 Author: Date: 1/9/2009 12:22:05 AM

The letter is not included in the EIR CD and has been requested on 1/6/09. But clearly the Issues/Concern is not correctly indicted.

As Indicated the Actual letter hopes that the EIR will not plecemeal the broader intent of the project (as it has done In this EIR)

B. PROJECT OBJECTIVES

The basic objective of the proposed Nipomo Community Services District Waterline Intertie Project is to construct a pipeline connection from the City of Santa Maria water distribution system across the Santa Maria River to the existing water distribution system within the Nipomo Community Services District. In so doing, the proposed project will also achieve the following objectives:

1. Slow the depletion of the above-sea-level groundwater in storage beneath the Nipomo Mesa Groundwater Management Area (NMMA) of the Santa Maria Groundwater Basin to reduce the potential for sea water intrusion by using supplemental water consistent with the settlement agreement and the judgment related to the groundwater adjudication. Since projections have shown that sea water intrusion could occur in 12-14 years with no new development, and under 8 years in a "dry years" scenario, the nearest-term project completion is essential. The conservative goal of this project is to provide at least 2,000 acre-feet per year (AFY) of supplemental water to the NMMA by 2013.
2. Comply with the 2005 groundwater adjudication settlement stipulation and judgment that dictates the need for active management of the NMMA.
3. Assist in stabilizing the groundwater levels in the NMMA by reducing pumping in the NMMA.
4. Augment current water supplies available to the Nipomo Community Services District by a phased delivery of supplemental water. Phase I will supply approximately 2,000 AFY by pipeline from Santa Maria following Phase I construction completion. Phase II will supply up to an additional 1,000 AFY by pipeline from Santa Maria (a cumulative total of 3,000 AFY). A third phase (Phase III), if implemented, would supply up to an additional 3,200 AFY (a cumulative total of 6,200 AFY) by pipeline from Santa Maria.
5. Augment current water supplies available to the Woodlands and other water purveyors on the Mesa by 831 acre-feet per year as follows: Woodlands (415 AFY), Golden State Water Company (208 AFY) and Rural Water Company (208 AFY).
6. Increase the reliability of District water supply by providing a diversity of water sources. Avoid the potential use of supplemental water return flows from the District, the Woodlands and the other purveyors, being used to support the water requirements of new development.
7. Comply with Local Agency Formation Commission (LAFCO) conditions for securing supplemental water prior to annexation of lands now within the District's

Author: Date: 1/9/2009 12:23:31 AM

There is no "dictates" in the Judgment or settlement and the EIR provides on support for this Objective.

Author: Date: 1/9/2009 12:23:59 AM

Judgement, Settlement and MOU do not cover discretionary third phase of 6200 AF /Year in any case.

Author: Date: 1/8/2009 8:23:39 PM

Does not increase reliability because it will create more demand based on an unreliable supply.

Author: John Subject: Comment on Text Date: 1/9/2009 12:25:49 AM

Santa Maria owns "Return flows" and can prevent use as needed and so no NCSD objective is met. NCSD does not own the "Return flows" in any case and has no right to prevent their use by other water users in the basin as a whole

Sphere of Influence. This supplemental water for annexations shall be in addition to the 3,000 AFY developed by Phases I and II.

8. Avoid multiple waterline crossings of the Santa Maria River and associated environmental impacts, by constructing a single pipeline capable of transporting sufficient water for potential NMMA growth consistent with the South County Area Plan (Inland) of San Luis Obispo County's General Plan. The pipeline diameter crossing the Santa Maria River would accommodate a 6,200 AFY capacity.
9. Slow the depletion of the above-sea-level groundwater in storage beneath the NMMA by:
 - A. Providing supplemental water for new development within the current service area of the District and the Mesa's other water purveyors (Golden State and Rural Water) consistent with the South County Area Plan (Inland);
 - B. Facilitating supplemental water delivery for new development within the District's Sphere of Influence consistent with the South County Area Plan (Inland) and the conditions in LAFCO's 2004 Sphere of Influence Update;
 - C. Providing the basis for the assessment of County Impact Fees upon development outside the District's Sphere of Influence and the service areas of the Mesa's other water purveyors (Golden State and Rural Water Companies).

These project objectives play an important role in this EIR in that these objectives provide the basis for judging the merits of the proposed project. These objectives also assist in the evaluation (and possible adoption or rejection) of alternatives to the proposed project (see Section VII. Alternatives to the Proposed Project).

T Author: Date: 1/9/2009 12:26:11 AM

This objective creates lower reliability than two pipes both in contracts to supply water and physical delivery

T Author: Date: 1/9/2009 12:26:25 AM

The South County Area Plan and the growth in that plan is supported by water under the area. As outlined in the Plans own EIR. This pipe is for additional growth.

T Author: Date: 1/9/2009 12:27:13 AM

This is the true use, for increased development

T Author: Date: 1/9/2009 12:36:29 AM

Yes the objective are for the real project which is to bring in 6200 AF of water to Nipomo to support new development.

(DBP's) and the fewest water quality problems in the water distribution system. In addition, the District expects to see a reduction in customer complaints related to taste and odor. However, this change in treatment method may affect certain aquatic pet species and reptiles, users of ultra pure water, kidney dialysis patients and chloramine sensitive manufacturing processes. Monitoring and public awareness programs will be required.

- *Right-of-Way Acquisition*

Prior to construction of the proposed waterline intertie, the Nipomo Community Services District will require authorization from landowners and other entities for access and long-term maintenance of proposed project facilities. The strip of land (approximately 1,000 feet wide) between the Santa Maria River and the northern Santa Maria city limits falls within jurisdiction of the County of Santa Barbara. With proper permitting and notification, this area will be traversed by waterlines prior to crossing the river.


The proposed route for crossing the Santa Maria River will require contact with several private landowners in order to negotiate and secure required property interests, rights-of-way and construction easements (referred to as "property interests"). If securing these property interests is not agreed to by the involved landowners, the District may require the use of eminent domain in order to obtain these property interests.

Encroachment permits may be required for trenching of new pipelines along public roadways. This construction activity will necessitate a 25-foot wide trench (including the pipeline trench and temporary side slopes) for installation of new pipelines adjacent to or within public or private roadways and easements.

Several existing easements and pipelines traversing the Santa Maria River will require avoidance. An existing Conoco Phillips underground 10-inch oil pipeline runs beneath the Santa Maria River in the vicinity of the proposed 24-inch underground HDD waterline. Pacific Gas and Electric has two easements and Sempra Energy has two natural gas lines located to the east or upstream of the proposed 24-inch underground line (see Figure 12, Existing Easements and Pipelines.) The California Department of Public Health requires that a minimum distance be maintained between oil and water pipelines depending on their depth relative to one another.

- *Future Water Needs*

The potential importation of a maximum of 6,200 acre-feet of water per year is intended to accomplish several objectives. Approximately 2,500 acre-feet per year will offset current groundwater production in order to avoid further depletion and assist in balancing of groundwater levels of the Nipomo Mesa Management Area (NMMA). The Phase I increment of 2,000 acre-feet per year of this total will be used to augment water supplies available to the existing customers of the Nipomo Community Services District thereby replacing/reducing groundwater pumping of the NMMA by that amount. While this first (Phase I) increment of supplemental water will be used entirely by the NCSD, three local water purveyors may contribute funds for the purchase of a portion of this Phase I water supply. In accordance with the Court-approved Settlement Agreement and Judgment


 Author: Date: 1/9/2009 12:39:40 AM

There is no text in the settlement or Judgment that supports the claim that there is a "depletion" or need to balance groundwater levels. All water used will support new development.


27 related to the future management of the Santa Maria Groundwater Basin, the Woodlands development has agreed to contribute funds equal to the cost for provision of up to 418 acre-feet per year. Both the Golden State Water Company and Rural Water Company have the option under the settlement agreement and judgment to contribute funds equal to 208 acre-feet per year or the find an alternate source of water supply. Participation of the latter two water purveyors is currently the subject of negotiations with the NCSD. While these entities will continue to pump groundwater from the NMMA, this funding of a portion of the supplemental water delivery to the NCSD is considered to be the equivalent of in-lieu fees as an offset for their continued pumping of groundwater at their current levels (see Figure 13, Phase I Water Use Area). A portion of the Phase I water supply may also be used to provide water service to vacant or undeveloped properties within the NCSD service area as long as they also pay a supplemental water capacity charge in order to offset their additional demand.

The second phase (Phase II) increment of supplemental water will total an additional 1,000 acre-feet per year. Half of this total (500 acre-feet each) will be used for the remaining groundwater replenishment for the NMMA (bringing that total to 2,500 acre-feet per year). The additional 500 acre-feet per year in the Phase II delivery of supplemental water will be used by the NCSD to serve future customers on currently vacant land within the existing NCSD boundaries (see Figure 14, Phase II Water Use Area).


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

 Author: Date: 1/9/2009 12:41:17 AM

The "Option" is not part of the settlement the wording is the same for Woodlands, Golden State Water or Rural Water obligations in the settlement.

 Author: Date: 1/9/2009 12:41:53 AM

A clear statment that Phase I will support new development

 Author: Date: 1/8/2009 8:24:43 PM

This statement is inconsistent with the county's view of "Supplemental water" for the Nipomo Water conservation area use which is not the Phase III Water use area in figure 15 because it's outside the Sphere of Influence, the intended use has not been fully considered in the EIR


E. REQUIRED PERMITS AND APPROVALS

The proposed Nipomo Community Services District Waterline Intertie involves a series of approvals and discretionary actions by the Nipomo Community Services District, as Lead Agency, and other involved regulatory agencies. The proposed project involves the following approvals by the Nipomo Community Services District:


1. Certification of the Final Environmental Impact Report for the proposed Nipomo Community Services District Waterline Intertie;
2. Approval of the Mitigation Monitoring Program for the Nipomo Community Services District Waterline Intertie;
3. Review and approval of detailed plans for pipelines, pump stations, storage facilities and other infrastructure for the proposed waterline intertie.

The proposed Nipomo Community Services District Waterline Intertie may also require the following approvals by other involved regulatory agencies including:

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

 Author: Date: 1/9/2009 12:43:16 AM

The real project also needs NCS D to complete a final agreement with Santa Maria for the actual water to be put in the pipe, that will have to include the true Nature, Source, reliability, Term Quality and Quality. None of those aspects have been properly considered by the EIR,

 Author: Date: 1/9/2009 12:43:27 AM

The PUC would need to approve the Settlement agreement to provide any additional security that Santa Maria might provide above and beyond what NCS D would get just pumping Groundwater the for free out of the ground.

F. PROJECT TIMING

Detailed design efforts for the proposed project facilities will begin upon certification of the Final Environmental Impact Report. The District will develop a map that delineates the precise route of the waterline intertie and the location of other required project facilities (pipelines, pump stations, water storage facilities, etc.) which will provide the basis for any required right-of-way or facilities acquisition.

Phase I project construction is estimated by the project engineer to require a total of 350 to 380 calendar days. Several of the construction activities noted below will be performed concurrently within this overall range of timing. These Phase I construction activities include: 1) construction of the Blosser Road pipeline (120 to 140 days); 2) Santa Maria River crossing (280 to 300 days); 3) Pump Station # 2 and water storage tank construction (300 to 320 days) and 4) NCSD distribution system improvements (200 to 220 days). Start-up and testing of these facilities is estimated to require an additional 30 to 40 days. The project engineer has also estimated an additional 20 days for rain delays and/or contingency time.

Phase II project construction is estimated to require a total of 110 to 150 calendar days. Concurrent construction activities include: 1) Pump Station # 2 upgrades (90 to 120 days) and 2) NCSD distribution system improvements (90 to 120 days). Start-up and testing of these facilities is estimated to require an additional 10 to 20 days. The project engineer has also estimated an additional 10 days for rain delays and/or contingency time.

Phase III project construction is estimated to require a total of 350 to 380 calendar days for the additional or replacement waterline on Blosser Road, the provision of a water line to the Quad Storage Tanks and construction of or upgrades to Pump Stations No. 1 and No. 2 and an additional water storage tank.

T Author: Date: 1/9/2009 12:44:14 AM

There is no justification of the need for this timing, because the pipeline part of the project can be completed so quickly (1 to 2 years) compared to the status of any change in the groundwater basin (decades) the best alternative (that has not been considered or studied by this EIR) is to wait for an actual court order requiring the pipe line (which will include a real court ordered time frame in which it needs to be completed)

B. CUMULATIVE PROJECTS

Cumulative impacts of the proposed project are assessed throughout Section V. Environmental Analysis of this EIR within the discussions of various issue areas. Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." The cumulative impacts from several projects are the changes in the environment which result from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probably future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time (Section 15355 of the State CEQA Guidelines).


The analysis of cumulative impacts within each issue area in Section V. Environmental Analysis is based upon future long-term projects within the South County Planning Area Land Use Planning Area. The following listing of cumulative projects is based upon data provided by the County of San Luis Obispo Planning and Buildings Department as of September, 2008. These cumulative projects are listed by those that have been approved and those that are proposed, pending future approval.

- **Approved Projects**


Shapiro A Vesting Tentative Tract Map (Tract 2611) and Conditional Use Permit to allow a mixed-use planned development consisting of the subdivision of an existing 5.2 acre parcel into nine parcels ranging in size from 8,307 square feet to 1.32 acres as well as development of approximately 12,000 square feet of office space, approximately 44,000 square feet of retail space, 4,500 square feet of restaurant space and 51 multi-family residential units. The proposed project is within the Commercial Retail land use category and is located 170 South Frontage Road at the southwest corner of Hill Street and South Frontage Road.

LanDev LLC. A Tentative Tract Map to subdivide five parcels totaling 19.1 acres into 24 lots ranging in size from 0.2 to 5.0 acres and a Conditional Use Permit for a mixed use development including a three-story, 112-unit, 97,600-square foot assisted living/memory support facility, a 16,000-square foot themed restaurant and conference facility and 130,000 square feet of retail, office and professional buildings. The proposed project is located on the southeastern side of Juniper Street approximately 90 feet west of North Frontage Road.

Nipomo Center. A Vesting Tentative Tract Map (Tract 2312) and Conditional Use Permit to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres and ten commercial parcels ranging in size from 0.21 to 0.84 acres. The proposal includes 59 duplex, triplex and fourplex residential units and 75,868

 Author: Date: 1/9/2009 12:45:57 AM

It's important to note that NCSD has approved intent to serve letters for each of these projects that includes the as a key part of that approval that they have the water so serve the projects. It's inconsistent (and not credible) to claim in this EIR that the Water (2500 AF/Year) from this project will be used for an existing deficit while the NCSD board continues to issue Intent to serve and Will serve letters as it has done for each year in the past that are required to be supported by a water supply.

 Author: Date: 1/9/2009 12:46:07 AM

Each project listed needs to show the approximate water use expected in order to properly evaluate the effects of water use and supply and this project in this EIR document.


Allshouse. A Vesting Tentative Tract Map and Conditional Use Permit to subdivide an existing 1.19 acre parcel involving fifteen residential condominium parcels ranging in size from approximately 1,000 to 1,200 square feet and one 0.30 acre parcel for an existing four-unit apartment building. The 15 single family residences will range in size from 1,189 to 1,330 square feet. The project site is within the Residential Multi-Family land use category and is located on the southwest corner of the intersection of Avenida de Amigos and Grande Avenue.

• ***Proposed Projects Pending Approval***

Crystal Oaks Specific Plan. The South County Area Plan identifies the Canada Ranch property as an urban expansion area for a combination of commercial service, commercial retail and residential uses. The area is intended to provide job generating business to help improve the present jobs/housing imbalance in Nipomo. Protection of natural resources including the large oak woodland areas is also a major priority. Development of the site must be preceded by preparation of a Specific Plan. The South County Area Plan identifies the Canada Ranch Specific Plan area on both the west and east sides of Highway 101, however, only the portion west of Highway 101, approximately 288 acres, is the subject of the currently-proposed Specific Plan. The Specific Plan for the western portion of the Canada Ranch (hereinafter referred to a Crystal Oaks Specific Plan) will be prepared under the guidance of the County. The project site is located northwest of Sandydale Drive, west of Highway 101 and the North Frontage Road and south of the proposed Willow Road extension and interchange.

Vista Grande. A Vesting Tentative Tract Map and Conditional Use Permit to subdivide an existing 1.14 acre parcel into eighteen residential parcels ranging in size from approximately 765 to 1,509 square feet and the construction of 18 single family residences ranging in size from 1,348 to 1,635 square feet. The project site is within the Residential Multi-Family land use category and is located at the southeast corner of Avenida de Amigos and Grande Avenue, approximately 200 feet west of South Frontage Road.

Promesa. Promesa LLC Tract Map involves ten five acre lots.

 Author: Date: 1/8/2009 8:25:33 PM

Each project listed needs to show the approximate water use expected in order to properly evaluate the effects of water use and supply in this EIR document. The cumulative effect can not and has not been analyzed in this EIR because of this lack of information.

V. ENVIRONMENTAL ANALYSIS

An Initial Study for the proposed Nipomo Community Services District Waterline Intertie project was prepared by the Nipomo Community Services District and was circulated between June 27, 2008 and July 28, 2008 with the Notice of Preparation (NOP) for this EIR. The Initial Study identified issue areas which in combination with comments received during the circulation of the NOP have resulted in the evaluation of the following issues in this EIR.

- Land Use and Planning
- Population and Housing
- Water
- Biological Resources
- Aesthetics
- Cultural Resources
- Geology
- Traffic
- Noise
- Air Quality

The discussion of each environmental issue within this section adheres to the following format:

1. Existing Conditions - The existing environment within and in the vicinity of the project site is discussed from both a local and regional perspective.
2. Thresholds of Significance - Any pertinent thresholds of significance as identified by CEQA or other relevant standards are noted.
3. Project Impacts - The nature and extent of project impacts relative to the issue areas noted above are analyzed. These analyses address direct (or primary) effects of the proposed project as well as its indirect (or secondary) effects. Where applicable, impacts are identified as short- or long-term. The extent of these impacts associated with the proposed waterline intertie project are discussed. This section will also designate all impacts as significant, potentially significant but mitigable, insignificant or beneficial pursuant to the previously identified thresholds of significance.
4. Cumulative Impacts - The analysis of regional or cumulative impacts within each issue area involves an identification of those incremental impacts of the project that are added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. The analysis of cumulative impacts within each resource issue is based upon the South County Area Plan and recent estimates of future growth within the Nipomo Community Services District current and future service areas (see Section IV.B. Cumulative Projects).

T Author: Date: 1/8/2009 8:25:41 PM

This EIR fails to recognize that this is the second EIR Draft on the real project of "bring water" from Santa Maria to Nipomo. The EIR needs to recognize and consider all comments from the past EIR attempt as the overall project has not changed.

T Author: Date: 1/9/2009 12:47:40 AM

The standard used for the significance of water for this project to the total basin use or Santa Maria's current use/ supply is not clearly noted or supported in any way in this EIR.

T Author: Date: 1/8/2009 8:25:57 PM

Cumulative impacts on the groundwater basin as a whole are not considered or analyzed in this EIR. Stating incorrectly that other agencies will be looking at the effects does not absolved the EIR from making the needed analysis.

A. LAND USE AND PLANNING

1. Existing Conditions


The project area contains a variety of land uses including residential, commercial, light industrial, recreation, agriculture and open space uses.

Areas immediately south of the Santa Maria River are devoted primarily to single family residential uses in neighborhoods served by Blosser Road, Atlantic Place and Preisker Lane. East of these neighborhoods is U.S. Highway 101 and the Santa Maria River Bridge. West of Blosser Road adjacent to the river is vacant open space and the abandoned Northside Air Park.


The Santa Maria River channel contains a variety of sage scrub and riparian habitats with the sandy streambed in the middle of the channel. The Santa Maria River is defined as being part of the "waters of the United States" by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Portions of the riverbed downstream from the bridge contain agricultural fields adjacent to the southern levee as well as a number of motorcycle trails. Eucalyptus tree rows line portions of the northern levee adjacent to the river channel. A bicycle/running trail runs along the top of the southern levee with a trail easement running along the northern levee adjacent to the river channel.

Immediately north of the Santa Maria River, there are several industrial and commercial facilities near Highway 101 served by Hutton Road and Cuyama Lane. These facilities include a landscape supply facility, a concrete batch plant, a waste transfer station, a food distribution facility, an exterminator service, a restaurant, an antique store and an RV sales facility. Further west, elevations rise to the top of the Nipomo Mesa which contains agricultural fields with scattered residences, a P.G. & E. electrical substation and the Maria Vista residential tract. This portion of the Nipomo Mesa contains a variety of land uses including low and medium density residential uses, agricultural farmlands and open space. The majority of areas adjacent to Joshua Street and Orchard Road are devoted to agricultural farmlands and scattered residences with low and medium density residential uses near Southland Street. North of Southland Street in the area bounded by Orchard Road, South Frontage Road and Tefft Street are developed residential land uses and a variety of commercial and residential uses along South Frontage Road facing Highway 101.

The County of San Luis Obispo General Plan governs the development of unincorporated land within the South County Planning Area. The South County area is comprised of the San Luis Bay and South County Land Use Planning Areas. The cities of Arroyo Grande, Pismo Beach and Grover Beach and the unincorporated communities of Nipomo and Oceano are located in this area. The Nipomo Mesa area is also unincorporated and lies within the South County Planning Area. It is the stated intent of the South County Area Plan to focus future development within urban areas and provide buffers between developed and rural areas in order to maintain the character of the area.

 Author: Date: 1/9/2009 12:48:26 AM

The EIR fails to, and needs to, consider land uses in the groundwater basin as a whole, as any water use in one part of the basin directly or indirectly can effect other uses in the basin.

 Author: Date: 1/9/2009 12:49:32 AM

The EIR fails to note that this plan has a completed EIR that includes water resource for the complete build out of the plan and the plan was approved based on there being adequate supplies for bulld out. Included in that analysis was the increase in water supply caused by development on the Mesa.

While the Nipomo Community Services District may provide the County with input regarding land use decisions, it does not have any authority over land use entitlements. Development projects within the boundaries of the Nipomo Community Services District (NCSD) are approved by the County contingent upon receiving water and sewer services from a community water system such as the NCSD. The General Plan identifies the type and intensity of development allowed in each of several land use categories for Nipomo and other unincorporated areas.

The following is a description of the land use categories/zoning within the County of San Luis Obispo, South County Area Plan to manage and direct development and growth (see Figure 16, South County Area Plan). It should be recognized that the Nipomo Community Services District does not have authority (police power) to approve or deny development that requires parcel maps, tentative maps and /or General Plan Amendments, however, the provision of public services such as water and sewer does increase the likelihood that an area may be developed particularly if the proposed development is within the District's boundaries and is consistent within the County's General Plan policies.


- ***Agriculture***

This land use category designates areas that have existing or potential agricultural production or capability. Agriculture has been and still is the most widespread use of land in the South County Planning Area. Minimum parcel sizes for agriculturally zoned areas range from 20 acres to 320 acres, depending on the method used to calculate the parcel size. Three factors are identified in the County Land Use Ordinance to determine maximum parcel sizes for agriculturally zoned areas, including their existing use, land capability and agriculture preserve status. Each method has "tests" that determine the minimum parcel size for an area zoned Agriculture.

Many Agricultural Preserves established under the Williamson Act exist in the Nipomo Area. The Williamson Act allows local jurisdictions to establish agricultural preserves consisting of existing agricultural or other vacant lands. The property enters into a long term agreement to retain their property in agricultural use rather than converting the land to another more intensive use. In exchange, the property owner receives a property tax assessment based on the agricultural uses and not a higher rate based upon the "land's highest and best use." Withdrawal from a Williamson Act agreement can occur if the property gives the involved jurisdiction notice of Non-Renewal. After providing this notice, the land generally remains in a preserve status for a minimum of 10 years. Approximately 33,000 acres of land are under Williamson contract in the Nipomo Mesa and Nipomo Valley Areas.


- ***Residential Rural***

This land use designation provides for estate-sized residential lots or small farms of five acres or larger. These areas are generally unsuitable for commercial agriculture because of topography, small property size, broken ownership patterns and prior residential

 Author: Date: 1/9/2009 12:53:02 AM


The EIR fails to note that NCSD can effectively deny any development projects by voting to not issue the required intent to serve letter for water in their service area if there is a real water supply limit.

NCSC has failed to deny intent to serve letters up to this point making the assumption in this EIR of a water problem false .

 Author: Date: 1/9/2009 12:54:23 AM

The EIR fails to consider that NCSD can not deny a intent to serve letter if it has a water supply. The project as assumed by the EIR will provide the false assumption that there is an actual supply even though it's not a reliable, high priority supply when the reasonably foreseeable approvals will occur. The true impact will come when the water supply is short and NCSD does not have actual water in the future to supply these new projects.

The EIR fails to note that this water supply has a limited life and there is no analysis when the water is turned off by Santa Maria.

 Author: Date: 1/9/2009 12:55:03 AM

The EIR fails to consider any effect the new use of 6200 AF per year (or 6200 less the already over use of 2500 AF per year) will have on agriculture both in quality or quantity, directly or indirectly, now or in the future in the basin as a whole. If NCSD is using it agriculture can not.

FIGURE 16
South County Area Plan



Author: Date: 1/8/2009 8:26:50 PM

This is not the whole South County Area Plan, failure to show and consider the whole area results in a failure the EIR to analyze the full Impacts of the project.


Control District), the Water Quality Control Plan – Basin Plan (Regional Water Quality Control Board) and the Regional Transportation Plan (San Luis Obispo Council of Governments). Since the proposed project would represent a reduction or elimination of a potential constraint upon future development within these areas to be served by the additional water supplies, it may indirectly conflict with these environmental plans and policies (see Impact A-2 below). The potential direct land use impacts of the proposed project represent a less than significant impact.

Impact A-2. *The proposed project may indirectly induce changes in land use as a result of the reduction or elimination of a potential constraint upon development within areas served by the increased water supplies provided by the proposed project.*

The proposed project will not directly cause a change in the San Luis Obispo County land use designation or zoning or an increase in the intensity of currently-designated land uses. The proposed project does, however, involve the provision of additional water supplies thereby reducing or eliminating a potential constraint to future development within areas to be served by this additional water. The proposed project involves importation of water in order to reduce the current imbalance of groundwater levels and to serve new development consistent with the South County Area Plan within the current boundaries of the Nipomo Community Services District and its Sphere of Influence areas which are located adjacent to the District boundaries.

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

In order to determine the additional amount of development that could be served by these additional water supplies, a breakdown of land uses (as designated by the South County Area Plan) within the existing NCSD boundaries must be identified. Table 5, NCSD Land Use Designations provides a breakdown of land uses in these areas in terms of both developed and vacant lands within the District boundaries as well as within the adjacent Sphere of Influence areas. These totals are based upon data contained within the NCSD Water and Sewer Master Plan Update as well as the NCSD Sphere of Influence Update/Municipal Services Review EIR.

 Author: Date: 1/9/2009 12:57:50 AM

May?? it's well known and been clearly stated that the county has limited growth due to limits on water availability NCSD has claimed exists and intents to keep those restrictions until this project is completed. And when the project is completed or even to the point when the county thinks money can be charged by the county to support the project They will release the restriction. that So the word "may" is incorrect and the word "Will" is the correct word. This creates a class I impact.

**TABLE 5
NCSD LAND USE DESIGNATIONS (ACRES)**

Land Use Designation	Existing NCSD Customers¹	Vacant Land within NCSD¹	Sphere of Influence Areas²
RMF – Residential Multi-Family	150	10	0
RSF – Residential Single Family	700	(-14) ³	91
RS – Residential Suburban	900	5	357
RR – Residential Rural	1380	24	2107
RL – Rural Lands	3	1	1073
AG – Agricultural	110	(-98) ³	693
PF – Public Facility	37	1	5
OP – Office and Professional	34	(- 1) ³	0
CR – Commercial Retail	160	0	0
CS – Commercial Services	80	14	104
OS – Open Space	11	0	0
REC – Recreation	116	515	0
Black Lake	510	0	0
Southland Specific Plan	0	0	100
TOTAL	4191	457	4530


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

(2) Source: NCSD Sphere of Influence Update/Municipal Services Review EIR, December, 2003

(3) Urban Water Management Plan indicates acreage decrease with development of certain vacant lands

As noted above, the first 2,500 acre-feet per year of water from the proposed project (Phase I and half of Phase II) will offset current groundwater production in order to avoid further depletion of and assist in balancing groundwater levels in the Nipomo Mesa Management Area. This initial increment of imported water will, therefore, serve existing customers within the NCSD boundaries (see column 1 of Table 5 above and Figure 13, Phase I Water Use Area). The additional 500 acre-feet per year of imported water (the remainder of Phase II of the proposed project) will be used by the NCSD to serve future customers on currently vacant land within the District boundaries (see column 2 of Table 5 above and Figure 14, Phase II Water Use Area).

Table 6, Phase II – Additional Development Served by 500 AFY provides a detailed breakdown of the nature and extent of development to be served by these additional water supplies. As indicated below, the importation of 500 acre-feet per year of water could ultimately serve a maximum of 370 additional dwelling units on 457 acres as well as 14 acres of additional Commercial Services uses, 515 acres of Recreation use and one acre of Public Facilities use.

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This text is inconsistent with the fact that NCS D has issued will serves each year and the 2500 AF number is based on data from around the year 2000. If the assumptions is correct that there is a "depletion" the 2500 number is low (also evidenced by the fact the NCS D is charging a supplemental water charge to intent to serve/will servers now) each of those uses need to be added to the number of the "current depletion" number reducing the "Additional Development" number for a correct analysis.

**TABLE 6
PHASE II – ADDITIONAL DEVELOPMENT
SERVED BY 500 AFY**

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

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


The remaining 3,200 acre-feet per year of imported water (Phase III of the proposed project) could be used by the NCSD to serve future development within the current Sphere of Influence areas which are located adjacent to the existing NCSD boundaries (see column 3 of Table 5, NCSD Land Use Designations (Acres) and Figure 15, Phase III Water Use Area).

Table 7, Phase III Additional Development Served by 3,200 AFY provides a detailed breakdown of the nature and extent of development served by these additional water supplies. As indicated below, the importation of 3,200 acre-feet per year of water could ultimately serve a total of 1,368 dwelling units on 4,295 acres.


**TABLE 7
PHASE III ADDITIONAL DEVELOPMENT
SERVED BY 3,200 AFY**

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

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

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The EIR fails to consider that the Phase III amount has been publicly announced to be allocated to support the growth outside the Sphere of Influence on the Mesa, for example in the County Nipomo Water Conservation area. Which the county is collecting or attempting to use this EIR to collect fees from those area's to acqire "dedicated water" from this project. The EIR fails to consider the Class I nature of these impacts and facts.

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It's clear from comments made by the board in 2007 and 2008 that it thinks Nipomo has a "return flow" from the "New", "Supplemental" water and that that water will be able to support additional development. This EIR fails to correct or corroborate that fact. The EIR fails to consider the additional development based on use of that water.

Although the proposed project would not directly result in a change in zoning or an increase in the intensity of currently-designated land uses, the proposed project would not only represent a reduction or elimination of a potential constraint upon future development within areas served by the additional water supplies but also has the potential to hasten the conversion of areas to more intense urbanized uses over those land uses currently allowed by the South County Area Plan. Any increase in density or change of land use to the South County Area Plan within the area to be served by the additional water supplies would, however, first require a General Plan Amendment and zone change. A General Plan Amendment would study a variety of land use and environmental issues before being approved or denied including community character and compatibility, existing land use policies, traffic and circulation impacts, the provision of public services, etc. This process involves significant public involvement and the implementation of the California Environmental Quality Act (per CEQA). Any future development within areas served by the additional water supplies would also require a number of additional approvals including approval of a Specific Plan, conditional use permit or tract map by the County of San Luis Obispo. These future discretionary approvals will require the preparation and certification of additional environmental documentation (pursuant to CEQA) to address the potential land use and planning impacts of these future approvals.


The proposed project has the potential to foster growth or changes in land uses in areas served by the additional water supplies particularly involving the conversion of agricultural lands. Potential growth-inducement involves a variety of factors including: removal of any impediments to growth such as the extension of roadways or utilities; the creation of development pressures in surrounding areas, particularly existing agricultural lands; growth-inducing impacts upon community services and the establishment of any precedent-setting effects upon parcels within the South County/Nipomo Mesa area.

Any reduction or elimination of a constraint to development (such as the importation of additional water supplies) can potentially hasten the conversion of vacant or existing agricultural lands, agricultural preserves or areas containing prime agricultural soils to developed uses. Any development in areas served by these additional water supplies beyond the uses currently allowed by the South County Area Plan will require approvals from the County of San Luis Obispo as discussed above.


Without any mitigation measures available to eliminate the potential for changes in land use, the potential long-term land use and planning impacts associated with the elimination of the constraint of available water supplies are considered to be a significant adverse impact which cannot be reduced to an insignificant level.

4. Cumulative Impacts

The proposed project may result in the reduction or elimination of a potential constraint upon the development of other cumulative projects in the area (see Section IV.B. Cumulative Projects). As such, the proposed project represents a potential contributor to the development of more urbanized uses in the areas served by the increased water

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The project is to support the or "Foster" growth, that's the whole point of the 6200 AF number, The EIR claiming its "has the potential" is dishonest and fails to consider the full and complete nature of all the Class I Impacts.

 Author: Date: 1/9/2009 1:03:36 AM

"Can" ? "Will" is the correct word.

C. WATER

The following analysis of water is based upon the "Urban Water Management Plan Update" prepared for the Nipomo Community Services District and adopted on January 25, 2006, the "NCSD Water and Sewer Master Plan Update" dated December, 2007 and "Nipomo Community Services District Waterline Intertie Project, Water Resources Evaluation" prepared by Science Applications International Corporation (SAIC) dated July 29, 2005. These documents are included in their entirety in Technical Appendices B, D and E, respectively, of this document.

1. Existing Conditions

- *Surface Water*

- *Santa Maria River*

The Santa Maria River flows originate from a large coastal watershed area comprising 1,853 square miles along the Central Coast of California, as shown in Figure 17, Santa Maria River Watershed. The Cuyama River, with flows attenuated by Twitchell Dam, joins the Sisquoc River at Fugler's Point to form the Santa Maria River, which then discharges to the Pacific Ocean through a channel near the Guadalupe sand dunes.

The watershed area of the Cuyama River is 1,130 square miles, draining the northern slopes of the Sierra Madre Range and the southern slopes of the Callente Range. It also includes the Alamo and Huasna Creek drainages located north of Twitchell Reservoir. Twitchell Dam, the dominant hydraulic structure in the watershed, was constructed in 1959, 7.7 miles north of Fugler's Point. Twitchell Reservoir serves as both a flood control and water conservation reservoir with a total of reservoir storage of 224,000 acre-feet (AF), of which 135,615 AF is used for water conservation storage and groundwater recharge. Water in Twitchell Reservoir is released to the Santa Maria River in dry months in order to recharge the groundwater basin.

The Sisquoc River, with a watershed area of 471 square miles, drains the southern and western slopes of the Sierra Madre Range and the northern slope of the San Rafael Mountains. The main portion of the river lies within the Los Padres National Forest. Downstream of the confluence of the Sisquoc and Cuyama Rivers, the Santa Maria River runs northwest over 23 miles to a coastal estuary and into the Pacific Ocean.

The Santa Maria River exhibits typical arid zone hydrology patterns, with rare extreme runoff events and many days of low or no flow. The closest USGS streamflow gauge to the project area is along the river at Guadalupe. The records for this gauge indicate no flow during the dry summers, even with releases from Twitchell Reservoir for recharge purposes. The rarity of the high flows can be seen in the probability of exceedance graph in Figure 18, Santa Maria River Flows at Guadalupe.