1.0 INTRODUCTION

This document is a Supplemental Environmental Impact Report (EIR) that evaluates the environmental effects of implementation of the proposed Countywide Water Conservation Program (Program), which for the purposes of CEQA is the proposed project. The proposed Program would include amendments to several elements of the County General Plan and the County Code that will affect water use in both new and existing development, as well as agricultural operations. The proposed Program is comprised of two separate components. The two components are the Water Neutral New Development (WNND) requirements and the Water Waste Prevention (WWP) program.

This section describes the purpose and legal authority of the Supplemental EIR, the scope and content of the document, agencies with approval authority over the proposed Program, and the intended uses of the Supplemental EIR. It also provides an overview of the environmental review process under CEQA. Section 2.0, *Project Description,* describes the proposed Program in detail.

1.1 ENVIRONMENTAL IMPACT REPORT BACKGROUND

On May 11, 2010, the San Luis Obispo County Board of Supervisors certified the Conservation and Open Space Element (COSE) EIR. That EIR analyzed the potential impacts associated with the adoption and subsequent implementation of the COSE Consolidation and Update. The COSE unites five elements of the General Plan and incorporates conservation strategies. The consolidated elements include three elements (Conservation, Historic, and Esthetic) of the 1974 Environment Plan as well as the 1994 Energy Element, and the 1998 Open Space Element (extracted from the Agriculture and Open Space Element).

This EIR is being prepared as a Supplemental EIR to the previously certified EIR for the Conservation and Open Space Element of the County of San Luis Obispo General Plan.

1.2 PURPOSE AND LEGAL AUTHORITY

In order to implement the proposed Program, discretionary approval of the County of San Luis Obispo is required. This renders the Program subject to the requirements of the California Environmental Quality Act (CEQA). The purpose of this Supplemental EIR is to comparatively analyze the environmental impacts of the proposed Program in light of the original project evaluated in the County-certified Conservation and Open Space Element Consolidation and Update General Plan Amendment EIR (SCH #2008031091). The San Luis Obispo County Board of Supervisors will consider the information in the Supplemental EIR, including the public comments and staff response to those comments, during the public hearing process. As a legislative action, the final decision will be made at the Board of Supervisors' public hearing, where the Program may be approved, conditionally approved, or denied.

In accordance with Section 15121 of the *State CEQA Guidelines*, the purpose of an EIR is to serve as an informational document that:

> "*...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project...*"

Reviewers of this Supplemental EIR should focus on the sufficiency of the document in identifying and analyzing new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and the way in which the significant effects of the Program might be avoided or mitigated.

1.3 DECISION TO PREPARE THE SUPPLEMENTAL EIR

The County of San Luis Obispo, as lead agency, has determined that a Supplemental EIR must be prepared for the proposed Program. The Program that is now being proposed and evaluated in this Supplemental EIR includes amendments to the County General Plan and County Code that will affect water use in both new and existing development, as well as agricultural operations. The Program proposes amendments to the Conservation and Open Space Element and Agriculture Element of the County General Plan as well as a number of revisions to Titles 8, 19, and 22 of the County Code.

Determination of whether additional CEQA documentation was required to evaluate any changes was based on the criteria contained in Section 15162(a) (Subsequent EIRs and Negative Declarations) and 15163 (Supplement to an EIR) of the *State CEQA Guidelines*.

Although *State CEQA Guidelines* Section 15163(b) states, "The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised," the County of San Luis Obispo has determined that all impact areas will be addressed for this Program. These assessments are included in Section 4.0, *Environmental Impact Assessment,* of this document.

1.4 SCOPE OF THE EIR

The County of San Luis Obispo prepared a Notice of Preparation (NOP) for an environmental impact report and distributed the NOP for agency and public review for the required 30-day review period from August 15, 2014 to September 17, 2014. During that time, the County received six comment letters from public agencies and other commenters. The NOP, the Initial Study and the comment letters received on the NOP and Initial Study are included in Appendix A, which is attached hereto and incorporated herein by this reference.

A public scoping meeting was held on August 27, 2014. The intent of the scoping meeting was to provide interested individuals, groups, public agencies and others a forum to provide input in an effort to assist in further refining the intended scope and focus of the EIR. Table 1-1 summarizes the comments received in the comment letters and at the public scoping session.

Table 1-1
NOP Comments and EIR Response

Commenter	Comment/Request	How and Where it was Addressed
California Coastal Commission	The EIR should evaluate if the program would be more effective if it was applied County-wide. The EIR should evaluate the Program's potential effect on growth in the County. The EIR should look at the Program's potential impact on agricultural production.	*Section 7.0, Alternatives,* includes a discussion regarding this potential alternative. Section 5.0, *Other CEQA Required Sections,* addresses growth inducing impacts. Section 4.1, *Agricultural Resources,* addresses the impacts of the Program on agricultural uses and agricultural land in the Program area.
Joseph R. Rouleau	The Program should not be permanent, but instead be temporary.	Section 2.0, *Project Description,* describes how the various components of the Program would be applied throughout the County and the timeframes in which it would be implemented.
Grower Shipper Association of Santa Barbara and San Luis Obispo Counties	The potential for the Program to result in conversion of farmland and open space to urban uses should be evaluated. Development and agricultural components should be considered separately in the EIR. The preferred alternative should be the No Project alternative. Pending groundwater legislation and groundwater basin adjudication or management mechanisms should be considered.	Section 4.1, *Agricultural Resources,* addresses potential agricultural conversion impacts. The impacts of all components of the proposed Program are evaluated throughout the EIR and where applicable discussed independently of each other. The potential impacts associated with the No Project Alternatives as well as identification of the preferred alternative are discussed in Section 6.0, *Alternatives.* Existing regulatory requirements are discussed throughout the EIR. See Section 2.0, *Project Description*, for a discussion about the timeframe for implementation of this Program in the context of recently adopted groundwater management legislation.
Native American Heritage Commission	The appropriate Native American groups should be consulted regarding the Program.	Section 4.4, *Effects Found Not To Be Significant,* contains an evaluation of the Program's potential effects on cultural resources.
San Luis Obispo County Air Pollution Control District	Reduction in water use and the associated energy use will reduce air pollution emissions and greenhouse gases.	Section 4.4, *Effects Found Not To Be Significant,* contains an evaluation of the Program's potential effects on air quality and greenhouse gas emissions.

Table 1-1
NOP Comments and EIR Response

Commenter	Comment/Request	How and Where it was Addressed
Upper Salinas-Las Tablas Resources Conservation District (USLTRCD)	Agricultural ponds and impacts related to their construction in LOS III basins should be evaluated.	Section 4.1, *Agricultural Resources,* addresses the potential impacts on agricultural resources from implementation of the proposed Program. The construction of agricultural ponds is not a foreseeable consequence of the proposed Program and therefore is not specifically addressed in this EIR.
	USLTRCD permitted activity should be incorporated into the EIR.	This EIR examines the potential impacts associated with implementation of the proposed Program.
	Other alternatives than those listed in the NOP should be examined.	Additional alternatives beyond those identified in the NOP are examined in Section 6.0, *Alternatives.*
	Evaluation of impacts should be countywide.	Discussion and evaluation of countywide impacts, where applicable, has been addressed throughout the EIR.
Dr. Serena Friedman and Dr. Michael Drucker	Where is the documentation for the water depletion of the deep aquifers of greater than 700 feet?	This EIR examines the potential impacts on the environment associated with implementation of the proposed Program. Therefore, the information requested in this comment is outside the scope of this EIR.
	Identify new sources of water.	This EIR examines the potential impacts on the environment associated with implementation of the proposed Program, Therefore, the information regarding new sources of water requested in this comment is outside the scope of this EIR. It should be noted that the County is currently undertaking Supply Options Study for the Paso Robles Groundwater Basin. Please see the following website for more information: http://www.slocountywater.org/site/Water%20Resources/Water%20Forum/SOS/index.htm
	A desalination plant should be included as an alternative.	The alternatives for the Program, including considered but rejected alternatives, are discussed in Section 6.0, *Alternatives.*
	The ordinance should be limited to two years.	See Section 2.0, *Project Description*, for a discussion on the timing of the Program and the length of time it would be applicable.
Lisen Bonnier	The effects of leaving land fallow should be evaluated due to erosion and the potential for the land to become unusable.	Impacts related to potential for erosion of fallowed land are discussed in Section 4.1, *Agricultural Resources.*

1.5 AMENDMENTS TO THE PROJECT DESCRIPTION SINCE NOP PUBLICATION

Subsequent to closure of the NOP comment period, changes were made to the proposed Program based on Board of Supervisors direction and stakeholder input; these changes are reflected in Section 2.0, *Project Description.* Compared to the description in the NOP (as provided in Appendix A), the Program as described in Section 2.0 differs as follows:

- The proposed WNND requirements would require that new urban/rural development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at LOS III by the Board of Supervisors. The WNND also requires that, in the Paso Robles Groundwater Basin, all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio. This differs from the NOP description in that the Agricultural Offset program component of the WNND requirements would no longer apply to other basins certified at LOS III (currently the Los Osos Groundwater Basin and Nipomo Mesa Management Area).
- The proposed Agricultural Offset program has been simplified. Unlike the Upper Salinas-Las Tablas Resource Conservation District developed agricultural water offset program for the Paso Robles Groundwater Basin (as referenced in the NOP), the proposed Agricultural Offset program would not require a proximity analysis, evaluation of drawdown impacts on neighboring irrigation and domestic wells, hydrogeological strata analysis or third party monitoring/annual inspections.
- The proposed Agricultural Offset program would have a sunset provision upon adoption of a Groundwater Sustainability Plan (GSP). The description in the NOP did not include a sunset provision.
- Additional detail regarding the reduction in outdoor water use as part of WNND requirements was added, including the description of a turf removal incentive program.
- The WWP program has been separated into two elements:
    - An ordinance prohibiting certain uses of water deemed to meet the definition of water wasting in urban and rural areas, where such an ordinance or other program are not already in place; and
    - Identification of a series of best management practices (BMPs) aimed at reducing water waste in agricultural practices. This differs from the NOP description in that agricultural water wasting would not be prohibited via an ordinance; the ordinance would apply to urban and rural developed areas only.

1.6 CONTENT OF THE EIR

This EIR addresses the issues referenced in Section 1.4 and identifies potentially significant environmental impacts of the proposed Program and cumulative development in the County in accordance with provisions set forth in the *State CEQA Guidelines.* The EIR also recommends feasible mitigation measures, where needed, that would reduce or eliminate adverse environmental effects. In preparing the EIR, pertinent County policies and guidelines, existing EIRs, and other background documents were used. A full reference list is contained in Section 7.0, *References and Preparers.*

The Alternatives section of the EIR was prepared in accordance with Section 15126.6 of the *State CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the proposed Program while feasibly attaining most of the basic Program objectives. In addition, the Alternatives section identifies the "environmentally superior" alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required "No Project" Alternative and alternatives to the proposed Program that would achieve most of the Program objectives.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *State CEQA Guidelines* provide the standard of adequacy on which this document is based. The *Guidelines* state:

> *An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but, the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.*

1.7 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The *State CEQA Guidelines* define “lead, ”responsible,” and “trustee” agencies. The County of San Luis Obispo is the lead agency for the proposed Program because it has principal responsibility for approving the Program.

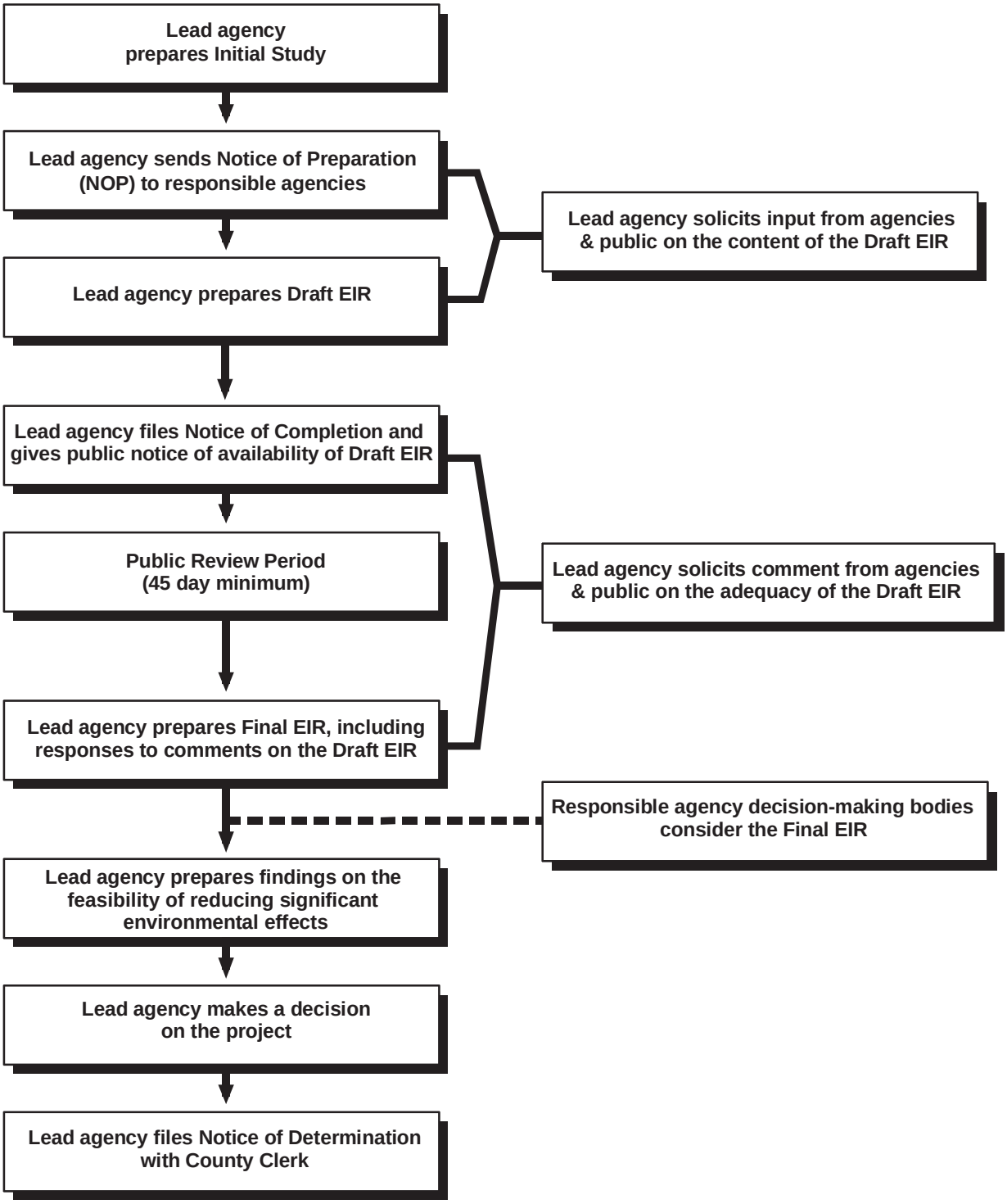
A responsible agency refers to a public agency other than the lead agency that has discretionary approval over a project, and a trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. There are no responsible or trustee agencies for the proposed Program.

1.8 ENVIRONMENTAL REVIEW PROCESS

The environmental impact review process, as required under CEQA, is summarized below and illustrated on Figure 1-1. The steps are presented in sequential order.

1. **Notice of Preparation (NOP) Distributed.** Immediately after deciding that an EIR is required, the lead agency must file a NOP soliciting input on the EIR scope to "responsible," "trustee," and involved federal agencies; to the State Clearinghouse, if one or more state agencies is a responsible or trustee agency; and to parties previously requesting notice in writing. The NOP must be posted in the County Clerk's office for 30 days. A scoping meeting to solicit public input on the issues to be assessed in the EIR is not required, but may be conducted by the lead agency.

THE EIR PROCESS



Environmental Impact Review Process Figure 1-1

2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) alternatives; g) mitigation measures; and h) irreversible changes.

3. **Public Notice and Review.** A lead agency must prepare a Public Notice of Availability of an EIR. The Notice must be placed in the County Clerk's office for 30 days (Public Resources Code Section 21092) and sent to anyone requesting it. Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must consult with and request comments on the Draft EIR from responsible and trustee agencies, and adjacent cities and counties. The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days, unless a shorter period is approved by the Clearinghouse (Public Resources Code 21091). Distribution of the Draft EIR may be required through the State Clearinghouse.

4. **Notice of Completion.** A lead agency must file a Notice of Completion with the State Clearinghouse as soon as it completes a Draft EIR.

5. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.

6. **Certification of Final EIR.** The lead agency shall certify: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project.

7. **Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted.

8. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible. If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that set forth the specific social, economic or other reasons supporting the agency's decision.

9. **Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.

10. **Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared. A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA challenges.

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