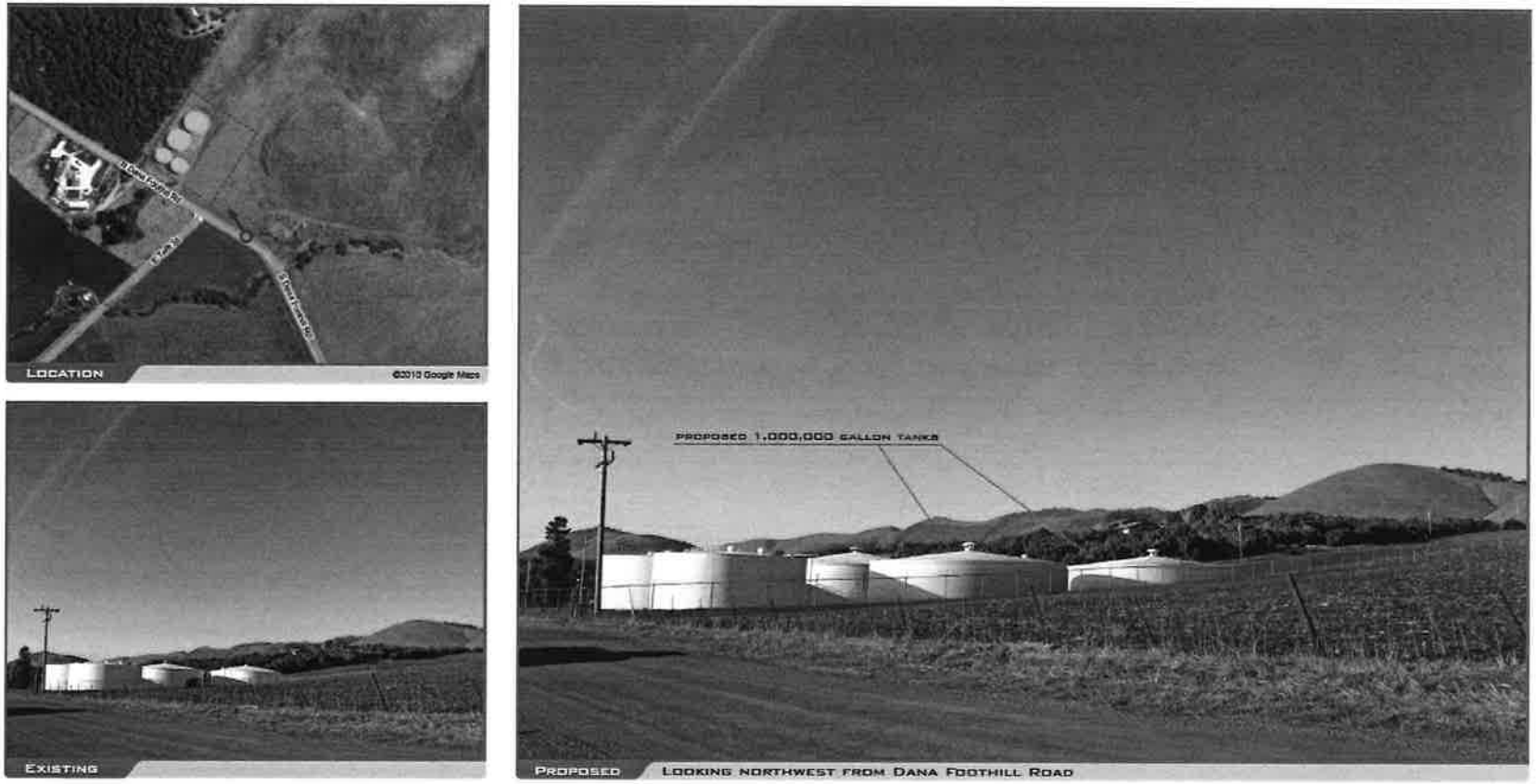
Alternative 2 would include the construction of two new 1-million-gallon steel storage tanks and a retaining wall east of the existing water storage tanks. Upon completion of construction of the water tanks, construction of the retaining wall, and grading, the existing chain-link fence would be extended approximately 57 feet farther southeast to enclose the new project components. The proposed retaining wall would be a maximum height of 21 feet and would not block views of the foothills (Figures 10 and 11). The proposed water tanks would have the same dimensions and location as the water tanks proposed in Alternative 1; therefore, visual impacts of the water tanks would be consistent between Alternative 1 and Alternative 2.

Alternative 3 would include the construction of one 2-million-gallon concrete storage tank and grading to form a level terrain for the construction tank and partially bury the water tank once construction is completed. The 2-million-gallon tank would be constructed at-grade with the existing water tanks and would be 24 feet in height and have a 122-foot diameter. Upon completion of tank construction and partial burial, the chain-link fence around the existing Foothill Water Tank Site would be extended approximately 89 feet farther southeast to enclose the new project components. The 2-million-gallon water tank would be the same height as the existing 1-million-gallon tanks located on-site but would have a noticeably wider diameter, which would result in a slightly longer period of time the tank would partially block views of the foothills for viewers traveling west on North Dana Foothill Road (Figures 12 and 13).

Based on the visual simulations prepared, all three project alternatives would have very similar levels of visual impacts. The proposed future construction of water tanks would be the same height and elevation as existing water storage tanks on-site. Other built components, such as the proposed drainage basin, chain-link fencing, retention wall, and graded slopes, would not create visual barriers. Existing views of the foothills along Dana Foothill Road are intermittent and the construction of any of the project alternatives would not substantially change the duration or quality of existing views of the surrounding landscape. Therefore, the project would not result in a substantial adverse effect on a scenic visa and potential impacts would be *less than significant*.

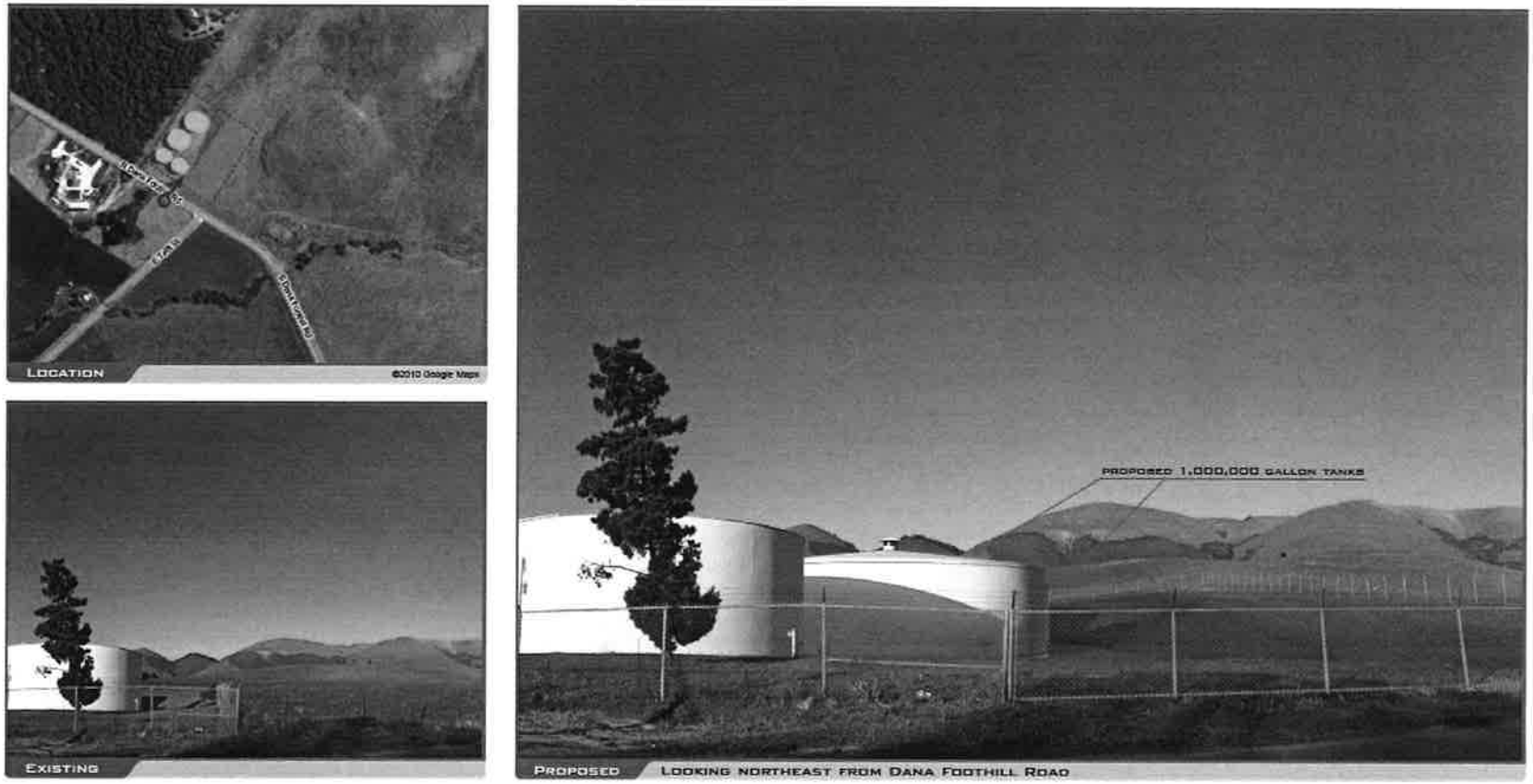
b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The project site is located approximately 1.9 miles northeast of US 101, which is designed as eligible for listing as a state scenic highway (Caltrans 2018). Based on the County Land Use View online mapping tool, a northeastern portion of the 470-acre parcel the project would be located on would be subject to County highway corridor design standards, approximately at elevations of 800 feet and greater (County of San Luis Obispo 2021b). The project site would be located approximately 0.5 mile southwest from the areas subject to these standards and at an elevation of approximately 560 feet. Due to elevation, distance, and intervening topography and vegetation, no components of any of the project alternatives would be visible from US 101. Therefore, the project would not substantially damage scenic resources within a state scenic highway and *no impacts* would occur.



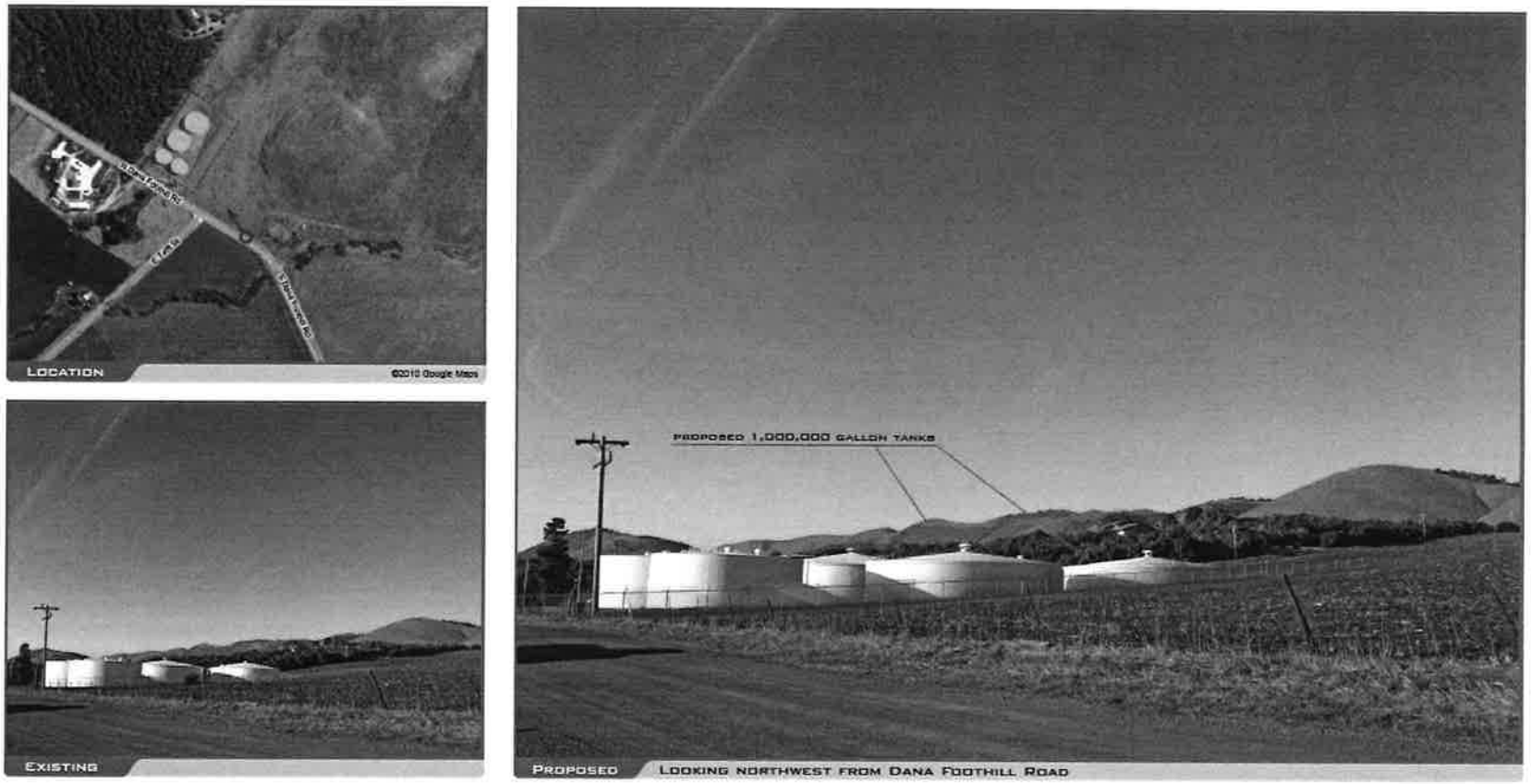
Source: Artistic Engineering 2021.

Figure 8. Visual simulation of Alternative 1 as viewed from westbound North Dana Foothill Road.



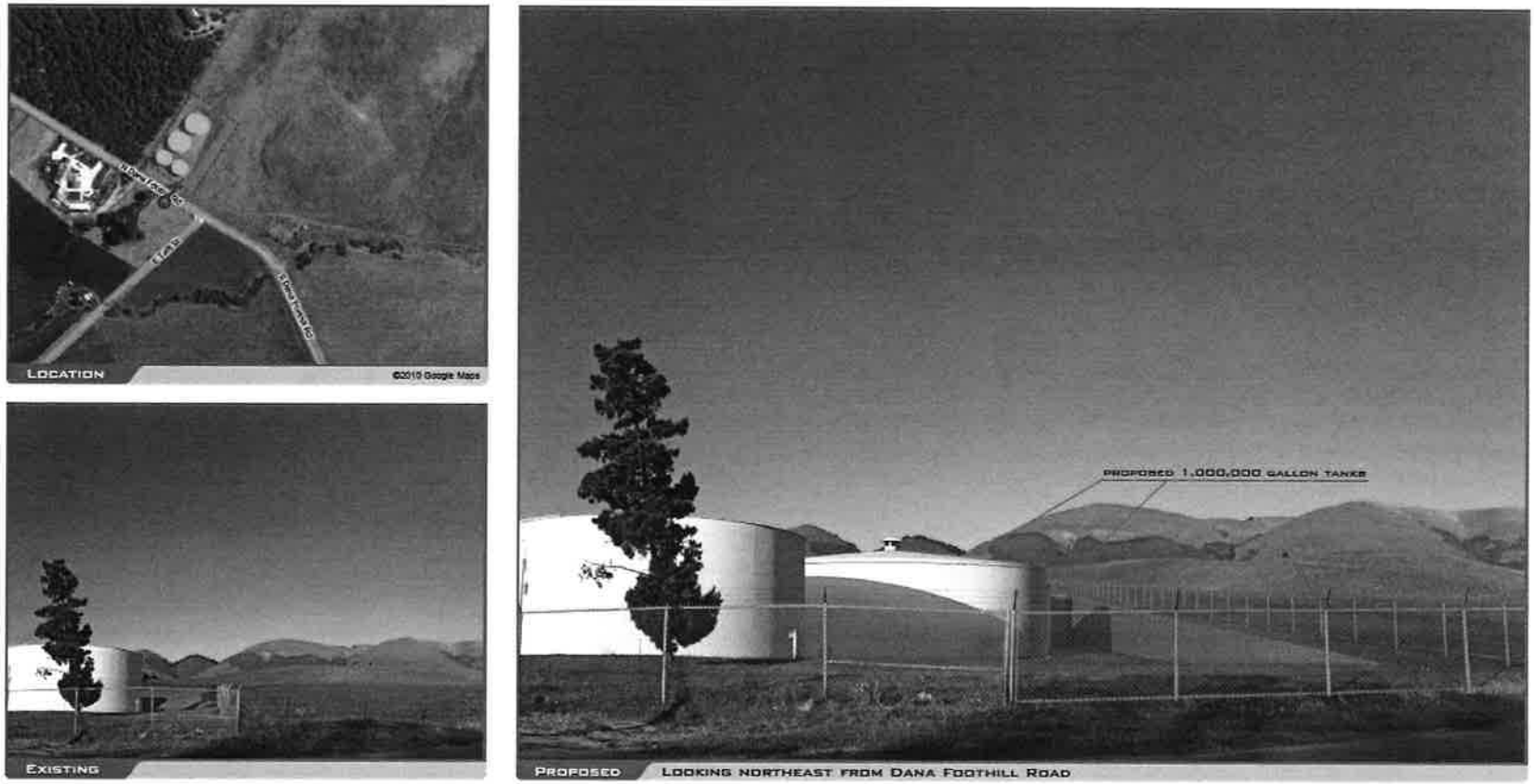
Source: Artistic Engineering 2021.

Figure 9. Visual simulation of Alternative 1 as viewed from eastbound North Dana Foothill Road.



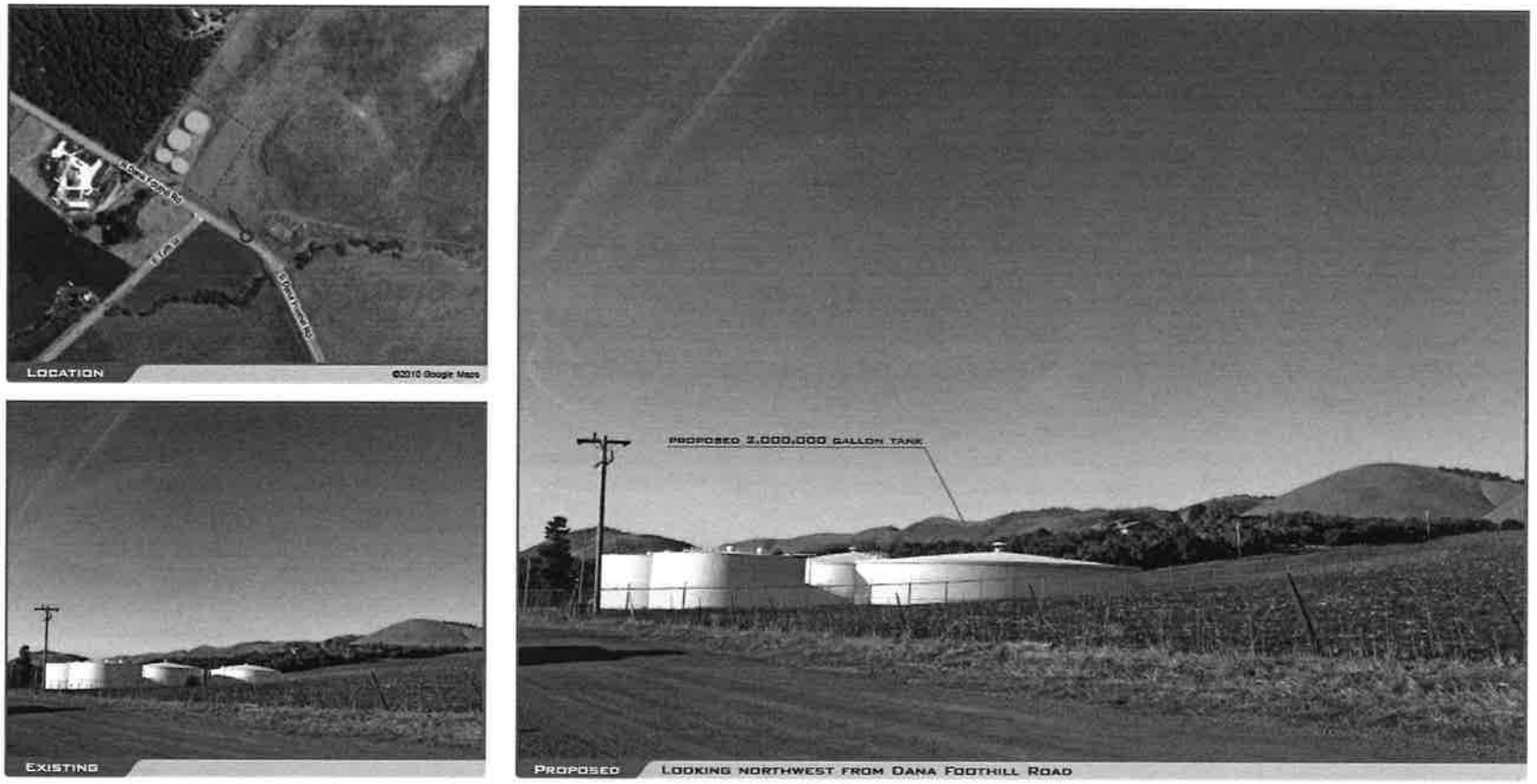
Source: Artistic Engineering 2021.

Figure 10. Visual simulation of Alternative 2 as viewed from westbound North Dana Foothill Road.



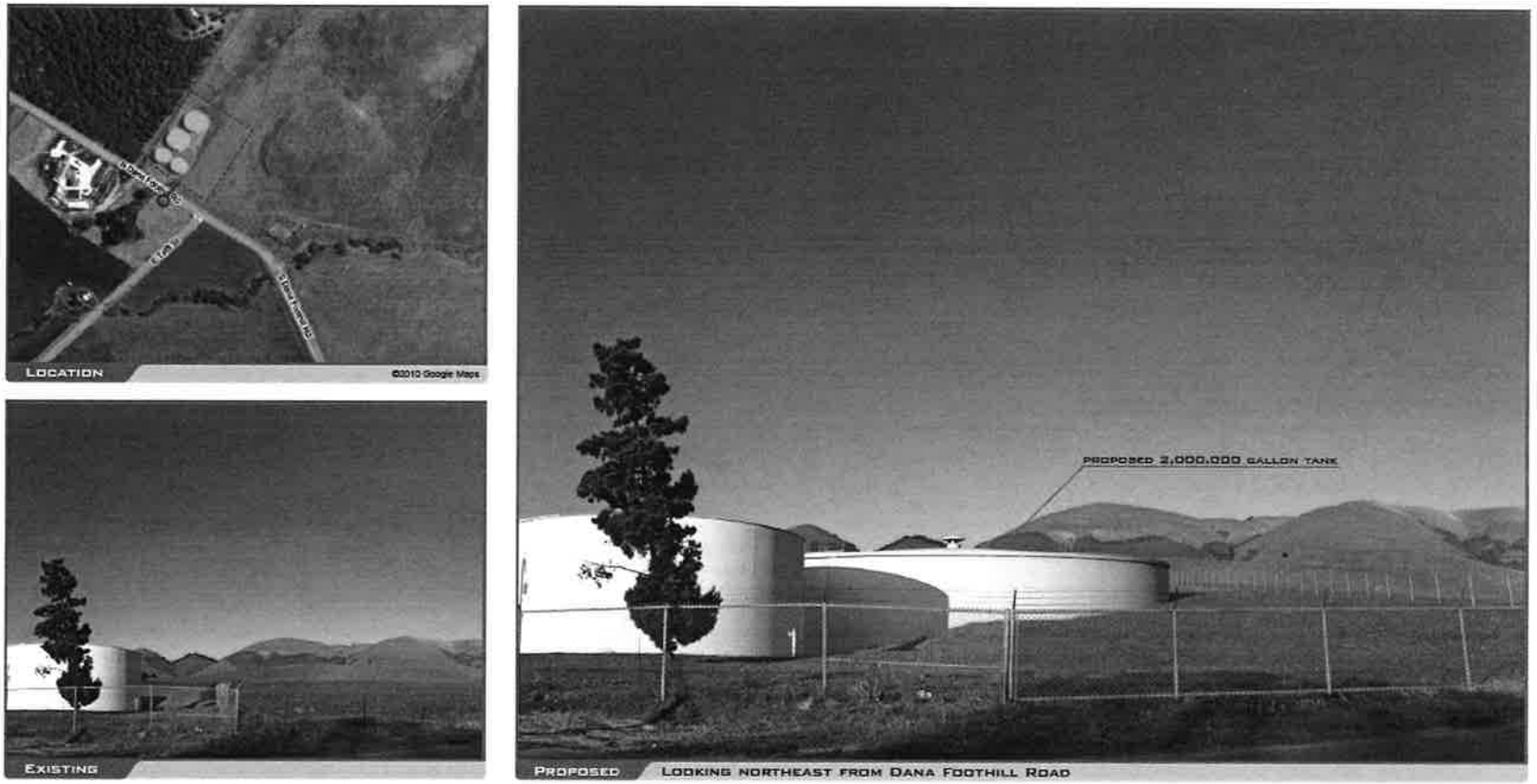
Source: Artistic Engineering 2021.

Figure 11. Visual simulation of Alternative 2 as viewed from eastbound North Dana Foothill Road.



Source: Artistic Engineering 2021.

Figure 12. Visual simulation of Alternative 3 as viewed from westbound North Dana Foothill Road.



Source: Artistic Engineering 2021.

Figure 13. Visual simulation of Alternative 3 as viewed from eastbound North Dana Foothill Road.

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project is located in a non-urbanized area characterized by scattered rural residential development, agricultural uses, and the foothills located northeast of Dana Foothill Road. During the approximate 9- to 12-month construction period, views of the project site and immediately surrounding areas would be affected by staging of construction equipment and materials. Based on the site's size, proximity to existing development and natural vegetation areas that screen views of the surrounding foothills, and temporary nature of construction activities, impacts to the existing visual character or quality of public views during construction would be less than significant.

All three project alternatives would result in the construction of large, light-colored water storage tanks easily visible to viewers traveling along Dana Foothill Road and East Tefft Street. Graded areas that are not included in the area of permanent impacts would be reseeded. Alternatives 1 and 2 would each result in construction of two pale blue 1-million-gallon water storage tanks, and Alternative 3 would result in construction of one white 2-million-gallon water tank. These components would create a notable contrast between the proposed tanks and the surrounding natural-colored landscape and proximate neutral-toned residential development. Mitigation Measure AES-1 has been identified to require all proposed water tank facilities to be painted with a neutral earth-tone color, regardless of which alternative is built. Implementation of this measure would ensure the future proposed water tanks would be more visually consistent with the surrounding visual character of the project vicinity; therefore, potential impacts would be *less than significant with mitigation.*

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Regardless of which project alternative is built, the project would result in the addition of on-site security lighting. This lighting would be similar in height and design as the existing on-site security lighting, which consists of light poles with shielded, downward-facing light fixtures approximately 12 feet in height. These lights would be located periodically throughout the project site along the sides of the proposed water tanks. Based on the limited number of security lights proposed and downward-shielded design of the fixtures, proposed exterior security lighting would not create a new source of substantial light in the area.

The proposed materials and painted exterior of the water tank(s), security lighting, and security fencing are not anticipated to result in a substantial amount of glare. Therefore, potential impacts would be *less than significant.*

Conclusion

Mitigation has been identified below to ensure the project's visual consistency with the character of the surrounding landscape. Therefore, potential impacts associated with aesthetics would be less than significant with mitigation.

Mitigation Measures

AES-1 Prior to operation of proposed water storage tank facilities, the Nipomo Community Services District shall paint all existing water tanks and the newly constructed water tank(s) a neutral earth-toned color to blend with its surroundings.

II. Agriculture and Forestry Resources

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are within the Other Land and Farmland of Local Importance FMMP designations.

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based on farming and open space uses as opposed to full market value. The project site is located on a parcel under a Williamson Act contract.

According to PRC Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest

land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any forest land or timberland.

Environmental Evaluation

a) *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Based on the FMMP, soils at the project site are within the Other Land and Farmland of Local Importance FMMP designation(s). The project would not result in the conversion of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland; therefore, *no impacts* would occur.

b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The project site is located on a parcel under a Williamson Act contract. Based on the *Rules of Procedure to Implement the California Land Conservation Act of 1965*, public safety facilities are listed as compatible uses for lands subject to land conservation contracts (County of San Luis Obispo 2019). The project would construct additional drinking water storage facilities to support the community of Nipomo, and therefore meets the criteria of a public safety facility.

The project would construct new water storage facilities adjacent to existing water storage tank facilities on a parcel within the Agriculture designation. Development of the project would not conflict with the Agricultural designation on the project parcel or surrounding parcels within the Agriculture land use designation; therefore, impacts would be *less than significant.*

c) *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

The project site does not include land use designations or zoning for forest land or timberland; therefore, *no impacts* would occur.

d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

The project site does not support forest land or timberland and would not result in the loss or conversion of these lands to non-forest use; therefore, *no impacts* would occur.

e) *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The project includes construction of new potable water storage facilities to meet current and future needs given the four major storage requirement components in accordance with CCR and NCSD Master Plan requirements. The NCSD has secured sufficient water supply to service the proposed water storage tanks and the project would preserve or increase local groundwater resources. Therefore, operation of the new water storage tanks would have little to no effect on surrounding agricultural practices and the project

would not result in any other changes that may result in conversion of Farmland or forest land to non-agricultural or non-forest use. Potential impacts would be *less than significant.*

Conclusion

The project would not directly or indirectly result in the conversion of farmland, forest land, or timberland to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. Potential impacts to agricultural resources would be less than significant and mitigation measures are not necessary.

Mitigation Measures

Mitigation is not necessary.

III. Air Quality

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
(c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Setting

San Luis Obispo County Clean Air Plan

The San Luis Obispo County Air Pollution Control District (SLOAPCD) *San Luis Obispo County 2001 Clean Air Plan* (2001 CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM_{10}) (SLOAPCD 2001). The 2001 CAP presents a detailed description of the sources and pollutants that impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the 2001 CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the 2001 CAP.

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, daycare centers, nursing homes, hospitals, and residences. The nearest sensitive receptor locations include three off-site residential dwellings located between 270 and 300 feet from the project site—one to the south, one to the southwest, and one to the north.

Emissions Sources and Local Air District Emissions Thresholds

The SLOAPCD has developed and updated their *CEQA Air Quality Handbook* (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result (SLOAPCD 2012, 2017). This handbook includes established thresholds for both short-term construction emissions and long-term operational emissions.

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO_x), reactive organic gases (ROG), greenhouse gases (GHGs), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts associated with land use development consist primarily of indirect emissions (i.e., motor vehicles). Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions).

Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. Based on the SLOAPCD NOA Screening map, the project site is not located in an area identified as having known potential for NOA.

Environmental Evaluation

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

In order to be considered consistent with the 2001 CAP, a project must be consistent with the population growth assumptions identified in the 2050 Regional Growth Forecast population data, the rate of increase in vehicle trips and vehicle miles traveled (VMT) must be less than or equal to the rate of population growth, and the project must be consistent with the land use planning and transportation control measures and strategies that are outlined in the 2001 CAP (SLOAPCD 2012).

The project would establish 2 million gallons of additional water storage facilities in order to comply with the state minimum requirements for emergency water storage for both the existing and future customers

of the NCSD service area associated with projected population growth and planned development. The project site currently supports water storage facilities owned and operated by the NCSD. The project would result in a negligible increase in vehicle trips to and from the project site during construction and for periodic maintenance checks and testing of water supplies. Lastly, the project site would not result in the addition of residential or commercial land uses, or otherwise generate a notable number of new residents or employment opportunities; therefore, the land use planning and transportation control measures detailed in the 2001 CAP would not be applicable to the project. The project would not conflict with or obstruct implementation of the 2001 CAP and potential impacts would be *less than significant.*

b) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

The county is currently designated as non-attainment for ozone and PM_{10} under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors, including ROG, NO_x, and fugitive dust emissions (PM_{10}).

CONSTRUCTION EMISSIONS

The project would result in approximately 1.93 acres of ground disturbance. Alternative 1 would require approximately 13,000 cubic yards of cut, 130 cubic yards of fill, and 12,870 cubic yards of exported material. Alternative 2 would require approximately 9,100 cubic yards of cut, 120 cubic yards of fill, and 8,980 cubic yards of exported material. Alternative 3 would require approximately 5,820 cubic yards of cut, 100 cubic yards of fill, 3,360 cubic yards of exported material, and 2,360 cubic yards of material to be used as shoring backfill. Proposed earthwork associated with each of the project alternatives would result in the creation of construction dust as well as short-term construction equipment and vehicle emissions. While specific equipment to be used during construction and grading activities is not known at this time, air pollutant emissions can be estimated using SLOAPCD's screening emission rates for construction operations, as detailed in SLOAPCD's *CEQA Air Quality Handbook* (2012) and Clarification Memorandum (2017), and as shown in Table 2.

Table 2. Proposed Project Estimated Construction Emissions

Pollutant	APCD Quarterly Tier 1 Emissions Threshold	Alternative 1		Alternative 2		Alternative 3	
		Estimated Quarterly Emissions	Exceeds Threshold?	Estimated Quarterly Emissions	Exceeds Threshold?	Estimated Quarterly Emissions	Exceeds Threshold?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) combined	2.5 tons	0.25 tons (493 lbs)	**No**	0.17 tons (345 lbs)	**No**	0.11 tons (220 lbs)	**No**
Diesel Particulate Matter (DPM)	0.13 tons	0.01 tons (21 lbs)	**No**	0.01 tons (15 lbs)	**No**	0.00 tons (9.5 lbs)	**No**

Note: lbs = pounds

[1]Based on an estimated 9-month construction period and SLOAPCD screening emission rates for construction operations (SLOAPCD 2012).

As shown in Table 2, none of the project alternatives would be expected to exceed the quarterly emissions thresholds for combined ROG and NO_x or DPM during grading and construction activities. According to the SLOAPCD, any project with a grading area greater than 4 acres of worked area can exceed the 2.5-ton PM_{10} quarterly threshold (SLOAPCD 2012). The project would result in a maximum grading area of 1.98 acres. Therefore, the project would not exceed the 2.5-ton PM_{10} quarterly threshold.

Air pollutant emissions would also occur as a result of vehicle exhaust emissions associated with the export of materials off-site. The estimated number of haul trips associated with each of the project alternatives is provided in Table 3.

Table 3. Estimated Haul Trips associated with the Project Alternatives

	Alternative 1	Alternative 2	Alternative 3
Estimated Volume of Material to be Exported	12,870 cubic yards	8,980 cubic yards	3,360 cubic yards
Estimated Total Number of Haul Truck Trips[1]	1,073	749	280

[1]Based on the assumption that each dump truck has a capacity of 12 cubic yards of material (Earthhaulers.com 2018).

Emissions associated with haul trips would be temporary and would be limited to the 9- to 12-month construction period. While the destination of the haul trips is currently unknown, excess fill material would be hauled to the nearest accepting facility and/or would be used as fill material for other NCSD infrastructure projects in the area. Haul trips are assumed to be carried out over paved roadways; therefore, fugitive dust emissions resulting from haul trips would be minimal. However, based on the estimated number of haul trips needed, emissions generated by construction equipment, including haul trucks, would have the potential to exceed SLOAPCD daily emissions thresholds for NO_x, ROG, and/or DPM. Mitigation Measure AQ-1 has been identified to reduce project emissions from construction equipment. With implementation of Mitigation Measure AQ-1, potential impacts associated with construction would be *less than significant with mitigation.*

OPERATIONAL EMISSIONS

After completion of construction, all three project alternatives would result in the establishment of 2 million gallons of additional water storage on-site. During operation, this additional supply of water storage would be conveyed through gravity-fed pipelines to provide potable water to community members within the NCSD service area during emergencies. The project would, therefore, not result in any stationary sources of air pollutant emissions and mobile-source air pollutant emissions would be limited to emissions from maintenance vehicle trips to and from the project site. Operation of the water storage tank(s) would require regular maintenance checks and water quality tests to be performed by NCSD staff, similar to existing maintenance trips conducted for the existing water storage tanks. Due to the location of the water tanks on an existing NCSD water storage tank site, future operational vehicle trips generated by the project are anticipated to result in a negligible increase above existing vehicle trips to and from the project site. Therefore, air quality pollutant emissions associated with operation of the project (including all three project alternatives) would be less than significant.

Based on the analysis provided above, potential impacts associated with the cumulatively considerable increase of criteria pollutants for which the region is designated as nonattainment would be *less than significant with mitigation.*

c) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

The nearest sensitive receptor locations include three off-site residential dwellings located between 270 and 300 feet from the project site—one to the south, one to the southwest, and one to the north. As discussed under impact discussion III.b, on-site construction equipment emissions would not exceed SLOAPCD quarterly emissions thresholds. However, the project would include earthwork and construction activities within 1,000 of three sensitive receptor locations during the 9- to 12-month construction period. Localized concentrations of air pollutant emissions may result in temporary exceedances of SLOAPCD daily emissions thresholds and adversely affect nearby sensitive receptors.

Mitigation Measures AQ-1 and AQ-2 have been identified to require all applicable SLOAPCD construction emission control measures to be implemented and included on project design plans. All three project alternatives are considered to have potential to exceed the daily emissions threshold for DPM during construction activities. Mitigation Measure AQ-3 has been identified to require DPM control measures to be implemented on-site and to be included on project design plans. Potential impacts would be *less than significant with mitigation.*

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The project site is not located in an area identified as containing NOA by the SLOAPCD. Construction of the proposed water storage tank facilities and grading of the project site could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during construction would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. No long-term operational odors would be generated by the project. Therefore, the project would not result in other emissions adversely affecting a substantial number of people and impacts would be *less than significant.*

Conclusion

Mitigation has been identified to reduce potentially significant impacts associated with air pollutant emissions during construction and effects on nearby sensitive receptors. With implementation of mitigation identified below, impacts associated with air quality would be less than significant.

Mitigation Measures

AQ-1 **During all construction and ground-disturbing activities,** the following San Luis Obispo County Air Pollution Control District-recommended *Standard Mitigation Measures* shall be implemented to reduce construction-generated nitrogen oxides, reactive organic gases, and diesel particulate matter.

1. Maintain all construction equipment in proper tune according to manufacturer's specifications;
2. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3. Diesel-fueled construction equipment shall meet, at a minimum, California Air Resources Board's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation. Off-road equipment meeting California Air Resources Board's Tier 3 and Tier 4 emission standards shall be used to the extent locally available;
4. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
5. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or nitrogen oxide-exempt area fleets) may be eligible by proving alternative compliance;
6. Diesel idling while equipment is not in use is not permitted;

7. To the extent feasible, staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
8. Electrify equipment when feasible;
9. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
10. Use alternative-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

AQ-2 **During all construction activities and use of diesel vehicles**, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors, if feasible;
    b. Diesel idling while equipment is not in use shall not be permitted;
    c. Use of alternative-fueled equipment shall be used whenever feasible; and
    d. Signs that specify the no idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
    a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation.
    b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the idling limits. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf. These requirements shall be detailed on all project plan sets.

AQ-3 **During all site preparation and ground-disturbing activities,** the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where feasible.
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding San Luis Obispo County Air Pollution Control District's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever

wind speeds exceed 15 miles per hour and cessation of grading activities during periods of winds over 25 miles per hour. Reclaimed (non-potable) water is to be used in all construction and dust-control work if available.

3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive, grass seed and watered until vegetation is established.
6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District.
7. 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 or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials, are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
10. Install rumble plates at the site ingress and egress locations to minimize soil being carried onto adjacent paved roads.
11. Water sweepers shall be used with reclaimed water if available. Roads shall be pre-wetted prior to sweeping when feasible.
12. All particulate matter 10 micrometers or less in diameter (PM_{10}) mitigation measures required shall be shown on grading and building plans.
13. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. 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 Nipomo Community Services District and San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

IV. Biological Resources

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Setting

The federal Endangered Species Act (FESA) provides legislation to protect federally listed plant and animal species and requires that the responsible agency or individual consult with the U.S. Fish and Wildlife Service (USFWS) to determine the extent of impact to a particular species. If USFWS determines that impacts to a species would likely occur, alternatives and measures to avoid or reduce impacts must be identified. The USFWS also regulates activities conducted in federal critical habitat, which are geographic units designated as areas that support physical or biological features that are necessary for a listed species survival and recovery.

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade of bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by USFWS, and potential impacts to species protected under the MBTA are evaluated by USFWS in consultation with other federal agencies.

The California Endangered Species Act of 1970 (CESA) ensures legal protection for plants and wildlife formally listed as endangered or threatened by the State of California. The state law also identifies California Species of Special Concern (SSC) based on limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the

California Department of Fish and Wildlife (CDFW) is empowered to review projects for their potential to impact state-listed and SSC species, and their habitats.

California Fish and Game Code (FGC) Section 3503 – *Protections of Bird's Nests* includes provisions to protect the nests and eggs of birds. FGC Section 3503 states: "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." The project site consists of the existing NCSD Foothill Water Tank Site and an additional 1.93 acres directly east of the existing facility that would be acquired as a result of the proposed project. The following information about the site is based on field surveys conducted on July 21 and November 19, 2021, and a literature review performed by SWCA Environmental Consultants (SWCA).

The existing NCSD Foothill Water Tank Site is fenced and over half of the area is paved and developed with the existing water tanks (Figure 14). Elevation on the project site is approximately 520 feet and the soil type is Diablo clay, 5 to 9 percent slopes. The vegetation within the fenced site consists of ruderal non-native plant species, such as common horehound (*Marrubium vulgare*), wild radish (*Raphanus sativus*), redstem filaree (*Erodium cicutarium*), bristly oxtongue (*Helminthotheca echioides*), white sweetclover (*Melilotus albus*), Bermuda grass (*Cynodon dactylon*), and other non-native annual grasses that were too young to identify at the time of the field surveys. The berm located southeast of the existing Foothill Water Tank Site also contained native telegraph weed (*Heterotheca grandiflora*). There is a planted Monterey pine (*Pinus radiata*) in the southeastern corner of the fenced facility and a planted silverleaf cotoneaster (*Cotoneaster pannosus*) along the eastern fence line.

There is a small box culvert (approximately 3 feet wide) adjacent to the existing Foothill Water Tank Site driveway and a ditch that runs parallel to the driveway lined with common spikerush (*Eleocharis macrostachya*), an obligate wetland plant (see Figure 14). There was approximately 1 foot of water observed in the box culvert during the field surveys conducted on July 21 and November 19, 2021. Based on correspondence with NCSD staff, the water in the box culvert and in the ditch is a result of discharge from the chlorine analyzer boxes associated with each water tank. The chlorine analyzers test the water every day and discharge it into pipes that drain into the box culvert and ditch. The water flows south under North Dana Foothill Road onto a neighboring property where it is then pumped into water tanks and used for irrigation.

In general, the adjacent proposed acquisition site can be characterized as ruderal/disturbed Valley foothill grassland (see Figure 14). Based on an analysis of aerial imagery, the property has primarily been used as grazing land but was recently mowed prior to the July 21, 2021, site visit. The vegetation at the time of the November 19, 2021, site visit was dominated by shortpod mustard (*Hirschfeldia incana*), bristly oxtongue, and milk thistle (*Silybum marianum*). The annual grasses were just starting to germinate and were too young to identify; however, ripgut brome (*Bromus diandrus*) was a dominant species in the residual dry matter. In the past, the site was likely dominated by non-native annual grasses (*Avena* spp. and *Bromus* spp.), but after recent disturbance appears to be dominated by upland mustards and other ruderal forbs.

SWCA performed a literature review to assess which species have known occurrences in the project vicinity. The review was initiated with a query of the CDFW California Natural Diversity Database (CNDDB) and the USFWS Information Planning and Consultation (IPaC) tool to identify special-status plant and animal species that have reported occurrences and/or are considered to have potential to occur within the Nipomo, California U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle map and the surrounding eight quadrangle maps: Oceano, Huasna Peak, Caldwell Mesa, Tar Springs Ridge, Arroyo Grande NE, Guadalupe, Santa Maria, and Twitchell Dam.

Figure 14. Vegetation Map.

In addition to the CNDDB query, the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants of California (2021) was reviewed to provide additional information on rare plants that are known to occur in the area (see Appendix C for all species lists). SWCA has extensive experience with natural resources in the Nipomo area; the literature review for this Initial Study also included environmental documents and reports previously prepared by SWCA for other projects in the vicinity.

A focused survey for endangered Pismo clarkia (*Clarkia speciosa* ssp. *immaculata*) was conducted by SWCA Biologist John Moule on July 21, 2021. The focused survey was scheduled to correlate with the plant's blooming period. A general habitat assessment was conducted by SWCA Senior Biologist Rebecca Doubledee on November 19, 2021. During the surveys, SWCA inventoried the botanical resources observed on-site using dichotomous keys as necessary (Baldwin et al. 2012). Wildlife species were documented based on visual observation, auditory cues (i.e., calls and songs), and indirect signs (e.g., tracks, scat, skeletal remains, burrows, etc.). All plant and wildlife species that were observed on-site are listed in Appendix C.

For the purposes of this section, special-status plant species are defined as the following:

- Plants listed or proposed for listing as threatened or endangered under the FESA (Code of Federal Regulations [CFR] Title 50, Section 17.12 for listed plants and various notices in the *Federal Register* for proposed species).
- Plants that are candidates for possible future listing as threatened or endangered under the FESA.
- Plants that meet the definitions of rare or endangered species under CEQA (State CEQA Guidelines Section 15380).
- Plants considered by CNPS to be "rare, threatened, or endangered" in California (CNPS Ranks 1, 2, and 3).
- Plants listed by CNPS as plants about which we need more information and plants of limited distribution (CNPS Rank 4).
- Plants listed or proposed for listing by the State of California as threatened or endangered under the CESA (14 CCR Section 670.5).
- Plants listed as rare under the California Native Plant Protection Act (NPPA; FGC Section 1900 et seq.).
- Plants considered sensitive by other federal agencies (i.e., U.S. Forest Service, Bureau of Land Management), state and local agencies, or jurisdictions.

For the purposes of this section, special-status animal species are defined as the following:

- Animals listed or proposed for listing as threatened or endangered under the FESA (50 CFR 17.11 for listed animals and various notices in the *Federal Register* for proposed species).
- Animals that are candidates for possible future listing as threatened or endangered under the FESA.
- Animals that meet the definitions of rare or endangered species under CEQA (State CEQA Guidelines Section 15380).
- Animals listed or proposed for listing by the State of California as threatened and endangered under the CESA (14 CCR Section 670.5).
- Animal Species of Special Concern (SSC) to CDFW.
- Animal species that are fully protected in California (FGC Sections 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

Environmental Evaluation

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

SPECIAL-STATUS PLANT SPECIES

Based on the literature review for this project, a total of 47 special-status plant species have been documented in the nine queried USGS quadrangles in the vicinity of the project site. The project site occurs on Diablo clay soils and does not contain sandy soils, patches of serpentine soils, rocky outcrops, or seasonal wetlands, which are key micro-habitat components for most of the special-status plant species that were identified in the literature review. Due to the highly disturbed nature of the site and dominance of ruderal non-native species, SWCA determined that the project area does not support suitable conditions for any of the special-status plant species and that they are unlikely to occur.

In addition to the desktop analysis, one seasonally timed focused floristic survey was conducted on July 21, 2021, for Pismo clarkia, a species listed as endangered under the FESA and designated as State Rare under the NPPA. Pismo clarkia has a documented occurrence from 2006 located approximately 4.2 miles west of the project site (CNDDB occurrence ID 90855) adjacent to Willow Road near the Blacklake Golf Course. While the project site was not expected to support suitable habitat for Pismo clarkia due to its highly disturbed nature, based on the nearby occurrence, it was determined that a seasonally timed floristic survey was necessary to determine presence/absence. Pismo clarkia was not observed within the project site during the July 21, 2021, focused botanical survey. Therefore, the project would not result in a substantial adverse effect to special-status plant species and impacts would be *less than significant.*

SPECIAL-STATUS WILDLIFE SPECIES

Based on a CNDDB query and a review of existing literature, a total of 24 special-status wildlife species have been documented as occurring in the queried USGS quadrangles. Because this list of species is considered regional, an analysis of the range and habitat preferences of those animal species was conducted to identify which sensitive wildlife species have the potential to occur within the survey area. SWCA determined that California tiger salamander (CTS; *Ambystoma californiense*), California red-legged frog (CRLF; *Rana draytonii*), American badger (*Taxidea taxus*), and migratory birds and raptors have potential to occur in the project area based on observed habitat conditions. Potential impacts to these species are discussed in more detail below.

California Tiger Salamander

There is a Distinct Population Segment (DPS) of CTS in Santa Barbara County that is listed as Endangered under the FESA and Threatened under the CESA (USFWS 2021; CDFW 2021a). The nearest record for this population is in east Santa Maria, approximately 12 miles south of the project site, and is separated by two major barriers: State Route (SR-) 166 and the Santa Maria River (CDFW 2021a). The closest designated critical habitat unit for this population is also located approximately 12 miles south of the project site. There is suitable upland habitat in the form of burrows along the existing southeastern fence line. Based on an analysis of aerial imagery, the closest potential breeding ponds are approximately 0.4 mile and 0.58 mile northwest of the project site. However, the project site is located outside of the known range of the Santa Barbara County DPS, and the closest occurrence for the central valley population is 37 miles north. Therefore, CTS are not expected to occur, and no impacts would occur.

California Red-Legged Frog

The CRLF is federally Threatened and considered an SSC by CDFW (USFWS 2002). The box culvert and drainage ditch along the western boundary of the project site could provide marginally suitable non-breeding aquatic habitat for CRLF if they are migrating through the area; however, the chance of CRLF being present in the ditch is very low. The closest known CNDDB occurrence for CRLF is from Los Berros Creek approximately 3.6 miles west of the project site (CDFW 2021a). There is also potentially suitable breeding habitat (i.e., a farm pond) 1.4 miles east of the project site across undeveloped grassland. The appeal of the ditch is that it contains water year-round, which is a valuable resource in the drier months for all wildlife species.

The project would not result in impacts to the drainage ditch; however, if frogs are migrating through the project area, they could inadvertently be crushed by vehicles or construction equipment. Mitigation Measures BIO-1 and BIO-2, identified below, would require a biological monitor to be present during initial ground-disturbing activities and installation of a wildlife exclusion fence. These measures are designed to prevent any potential impacts to potentially migrating CRLF during project implementation. With implementation of Mitigation Measures BIO-1 and BIO-2, potential impacts to CRLF would be less than significant.

American Badger

American badger is identified by CDFW as an SSC (CDFW 2021a). Badgers typically occupy a diverse range of habitat types, including grasslands, savannas, and mountain meadows, with the principal requirements being sufficient food, friable soils, and relatively open, uncultivated ground (Feldhamer et al. 2003). The only reported occurrence of badger in the project vicinity is a CNDDB report of a dead badger along SR-166 near Twitchell Reservoir (CDFW 2021a). Although no large burrows with signs indicative of badgers were observed during surveys, the project site supports marginally suitable habitat and soil conditions for the species and is located along the edge of a large expanse of undeveloped open grassland.

Mitigation Measures BIO-1 and BIO-2 require a biological monitor to be present during initial ground-disturbing activities and the installation of a wildlife exclusion fence. These measures are designed to prevent potential impacts to American badgers during project implementation. With implementation of Mitigation Measures BIO-1 and BIO-2, potential impacts to American badger would be less than significant.

Migratory Birds and Raptors

Suitable habitat for migratory nesting birds is present within the project area, especially in the planted Monterey pine and the silverleaf cotoneaster. The Monterey pine would not be removed as part of the project design, but the silverleaf cotoneaster would be removed. As the vegetation gets taller in the acquisition site, particularly the stands of mustard would provide suitable habitat for migratory nesting birds. The project site provides suitable foraging habitat for raptors of special concern, such as prairie falcon (*Falco mexicanus*) and sharp-shinned hawk (*Accipiter striatus*), but these species may only be present transiently and would not be adversely affected by project activities.

Common passerines may use the non-native ruderal vegetation on-site for nesting and/or foraging; raptors may use the area for foraging. The passerine nesting habitat would be impacted by project activities, including grading and vegetation removal. If project activities are conducted between February 15 and September 15, birds may be nesting in the affected area and the individuals could be directly impacted. Direct impacts could include loss of active nests during vegetation removal. Mitigation Measure BIO-3 calls for a nesting bird survey to be conducted by a qualified biologist no more than 2 weeks prior to the

start of construction to determine presence/absence of nesting birds. With implementation of Mitigation Measure BIO-3, potential impacts to migratory birds and raptors would be less than significant.

Based on the analysis provided above, potential impacts to special-status species would be *less than significant with mitigation.*

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

The project site does not contain riparian habitats and would not directly impact the on-site drainage ditch. Implementation of the project would not result in the removal or disturbance of any sensitive natural community; therefore, *no impacts* would occur.

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

There is a small box culvert (approximately 3 feet wide) and a drainage ditch that runs parallel to the driveway and is lined with common spikerush, an obligate wetland plant (Lichvar *et al.* 2012). There was approximately 1 foot of water in the box culvert during the field visits on July 21 and November 19, 2021. The water in the box culvert and in the ditch is from the chlorine analyzer boxes associated with each water tank. The chlorine analyzers test the water every day and discharge it into pipes that drain into the box culvert and ditch. The water flows south under North Dana Foothill Road onto a neighboring property where it is then pumped into water tanks and used to irrigate the adjacent property.

The drainage ditch and box culvert fall outside of the project impact area. The project would have no substantial adverse effects on federally or state-protected wetlands; therefore, *no impacts* would occur.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site does not support any significant surface water resources with potential to support aquatic species, migratory corridors, or nursery sites. The California Essential Habitat Connectivity Project was queried for Essential Habitat Connectivity, which is the best available data describing important areas for maintaining connectivity between large blocks of land for wildlife corridor purposes (CDFW 2021b). These important areas are referred to as Essential Connectivity Areas. Essential Connectivity Areas are only intended to be a broad-scale representation of areas that provide essential connectivity. The project site is not located within an Essential Connectivity Area.

The project site abuts a large expanse of undeveloped land that eventually connects to the Los Padres National Forest land, which is included as an Essential Connectivity Area. While the project site is situated at the interface between agricultural land and natural open space and the project would increase the size of the fenced enclosure on-site, it is adjacent to an existing much larger rural residential area and existing agricultural infrastructure. Furthermore, the project design is such that it would minimize encroachment into wildlife habitat by placing the new water tank adjacent to the existing tanks and would not require the construction of new access roads. The location of the site adjacent to existing rural residential area and agricultural infrastructure and the proximity of the new water tank adjacent to existing water tanks would significantly minimize any interference with wildlife movement in the area. The proposed project would not significantly restrict the movement of any native resident or migratory

fish or wildlife species, or established native resident or migratory wildlife corridors, or the use of native wildlife nursery sites; therefore, *no impacts* would occur.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The local ordinances pertinent to biological resources in the area are in County LUO Article 5 Standards for Development, Section 22.56 Tree Preservation and Section 22.58 Oak Woodland Ordinance, both of which restrict the removal of trees. While construction activities of any of the three design alternatives would require removal of a non-native silverleaf cotoneaster bush and annual grassland, the proposed project would not result in the removal of any trees or disturbance to oak woodlands. Therefore, there are no potential conflicts with local policies or ordinances protecting biological resources and *no impacts* would occur.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Based on the records and literature research conducted for the project, the project does not overlap with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other conservation plans. Therefore, the project would not conflict with any approved state, regional, or local habitat conservation plans, and *no impacts* would occur.

Conclusion

Mitigation Measures BIO-1, BIO-2, and BIO-3 have been included to minimize the potential impact to CRLF, American badger, and nesting migratory birds that may potentially migrate into the construction area from the adjacent undeveloped areas. With implementation of the measures identified below, potential impacts to biological resources would be *less than significant with mitigation.*

Mitigation Measures

BIO-1 Prior to and during construction, the Nipomo Community Services District shall retain a qualified biological monitor(s) to monitor during ground-disturbing activities in previously undisturbed areas and vegetation removal. All wildlife within the construction and staging area will be allowed to exit the area on their own volition.

BIO-2 Immediately after initial ground-disturbing activities and vegetation removal in previously undisturbed areas, a wildlife exclusion fence shall be installed around the entirety of the project site and staging area to prevent wildlife from reentering the construction area from the surrounding hillside. No construction work (including storage of materials) shall occur outside of the specified project limits. The fencing shall remain in place during the entire construction period and be maintained as needed by the contractor. Upon completion of construction activities, all temporary exclusion fencing shall be removed from the project site.

BIO-3 If construction activities are proposed during the typical nesting bird season (February 15–September 15), a nesting bird survey shall be conducted by a qualified biologist no more than 2 weeks prior to the start of construction to determine presence/absence of nesting birds. If nesting activity is detected, the following measures shall be implemented:

1. The project shall be modified through the use of protective buffers, delaying construction activities, or other methods designated by the qualified biologist to

avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.

2. The qualified biologist shall document all active nests and submit a letter report to the Nipomo Community Services District documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures.

V. Cultural Resources

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☒	☐
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Setting

San Luis Obispo County possesses a rich and diverse cultural heritage and has an abundance of historic and prehistoric cultural resources dating as far back as 9,000 B.C.

As defined by CEQA, a historical resource includes:

1. A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
2. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

The County COSE identifies and maps anticipated culturally sensitive areas and historic resources within the county and establishes goals, policies, and implementation strategies to identify and protect areas, sites, and buildings having architectural, historical, Native American, or cultural significance.

The following analysis is based on *Phase I Archaeological Survey Report for the Foothill Water Tanks Site Acquisition Project, Nipomo, San Luis Obispo County, California* (SWCA 2021).

Environmental Evaluation

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

The project site does not propose removal or alteration of structures with potential for historic designation. The project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places (NRHP) or CRHR (SWCA 2021; Appendix D). The project site does not contain a site under the Historic Site (H) combining designation. Therefore, the project would not result in an adverse change in the significance of a historical resource and *no impacts* would occur.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

On September 14, 2021, a records search was requested from the Central Coast Information Center (CCIC) of the California Historical Resources Information System (CHRIS), located at the Santa Barbara Museum of Natural History. The records search and field survey did not identify the presence of previously undocumented archaeological resources within or near the project area (SWCA 2021; Appendix D).

A pedestrian field survey of the project site was conducted by SWCA Archaeologist Morgan Bird on November 19, 2021. No archaeological resources were identified within the project area during the field survey. Based on the results of the records search and field survey, the project site has low potential for containing archaeological or cultural resources.

In the event that resources are uncovered during grading activities, Mitigation Measure CR-1 has been identified to require cultural resource awareness training for all construction personnel. If previously unidentified cultural materials are unearthed during proposed ground-disturbing activities, Mitigation Measure CR-2 has been identified to require work be halted in the area until a qualified archaeologist can assess the significance of the find. With implementation of identified measures, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant with mitigation.*

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Based on existing conditions, buried human remains are not expected to be present in the project area. In the event of an accidental discovery or recognition of any human remains, California Health and Safety Code Section 7050.5 requires that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. With adherence to State Health and Safety Code Section 7050.5, impacts related to the unanticipated disturbance of human remains would be *less than significant.*

Conclusion

Mitigation measures have been identified to reduce potential impacts associated with discovery and/or disturbance of previously unidentified archaeological resources to less than significant. Therefore, potential impacts associated with cultural resources would be less than significant with mitigation.

Mitigation Measures

CR-1 Prior to construction activities, a qualified archaeologist shall conduct cultural resource awareness training for all construction personnel, which will include the following:

1. Review the types of archaeological artifacts that may be uncovered;
2. Provide examples of common archaeological artifacts to examine;
3. Review what makes an archaeological resource significant to archaeologists and local native Americans;
4. Describe procedures for notifying involved or interested parties in case of a new discovery;
5. Describe reporting requirements and responsibilities of construction personnel;
6. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and
7. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

CR-2 If cultural resources are encountered during subsurface earthwork activities, all ground-disturbing activities within a 25-foot radius of the find shall cease and the Nipomo Community Services District shall be notified immediately. Work shall not continue until a qualified archaeologist assesses the find and determines the need for further study. If the find includes Native American affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act criteria by a qualified archaeologist.

If the resource is determined significant under California Environmental Quality Act, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, and file it with the Central Coast Information Center, located at the Santa Barbara Museum of Natural History, and provide for the permanent curation of the recovered materials.

VI. Energy

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☒	☐	☐
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☒	☐	☐

Setting

Local Utilities

The Pacific Gas and Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. In 2019, approximately 25% of electricity provided by PG&E was sourced from renewable resources, 45% was sourced from nuclear energy, 28% was sourced from large hydrological energy, and 2% was sourced from nuclear gas (PG&E 2020).

The Southern California Gas Company (SoCalGas) is the primary provider of natural gas for urban and rural communities within San Luis Obispo County. SoCalGas has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra 2019).

Local Energy Plans and Policies

The County COSE establishes goals and policies that aim to reduce VMT, conserve water, increase energy efficiency and the use of renewable energy, and reduce GHG emissions. This element provides the basis and direction for the development of the *County of San Luis Obispo EnergyWise Plan* (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide GHG emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources (County of San Luis Obispo 2011, 2016).

The goals and policies in the County COSE address the 2005 GHG emissions reduction targets for California (Executive Order S-03-05) issued by California's Governor in 2005. The targets include:

- By 2010 reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80% below 1990 levels.

State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from

the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements.

Environmental Evaluation

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. Each of the project alternatives would result in site grading, construction of proposed facilities, and importing and exporting construction materials (see Table 3 in Section III, Air Quality). Exporting materials off-site would require use of haul trucks that would result in the consumption of fuel. The destination location for project exportation of materials is not known at this time.

The energy consumed during site preparation and construction would be temporary in nature and would utilize equipment similar to other construction projects in the county. Federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Energy use associated with site grading, construction, importing, and exporting materials for the implementation of any of the three project alternatives would be temporary and would not be anticipated to result in the need for additional energy capacity, nor would construction be anticipated to result in increased peak-period demands for electricity.

To ensure maximum energy efficiency over the course of the construction period, Mitigation Measure AQ-1 would require use of equipment that meets CARB's Tier 3 and Tier 4 emissions standards to the extent locally available, electrification of equipment when feasible, and use of gasoline-powered equipment in place of diesel-fueled equipment where feasible (see Section III, Air Quality). In addition, With implementation of Mitigation Measure AQ-1, potential impacts associated with wasteful, inefficient, or unnecessary energy use during construction would be less than significant.

After completion of construction, all three project alternatives would result in the establishment of 2 million gallons of additional water storage on-site. During operation, this additional supply of water storage would be conveyed via gravity-fed pipelines to provide potable water to community members within the NCSD service area during emergencies. Operational energy use would be limited to on-site security lighting and equipment use, and fuel associated with vehicle trips to and from the project site for maintenance. The project would not result in wasteful, inefficient, or unnecessary energy use during operation and, therefore, impacts would be less than significant.

Based on the analysis provided above, impacts associated with wasteful, inefficient, or unnecessary energy use would be *less than significant with mitigation.*

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

As described above, federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Mitigation Measure AQ-1 has also been identified to reduce construction energy use where feasible. Compliance with this mitigation measure would ensure the conservation and preservation of energy resources through use of equipment that meets CARB's Tier 3 and Tier 4 emissions standards, electrification of equipment where feasible, and use of gasoline-powered equipment in place of diesel-

fueled equipment where feasible. Therefore, potential impacts associated with conflict with a state or local plan for renewable energy or energy efficiency would be *less than significant with mitigation.*

Conclusion

Mitigation has been identified to address potential impacts associated with wasteful and inefficient energy use during construction activities. With implementation of the mitigation measure identified below, potential impacts associated with energy would be less than significant with mitigation.

Mitigation Measures

Implement Mitigation Measure AQ-1.

VII. Geology and Soils

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
(ii) Strong seismic ground shaking?	☐	☐	☒	☐
(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
(iv) Landslides?	☐	☐	☒	☐
(b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was established to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is in a geologically complex and seismically active region. The *County of San Luis Obispo General Plan Safety Element* identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos (County of San Luis Obispo 1999). Based on the CDOC Fault Activity Map of California, the nearest potentially active faults to the project site include the Santa Maria River Fault, located approximately 1.2 miles southwest of the project site, and the West Huasna Fault, located approximately 1.6 miles northeast of the project site (CDOC 2015).

Ground shaking refers to the motion that occurs in response to local and regional earthquakes. Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. Ground shaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The CBC includes requirements that structures be designed to resist a certain minimum seismic force resulting from ground motion.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from ground shaking during an earthquake. Based on the County Safety Element, the project site is located in an area with low landslide risk potential and low liquefaction potential.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads, and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. According to the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey, the project site is underlain by Diablo clay 5 to 9 percent slopes (NRCS 2021). This soil unit is well drained and has high shrink swell potential (U.S. Department of Agriculture Soil Conservation Service [SCS] 1984).

Requirements for paleontological resource management are included in PRC Division 5, Chapter 1.7, Section 5097.5, which states:

> No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

These statutes prohibit the removal, without permission, of any paleontological site or feature from land under the jurisdiction of the state or any city, county, district, authority, or public corporation, or any agency thereof.

Environmental Evaluation

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

a-i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Based on the CDOC Fault Activity Map of California, the nearest potentially active faults to the project site include the Santa Maria River Fault, located approximately 1.2 miles southwest of the project site, and the West Huasna Fault, located approximately 1.6 miles northeast of the project site (CDOC 2015). Fault rupture refers to the displacement of ground surface along a fault trace that typically occurs during earthquakes of a magnitude 5 or higher. An active fault does not run through or adjacent to the project area; therefore, *no impacts* would occur.

a-ii) Strong seismic ground shaking?

As described above, the project site is located within a seismically active region approximately 1 to 2 miles from the nearest potentially active fault zones. The project does not include any proposed structures for human habitation. Proposed water storage tanks would be designed in compliance with existing CBC regulations to minimize impacts related to seismic ground shaking. The project would comply with all applicable CBC standards and does not propose features that would put people or structures at risk in the event of an earthquake; therefore, impacts would be *less than significant.*

a-iii) Seismic-related ground failure, including liquefaction?

As described above, the project is located in a seismically active region but is not traversed or located adjacent to any known fault lines. The project is located in an area with low liquefaction potential (County of San Luis Obispo 2021b) and all proposed water tank facilities and site grading would be designed and constructed in compliance with applicable CBC standards. The project would not cause substantial adverse effects through risk of loss, injury, or death in the event of seismic-related ground failure; therefore, impacts would be *less than significant.*

a-iv) Landslides?

According to the County Safety Element, the project site is located in a region with low to moderate potential for landslides. Landslides typically occur in areas with steep slopes. The topography of the existing Foothill Water Tank Site is relatively flat, and there is a small, sharp incline between the existing Foothill Water Tank Site and the proposed acquisition site, which gently slopes from northeast to southwest. The project would not result in substantial changes to the existing topography of the project site or otherwise exacerbate the potential for landslides to occur on- or off-site. All site grading, and potential construction of a retaining wall associated with Alternative 2, would be constructed in compliance with applicable CBC standards, which include measures to safeguard against slope instability and on-site landsliding. In addition, the project does not propose habitable structures that would put people at risk in the event of a landslide. Therefore, potential impacts associated with landslides would be *less than significant.*

b) Result in substantial soil erosion or the loss of topsoil?

According to the NRCS Web Soil Survey, the project site is underlain by Diablo clay 5 to 9 percent slopes (soil unit 129; NRCS 2021). This soil unit has slow permeability, surface runoff is moderate, and

the hazard of water erosion is slight or moderate (SCS 1984). The project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP), which would include the preparation of a Storm Water Control Plan to further minimize on-site sedimentation and erosion. Therefore, project impacts related to soil erosion and loss of topsoil would be *less than significant.*

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

The project site is not located within or adjacent to a known fault zone. According to the County Safety Element, the project site is located in a region with low potential for liquefaction and, according to the USGS Areas of Land Subsidence in California map, the project site is not located in an area of known subsidence. All site grading, and potential construction of a retaining wall associated with Alternative 2, would be constructed in compliance with applicable CBC standards, which include measures to safeguard against slope instability and on-site landsliding. The project would not result in substantial changes to the existing topography of the project site or otherwise exacerbate the potential for landslides, lateral spreading, subsidence, liquefaction, collapse, or other geologic hazards to occur on- or off-site. Therefore, impacts would *be less than significant.*

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

According to the NRCS Web Soil Survey, the project site is underlain by Diablo clay, 5 to 9 percent slopes (NRCS 2021). This soil unit is well drained and has high shrink swell potential (SCS 1984). The volume changes that soils undergo in this cyclical pattern can stress and damage slabs and foundations. New development would be subject to applicable CBC and other engineering standards for development on expansive soils. Compliance with existing standards and regulations would ensure the project would not result in substantial risk to life or property due to its location on expansive soils; therefore, impacts would be *less than significant.*

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The project would not include the construction of a new restroom or other need for a wastewater treatment system on-site. Therefore, *no impacts* would occur.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Based on the Geologic Map of the Nipomo Quadrangle, the majority of the project site is underlain by older surficial sediments comprised of alluvial deposits consisting of mostly volcanic detritus northeast of Nipomo Creek (Qoa) and a small portion of the site is underlain by volcanic rocks within the Obispo Formation (Tov) (Dibblee and Minch 2006). While volcanic rocks tend to have no paleontological sensitivity, older alluvial deposits are considered to have high paleontological sensitivity based on historical discovery of significant fossils (San Diego Natural History Museum Department of Paleo Services 2010).

Alternative 1 would require approximately 13,000 cubic yards of cut, Alternative 2 would require approximately 9,100 cubic yards of cut, and Alternative 3 would require approximately 5,820 cubic yards

of cut. On-site soils would have approximately 40 to 59 inches of depth before reaching paralithic bedrock (NRCS 2021). Based on the anticipated volume and depth of proposed grading activities, all three project alternatives would have the potential to result in the discovery and disturbance of paleontological resources, if present, which could result in a potentially significant impact. Standard monitoring and inadvertent discovery mitigation measures have been identified to reduce this impact to less than significant; therefore, potential impacts associated with directly or indirectly destroying a unique paleontological resources or site or unique geologic feature would be *less than significant with mitigation.*

Conclusion

Mitigation measures have been identified below to reduce potential impacts associated with paleontological resources to less than significant. Therefore, project impacts associated with geology and soils would be less than significant with mitigation.

Mitigation Measures

GS-1 Prior to any ground-disturbing activities, the Nipomo Community Services District shall retain a qualified paleontologist to prepare a Paleontological Monitoring and Treatment Plan (PMTP). The PMTP shall be based on "Society of Vertebrate Paleontology (SVP) guidelines" and meet all regulatory requirements. The qualified paleontologist shall: (a) have a master's degree or Ph.D. in paleontology, (b) have knowledge of the local paleontology, and (c) be familiar with paleontological procedures and techniques.

The PMTP shall:

1. Identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered;
2. Detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential;
3. Detail methods of recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting;
4. Outline a coordination strategy to ensure that a Nipomo Community Services District-approved paleontological monitor will conduct full-time monitoring of all grading activities in the "deeper" sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the PMTP shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.
5. Define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations.

Prior to ground disturbance, all construction workers shall be informed about the paleontological monitor and their role at the work site. The Nipomo Community Services District and/or the project contractor shall ensure all approved measures detailed in the PMTP are implemented and adhered to prior to and throughout all construction activities.

GS-2 During ground-disturbing activities, if any paleontological resources are encountered, activities in the immediate area of the find shall be halted and the discovery assessed in accordance with the approved Paleontological Monitoring and Treatment Plan (PMTP).

A qualified paleontologist shall be retained to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resources shall be developed and implemented if paleontological resources are encountered. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved. Prior to final inspection/occupancy of construction permit, the paleontologist shall submit to the Nipomo Community Services District a final post-construction report from the paleontologist summarizing construction compliance and protection.

VIII. Greenhouse Gas Emissions

	Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Setting

GHGs are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). CO_2 is the most abundant GHG and is estimated to represent approximately 80 to 90% of the principal GHGs that are currently affecting the earth's climate. According to the CARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts which were incorporated into their 2012 *CEQA Air Quality Handbook.*

The *CEQA Air Quality Handbook* recommended applying a 1,150 metric tons of CO_2 equivalent ($MTCO_2e$) per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a "gap analysis" and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with Assembly Bill (AB 32) and the 2008 Scoping Plan, which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs*

California Department of Fish and Wildlife ("Newhall Ranch") that determined that AB 32-based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the *CEQA Air Quality Handbook* are AB 32-based, and project horizons are now beyond 2020, the SLOAPCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency (SLOAPCD 2021):

- Consistency with a Qualified Climate Action Plan: Climate Action Plans conforming to State CEQA Guidelines Sections 15183 and 15183.5 would be qualified and eligible for project streamlining under CEQA. The EWP, adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. Therefore, the EWP is not considered a qualified GHG reduction strategy for assessing the significance of GHG emissions generated by projects with a horizon year beyond 2020.
- No-Net Increase: The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions "is an appropriate overall objective for new development" consistent with the Court's direction provided by the Newhall Ranch case. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (i.e., *de minimis*: too trivial or minor to merit consideration).
- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish Senate Bill (SB) 32-based local operational thresholds. As discussed above, SB 32 requires the state to reduce GHG levels by 40% below 1990 levels by the year 2030. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators* published by the CARB, emissions of GHG statewide in 2017 were 424 million $MTCO_2e$, which was 7 million $MTCO_2e$ *below* the 2020 GHG target of 431 million $MTCO_2e$ established by AB 32. At the local level, an update of the EWP prepared in 2016 revealed that overall GHG emissions in San Luis Obispo County decreased by approximately 7% between 2006 and 2013, or about one-half of the year 2020 target of reducing GHG emissions by 15% relative to the 2006 baseline.[1] Therefore, application of the 1,150 $MTCO_2e$ Bright Line Threshold in San Luis Obispo County, together with other statewide and local efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB 32 for the year 2020. It should be noted that the 1,150 $MTCO_2e$ per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 $MTCO_2e$ per year would result in impacts that are less than significant and less than cumulatively considerable and would be consistent with state and local GHG reduction goals.

Because SB 32 requires the state to reduce GHG levels by 40% below 1990 levels by the year 2030, the application of an interim "bright line" SB 32-based working threshold that is 40% below the 1,150 $MTCO_2e$ Bright Line threshold ($1,150 \times 0.6 = 690$ $MTCO_2e$) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB 32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 $MTCO_2e$ per year GHG are considered *de minimis* (too trivial or minor to merit consideration) and would have a less-than-significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

[1] AB 32 and SB 32 require GHG emissions to be reduced to 1990 levels by the year 2020. The EWP assumes that the County's 1990 GHG emissions were about 15% below the levels identified in the 2006 baseline inventory.

The *San Luis Obispo County 2019 Regional Transportation Plan* (RTP), which was adopted by the San Luis Obispo Council of Governments (SLOCOG) Board in June 2019, includes the region's *Sustainable Communities Strategy* (SCS) and outlines how the region will meet or exceed its GHG-reduction targets by creating more compact, walkable, bike-friendly, transit-oriented communities, preserving important habitat and agricultural areas and promoting a variety of transportation demand management and system management tools and techniques to maximize the efficiency of the transportation network (SLOCOG 2015, 2019). The RTP/SCS provides guidance for the development and management of transportation systems county-wide to help achieve, among other objectives, GHG-reduction goals. The RTP/SCS recommends strategies for community planning, such as encouraging mixed-use infill development that facilitates the use of modes of travel other than motor vehicles.

Environmental Evaluation

a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

During construction, fossil fuels and natural gas would be used by construction vehicles and equipment. Each of the project alternatives would result in site grading, construction of proposed facilities, and importing and exporting construction materials. Importing and exporting materials off-site would require use of haul trucks that would result in the consumption of fuel, as discussed in Section VI, Energy. GHG emissions associated with site preparation and construction associated with any of the project alternatives would be temporary in nature. Federal and state regulations in place require use of fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. In addition, Mitigation Measure AQ-1 would minimize GHG emissions from construction equipment and haul trucks through use of equipment that meets CARB Tier 3 and Tier 4 emissions standards where possible, electrification of equipment where feasible, use of alternative fuels where available, and staging of equipment on-site to avoid unnecessary vehicle/equipment trips. Based on the limited scope and duration of proposed site preparation and construction activities associated with all three project alternatives and implementation of identified mitigation measures, the project would not result in the significant generation of GHG emissions during construction.

Employee vehicle trips to and from the project site would be the predominant source of GHG emissions during project operation. Operation of the water storage tank(s) would require regular maintenance checks and water quality tests to be performed by NCSD staff, similar to existing maintenance trips conducted for the existing water storage tanks on-site. Due to the location of the water tanks on an existing NCSD water storage tank site, future operational vehicle trips generated by the project would result in a negligible increase in annual vehicle trips to and from the project site. Based on the limited number of vehicle trips generated by the project, project GHG emissions during operation would be estimated to be less than 640 $MTCO_2e$ per year and would therefore result in *de minimis* GHG emissions (i.e., emissions would not be cumulatively considerable). Therefore, potential operational impacts associated with GHG emissions would be less than significant.

Based on the analysis provided above, potential impacts would be *less than significant with mitigation.*

b) *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The SLOAPCD has not identified a significance threshold for GHG emissions generated during construction activities. Based on the analysis provided above, the project would not result in a significant generation of GHG emissions during operation and emissions would fall below the calculated 690 $MTCO_2e$ *de minimis* threshold. Therefore, the project would not conflict with current SLOAPCD GHG emissions guidelines.

The project would result in the addition of 2 million gallons of water storage on-site, which would serve existing and future community members within the NCSD service area through gravity-fed pipelines. The project site would not be open to the public and would not result in a significant new source of employment. Therefore, the land use planning and circulation strategies identified within the RTP/SCS, such as mixed-use development and promotion of alternative transportation modes, would generally not apply to the project.

Based on the analysis provided above, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions and impacts would be *less than significant.*

Conclusion

Mitigation Measure AQ-1 would reduce GHG emissions resulting from site preparation and construction activities. With implementation of identified mitigation, project impacts associated with GHG emissions would be less than significant with mitigation.

Mitigation Measures

Implement Mitigation Measure AQ-1.

IX. Hazards and Hazardous Materials

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

	Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2015; California Department of Toxic Substance Control [DTSC] 2021).

The County has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and Tsunami Response Plan.

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire-resistant building and roofing materials and other fire-related construction methods. The County Safety Element includes a Fire Hazard Zones Map that indicates unincorporated areas in the county that are within Moderate, High, and Very High Fire Hazard Severity Zones (FHSZs). The project would be located within a State Responsibility Area (SRA) in a Moderate FHSZ. Based on the County Land Use View web tool, it would take approximately 0 to 5 minutes for local authorities to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

Environmental Evaluation

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The Foothill Water Tank Site currently supports storage and use of disinfectants as needed to maintain water quality. Regardless of which project alternative is constructed, the increased amount of water stored on-site would require a similar increase in the amount of disinfectants stored and used on-site as needed to maintain water quality, including ammonium sulfate and sodium hypochlorite to form chloramines. No new or different types of disinfectants would be necessary to serve the proposed water storage facilities. Chloramines are used to treat drinking water and provide long-lasting disinfection as the water moves through pipes to consumers. All disinfectants and other treatment chemicals would be stored in secured containers or in a new chemical storage shed next to the proposed water tank(s), as is currently the case at the Foothill Water Tank Site. All disinfectants would be transported, stored, and used according to manufacturer's recommendations; applicable regulatory requirements, including the CCR; and existing procedures for the handling of hazardous materials, consistent with current operations on the Foothill Water Tank Site. Therefore, potential impacts associated with the routine transport, use, or disposal of hazardous materials would be *less than significant.*

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. Therefore, potential impacts would be *less than significant.*

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The nearest school to the project site is Nipomo Elementary School, located approximately 1.2 miles southwest of the project site. The project site is not located within 0.25 mile of an existing or proposed school facility; therefore, *no impacts* would occur.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Based on a search of the DTSC EnviroStor database, SWRCB Geotracker database, and California Environmental Protection Agency (CalEPA) Cortese List website, there are no hazardous waste cleanup sites within 1 mile of the project site; therefore, *no impacts* would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The project site is not located within an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts* would occur.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

All project activities and staging would occur within the project site and would not impact surrounding roadways. Implementation of the proposed project would not result in a significant temporary or permanent impact on any adopted emergency response plans or emergency evacuation plans. No breaks in utility service or road closures would occur as a result of project implementation. Any construction-related traffic impacts would be short-term and limited in nature and duration. Therefore, potential impacts would be *less than significant.*

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The project does not propose the construction of any new residences or other habitable structures. Based on the County Safety Element, the project is not located within a high or very high FHSZ. The project would be required to comply with all applicable fire safety rules and regulations including the California Fire Code and PRC prior to issuance of building permits; therefore, potential impacts would be *less than significant.*

Conclusion

No significant impacts related to hazards or hazardous materials are anticipated, and mitigation measures are not necessary.

Mitigation Measures

Mitigation is not necessary.

X. Hydrology and Water Quality

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
(iv) Impede or redirect flood flows?	☐	☐	☐	☒
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Setting

The project is located in the Nipomo Valley subbasin of the Nipomo-Suey Creeks Watershed, which includes two tributary basins to the Santa Maria River with their headwaters in the foothills of the Coast Range: Nipomo Creek and Suey Creek The watershed is dominated by agricultural land uses, including ranches, row crops, greenhouses, and orchards. Other land uses include residential land uses (Land Conservancy of San Luis Obispo and Central Coast Salmon Enhancement 2005). The project is not located in a mapped groundwater basin (County of San Luis Obispo 2021c).

Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB Construction General Permit. The Construction General Permit requires the preparation of a SWPPP to minimize on-site sedimentation and erosion.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) indicate there are no floodplains present within the project site and the site is mapped entirely within an area of minimal flood hazard (Flood Zone X, effective date November 16, 2012; FEMA 2012).

Environmental Evaluation

a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

The project site is located approximately 340 feet north of the nearest mapped surface water feature, which is an unnamed tributary to Nipomo Creek. There is a small box culvert (approximately 3 feet wide) adjacent to the existing Foothill Water Tank Site driveway and a ditch that runs parallel to the driveway (see Figure 14). Based on correspondence with NCSD staff, the water in the box culvert and in the ditch is a result of discharge from the chlorine analyzer boxes associated with each water tank. The chlorine analyzers test the water every day and discharge it into pipes that drain into the box culvert and ditch. The water flows south under North Dana Foothill Road onto a neighboring property where it is then pumped into water tanks and used for irrigation.

The project would disturb more than 1 acre of soil and would be required to prepare a SWPPP in accordance with the SWRCB Construction General Permit Order 2009-0009-DWQ. The SWPPP would be prepared by a qualified engineer to ensure effective erosion and sedimentation control measures are implemented prior to, during, and following project construction. In addition, the SWPPP would identify appropriate Best Management Practices (BMPs) to be implemented during project construction to reduce erosion and runoff.

During operation, the project would result in additional water discharge into the existing box culvert located adjacent to the existing Foothill Water Tank Site driveway as a result of regular water quality testing of water stored within the proposed water storage tank(s). All disinfectants and other treatment chemicals would be stored in secured containers or in a new chemical storage shed next to the proposed water tank(s). All disinfectants would be transported, stored, and used according to manufacturer's recommendations, applicable regulatory requirements including the CCR, and existing procedures for the handling of hazardous materials. Therefore, the project would not result in the violation of any water quality standards, waste discharge requirements, or substantial degradation of surface or ground water quality, and potential impacts would be *less than significant*.

b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The project would result in the establishment of 2 million gallons of additional water storage, primarily supplied from NSWP water from the City of Santa Maria. The NSWP was established in 2016 and allows water purchased by the NCSD from the City of Santa Maria to be imported through the NSWP pipeline, resulting in reduced pumping of groundwater in the community of Nipomo. The City of Santa Maria utilizes the following available water supply sources: local groundwater, purchased water from the State Water Program, associated return flows recaptured from the Santa Maria Groundwater Basin (SMGB), assigned rights to water from the SMGB, and assigned rights to augmented yield from the Twitchell Reservoir. The City of Santa Maria's water supply is expected to reliably meet the projected city of Santa Maria water demands and have an available supply in excess through 2040, with the majority of this

demand being met by imported state water (City of Santa Maria 2016). Therefore, the filling and maintaining of water levels in the proposed water storage facilities would not substantially decrease groundwater supplies.

Regardless of which alternative is constructed, the project would result in an increase in impervious surfaces on-site by approximately 20,000 to 30,000 square feet. On-site stormwater runoff would be captured and directed to the proposed on-site drainage basin which would then percolate into the groundwater table below. This drainage basin would be designed in compliance with applicable RWQCB design and engineering standards. Therefore, the project would not interfere substantially with groundwater recharge in the area. Therefore, potential impacts would be *less than significant.*

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

c-i) Result in substantial erosion or siltation on- or off-site?

c-ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

c-iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The project would disturb more than 1 acre of soil and would be required to prepare a SWPPP in accordance with the SWRCB Construction General Permit Order 2009-0009-DWQ. The SWPPP would be prepared by a qualified engineer to ensure effective erosion and sedimentation control measures are implemented prior to, during, and following project construction. In addition, the SWPPP would identify appropriate BMPs to be implemented during project construction to reduce erosion and runoff.

While the project would result in an increase in impervious surfaces on-site, on-site stormwater runoff would be captured and directed to the proposed on-site drainage basin. This drainage basin would be designed in compliance with applicable RWQCB design and engineering standards. Therefore, the project would not substantially increase the rate or amount of surface runoff or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, impacts would be *less than significant.*

c-iv) Impede or redirect flood flows?

The FEMA FIRM maps indicate there are no floodplains present within the project site and the site is entirely within an area of minimal flood hazard (Flood Zone X, effective date November 16, 2012; FEMA 2012). Therefore, the project would not result in the impediment or redirection of flood flows and *no impacts* would occur.

d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

The FEMA FIRM maps indicate there are no floodplains present within the project site and the site is mapped entirely within an area of minimal flood hazard (Flood Zone X, effective date November 16, 2012; FEMA 2012). The project site is not located within a tsunami hazard area (CDOC 2021). The project is not located within an area that could become inundated due to a dam or levee failure (County of San Luis Obispo 2021b). The project site is not located adjacent to a body of standing water that could result in a seiche if the appropriate weather conditions were met. Therefore, *no impacts* would occur.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

As discussed under the thresholds above, the project would be required to prepare a SWPPP and implement stormwater BMPs in accordance with the SWRCB Construction General Permit Order 2009-0009-DWQ. The SWPPP would be prepared by a qualified engineer to ensure effective erosion and sedimentation control measures are implemented prior to, during, and following project construction. On-site stormwater runoff would be captured and directed to the proposed on-site drainage basin designed to capture and detain stormwater flows on-site in accordance with RWQCB standards. The project would not result in depletion of a groundwater basin designated as Level of Severity III per the County's Resource Management System or designated as being in severe decline by the Sustainable Groundwater Management Act (SGMA). The project would not result in a significant new source of polluted runoff, substantially deplete groundwater resources, or otherwise conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan; therefore, potential impacts would be *less than significant*.

Conclusion

The project site is not within the 100-year flood zone and would not directly impact the on-site drainage ditch or other surface waters. The project would not substantially increase impervious surfaces and does not propose alterations to existing water courses or other significant alterations to existing on-site drainage patterns. Therefore, potential impacts related to hydrology and water quality would be less than significant and mitigation measures are not necessary.

Mitigation Measures

Mitigation is not necessary.

XI. Land Use and Planning

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Physically divide an established community?	☐	☐	☐	☒
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐

Setting

The project is located on a parcel within the Agriculture land use designation in the South County Inland Sub Area of the South County Planning Area, approximately 0.95 mile northeast of the community of Nipomo's Urban Reserve Line in unincorporated San Luis Obispo County. NCSD facilities are exempt from the County LUO.

The SLOAPCD 2001 CAP is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM_{10} (SLOAPCD 2001). The

2001 CAP presents a detailed description of the sources and pollutants that impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality.

Applicable biological policies and regulations include, but are not limited to, the CESA and MBTA. The CESA ensures legal protection for plants and wildlife formally listed as endangered or threatened by the State of California. The MBTA protects all migratory birds, including their eggs, nests, and feathers.

California PRC Division 5, Chapter 1.7, Section 5097.5 prohibits the removal, without permission, of any paleontological site or feature from land under the jurisdiction of the state or any city, county, district, authority, or public corporation, or any agency thereof. Visual resources are protected under CEQA, which establishes that it is the policy of the state to take all action necessary to provide people of the state "with… enjoyment of aesthetic, natural, scenic and historic environmental qualities" (PRC Section 21001(b)).

The 2019 RTP is the region's blueprint for a transportation system that enhances quality of life and meets the short- and long-term mobility needs of the region's residents and visitors (SLOCOG 2019). The 2019 RTP also includes policies to coordinate land use, housing, and transportation planning efforts to reduce VMT and greenhouse gas emissions.

Environmental Evaluation

a) Would the project physically divide an established community?

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the level of development in the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *no impacts* would occur.

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

As detailed in Section III, Air Quality, the project would not conflict with the 2001 CAP, but would have the potential to exceed local emissions thresholds set forth by SLOAPCD during construction period. Mitigation Measures AQ-1 through AQ-3 have been identified to reduce project construction emissions to ensure consistency with SLOAPCD and state air quality plans and policies pertaining to air pollutant emissions and attainment status.

The project would have potential to adversely affect biological resources within the project site (see Section IV, Biological Resources). Mitigation Measures BIO-1 through BIO-3 have been identified to ensure project construction activities are consistent with state, regional, and local policies regarding preservation of sensitive species, including the CESA and MBTA.

In addition, mitigation measures have been identified to reduce potential impacts associated with visual character (Mitigation Measure AES-1), preservation of paleontological resources (Mitigation Measures GS-1 and GS-2), preservation of cultural resources (Mitigation Measures CR-1 and CR-2), and noise (Mitigation Measures N-1 and N-2). Implementation of these measures would ensure that the project would not conflict with associated state and/or local plans or policies adopted for the purpose of avoiding or mitigating associated environmental effects. Therefore, potential impacts would be *less than significant with mitigation.*

Conclusion

Mitigation measures have been identified to ensure project consistency with the SLOACPD 2001 CAP and other applicable state and local plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. With implementation of mitigation measures identified below, potential impacts related to land use and planning would be less than significant with mitigation.

Mitigation Measures

Implement Mitigation Measures AES-1, AQ-1 through AQ-3, BIO-1 through BIO-3, CR-1 and CR-2, GS-1 and GS-2, and N-1 and N-2.

XII. Mineral Resources

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) 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?	☐	☐	☐	☒
(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (PRC Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey 2011):

- MRZ-1: Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- MRZ-2: Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based on economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- MRZ-3: Areas containing known or inferred aggregate resources of undetermined significance.

Environmental Evaluation

a) Would the project 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?

The project is not located within a designated MRZ or within an area otherwise designated for mineral extraction. There are no known mineral resources in the project area; therefore, *no impacts* would occur.

b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

There are no known or mapped mineral resources in the project area and the likelihood of future mining of important resources within the project area is very low; therefore, *no impacts* would occur.

Conclusion

No impacts to mineral resources would occur and mitigation measures are not necessary.

Mitigation Measures

Mitigation is not necessary.

XIII. Noise

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
(b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Setting

The *County of San Luis Obispo General Plan Noise Element* provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the County Noise Element is to minimize future noise conflicts. The County Noise Element identifies the major noise sources in the county (highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, and other stationary sources) and includes goals, policies, and implementation programs to reduce future noise impacts (County of San Luis Obispo 1992). Among the most significant polices of the County Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses, and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

Noise-sensitive uses that have been identified by the County include the following:

- Residential development, except temporary dwellings
- Schools – preschool to secondary, college and university, specialized education and training

- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

All sound levels referred to in the County Noise Element are expressed in A-weighted decibels (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

While all NCSD facilities are exempt from the County LUO, noise standards set forth in the LUO are provided here to provide context for evaluating potential noise impacts (Table 4). The County LUO establishes acceptable standards for exterior and interior noise levels and describe how noise shall be measured. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the County Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

Table 4. Maximum Allowable Exterior Noise Level Standards[1]

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime[2]
Hourly Equivalent Sound Level (L_{eq}, dB)	50	45
Maximum level (dB)	70	65

Note: L_{eq} = equivalent continuous sound level

[1] When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 dB.

[2] Applies only to uses that operate or are occupied during nighttime hours.

Some types of noise are exempt from the above County LUO noise standards, including noise sources associated with construction, provided such activities do not take place before 7:00 a.m. or after 9:00 p.m. on weekdays, or before 8:00 a.m. or after 5:00 p.m. on Saturday or Sunday. Noise associated with agricultural land uses, traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

Environmental Evaluation

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The nearest sensitive receptor locations include three off-site residential dwellings located between 270 and 300 feet from the project site, one to the south, one to the southwest, and one to the north. Project construction would result in a temporary increase in ambient noise levels associated with site preparation,

equipment use, and vehicle trips. Construction noise would be variable, temporary, and limited in nature and duration. While specific equipment to be used during construction is not known at this time, it is assumed that the project would require use of equipment that would generate noise levels between 80 and 85 dBA at 50 feet regardless of which construction alternative is approved, as detailed in Table 5.

Table 5. Construction Equipment Noise Emission Levels

Equipment Type	Typical Noise Level (dBA) 50 Feet From Source
Backhoe	80
Compactor	80
Concrete Mixer	85
Concrete Pump	82
Dozer	85
Excavator	85
Heavy Truck	84
Paver	85
Scraper	85

Source: Federal Highway Administration (FHWA) 2017

The County LUO requires that construction activities be conducted during daytime hours to be able to utilize County construction noise exception standards and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Mitigation Measures N-1 and N-2 have been identified to require compliance with these standards to reduce short-term construction noise impacts on surrounding sensitive receptor locations.

During operation, minor noise would be produced by NCSD employee vehicle trips; therefore, the project would not generate substantial noise. Noise levels on-site would be roughly equivalent to existing noise levels of existing water storage facilities on-site. Therefore, potential impacts would be *less than significant with mitigation.*

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

The project does not propose blasting, pile driving, or other high-impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project would require the use of haul trucks to transport construction material on- and off-site (s see Table 3 in Section III, Air Quality). It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. Any groundborne vibrations from project-related haul truck trips would be temporary and short-term in nature, and likely imperceptible.

The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, potential impacts would be *less than significant*.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts* would occur.

Conclusion

Short-term construction noise impacts would be reduced through implementation of the mitigation measures identified below. No long-term operational noise or groundborne vibration would occur as a result of the project. Therefore, potential impacts associated with noise would be less than significant with mitigation.

Mitigation Measures

N-1 Construction activities shall be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday.

N-2 Internal combustion engines shall be equipped with the muffler recommended by the manufacturer. Internal combustion engines shall not be operated on the job site without the appropriate muffler.

XIV. Population and Housing

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Setting

In 2020, the U.S. Census Bureau estimated San Luis Obispo County's population at 282,424. While a large portion of the county's population lives in and around seven incorporated cities, growth in the unincorporated areas, including Nipomo and the Nipomo Mesa, have continued to outpace other areas in the county. Between 2010 and 2020, the population of Nipomo grew by 8.7%, compared to 4.7% in San Luis Obispo County (U.S. Census Bureau 2021). While this area remains rural relative to other urbanized locations in the county, ongoing pressure for affordable housing has increased development throughout the region.

Environmental Evaluation

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project would establish 2 million gallons of additional water storage facilities in order to comply with the state minimum requirements for emergency water storage for both the existing and future customers of the NCSD service area associated with projected population growth and planned development. Installation of the new facilities is consistent with the objectives of the NSWP to deliver supplemental water to the Nipomo Mesa Management Area in accordance with the Stipulation and Judgement entered by the Superior Court in the Santa Maria Groundwater Litigation. The project would not directly or indirectly induce substantial unplanned population growth in the area; therefore, potential impacts would be *less than significant.*

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No existing residential uses are located within the project site and the project would not result in a substantial new source of employment. The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, *no impacts* would occur.

Conclusion

No potentially significant impacts related to population and housing would occur and mitigation measures are not necessary.

Mitigation Measures

Mitigation is not necessary.

XV. Public Services

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by the California Department of Forestry and Fire Protection (CAL FIRE), which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid on-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and to reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county. The nearest CAL FIRE station is located within the community of Nipomo approximately 1.9 miles southwest of the project site.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The nearest law enforcement station to the project site is located approximately 9.4 miles to the northeast in the community of Oceano.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools (County of San Luis Obispo Office of Education 2022). The project site is located within the Lucia Mar School District.

Environmental Evaluation

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

The project would result in the establishment of 2 million gallons of additional water storage capacity on-site in order to comply with the state minimum requirements for emergency water storage, including fire suppression storage, and NCSD Master Plan requirements for both the existing and future customers of the NCSD service area associated with projected population growth and planned development. The project would not generate long-term increases in demand for fire protection or other emergency services. Response times within the project area are currently within 5 minutes and would not be substantially affected by project construction or operations. The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities; therefore, potential impacts would be *less than significant*.

Police protection?

The project would not generate long-term increases in demand for police protection or other emergency services. Response times within the project area are currently within acceptable levels and would not be substantially affected by project construction or operations. The project would include chain-link fencing with razor wire around the site to dissuade trespassers, as well as security lighting throughout the site. The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities; therefore, potential impacts would be *less than significant*.

Schools?

As described in Section XIV, Population and Housing, the project would not result in substantial population growth or remove a barrier to growth in the area. The project would allow NCSD to comply with the state minimum requirements for emergency water storage for both the existing and future customers of the NCSD service area associated with projected population growth and planned development. Therefore, the project would not result in a significant new source of employment or otherwise trigger an increase in school-age children within the project vicinity. The project would not directly impact nearby schools and would not result in the generation of additional school children or create an increase in demand for additional school capacity; therefore, potential impacts would be *less than significant*.

Parks?

The project does not extend through any public parks or recreational areas and would not directly impact recreational resources. As described in Section XIV, Population and Housing, the project would not result in substantial population growth or remove a barrier to growth in the area. The project would not result in an increase in population and would not place any new or increased demand on existing local or regional park or other recreational facilities. Construction of the project would not displace any existing or known proposed recreational facilities. Therefore, potential impacts related to public park and recreational facilities would be *less than significant*.

Other public facilities?

The project would not directly or indirectly affect other public facilities in the project vicinity. The proposed project would not directly or indirectly induce population growth in the area and would not increase demand on public facilities as a result of the project. No expansion of County facilities or emergency services would be required. Therefore, potential impacts would be *less than significant.*

Conclusion

The proposed project would not result in significant adverse impacts related to public services; therefore, mitigation measures are not necessary.

Mitigation Measures

Mitigation is not necessary.

XVI. Recreation

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Setting

The County provides a variety of recreational facilities, including hiking trails, bike paths, playgrounds, parks, campgrounds, and beach access. The Oceano Dunes State Vehicular Recreation Park, Nipomo Regional Park, and Blacklake Golf Resort are the nearest recreational facilities to the project site.

Environmental Evaluation

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

As discussed in Section XIV, Population and Housing, the project would not result in substantial population growth or remove a barrier to growth in the area. The project would not result in an increase in population and would not place any new or increased demand on existing local or regional park and recreational facilities. Therefore, potential impacts would be *less than significant.*

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project does not include recreational facilities or expansion of recreational facilities; therefore, *no impacts* would occur.

Conclusion

The project would not result in a significant increase in use, construction, or expansion of parks or recreational facilities. Therefore, potential impacts related to recreation would be less than significant and mitigation measures are not necessary.

Mitigation Measures

Mitigation is not necessary.

XVII. Transportation

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
(b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
(d) Result in inadequate emergency access?	☐	☐	☐	☒

Setting

SLOCOG holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program; preparing an RTP; programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The RTP identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County, as well as the cities within the county, in facilitating the development of the RTP.

In 2013 SB 743 was signed into law with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions" and required the California Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines (OPR 2018). The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3[b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts was implemented statewide.

Environmental Evaluation

a) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The project does not propose temporary or long-term alteration of any proximate transportation facilities. The project would result in a temporary increase in vehicle and haul truck trips along nearby roadways during the construction period; however, these impacts would be limited to the approximate 9- to 12-month construction period. This temporary increase in traffic would be accommodated by existing local streets. Operational traffic trips would be limited to as-needed maintenance trips and would be negligible compared to existing operations; therefore, the project would not result in any long-term changes in traffic or circulation. The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. Therefore, potential impacts would be *less than significant*.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

The majority of VMT generated by the project would occur during the approximate 9- to 12-month construction period. Vehicle and haul truck traffic trips associated with construction of any of the three project alternatives would be temporary. Based on the *Technical Advisory on Evaluating Transportation Impacts in CEQA* prepared by the OPR, there is no current guidance from the state regarding the significance of VMT generated during construction activities or VMT generated by heavy-duty trucks, such as haul trucks (OPR 2018). Therefore, due to the temporary nature of proposed construction and haul truck trips, VMT generated by the project during construction would be less than significant.

Operational traffic trips would be limited to as-needed maintenance trips and would be negligible compared to existing operations. Based on the nature and location of the project, the project would not generate a significant increase in operational traffic trips or VMT. The project would not substantially

change existing land uses and would not result in the need for additional new or expanded transportation facilities. Therefore, potential impacts would be *less than significant.*

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use; therefore, *no impacts* would occur.

d) Would the project result in inadequate emergency access?

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. The project would be designed to accommodate emergency service vehicles in accordance with the California Fire Code and the CBC. Therefore, the project would not adversely affect existing emergency access and *no impacts* would occur.

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or VMT. On-site circulation and parking areas would be designed in accordance with state and local requirements. Therefore, potential impacts related to transportation would be less than significant and mitigation measures are not necessary.

Mitigation Measures

Mitigation is not necessary.

XVIII. Tribal Cultural Resources

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☒	☐	☐

	Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Setting

Approved in 2014, AB 52 added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a. Included or determined to be eligible for inclusion in the CRHR; or
    b. Included in a local register of historical resources as defined in PRC Section 5020.1(k).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Recognizing that tribes have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources as a result of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

Environmental Evaluation

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a-i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

a-ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The NCSD provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 (December 15, 2021). No responses or requests for consultation have been received to date (January 18, 2022). Based on the results of the Phase 1 archaeological resources survey and records search, the project site does not contain any known cultural resources that have been listed or found eligible for listing in the CRHR or in a local register of historical resources as defined in PRC Section 5020.1 (SWCA 2021).

Based on the absence of resources identified by local tribes, the negative results of the Phase 1 archaeological survey conducted on-site, and the absence of records of resources on-site, the project site does not contain any resources determined by the County to be potentially significant tribal cultural resources. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (California Health and Safety Code Section 7050.5) and implementation of mitigation measures CR-1 and CR-2. Therefore, potential impacts would be *less than significant with mitigation.*

Conclusion

No tribal cultural resources are known or expected to occur within or adjacent to the project site. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (County LUO 22.10.040) and implementation of mitigation measures identified below. Therefore, potential impacts to tribal cultural resources would be less than significant with mitigation.

Mitigation Measures

Implement Mitigation Measures CR-1 and CR-2.

XIX. Utilities and Service Systems

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☒	☐	☐
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐

	Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
(d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

The NCSD has a service area of approximately 7 square miles in southern San Luis Obispo County and relies on groundwater and imported water from the City of Santa Maria to serve its customers. Golden State Water Company (GSWC) and Woodlands Mutual Water Company (WMWC) are partner purveyors and provide water to customers in the Nipomo Mesa outside the NCSD service areas.

The NCSD currently operates two wastewater treatment facilities to serve its service area—the Southland Wastewater Treatment Facility (WWTF) and the Blacklake Water Reclamation Facility (WRF). The Southland WWTF currently serves approximately 2,500 connections within the community of Nipomo and other proximate unincorporated county areas. The Blacklake WRF was built in 1984, annexed into NCSD service area in 1993, and expanded between 1995 and 1996. The Blacklake WRF currently serves 550 residences. The NCSD is currently in the process of consolidating these two wastewater treatment facilities so that wastewater generated from both connection areas would be delivered to and treated at the Southland WWTF.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles.

Environmental Evaluation

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The project includes the acquisition of a 1.93-acre project site directly southeast of the existing NCSD Foothill Water Tank Site and the future construction of facilities to maintain an additional 2 million gallons of potable water storage on-site. These additional water storage facilities would comply with the state minimum requirements for emergency water storage for both the existing and future customers of the NCSD service area, as well as the requirements of the NCSD Master Plan. As discussed in the sections above, the project would result in potentially significant impacts associated with aesthetics, air quality, biological resources, cultural resources, energy, GHG emissions, paleontological resources, noise, and tribal cultural resources. Mitigation measures have been identified and would reduce potential

impacts associated with the project to less than significant. Therefore, impacts would be *less than significant with mitigation.*

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The project would result in the establishment of 2 million gallons of additional water storage, primarily supplied from of NSWP water from the City of Santa Maria. The NSWP was established in 2016 and allows water purchased by the NCSD from the City of Santa Maria to be imported through the NSWP pipeline, resulting in reduced pumping of groundwater in the community of Nipomo. The City of Santa Maria utilizes the following available water supply sources: local groundwater, purchased water from the State Water Program, associated return flows recaptured from the SMGB, assigned rights to water from the SMGB, and assigned rights to augmented yield from the Twitchell Reservoir. The City of Santa Maria water supply is expected to reliably meet the projected City of Santa Maria water demands and have an available supply in excess through 2040, with the majority of this demand being met by imported state water (City of Santa Maria 2016). Increasing NCSD's water storage capabilities and providing for the storage of water supplies for the District's customers is the purpose of the project. Therefore, the project would have sufficient water supplies during normal, dry, and multiple dry years and potential impacts would be *less than significant.*

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The project does not propose any on-site permanent restroom facilities or otherwise require wastewater treatment services; therefore, *no impacts* would occur.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Construction activities would result in the generation of limited solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permitted capacity to serve the project and the project does not propose to generate solid waste in excess of state or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant.*

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, potential impacts would be *less than significant.*

Conclusion

Potential environmental impacts associated with the proposed construction of new water storage facilities on-site have been identified in the sections above and mitigation measures have been identified to reduce impacts to a less-than-significant level. The project would not require treatment of wastewater services and no substantial increase in solid waste generation would occur. Therefore, potential impacts associated with utilities and service systems would be less than significant with mitigation.

Mitigation Measures

Implement Mitigation Measures AES-1, AQ-1 through AQ-3, BIO-1 through BIO-3, CR-1 and CR-2, GS-1 and GS-2, and N-1 and N-2.

XX. Wildfire

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. FHSZs are defined by CAL FIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a Very High FHSZ is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project site is located within a Moderate FHSZ. The Moderate FHSZ designation does not mean the area cannot experience a damaging fire; rather, it indicates that the probability is reduced, generally because the number of days a year that the area has "fire weather" is less than in High or Very High FHSZs.

The California Fire Code provides minimum standards for many aspects of fire prevention and suppression activities. These standards include provisions for emergency vehicle access, water supply, fire protection systems, and the use of fire-resistant building materials.

Environmental Evaluation

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The project site is located within an SRA in a Moderate FHSZ. The project would not result in a lapse in water service to current NCSD customers or require the closure of any surrounding roadways, that might be used for evacuation, during construction or operation. Therefore, *no impacts* would occur.

b) Due to slope, prevailing winds, and other factors, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The project site is located within an SRA in a Moderate FHSZ. The project does not propose any new habitable structures on-site and would, therefore, not have any project occupants. The project does not propose the use of any highly flammable materials or chemicals, or otherwise have the potential to exacerbate wildfire risks. Therefore, *no impacts* would occur.

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

The project site is located within an SRA in a Moderate FHSZ. The project would require ongoing maintenance of proposed water storage facilities that would provide supplemental water storage for fire protection and fire abatement within the region. Construction and operation of these water storage facilities would be conducted in full compliance with applicable CBC and California Fire Code standards and would not result in the exacerbation of fire risk in the area. Therefore, potential impacts would be *less than significant.*

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The project site is located within an SRA in a Moderate FHSZ. The project would require grading of the existing topography on-site to accommodate the new building pad(s) for the new water storage tank facilities. All site grading and potential construction of a retaining wall associated with Alternative 2 would be constructed in compliance with applicable CBC standards, which include measures to safeguard against slope instability and on-site landsliding. The project would not result in substantial changes to the existing topography of the project site or otherwise exacerbate the potential for landslides. Stormwater runoff from the project site would be captured and retained on-site through the proposed drainage basin. The project would not significantly alter on-site hydrology and would not otherwise exacerbate the risk for post-fire slope instability or drainage changes. Therefore, potential impacts would be *less than significant.*

Conclusion

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant and mitigation measures are not necessary.

Mitigation Measures

Mitigation is not necessary.

XXI. Mandatory Findings of Significance

	Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
(b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Environmental Evaluation

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As discussed in each resource section above, the proposed project would have the potential to result in significant impacts to biological and cultural resources during project construction activities. Mitigation measures have been identified to address these potential impacts and, with implementation of these measures, impacts would be reduced to less than significant. Therefore, impacts associated with degradation of the quality of the environment, fish and wildlife species and populations, plant and animal communities, and examples of major periods of California history or prehistory would be *less than significant with mitigation.*

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Evaluation of cumulative impacts has been incorporated into each resource section above. Cumulatively considerable impacts have been identified associated with air quality, energy, and GHG emissions. Mitigation Measure AQ-1 have been identified to reduce cumulatively considerable GHG emissions. Therefore, potential impacts would be *less than cumulatively considerable with mitigation.*

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

The project has the potential to result in significant impacts associated with aesthetics, air quality, cultural resources, energy, GHG emissions, land use and planning, noise, tribal cultural resources, and utilities/service systems that could result in substantial adverse effects on human beings. Mitigation measures have been identified to reduce these potential impacts to less than significant, including, but not limited to, standard idling restrictions, use of electric or alternative fuel equipment, limiting construction work to daytime hours, and installation of mufflers on construction equipment. Therefore, potential impacts would be *less than significant with mitigation.*

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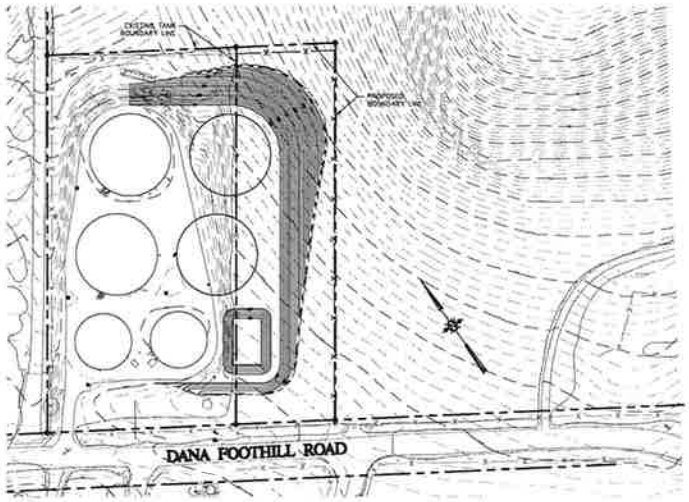
APPENDIX A

Nipomo Community Services District
Preliminary Quad Tank Siting Plan

NIPOMO COMMUNITY SERVICES DISTRICT
PRELIMINARY QUAD TANK SITING PLAN
COUNTY OF SAN LUIS OBISPO, CALIFORNIA



SITE MAP
SCALE HORZ 1"=60'

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE		
RIGHT-OF-WAY		
CURB		
CURB & GUTTER		
FENCE		
DAYLIGHT LINE		
EASEMENT		
FLOWLINE		
RETAINING WALL		
CONTOURS		
WATER MAIN	W	W
SANITARY SEWER LINE	SS	SS
STORM DRAIN LINE	SD	SD
GAS LINE	G	G
ELECTRIC LINE	E	E
OVERHEAD WIRES	OH	OH
TELEPHONE	T	T
WATER VALVE		
WATER METER		
FIRE HYDRANT		
STORM DRAIN INLET		
THRUST BLOCK		
POWER POLE		
SIGN		

ASPHALT CONCRETE	AC
CENTERLINE	CL
FINISHED GRADE	FG
FINISHED SURFACE	FS
FLOW LINE	FL
GRADE BREAK	GB
HIGH POINT	HP
INVERT	INV
PROPERTY LINE	PL
TOP OF CURB	TC
TOP OF FOOTING	TF
TOP OF GRATE	TG
TOP OF WALL	TW

VICINITY MAP
N.T.S.

SHEET INDEX

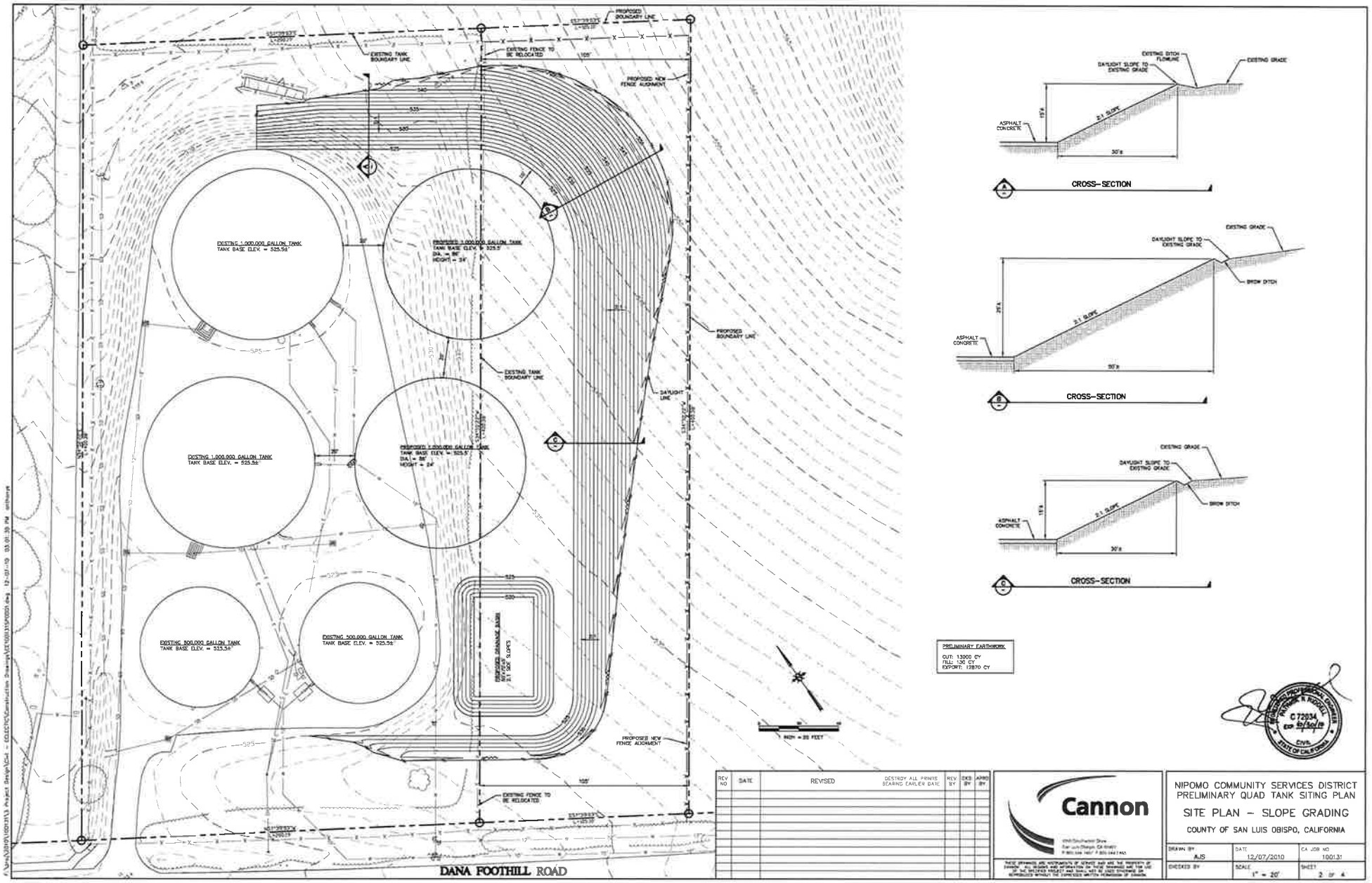
SHEET NUMBER	SHEET TITLE
1	TITLE SHEET
2	SITE PLAN – SLOPE GRADING
3	SITE PLAN – RETAINING WALL
4	SITE PLAN – BURIED TANK

REV NO	DATE	REVISED	DESTROY ALL PRINTS BEARING EARLIER DATE	REV BY	CKD. BY	APRD BY

Cannon

NIPOMO COMMUNITY SERVICES DISTRICT
PRELIMINARY QUAD TANK SITING PLAN
TITLE SHEET
COUNTY OF SAN LUIS OBISPO, CALIFORNIA

DRAWN BY	DATE	CA JOB NO.
AJS	12/07/2010	100131
CHECKED BY	SCALE	SHEET
	AS SHOWN	1 OF 4



REV NO	DATE	REVISED	DESTROY ALL PRINTS BEARING EARLIER DATE	REV BY	CKD BY	APPD BY

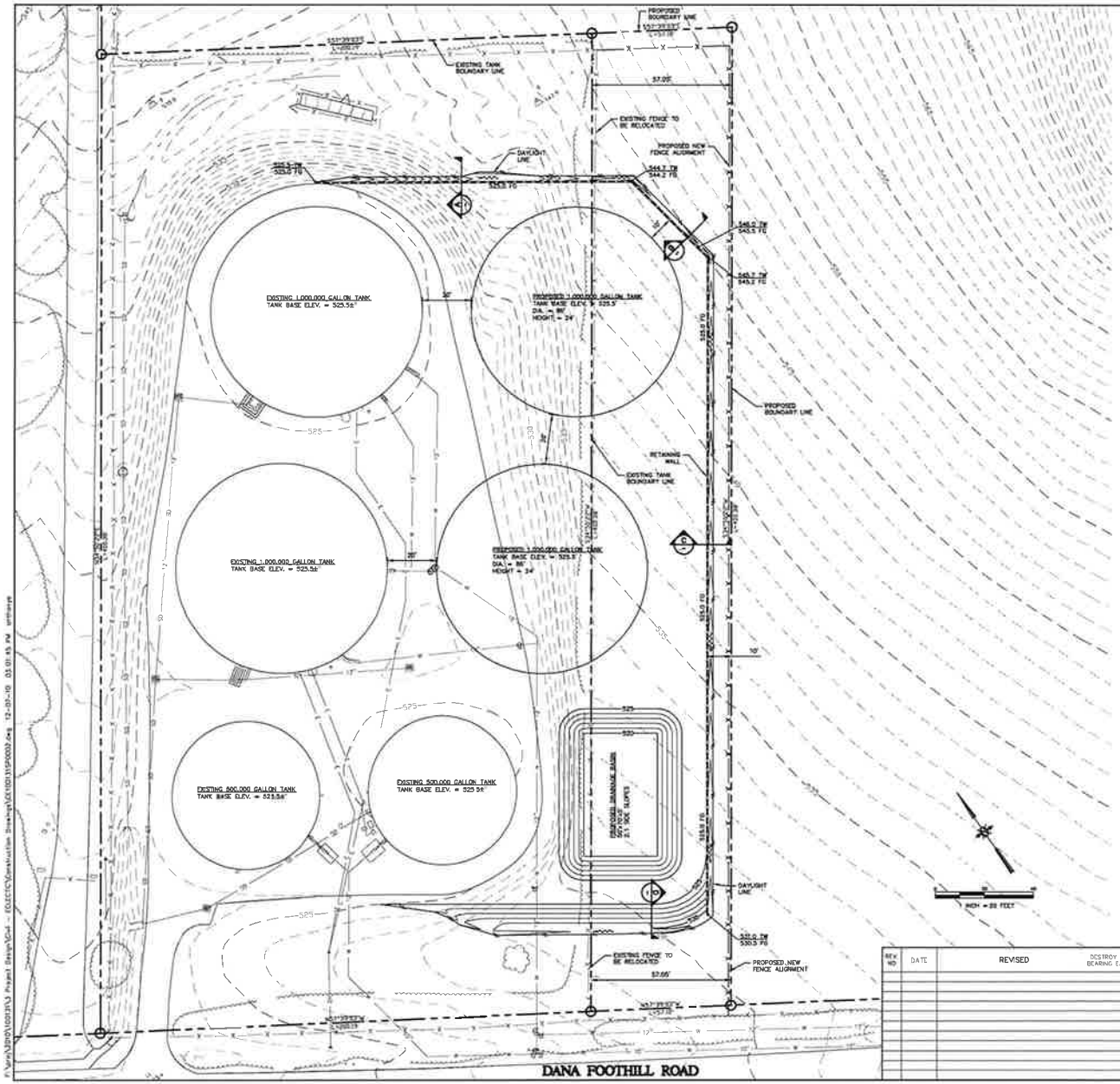
Cannon

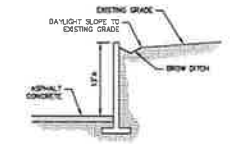
NIPOMO COMMUNITY SERVICES DISTRICT
PRELIMINARY QUAD TANK SITING PLAN

SITE PLAN – SLOPE GRADING

COUNTY OF SAN LUIS OBISPO, CALIFORNIA

DRAWN BY	DATE	CA JOB NO
AJS	12/07/2010	100131
CHECKED BY	SCALE	SHEET
	1" = 20'	2 OF 4





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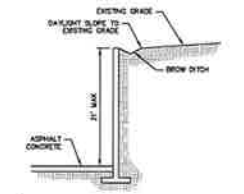

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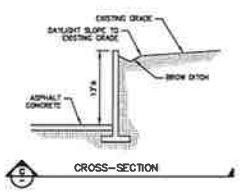

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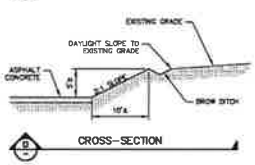

D
CROSS-SECTION

PRELIMINARY EARTHWORK

CUT: 9100 CY
FILL: 120 CY
EXPORT: 8980 CY

1 INCH = 20 FEET

REV NO	DATE	REVISED	DESTROY ALL PRINTS BEARING EARLIER DATE	REV BY	CKD BY	APPD BY

Cannon

NIPOMO COMMUNITY SERVICES DISTRICT
PRELIMINARY QUAD TANK SITING PLAN

SITE PLAN – RETAINING WALL

COUNTY OF SAN LUIS OBISPO, CALIFORNIA

DRAWN BY	DATE	JOB NO
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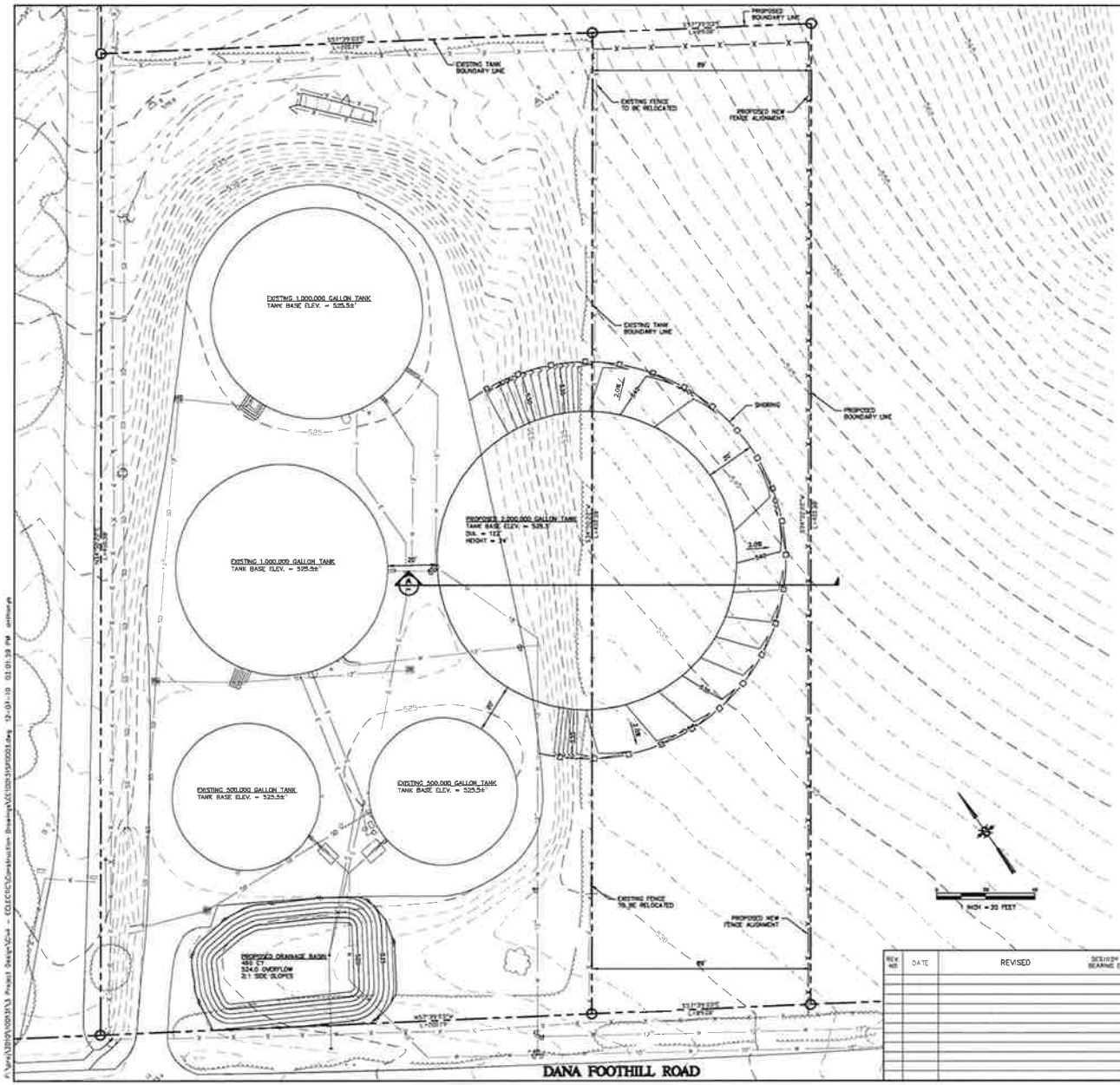
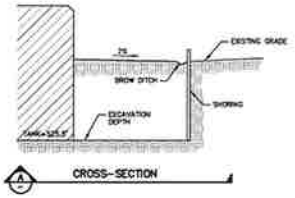
CHECKED BY	SCALE	SHEET
	1" = 20'	3 of 4





PRELIMINARY EARTHWORK

CUT: 5620 CY
FILL: 100 CY
SHORING BACKFILL: 2360 CY
EXPORT: 3380 CY

1INCH = 20 FEET

REV NO	DATE	REVISED	DESIGN'D ALL PRINTS BEARING EARLIER DATE	REV BY	CKD BY	APPD BY

Cannon

NIPOMO COMMUNITY SERVICES DISTRICT
PRELIMINARY QUAD TANK SITING PLAN

SITE PLAN – BURIED TANK

COUNTY OF SAN LUIS OBISPO, CALIFORNIA

DRAWN BY	DATE	CA JOB NO.
AJS	12/07/2010	100121
CHECKED BY	SCALE	SHEET
	1" = 20'	4 OF 4

APPENDIX B

Nipomo Community Services District
Foothill Tank Visual Renderings


Site
A
B
C
D
E
F
G
Hans Pl
Mahlschau Rd
N Thompson Ave
Day St
Silva St
N Burton St
Bee St
N Mallagh St
W Chestnut St
W Branch St
Leal St
Dahlia St
E Chestnut St
E Branch St
E Tefft St
E Dana St
E Price St
Cedarwood Ave
E Vintage St
E Knotts St
Nipomo
E Tefft St
Rancho Rd
Rancho Rd
N Oak Glen Ave
N Frontage Rd
101 Freeway
W Tefft St
W Dana St
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W Bernnett St
S Burton
S Mallagh St
Cantillo St
Many Ave
S Oak Glen Ave
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179
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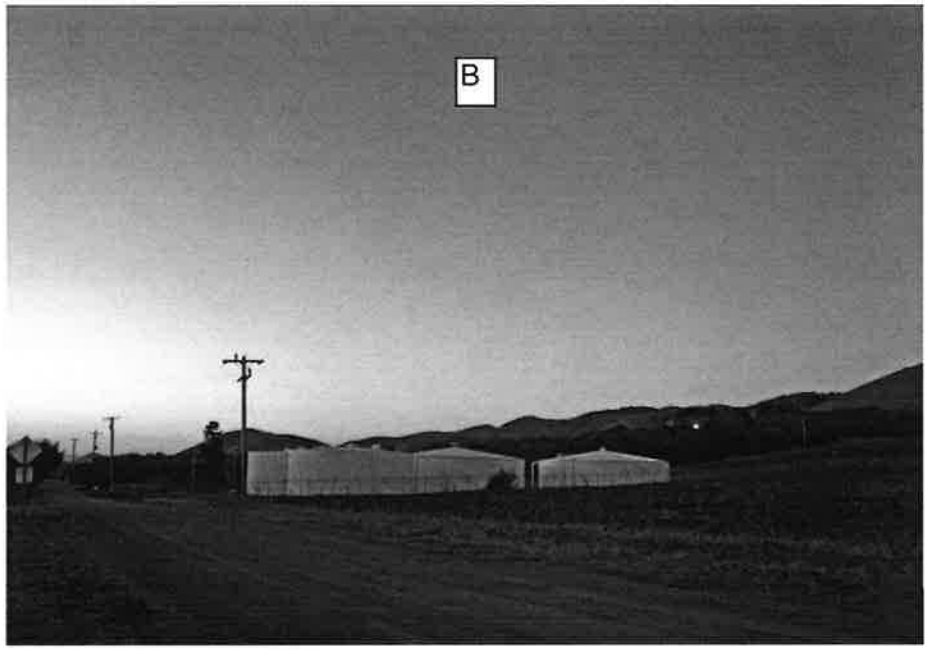
1000 feet
250 m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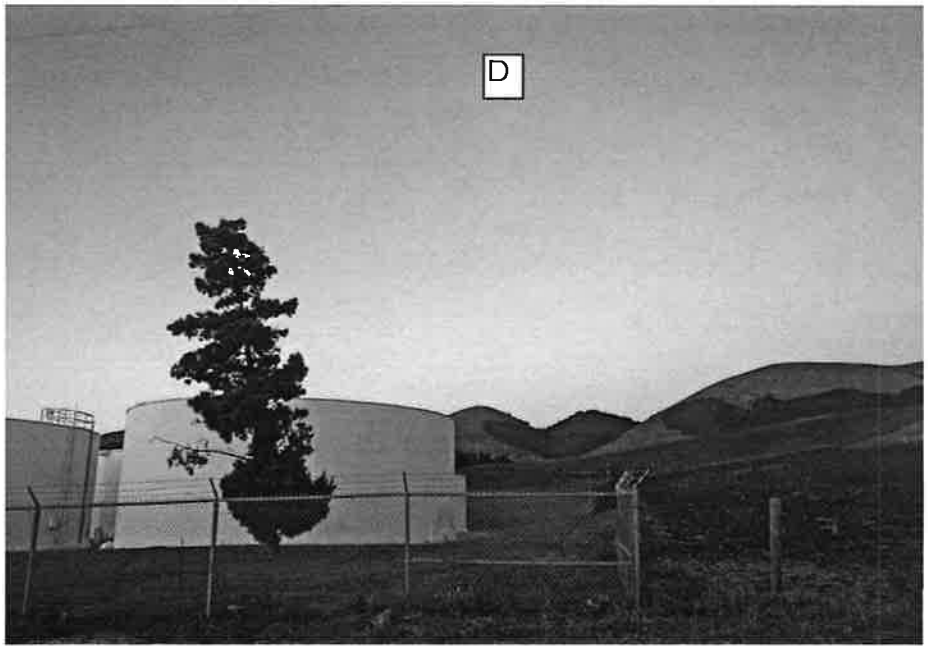
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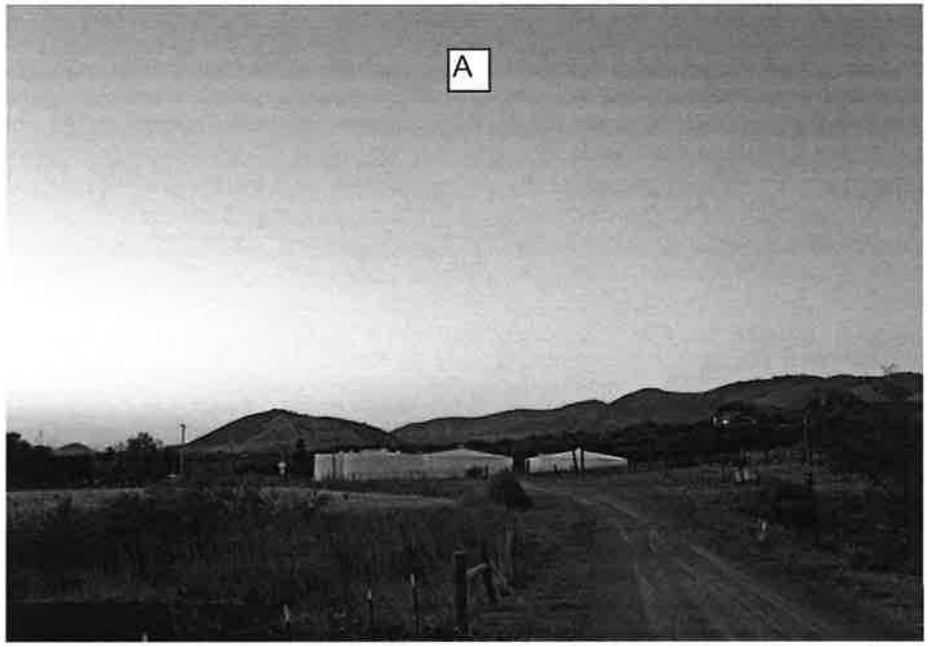
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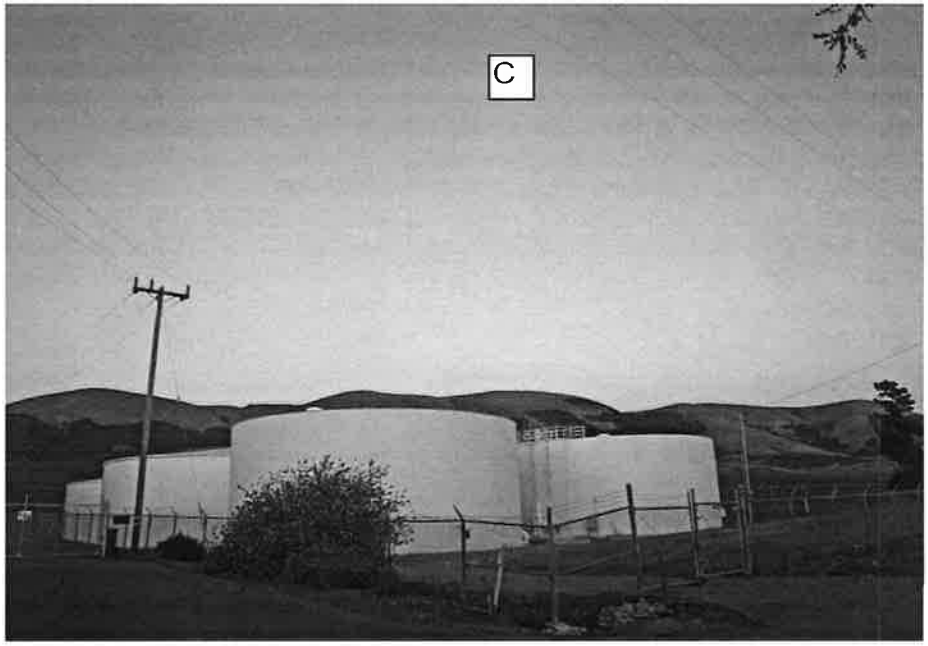
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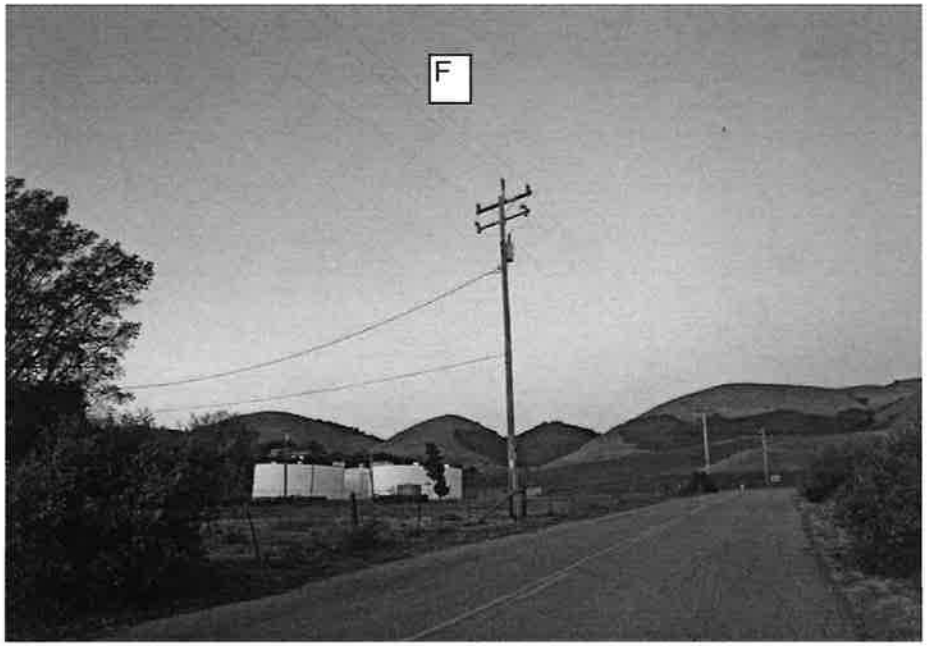
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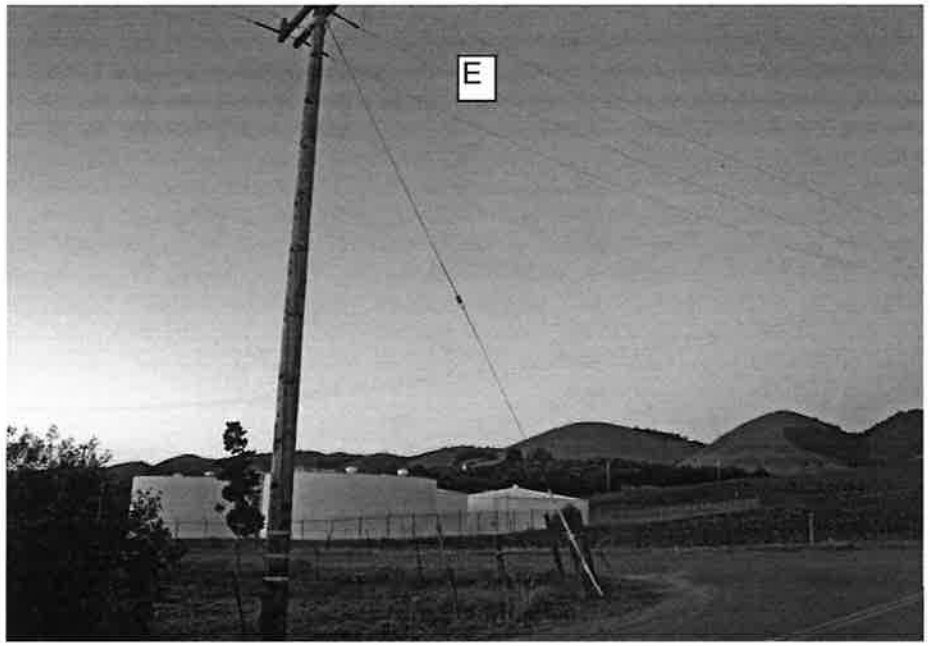
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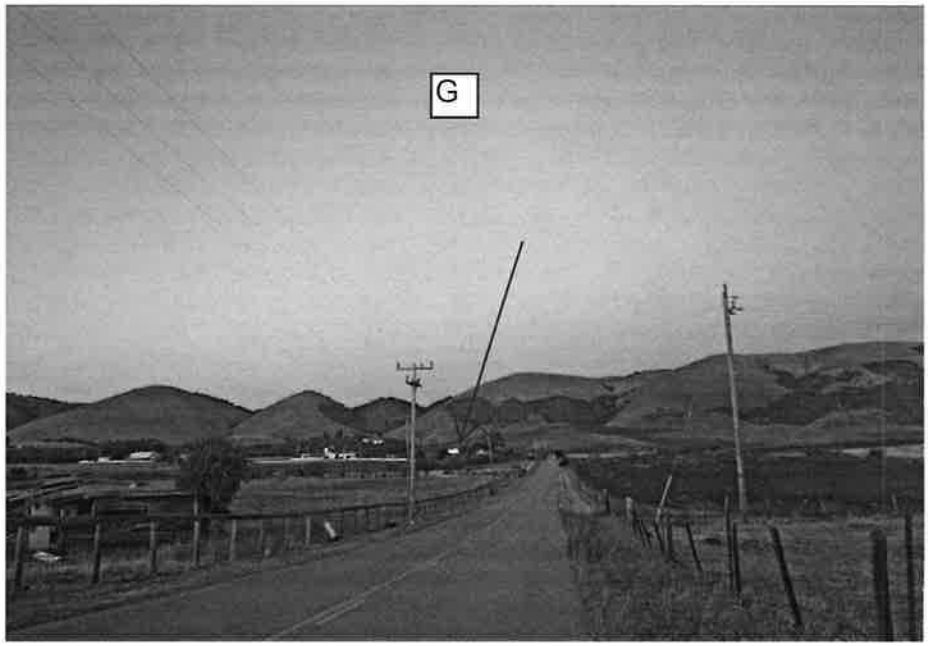

G

Cannon

NIPOMO QUAD TANK

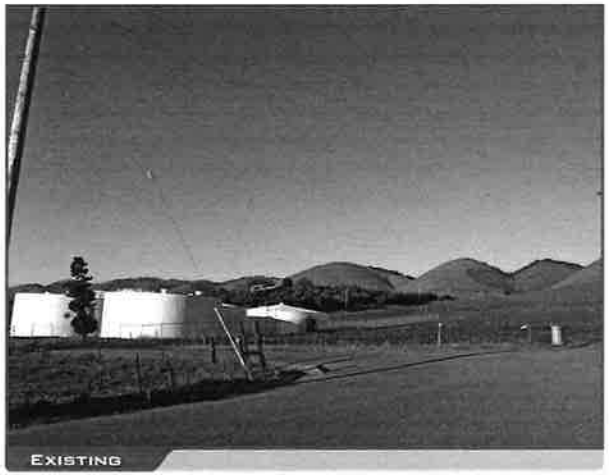
SLOPE GRADING

DANA FOOTHILL ROAD COUNTY OF SAN LUIS OBISPO CA 93444

ARTISTIC engineering
AEsims.com
877.9AE.sims

VIEW 1

LOCATION ©2010 Google Maps



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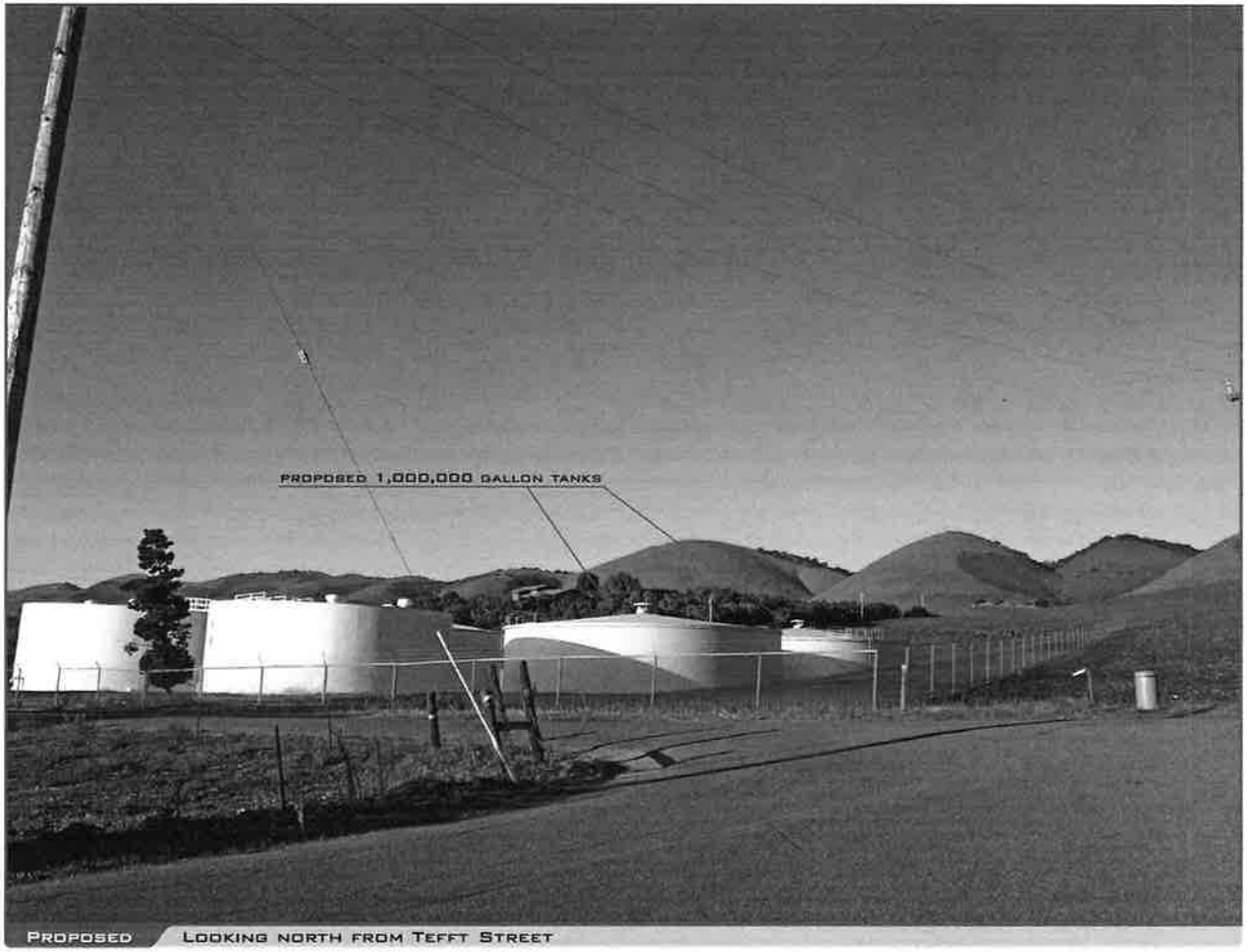

PROPOSED LOOKING NORTH FROM TEFFT STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

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NIPOMO QUAD TANK

SLOPE GRADING

DANA FOOTHILL ROAD COUNTY OF SAN LUIS OBISPO CA 93444

ARTISTIC engineering
AEsims.com
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VIEW 2

LOCATION ©2010 Google Maps

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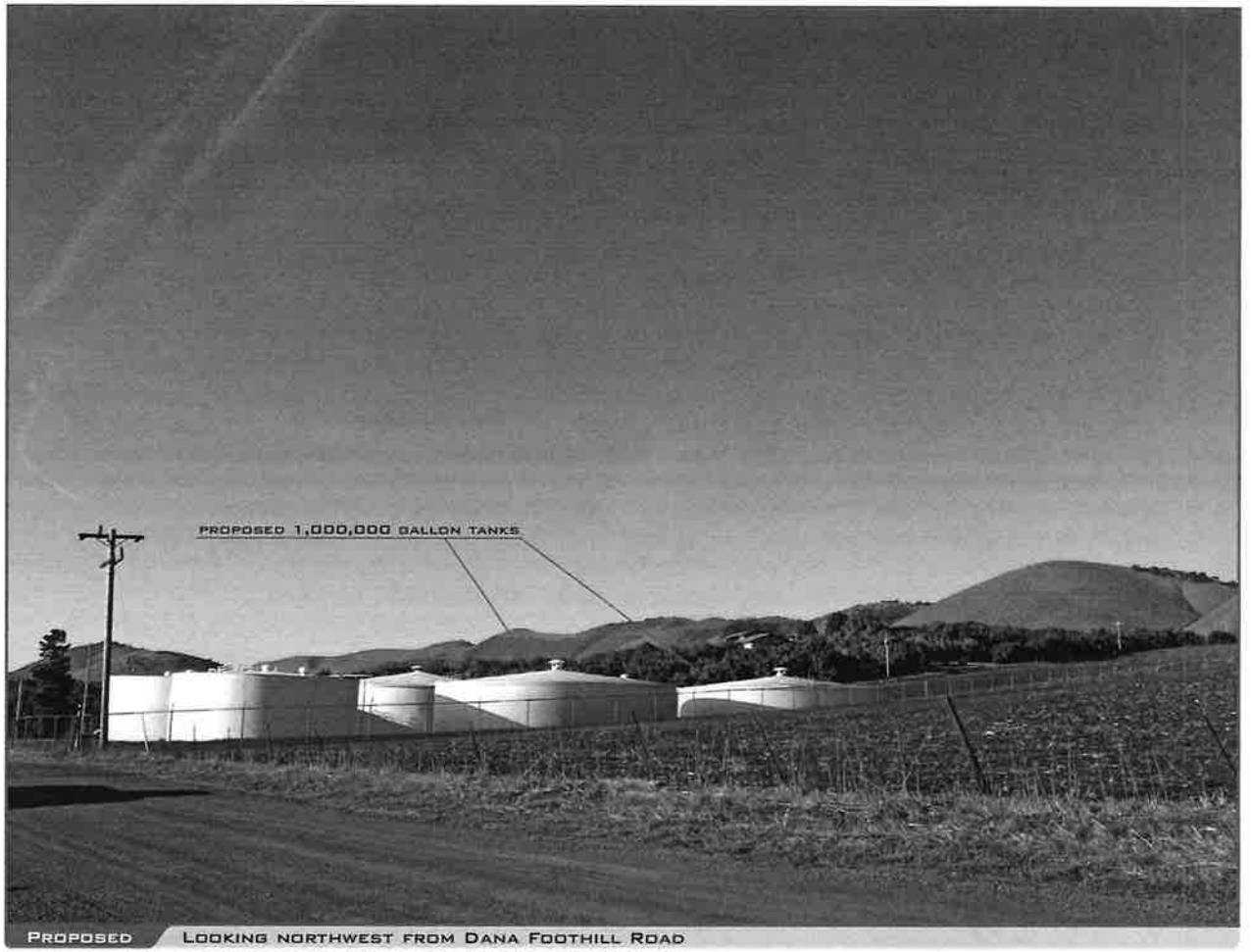

PROPOSED LOOKING NORTHWEST FROM DANA FOOTHILL ROAD

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

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NIPOMO QUAD TANK

SLOPE GRADING

DANA FOOTHILL ROAD COUNTY OF SAN LUIS OBISPO CA 93444

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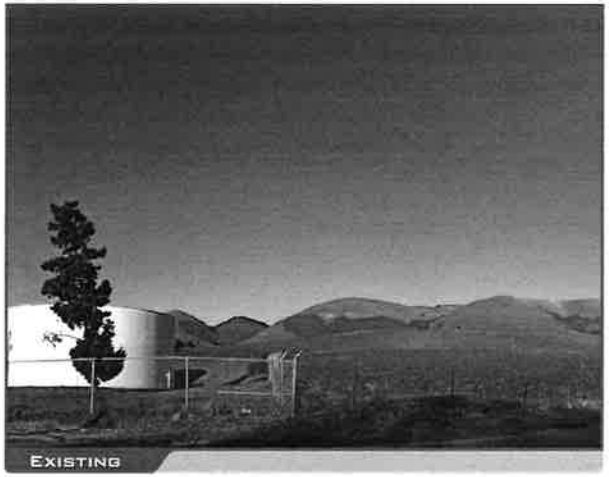
VIEW 3

LOCATION ©2010 Google Maps



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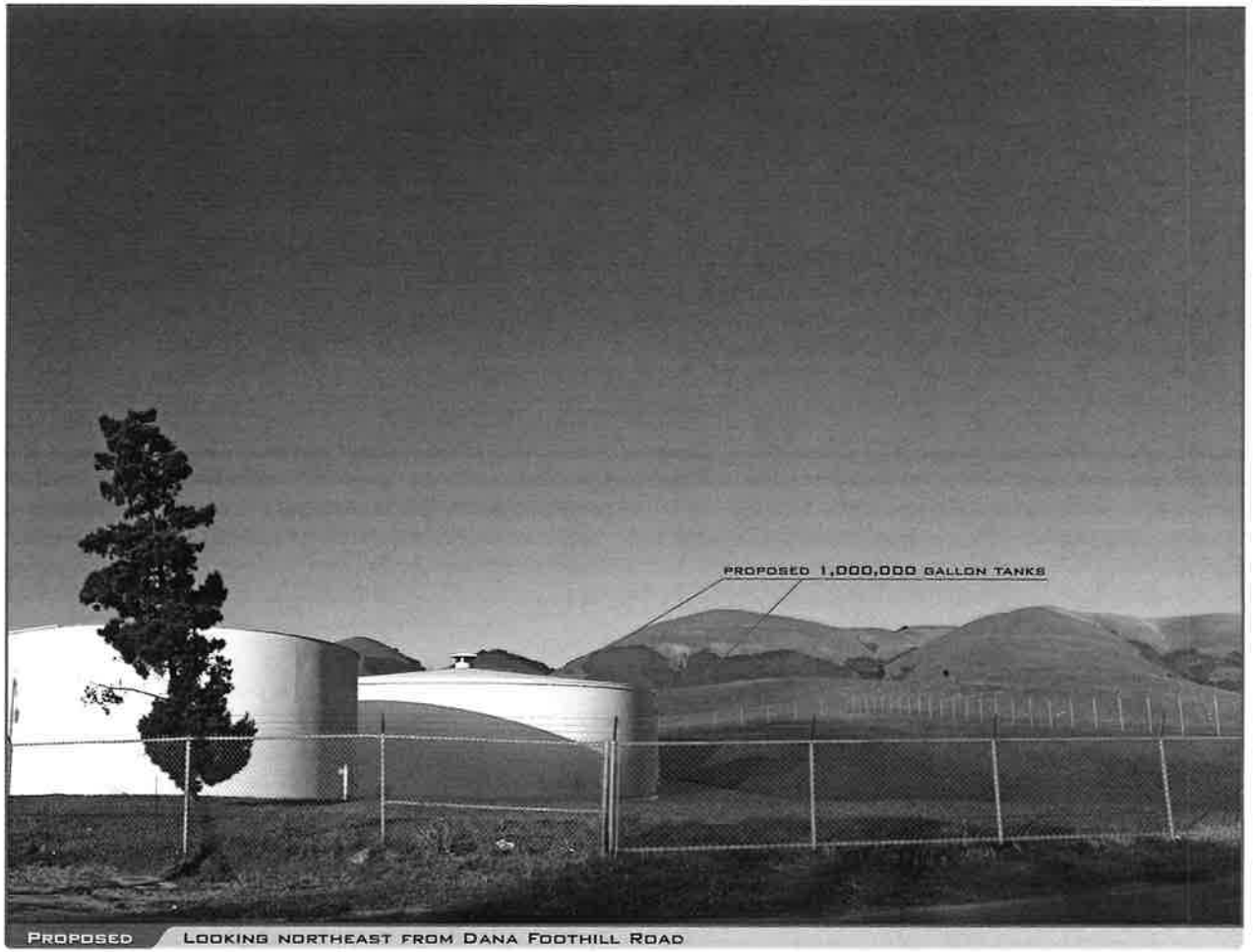

PROPOSED LOOKING NORTHEAST FROM DANA FOOTHILL ROAD

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Cannon

NIPOMO QUAD TANK

RETAINING WALL

DANA FOOTHILL ROAD COUNTY OF SAN LUIS OBISPO CA 93444

ARTISTIC engineering
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VIEW 1

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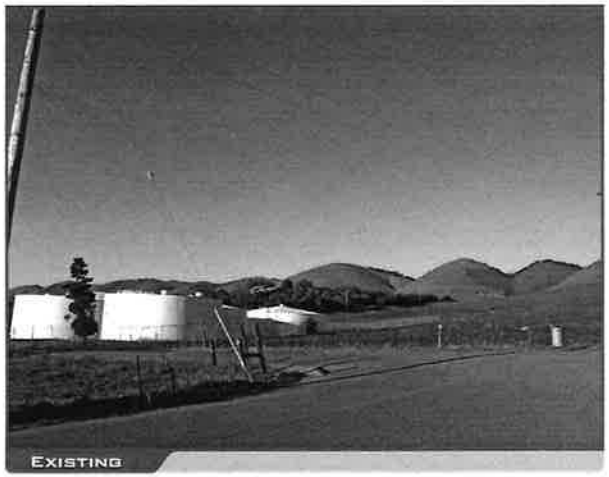
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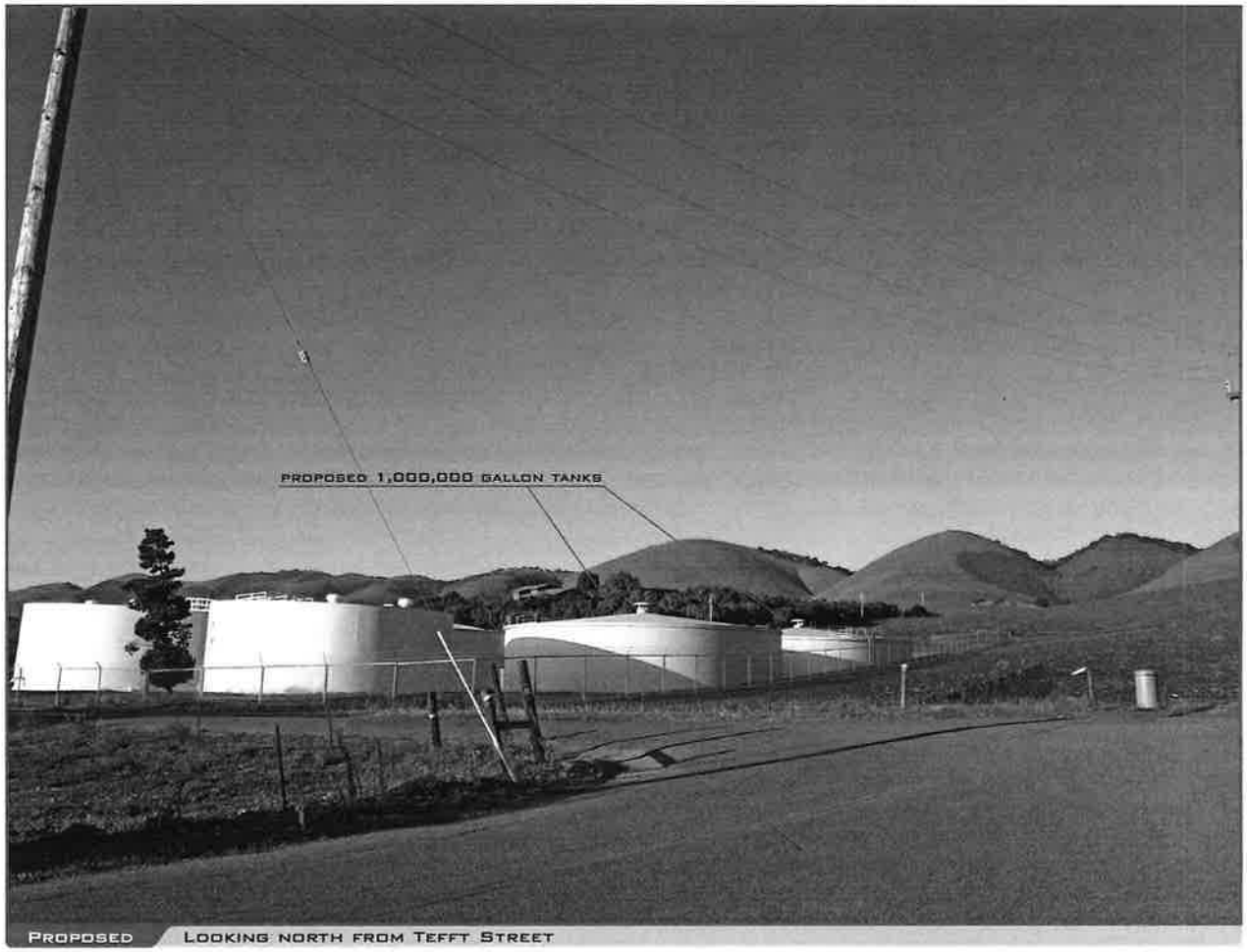

PROPOSED LOOKING NORTH FROM TEFFT STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Cannon

NIPOMO QUAD TANK

RETAINING WALL

DANA FOOTHILL ROAD COUNTY OF SAN LUIS OBISPO CA 93444

ARTISTIC engineering
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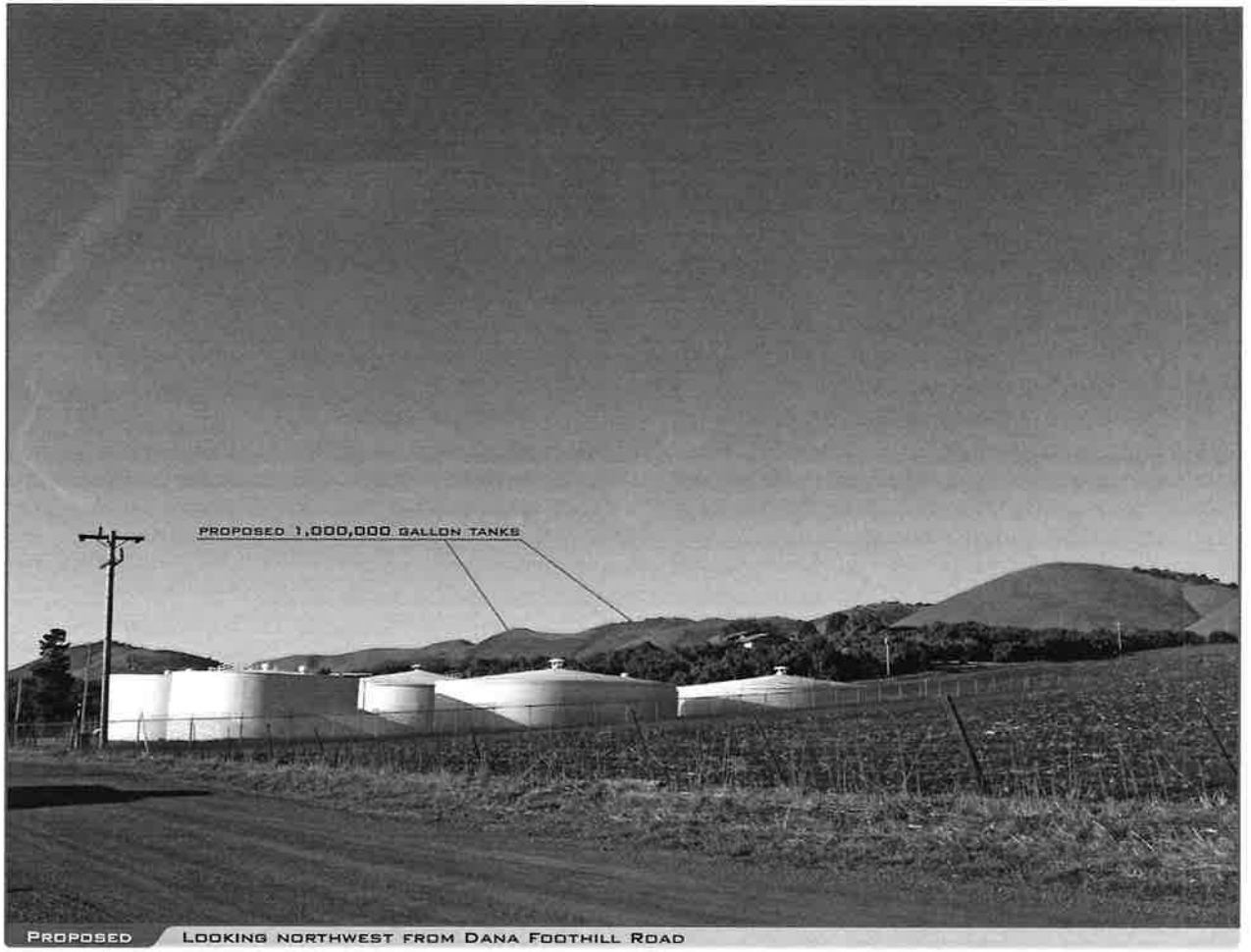
VIEW 2

LOCATION

EXISTING



PROPOSED LOOKING NORTHWEST FROM DANA FOOTHILL ROAD

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Cannon

NIPOMO QUAD TANK

RETAINING WALL

DANA FOOTHILL ROAD COUNTY OF SAN LUIS OBISPO CA 93444

ARTISTIC engineering
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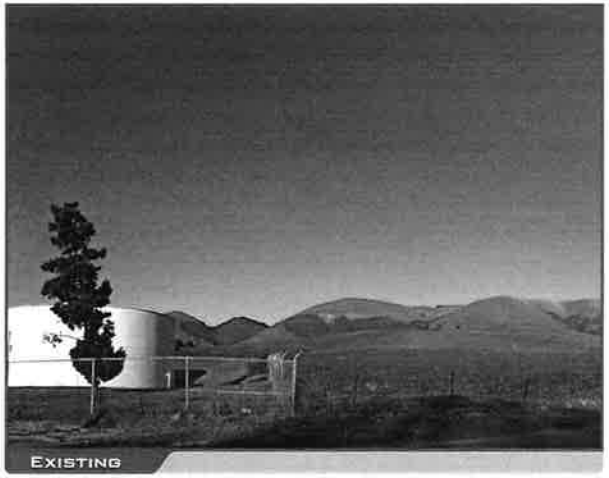
VIEW 3

LOCATION ©2010 Google Maps



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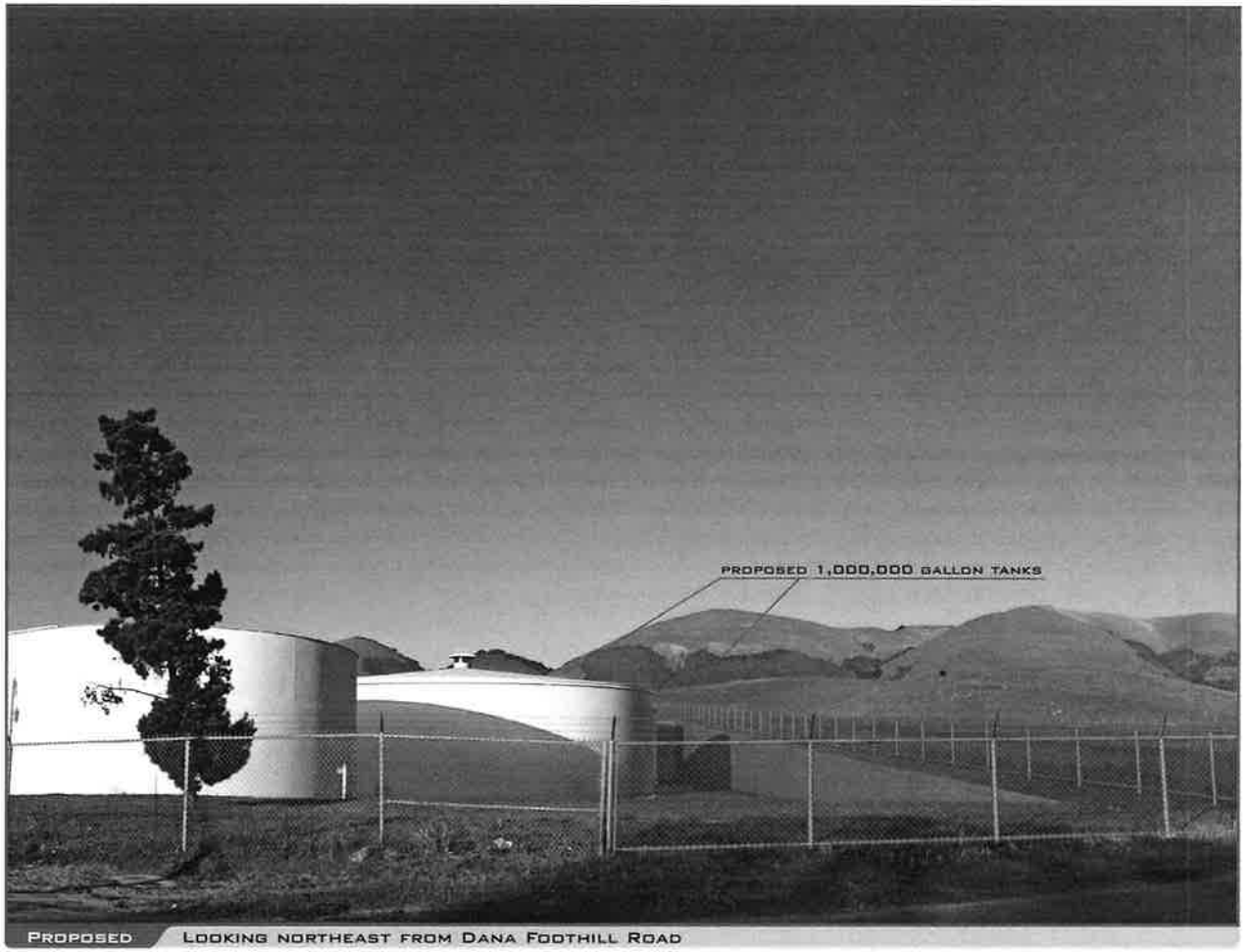

PROPOSED LOOKING NORTHEAST FROM DANA FOOTHILL ROAD

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Cannon

NIPOMO QUAD TANK

BURIED TANK

DANA FOOTHILL ROAD COUNTY OF SAN LUIS OBISPO CA 93444

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VIEW 1

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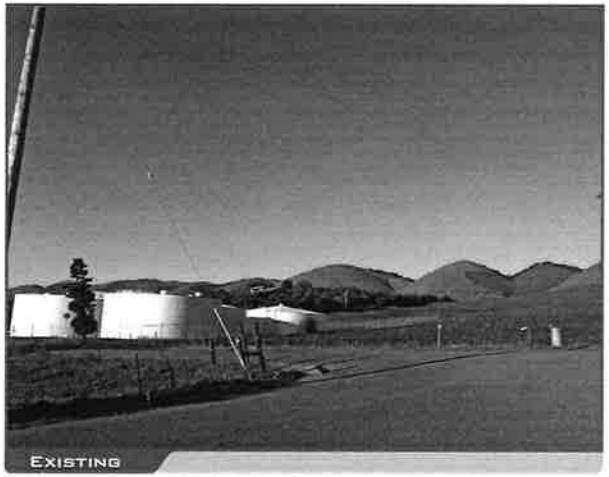
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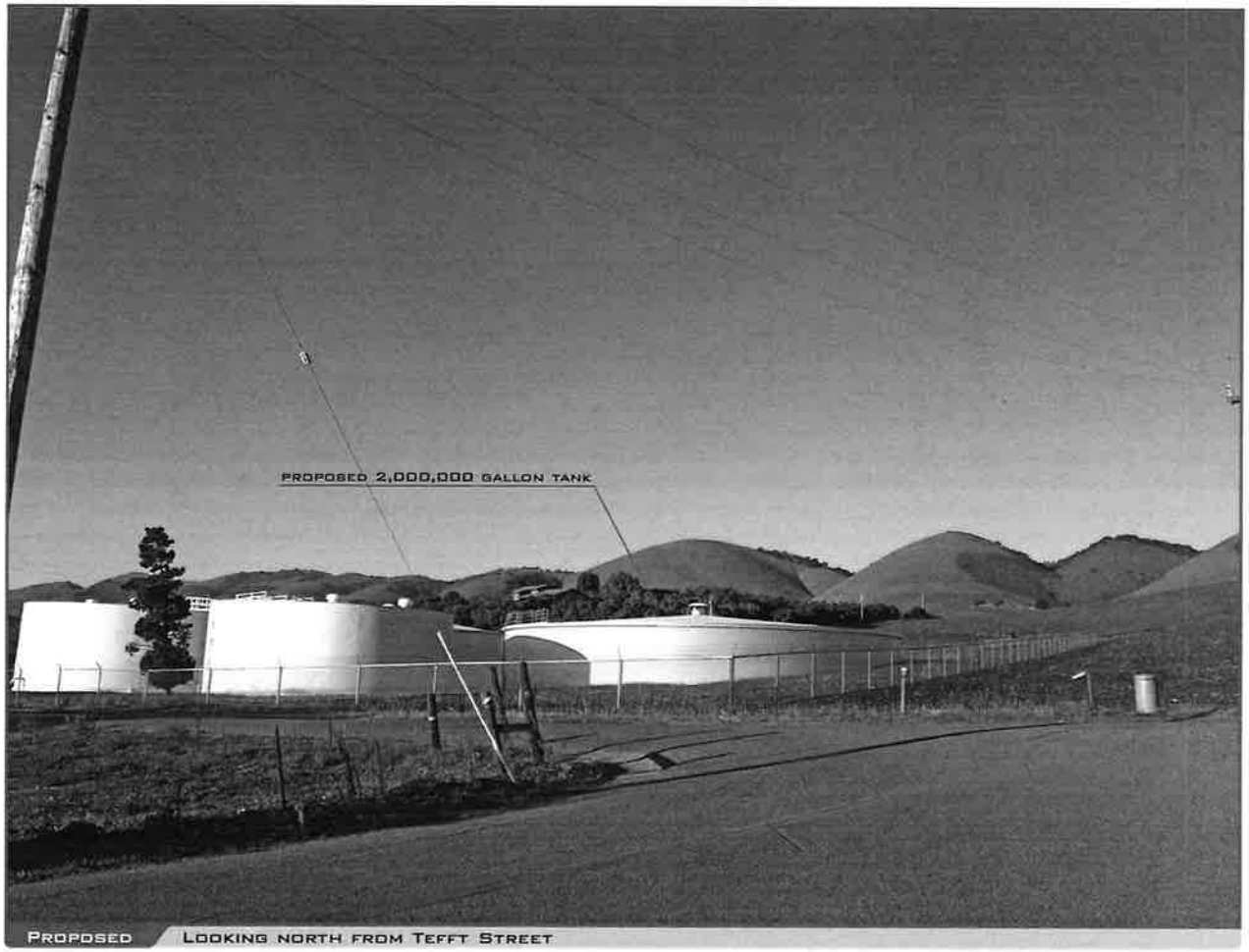

PROPOSED LOOKING NORTH FROM TEFFT STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

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VIEW 2

LOCATION ©2010 Google Maps

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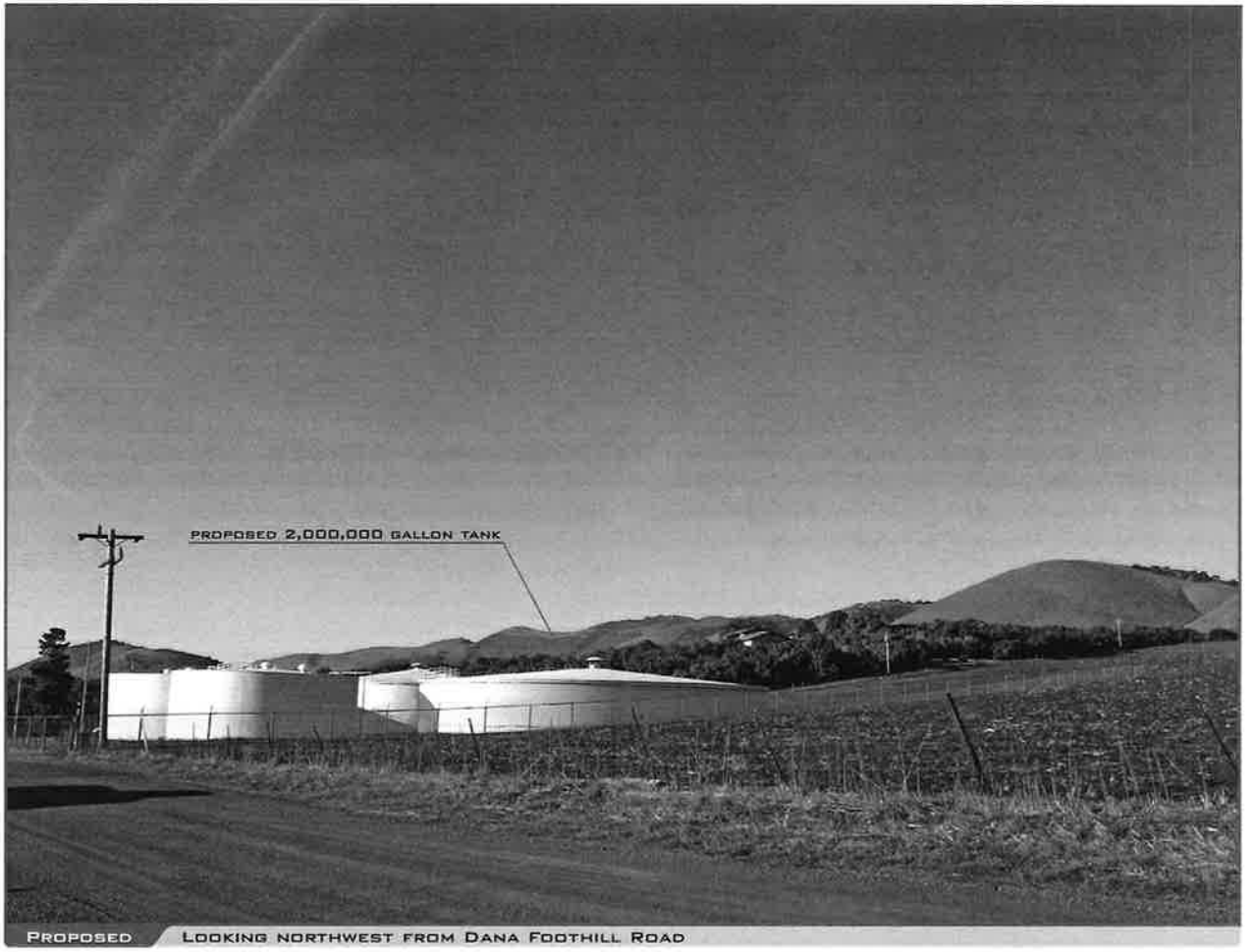

PROPOSED LOOKING NORTHWEST FROM DANA FOOTHILL ROAD

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Cannon

NIPOMO QUAD TANK

BURIED TANK

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VIEW 3

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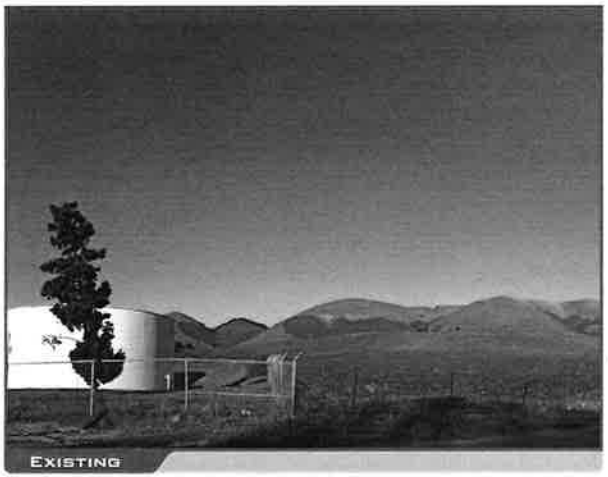

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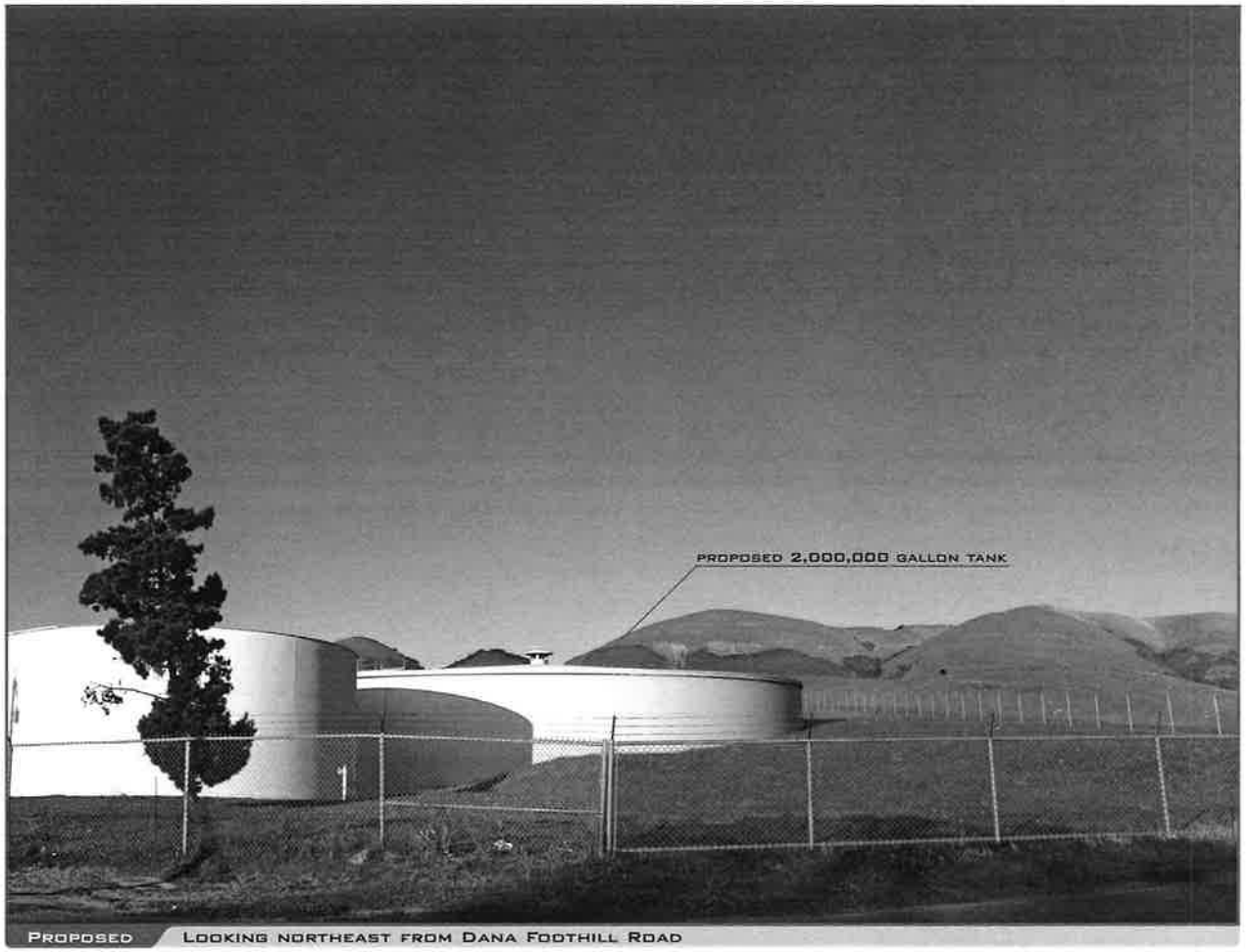

PROPOSED LOOKING NORTHEAST FROM DANA FOOTHILL ROAD

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

APPENDIX C

Biological Resources Species Lists

California Natural Diversity Database Results, November 18 2021

Scientific Name	Common Name	TaxonGroup	TotalOccs	FedList	CalList	GRank	SRank	RPlantRank	CDFW	OthrStatus
Taxidea taxus	American badger	Mammals	594	None	None	G5	S3		SSC	CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern
Muhlenbergia utilis	aparejo grass	Monocots	14	None	None	G4	S2S3	2B.2		
Gila orcuttii	arroyo chub	Fish	49	None	None	G2	S2		SSC	AFS_VU-Vulnerable | CDFW_SSC-Species of Special Concern | USFS_S-Sensitive
Anaxyrus californicus	arroyo toad	Amphibians	139	Endangered	None	G2G3	S2S3		SSC	CDFW_SSC-Species of Special Concern | IUCN_EN-Endangered
Dithyrea maritima	beach spectaclepod	Dicots	28	None	Threatened	G1	S1	1B.1		SB_SBBG-Santa Barbara Botanic Garden
Scrophularia atrata	black-flowered figwort	Dicots	62	None	None	G2?	S2?	1B.2		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden
Dudleya blochmaniae ssp. blochmaniae	Blochman's dudleya	Dicots	81	None	None	G3T2	S2	1B.1		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden
Erigeron blochmaniae	Blochman's leafy daisy	Dicots	36	None	None	G2	S2	1B.2		BLM_S-Sensitive | SB_SBBG-Santa Barbara Botanic Garden
Chorizanthe breweri	Brewer's spineflower	Dicots	45	None	None	G3	S3	1B.3		BLM_S-Sensitive | USFS_S-Sensitive
Athene cunicularia	burrowing owl	Birds	2011	None	None	G4	S3		SSC	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern | USFWS_BCC-Birds of Conservation Concern
Laterallus jamaicensis coturniculus	California black rail	Birds	303	None	Threatened	G3G4T1	S1			BLM_S-Sensitive | CDFW_FP-Fully Protected | IUCN_NT-Near Threatened | NABCI_RWL-Red Watch List | USFWS_BCC-Birds of Conservation Concern
Gymnogyps californianus	California condor	Birds	13	Endangered	Endangered	G1	S1			CDF_S-Sensitive | CDFW_FP-Fully Protected | IUCN_CR-Critically Endangered | NABCI_RWL-Red Watch List
Sternula antillarum browni	California least tern	Birds	75	Endangered	Endangered	G4T2T3Q	S2			CDFW_FP-Fully Protected | NABCI_RWL-Red Watch List

Rana draytonii	California red-legged frog	Amphibians	1664	Threatened	None	G2G3	S2S3		SSC	CDFW_SSC-Species of Special Concern | IUCN_VU-Vulnerable
Cladium californicum	California saw-grass	Monocots	15	None	None	G4	S2	2B.2		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | USFS_S-Sensitive
Ambystoma californiense pop. 2	California tiger salamander - Santa B	Amphibians	30	Endangered	Threatened	G2G3	S2			CDFW_WL-Watch List | IUCN_VU-Vulnerable
Calystegia subacaulis ssp. episcopalis	Cambria morning-glory	Dicots	25	None	None	G3T2?	S2?	4.2		
Central Dune Scrub	Central Dune Scrub	Dune	24	None	None	G2	S2.2			
Central Foredunes	Central Foredunes	Dune	7	None	None	G1	S1.2			
Senecio aphanactis	chaparral ragwort	Dicots	98	None	None	G3	S2	2B.2		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_CRES-San Diego Zoo CRES Native Gene Seed Bank
Phrynosoma blainvillii	coast horned lizard	Reptiles	784	None	None	G3G4	S3S4		SSC	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern
Taricha torosa	Coast Range newt	Amphibians	88	None	None	G4	S4		SSC	CDFW_SSC-Species of Special Concern
Nemacaulis denudata var. denudata	coast woolly-heads	Dicots	42	None	None	G3G4T2	S2	1B.2		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_CRES-San Diego Zoo CRES Native Gene Seed Bank
Coastal and Valley Freshwater Marsh	Coastal and Valley Freshwater Marsh	Marsh	60	None	None	G3	S2.1			
Chenopodium littoreum	coastal goosefoot	Dicots	13	None	None	G1	S1	1B.2		
Centromadia parryi ssp. congdonii	Congdon's tarplant	Dicots	98	None	None	G3T1T2	S1S2	1B.1		BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden
Monardella undulata ssp. crispa	crisp monardella	Dicots	30	None	None	G3T2	S2	1B.2		BLM_S-Sensitive
Atriplex serenana var. davidsonii	Davidson's saltscale	Dicots	27	None	None	G5T1	S1	1B.2		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden
Delphinium parryi ssp. blochmaniae	dune larkspur	Dicots	27	None	None	G4T2	S2	1B.2		
Delphinium parryi ssp. eastwoodiae	Eastwood's larkspur	Dicots	15	None	None	G4T2	S2	1B.2		

Rana boylii	foothill yellow-legged frog	Amphibians	2476	None	Endangered	G3	S3			BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_NT-Near Threatened | USFS_S-Sensitive
Nasturtium gambelii	Gambel's water cress	Dicots	13	Endangered	Threatened	G1	S1	1B.1		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_SBBG-Santa Barbara Botanic Garden
Deinandra increscens ssp. villosa	Gaviota tarplant	Dicots	21	Endangered	Endangered	G4G5T2	S2	1B.1		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_SBBG-Santa Barbara Botanic Garden
Coelus globosus	globose dune beetle	Insects	50	None	None	G1G2	S1S2			IUCN_VU-Vulnerable
Agrostis hooveri	Hoover's bent grass	Monocots	31	None	None	G2	S2	1B.2		BLM_S-Sensitive | USFS_S-Sensitive
Horkelia cuneata var. sericea	Kellogg's horkelia	Dicots	58	None	None	G4T1?	S1?	1B.1		SB_UCSC-UC Santa Cruz | USFS_S-Sensitive
Cirsium scariosum var. loncholepis	La Graciosa thistle	Dicots	23	Endangered	Threatened	G5T1	S1	1B.1		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_SBBG-Santa Barbara Botanic Garden
Calochortus simulans	La Panza mariposa-lily	Monocots	109	None	None	G2	S2	1B.3		SB_CRES-San Diego Zoo CRES Native Gene Seed Bank | SB_SBBG-Santa Barbara Botanic Garden | USFS_S-Sensitive
Arctostaphylos purissima	La Purisima manzanita	Dicots	41	None	None	G2	S2	1B.1		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_USDA-US Dept of Agriculture
Arenaria paludicola	marsh sandwort	Dicots	19	Endangered	Endangered	G1	S1	1B.1		SB_SBBG-Santa Barbara Botanic Garden
Horkelia cuneata var. puberula	mesa horkelia	Dicots	103	None	None	G4T1	S1	1B.1		USFS_S-Sensitive
Astragalus didymocarpus var. milesianus	Miles' milk-vetch	Dicots	16	None	None	G5T2	S2	1B.2		
Tryonia imitator	mimic tryonia (=California brackishw	Mollusks	39	None	None	G2	S2			IUCN_DD-Data Deficient
Danaus plexippus pop. 1	monarch - California overwintering p	Insects	383	Candidate	None	G4T2T3	S2S3			USFS_S-Sensitive
Plebejus icarioides moroensis	Morro Bay blue butterfly	Insects	12	None	None	G5T2	S2			

Dudleya abramsii ssp. murina	mouse-gray dudleya	Dicots	36	None	None	G4T2	S2	1B.3		BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden
Ceanothus impressus var. nipomensis	Nipomo Mesa ceanothus	Dicots	14	None	None	G3T2	S2	1B.2		
Lupinus nipomensis	Nipomo Mesa lupine	Dicots	3	Endangered	Endangered	G1	S1	1B.1		SB_SBBG-Santa Barbara Botanic Garden
Anniella pulchra	Northern California legless lizard	Reptiles	378	None	None	G3	S3		SSC	CDFW_SSC-Species of Special Concern | USFS_S-Sensitive
Bombus caliginosus	obscure bumble bee	Insects	181	None	None	G4?	S1S2			IUCN_VU-Vulnerable
Areniscythris brachypteris	Oso Flaco flightless moth	Insects	2	None	None	G1	S1			
Chlosyne leanira elegans	Oso Flaco patch butterfly	Insects	1	None	None	G4G5T1T2	S1S2			
Ablautus schlingeri	Oso Flaco robber fly	Insects	3	None	None	G1	S1			
Antrozous pallidus	pallid bat	Mammals	420	None	None	G4	S3		SSC	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern | USFS_S-Sensitive | WBWG_H-High Priority
Calochortus palmeri var. palmeri	Palmer's mariposa-lily	Monocots	111	None	None	G3T2	S2	1B.2		BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_SBBG-Santa Barbara Botanic Garden | USFS_S-Sensitive
Clarkia speciosa ssp. immaculata	Pismo clarkia	Dicots	26	Endangered	Rare	G4T1	S1	1B.1		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_SBBG-Santa Barbara Botanic Garden
Falco mexicanus	prairie falcon	Birds	451	None	None	G5	S4			CDFW_WL-Watch List | IUCN_LC-Least Concern | USFWS_BCC-Birds of Conservation Concern
Nemacladus secundiflorus var. robbinsii	Robbins' nemacladus	Dicots	9	None	None	G3T2	S2	1B.2		USFS_S-Sensitive
Symphyotrichum defoliatum	San Bernardino aster	Dicots	102	None	None	G2	S2	1B.2		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_CRES-San Diego Zoo CRES Native Gene Seed Bank | USFS_S-Sensitive

Calochortus obispoensis	San Luis mariposa-lily	Monocots	46	None	None	G2	S2	1B.2		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_SBBG-Santa Barbara Botanic Garden | USFS_S-Sensitive
Lupinus ludovicianus	San Luis Obispo County lupine	Dicots	16	None	None	G1	S1	1B.2		USFS_S-Sensitive
Monardella undulata ssp. undulata	San Luis Obispo monardella	Dicots	21	None	None	G2	S2	1B.2		BLM_S-Sensitive
Castilleja densiflora var. obispoensis	San Luis Obispo owl's-clover	Dicots	69	None	None	G5T2	S2	1B.2		
Arctostaphylos rudis	sand mesa manzanita	Dicots	36	None	None	G2	S2	1B.2		BLM_S-Sensitive | SB_SBBG-Santa Barbara Botanic Garden
Cicindela hirticollis gravida	sandy beach tiger beetle	Insects	34	None	None	G5T2	S2			
Ceanothus impressus var. impressus	Santa Barbara ceanothus	Dicots	37	None	None	G3T3	S3	1B.2		
Arctostaphylos luciana	Santa Lucia manzanita	Dicots	10	None	None	G2	S2	1B.2		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_UCSC-UC Santa Cruz | USFS_S-Sensitive
Arctostaphylos pilosula	Santa Margarita manzanita	Dicots	58	None	None	G2?	S2?	1B.2		BLM_S-Sensitive | SB_SBBG-Santa Barbara Botanic Garden | USFS_S-Sensitive
Accipiter striatus	sharp-shinned hawk	Birds	22	None	None	G5	S4			CDFW_WL-Watch List | IUCN_LC-Least Concern
Orobanche parishii ssp. brachyloba	short-lobed broomrape	Dicots	26	None	None	G4?T4	S3	4.2		
Malacothamnus gracilis	slender bush-mallow	Dicots	5	None	None	G1Q	S1	1B.1		SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden
Monardella sinuata ssp. sinuata	southern curly-leaved monardella	Dicots	36	None	None	G3T2	S2	1B.2		
Southern Vernal Pool	Southern Vernal Pool	Herbaceous	7	None	None	GNR	SNR			
Oncorhynchus mykiss irideus pop. 9	steelhead - south-central California c	Fish	41	Threatened	None	G5T2Q	S2			AFS_TH-Threatened
Chorizanthe rectispina	straight-awned spineflower	Dicots	38	None	None	G2	S2	1B.3		BLM_S-Sensitive | USFS_S-Sensitive
Cirsium rhothophilum	surf thistle	Dicots	21	None	Threatened	G1	S1	1B.2		BLM_S-Sensitive | SB_SBBG-Santa Barbara Botanic Garden
Buteo swainsoni	Swainson's hawk	Birds	2541	None	Threatened	G5	S3			BLM_S-Sensitive | IUCN_LC-Least Concern | USFWS_BCC-Birds of Conservation Concern
Eucyclogobius newberryi	tidewater goby	Fish	127	Endangered	None	G3	S3			AFS_EN-Endangered | IUCN_VU-Vulnerable

Agelaius tricolor	tricolored blackbird	Birds	955	None	Threatened	G1G2	S1S2		SSC	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_EN-Endangered | NABCI_RWL-Red Watch List | USFWS_BCC Birds of Conservation Concern
Thamnophis hammondii	two-striped gartersnake	Reptiles	184	None	None	G4	S3S4		SSC	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern | USFS_S-Sensitive
Delphinium umbraculorum	umbrella larkspur	Dicots	95	None	None	G3	S3	1B.3		BLM_S-Sensitive | USFS_S-Sensitive
Branchinecta lynchi	vernal pool fairy shrimp	Crustaceans	795	Threatened	None	G3	S3			IUCN_VU-Vulnerable
Emys marmorata	western pond turtle	Reptiles	1398	None	None	G3G4	S3		SSC	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_VU-Vulnerable | USFS_S-Sensitive
Charadrius nivosus nivosus	western snowy plover	Birds	138	Threatened	None	G3T3	S2		SSC	CDFW_SSC-Species of Special Concern | NABCI_RWL-Red Watch List | USFWS_BCC-Birds of Conservation Concern
Spea hammondii	western spadefoot	Amphibians	1422	None	None	G2G3	S3		SSC	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_NT-Near Threatened
Lichnanthe albipilosa	white sand bear scarab beetle	Insects	3	None	None	G1	S1			

California Native Plant Society (CNPS) Results, November 15 2021

Scientific Name	Common Name	CRPR	GRank	SRank	CESA	FESA	BloomingPeriod	Habitat	MicroHabitat
Arctostaphylos obispoensis	Bishop manzanita	4.3	G3	S3	None	None	Feb-Jun	Chaparral, Cismontane woodland, Closed-cone coniferous forest	Rocky, Serpentinite
Arctostaphylos pilosula	Santa Margarita manzanita	1B.2	G2?	S2?	None	None	Dec-May	Broadleafed upland forest, Chaparral, Cismontane woodland, Closed-cone coniferous forest	Sandstone (sometimes)
Arctostaphylos rudis	sand mesa manzanita	1B.2	G2	S2	None	None	Nov-Feb	Chaparral, Coastal scrub	Sandy
Agrostis hooveri	Hoover's bent grass	1B.2	G2	S2	None	None	Apr-Jul	Chaparral, Cismontane woodland, Closed-cone coniferous forest, Valley and foothill grassland	Sandy (usually)
Calystegia subacaulis ssp. episcopalis	Cambria morning-glory	4.2	G3T2?	S2?	None	None	(Mar)Apr-Jun(Jul)	Chaparral, Cismontane woodland, Coastal prairie, Valley and foothill grassland	Clay (usually)
Chorizanthe rectispina	straight-awned spineflower	1B.3	G2	S2	None	None	Apr-Jul	Chaparral, Cismontane woodland, Coastal scrub	
Erysimum capitatum var. lompocense	San Luis Obispo wallflower	4.2	G5T3	S3	None	None	Feb-May	Chaparral, Coastal scrub	
Lupinus ludovicianus	San Luis Obispo County lupine	1B.2	G1	S1	None	None	Apr-Jul	Chaparral, Cismontane woodland	
Malacothamnus jonesii	Jones' bush-mallow	4.3	G4	S4	None	None	(Mar)Apr-Oct	Chaparral, Cismontane woodland	
Monardella undulata ssp. undulata	San Luis Obispo monardella	1B.2	G2	S2	None	None	May-Sep	Coastal dunes, Coastal scrub	
Ceanothus cuneatus var. fascicularis	Lompoc ceanothus	4.2	G5T4	S4	None	None	Feb-Apr	Chaparral	
Deinandra paniculata	paniculate tarplant	4.2	G4	S4	None	None	(Mar)Apr-Nov	Coastal scrub, Valley and foothill grassland, Vernal pools	
Horkelia cuneata var. puberula	mesa horkelia	1B.1	G4T1	S1	None	None	Feb-Jul(Sep)	Chaparral, Cismontane woodland, Coastal scrub	
Ceanothus impressus var. nipomensis	Nipomo Mesa ceanothus	1B.2	G3T2	S2	None	None	Feb-Apr	Chaparral	Sandy

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

San Luis Obispo County, California

Local office

Ventura Fish And Wildlife Office

(805) 644-1766
(805) 644-3958

2493 Portola Road, Suite B
Ventura, CA 93003-7726

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS

Giant Kangaroo Rat Dipodomys ingens — Endangered
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/6051

Birds

NAME	STATUS

California Clapper Rail Rallus longirostris obsoletus — Endangered
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/4240

California Condor Gymnogyps californianus — Endangered
There is **final** critical habitat for this species. The location of the critical habitat is not available.
https://ecos.fws.gov/ecp/species/8193

Least Bell's Vireo Vireo bellii pusillus — Endangered
Wherever found
There is **final** critical habitat for this species. The location of the critical habitat is not available.
https://ecos.fws.gov/ecp/species/5945

Southwestern Willow Flycatcher Empidonax traillii extimus — Endangered
Wherever found
There is **final** critical habitat for this species. The location of the critical habitat is not available.
https://ecos.fws.gov/ecp/species/6749

Reptiles

NAME	STATUS

Blunt-nosed Leopard Lizard Gambelia silus — Endangered
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/625

Amphibians

NAME	STATUS

California Red-legged Frog Rana draytonii — Threatened
Wherever found
There is **final** critical habitat for this species. The location of the critical habitat is not available.
https://ecos.fws.gov/ecp/species/2891

California Tiger Salamander Ambystoma californiense — Threatened

There is **final** critical habitat for this species. The location of the critical habitat is not available.
https://ecos.fws.gov/ecp/species/2076

Insects

NAME	STATUS
Monarch Butterfly Danaus plexippus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate

Crustaceans

NAME	STATUS
Vernal Pool Fairy Shrimp Branchinecta lynchi Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/498	Threatened

Flowering Plants

NAME	STATUS
California Jewelflower Caulanthus californicus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4599	Endangered
Gambel's Watercress Rorippa gambellii Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4201	Endangered
Marsh Sandwort Arenaria paludicola Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2229	Endangered
Spreading Navarretia Navarretia fossalis Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/1334	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Bald Eagle Haliaeetus leucocephalus — Breeds Jan 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.
https://ecos.fws.gov/ecp/species/1626

California Thrasher Toxostoma redivivum — Breeds Jan 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Golden Eagle Aquila chrysaetos — Breeds Jan 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.
https://ecos.fws.gov/ecp/species/1680

Nuttall's Woodpecker Picoides nuttallii — Breeds Apr 1 to Jul 20

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/9410

Oak Titmouse Baeolophus inornatus — Breeds Mar 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9656

Tricolored Blackbird Agelaius tricolor — Breeds Mar 15 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/3910

Wrentit Chamaea fasciata — Breeds Mar 15 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Yellow-billed Magpie Pica nuttalli — Breeds Apr 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9726

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Golden Eagle Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)

Nuttall's Woodpecker BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

Oak Titmouse BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Tricolored Blackbird BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Wrentit BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Yellow-billed Magpie BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the NWI map to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Plant Species Observed

Scientific Name	Common Name	Family	Origin / Status[1]	WIS[2]
Brassica nigra	black mustard	Brassicaceae	non-native / Cal-IPC moderate	NI
Bromus diandrus	ripgut brome	Poaceae	non-native / Cal-IPC moderate	NI
Calystegia macrostegia	Island morning glory	Convolvulaceae	Non-native	
Cotoneaster pannosus	Silverleaf cotoneaster	Rosaceae	Non-native	
Cynara cardunculus	Artichoke thistle	Asteraceae	non-native / Cal-IPC moderate	
Cynodon dactylon	Bermuda grass	Poaceae	non-native / Cal-IPC moderate	FACU
Eleocharis macrostachya	Common spikerush	Cyperaceae		
Erodium cicutarium	redstem filaree	Geraniaceae	non-native / Cal-IPC limited	NI
Helminthotheca echiodes	bristly oxtongue	Asteraceae	non-native / Cal-IPC limited	
Heterotheca grandiflora	telegraph weed	Asteraceae	native	NI
Hirschefeldia incana	Shortpod mustard	Brassicaceae	non-native / Cal-IPC moderate	
Marrubium vulgare	Common horehound			
Melilotus albus	White sweetclover	Fabaceae	Non-native	
Pinus radiata	Monterey pine	Pinaceae	Planted	
Raphanus sativus	wild radish	Brassicaceae	non-native / Cal-IPC limited	NI
Silybum marianum	milk thistle	Asteraceae	non-native / Cal-IPC limited	

1.Status: California Invasive Plant Council (Cal-IPC); California Rare Plant Rank (CRPR)

2. National Wetland Indicator (NWI) Codes: Obligate Wetland Plants (OBL) almost always occur under natural conditions in wetlands; Facultative Wetland Plants (FACW) usually occur in wetlands but may occur in non-wetlands; Facultative Plants (FAC) occur in wetlands and non-wetlands; Facultative Upland Plants (FACU) usually occur in non-wetlands but may occur in wetlands; Upland Plants (UPL) almost never occur under natural conditions in wetlands, and No Indicator (NI) is used for plants with no WIS (treated as UPL).

Wildlife Species Observed

Scientific Name	Common Name	Species Status/ Notes
Birds		
Aphelocoma californica	western scrub-jay	MBTA
Buteo jamaicensis	red-tailed hawk	MBTA
Mimus polyglottos	Northern Mockingbird	MBTA
Calypte anna	Anna's hummingbird	MBTA
Cathartes aura	turkey vulture	MBTA
Corvus brachyrhynchos	American crow	MBTA
Melospiza melodia	song sparrow	MBTA
Sayornis nigricans	black phoebe	MBTA

APPENDIX D

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FOOTHILL WATER TANK SITE ACQUISITION AND CONSTRUCTION PROJECT

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Aesthetics				
AES-1	Prior to operation of proposed water storage tank facilities, the Nipomo Community Services District shall paint all existing water tanks and the newly constructed water tank(s) a neutral earth-toned color to blend with its surroundings.	Paint the existing and new water tanks.	Prior to operation of proposed facilities.	NCSD
Air Quality				
AQ-1	During all construction and ground disturbing activities, the following San Luis Obispo County Air Pollution Control District-recommended *Standard Mitigation Measures* shall be implemented to reduce construction-generated nitrogen oxides, reactive organic gases, and diesel particulate matter. 1. Maintain all construction equipment in proper tune according to manufacturer's specifications; 2. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); 3. Diesel-fueled construction equipment shall meet, at a minimum, California Air Resources Board's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation. Off-road equipment meeting California Air Resources Board's Tier 3 and Tier 4 emission standards shall be used to the extent locally available; 4. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation; 5. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or nitrogen oxide-exempt area fleets) may be eligible by proving alternative compliance; 6. Diesel idling while equipment is not in use is not permitted; 7. To the extent feasible, staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; 8. Electrify equipment when feasible; 9. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and 10. Use alternative-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or	All measures shall be listed on project construction plans.	During project construction and ground disturbance activities.	NCSD

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	biodiesel.			
AQ-2	**During all construction activities and use of diesel vehicles**, the applicant shall implement the following idling control techniques: 1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment. a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors, if feasible; b. Diesel idling while equipment is not in use shall not be permitted; c. Use of alternative-fueled equipment shall be used whenever feasible; and d. Signs that specify the no idling requirements shall be posted and enforced at the construction site. 2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles: a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation. b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation. Signs must be posted in the designated queuing areas and job sites to remind drivers of the idling limits. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf. These requirements shall be detailed on all project plan sets.	Measures shall be noted on project construction plans.	During all construction activities and use of diesel vehicles.	NCSD
AQ-3	**During all site preparation and ground-disturbing activities,** the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans: 1. Reduce the amount of disturbed area where feasible. 2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding San Luis Obispo County Air Pollution Control District's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour and cessation of grading activities during periods of winds over 25 miles per hour.	Measures shall be listed on project construction plans.	During all site preparation and ground-disturbing activities.	NCSD

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	Reclaimed (non-potable) water is to be used in all construction and dust-control work if available. 3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed. 4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities. 5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive, grass seed and watered until vegetation is established. 6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District. 7. 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 or soil binders are used. 8. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site. 9. All trucks hauling dirt, sand, soil, or other loose materials, are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114. 10. Install rumble plates at the site ingress and egress locations to minimize soil being carried onto adjacent paved roads. 11. Water sweepers shall be used with reclaimed water if available. Roads shall be pre-wetted prior to sweeping when feasible. 12. All particulate matter 10 micrometers or less in diameter (PM_{10}) mitigation measures required shall be shown on grading and building plans. 13. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. 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 Nipomo Community Services District and San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.			

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Biological Resources				
BIO-1	Prior to and during construction, the Nipomo Community Services District shall retain a qualified biological monitor(s) to monitor during ground-disturbing activities in previously undisturbed areas and vegetation removal. All wildlife within the construction and staging area will be allowed to exit the area on their own volition.	Retention of monitor.	Prior to and during construction.	NCSD
BIO-2	Immediately after initial ground-disturbing activities and vegetation removal in previously undisturbed areas, a wildlife exclusion fence shall be installed around the entirety of the project site and staging area to prevent wildlife from reentering the construction area from the surrounding hillside. No construction work (including storage of materials) shall occur outside of the specified project limits. The fencing shall remain in place during the entire construction period and be maintained as needed by the contractor. Upon completion of construction activities, all temporary exclusion fencing shall be removed from the project site.	Installation of wildlife exclusion fence.	Immediately after initial ground-disturbing activities and during all construction activities.	NCSD
BIO-3	If construction activities are proposed during the typical nesting bird season (February 15–September 15), a nesting bird survey shall be conducted by a qualified biologist no more than 2 weeks prior to the start of construction to determine presence/absence of nesting birds. If nesting activity is detected, the following measures shall be implemented: 1. The project shall be modified through the use of protective buffers, delaying construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code. 2. The qualified biologist shall document all active nests and submit a letter report to the Nipomo Community Services District documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures.	Nesting bird survey report (if applicable).	Prior to start of construction activities.	NCSD

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Cultural Resources				
CR/mm-1.1	Prior to construction activities, a qualified archaeologist shall conduct cultural resource awareness training for all construction personnel, which will include the following: 1. Review the types of archaeological artifacts that may be uncovered; 2. Provide examples of common archaeological artifacts to examine; 3. Review what makes an archaeological resource significant to archaeologists and local native Americans; 4. Describe procedures for notifying involved or interested parties in case of a new discovery; 5. Describe reporting requirements and responsibilities of construction personnel; 6. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and 7. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.	Retain archeologist, review training sign-in sheets and weekly monitoring reports, regular site inspections throughout construction	Prior to construction activities and throughout construction	NCSD
CR/mm-1.2	If cultural resources are encountered during subsurface earthwork activities, all ground-disturbing activities within a 25-foot radius of the find shall cease and the Nipomo Community Services District shall be notified immediately. Work shall not continue until a qualified archaeologist assesses the find and determines the need for further study. If the find includes Native American affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act criteria by a qualified archaeologist. If the resource is determined significant under California Environmental Quality Act, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, and file it with the Central Coast Information Center, located at the Santa Barbara Museum of Natural History, and provide for the permanent curation of the recovered materials.	Review monitoring reports and document compliance through regular site inspections throughout construction	During ground-disturbing activities	NCSD
Geology and Soils				
GS-1	Prior to any ground-disturbing activities, the Nipomo Community Services District shall retain a qualified paleontologist to prepare a Paleontological Monitoring and Treatment Plan (PMTP). The PMTP shall be based on "Society of Vertebrate Paleontology (SVP) guidelines" and meet all regulatory requirements. The qualified	Review plan and document compliance through regular site inspections	Prior to and during ground-disturbing activities	NCSD

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	paleontologist shall: (a) have a master's degree or Ph.D. in paleontology, (b) have knowledge of the local paleontology, and (c) be familiar with paleontological procedures and techniques. The PMTP shall: 1. Identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered; 2. Detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential; 3. Detail methods of recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting; 4. Outline a coordination strategy to ensure that a Nipomo Community Services District-approved paleontological monitor will conduct full-time monitoring of all grading activities in the "deeper" sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the PMTP shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring. 5. Define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations. Prior to ground disturbance, all construction workers shall be informed about the paleontological monitor and their role at the work site. The Nipomo Community Services District and/or the project contractor shall ensure all approved measures detailed in the PMTP are implemented and adhered to prior to and throughout all construction activities.	throughout construction		
GS-2	During ground-disturbing activities, if any paleontological resources are encountered, activities in the immediate area of the find shall be halted and the discovery assessed in accordance with the approved Paleontological Monitoring and Treatment Plan (PMTP). A qualified paleontologist shall be retained to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resources shall be developed and implemented if paleontological resources are encountered. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved. Prior to final inspection/occupancy of construction permit, the paleontologist shall submit to the Nipomo Community Services District a final post-construction report from the paleontologist summarizing construction compliance and protection.	Review impact mitigation program (if applicable) and document compliance through regular site inspections throughout construction	During ground-disturbance activities	NCSD
Noise				
N-1	Construction activities shall be limited to the daytime hours of 7:00 a.m. to 9:00 p.m.	Document	During all construction	NCSD

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday.	compliance through regular site inspections throughout construction	activities	
N-2	Internal combustion engines shall be equipped with the muffler recommended by the manufacturer. Internal combustion engines shall not be operated on the job site without the appropriate muffler.	Document compliance through regular site inspections throughout construction	During all construction activities	NCSD

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