

11.0 Comments Received on the Draft EIR and Responses

As required by CEQA (CCR, Title 14, Division 6, Chapter 3 Section 15132), the final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.

As per items (b) and (c) above, this chapter of the final EIR presents copies of all comment letters received on the Draft EIR, along with the list of commentators. The comment letters have been numbered and given written responses as per item (d) above.

This chapter consists of three sections.

- 11.1–Governmental Agency Comment Letters and Responses
- 11.2–Group/Company Letters and Responses
- 11.3–Public Comment Letters and Responses

These sections present the comment letters in their entirety (each letter page shrunk to approximately 50%). An alpha-numeric identification code was given to each comment letter to provide the reader with an easy indicator of which comment is being responded to for each letter. For example, in the letter from the California State Clearinghouse, the first comment is GA-1.1. The identification code appears in the left margin of the letter page and is accompanied with enlarged brackets surrounding the comment. Each letter is closely followed by its written response. The letters and their responses are organized alphabetically according to each comment letter's alpha-numeric identification code.

Please see the following page for a table of contents that lists each comment letter, their identification codes, and locations in this chapter.

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11.2 Comments Received from Governmental Agencies and Responses

GA-1



STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse



Gray Davis
GOVERNOR

September 8, 2003

Tal Finney
INTERIM DIRECTOR

Nancy Orton
San Luis Obispo County
County Government Center
Room 310
San Luis Obispo, CA 93408-2040

RECEIVED
SEP 11 2003
Planning & Bldg

Subject: Nacimiento Water Project
SCH#: 2001061022

Dear Nancy Orton:

GA - 1.1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 5, 2003, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2001061022
Project Title Nacimiento Water Project
Lead Agency San Luis Obispo County

Type EIR Draft EIR
Description 1) A water delivery project from Lake Nacimiento to 15 purveyors in San Luis Obispo County utilizing a water allocation of 16,200 acre feet per year; 2) construction of water distribution pipelines from the dam at Lake Nacimiento to south of the City of San Luis Obispo (approx. 66 miles); 3) construction/operation of a water treatment plant, pump stations, storage tanks, water discharge ponds and other associated facilities to deliver either treated or raw water.

Lead Agency Contact

Name Nancy Orton
Agency San Luis Obispo County
Phone 805-781-5008 **Fax**
email
Address County Government Center
 Room 310
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City Paso Robles, Atascadero, San Luis Obispo
Region

Cross Streets

Parcel No.

Township	Range	Section	Base
-----------------	--------------	----------------	-------------

Proximity to:

Highways 101
Airports San Luis Obispo
Railways SPRR
Waterways Lake Nacimiento, Salinas River, Nacimiento River
Schools
Land Use Various

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Reclamation Board; Department of Water Resources; Caltrans, District 5; Department of Health Services; Public Utilities Commission; Native American Heritage Commission; Regional Water Quality Control Board, Region 3; State Water Resources Control Board, Division of Water Quality

Date Received 07/07/2003 **Start of Review** 07/07/2003 **End of Review** 09/05/2003



Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
Interim Director

August 21, 2003

Nancy Orton
San Luis Obispo County
County Government Center
Room 310
San Luis Obispo, CA 93408-2040

Subject: Nacimiento Water Project
SCH#: 2001061022

Dear Nancy Orton:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 20, 2003, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

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AUG 26 2003

Planning & Bldg

**Document Details Report
State Clearinghouse Data Base**

SCH# 2001061022
Project Title Nacimiento Water Project
Lead Agency San Luis Obispo County

Type EIR Draft EIR

Description 1) A water delivery project from Lake Nacimiento to nine purveyors in San Luis Obispo County utilizing a water allocation of 16,200 acre feet per year; 2) construction of water distribution pipelines from the dam at Lake Nacimiento to south of the City of San Luis Obispo (approx. 66 miles); 3) construction/operation of a water treatment plant, pump stations, storage tanks, water discharge ponds and other associated facilities to deliver either treated or raw water.

Lead Agency Contact

Name Nancy Orton
Agency San Luis Obispo County
Phone 805-781-5008 **Fax**
email
Address County Government Center
Room 310
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City Paso Robles, Atascadero, San Luis Obispo
Region

Cross Streets

Parcel No.

Township

Range

Section

Base

Proximity to:

Highways 101
Airports San Luis Obispo
Railways SPRR
Waterways Lake Nacimiento, Salinas River, Nacimiento River
Schools
Land Use Various

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Reclamation Board; Department of Water Resources; Caltrans, District 5; Department of Health Services; Public Utilities Commission; Native American Heritage Commission; Regional Water Quality Control Board, Region 3; State Water Resources Control Board, Division of Water Quality

Date Received 07/07/2003 **Start of Review** 07/07/2003 **End of Review** 08/20/2003



Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
Interim Director

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Memorandum

Date: August 22, 2003
To: All Reviewing Agencies
From: Scott Morgan, Associate Planner
Re: SCH # 2001061022
Nacimiento Water Project

The Lead Agency has extended the review period for the above referenced project to September 5, 2003 to accommodate the review process. All other project information remains the same.

cc: Nancy E. Orton
County of San Luis Obispo
County Government Center, Room 310
San Luis Obispo, CA 93408-2040

Notice of Completion & Environmental Document Transmittal

IPS mailing State Clearinghouse, 1400 Tenth St., Sacramento, CA 95814 (916)445-0613
 US Postal mailing: State Clearinghouse, P.O. Box 2044, Sacramento, CA 95812-3044

SCH# 2001061022

Project Title: Name & Co. Number: Nacimiento

Lead Agency: County of San Luis Obispo Contact Person: Nancy E. Oron
 Street Address: County Government Center, Rm 310 Telephone: (805)781-5008
 City: San Luis Obispo Zip: 93408-2040 County: San Luis Obispo

Project Location

County: San Luis Obispo City/Nearest Community: Camp Roberts, Paso Robles, San Miguel, Templeton, Atascadero, Santa Margarita, San Luis Obispo, Carmi, San Luis Obispo, Cayucos
 Cross Streets: N/A Zip Code: _____ Total Acres: N/A
 Assessor's Parcel Number: _____ Section: _____ Twp. _____ Range: _____ Base: _____
 Within 2 miles: State Hwy #: 101 Waterways: Lake Nacimiento, Salinas River, Nacimiento River
 Airports: San Luis Obispo Railways: SPRR Schools: _____

Document Type

CEQA: NOP Supplement/Subsequent EIR (Prior SCH No.) NEPA: NOI Other: Joint Document
 Early Cons EIR (Prior SCH No.) EA Final Document
 Neg Dec Other Draft EIS Other NEPA - Equivalent
 Draft EIR FONSI

Local Action Type

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other Water Supply Proj

Development Type

Residential: Units _____ Acres _____ Water Facilities Type Pipeline, WTP MGD 17.0
 Office: Sq.ft _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft _____ Acres _____ Employees _____ Power: Type _____ Watts _____
 Educational: _____ Waste Treatment: Type _____
 Recreational: _____ Hazardous Waste: Type _____
 Other: _____

Funding (approx.): Federal \$ _____ State \$ _____ Total \$ _____

Project Issues Discussed in Document

<input checked="" type="checkbox"/> Aesthetic/Visual	<input checked="" type="checkbox"/> Flood Plain/Flooding	<input type="checkbox"/> Schools/Universities	<input checked="" type="checkbox"/> Water Quality
<input checked="" type="checkbox"/> Agricultural Land	<input checked="" type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Water supply/groundwater
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Geologic/Seismic	<input type="checkbox"/> Sewer Capacity	<input checked="" type="checkbox"/> Wetland/Riparian
<input checked="" type="checkbox"/> Archeological/Historical	<input type="checkbox"/> Minerals	<input checked="" type="checkbox"/> Soil erosion/compaction/grading	<input checked="" type="checkbox"/> Wildlife
<input checked="" type="checkbox"/> Coastal Zone	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Solid Waste	<input checked="" type="checkbox"/> Growth Inducing
<input checked="" type="checkbox"/> Drainage/Absorption	<input type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Toxic/Hazardous	<input checked="" type="checkbox"/> Land Use
<input type="checkbox"/> Economic/Jobs	<input checked="" type="checkbox"/> Public Services/Facilities	<input checked="" type="checkbox"/> Traffic/Circulation	<input checked="" type="checkbox"/> Cumulative Effects
<input type="checkbox"/> Fiscal	<input checked="" type="checkbox"/> Recreation/Parks	<input checked="" type="checkbox"/> Vegetation	<input checked="" type="checkbox"/> Other <u>Socioeconomics</u>

Present Land Use/Zoning/General Plan Designations:

Various

Project Description:

1) A water delivery project from Lake Nacimiento to fifteen (15) purveyors in San Luis Obispo County utilizing a water allocation of 16,200 acre feet per year; 2) construction of water distribution pipelines from the dam at Lake Nacimiento to south of the City of San Luis Obispo (approximately 66 miles); 3) construction/operation of a water treatment plant, pump stations, storage tanks, water discharge ponds and other associated facilities to deliver either treated or raw water.

State Clearinghouse Contact:

(916) 445-0613

State Review Began:

9.5 - 2003

SCH COMPLIANCE

X-X-2003

Extended

Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	State/Consumer Svcs
<input type="checkbox"/> Boating & Waterways	General Services
<input checked="" type="checkbox"/> Coastal Comm	Cal EPA
<input type="checkbox"/> Colorado Rvr Bd	ARB - Airport Projects
<input type="checkbox"/> Conservation	ARB - Transportation Projects
<input checked="" type="checkbox"/> Fish & Game #	ARB - Major Industrial Projects
<input type="checkbox"/> Delta Protection Comm	Integrated Waste Mgmt Bd
<input type="checkbox"/> Forestry & Fire Prot	SWRCB: Clean Wtr Prog
<input checked="" type="checkbox"/> Historic Preservation	SWRCB: Wtr Quality
<input checked="" type="checkbox"/> Parks & Rec	SWRCB: Wtr Rights
<input checked="" type="checkbox"/> Reclamation Board	<input checked="" type="checkbox"/> Reg. WQCB # <u>3</u>
<input type="checkbox"/> Bay Cons & Dev Comm	Toxic Sub Ctrl-CTC
<input checked="" type="checkbox"/> DWR	Yth/Adlt Corrections
<input type="checkbox"/> OES (Emergency Svcs)	Corrections
Bus Transp Hous	Independent Comm
<input type="checkbox"/> Aeronautics	Energy Commission
<input type="checkbox"/> CHP	<input checked="" type="checkbox"/> NAHC
<input checked="" type="checkbox"/> Caltrans #	<input checked="" type="checkbox"/> Public Utilities Comm
<input type="checkbox"/> Trans Planning	Santa Monica Mtns
<input type="checkbox"/> Housing & Com Dev	State Lands Comm
<input type="checkbox"/> Food & Agriculture	Tahoe Rgl Plan Agency
<input checked="" type="checkbox"/> Health Services	Other: _____

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2001061022

Please forward late comments directly to the Lead Agency

AQMD/APCD 29

(Resources: 7, 13)



GA-2

**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

RECEIVED
SEP 9 2003
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DATE: September 5, 2003

TO: Nancy Orton
San Luis Obispo County Planning and Building Department

FROM: Andy Mutziger *ASM*
San Luis Obispo County Air Pollution Department

SUBJECT: Response to Draft EIR Regarding Nacimiento Water Project

Thank you for including the Air Pollution Control District (District) in the CEQA environmental review process. The project would potentially build a 64-mile water transmission pipeline to supply up to 16,200 acre feet per year of treated or untreated water to augment the existing water supplies in various communities within San Luis Obispo County. Beyond commenting on the air quality issues of this project, another goal of this letter is to initiate a cooperative dialogue to define feasible and mutually acceptable air quality mitigation for the project that bring the overall air quality impacts to a level of insignificance. We have the following comments on the draft environmental impact report (DEIR) for this proposed three to three and a half year project.

I. GENERAL COMMENTS

GA - 2.1

In general, should this project move forward, the District prefers the implantation of the treated water option since the annual construction emissions are less for this option than for the raw water option (Appendix C in the DEIR). Should the raw water option be selected, it is likely that additional construction emissions not identified in the DEIR would be generated in the development new or modification of existing water treatment plants and would therefore require separate review by the District. This makes the treated water option even more beneficial in terms of air quality.

II. CONSTRUCTION EMISSIONS & MITIGATION

GA - 2.2

A. Proposed Air Quality Mitigation and Necessary Modifications

The DEIR Air Quality section (5.4) estimates the project's peak daily and quarterly construction emissions. It should be noted that the emissions estimates were identified as worst case potential emissions that would result from concurrent construction of the pipeline and facilities. Though the DEIR does not appear to identify this specifically, the District assumes that these emission estimates are unmitigated. The DEIR listed Air Quality Mitigation Measures AQ1 – AQ4 are proposed to minimize these potential emissions.

GA - 2.3

Peak daily construction emissions for nitrogen oxides (NOx) and quarterly emissions for both reactive organic gases (ROG) and particulate matter less than 10 microns in size (PM10) are estimated to trigger the District's threshold for requiring best available control technology for construction equipment (CBACT). The proposed mitigation in measures AQ-1 – AQ-4 are appropriate and shall reduce construction emissions. The District has identified five modifications to this measures that need to be made for the Final EIR (FEIR):

1. AQ-1 needs to be updated with the dust mitigation measures found in Section 6.5 of the District's April 2003 CEQA Air Quality Handbook; Attachment 1.

2. AQ-4 states that "the Applicant shall ensure installation of catalytic soot filters..." This language needs to be altered to say "the Applicant shall ensure installation of catalyzed diesel particulate filters (CDPFs)..."

3. AQ-4 states, "This measure shall be included and clearly identified in the project bid specifications so that contractors bidding on the project can include the purchase and installation costs in their bids." This needs to be modified to include: purchase, proper installation, and maintenance costs.

4. AQ-4 needs to be modified by removing the "Use reformulated diesel fuel" requirement. The fuel requirement for this project is appropriately addressed in item "h" of AQ-3.

5. AQ-4 needs to be modified to include the following: "Emission control device installation, use, and maintenance records shall be maintained by the contractor that operates the controlled construction equipment using forms provided by the District. District or lead agency representatives shall be allowed to review this documentation and the controlled equipment as needed to ensure that mitigation requirements are being met."

As identified in AQ-4, the District shall work with the contractor or subcontractor to identify candidate equipment for the six (6) emission reducing catalyzed diesel particulate filters (CDPFs). The District has reviewed projects with similar potential emission levels and the propose number of devices are appropriate for a project of this nature. Diesel oxidation catalysts (DOC) are a potential replacement for some of the CDPFs, however five DOCs must be used as a replacement for one CDPF.

A key component of AQ-4 is modification #3 listed above. I will be the District liaison for the bidding contractors to help them contact the groups that can provide the required quotes.

B. Residual Class I Impacts after the Proposed Mitigation can be Minimized with Off-site Mitigation

Occasionally emissions from large projects cannot be adequately mitigated with on-site mitigation alone. In such cases, it is necessary to implement mitigation strategies outside the project site in order to reduce air quality impacts to a level of insignificance.

The estimated unmitigated quarterly construction emission of NOx (43 tons per quarter) significantly exceeds the District's emission threshold of 6 tons per quarter. The proposed mitigation in measures AQ-1 – AQ-4, shall reduce construction emissions, however, the

GA - 2.3
Cont'd

GA - 2.4

GA - 2.5

GA - 2.6

GA - 2.6
Cont'd

DEIR did not estimate the amount of NOx reduced. From the District's experience, it is likely that with the mitigation measures implemented, the actual quarterly NOx emission from this project will still significantly exceed the 6 tons per quarter threshold. When emissions are expected to exceed this amount, CBACT is required plus further mitigation, including off-site mitigation. Section 5.9 in the District's CEQA Air Quality Handbook provides a list of possible off-site mitigation ideas. The DEIR does not specifically identify this threshold exceedence nor does it identify necessary mitigation. The FEIR needs to:

Acknowledge the significant quarterly NOx construction emission threshold exceedence and must specify mitigation that is feasible and mutually acceptable to the District, the lead agency, and the project proponent.

GA - 2.7

C. Naturally Occurring Asbestos

Geological, Seismicity, and Soils Mitigation Measure GS-3 addresses the pre-construction evaluation requirements for naturally occurring asbestos (NOA) and identifies the California Air Resources Board (CARB) Air Toxic Control Measure (ATCM) requirement for NOA dust reduction measures areas it is identified. Since the District is the local enforcement agency for NOA, please remove the CARB website reference in GS-3 and add the following standard District NOA information and notification requirement into GS-3:

The NOA ATCM requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information regarding these requirements. If you have any questions regarding these requirements, please contact Karen Brooks of our Enforcement Division at 781-5912.

GA - 2.8

D. Portable Equipment Registration

The DEIR did not discuss portable equipment registration for construction equipment. The FEIR needs to discuss this issue and should include the following text as a mitigation measure:

Some equipment associated with construction of a water pipeline may require either a District permit or California portable equipment registration issued by the California Air Resources Board. Prior to moving forward with the initial phase of construction and when new equipment is brought in, provide David Dixon of the District's Engineering Division at 781-5912 with copies of the portable equipment registrations for the equipment that is registered by this State program. Refer to the list below for equipment that typically has California portable equipment registrations. If this type of equipment will be used and is not registered in this State program, contact David Dixon to determine District permitting requirements. Some of the information that will be needed by the District will include equipment specifications, operation size, and the proposed timeline.

Portable and stationary engines and equipment that typically have State portable equipment registration:

- i. Confined and unconfined abrasive blasting.
- ii. Portland concrete batch plants.
- iii. Sand and gravel screening, rock crushing.
- iv. Spark ignition or diesel-fired internal combustion engines used in conjunction with the following types of work:
 - Well drilling, service, or workover rigs,
 - Power generation
 - Pumps
 - Compressors
 - Pile drivers
 - Cranes
 - Woodchippers

III. OPERATIONAL EMISSIONS & MITIGATION

A. Permit Needs for Operational Use of Generators

The operational emissions of this project are estimated in the DEIR to be below our thresholds for significance. The District would like to commend the project proponents for including air quality mitigation measures AQ-5 and AQ-6 as these will minimize the operational emissions of NOx and PM10 from generators used by the project. Should the applicant use the propane generators identified in AQ-5, a District permit will be required if the units will be operated more than 100 hours per year. Should the applicant use diesel-powered generators that are greater than 50 hp as opposed to propane generators, a permit will be required. Contact David Dixon of the District's Engineering Division at 781-5912 prior to the initial use of such generators to determine District permitting requirements. Please inform him of whether the generators will be for emergency or prime use and whether the emission control devices listed in AQ-6 will be installed.

B. Permit Needs for the Potential Water Treatment Plant(s)

There are two primary options evaluated for this project: a treated water option and a raw water option. Should the treated water option be chosen, the following will be appropriate for the water treatment plant operation:

District Rule 202 identifies that any person building or erecting equipment, the use of which may cause the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. Please contact David Dixon of the District's Engineering Division at 781-5912 to discuss permit requirements.

GA - 2.8
Cont'd

GA - 2.9

GA - 2.10

GA - 2.10
Cont'd

This requirement will also be necessary for the raw water option should recipients of water allocations build or modify existing facilities to treat the raw water. This requirement needs to be presented to all water recipients should the raw water option be selected.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AJM/sll

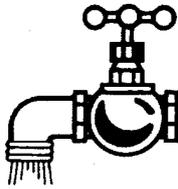
cc: Karen Brooks, Enforcement Division
David Dixon, Engineering Division

Attachment 1
Dust Mitigation Measures

The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in section 6.4 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:

- a. Reduce the amount of the disturbed area where possible.
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- c. All dirt stockpile areas should be sprayed daily as needed.
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All PM10 mitigation measures required must be included on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.



GA-3

5005 EL CAMINO REAL • P.O. BOX 6075 • ATASCADERO, CA 93423 • (805) 466-2428

Atascadero Mutual Water Company

ESTABLISHED 1913

September 3, 2003

San Luis Obispo County Dept. of Planning and Building,
Room 310,
County Government Center,
San Luis Obispo, Ca. 93408-2040

RECEIVED
SEP 8 2003
Planning & Bldg

Attn: Nancy Orton

Subject: Comments to the "Nacimiento Water Project, EIR, public draft, July 2003"

Dear Nancy,

Thank you for the opportunity to review and comment on the Draft EIR. We found the EIR to be very well written and easy to follow. AMWC would greatly appreciate consideration of the following in the final draft of the EIR:

GENERAL COMMENTS:

- GA - 3.1** | References to SLO County groundwater overdraft, groundwater, and overtaxing of water resources are numerous. Several of the references are identified below, but should be corrected wherever they appear in the document.
- GA - 3.2** | There are multiple references to the "river discharge" areas for the raw water alternative. Several of the references are identified below, but the references should be corrected wherever they appear in the document.
- GA - 3.3** | Wheeling of water through the City of San Luis Obispo is an alternative to constructing a new pipeline to areas such as Edna Valley. Wherever it appears technically possible, wheeling should be considered as an alternative to constructing a new pipeline and the EIR should address this alternative.

SPECIFIC COMMENTS:

Page ES-6, No Project Alternative

- GA - 3.4** | The statement "Beyond the continuing over reliance on groundwater resources....." and "With no action, Groundwater overdraft in San Luis Obispo County is expected to continue to increase....."

GA - 3.4
Cont'd

↑ These two statements are overgeneralizations, and are speculative and subjective conclusions that are not supported by fact. There may be areas of the county in overdraft and there may be over-reliance on groundwater resources by some water purveyors but this is not a proven state and does not support the broad conclusions in this statement.

These statements should be eliminated or could be revised to indicate the specific overdrafts or over reliance to which they are referring.

Page ES-10, Environmentally Superior Alternative

GA - 3.5

The statement "However, with no action, groundwater overdraft in San Luis Obispo County is expected to continue to increase....." . Same comment as Page ES-6 above. In addition there is no indication that the Nacimiento Water Project would alter any groundwater overdraft in San Luis Obispo County, especially outside of the Paso Robles Groundwater Basin.

Page 1-1 Project Background

GA - 3.6

The statement "In the EIR prepared to assess the impacts of the SWP, the California Department of Water Resources (DWR) estimated that without s supplemental water supply, extraction of groundwater in SLO County....." is based upon old and erroneous information. More recent groundwater basin studies, most notably the Paso Robles Groundwater Basin Study have updated these projects and took the DWR groundwater basin study into account.

The most current and accurate information should be used.

Page 2-14, 2.4 Proposed Water Treatment Options

GA - 3.7

The statement "..... three discharge facilities that would discharge water to the Salinas River." appears to be an oversimplified statement that may be misleading. The statement makes it sound like water is directly discharged into the River or at least into the riverbed. The water recharge and recovery system for AMWC has been designed outside of the Salinas River channel. Water is placed into basins where it percolates into the alluvial formation and then is picked up by wells surrounding the basins. Water is not discharged into the river channel or the river.

Page 2-16, 2.4.2 Raw Water Option

GA - 3.8

The description of AMWC's water recharge and recovery is not complete. The description implies that water is extracted in another location downstream, where in fact the water is recovered at the discharge basins and very little water enters the Salinas River underflow.

See statement for Page 2-14 above.

Page 2-25, Atascadero to Santa Margarita Water (Raw Water Option) (and possible other similar references to wheeling).

GA - 3.9

↓ This paragraph states " The AMWC has agreed to wheel water....."

↑ Our letter dated March 10, 1999 (see copy attached) stated:

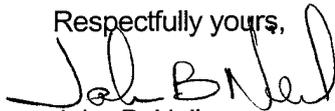
“The Board of Directors of Atascadero Mutual Water Co. has consistently supported cooperative efforts in the development of water resources. They have previously been willing to discuss wheeling of water through AMWC’s system in support of improving water resources in the North County. The Board has confirmed that this general support would be extended to the present request for Santa Margarita and the Nacimiento Project.”

GA - 3.9
Cont'd

The letter goes on to detail some of the conditions that must be met to develop a wheeling agreement. No significant discussions or efforts have been made to develop such an agreement to date. AMWC is presently completing additional design of its Raw Water Release and Recovery System and has not yet determined if there is sufficient capacity to serve others.

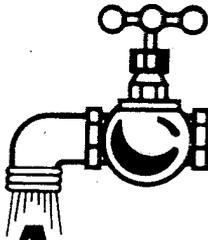
The draft EIR statement that AMWC has agreed to wheel is an overstatement. It would be more accurate to state that AMWC has agreed to consider wheeling to Santa Margarita.

Respectfully yours,



John B. Neil
General Manager

encl.



5005 EL CAMINO REAL • P.O. BOX 6075 • ATASCADERO, CA 93423 • (805) 466-2428

ATASCADERO MUTUAL WATER COMPANY

March 10, 1999

ESTABLISHED 1913

Dave Hardan
Boyle Engineering Corp.
973 Higuera Street
San Luis Obispo, Ca. 93401
FAX 542-9990

Subject: Wheeling Nacimiento Water to Santa Margarita

Dear Dave,

We received your letter dated January 27th requesting that AMWC consider providing extra capacity in its proposed Nacimiento water recharge basin and wheel water through its system to serve Santa Margarita. You also asked if significant modification to our system would be necessary.

The Board of Directors of Atascadero Mutual Water Co. have consistently supported cooperative efforts in the development of water resources. They have previously been willing to discuss wheeling of water through AMWC's system in support of improving water resources in the North County. The Board has confirmed that this general support would be extended to the present request for Santa Margarita and the Nacimiento Project.

Any such agreement would have to be supported by sound hydraulic engineering, further analysis of the capacity of planned water recharge areas, financial analysis, and review of potential water quality impacts. Such an agreement could not adversely impact the shareholders or customers of Atascadero Mutual Water Co.

If this proposal is determined to be feasible and an agreement is reached, modifications would have to be made to the planned water recharge system and the water distribution system. It is not possible at this time to determine if those modifications would be considered to be 'significant'. We would be happy to discuss these modifications if you would like to analyze this alternative further.

Sincerely,

Ken Weathers
General Manager

cc: file

GA-4



Kerry Margason
<KMargason@atascad
ero.org>

09/05/2003 02:57 PM

To: Atascadero Mutual Water Company <AMWC@atascadero.org>, "norton@co.slo.ca.us" <norton@co.slo.ca.us>, "cferrara@co.slo.ca.us" <cferrara@co.slo.ca.us>
cc: Warren Frace <wfrace@atascadero.org>, Steve McHarris <smcharris@atascadero.org>

Subject: FW: NWP EIR Comments

> Nancy,

>

> Thank you for the opportunity to review the draft Environmental Impact
> Report for the Nacimiento Water Project. As the proposed route bypasses
GA - 4.1 > the City's boundaries, our comments are minimal. Staff does appreciate
> the mitigation measures for impacts to biological resources, including oak
> trees and would recommend that the revegetation/restoration plan extend to
> other native trees as well

>

> In addition, City staff wishes to reserve the right to review any
GA - 4.2 > deviation from the proposed route or any construction work done within the
> City limits

>

> City staff would prefer to see the "treated water" alternative as opposed
GA - 4.3 > to the "raw water" alternative as it appears to have less overall impact
> on the Salinas River, which is a natural resource enjoyed by the
> Atascadero community.

>

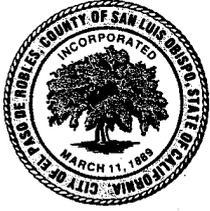
> Sincerely,

>

>

> Kerry Margason
> Associate Planner
> City of Atascadero

>



GA-5

CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

RECEIVED
SEP 5 2003
Planning & Bldg

OFFICE OF THE
MAYOR

September 3, 2003

Nancy E. Orton
San Luis Obispo County
Department of Planning and Building, Room 310
County Government Center
San Luis Obispo, CA 93408-2040

Subject: Comments on the Nacimiento Water Project Draft EIR

Dear Ms. Orton,

The City of Paso Robles appreciates the opportunity to review and comment on the Draft EIR for the Nacimiento Water Project. The City Council held a public meeting on September 2, 2003 to discuss and affirm a set of comments to forward for the County's consideration and response.

These comments reflect the City Council's collective position as it relates to the technical and environmental issues of specific importance and/or concern to the City of Paso Robles. There may be additional comments forwarded independently from Paso Robles citizens.

In general, the Draft EIR appears well written and appropriately inclusive in its scope. We would, however, offer the following specific comments and request that these comments be addressed as part of the Final EIR.

IMPACT SUMMARY TABLES

- | | |
|-----------------|--|
| GA - 5.1 | 1. Regarding oak trees, would recommend an additional mitigation measure (see page IS-20) calling for oak tree impacts within the City of Paso Robles to be evaluated by a certified Arborist and impacts within the Critical Root Zone (as defined by the City's Oak Tree Preservation Ordinance) be mitigated to the maximum feasible degree. Further, that oak tree replacement for any trees that need to be removed within the City of Paso Robles be species for species and at the ratio specified in the City's Oak Tree Preservation Ordinance. |
| GA - 5.2 | 2. Regarding traffic impacts (see page IS-35), Spring Street, 13th Street, and Creston Road need to be added to the list of corridors that are impacted and should be avoided during peak hour traffic periods. |
| GA - 5.3 | 3. Regarding traffic impacts (see page IS-35), suggest expanding mitigation measures to include that construction on Creston and/or Niblick Road should be avoided while school is in session (i.e., construction targeted during summer months). |

PAGE 9 OF SECTION 2.0

- GA - 5.4** | 4. Paragraph 2.3.1 summarizes comments from the 1997 EIR as, among other issues, pointing out the temporary negative impacts of placing the pipeline at Vine Street in Paso Robles, mainly impacting traffic. These issues remain, the City is supportive of the alternative pipeline routes being investigated in the revised EIR. However, the City reiterates the concern for the alternative that remains in the current EIR to route the pipeline on Vine Street.

PAGE 11 OF SECTION 2.0

- GA - 5.5** | 5. Paragraph 2.3.2.2 indicates the City of Paso Robles water delivery system provides water to 20,000 people. The current population of Paso Robles is 26,900, and there are an additional 800 transient (hotel, etc.) accommodations. A minor comment, but the historical information here seems understated.

- GA - 5.6** | 6. The EIR specifies that Paso Robles requires water delivery from the treated water alternative at a minimum hydraulic grade line (HGL) of 920 feet. Again, a relatively minor comment, that an HGL of 960 feet is more likely the City's need, however, this precise need will be more specific once turnout locations and trunk sizes are specified.

PAGE 26 OF SECTION 2.0

- GA - 5.7** | 7. 2.5.1.2. The turnout locations are rather specific, without the City's recent review of needs and project design specifics on the water delivery (see other comments below regarding water delivery options) design specifications. The City asks for considerable flexibility in modifying turnout locations and specifics design considerations pending a more detailed project design.

PAGE 42 OF SECTION 2.0

- GA - 5.8** | 8. 2.5.5.2. The EIR specifies Sodium Hypochlorite as the disinfectant for the treated water alternative. This is, currently, compatible with the City's disinfectant (it is the same) and therefore the City would be supportive of this disinfectant choice in the future, should this go unchanged. However, the City, along with other communities in the county, is responsible for controlling the delivery (in potable water) and discharge (in effluent) of trihalomethanes (THM). If chlorine is a catalyst in THM proliferation, the City and County may need to be looking at other disinfection alternatives, and the EIR needs to provide the flexibility for this foreseeable potential change.

PAGE 42-43 OF SECTION 2.0

- GA - 5.9** ↓ 9. Paragraph 2.5.6 introduces the alternative to deliver raw water to the participating agencies, with the specified and deliberately described means of using the raw water for recharging surface waters with the ultimate water resource advantage of increasing permitted yield. There is an alternative within the raw water alternative for the City to treat the water at a City treatment facility (similar to the County's

GA - 5.9
Cont'd

“treated water alternative”, but scaled down to the City’s volume) before adding it to the City’s conveyance network. This alternative needs to be allowed under the EIR as a potential sub-alternative for raw water delivery alternative.

PAGE 51 OF SECTION 2.0

GA - 5.10

10. Paragraph 2.7.1 does not mention the City’s requirement to issue an encroachment permit for underground work on City streets.

PAGE 51 OF SECTION 2.0

GA - 5.11

11. Paragraph 2.7.4 does not specify the City’s requirement for a General Plan consistency finding for the project within the City.

PAGES 16 OF SECTION 3.0

GA - 5.12

12. Paragraph 3.2.2.4, under “**Reach A...**” describes the 1997 primary alternative of the raw water delivery system installed at Lake Nacimiento Drive and Vine Streets, as previously noted, the City previously provided negative comments about this alignment. While the City understands the County is continuing the 1997 study and is not eliminating this as an option, the City needs to reiterate the concern for the negative impacts foreseeable from this alignment.

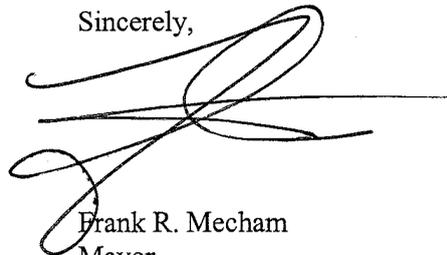
PAGE 35 OF SECTION 3.0

GA - 5.13

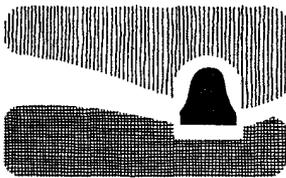
13. Paragraph 3.2.3. refers to an alternative to the raw water delivery alternative and the treated water delivery alternative by offering a hybrid “phased raw and treated water alternative” where deliveries are initially provided as raw water, and once the system water treatment facility is completed, treated water would be delivered. As brought up earlier, the City believes there is a foreseeable additional alternative where raw water delivered would be, instead of percolated into groundwater source(s), treated at a sub-regional or City specific water treatment facility, for the long term. The EIR should provide the flexibility for this option.

Please feel free to contact our Director of Public Works Joe Deakin, should you have any questions regarding this letter. The City of Paso Robles is very interested in seeing the EIR for the Nacimiento Water Project become a comprehensive and technically accurate document that addresses all potential aspects of the project.

Sincerely,



Frank R. Mecham
Mayor



City of San Luis Obispo

879 Morro Street • San Luis Obispo, CA 93401

August 4, 2003

2003 SEP -5 PM 3:33
SLO CNTY
PLANNING/BUILDING
RECEIPT

Nancy E. Orton, Environmental Specialist
SLO County Planning and Building, Rm. 310
County Government Center
San Luis Obispo, CA 93408-2040

Subject: Comments on Draft EIR for the Nacimiento Water Supply Project

Dear Ms. Orton,

Thank you for the opportunity to review the revised draft EIR for the Nacimiento Water Supply Project. The EIR has been reviewed by City staff. The portions of the document that pertain more specifically to the City of SLO were the primary areas of focus. In general, the EIR appears very well prepared and legally defensible. The comments of the Utilities Department are provided in this correspondence and comments for the City's Community Development Department are provided in the attached memorandum to John Moss.

GA - 6.1

Page 2-24. The last paragraph on this page discusses three staging areas within or near the City of San Luis Obispo. As the EIR points out, two of these staging areas conflict with current and proposed projects. The Damon-Garcia Sports Fields are currently well under construction, with completion expected long before construction of the Nacimiento pipeline. The other location of conflict is at the intersection of Highway 1 and Highland Drive (incorrectly referred to as Highland Boulevard in the EIR). These conflicts naturally call the question of whether additional environmental review will be needed for the alternative staging areas once they are identified. What options will the contractor have if there are no potential staging areas within 1/2 mile as required by the EIR?

GA - 6.2

Page 3-46, Section 3.2.5 under San Luis Obispo "Wheeling" Alternative. The last paragraph in this section (Page 3-47) essentially states that the City's policy prohibiting service outside City limits would preclude the concept of wheeling. This is not entirely accurate. The provision of City services outside City limits could be considered different than the issue of wheeling another agency's resource through the City's system. Council could make the finding that wheeling does not violate the policy, if it is determined that there is a greater community benefit in doing so. It may be important to note, however, that the City Council has previously rejected the idea of wheeling relative to this project.

GA - 6.3

Page 5.1-52, under City of San Luis Obispo. The first sentence indicates that the City needs Nacimiento water in order to secure a drought reliability reserve. This contradicts



↑
GA - 6.3
Cont'd previous discussions regarding SLO City Council's elimination of the reliability reserve. The paragraph also contains a sentence stating that groundwater resources in the San Luis sub-basin are available to the City, which contradicts a statement on Page 7-18 that indicates the safe annual yield of the sub-basin is currently under review and that the sub-basin is considered to be in a state of overdraft for planning purposes.

GA - 6.4 **Page 7-1, Section 7.1.** The first "fact" listed on this page states that water is a factor that constrains growth in San Luis Obispo. To my knowledge, water availability has never been a constraint to growth in the City.

GA - 6.5 **Page 7-18.** The second sentence under SLO Creek Groundwater Basin states that, while the maximum safe yield of the groundwater basin has been determined to be 2,250 afy, the City's policies limit extractions from the basin to 500 afy. There are several problems with this statement. First, the City's policy merely identifies 500 afy as being contributed by groundwater towards our total combined safe annual yield. The policy does not set any specific limits on pumping. The City is currently conducting engineering and environmental studies in an effort to increase our potential yield of groundwater to 1,000± afy. In addition, there are other users of the groundwater basin that are not restricted by policy.

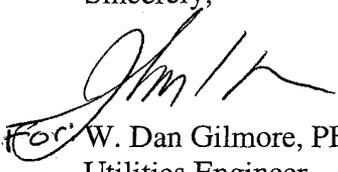
The first sentence of the second paragraph states that the City is pursuing alternatives that would decrease our use of groundwater. As stated above, this is simply not the case. The alternative water supply projects being considered by the City would be in addition to the maximum reasonable use of our limited groundwater resources.

GA - 6.6 **Page 7-20, Section 7.2.3.1.** In the last sentence of the second paragraph in this section, the word "countrywide" should be "countywide". The last sentence of the third paragraph makes reference to a total water need of 11,596 afy, while the first sentence states the City's total need is 9,596 afy. The difference is likely due to the reliability reserve, which City Council has eliminated.

GA - 6.7 **Page 7-26, Section 7.3.** The last paragraph in this section appears to contain a mitigation, though it does not appear in Section 9 and there is no identified impact driving the mitigation. It does not even appear to be a properly structured mitigation, since the goals and results cannot be identified or measured. Additionally, this "mitigation" is worded more as a contract requirement to be levied by the County, that has not been discussed with the project participants, and that may not be consistent with the needs of the individual agencies.

Again, we appreciate the opportunity to comment on the revised draft EIR for the Nacimiento Water Supply Project. If you have any questions, please feel free to call me at 781-7208.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Dan Gilmore', written over the printed name.

W. Dan Gilmore, PE
Utilities Engineer

cc: John Moss, Ken Hampian, Jonathan Lowell, John Mandeville, Jeff Hook, Neil
Havlik

September 5, 2003

Community Development Department Memorandum

To: John Moss
From: John Mandeville
By: Jeff Hook
Subject: Community Development Department comments on the Draft Environmental Impact Report for the Nacimiento Water Project

Community Development has the following comments/concerns on the DEIR:

GA - 6.8 | 1. Figure 2-21: The 300' X 300' staging area, shown at the corner of Highway 1 (Santa Rosa) and Highland Drive, is the location of a planned Cal Poly faculty/staff housing development with 72 dwelling units. Cal Poly expects to start construction in 2004, with completion in 2005. That site may not be available as a staging area. If it is available, possible construction noise, dust, and related impacts to neighboring residents should be addressed under Noise, Aesthetic and Land Use Impacts.

GA - 6.9 | 2. P. 5.5-18: Project construction would likely cause significant, short-term noise impacts to residents in the Patricia Drive/Foothill Boulevard area. Mitigation measures shall note that equipment enclosures, noise barriers, and other appropriate measures will be in place to ensure noise levels do not exceed the City of San Luis Obispo's Noise Control Ordinance (SLOMC Ch. 9.12).

GA - 6.10 | 3. Figures 2-22, 2-23, and P. 5.8-54: The discussion of Cultural Resources does not address several areas of potential cultural resource significance in the City of San Luis Obispo or its Urban Reserve: areas around Laguna Lake, where the project crosses creeks (such as Acacia Creek, near Broad Street), and within 200 feet of the boundaries of a known archaeological site. The City's Archaeological Resource Preservation Program Guidelines designates these areas as "sensitive sites", requiring an archaeological resources inventory. It is not clear from the DEIR that a Phase 1 archaeological survey was done on the proposed in-city route. The DEIR should describe methodology of the completed archaeological work within the City of San Luis Obispo, and the study findings. A future study to determine the presence of archaeological resources, as described in mitigation measure CR-7 (P. 5.8-70), may not meet requirements in CEQA Section 15126.4(b)(3)(A, B), since preservation of cultural resources in place -- the preferred preservation method -- will be more difficult once the preferred pipeline route is decided.

4. P. 5.9-2,10, 20: The DEIR refers to a discussion of the City's General Plan Land Use and Circulation Elements to determine project consistency with land use policies. I was unable to find that discussion. The City's General Plan Open Space Element contains policies related to preservation of creek areas, hillsides, marshes, vernal pools and other sensitive open space lands. The preferred pipeline route shown in Figure 2-22 passes through Conservation/Open Space zoned land within San Luis Obispo City limits. Project consistency with OSE and other General Plan Land Use policies should be evaluated under the DEIR section 5.9 Land Use. The City reserves the right to modify the pipeline placement and alignment in open space areas, particularly in the vicinity of Laguna Lake, to avoid rock outcrops, protect sensitive habitat areas, or to preserve the character and quality of recreation areas. This may involve special emplacement techniques such as directional drilling or tunneling as opposed to open trenching.

GA - 6.11

5. P. 5.7-19 (BR-6 and BR-10): The City recommends that as project mitigation, the project include several consolidated, offsite mitigation areas for compensatory revegetation and habitat replacement/enhancement. The City owns 49 acres above Stenner Creek Road, suitable for such mitigation, and offers it for that purpose as part of this project. This could offer multiple advantages if such mitigation areas were combined with or adjacent to dedicated open space, maintaining contiguous wildlife corridors.

GA - 6.12

6. P. 5.11-15 (T-1): The list of roads subject to project-related traffic restrictions includes "Los Osos Road." Does this refer to "Los Osos Valley Road?"

GA - 6.13

7. P.512-23, 24: It is not possible from the graphics and photo-simulations provided to gauge the visual impacts of 22 ft. tall by 122 ft. wide storage tank near the Cuesta Tunnel entry, or of Storage Tank No. 2. As noted in the DEIR, Cuesta Pass is a visually sensitive corridor for motorists on State Highway 101 and a landmark for the entire County, as well as a gateway for San Luis Obispo City. Alternative locations to further reduce visual impacts should be addressed. The visibility of access road grading and the tank itself should be addressed, showing simulations from Highway 101. Landscape screening should be primarily with environmentally suitable native California trees, including Blue Oak, Coast Live Oak, Sycamore, and Big Leaf Maple, and should include revegetation and erosion control of road and tank pad cuts and fills.

GA - 6.14

8. P. 7-18, top: The City of San Luis Obispo's Urban Reserve Line defines the City's growth area planned for urban services through year 2022.

GA - 6.15

9. P. 9-24 (CR-4, CR-6, CR-12): The DEIR mitigation measures do not address what happens to cultural artifacts found during construction. The comment under mitigation CR-11, "Disposition of artifacts in accordance with State and Federal law", does not give adequate guidance as to how cultural materials and features found on public lands are preserved, protected, and made available for public viewing or use. Mitigation measures should identify a process and responsibilities for collecting, identifying, evaluating, and curating cultural features before construction starts. From a County/community standpoint,

GA - 6.16

GA - 6.16
Cont'd

paleontological and prehistoric/historic cultural artifacts discovered should be curated and displayed in San Luis Obispo County to benefit County residents.

GA - 6.17

10. P. 6-14, 15: The DEIR concludes that the "Treated Water Option" is environmentally superior to the "Raw Water Option", but does not provide evidence to support that conclusion. A spill of chlorinated treated water into the Salinas River or one of its tributaries could adversely affect frogs, tadpoles, fish and other freshwater species. Table 6.3 states that impacts to aquatic life due to discharges of treated would be adverse but not significant. Provide evidence from field testing that shows the effects of various concentrations of Chlorine-treated water, flow rates and other variables on aquatic species. Conversely, the DEIR mentions impacts to riparian areas caused by the Raw Water Option discharge facilities, yet does not explain what those impacts would be. Depending upon seasonal variables, such as creek flow or volume, a spill of treated water in Stenner Creek, for example, could kill many Steelhead Trout.

This is a key consideration in the project design, and additional information is needed to compare the biological impacts and advantages of the two options. On balance, the Raw Water Option appears to have less potential for catastrophic biological impacts (e.g. toxicity of spills) than the Treated Water Option, and may have wildlife habitat benefits.



GA-7

DEPARTMENT OF THE ARMY
HEADQUARTERS, CALIFORNIA ARMY NATIONAL GUARD
9800 GOETHE ROAD - P.O. BOX 269101
SACRAMENTO, CALIFORNIA 95826-9101

SLO CNTY
PLANNING/BUILDING
DEPT

2003 SEP -8 AM 9:40

September 3, 2003

Ms. Nancy C. Orton
San Luis Obispo County Department of Planning and Building
Room 310
County Government Center
San Luis Obispo, CA 93408-2040

Subject: Nacimiento Water Project Draft Environmental Impact Report

Dear Ms. Orton:

Thank you the opportunity to review and comment on the proposed Nacimiento Water Project Draft Environmental Impact Report (DEIR). While the mitigation measures and analysis were generally appropriate, we noted numerous areas of the document that required clarification or modification. Our comments focus primarily on biological resources and the consistency of the mitigation measures with our existing management plans or Biological Opinions. We have also provided comments on the document's treatment of cultural resources mitigation. All comments apply to Camp Roberts or Camp San Luis Obispo. The following specific comments are provided:

- 1. The following mitigation measures address biological resources at Camp Roberts and Camp San Luis Obispo:

GA - 7.1

A. Mitigation Measure BR-2: Add the following text to the current mitigation measure: "In addition, all project personnel who conduct work at Camp Roberts and/or Camp San Luis Obispo must attend an environmental awareness briefing conducted by California Army Reserve National Guard (CA ARNG) Environmental staff prior to beginning work."

GA - 7.2

B. Mitigation Measure BR-6 (Vegetation Replacement/Restoration Plan) needs to specify a revegetation success criteria and state that it will be ensured via monitoring and, as necessary, replanting. Any planting plan developed for lands within Camp Roberts or Camp San Luis Obispo will need to be reviewed and approved by the CA ARNG Environmental Directorate.

GA - 7.3

C. Mitigation Measure BR-9 Modify this measure to state that excavations containing water or a hazardous substance must be covered or back-filled at the end of the day. Placement of an escape ramp is not appropriate for ensuring kit fox protection.

GA - 7.4

D. Mitigation Measures BR-9 and BR-23: for the protection of the San Joaquin kit fox, the vernal pool fairy shrimp, and other protected and/or sensitive resources, all work, machinery, and personnel must remain on existing roads and trails to the greatest extent possible within Camp Roberts and Camp San Luis Obispo. All off road travel will be subject to the approval of Range Control and the Environmental Directorate.

GA - 7.5

E. Mitigation Measures BR-8, BR-18, and BR-26: Bald eagles are generally observed at Camp Roberts from November to March, and have been recently observed nesting on the installation. The birds are sensitive to human activity. Specific mitigation measures

GA - 7.5
Cont'd

limiting construction windows need to be developed to avoid disturbance to wintering and nesting bald eagles. Prior to beginning any construction activities, a survey for nesting bald eagles shall be performed by a qualified biologist. If a nest is discovered, construction activity shall not occur within 800 meters of the nest from 1 January to 31 August, or as stipulated by the U.S. Fish and Wildlife Service.

GA - 7.6

F. California Condors: Specific mitigation measures need to be developed for the purpose of avoiding disturbance of California condors. Work should be halted if a condor is observed. Work should be resumed only after the project biologist has determined that the condor has moved far enough away that resuming work will not result in disturbance of the bird.

GA - 7.7

G. Mitigation Measure BR-10: "Construction machinery ingress, egress, and staging areas shall be placed away from oak woodlands." Individual native oak trees and native oak woodlands shall be avoided to the maximum extent feasible. If oak trees or woodlands would be impacted, the project proponent shall prepare and implement an oak tree/woodland protection and/or mitigation plan that contains the following elements:

- 1) Any necessary oak tree pruning shall be done by a certified arborist.
- 2) Machinery shall not be driven under the canopies of oak trees. If it is unavoidable.
- 3) Pursuant to the Camp Roberts Integrated Natural Resources Management Plan (INRMP), hand digging, mechanical digging, and blade work are prohibited under the drip lines of standing live and dead oak trees. If digging under the drip lines of oaks is unavoidable, any damage that ensues will be subject to mitigation.
- 4) Oak monitoring shall be done for one year after construction completion for the purpose of detecting oak death or damage caused by construction impacts.
- 5) During construction around oak trees, no fasteners may be used on the oaks.
- 6) All reasonable measures shall be taken to avoid moving dead and downed oak logs.
- 7) The Camp Roberts oak replacement policy requires following: 3:1 mitigation for oak trees that are removed or significantly impacted, the collection of acorns from the area in which oaks are planned for removal, planting at densities approved by CA ARNG, planting during January or February, watering if necessary to ensure survival, a minimum of five years of monitoring, a 3:1 survivorship ratio, annual monitoring reports, and compliance with all other oak management stipulations in the INRMP.
- 8) All oak trees immediately adjacent to construction areas shall be protected by erecting temporary fencing at the drip line of the woodland canopy or around individual trees.

GA - 7.8

H. Mitigation Measure BR-22: Camp Roberts and Camp San Luis Obispo have a riparian vegetation replacement policy that requires 3:1 mitigation for all riparian vegetation that is lost or damaged during construction projects. The EIR should include a mitigation measure to address this policy.

GA - 7.9

I. Mitigation Measure BR-23: Because road-side low-lying areas and ditches often contain vernal pool fairy shrimp, the project proponent shall conduct a vernal pool fairy shrimp survey along the entire construction route prior the beginning construction. If vernal pool fairy shrimp are found, their habitat shall be avoided and protected. If impacts to

GA - 7.9
Cont'd

vernal pool fairy shrimp are unavoidable, the project proponent shall obtain authorization for 'incidental take' from the US Fish and Wildlife Service prior to construction.

GA - 7.10

J. Mitigation Measure BR-24: Steelhead trout are present in Chorro Creek within the boundaries of Camp San Luis Obispo. Although unlikely upstream of Chorro Reservoir, steelhead could be present. To prevent impacts to steelhead and other natural resources of the Chorro Creek corridor, the pipeline alignment should be located as far as possible away from the creek. If the proposed pipeline alignment must be placed close enough to the creek that it will adversely affect steelhead habitat (directly or indirectly), the project proponent will be required to consult with the National Marine Fisheries Service and California Department of Fish and Game to obtain authorization to incidentally take the species, and/or obtain a Streambed Alteration Agreement.

GA - 7.11

K. Mitigation Measure BR-25: California red-legged frogs and southwestern pond turtles are present in Chorro Creek and associated water bodies within the boundaries of Camp San Luis Obispo. Therefore, the CA ARNG Environmental staff recommends directional boring under the creek and consultation with the US Fish and Wildlife Service and the California Department of Fish and Game. Otherwise, impacts to California red-legged frogs and southwestern pond turtles cannot be expected to be insignificant.

GA - 7.12

L. The Morro shoulderband snail (*Helminthoglypta walkeriana*) is a federally-endangered terrestrial snail present at Camp San Luis Obispo. The EIR fails to address impacts to, and avoidance and mitigation measures for, this species. Appropriately timed surveys are necessary to determine if the species is present in the proposed project area. If so, consultation with the US Fish and Wildlife Service will be necessary to develop mitigation measures for the minimization of impacts to the species and obtain authorization of incidental take (if necessary).

GA - 7.13

M. The EIR fails to address impacts and present avoidance and mitigation measures for the following sensitive species reported at Camp Roberts and/or Camp San Luis Obispo and typically found in vegetative associations in which the project is proposed to occur:

- silvery legless lizard (*Anniella pulchra pulchra*)
- San Joaquin whipsnake (*Masticophis flagellum ruddocki*)
- California horned lizard (*Phrynosoma coronatum frontale*)
- ferruginous hawk (*Buteo regalis*)
- northern harrier (*Circus cyaneus*)
- white-tailed kite (*Elanus leucurus*)
- merlin (*Falco columbarius*)
- prairie falcon (*Falco mexicanus*)
- common loon (*Gavia immer*)
- yellow-breasted chat (*Icteria virens*)
- long-eared owl (*Asio otus*)
- greater western mastiff bat (*Eumops perotis californicus*)
- pallid bat (*Antrozous pallidus pacificus*)
- Townsend's western big-eared bat (*Corynorhinus townsendii townsendii*)
- western small-footed myotis (*Myotis ciliolabrum melanorhinus*)
- northern long-eared myotis (*Myotis evotis evotis*)
- long-legged myotis (*Myotis volans*)
- Yuma myotis (San Joaquin myotis) (*Myotis yumanensis saturatus*)
- Coast Range newt (*Taricha torosa torosa*)
- long-billed curlew (*Numenius americanus*)
- double-crested cormorant (*Phalacrocorax auritus*)

GA - 7.13
Cont'd

- dwarf calycadenia (*Calycadenia villosa*)
- Lemmon's jewel-flower (*Caulanthus coulteri* var. *lemmonii*)
- San Benito spineflower (*Chorizanthe biloba* var. *immemora*)
- Rattan's cryptantha (*Cryptantha decipiens*) (= *C. rattanii*)
- small-flowered gypsum-loving larkspur (*Delphinium gypsophilum* ssp. *parviflorum*)
- hesperevax, hogwallow starfish (*Hesperevax caulescens*)
- Mt. Diablo cottonweed (*Micropus amphibolus*)
- one-sided monkeyflower (*Mimulus subsecundus*)
- California spineflower (*Mucronea californica*)
- prostrate navarretia (*Navarretia prostrata*)
- moss (*Trichodon cylindricus*)
- club-haired Mariposa lily (*Calochortus clavatus* ssp. *clavatus*)
- dwarf soaproot (*Chlorogalum pomeridianum* var. *minus*)
- Jones' layia (*Layia jonesii*)

GA - 7.14

N. Table 5.7.1 states that there have been sightings of the San Joaquin pocket mouse (*Chaetodipus inornatus inornatus*) at Camp Roberts. Although it is possible that the species is present on the installation, to the best of the knowledge of the CA ARNG Environmental staff, the species has not been sighted. However, there have been sightings of the Salinas pocket mouse (*Chaetodipus inornatus psammophilus*). Detailed, effective avoidance and mitigation measures are needed for both species.

GA - 7.15

O. Figure 2-3: there is a large, documented fairy shrimp pool at the location proposed for the staging area. Therefore, the staging area must be moved to an alternate location. The location must be chosen such that it is not within 100 feet of the river and it minimizes impacts to vegetation.

2. The following comments address mitigation measures for resource areas other than for biological resources at Camp Roberts and Camp San Luis Obispo:

GA - 7.16

A. Mitigation Measure DE-1: The project's Erosion Control Plan and Storm Water Pollution Prevention Plan shall be consistent with the CA ARNG's Erosion Control Plans and Storm Water Pollution Prevention Plans for Camp Roberts and Camp San Luis Obispo, the installations' Best Management Practices for Erosion Control, and all other applicable measures contained in the installations' INRMPs.

GA - 7.17

B. Hazardous materials management shall be consistent with Camp Roberts and Camp San Luis Obispo Standard Operating Procedures for Environmental Protection.

GA - 7.18

C. Page 5.8-30, CR-0102 now has a trinomial: CA-SLO-2210; in addition CB-1097 also has a trinomial: CA-SLO-1828.

GA - 7.19

D. Also on page 5.8-30, CA-SLO-2210 has recently been tested for eligibility. Preliminary findings indicate that the resource is eligible for the NRHP. There is also some evidence to suggest the site exists beneath the road (Perimeter Road) so that the proposed project may have a greater impact than originally speculated.

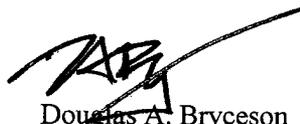
GA - 7.20

E. Page 5.8-34, it should be noted that the cultural deposit of SLO-1169 on the east side of Boy Scout Road (i.e. opposite the river) is buried beneath a recent alluvial fan produced from run off of the two ascending dirt roads at that location. The extent, integrity and characteristic of the deposit beneath the fan (and within the proposed pipe route) are not known.

- GA - 7.21** | F. Also on page 5.8-34, an eligibility study of SLO-1180 is currently underway that supports Breschini & Haversat's initial findings but found the deposit to be deeper, richer and more complex than originally believed.
- GA - 7.22** | G. Figure 2-19 indicates that a new pipeline will be placed as part of the Raw Water Alternative along the north bank of Chorro Creel (east fork). This section of the proposed new pipeline was never surveyed for cultural resources, but lies near several previously recorded archaeological sites. A cultural resources survey of this area is required prior to construction of this portion of the pipeline. Furthermore the remaining section of "existing pipe" between the reservoir and the CMC passes through or near at least four archaeological sites. The types of effects that will occur through use of this pipe are unclear, specifically, will the increased use or service result in increased maintenance, repair, etc., that could have an effect on cultural resources in that area?
- GA - 7.23** | H. 3-31 Table of Potential Effects - Current evidence, both along the Nacimiento and Chorro indicates that single survey sweeps are inadequate at identifying cultural resources. To ensure a minimum of unanticipated impacts, it is recommended that archaeological monitoring take place during all initial excavation activities. In the event cultural resources are encountered, all work should be halted until the resource is analyzed, consultation with the SHPO and/or the County Coroner is completed and the resource impacts mitigated (if required).
- GA - 7.24** | I. Mitigation Measure CR-16 – SLO-1180 is probably unavoidable, testing should be conducted to determine an optimal route with minimal effect to the resource.
- GA - 7.25** | J. Request that the project proponent provide Camp Roberts and Camp San Luis Obispo Commanders and the Environmental Directorate with reasonable advanced notice prior to any archaeological/ paleontological work taking place on the respective properties. Contact should be made with Range Control for proper briefing on ordinance concerns and the Environmental Office, specifically the Cultural Resource Specialist, as well as the Commanders for coordination purposes.
- GA - 7.26** | K. Native American Consultation is discussed in the document, but no mention is made of which tribes will be consulted for specific sections of the NWP. That is, the NWP passes through both Salinan and Chumash territory. Will both tribes be consulted for the entire project area or will the project area be divided between the two tribes? If so, where will that division take place?

We appreciate the opportunity to provide comments on the DEIR. If there should be any questions regarding our comments please contact me at (916) 854-3456. For specific questions relating to biological resources issues, please contact Ms. Miram Hulst at (805) 238-8568. For cultural resources inquiries, please contact Mr. Ethan Bertrando at (805) 238-8013.

Respectfully,



Douglas A. Bryceson
Senior Environmental Planner
California Army National Guard

FAX TRANSMISSION

Environmental



Programs

OFFICE OF THE ADJUTANT GENERAL
 ENVIRONMENTAL PROGRAMS, ATTN: CAEV

PO Box 269101, 9800 Goethe Road
 Sacramento, CA 95826-9101
 Telephone: (916) 854-3651 DSN: 466-3651
 Fax: (916) 854-3365 DSN: 466-3365

Date: 9/5/03

To: Nancy Orton, SLO County Planning

Fax #: (905) 781-1242

Tel #: " 781-5008

From: Douglas Bryceson

Tel #: 916-854-3456

Fax# 916-854-3365

Remarks:
Nancy - Here is our comment letter. We will
FedEx the hardcopy today for Monday delivery.
Please call/email if you have any questions.
Thanks. Have a good weekend.

No. of Pages (without coversheet): 5

DEPARTMENT OF CORRECTIONS

CALIFORNIA MEN'S COLONY

P.O. BOX 8101, SAN LUIS OBISPO, CA 93409-8101

GA-8



August 27, 2003

Mrs. Nancy E. Orton
San Luis Obispo County
Department of Planning and Building, Room 310
County Government Center
San Luis Obispo, CA 93408-2040

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SEP 3 2003
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Dear Ms. Orton:

NACIMIENTO WATER PROJECT/DRAFT ENVIRONMENTAL IMPACT REPORT

The California Men's Colony (CMC) has reviewed the Draft Environmental Impact Report (DEIR) for the Nacimiento Water Project (NWP). The following comments are in reference to Sections 203.2.8 Camp San Luis Obispo (CSLO), 203.2.2.8 CSLO, and 203.3.0, Page 3-20, California Men's Colony Water Treatment Plant (CMCWTP).

GA - 8.1 If approved by state agencies, the CMCWTP could possibly be utilized to serve the participating water districts with treated water if upgrades and improvements to the plant and distribution system were completed. However, because the California Department of Corrections (CDC) CMC is a state agency, and under current California Constitution Article 10, Section 6, it is prohibited from acting as a utility provider for the payment of water, water wheeling, or water treatment services. Another alternative to being a provider of water would have to be pursued, i.e., Joint Powers Agreement (JPA), Water District or Commission to make this a viable option. When it is determined who the administrative authority is going to be, then CMCWTP could be utilized as a regional plant. As with any administrative process, the formation of this water providing entity would have to be started well in advance of the NWP being completed.

If you have any questions on this matter, please contact me at (805) 547-7974.

Sincerely,

Handwritten signature of J. L. Kellerman in cursive.

J. L. Kellerman
Correctional Plant Supervisor
California Men's Colony

cc: M. Alves-Wright, AWBS
K. Fisher, CSLO

MONTEREY COUNTY

WATER RESOURCES AGENCY



PO BOX 930
SALINAS, CA 93902
(831) 755-4860
FAX (831) 424-7935

CURTIS V. WEEKS
GENERAL MANAGER

STREET ADDRESS
893 BLANCO CIRCLE
SALINAS, CA 93901-4455

September 5, 2003

Ms. Nancy Orton
Department of Planning and Building
San Luis Obispo County
County Government Center, Room 310
San Luis Obispo, CA 93408-2040

Re: Public Draft Environmental Impact Report, Nacimiento Water Project

Dear Ms. Orton,

Monterey County Water Resources Agency (MCWRA) has reviewed the Public Draft Environmental Impact Report, Nacimiento Water Project (DEIR) and has the following comments:

GA - 9.1

1. Section 52-4 of Chapter 52 of the State of California Water Code changed the name of the MCWRA from the Monterey County Flood Control and Water Conservation District to the Monterey County Water Resources Agency. Any references to the Monterey County Flood Control and Water Conservation District should be changed to the Monterey County Water Resources Agency in order to reduce confusion.

GA - 9.2

2. While MCWRA owns and operates Nacimiento Dam and Reservoir, the Agency does nothing to change or improve the water quality of the water stored in the reservoir relative to our operations. Any water quality impacts or issues associated with body contact recreation will be the responsibility of San Luis Obispo County's Nacimiento Water Project.

GA - 9.3

3. The proposed intake pump station and the initial run of piping are located on land owned by Monterey County Water Resources Agency. The parcel is currently

GA - 9.3 ↑
Cont'd

leased to Water World Resorts, and hence, the location of the proposed intake will require a negotiated resolution. For the purposes of environmental review, San Luis Obispo County should consider alternative locations for the proposed intake.

GA - 9.4

4. Further development and evaluation of the environmental impact associated with the dredged channel leading into the inlet of the intake pump station is necessary. The original dredging will result in turbidity that will be picked up by the intake structure for the MCWRA Hydroelectric Power Plant. Because of the close tolerances of the impellers in the power plant, the particles suspended in the intake water could damage the impellers or scour the generator housing. MCWRA will require a mitigation to any water quality impact to its hydroelectric power plant. Also, once the intake pump station is in operation it may become necessary to redredge the channel on an ongoing basis as sediment is drawn towards the flow into the intake. An analysis of ongoing impacts must be included and the proposed mitigation identified.

GA - 9.5

5. The NWP should remove references and assumptions on MCWRA operation and scheduling of conservation releases. For example, on page 3-9, the NWP assumes that *"MCWRA would modify their annual release schedule in such a way as to ensure the availability of San Luis Obispo County's annual entitlement of 17,500 af."* Also, on page 5.1-36 *"SLO County has the first right to 17,500 afy from the reservoir, however and MCWRA will be expected to manage the reservoir such that SLO County can exercise its right"*. Appropriate replacement text would read...*"the MCWRA will honor its existing agreement with San Luis Obispo County in regards to water entitlements from Nacimiento Reservoir."*

GA - 9.6

6. San Luis Obispo County cannot assume in its analysis of worst-case drought years (page 5.1-37), that all potential inflow to Nacimiento Reservoir would be available for NWP deliveries, as the requirements of State and Federal Agencies may supersede other allocations.

GA - 9.7 ↓

7. In general, in regards to SLO County water entitlement, The MCWRA built Nacimiento and San Antonio dams for flood protection and groundwater recharge. The rights to beneficial use of the water captured behind the dams were granted to the MCWRA by the State. A recent decision by the SWRCB (Application 305322) again acknowledged the MCWRA's right to Nacimiento Reservoir water. Under an October 1959 agreement between San Luis Obispo County Flood Control and Water Conservation District and the MCWRA's predecessor, the Monterey County Flood Control and Water Conservation District, the MCWRA is obligated to provide to San Luis Obispo County up to 17,500 afy of water from Nacimiento Reservoir. The 17,500 afy entitlement comes from the MCWRA's permitted allocation of 180,000 af

GA - 9.7
Cont'd

of water. The MCWRA's contractual obligation is to provide this water from the San Luis Obispo County diversion at the discharge end of the low-level outlet works (670 feet msl) of Nacimiento Dam. The agreement does not include any responsibility on the part of the MCWRA for delivering water. The authorized diversion of water does not include water taken from wells around Nacimiento Reservoir, and the MCWRA is not required to furnish water at rate in excess of the present capacity of the low-level outlet works. With the exception of Oak Shores, all the water users at Nacimiento Reservoir, including those at Heritage Ranch, obtain their water supply as part of this entitlement. San Luis Obispo County has historically exercised only part of its rights to water under the agreement with the amount delivered to lakeside residents from this entitlement totaling approximately 1,300 AFY. However, the MCWRA is fully prepared to provide the full entitlement of water in accordance with the agreement. The San Luis Obispo County entitlement was accounted for in the modeling performed to evaluate project effects of the Salinas Valley Water Project (SVWP). The SLO County diversions were simulated as a monthly amount of 1,450 AF. This diversion was included in every month of the simulation period, as long as the minimum flow requirements were met downstream of the dam. In other words, for purposes of the modeling performed to evaluate the SVWP, it was assumed that San Luis Obispo would exercise its full entitlement, even though it has not done so historically. Therefore, it should be noted that the modeling and model results are conservative in this regard, showing greater effects than would occur if SLO County continues not to exercise its entitlement. Most important to note, regardless of the method used to incorporate the SLO County entitlement into the modeling, is that the MCWRA will provide the full entitlement of water in accordance with the agreement, as stated above. The water supplied to Oak Shores is covered by a 1984 agreement between Nacimiento Water Company (which serves Oak Shores) and the MCWRA. Though this agreement, the Nacimiento Water Company received a water allocation of 600 AFY, which is drawn from the bottom of Nacimeinto Reservoir and other intakes. The agreement specifies that the Nacimiento Water Company waive any claim of right or title to water being taken from its three wells located at the bottom of Nacimiento Reservoir. This allocation is not an obligation for the MCWRA to supply 600 AFY of water, but allows Nacimiento Water Company to take the water form the lake when it is available. Although some water is always available for extraction, the quality of the water may be poor when the reservoir is drawn down substantially.

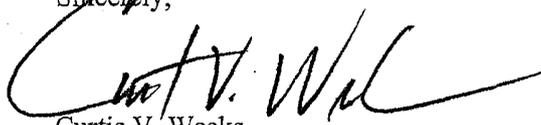
GA - 9.8

8. As the phased construction of this proposed project intends scheduling of construction activities to avoid rainy periods in order to reduce the magnitude of water quality impacts, San Luis Obispo County must coordinate its construction activities with MCWRA regarding the potential impact of construction scheduling on conservation releases.

- GA - 9.9** | 9. For the purpose of this analysis, SLO County should evaluate the cumulative impacts of the Salinas Valley Water Project (spillway modification) and the NWP construction phase as occurring concurrently.
- GA - 9.10** | 10. Table 5.14.1 "*Reservoir Release Schedule for 2002*" as presented in the NWP is the anticipated releases, and resulting elevation and storage for the reservoirs. The schedule is prepared prior to the start of the conservation release period, based on estimated demands, without regard to seasonal inflow. This table is not an accurate representation of actual releases made in calendar year 2002. Throughout the conservation release period the release schedule is updated monthly to accurately reflect actual releases and inflows to the reservoirs.
- GA - 9.11** | 11. With respect to water quality and storage degradation that results from additional development erosion and runoff impacts, San Luis Obispo County shall have the full responsibility to mitigate those impacts.

The MCWRA would like to thank you for the opportunity to submit these comments to the Draft Environmental Impact Report, Nacimiento Water Project. Should you wish to discuss these further, staff can be reached at 831.755.4860.

Sincerely,



Curtis V. Weeks,
General Manager

GA-10

STATE OF CALIFORNIA

Gray Davis, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 344
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5380



October 17, 2003

Nancy Orton
City of San Luis Obispo
Community Development Department
County Government Center
990 Palm Street
San Luis Obispo, CA 93401

RECEIVED
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RE: Proposed Nacimiento Water Project, SCH# 2001061022, Including Proposed Prado Road Extension, San Luis Obispo County

Dear Ms. Orton:

GA - 10.1

The purpose of this letter is to inform you that a record search of the Native American Heritage Commission's (NAHC) Sacred Lands File indicates the presence of Native American cultural resources that may be impacted by the above referenced projects. The site is known as the *Garcia Ranch Site*. It is listed as a *Lithic Scatter Site, Bedrock Mortar Site, Rock Shelter/Cave, Worship/Ritual Site*, and as a *Sacred/Power Area*. It may also contain Native American burial sites. The site is also a recorded archaeological site, identified as CA-SLO-1427. It is located on the *San Luis Obispo* USGS quadrangle in township 31 south, range 12 east, in section 1. Please contact Ms. Patti Dunton, 377 Fairview, Morro Bay, CA 93442; telephone number (805) 462-0893, for specific location information on this site, to determine potential impacts, and to discuss any necessary mitigation measures.

If you have any questions or need additional information, please contact me at (916) 653-4040.

Sincerely,

Rob Wood
Environmental Specialist III

CC: Mayor David Romero
City of San Luis Obispo
2057 Skylark Lane
San Luis Obispo, CA 93401

Patty Dunton

Number	Response
Comments from Governmental Agencies	
<i>California State Clearing House</i>	
GA-1.1	Compliance with the California Environmental Quality Act (CEQA) requirements for public notification and review are noted.
<i>San Luis Obispo County Air Pollution Control District</i>	
GA-2.1	The County of SLO will make a determination of which alternative or project option is environmentally superior based on projected impacts and their severity in all issue areas. Upgrades to the Water Treatment Plants were not a part of this project and would be evaluated in subsequent environmental review, if necessary. The treated water option will have higher construction and operation emissions associated with the proposed Water Treatment Plant (WTP) as compared to the Raw Water Option, since the latter option would avoid construction of most facilities at the WTP site.
GA-2.2	Table 5.4.7 specifies that the emissions presented in the table (Project Construction emissions) represent a worst case estimate. Actual emissions would likely be lower. On page 5.4-12, 1 st paragraph, it is identified that a control efficiency of 38% was assumed and is used in the calculations as standard watering mitigation measure control efficiency.
GA-2.3	<p>AQ-1 Words “grading and building” have been added to the first paragraph of measure AQ-1 to make the measures updated as per the CEQA Handbook 2003. The efficiencies of mitigation measures have been kept in place for clarification purposes.</p> <p>AQ-4 The requested changes have been made.</p>
GA-2.4	This comment is in agreement with the mitigation measure text.
GA-2.5	The modification #3 to AQ-4 has been completed. The Applicant would be aware of this helpful information.
GA-2.6	The residual construction emissions have been identified as significant (Class I). To respond to this comment a note has been inserted to state that the significance is due to high NOx emissions. The mitigation measures listed in Section 5.9 of CEQA Handbook are for mitigating operational emissions and may be not appropriate for the short term construction emissions. During the permitting process of the project the SLO County will work with the APCD to develop appropriate measures to mitigate the significant NOx emissions.
GA-2.7	The text has been added to mitigation measure GS-3.
GA-2.8	The County will have to follow the required registration process and will be working with the APCD to obtain the required project permits and registrations.
GA-2.9	The County will have to follow the required permitting process and will be working with the APCD to obtain the required project permits.
GA-2.10	The County will have to follow the required permitting process and will be working with the APCD to obtain the required project permits and authorizations.

Number	Response
<i>Atascadero Mutual Water Company</i>	
GA-3.1	These statements have been clarified as noted in the responses to comments below.
GA-3.2	The concept of river discharges has been clarified to note that the water is discharged to percolation basins and not to the Salinas River channel.
GA-3.3	Water wheeling through the City of San Luis Obispo pipelines has been considered in the EIR. While water wheeling is technically feasible with some relatively minor modifications, the City has a stated policy of providing services outside City limits and has previously rejected the idea of wheeling relative to this project. Therefore, this alternative is not considered feasible under the requirements of the California Environmental Quality Act. However, it should be noted that the City can reverse their prior stance on this issue, thus avoiding new pipeline construction through the City. Given the small modifications that would be necessary to wheel water through their pipeline system, no additional environmental review would be required.
GA-3.4	The statement on the No Project Alternative regarding overdraft is not meant to apply to the entire county, but to specific project participants. The text has been revised to clarify that overdraft conditions are not inclusive of all areas of San Luis Obispo County.
GA-3.5	Please see the previous response.
GA-3.6	The background information on the recent Paso Robles Groundwater Basin Study has been included. This study was thoroughly discussed in Section 5.1 of the Draft Environmental Impact Report (DEIR), which includes the evaluation of hydrology and water quality associated with the proposed project and alternatives.
GA-3.7	The discharge basins were originally referred to as recharge basins in the County's description of the project. However, since the true purpose of these basins is not for groundwater recharge, all references were changed to discharge basins. The text in this section has been clarified to note that water will not be directly discharges into the Salinas River, but that percolation basins will be utilized to discharge NWP water to the Salinas River underflow.
GA-3.8	The text has been clarified to note that the AMWC system would recover NWP water prior to reaching the Salinas River underflow. However, water discharged in the Paso Robles and Templeton percolation basins would reach the Salinas River underflow prior to recovery.
GA-3.9	For the purposes of this EIR it has been assumed that water wheeling from Atascadero to Santa Margarita is feasible absent any information to the contrary. It has also been assumed that any modifications to the AMWC facilities to accommodate this wheeling arrangement would be relatively minor and would be included as part of the overall project. Should this water wheeling arrangement prove to be infeasible in the future, the project proponent would be required to reevaluate delivery and/or treatment options for Santa Margarita and conduct additional environmental review, if necessary.

Number	Response
<i>City of Atascadero</i>	
GA-4.1	The project will be required to revegetate all areas disturbed by pipeline and facility construction activities. While there is a considerable amount of emphasis on oak tree mitigation and replanting given the slow growth of most oak species, revegetation plans will also specify restoration of other native trees and plants.
GA-4.2	The project assumed a 200-foot wide corridor for evaluating impacts associated with pipeline construction. Therefore, it is quite possible that there will be minor variations within the area studied, mainly to avoid sensitive resources (e.g., biological, cultural and/or paleontological resources). However, should the pipeline route be revised substantially and outside of the study area, which would be required to result in construction within the Atascadero City Limits, additional environmental review would be required. Therefore, the City would have an opportunity to review any substantial changes to the proposed project.
GA-4.3	As noted in the EIR, the treated water option was selected as the Environmentally Superior Alternative. However, as also noted in the EIR, the difference between the treated and raw water options, in terms of environmental impacts, are quite small. Aside from significant air quality impacts associated with project construction, impacts specific to each option are considered less than significant, with the main difference being that the treated water option meets more of the project's water quality goals while avoiding direct impacts to the Salinas River riparian areas for construction of raw water discharge basins. Conversely, the raw water option would avoid potential environmental consequences associated with the spill of treated (i.e., chlorinated) water should there be a failure on the pipeline near a riparian area. While the probability of such an event was considered sufficiently low to result in an impact classification of "less than significant", potential impacts to sensitive species could be substantial. While this EIR contends that the treated water option is environmentally superior to the raw water option by an extremely slim margin and mainly due to effective mitigation of potential impacts, the selection of which option is constructed will ultimately be determined by County staff and the Board of Supervisors based on an agreement between the project participants. This agreement will likely be based on financial considerations, which are beyond the scope of environmental analysis allowed by the California Environmental Quality Act.
<i>City of El Paso de Robles</i>	
GA-5.1	Measure BR-10 has been revised to add information on the City of Paso Robles Oak Tree Preservation Ordinance.
GA-5.2	The proposed project would not directly impact Spring Street as all construction would take place east of the Salinas River. While the project would impact 13 th Street and Creston Road, impacts were considered less than significant. However, given the bottleneck posed by limited areas where vehicles can cross the Salinas River, these streets have been added to Mitigation Measure T-1. It should also be noted that the County will be required to obtain an encroachment permit from the City, where the requirement to avoid these streets can be reiterated.
GA-5.3	While it may be difficult to avoid Creston and/or Niblick Road when school is in session, these roads have been added

Number	Response
	to Mitigation Measure T-1 to avoid impacting traffic during hours when school-related traffic might be impacted. The project would not simultaneously impact traffic on both roads, thus one of these roads would always be open. As noted in the previous response, the County will be required to obtain an encroachment permit from the City, where the requirement to avoid these streets can be reiterated.
GA-5.4	The City's concern over impacts associated with the 1997 EIR route is noted. This alternative was not considered as the Environmentally Superior Alternative due in part to the issues that concern the City.
GA-5.5	The population figures in Section 2.0 and elsewhere have been updated in the EIR. Section 7.0, Growth, had noted a more representative population figure for 2002 that was only slightly lower than the City's current estimate.
GA-5.6	The EIR has been changed to reflect the more likely hydraulic grade line. As noted in the comment, this elevation may change with final project design.
GA-5.7	Many of the proposed project's components are conceptual at this stage, with assumptions being made as to specific location and design. Pending final design, the assumptions being made were based on the best information available. Numerous minor changes to the project are expected that would not require any additional review. Should changes be proposed that do not fall within the expected and documented impacts associated with the project, subsequent environmental review, such as a Subsequent EIR or Addendum, may be required.
GA-5.8	The identification of Sodium Hypochlorite as the disinfectant for the treated water option was based on current compatibility with project participants and potential environmental impacts. However, final disinfection requirements and techniques will be based on the needs of project participants and future water quality issues, such as the need to minimize trihalomethanes.
GA-5.9	The EIR evaluated several alternative water treatment plant options in Section 3.0, Alternatives. However, as required by CEQA, only alternatives that could substantially reduce or avoid significant impacts associated with the proposed project are evaluated to a project level of detail in the EIR. Additional construction of water treatment facilities under the raw water option would not substantially reduce or avoid any of the significant impacts identified in the EIR. In fact, construction of additional water treatment facilities by project participants would likely lead to the identification of new environmental impacts not identified in the EIR. It is also recognized that project participants may elect to receive raw water and pursue various treatment alternatives. However, in the absence of specific proposals, it would be speculative to evaluate the construction of additional water treatment facilities for each of the project participants when these facilities are not a necessary component of the project that would be required to receive or distribute their NWP allocation. Should a project participant choose to construct additional water treatment facilities, additional environmental review, such as a Subsequent EIR or Addendum, may be required.
GA-5.10	The City's requirement to issue an encroachment permit is specifically listed in Table 2.9. This requirement has also been added to Section 2.7.1.

Number	Response
GA-5.11	Section 2.7.4 notes that "...General Plan Conformity Determination would be required by the County and <i>all cities</i> in which pipelines and related project facilities are located (emphasis added)." This would include Paso Robles. Table 2.9 has been modified to note this requirement.
GA-5.12	Please see the response to Comment GA-5.4.
GA-5.13	Please see the response to Comment GA-5.9.
<i>City of San Luis Obispo</i>	
GA-6.1	The placing of project staging areas is contingent on locating available land at various points along the pipeline route. Since the availability of land changes over time, as noted in the EIR, a set of performance criteria was established to allow for the selection of an alternative location that is consistent with the findings of the EIR. While the potential need for additional environmental review of staging areas, such as a Subsequent EIR or Addendum, cannot be overlooked if a suitable site cannot be found within the EIR performance criteria, there are currently alternative sites available that fit the staging area performance criteria listed in the EIR. Therefore, additional environmental review is not anticipated at this time. In the event that a staging area cannot be identified for a given pipeline segment, alternative options would be to utilize those staging areas that are available at the time of construction, which would result in greater transport distances during construction, staging of some materials within the pipeline right-of-way, or delivery of pipe to the site on an as-needed basis. All three options would complicate project construction and add to project costs, but not significantly.
GA-6.2	The text in Section 3.2.5 has been modified to reflect the uncertainty associated with the availability of the City's water system to wheel NWP water to project participants south of the City. However, given the existing City policy of not providing service outside City limits and the City Council's past rejection of water wheeling relative to this project, it would be considered speculative under CEQA to evaluate water wheeling as an alternative in the EIR. Should the project participants and City decide to move forward with water wheeling, additional environmental review, such as a Subsequent EIR or Addendum, may be required. However, since potential impacts associated with improvements to the City's water system would be similar to NWP pipeline construction south of the City, it is likely that a water wheeling agreement would be consistent with the EIR findings and no additional environmental review would be necessary.
GA-6.3	<p>Section 2.2.7 of the EIR notes that on May 14, 2002, the City Council eliminated the policy that would require the establishment of a Reliability Reserve. However, eliminating the requirement doesn't necessarily preclude a need for a drought reserve. Therefore, these statements are not necessarily inconsistent.</p> <p>Section 5.1.5.1 of the EIR states that "Groundwater resources in the San Luis sub-basin are available to the City, although the maximum level of historical City pumpage will not likely be significantly increased due to basin yield limitations." This is consistent with the statement in Section 7.2.3 that "While the existing safe yield of the basin is</p>

Number	Response
	currently under review, this basin is considered to be in a state of overdraft for planning purposes (SLO 2002).” If the basin is considered to be in a state of overdraft, it is likely that the City will not increase pumpage due to basin yield limitations. It is possible that upon further review, more groundwater pumping could be allowed, but current information would indicate that increases in groundwater utilization, while available, cannot be sustained.
GA-6.4	The City of San Luis Obispo currently (as of 2002) has a water small water surplus that could allow limited additional growth (see Table 7.2). However, in the absence of acquiring additional water supplies, the City will not be able to meet the growth projections identified in its General Plan.
GA-6.5	Section 7.2.3 has been modified to reflect the City’s use of ground water, as well as the studies being conducted to increase the City’s safe yield to 1,000 afy. The City’s pursuit of alternative water sources to augment their use of groundwater has also been noted.
GA-6.6	Countrywide, which is a bit too ambitious for this project, has been changed to Countywide. Also, the values for the City’s required yield have been modified to reflect the City’s elimination of the 2,000 afy reliability reserve.
GA-6.7	Impacts associated with growth-induced impacts do not require mitigation, thus the measure is not included in Section 9.0 of the EIR. This measure sets a water conservation goal, which the County and project participants can choose to implement or ignore without the need for a Statement of Overriding Considerations from the Board of Supervisors. As noted in Section 7.0 and elsewhere, potential impacts associated with growth are considered a significant impact that could result from the project.
GA-6.8	Please see the response to Comment GA-6.1. Impacts associated with the staging areas were considered as part of the project construction impacts and would be short term in nature. Mitigation measures identified for pipeline construction would reduce potentially significant impacts to a level of insignificance. As noted in the following response (GA-6.9), noise barriers would be utilized to meet applicable County and/or City noise limits. Also, a substantial amount of mitigation is proposed that would reduce dust levels to a level of insignificance. Aesthetic impacts would be temporary in nature and are considered insignificant. Finally, all potential site land use designations would have to allow for temporary construction staging.
GA-6.9	Noise mitigation measure N-1 specifically requires noise reduction measures as follows: <i>“Equipment enclosures/noise barriers shall be used in the vicinity of sensitive receptors (per station numbers in Table 5.5.7) to reduce the noise generated by stationary equipment (i.e., generators, pumps, and other stationary construction equipment) during daytime hours.”</i> The residences in the Patricia Drive/Foothill Boulevard area are specifically identified in Table 5.5.7.
GA-6.10	The Phase I archaeological survey for the areas within the City of SLO was done in 1996 and some sites were mapped and are listed in Table 5.8.12. Similar methodology was employed as in the current 2003 report. Cultural sites in the Laguna Lake can be avoided by design and are beyond 200 feet of identified cultural resources. In the City area, the archaeological site near Acacia Creek, SLO-2002, is outside the project area of the NWP. It is probably not a prehistoric

Number	Response
	site and probably not a significant site. Subsurface testing would be done to confirm this as needed.
GA-6.11	The table on page 5.9-2 has been updated to more specifically reflect the City’s General Plan zoning designation of Conservation/Open Space near Laguna Lake. Discussion on pages 5.9-20, 21 has been expanded to include assessments of the City’s relevant OSE and General Plan policies. Due to the potentially sensitive and scenic nature of the area, special emplacement techniques other than open trenching may be employed, as necessary, to ensure preservation of the character and resources of the area.
GA-6.12	Thank you for the valuable information. Measure BR-10 specifies that: “Areas suitable for creation of oak conservation areas for replacement offsite shall be evaluated.” The area above Stenner Creek Road is known to the County and will be evaluated as potential for the project vegetation restoration area.
GA-6.13	The correct reference should be Los Osos Valley Road and has been corrected throughout the document.
GA-6.14	<p>The tank at Cuesta Tunnel would be located in an area that is already partially screened with the existing vegetation and terrain. In addition to that the tank would be located in an indented area on the slope of the hill, thereby its bottom will be below the hillside surface. The simulation reflects the fact that only a small portion of the tank’s surface would be visible to a viewer standing at the beginning of the access road to the Cuesta Tunnel pipeline, this portion of the tank will have even less visually significant effect on viewers traveling on Highway 101 or other locations. The proposed tank would be substantially shielded by terrain from travelers on Highway 101 (see Figure 11-1). The tank would be completely shielded by terrain from travelers heading north on Highway 101, and would only be visible from the highway after the vehicle has passed the tank location. Southbound travelers would have a slightly better view of the tank, but only a partial view and for a very brief period (a few seconds at best at highway speeds). The proposed mitigation measures of providing vegetation screening for the tank and painting the tank a natural color would minimize potential visual impacts.</p> <p>Landscaping for the project could be done with species that are native to the area and non-native species. San Luis Obispo County Land Use Ordinance (Section 22.04.186) states that preservation of native species, and landscaping with native species is encouraged, however it is not required. To effectively screen the man-made features of the project it is necessary to use species that use water in the most effective manner, are evergreen and fast growing. The landscaping will be done from species consistent with the surrounding area; a note to this effect has been added to the mitigation measures.</p>
GA-6.15	The reference to the City’s Urban Reserve Line has been corrected to 2022 (from 2015).
GA-6.16	Measures CR-1 and CR-6 specified preparation of the Plans for Cultural resources (paleontological and archaeological). Language has been added to these measures to specify that the Plans shall list measures to deal with the cultural resources in case any are encountered. The exact details of the methods will be determined at the time the Plans are

Number	Response
GA-6.17	<p>prepared by the project’s professional archaeologist(s) and paleontologist(s).</p> <p>It is recognized that the Raw Water Option has less potential for catastrophic biological impacts that could result from a large spill of chlorinated water under the treated water option. Section 5.7.4.1 clearly states that “Impacts to aquatic life and contamination of drainages could result from a pipeline rupture which releases treated water into the stream system, resulting in mortality, degradation of habitat and water quality.” However, as noted in Section 5.6.4.1, the probability of a large chlorinated water spill is extremely small based on historical pipeline failure data for water transmission pipelines (as opposed to water distribution pipelines typically found in cities, which have much higher failure rates due to the vastly higher number of connections). Since risk is measured by the combination of event probability and consequences, it was determined based on criteria established by such groups as the American Institute of Chemical Engineers, US Environmental Protection Agency and Santa Barbara County that potential impacts associated with a spill of chlorinated water was less than significant. It should be noted that regardless of which alternative is selected, the same volume of water will need chlorination and chlorine-based disinfection products will need to be shipped to a single or multiple water treatment facilities.</p> <p>In reviewing the identification of the Environmentally Superior Alternative, Section 6.0 of the EIR only summarizes information that is discussed far more thoroughly in other sections of the EIR such as Section 5. These sections should be thoroughly reviewed prior to reviewing Section 6.</p> <p>The EIR does not dispute potential impacts of chlorine treated water on aquatic species, and makes the finding that potential consequences would be substantial. Thus, no evidence of field testing is necessary unless one were claiming that there would not be any adverse biological consequences associated with chlorine exposure. As far as impacts to riparian areas that would occur under the Raw Water Option, Section 5.7.4.2 clearly identifies and quantifies the permanent loss of riparian areas along the Salinas River.</p> <p>The comment notes that a spill of chlorinated water could impact Stenner Creek. It should be noted that regardless of which alternative is selected, chlorinated water pipelines associated with the City of San Luis Obispo Water Treatment Plant (WTP) and the WTP located at the California Men’s Colony would likely impact Stenner and/or Chorro Creeks in the event of a pipeline failure. Both of these facilities would be used to disinfect NWP water under the Raw Water Option. Therefore potential consequences associated with the Treated and Raw Water Options would be quite similar in the vicinity of these creeks. In any event, potential impacts are considered less than significant based on the low probability of a spill of chlorinated water that would be large enough to impact sensitive species in the area. Also, chlorinated water pipelines already exist throughout all of the cities involved in the project, many of which are in the</p>

Number	Response
	vicinity of numerous creeks and drainages. Finally, the selection of which project is constructed will be determined by County staff, the Board of Supervisors and project participants. This decision will also include a cost factor, which is not considered in the EIR, which would favor selection of the Raw Water Option as the preferred alternative.
<i>Dept of the Army/CA Army National Guard</i>	
GA-7.1	The requested language in regards to the briefing has been inserted.
GA-7.2	The requested language in regards to the vegetation restoration/replacement plan has been inserted.
GA-7.3	The requested language in regards to covering excavated areas to protect kit fox has been inserted.
GA-7.4	The requested language has been inserted in measure BR-4 that covers all vehicle and personnel travel in sensitive areas.
GA-7.5	The language in regards to bald eagle has been added to BR-16.
GA-7.6	The language in regards to California condor has been added to BR-16.
GA-7.7	Most of the requested mitigations are already in the measure BR-10. The additional specifics in regards to the Camp Roberts Integrated Natural Resources Management Plan (INRMP) have been added to this mitigation measure as requested.
GA-7.8	The language in regards to riparian vegetation has been added to BR-22.
GA-7.9	BR-23 has been updated as requested. See also measure BR-8.
GA-7.10	BR-24 has been changed to reflect the requested mitigation.
GA-7.11	BR-25 has been changed to reflect the requested mitigation.
GA-7.12	Morro shoulderband snail has been included in Table 5.7.1. Mitigation measure BR-8 specifies that biological surveys, avoidance as feasible, and consultation and incidental intake permits shall be required for all species listed in this table.
GA-7.13	Camp Roberts and Camp San Luis Obispo INRMPs have been reviewed for species of special concern. All the species have been added to Table 5.7.1. Mitigation measure BR-8 covers protection of the species listed in Table 5.7.1.
GA-7.14	Salinan pocket mouse species has been added to Table 5.7.1 Mitigation measure BR-8 specifies that biological surveys, avoidance as feasible, and consultation and incidental intake permits shall be required for all species listed in this table.
GA-7.15	The mitigation measure BR-23 has been updated to include avoidance of the documented vernal pool.
GA-7.16	The project's Erosion Control Plan and Storm Water Pollution Prevention Plan will be consistent with applicable Army Reserve National Guard (ARNG) plans, policies and best management practices for Camp Roberts and Camp San Luis Obispo. These plans will be submitted to the ARNG for review and comment prior to the commencement of any construction activities.
GA-7.17	The language in regards to hazardous materials has been added to HM-1.

Number	Response
GA-7.18	Changes have been made as requested.
GA-7.19	Changes to SLO-2210 description have been made as requested.
GA-7.20	Addition has been made as requested.
GA-7.21	Changes to SLO-1180 description have been made as requested.
GA-7.22	Some sections of the existing pipeline would be used in the area of Chorro Creek. Sections of the existing pipeline were identified during the 1996 survey and some areas were not surveyed during the 2003 survey if the new pipeline route were not planned for those areas. Additional survey could be done to confirm condition of existing sites and potential effect from any nearby construction activities. Requirements for the additional surveys have been included into measures CR-6 (item 3) and CR-7.
GA-7.23	As stated in the CR-1 and CR-6 (item 1.), pre-construction workshops will be done to raise the awareness of all project crew involved in soil disturbance about cultural resource issues. Treatments of resources in case of accidental discoveries are part of the mitigation procedures (see CR-1, CR-2, CR-4, CR-6, CR-8 and in particular CR-11). Also a cultural resources monitoring plan will be prepared and implemented (see CR-1 and CR-6) that may include monitoring in some areas based on nearby natural resources (good sources of chert, possibility of alluvial fill that could have buried cultural surfaces and other variables that could have hidden cultural resources). See measure CR-11 for description on consultation with the County Coroner.
GA-7.24	Confidential technical report (Gibson and Parsons 2003:16) states “subsurface testing would be needed to find the best route south of SLO-1180 that would avoid impacting significant cultural materials.” The final design of the proposed pipeline route has not been completed, however during the final design the Applicant will make all feasible efforts to avoid significant cultural materials. The County has the technical report which contains all details on the exact location of SLO-1180.
GA-7.25	Advance approval and notice of fieldwork is standard procedure for any archaeological projects on federal and state lands - especially military property, and will be carried out.
GA-7.26	Although some specialists differ in their opinion on the tribal land boundaries, the recent CalTrans document “Salinan and Northern Chumash Communities of the Early Mission Period” by Randall Millken and John Johnson will be the basis for determining prehistoric boundaries and field monitoring. Some overlap may occur in some sections of the project. Both tribes will be fully informed about the project field work.
<i>California Men’s Colony</i>	
GA-8.1	The County and project participants are currently evaluating the mechanisms that could be used to build and operate the project, which is well beyond the scope of this EIR and the California Environmental Quality Act. However, it is clear that under a scenario that would utilize CMCWTP facilities, an administrative authority consistent with California Constitution Article 10, Section 6 would be required.

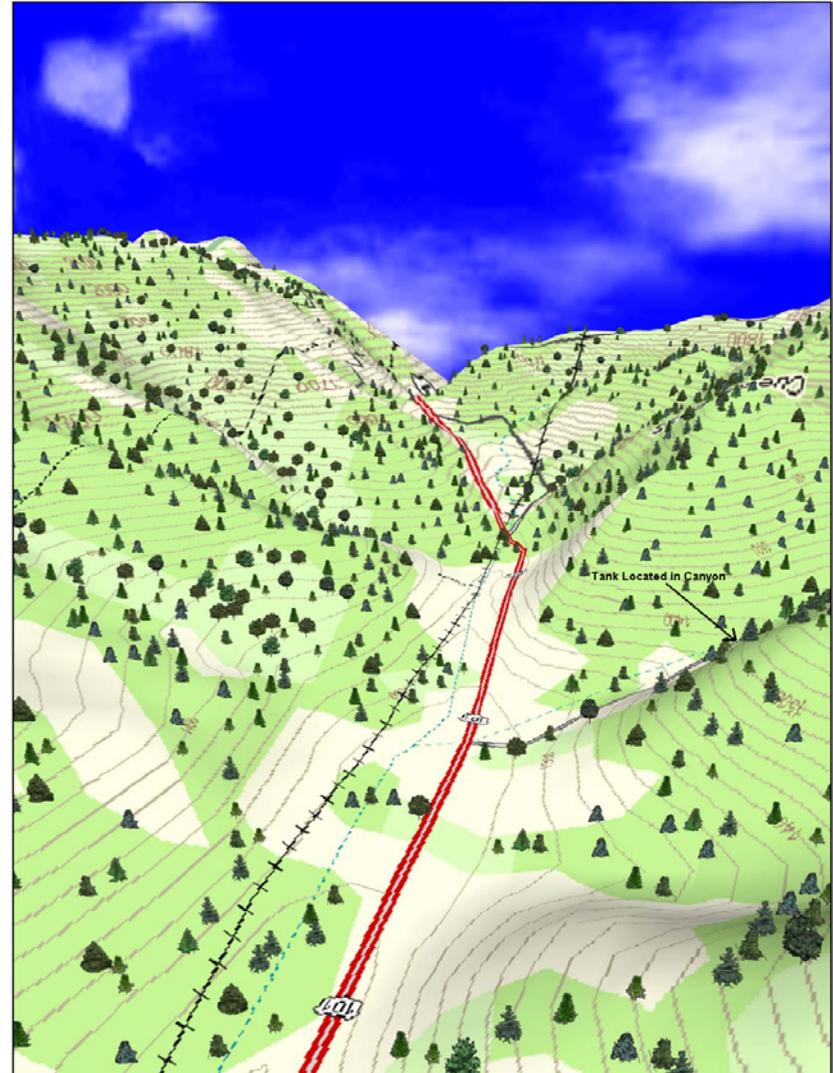
Number	Response
<i>Monterey County Water Resources Agency</i>	
GA-9.1	The correct reference to the Monterey County Water Resources Agency (MCWRA) has been corrected throughout the document.
GA-9.2	San Luis Obispo County recognizes and acknowledges their responsibility for water quality issues associated with their allocation of Lake Nacimiento Water, including those associated with body contact recreation.
GA-9.3	The EIR has evaluated intake locations on the north and south sides of the dam, as well as locations downstream of the dam. The proposed location which is currently leased to Water World Resorts has been identified as the preferred alternative.
GA-9.4	The EIR prepared for the project in 1997 identified potential water quality impacts to the MCWRA hydroelectric plant, which was considered a significant impact. This EIR also acknowledged this potential impact in their evaluation of an intake structure that would require channel dredging. The intake proposed as part of the current project (a Multi-Port Tunnel intake and shaft system located on the north side of the dam), and identified as the preferred alternative was determined to have negligible impacts on water quality during construction since construction activities would be less intensive and farther away from the MCWRA facilities, and thus would not damage the MCWRA hydroelectric plant impellers. The proposed intake structure would be located approximately one thousand (1,000) feet away from the MCWRA intake for the hydroelectric plant. The County acknowledges that sedimentation will be stirred up during construction of the NWP intake structure, but that particles of a size that could be harmful to the impellers or casing of the hydroelectric plant would not remain suspended over the distance between the two facilities.
GA-9.5	The text stating that "...MCWRA would modify their annual release schedule (MCWRA typically releases over 230,000 afy from the Nacimiento Reservoir) in such a way as to ensure the availability of San Luis Obispo County's annual entitlement of 17,500 af" was a basic assumption of the October 2002 study prepared by Boyle Engineering. As such, it would be inappropriate and misleading to remove this text. It is recognized that MCWRA only needs to meet their obligation under their existing agreement with San Luis Obispo County. While the EIR states that "...MCWRA will be expected to manage the reservoir such that SLO County can exercise its (water) right" the text also acknowledges that "[t]he terms of the 1959 agreement do not obligate MCWRA to reserve reservoir storage, in excess of the minimum pool, as a drought buffer for SLO County"
GA-9.6	The County recognizes that not all potential inflow to Nacimiento Reservoir would be available for NWP deliveries as State and Federal requirements may supercede other allocations. However, as part of an analysis based on historic water flow and lake levels, only one year was identified where the full NWP delivery would not be available. This analysis included water releases associated with State and Federal requirements.
GA-9.7	Much of the EIR analysis was based, in part, on the MCWRA modeling that was performed as part of the SVWP EIR. The County also acknowledges that this analysis assumed that the County would exercise their full entitlement.

Number	Response
GA-9.8	It was assumed that the County would work with the MCWRA to schedule relevant construction activities around conservation releases.
GA-9.9	Cumulative impact analyses have been revised to assume that concurrent construction of the SVWP and NWP could occur at the same time. Areas where cumulative impacts could occur have been evaluated in the EIR and would mainly impact air quality, noise and traffic. The EIR notes potentially significant cumulative impacts in the areas of air quality and traffic. In the case of air quality, each project is already considered significant on its own merits. For traffic impacts, the cumulative impacts would be considered significant with only a negligible contribution from NWP construction.
GA-9.10	The release schedule presented in Table 5.14.1 was provided by the MCWRA in August 2002 and was considered provisional at that time. It is recognized that release schedules vary over time and are subject to revision, especially in cases where future releases are estimated. However, the analysis in Section 5.14 is based on a considerably larger set of data than that provided in Table 5.14.1, including historical data dating back to 1958. Therefore, changes to the projected release schedule for 2002 have little impact on the conclusions of the analysis presented in the EIR.
GA-9.11	The intent of this comment is unclear. Please see the response to Comment GA-9.2. San Luis Obispo County recognizes their responsibilities associated with the quality of water that they will receive from the reservoir and deliver to participating agencies. In terms of future development causing erosion and runoff impacts to the lake itself, individual property owners are responsible for implementing County regulations that pertain to erosion and sedimentation.
<i>Native American Heritage Commission</i>	
GA-10.1	Reference to SLO-1427 was inadvertently left off the list of sensitive cultural resource sites. The SLO-1427 site was first recorded in July 1990 by Charles Dills who recorded only bedrock mortars. In July 2000 a Phase I archaeological surface survey was conducted and 15 shovel test pits were excavated (Maki 2000) and a supplemental site record was completed. In August 2000, Clay Singer conducted a Phase II evaluation testing of SLO-1427 (Singer 2000). In 2001, a Phase I survey for the SLO City Water Reuse Project was done adjacent to SLO-1427 (Gibson 2001). Currently, the City of SLO is in the construction phase of their Water Reuse Project. That project pipeline is being placed outside the area of the bedrock, surface or subsurface artifacts, as would the proposed project. The pipeline trenching will be monitored by an archaeologist and a Chumash representative.

Figure 11-1 Terrain Shielding of Cuesta Storage Tank



View of Cuesta Tank Location Looking North



View of Cuesta Tank Location Looking South

11.3 Comments Received from Groups/Companies and Responses

Received 9-5-03
4:32pm
Stuvia Warner

September 5, 2003

To: Ms. Nancy Orton
San Luis Obispo County
Department of Planning & Building
Rm. 310, County Government Center
San Luis Obispo, CA 93408-2040
(805) 781-5008 (norton@co.slo.ca.us)

From: Phil Ashley
fish & wildlife biologist for
Canyons And Streams Alliance (CASA)
1586 La Cita Court
San Luis Obispo, CA 93401
756-2505(work), 544-9741(home), pashley@calpoly.edu

Subject: My comments on behalf of Canyons And Streams Alliance on Applicant San Luis Obispo County Flood Control and Water Conservation District's (SLOFCWCD's) significantly inadequate July 2003 Draft Environmental Impact Report (DEIR) for San Luis Obispo County's Nacimiento Water Project (SCH #2001061022).

Dear Ms. Nancy Orton, County Staff, & SLOFCWCD Applicant:

I am a career fish and wildlife field biologist. For the last 28 years I have worked as a flora and fauna technician in the Biology Department at Cal Poly. Prior to that I worked as a Fisheries Biologist with the U. S. Fish & Wildlife Service (USFWS) for 3 years and as a Seasonal Aid with the California Department of Fish & Game. Prior to that I received an MS in Fisheries from Humboldt State University and a BS in Biology from Cal Poly.

Following are CASA's comments on the significantly inadequate DEIR.

GC - 1.1

CASA's main concern with this DEIR, and the main reason we referred to it as significantly inadequate in the above Subject, is due to the DEIR claiming that the chlorinated Treated Water Option is the Environmentally Superior Alternative over the unchlorinated Raw Water Option, and the seriously inadequate analysis and discussion of the associated environmental (ecological) risks and impacts used to come to this bad conclusion. Chlorinated water in very low residual amounts is deadly toxic to aquatic species as fish. However, before we thoroughly cover this major concern and other page specific environmental concerns with the DEIR, we will cover another major concern about this DEIR.

GC - 1.2

This is the Wimpy concern. Wimpy (Wempy,?) was the cartoon character who repeatedly said I will gladly pay you tomorrow for a hamburger today—whether or not he ever paid. This DEIR in its many pages of Impact Summary Tables and in the various chapters is full of stock, cookbook type environmental promises of "pre-construction" biological surveys and associated Best Management Practices (BMPs) kinds of mitigations for whatever is later found in these promised biological surveys. Like with Wimpy's promise to pay later, how do we know all these surveys and associated mitigations will be done?

Even in good economic times, we have discovered that various EIR promised mitigations never get done, or they fail to succeed if they do get done. Thus significant impacts theoretically "mitigated" to the level of insignificance in EIR's in truth remain forever significant. The California Department of Water Resources' (DWR's) and the county's Central Coast Water Authority's (CCWA's) Coastal Branch of the State Water Project (SWP) is a prime example of this environmental failure. Does anybody know where any of that EIR's promised replacement acreage mitigations are for project caused losses to riparian, wetland, coastal scrub, oak, kit fox, etc., habitats? We can show you a bunch of dead replacement "mitigation" oaks, but that is all! There are other examples of local EIRs or Negative Declarations promising mitigations that never get done, for example, Rancho Grande Housing Development, Hunter Golf Course and the County's Ag/Open Space Element.

GC - 1.3 But these are bad economic times with even less money and will to ensure that this DEIR's promised biological surveys and associated mitigations will get done. And why should the reviewing public believe that the County Environmental Coordinator has the expertise to determine where, when, and how these pre-construction biological surveys are done, as promised in the DEIR (Mitigation Measure BR-1 on pages IS-13 and 5.7-35, etc.). The County has a couple thousand full time employees of about every job description imaginable-- except field biologist. For SLO County rich in fish, wildlife, flora, and marine natural resources, the County should minimally have a full time staff biologist in each of these diverse, complex ecological specialties to guide it in things like where, when, and how EIR promised biological surveys should be done. Thirty years after all of our national and state environmental laws were passed, are 4 employees out of several thousand too much to ask to help protect our County's rich ecological resources?

GC - 1.4 And how can we trust the County Environmental Coordinator to make the correct decisions about these biological surveys when the DEIR fails to recognize on page 2-52 in bullet 5 and in Table 2.9, pages 2-54 and 2-55, that besides the mentioned CDFG and ACOE natural resource trust agencies, permits are also required from federal trust agencies as the National Marine Fisheries Service (steelhead) and the USFWS (Red-legged frog, tiger salamander, arroyo toad, willow flycatcher, kit fox, etc.).

GC - 1.5 It is inadequate for the DEIR to state that it will temporarily hire a private consultant project biologist to help determine these things. We found out on the Coastal Branch of the SWP that the private consultant project biologists hired with the power to stop project construction if necessary (as is promised in this DEIR, pages IS-13 and 5.7-35) were, for various economic and political reasons, repeatedly ineffective and failed to stop project construction when environmental BMPs and mitigations were being violated during construction on various water pipeline reaches, including those on Cal Poly land.

GC - 1.6 And how can we expect the proper surveys and associated mitigations will get done when the environmental trust agencies with permit authority over this project are currently losing funding and personnel at an alarming rate? For example, this week we called the Regional Office of CDFG in Yountville to express our top priority concern that this project proposes to carry deadly-to-aquatic-species chlorinated water in its 64 miles of mostly wild and rural pipeline. We wanted to know if CDFG was going to provide comments on this DEIR and especially this important issue. Their Fisheries Supervisor said they

GC - 1.6 ↑ had concerns similar to ours on this project, but they were being hit with 30 %
Cont'd cuts in personnel, and the loss of these critical staff positions prevented them
 from timely commenting on this DEIR much to their disappointment.

GC - 1.7 The bottom line is much more of this biological survey work should have
 already been done before the DEIR was issued so the public could fairly review
 and comment on more of the project environmental impacts and mitigations
 and not just be promised in the DEIR that this environmental impact analysis
 will be done latter prior to construction. In our opinion the DEIR is inadequate
 for repeatedly placing too much environmental analysis after instead of
 before EIR public review and decision maker approval. If this significant
 inadequacy is not corrected before the Final EIR is approved, then the below
 steps need to be taken.

GC - 1.8 First, similar as to what was required on the Coastal Branch of the SWP, the
 Applicant needs to fund a full time CDFG position during biological survey
 design and implementation phases and during the entire construction phase.
 This is extremely important because on the Coastal Branch of the SWP the CDFG
 project biologist periodically was effective getting construction BMPs and
 mitigations adhered to and, if necessary, the project stopped when the project
 proponent's hired private consulting biologist failed to do these things. A
 public trust CDFG project biologist is much more likely than a private
 consulting biologist hired by the project proponent County to ensure that
 under the intense pressures of construction deadlines and costs
 environmental measures are carefully adhered to before, during, and after
 construction.

GC - 1.9 Second, although the CDFG project biologist was effective in getting
 construction phase mitigations and BMPs adhered to on the Coastal Branch of
 the SWP, the CDFG biologist was ineffective getting post construction
 mitigations done (as habitat replacement mitigations). This was due to the CDFG
 project biologist being terminated at the end of the construction phase.
 Therefore, the Applicant needs to continue to fund this CDFG project biologist
 position until all post construction mitigations promised in the EIR are
 effectively carried out!

GC - 1.10 Third, so that the public will know that these post EIR biological surveys and
 mitigations are effectively carried out, and not just promised in the EIR, a post
 construction document needs to be prepared demonstrating that all the
 mitigations have been done or are effectively being done. Furthermore this
 environmental document needs to be subject to public review, comment and a
 County public hearing so the public can express their opinions about the
 ultimate success of the EIRs many environmental promises.

Now we will cover the chlorinated water issue.

GC - 1.11 ↓ Page 5.1-30, paragraph 3, of the DEIR indicates that the proposed project's
 Treated Water Option would at all times minimally carry 0.2 mg/l (milligrams
 per liter, which is equal to 0.2 parts per million [ppm]) chlorine in its water.
 The DEIR is inadequate because it fails to say what the maximum amount of
 chlorine in the pipeline could be. Several years ago the manager of San Luis
 Obispo City's Water Treatment Plant (WTP) told me that it is not unusual for
 WTPs to add 1 to several ppm chlorine to the water distributed in their
 drinking water pipelines. This information was consistant with the "Water

GC - 1.11 ↑ Discharge And Spill Contingency Plan, Amended February 17, 1994" stating that up to 2 mg/liter (2ppm) chlorine would be used in the Coastal Branch of the SWP pipeline. This document is attached as Attachment A.
Cont'd

When I was a senior in the Cal Poly Biology Department, in January 1968, a chlorine spill occurred to Stenner Creek that killed about 1000 native fish (Telegram-Tribune, January 15, 1968). The actual ppm chlorine spilled into the Creek was not known, but it was believed to be very low. To help understand more about the toxicity of chlorinated water on aquatic species, I did my Senior Project on the lethal dose levels of chlorine on native fish species of Stenner Creek.

My study determined that 1.5ppm chlorine in water was lethal to steelhead and speckled dace. Three-spined stickleback survived this concentration for the 12-hour test period but were made very sick noted by their lethargy interrupted by erratic swimming. Unfortunately my experimental equipment did not allow me to test the toxicity of chlorine on these fish species at levels below 1.5ppm.

GC - 1.12

However, local evidence of the lethal toxicity of chlorine to fish at levels well below 1.5ppm chlorine is provided in Attachment B. This is a letter from Central Coast Salmon Enhancement, Inc. (CCSE) stating that 25,000 fingerling salmon at their facility were killed by only 0.2ppm chlorine. This is the same concentration level as the proposed project DEIR states will minimally be in the pipeline at all times if the Treated Water Option is used!

Furthermore, today the known toxicity of chlorine to aquatic species is scientifically well known and evident by the fact that the EPA recommends "The recommended 1-hour maximum concentration for aquatic life protection in ambient freshwater for chlorine is 0.019mg/liter", which is equal to 0.019ppm. The forgoing information is from the 1st paragraph of page 2 of Attachment A herein. This limit is more than 10 times lower than the 0.2 mg/liter (0.2ppm) chlorine that would minimally be in the pipeline at all times under the proposed project Treated Water Option.

And the DEIR in the first paragraph of page 5.6-9 acknowledges the high degree of toxicity of chlorinated water on aquatic species when it states:

"There have been instances when releases of chlorinated water from treated water pipelines have harmed sensitive aquatic habitats due to the toxicity of chlorine to aquatic animals or other organisms (Julie Eliason, 2003)."

GC - 1.13

With these kinds of facts known about the extreme toxicity of very low concentrations of chlorine on aquatic species as fish, how does the DEIR come to the conclusion that the Environmentally Superior Alternative is the Proposed Treated Water Option instead of the proposed Raw Water Option? The DEIR comes to this untenable conclusion based on seriously flawed and inadequate analysis and discussion, which CASA comments on in the following discussion.

On Page 5.6-13 of the DEIR at the third bullet, it is arbitrarily and inadequately determined that the only way a significant impact can occur from a project caused chlorine spill is if:

"the frequency of occurrence of a full transmission water line rupture in an area of sensitive biological species is more than the life term of the proposed pipeline."

We believe that this confusing statement means that if a release of chlorinated water to aquatic resources results from just one pipeline rupture during the life of the pipeline project, it would be considered a significant impact.

On page 5.6-26 of the DEIR, based on a pipeline study done by the "Alberta (Canada) Energy and Utilities Board (EUB 1998)", it is calculated that for this proposed project approximately 0.31 spills would occur over the assumed 100 year operating life of the project. In other words less than 1 chlorinated water spill to aquatic ecosystems would occur during the life term of the project, so by the above significant impact definition, a significant impact would not occur according to the DEIR.

However, this DEIR analysis and discussion and definition of a significant impact from a Chlorinated water spill is flawed and inadequate because it only assesses spills occurring from the major water rupture of a water line that would release "large quantities of chlorine-containing water" (page 5.6-25, middle paragraph). In other words, the above 0.31 spills per 100 years is a calculation based on a "catastrophic pipeline failure" (page 5.6-26, paragraph 2) that would quickly release large quantities of chlorinated water to aquatic ecosystems.

GC - 1.13
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There is no assessment in the DEIR of slower releases of chlorinated water to aquatic ecosystems caused from leaks in the pipeline not resulting from catastrophic pipeline rupture failure. This flawed and inadequate analysis occurs in the DEIR even though it admits that the same Alberta pipeline "study provides detailed information on pipeline failures, including the cause and type (i.e., leak or rupture) of the pipeline failure" (page 5.6-26, paragraph 2). It is likely that if the DEIR made a calculation from the Alberta pipeline study using "leaks" instead of "ruptures" to determine how many chlorinated water spills would occur to aquatic ecosystems during the 100 year project, significantly more than 0.3 spills would occur over the 100 year life of the proposed project.

It is absurd for the DEIR to arbitrarily conclude that a significant impact can only occur from a pipeline rupture quickly releasing large amounts of chlorinated water and a significant impact cannot occur from a steady release of a small flow of chlorinated water due to pipeline leaks.

Anybody who has given serious thought to the issue of chlorinated water pipelines in the wild and rural areas of the Central California Coast, is justifiably very concerned about chlorinated water leaks and not just concerned about "catastrophic pipeline failure" from a "water line rupture". This is because whereas it may be rare for water pipeline mains to catastrophically rupture, it is common knowledge that water pipelines do leak over time. And the major concern with slow leaking chlorinated pipelines in the wild and rural areas of our County and the Central Coast in general is that these chlorinated pipelines cross numerous small streams containing fish, amphibians, and aquatic invertebrates as insects, crayfish, snails, clams, worms, etc. And a common characteristic of these many Central Coast streams

is that they have very low flows or no flows in the dry season, even though they have many small pools of water where aquatic life must concentrate to survive.

Chlorinated water leaks into small pools in small streams often without flowing water to help dilute the introduced chlorine would be devastating to the aquatic species as fish and amphibian larvae that cannot crawl out of the water to survive, as a frog or turtle could. For the most part it is not catastrophic spills from pipeline rupture that is the major cause for enormous concern here. Instead it is the slow persistent, continual leak of deadly chlorinated water at deadly low concentrations into dry season or drought period small pools from which there is no escape by species as fish and larval amphibians!

GC - 1.13
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So it is environmentally unacceptable for the DEIR to conclude in the Hazardous and Hazardous Materials section that a significant impact from a chlorinated water release can only occur from a catastrophic rupture of the proposed pipeline. And it is environmentally unacceptable for the Biological Resources section on page 5.7-31 to likewise conclude that a significant impact would not occur to aquatic species and their habitat from a chlorinated water release because "As stated in the discussion to Impact HM.7 in Section 5.6, Hazards and Hazardous Materials, a treated water pipeline rupture is unlikely". There is no analysis of the biggest risk to aquatic species in these many small streams that will be crossed by the pipeline, and that risk is slow, persistent leaks of chlorinated water.

Furthermore, it is unacceptable for the DEIR to conclude on page 5.7-31 of the Biological Resources section that "Also, chlorine residual in the treated water is quickly depleted if the treated water is exposed to the atmosphere, sunlight or chemicals contained in the soil" and "Therefore, impacts would be insignificant due to the low likelihood of the rupture and fast chlorine residual dissipation". We already addressed the absurdity of the DEIR only assessing chlorinated water releases from ruptures but not from leaks, and the claim here that chlorine released to the environment would quickly dissipate is just as absurd.

GC - 1.14

In fact the DEIR admits on page 5.6-25 of the Hazards and Hazardous Materials section that "The nature of the receiving environment will also have an influence on the potential impact of a treated water release" and "This means that some bodies of water may show no effect from a spill of treated water because neutralizing materials are present, while release of treated water to another water body may result in an impact." There is absolutely no way of knowing which small streams or small pools or riffle trickles that chlorinated water could leak into from this project would have very slow or fast dissipation of chlorine. Even in the environments where relatively fast chlorine dissipation might otherwise occur, the dissipation effect could be more than offset by highly toxic chlorine continually entering these dry season small aquatic ecosystems from a continual small chlorinated water leak.

Also, even when chlorine is not continually introduced into small aquatic ecosystems, as it would be from a leaking pipeline, as the DEIR has admitted on page 5.6-25, the deadly toxic chlorine may not dissipate fast and therefore it would expose aquatic species to highly toxic chlorine for long periods of time. For example, during my Senior Project study of the lethality of chlorinated

GC - 1.14
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↑ water on native fish, the amount of chlorine necessary to bring the test tank water to a level of 1.5ppm chlorine was introduced into the test tanks at the beginning of each test and no additional chlorine was added during the test. However this very low initial level of chlorine did not rapidly dissipate and it continued its lethal effect on steelhead and speckled dace for a long period of time until these fish typically died several hours after the chlorine was released into the test tank water.

It is therefore inappropriate for the DEIR to ignore its own analysis on page 5.6-25 that some aquatic ecosystems may suffer an adverse impact from chlorinated water spills due slow dissipation of chlorine, and then conveniently contrarily conclude on page 5.7-31 that chlorinated water spills to aquatic ecosystems "would be insignificant due to the low likelihood of the rupture and fast chlorine residual dissipation".

GC - 1.15

And although the mitigation HM-11 on DEIR pages IS-42, 5.6-26, and 5.6-34 to initially test the pipeline for leaks with raw water instead of chlorinated water if the Treated Water Option is used is a necessary measure (to avoid fish and amphibian kills as occurred in Miossi Creek when chlorinated water was used to initially test the Coastal Branch of the SWP pipeline, DEIR page 5.6-25), over the 100 year life of the proposed project it does nothing to prevent deadly chlorinated water from being released from leaks in the pipeline and entering the many small aquatic ecosystems crossed by the pipeline. Therefore, contrary to what the DEIR claims on these pages, mitigation HM-11 does not reduce potentially significant impacts from chlorine spills to a "Residual Impact" of "Insignificant" or to a Class III Impact (Impacts That Are Adverse But Not Significant)!

GC - 1.16

Nearly the entire environmental community in SLO and Santa Barbara SB) counties banded together through public hearings, fundraisers, lawsuits, etc., to attempt to prevent the DWR and the CCWA from chlorinating the Coastal Branch of the SWP pipeline at the Polonio WTP prior to the pipeline running through about 160 miles of mostly wild and rural SLO and SB counties putting at risk for the assumed 100 year life of the project the aquatic species in the 241 wetlands and streams that pipeline crossed (Coastal Branch, Phase II, General Biological Mitigation Plan, March 1993, Appendix 2, streams and wetlands crossed by the pipeline). Unfortunately that project's ill-advised decision makers and the local court took the side of development over other species' silent but urgent trust in us to protect them, and disappointingly allowed the chlorination of the SWP pipeline.

In the end, two things made the final decision to chlorinate the SWP pipeline sadly ironical.

First, and in DWR's, CCWA's, decision makers', and the court's clear acknowledgement of how deadly very low concentrations of chlorinated water is to aquatic species as fish, a Dechlorination Plant was required to be built just downstream of Cachuma Reservoir in Santa Barbara County. This was necessary to prevent fish kills from occurring due to chlorinated water being released into SB County's storage reservoir for SWP water!

Secondly, all except one of the approximately 20 water purveyors for SWP water already had chlorination facilities at or near their point of use. So what purveyor did not have existing chlorination facilities near its point of use? It

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was politically powerful Santa Maria. The SWP pipeline was chlorinated nearly 100 miles away from Santa Maria at the Polonio Pass WTP at the SLO-Kern county line putting aquatic species in 241 streams and wetlands at lethal risk from chlorinated water leaks for the long life of the pipeline project just so Santa Maria did not have to build its own chlorination facility!

The final irony is that apparently chlorination facilities are not very expensive to build if the water has already been treated to meet drinking water standards except for chlorination. CASA members have been told by local WTP personnel that a Chlorination Plant would have cost Santa Maria approximately a million dollars and that it probably cost about that much or more to build and maintain the Dechlorination Plant at Cachuma Reservoir!

Finally, a few SWP proponents tried to argue that SWP water at the Polonio Pass WTP had to be chlorinated to kill exotic aquatic species from the Central Valley to prevent them from entering Cachuma Reservoir and the 241 streams and wetlands the SWP pipeline crossed if it spilled from leaks or ruptures (an admission by applicants and proponents of chlorinated water pipelines proposed through many miles of wild and rural lands that they have a significant chance of spilling chlorinated water into aquatic ecosystems over the very long life of such projects). This argument for Santa Maria negligently avoiding building its own chlorination facility was so feeble it was easily dispelled. True, the water at Polonio Pass WTP needed to be chlorinated to kill any exotic aquatic species, but then it could have easily been dechlorinated at the Polonio Pass WTP before it entered the SWP pipeline for its 160 mile journey crossing 241 streams and wetlands.

What a sad, environmentally ironical story the chlorinated SWP pipeline turned out to be. We should all band together over time to force Santa Maria into building its own drinking water chlorination facility so that the chlorinated water at Polonio Pass, necessary for killing exotic aquatic species from the Central Valley, can then be dechlorinated at the Polonio Pass WTP eliminating for all time the unacceptable risk this currently needlessly chlorinated pipeline has to the 241 aquatic ecosystems it crosses!

And it is obvious that the currently bad SWP chlorinated pipeline does not justify another bad chlorinated pipeline (this proposed one) through many miles of wild and rural land likewise crossing many streams and wetlands and putting their aquatic species at unacceptable long term risk from chlorinated water leaks.

It is incorrect for the DEIR to conclude on page ES-11 and elsewhere that the Treated Water Option is the "Environmentally Superior Alternative", when the DEIR has completely failed to analyse and discuss the risk to aquatic species that could occur from small but steady chlorinated pipeline leaks into the many very small dry season aquatic ecosystems that the pipeline would cross. But even without this needed chlorinated water leak analysis in the existing inadequate DEIR, it is still reasonable to conclude that the Raw Water Option is the Environmentally Superior Alternative.

This is because the potential for these chlorinated water leaks into aquatic ecosystems causing potentially significant adverse impacts (CEQA allows for assessment of potentially significant adverse impacts, for example, see the first sentence of section D.1 on page ES-8 of the DEIR) to many aquatic species

GC - 1.16
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GC - 1.17

↑ outweighs the two "environmental benefits" of the Treated Water Option mentioned on page ES-11 of the DEIR. These 2 benefits are "the Treated Water Option avoided potential impacts to riparian areas in the Salinas River and resulted in better overall water quality".

GC - 1.17
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Unlike the Treated Water Option, the Raw Water option would potentially impact Salinas River riparian vegetation at the 3 Salinas River water discharge facilities near Paso Robles, Templeton, and Atascadero. However, the DEIR promises to mitigate any removed riparian vegetation at a 3 to 1 replacement ratio. The DEIR concludes this will mitigate this potentially significant impact to less than significant (Mitigation Measure BR-22, page IS-25). On the other hand fish and other aquatic species that would be killed from potential chlorinated water leaks of the Treated Water Option cannot be mitigated, whereas the Raw Water Option would completely avoid these potential unmitigable significant impacts. It is strongly emphasized here that a chlorinated Water Discharge and Spill Contingency Plan as provided for the Coastal Branch of the SWP (Attachment A) cannot mitigate for aquatic species killed by chlorinated water leaks, it can only repair the chlorinated water leak after the killing has been done!

GC - 1.18

And the second environmental "benefit" the DEIR claims for the Treated Water Option that the Raw Water Option allegedly does not have is the "better overall water quality". But better overall water quality is relative. Better for who? Clearly the chlorinated water is not better for aquatic species and they have to be taken into consideration as well as people in the DEIR analysis. Fish and other aquatic species that could be killed from chlorinated water leaks from the Treated Water Option cannot be returned to life. But under the truly Environmentally Superior Alternative of the Raw Water Option, people can still have their drinking water chlorinated at WTPs next to their cities where such WTP should be located, thus providing the same overall water quality that the Treated Water Option provides and not putting many aquatic ecosystems at long term risk as the Treated Water Option does.

GC - 1.19

So it is difficult to see how the Treated Water Option is the Environmentally Superior Alternative unless we take the perspective in CEQA EIR analyses that people's needs and wants are more important than other species' continually disappearing abilities to survive in this world due to our actions. CEQA is supposed to prevent the latter, not make it worse.

GC - 1.20

Until the DEIR is revised to making the critically needed leak analysis and discussion so the public can review and comment on it, the DEIR is very inadequate. And in making this needed chlorinated water leak analysis in a revised DEIR, CASA recommends that a couple of significant items be included in it.

GC - 1.21

Foremost, the DEIR is very inadequate in documenting the many wetlands and creeks the proposed chlorinated pipeline would cross. For example the discussion at the bottom of page 2-27 in the Project Description section of the DEIR erroneously leads a reader to conclude that only about 12 streams and wetlands would be crossed by the proposed pipeline. And Various other places of the DEIR indicate that about 10 or fewer mostly named streams will be impacted by the proposed pipeline project (e.g., page 5.1-16, paragraph 3, and page 5.1-17, Table 5.1.7.). And Table 5.7.2 on pages 5.7-16 and 5.7-17 indicates

that 13 streams and wetlands will be crossed by the proposed 64 mile long project.

This inadequate paucity of stream and wetland information in the DEIR analyses sections is inconsistent with the Appendix F Notice of Preparation which states on page 5 of the NOP "more than 30 creek/drainages will be crossed". And consistent with the NOP, the Protected Habitats section of the DEIR on page 5.7-12 states "The multiple streams crossed by the proposed project qualify as Waters of the United States under The Federal Clean Water Act". This section of the DEIR continues on pages 5.7-13 and 5.7-14 to further classify these many streams crossed by the proposed project into categories of Waters of the U. S., as streams and wetlands. Therefore, because the DEIR acknowledges that these greater than 30 streams and wetlands are sensitive "Protected Habitats", then contrary to what the EIR for the Coastal Branch of the SWP did, why does this DEIR fail to list each of the streams and wetlands its proposed chlorinated pipeline will cross and impact?

The "Coastal Branch, Phase II General Biological Mitigation Plan" for the Coastal Branch of the SWP EIR listed by mile number (accurate to the tenth of mile) each of the 241 streams and wetlands that the SWP pipeline proposed to cross. This needs to be done for this DEIR before it can be considered adequate.

Doing so will clear up discrepancies in the DEIR that indicate in different places that anywhere from fewer than 10 to more than 30 streams will be crossed by the proposed pipeline. In fact if this needed stream and wetland analysis is done, there is strong reason to believe that the number of streams and wetlands that will be crossed by the proposed pipeline will be significantly greater than the "more than 30" indicated in the NOP.

GC - 1.22

Here's why. Since the SWP pipeline and the proposed pipeline both traverse many miles of wild and rural lands, it is reasonable to assume that if the approximately 160 mile long SWP pipeline crosses 241 USGS map blue-lined streams and wetlands, then the 64 mile long proposed pipeline will likely cross a proportional number of USGS map blue-line streams and wetlands. By doing the basic proportionality math (160 pipeline miles/241 streams and wetlands cross multiplied by 64 pipeline miles/ "x" streams and wetlands = 96 streams and wetlands), one could expect plus or minus approximately 96 blue-lined streams and wetlands would be crossed by the proposed pipeline. This number is far greater than the confusing less than 10 to greater than 30 indicated in the DEIR depending on what section one reads!

Listing these streams and wetlands, named or unnamed, perennial or intermittent, riparian vegetated or non-riparian vegetated, etc., is absolutely critical in assessing the environmental impacts the proposed project will have on stream, wetland, and riparian ecosystems. For example, if the drafters of the DEIR do not know how many streams the proposed pipeline crosses and if they have riparian vegetation or not, then how can the DEIR adequately state how many acres of project removed riparian vegetation needs to be mitigated at its promised 3 to 1 replacement ratio? The public has a right to know at the DEIR stage how many acres of riparian vegetation will be removed and replaced and where this replacement will take place.

More importantly, by the DEIR only listing the few major named streams that the proposed pipeline will cross, a very minimal and erroneous perspective is

↑ created of the risk of chlorinated water leaks potentially occurring to aquatic ecosystems. Even if the currently inadequate DEIR is revised to reflect a fair analysis of potential leaks to aquatic ecosystems but only assesses the risk of leaks to the maximum number of 13 streams specifically listed in the DEIR in Table 5.7.2 , the true risk of chlorinated water leaks to aquatic ecosystems would be greatly understated.

**GC - 1.22
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For example, when SWP pipeline biologists did their preconstruction biological surveys in the mid 1990's of the 241 streams and wetlands listed in their EIR, they found that a significant number of the small, unnamed, intermittent blue-lined streams and wetlands had riparian vegetation along them and aquatic species in them as threatened red-legged frog adults and larvae and California species of special concern as southwestern pond turtles, California newts, and western spadefoot toad adults, juveniles and larvae.

Also, because nearly all of the many streams and wetlands that the proposed pipeline would cross likely have steep banks and the DEIR proposes to trench the water pipeline under them, many sections of the proposed pipeline will have steep angles in them making it much more difficult to build a pipeline that would not leak chlorinated water into these many streams and wetlands over the long life of the project.

GC - 1.23

Finally on the issue of the DEIR improperly proposing to carry chlorinated water in its pipeline, not only does the DEIR totally ignore the risk of chlorinated water leaks in these many steep banked streams (that the DEIR also has failed to list to give the public an idea of the number of streams at risk from leaks and construction damage), it also likely has significantly understated the risk of catastrophic pipeline rupture by relying on the Alberta Canada study to calculate that the chance of a pipeline rupture is 0.3 ruptures over the assumed 100 year life of the proposed project.

GC - 1.24

In its analysis of pipelines did the Alberta study take into account all of the natural "wraths of nature" that frequently occur in California and in particular Central California where this pipeline is proposed? As we know on the Central Coast these not infrequent "wraths of nature" include things like earthquakes, fires, floods, landslides, and torrential rains accompanied by scouring, erosion, and sedimentation. And all of these "wraths of nature" can act alone or together to significantly increase the risk of leaks and ruptures along a pipeline proposed to carry chlorinated water across many steep-banked streams and wetlands.

Supporting this possibly partly overlooked "wraths of nature" perspective of risks to leaks and ruptures of the proposed pipeline beyond what the Alberta study may have took into account, the DEIR on page 5.2-7 states "The Rinconada fault crosses beneath the alignment at approximately Station 1190+00 where it is overlain by alluvium" and page 5.2-9 states "Of the four faults described briefly above, the San Andreas is most likely to generate the strongest shaking with the longest duration over the entire project area" and "The Rinconada and Los Osos faults are closer, and would generate strong shaking locally if either were to rupture during the useful life of the proposed project". We remember in the early 1990's watching on television all the bursted water mains shooting water into the sky and all of the fires caused by the Northridge Earthquake. Such earthquakes and other not too uncommon "wraths of nature" that occur in California including where the proposed

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GC - 1.24
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chlorinated pipeline would be built are the things that must be fully taken into account in studies providing mathematical formulas for theoretically calculating risks of leaks and ruptures of pipelines.

If the Alberta study failed to assess all these "wraths of nature" that are at work in Central California, then clearly the DEIR not only needs to be revised to analyse the risk of chlorinated water leaks to the many streams it would cross, but it also needs to be revised to recalculate the risk of ruptures to the pipeline over its assumed 100 year project life.

GC - 1.25

And absolutely critical to these analyses needs to be a revision of the DEIR to give a listing by pipeline mile number accurate to the tenth of mile, as the Coastal Branch of the SWP EIR did (The Alignment Stationing numbers used in Table 5.7.2 of the DEIR for indicating where the 13 streams and wetlands are in the table are of little value to the non-engineering DEIR reviewing public for understanding where these streams and wetlands are along the 64 mile long proposed pipeline), of all the USGS map blue-lined streams and wetlands that the proposed chlorinated pipeline would cross seriously putting all of these aquatic ecosystems at risk from chlorinated water spills.

Finally on the issue of the proposed pipeline carrying lethal chlorinated water, CASA will oppose this project and recommend to others that they oppose the project until chlorine is eliminated from the pipeline project. To that end CASA supports the Raw Water Option and strongly opposes the Treated Water Option and recommends to others that they do the same.

This ends CASA's comments on the issue of a chlorinated water pipeline being inappropriately proposed in the DEIR, and the rest of our comments cover concerns we have at specific DEIR pages.

GC - 1.26

Page ES-11, paragraph 3, indicates that the current DEIR proposed pipeline route is "clearly superior to the NWP 1997 EIR Preferred Alternative due to avoidance of several Significant Class I Impacts". But as the DEIR has pointed out (page ES-9 and elsewhere), these significant impacts were primarily short term traffic disruption inconveniences to people during construction. Why is that more important than greater impacts to wildlife and their survival habitat from the existing DEIR proposed pipeline route?! And the other significant impact with the 1997 route was visual aesthetics. So the current DEIR has taken the approach that it is better to hide a human development project in remote wildlife survival habitat than for people to have to look at what they want developed. But, again, why is "nice views" to some people more important in a CEQA analysis than wildlife's survival habitat?

In fact, page 3-22, paragraph 4, states "the proposed project would likely result in greater impacts to biological resources (given its more rural route)". If we continue to make critical environmental/ecological CEQA decisions based on some people's complaints about short term transportation inconveniences and "pleasurable" views rather than other species' survival habitat needs, other species ability to survive in our people dominated world is going to only get tougher with more and more threatened, endangered, and extinct species ultimately the short sighted consequences.

GC - 1.27

Pages 4-3 and 4-4 of the DEIR evaluate the cumulative project effects of the proposed water pipeline diversion project and Monterey County's Salinas

↑ Valley Water Project (SVWP). It can be interpreted from this discussion that the SVWP could divert from Nacimiento and San Antonio reservoirs 9,700 afy (acre feet per year) into Nacimiento and Salinas Rivers more than has historically occurred. Or it could be interpreted that the same amount of water will be released from these reservoirs as historically, but just at different times of the year. If it is the former, this is more water for fish and other aquatic species that live in these Rivers and therefore more water for people who go fishing in these rivers thus benefitting the overall fisheries in these rivers.

However, page 5.7-32 of the DEIR and other places in the DEIR state that the proposed pipeline project will divert 16,200 afy more water from Nacimiento Reservoir than has historically occurred, since the DEIR also makes it clear on page that Monterey County has not historically been obligated to annually hold this SLO County water entitlement in Nacimiento Reservoir if SLO County was not using it. So it can be assumed that Monterey County has historically released this 16,200 afy to the Nacimiento and Salinas rivers to benefit the surface and groundwater uses of Monterey County and to help prevent sea water intrusion into the freshwater aquifer in northern Monterey County.

So, overall, if the interpretation that the SVWP will divert 9,700 afy more water into the 2 rivers than has historically occurred is correct, there still will be a cumulative project net loss to the 2 rivers of 6,500 afy (16,200 afy minus 9,700 afy). Since Table ES.1 on page ES-5 of the DEIR indicates that 16,200 afy equals 27.57 cfs (cubic feet per second) the proportional math indicates that 6,500 afy is equal to 11.06 cfs. In any fisheries discussion on the Central Coast of California of the importance of water flow in local streams including the Nacimiento and Salinas Rivers that have little flows in the dry season or during droughts, 11 cfs is very important to protecting the stream aquatic ecosystem and reliant fisheries.

The DEIR alleges at the bottom of page 5.7-32 that the SVWP will re-operate flows from Nacimiento Reservoir so the loss of any flows to Nacimiento and Salinas Rivers from the proposed project will not be significant. The DEIR further summarily generalizes the the SVWP will do this re-operation by manipulating wet and dry season releases from Nacimiento Reservoir so that the net effect will be no significant impact on the downstream ecosystems, fishes, and fisheries even though the proposed project will divert 16,200 afy from these 2 rivers. The DEIR makes this summary conclusion without providing any of the necessary past, present, and proposed future flow data to these 2 rivers from Nacimiento Rivers to prove there will be significant impact on the downstream river systems.

Without having this flow data in the DEIR, it is impossible for the reviewing public to determine if the DEIR's summary allegation is correct that no significant impacts occurring to these 2 rivers from the annual diversion of 16,200 afy. Until the DEIR is revised to incorporate these flow data and a full and detailed discussion of them are likewise to prove the DEIR's current allegation of no significant impacts to these 2 downstream rivers, the DEIR is very inadequate.

GC - 1.28

↓ Page 5.11-1, paragraph 1, of the DEIR, states that the majority of the pipeline would be installed in road right-of-way (ROW), and the surface would therefore be pavement. There are 2 significant problems with this statement.

GC - 1.27
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First, this does not seem to be true based on the DEIR elsewhere. If one looks at Figures 2-3 to 2-24, which are colored overhead photos of the proposed pipeline alignment, it appears that about 20 miles of the proposed alignment are in wild and rural lands not in ROWs, especially most of the part of the proposed pipeline from Nacimiento Dam to Highway 101, which is a long distance.

GC - 1.28
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And second, the statement the majority of the pipeline will be under pavement because it is in ROWs makes no sense. This route was unfortunately selected to be away from roads so as not to disrupt travelers during construction. And even the photos of Figures 2-3 to 2-24 seem to show that the proposed route would not be under pavement even when the proposed pipeline is in ROWs.

What is important here is how much new pipeline construction and longterm maintenance road will be necessary for this project and how much of each type of habitat in acres these project roads will destroy. And just as the EIR for the Coastal Branch of the SWP did, these destroyed acreages need to be listed in the DEIR along with the DEIR's already given habitat replacement ratios, so the public can see what the project road caused environmental impact is and where and how it is going to be mitigated. And in the end the public can use these EIR habitat replacement acreage figures to help establish if this replacement mitigation ever gets done.

The DEIR will be inadequate until the DEIR discloses how much new road is needed, how much habitat it destroys, and how many acres of replacement habitat will be provided and where.

GC - 1.29

Appendix F, Notice of preparation, bottom of page 5 states that the biological surveys that took place prior to the preparation of the DEIR resulted in a Biological Resources Technical Report (BRTR) upon which the existing setting section of the DEIR is based. Where is this BRTR? It should be part of the DEIR for the public to review and comment on. It will help the reviewing public know what kind of biological surveys have been done and how superficial or detailed they were. Or is the Appendix B listing of flora and fauna species observed at points along the proposed pipeline route the full equivalent of the BRTR? If so, where are the acreages of various habitats that will be destroyed by this project documented in the BRTR of DEIR because we could not find them.

Until the DEIR includes the BRTR and acreages of various habitats destroyed by the project in the DEIR, the DEIR will be very inadequate.

GC - 1.30

Also the DEIR in a couple of places indicates that it will replace wetlands destroyed by the project on a 1 acre replaced for one acre destroyed ratio. The RWQCB has a policy to replace wetland destroyed on the 3 to 1 acreage ratio. Why isn't the DEIR providing that important mitigation for the project? We consider the DEIR to be inadequate without the RWQCB's recommended wetland acreage mitigation ratios being incorporated into the DEIR and being used.

GC - 1.31

Finally, we recall reading somewhere in the DEIR that consultation with the Federal and State natural resource agencies had taken place in the preparation of the DEIR. But the only proof that we could find in the DEIR that even a little such consultation has taken place is in Appendix H, List of Agencies

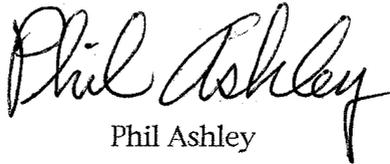
GC - 1.31
Cont'd

↑ Contacted, 5.7 Biological Resources. In this appendix at the bottom of page it simply states "US Fish and Wildlife Service, Doug Threlhoff". What was discussed, coordinated, determined, written, or otherwise documented in this contact? It should be in the DEIR for the public to review and comment on. Was there a report or letter provided by USFWS or the applicant or the DEIR preparers based on this DEIR contact? If so, it should be in the DEIR. If none of this documentation occurred based on this contact and this was the only coordination that occurred with all the Federal and State natural resource agencies for the preparation of this DEIR, then we have concerns that adequate coordination will be done with these resource trust agencies after the EIR is approved.

We wished we had time to provide you with more comments including a summary and conclusion, but we are running out of time to get these comments submitted by the September 5 deadline.

So we thank you for the opportunity to comment on the DEIR and we look forward to continuing to work with you on this project to make it a good one!

Sincerely for Canyons and Streams Alliance (CASA),



Phil Ashley

ATTACHMENT A

Department of Water Resources

WATER DISCHARGE AND SPILL CONTINGENCY PLAN Coastal Branch, Phase II Project Amended Plan-February 17, 1994 Original Plan-May 17, 1993

Section I - Purpose of Plan

This document describes Department of Water Resources (DWR) procedures for responding to emergency or planned releases of chlorinated or chloraminated water from the Coastal Branch, Phase II pipeline and its related facilities. The provisions and response procedures of this plan are intended to be used during construction and operation of the conveyance facilities.

Section II - System Description

The Coastal Branch, Phase II project is a component of the State Water Project (SWP) consisting of 102-mile long underground pipeline extending from Devils Den in Kern County to Tank 5 site on Vandenberg Air Force Base in Santa Barbara County. The pipeline will be buried except for the portion crossing the San Andreas Fault. The project also features four pumping plants located at Devil's Den, Bluestone, Polonio Pass and Casmalia; a hydroelectric power plant east of the city of San Luis Obispo; and five partially-buried water tank sites along the pipeline alignment. With the exception of 12 miles of raw water pipeline from Devils Den Pumping Plant to Polonio Pass, the facility will deliver treated water to San Luis Obispo County and Santa Barbara County. Treatment will be provided by a 43 mgd water treatment plant at Polonio Pass to be built and operated by the Central Coast Water Authority (CCWA). CCWA will also build and operate the Mission Hills and Santa Ynez extension pipelines which will extend from the terminus of DWR's Phase II pipeline and terminate at Lake Cachuma in central Santa Barbara County.

DWR's Coastal Branch, Phase II pipeline would cross 20 major streams and numerous small, seasonal streams and drainages. Major streams along the route are Cholame Creek, San Juan Creek, East and Middle Huerhuero creeks, Salinas River, Trout Creek, Yerba Buena Creek, Santa Margarita Creek, Stenner Creek, Brizziolari Creek, San Luis Obispo Creek, Hampton Creek, West Corral de Piedra Creek, Fiscalini Creek, East Corral de Piedra Creek, Arroyo Grande Creek, Tar Springs Creek, Los Berros Creek, Nipomo Creek, and the Santa Margarita River. An alignment minimizing disturbance of the riparian community was selected for each crossing, with crossings buried under the streambed to minimize the probability of a spill impacting the streams.

The Polonio Pass Water Treatment Plant will use chlorine and

ammonia for disinfection of water. Chloramines, chlorine, and ammonia will form the residual disinfectants in the water transported through the pipelines. The residuals of concern are chlorine and ammonia due to their harmful effects to aquatic life. The recommended 1-hour maximum concentration for aquatic life protection in ambient freshwater for chlorine is 0.019 mg/liter (U.S. EPA National Ambient Water Quality Criteria). At a typical pH of 8.0 and temperature of 15°C, the recommended 1-hour maximum concentration for the protection of aquatic life is 0.184 mg/liter for unionized ammonia and 6.9 mg/liter for total ammonia (U.S. EPA National Ambient Water Quality Criteria). During normal system operation, treated water exiting from the treatment plant is expected to have a maximum of 2.0 mg/liter of total chlorine residual and 0.5 mg/liter of total ammonia. At the typical pH of 8.0 in the pipeline, the unionized ammonia concentration in the water will be 0.027 mg/liter. Ammonia is, therefore, not expected to cause an adverse impact to aquatic life. It is, however, expected that chlorine residual will be above the EPA recommended standard throughout the entire length of the pipeline. It is the objective of this plan to prevent or minimize the impact of treated water spills to the environment.

Section III - Response and Contingency Plans for Water Discharges and Accidental Spills

Water discharges from the project may occur during initial startup and normal operations. Accidental and emergency spills may occur during natural disasters such as earthquake, malfunction of flow control systems and alarms, or vandalism resulting in the structural failure of pipelines, tanks and related facilities. The discharge of wastewater and chloraminated water from the pipelines and tanks during initial startup is unavoidable but measures will be implemented to minimize or prevent the impacts to the environment as a result of the discharge. Likewise, discharges during normal operations will be planned ahead of time and measures will be implemented to prevent impacts to the environment. The project incorporates features designed to minimize water discharges outside of the project during emergencies. Discharges and spills during emergency situations will be addressed in the Emergency Action Plan for San Joaquin Field Division scheduled to be completed in July 1993.

A. Water Discharges During Initial Startup

At startup, newly constructed or repaired pipeline and tanks must be initially washed to clear them of large debris and other solids. After the initial wash, they will be pressure tested to ensure integrity of construction. Once the pressure test is

Coastal Branch, Phase II
Water Discharge and Spill
Contingency Plan

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passed, they must be disinfected to ensure that microorganisms are killed and organic materials are oxidized. For this project, the disinfectant used will be superchlorinated water with free chlorine residual up to 50 mg/l. The initial washing, pressure testing, and disinfecting will be performed using water supplied from the treatment plant or water from the wells along the pipeline route.

Wastewater generated from washing, pressure testing and disinfecting of pipelines and tanks will be disposed of to land whenever feasible. When land disposal is used dechlorination of disinfectant water prior to discharge will not be necessary. Discharge of wastewater to streams, rivers, and other water bodies will only be considered if land disposal is not feasible.

Land disposal of wastewater will be conducted using good management practices to prevent soil erosion and runoff to surface waters. Methods to be employed in disposing of wastewater to land include spray irrigation, drip irrigation and low rate or low pressure release system. To ensure containment of wastewater on land and prevent erosion, retention basins, series of checks, sand bags, silt fences, straw bales and other applicable techniques will be employed.

Should a discharge to surface waters is unavoidable, the wastewater will be treated prior to discharge. Methods to remove chlorine will include treatment with sodium bisulfite and by natural dissipation through increased retention in pipes and tanks or by employing holding basins prior to discharge. Discharge of chlorinated water to surface waters will only be done after the chlorine residual is reduced to 0.019 mg/liter or less. Holding basins, if employed, will also be used as settling basins to remove debris, suspended solids and other foreign materials in the wash water and pressure testing water. The discharge to surface waters will be conducted in a manner so as not to increase the concentration of suspended solids and other contaminants in the wastewater. In all cases, wastewater discharged to surface waters shall not contain chlorine residual in excess of 0.019 mg/liter, debris, suspended solids and other materials that may adversely affect the beneficial uses of the receiving waters.

The disposal of wastewater generated during initial startup will be done only after approval is granted by the local regional water quality control board. The Department of Fish and Game and other responsible government agencies will also be consulted if a discharge to surface waters will be selected.

B. Water Discharges During Operations

Coastal Branch, Phase II
Water Discharge and Spill
Contingency Plan

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Water discharges during normal operations will only be disposed of to surface waters if land disposal option is not feasible. Removal of chloramines will not be required if discharged to land. Removal of chloramines from the water will be carried out when disposal is to surface waters except for discharges from the system upstream of the Tank 1 site where water is untreated. In all cases, measures shall be implemented to prevent soil erosion and water quality degradation to the receiving waters.

To dechloramine water discharges during normal operations, portable dechloramination equipment will be maintained and housed in a trailer to be stored in the maintenance building of the project. This trailer will hold all the required pumps, mixing equipment, valves, and connections to allow dechloramination of any discharges. The dechloramination process will use sodium bisulfite for conversion of chloramines to ammonium and chloride. When a planned discharge occurs, the trailer will be driven to the site and positioned at the site of the blowoff. Connections will be provided which allow the discharged water to pass through the equipment on the trailer and be routed to the appropriate discharge point. Erosion control measures will be implemented when erosion potential exists.

C. Emergency and Accidental Water Discharges

During catastrophic events such as an earthquake, structural failures of pipelines, tanks, and other facilities in the project may occur resulting in the discharge of chloraminated water to streams and rivers.

The project incorporates several design features to minimize accidental spills and reduce the amount of water losses from the pipeline including:

- o Dividing the pipeline into sections which can be isolated from other sections with valves. These valves include those at pumping plants, the powerplant and tanks.
- o Establishing communications network which allows constant monitoring of flows and automatic alarms and automatic closure of valves to avoid spills. The tanks, pumping plant forebays, and the powerplant afterbay will be equipped with control systems which will automatically stop inflow if the water surface exceeds the design high water elevation. Flow through the pipeline will be automatically stopped in the event of a large flow increase which would indicate a rupture in the system.

Coastal Branch, Phase II
Water Discharge and Spill
Contingency Plan

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- o Establishing standard operating procedures to respond to spills from the pipeline which provide for stopping the flow of water as soon as possible automatically, with manual backup.

The tanks in all five sites of the project will be partially buried tanks projecting ten feet or less above ground surface. Partial burial minimizes extensive damage enabling the tanks to be still operational even after a major earthquake. The intake line of each tank will consist of a riser pipe which extends inside the tank and rises above the high water level. Shutoff valves will be installed at the discharge line of each tank (downstream side of tank). The shutoff valve will be controlled by a velocity trip meter which will automatically shut the valve off if the velocity of the water exceeds a predetermined speed. The design of the intake lines (riser pipes) and the shutoff valves at the discharge lines will prevent the draining of the tanks in the event of a pipeline rupture or leak. Redundancy will be provided in both the control system and the valves to ensure that outflow from the tanks can be stopped in the event of an earthquake or other mishap.

The forebays for Devil's Den Pumping Plant, Bluestone Pumping Plant, and Polonio Pumping Plant will have reserve storage capacity. There will be adequate time available to override the automatic control system from the control center in the unlikely event that the automatic control system and the backup systems fail to operate. Since the untreated water is pumped through these three pumping plants, effects of chloraminated water will not be a consideration at these sites.

The San Luis Obispo Powerplant Afterbay and the Casmalia Pumping Plant forebay will have reserve storage capacity. There will be adequate time available to override the automatic control system from the control center in the unlikely event that the automatic control system and the backup systems fail to operate. A spill from either facility would not discharge directly into surface waters.

DWR is currently developing the Emergency Action Plan (EAP) for the San Joaquin Field Division which is scheduled for completion in July 1993. The EAP provides detailed operating procedures to deal with emergencies in the San Joaquin Field Division which includes the Coastal Aqueduct, such as rupture of a pipeline, aqueduct, tank, pumping plant forebay, powerplant afterbay and related State Water Project facilities. These procedures will describe specific actions for specific emergency situations and identify personnel responsible for implementing each specific response or action. Notification of other responsible government agencies will be spelled out in the EAP.

ATTACHMENT B*Frank Lebers
Phil Ashley
Rose Gambro
File***CENTRAL COAST SALMON ENHANCEMENT, INC.**

FISH FOR EVERYONE

a non-profit corporation

22 February, 1995

FAX COVER

Number of Pages (including cover): 2
Your FAX number: 805/756-1419

Dr. V.L. Holland
Biological Sciences
Cal Poly State University
San Luis Obispo, CA 93407

RE: State Water Project.

Federal I.D.: 77-0079896.
501(C)3 Tax-exempt.

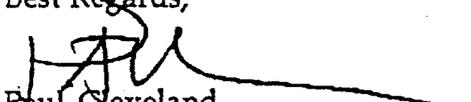
Dear V.L.,

Thank you for providing me with your document on State Water Project concerns. If I can write a letter of support, please advise where to send it.

Regarding chlorine toxicity of trout - back in 1992 we experienced a most unfortunate circumstance of faulty charcoal filters. As a result we lost 25,000 fingerling salmon (approx. 60 fish per pound) in less than a week. The chlorine level that killed these fish was only 0.2 ppm. This level is far lower than the 1 ppm that will discharge from the Water Project.

Also, is there any possibility of non-native fish entering the creeks through "blow-out" valves? The attached letter from Santa Barbara County expresses such concern.

Best Regards,


Paul Cleveland
Project Manager
805/773-6769 (office)
805/773-6942 (fax)
Salmonfix@aol.com. (e-mail)

August 29, 2003

Nancy Orton and Steve McMasters
SLOC Planning Department
San Luis Obispo, CA

Dear Nancy and Steve:

I am submitting my comments on the Nacimiento Water Supply EIR to you as we discussed. My overall comment is that the paleontology section lacks scientific accuracy and does not reflect current standards in the profession. I have listed my specific concerns below but would like to focus on what needs to be done to create a proper combination CEQA/NEPA document.

GC - 2.1 First of all, the section on regulatory setting is extremely deficient. NEPA is not cited, only NHPA section 106. The actual regulations for cultural resources are not cited, only someone's interpretation of them. The state regulations cited are also incomplete and loaded with interpretation rather than citation of the regulations/guidelines. All of the appropriate regulations should be cited and followed by a paragraph on what that means in regard to paleontological, prehistoric and historic resources. I recommend the Caltrans Online Environmental Handbook that has discussions of all relevant federal and state regulations for paleontology (Volume 1, Chapter 8) and archaeology/history (Volume 2).

GC - 2.2 Secondly, professional standards in paleontology apply paleontological sensitivity ratings to geological formations or specific subdivisions like members based on a full knowledge of the fossils recovered from those formations. Full knowledge was not obtained because no record searches were done and unqualified personnel performed the field survey. The sensitivity ratings in this EIR are not appropriate and some are blatantly incorrect. The following guidelines of the Society of Vertebrate Paleontology are the professional standard (highlighting added for emphasis).

1801 E. Parkcourt Pl. F205
Santa Ana, CA 92701-5008

cogstone@hotmail.com

714-245-0264 ph
714-245-0054 fx

The determination of a site's (or rock unit's) degree of paleontological potential is first founded on a review of pertinent geological and paleontological literature and on locality records of specimens deposited in institutions. This preliminary review may suggest particular areas of known high potential. If an area of high potential cannot be delimited from the literature search and specimen records, a surface survey will determine the fossiliferous potential and extent of the sedimentary units within a specific project. The field survey may extend outside the defined project to areas where rock units are better exposed. If an area is determined to have a high potential for containing paleontologic resources, a program to mitigate impacts is developed. In areas of high sensitivity, a pre-excavation survey prior to excavation is recommended to locate surface concentrations of fossils, which might need special salvage methods.

The sensitivity of rock units in which fossils occur may be divided into three operational categories.

HIGH POTENTIAL. Rock units from which vertebrate or significant invertebrate fossils or significant suites of plant fossils have been recovered are considered to have a high potential for containing significant nonrenewable fossiliferous resources. These units include, but are not limited to, sedimentary formations and some volcanic formations which contain significant nonrenewable paleontologic resources anywhere within their geographical extent, and sedimentary rock units temporally or lithologically suitable for the preservation of fossils. Sensitivity comprises both (a) the potential for yielding abundant or significant vertebrate fossils or for yielding a few significant fossils, large or small, vertebrate, invertebrate, or botanical, and (b) the importance of recovered evidence for new and significant taxonomic, phylogenetic, ecologic, or stratigraphic data. Areas which contain potentially datable organic remains older than Recent, including deposits associated with nests or middens, and areas which may contain new vertebrate deposits, traces, or trackways are also classified as significant.

UNDETERMINED POTENTIAL. Specific areas underlain by sedimentary rock units for which little information is available are considered to have undetermined fossiliferous potentials. Field Surveys by a qualified vertebrate paleontologist to specifically determine the potentials of the rock units are required before programs of impact mitigation for such areas may be developed.

LOW POTENTIAL. Reports in the paleontological literature or field surveys by a qualified vertebrate paleontologist may allow determination that some areas or units have low potentials for yielding significant fossils. Such units will be poorly represented by specimens in institutional collections. These deposits generally will not require protection or salvage operations.

The sensitivity ratings in the EIR need to be revised reflecting the highlighted standard with the results that all formations except Younger Alluvium should be rated high. The fact that important types of fossils are rare makes them more scientifically significant than more abundant types of fossils, not the other way around as stated in the EIR.

Thirdly, I object to the proposed mitigation measures. In particular, I take issue with two items in CR-1. This measure should state that the applicant will retain a qualified professional paleontologist to prepare the mitigation plan. People have qualifications, firms do not. This measure should also be clear that the qualified paleontologist will determine sensitive areas where driving and parking vehicles is not appropriate, if any, and direct workers to fence them off prior to construction personnel being present. Monitoring should be restricted to surface alterations and subsurface excavation. In addition, the list of issues to be addressed by the mitigation plan does not include a research design, a necessary component.

GC - 2.2
Cont'd

GC - 2.3

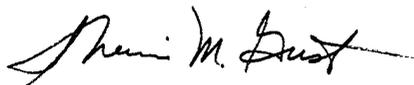
I take issue with CR-2, CR-4 and CR-5 also. The writer has confused the duties of the qualified professional paleontologist with those of the paleo monitor. CR-2 should read that the qualified professional paleontologist will supervise all activities of the qualified paleontological monitor and that professional will prepare monthly progress reports. The paleo monitor will inspect the rock units, temporarily divert equipment and recover resources. CR-4 should state "the qualified professional paleontologist" where it now says the paleontologist in line 1 and line 4. CR-5 should state "the qualified professional paleontologist" where it now says the retained paleontological monitor (shall prepare the final report).

Relatively minor points (not a comprehensive list)

- GC - 2.5 - Although there is a section of the EIR titled "Cultural and Paleontology/Geology Resources Inventory Procedures" (5.8.1.1), there are in fact no procedures for paleontology.
- GC - 2.6 - There is a great deal of citation of scientific names with inconsistent and incorrect format. No professional paleontologist would cite "Ostrea titan Conrad" or "Crepidula, sp.?" or "echinodermata" as this document does. Species names are always italicized and there is no comma between the genus and species. Higher taxonomic groups are never italicized. When the person who named a species is cited the format is *Ostrea titan* (Conrad) and then Conrad appears in the bibliography (none do in this document).
- GC - 2.7 - Some items were cited correctly in the technical report and altered to be incorrect in the EIR. Notably it's the Rancholabrean Land Mammal Age not the Rancho La Brea.

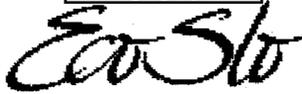
Thanks for reading my comments. I hope they can be used to create a final document that is substantially better than the draft and serves to adequately protect the paleontological resources.

Respectfully submitted,



Sherri M. Gust

San Luis Obispo County Qualified Paleontologist and Archaeologist



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Jan Marx

September 5, 2003

Nancy Orton
San Luis Obispo County Department of Planning and Building
Room 310, County Government Center
San Luis Obispo, CA 93408-2040

Dear Ms. Orton,

The Environmental Center of San Luis Obispo (ECOSLO) appreciates the opportunity to comment on the Nacimiento Draft Environmental Impact Report (DEIR). Let me begin by saying that we support the in-depth comments made by Life on Planet Earth and Canyon and Streams Alliance. Our comments will be focused on the possible conveyance of chlorinated water.

GC - 3.1

We disagree with the DEIR's finding that the treated water alternative is environmentally superior to the raw water alternative. All pipelines eventually wear out. Look at the nation's infrastructure. It is coming apart at the seams, according to an analysis recently released by the American Society of Civil Engineers. While a new pipeline may offer some comfort who will be watching the pipeline over time? What resources will be dedicated to monitoring the pipeline? How would leaks or ruptures be detected? What processes would be in place if chlorinated water entered sensitive habitat areas either through slow leakage or massive ruptures?

GC - 3.2

Slow leaks, as this community is well aware, can cause major environmental damage over time. Hazardous chemicals like chlorine can be detrimental to sensitive habitats. Damage to the environment may not be noticed for long periods of time, especially with slow undetected leaks. This is one area that the DEIR is deficient. There is no environmental analysis offered for slow leaks of chlorinated water over time into sensitive habitats. The final EIR is required to address this type of cumulative impact.

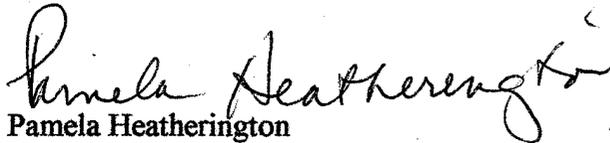
GC - 3.3

One solution to this problem would be to remove the treated water option from the Final EIR. We second Life on Planet Earth's concern that urban ratepayers who already have treatment plants in their cities would likely end up subsidizing rural sprawl and conversion through paying higher rates for construction and operation of a regional treatment system redundant to urban needs. This impact needs to be analyzed in the Final EIR.

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GC - 3.4 | While this project is likely to go forward it is incumbent upon those preparing the Final EIR that the above concerns and those submitted by Life on Planet Earth and Canyon and Stream Alliance be analyzed and included in the Final EIR.

Again, thank you for this opportunity to comment on this important project.


Pamela Heatherington
Executive Director



EPI-Center, 1013 Monterey Street, Suite 207 San Luis Obispo, CA 93401
 Phone: 805-781-9932 • Fax: 805-781-9384

September 5, 2003

Nancy E. Orton
 Department of Planning and Building
 San Luis Obispo County
 County Government Center
 San Luis Obispo, CA 93408-2040

Subject: Nacimiento Water Project / Draft Environmental Impact Report

Dear Ms Orton,

EPI is a California non-profit corporation organized for the purpose of ensuring that the public has a voice with officials charged with responsibilities for land use planning and environmental protection. EPI and its supporters are further interested in improving quality of life through sound planning principles and environmental awareness in San Luis Obispo County. After review of the Draft Environmental Impact Report for the proposed Nacimiento Water Project, EPI wishes to submit the following comment.

GC - 4.1 EPI believes the DEIR has failed to properly classify significant effects likely to result from the alternatives examined for the proposed project. Specifically EPI is concerned that the significance of likely impact from potential spills of chlorinated water under the "treated water" alternative is underestimated. Similarly, we believe a significant negative impact resulting from typical inflow and infiltration of water along the entire pipeline system has been overlooked under the "treated water" alternative.

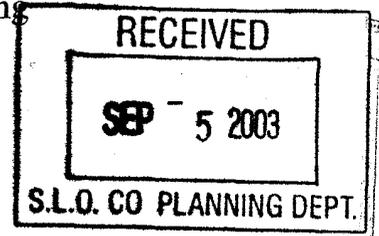
GC - 4.2 Finally, we note a lack of discussion in the DEIR of the special benefit received by each of the participating cities resulting from construction of water treatment facilities required under the "treated water" alternative. We request that the FEIR address the responsibilities of each purveyor relative to the likely benefit each will receive.

Respectfully Submitted,

Gordon R. Hensley, Executive Director/Senior Ecologist

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Nancy E. Orton
San Luis Obispo County Department of Planning and Building
Room 310, County Government Center
San Luis Obispo,
CA, 93408-2040



Dear Ms. Orton,

Life on Planet Earth appreciates the opportunity to comment on the Nacimiento DEIR, and is thankful that the potential participants avoided participation in the Coastal Branch of the State Water Project, and are able now to evaluate the merits of a project that is more reliable, is locally controlled, and which could be designed to avoid long-distance conveyance of chlorinated water, although at present there is no guarantee that it will be. We appreciate the work that has gone into this DEIR, but do need to raise several issues that need to be fully addressed in the Final EIR if potential participants are truly to make the wisest decisions.

GC - 5.1

To jump to the issue most pressing to us (it must be urgently on our minds, seeing that it slipped into the above introductory paragraph): we strongly disagree with the DEIR's identification of the treated water alternative as environmentally superior to the raw water alternative. This assertion could be made only if there were no chance of escape of chlorinated water into any aquatic environment, either through catastrophic rupture or chronic leakage. We submit that the record of the Miossi Ranch spill on the Coastal Branch of the State Water Project proves that the risk is real, and that the absence of further examples of these releases in the literature surveyed reflects lack of monitoring and novelty of long-distance transport treated water, rather than any grounds for complacency. We share the concerns of the Canyons and Streams Alliance both as to the risk and to the possible consequences for aquatic ecosystems if the treated water alternative is chosen.

GC - 5.2

When it comes to issues of sudden rupture, we are particularly concerned with the crossings of the Salinas River. The suspended pipe crossing near Wellsona Road appears to be the sort of structure that would be subject to harmonic vibration in an earthquake, leading to likely rupture at a time when response to human emergencies is likely to make even the quantification, much less the mitigation, of damage to aquatic life unlikely. While we prefer above-ground crossings to insure prompt leak detection, they need to be better braced and stabilized than this one appears to be.

GC - 5.3

The underground crossing at Santa Clara Road raises the concern of detection and response, either to chronic leakage, or to sudden releases

GC - 5.3
Cont'd

connected with an earthquake when emergency responders have so many competing obligations.

As we see it, this issue is serious enough that it leaves you with two choices for the Final EIR: either remove the treated water option from the project descriptions covered by this EIR, or provide far more information and mitigation: the sites of all crossings of "blue-line" streams, the expected water pressure at each such crossing, relevant pipeline specifications (single-lap or double-lap welds, etc.), and details of how leaks or ruptures would be promptly detected and responded to, both in relation to immediate pipeline shutdown and repair, and to contain the damage to aquatic life and mitigate any damage that would have occurred. When we talk of mitigation, we are not talking about "enhancing" streams with riprap or trails, or about providing a slush fund for irrelevant ventures such as the Performing Arts Center (which received \$750,000 of Guadalupe diluent spill mitigation money!); we are talking about benefits that would actually result in recovery of aquatic life. We would need to know that the needed regimes of inspection and response would be properly funded throughout the operational lifetime of the project, although experience teaches us that proper monitoring of such a long-term obligation is difficult to enforce.

GC - 5.4

An additional impact of the treated water alternative that needs analysis is the inducement to sprawling growth, to conversion of agricultural and open space lands to varying levels of urban and suburban use, and to leapfrog development. These impacts are promoted by providing access to an urban amenity across miles of open countryside. Indeed, urban ratepayers who already have treatment plants in their cities would probably be subsidizing rural sprawl and conversion through paying higher rates for construction and operation of a regional treatment system redundant to urban needs.

GC - 5.5

Taking a broader look at the DEIR as a whole, our most serious concern is with the paucity of Class I impacts identified—only one, in fact, and that, a transitory one during the construction period. Although the previously analyzed route was abandoned due to unacceptable human inconvenience impacts on Lake Nacimiento Drive and Vine Street, the route chosen to replace it, crossing the Salinas River twice, and following its bank for close to 20 miles, is much higher in impacts on biological and cultural resources. It is unclear to us why residual impacts found significant in relation to biological resources and growth inducement in the 1997 project were found no longer significant in the 2003 project. A particular puzzle is inconsistency within the 2003 document itself, where Chapter 7 on Growth Inducement clearly leads to the conclusion that the project will create

GC - 5.6

GC - 5.6 ↑ significant and unavoidable residual impacts, but this is not reflected in the Summary Tables for the document as a whole, where only the transitory Air Quality impact is identified as Class I.
Cont'd

Excerpts from the summary table where mitigations fail to render Class I impacts insignificant include the following:

GC - 5.7 Impact GS 1: Ground rupture is here admitted as a possible source of damage, heightening our concern with treated water pipeline rupture and spillage. The only mitigation, further investigation of the Rinconada Fault, ignores the possibility of surprise manifestations of previously unknown buried thrust faults, which have caused much of the seismic damage of recent decades.

GC - 5.8 Impact CR 6 admits that activity adjacent to archaeological and historical sites may result in looting, vandalism, or destruction. The mitigation is prosecution of discovered violators. This would not restore damaged sites, and would not be a strong deterrent since so many looters and vandals are never discovered. This impact, notwithstanding locking the barn door after the horses are out, remains an unmitigated Class I.

GC - 5.9 Impact T 8 anticipates pipeline failures, reinforcing concerns about treated water releases. The mitigation would not mitigate the traffic impact, since closed roads create traffic impacts.

GC - 5.10 Impact H.M. 7: The only mitigation of the admitted hazard of large-scale releases of treated water is pre-treatment pipeline testing. How does this mitigate future deterioration, shifting, or rupturing, which could still create these catastrophic impacts?

GC - 5.11 The biological mitigations called for in this DEIR are certainly impressive, and we do appreciate the thought and effort that have gone into them. But we strongly question whether, if the project is built and operated—as is likely—under tight economic constraints, the mitigations would be followed scrupulously enough to avoid Class I residual impacts. Would reassurance of bondholders, avoidance of cost overruns, and delivery of water by a promised date take precedence over scrupulous observance of mitigations? We have learned mistrust by watching the unfortunate example of the State Water Project, where responsibility was shifted between agencies (DWR & CCWA) during construction of the project, and where many of the thousands of trees removed have been mitigated with now-empty planting tubes, with no evident continuing oversight. In that connection, we note that with most of the Nacimiento Project's biological mitigations, the sole party responsible for verification is the Department of Planning and Building. What opportunity will the public have to scrutinize this in-house verification? What sort of paper trail will be created, and how

GC - 5.11
Cont'd

↑ will interested members of the public gain access? If a member of the public observes something in the field that seems amiss, what process exists for response and redress? Who will provide continuing oversight during the operational phase, particularly of the long-term success of habitat restoration, as well as the previously mentioned monitoring and response to spills of chlorinated water? What access will concerned members of the public have to operational records?

GC - 5.12

As with the State Water Project, there is the potential of a shift of responsibility for the Project subsequent to approval of the Final EIR. Discussions are still ongoing among participants as to whether the project would be governed by the San Luis Obispo County Flood Control and Water Conservation District, by a newly created Nacimineto Project Benefit District, by some sort of joint powers authority made up of Project participants, or some other arrangement. Would the County Department of Planning and Building remain the responsible party for overseeing mitigations if project administration changed?

GC - 5.13

The section on Alternatives Analysis needs some additional work. Alternatives not analyzed include financial participation of North County participants with San Luis Obispo area participants in funding a desalination facility to directly benefit San Luis Obispo area participants, with North County participants to be compensated by restoration of the full flow of the Salinas River to the North County, with Salinas Dam redirected to flood control and seasonal flow management to serve the needs of North County residents, including humans and also steelhead and other aquatic and riparian organisms.

GC - 5.14

The Water Conservation Alternative analysis includes the unsubstantiated statement (coming after description of the almost 50% reduction achieved in San Luis Obispo during the drought of the early 1990's) that such results cannot be projected long-term, and that 5% to 10% is a more reasonable reduction in urban areas, with 1% considered reasonable in agricultural areas. Where is the substantiation, and whose definition of "reasonable" is being used? If population continues to grow after currently projected "buildout" is reached, serious conservation efforts will need to occur even with the Nacimiento Project in place. Expectations for meaningful conservation must be built into our culture, not challenged as unreasonable.

GC - 5.15

↓ The section on Socioeconomic Impacts, particularly the subsection on Environmental Justice, gives short shrift to impacts of right-of-way acquisition on affected parties. This proved to be a major trauma for people so affected by the State Water Project. The State's right-of-way agents used

GC - 5.15
Cont'd

deception and intimidation, and until and unless challenged, failed to take into account damage from severance and other foreseeable consequences of the Project. We would like to believe that the County would handle these issues with more sensitivity and fairness, but this expectation should take the form of an enforceable condition.

Thank you for the opportunity to comment, and we look forward to seeing all our concerns responded to in the Final EIR on this project.

For Life on Planet Earth,

Eric Greening

Eric Greening
7365 Valle Ave.
Atascadero, CA, 93422

GC-6

**PasoWatch**

Looking Out Today For Tomorrow

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SEP 9 2003

Planning & Bldg

FAX TO: Christine Ferrara
San Luis Obispo Public Works Department
FAX NUMER: 788-2182

FAX FROM: Susan Harvey
PasoWatch President
FAX: 238-3047
VOICE: 239-0542

SUBJECT: Comments for Nacimiento Pipeline Project DEIR

September 4, 2003

Pages: 1

Dear Ms. Ferrara,

Thank you for this opportunity for comment on the Nacimiento Pipeline Project Draft EIR. I spoke at your presentation to the Paso Robles City Council. As I stated then, I am particularly concerned that there are no mandated water conservation requirements of the public entities that will be participating in the pipeline project. As you stated at length in your presentation, Nacimiento could be the last water project available. Every public entity participating in this project is assuming responsibility for the stewardship of a very precious resource for decades to come.

This is a very expensive project in all regards and especially monetarily and environmentally. The citizens will be paying dearly in bonds for this water for decades. Uncounted century old oaks will be removed. Wildlife habitats will likely be permanently disrupted and changed.

In compensation and mitigation for such a heavy price, I want to see a strongly worded, enforceable and realistic conservation obligation as a mandatory requirement in the Participation Agreement for all Public entities. Further, I want each participating entity to provide and adhere to an enforceable and realistic water conservation element in each entity's Ground Water Management Plan. Continuing to supply users with cheap, unmetered water with no inducements for water conservation and no penalties for excessive use is irrational in the face of the mounting costs of new water sources, growing populations, and the precious nature of the commodity. There is no life without water.

Susan A. Harvey, President
PasoWatch

GC-7

FAX TRANSMISSION

9-3-03

To: Nancy E. Orton
San Luis Obispo County Department of Planning and Building
Room 310 County Government Center
San Luis Obispo, CA 93408-2040
Fax 781-1242

From: Salinan Tribe
P.O.Box 708
King City, CA 93930

Subject: Response to Draft Environmental Impact Report (DEIR) for the proposed Nacimiento Water Project. File Number ED00-603.

Dear Nancy Orton,

After reviewing the DEIR we have the following comments concerning Cultural Resource issues within the document.

- GC - 7.1 We agree with how most of the field surveying was done concerning cultural resources. However we have concerns in what areas of the pipeline that Salinans were present on the original survey team and that certain areas and features might have been overlooked. We are unaware of any Tribal Members present during any meeting or surveys concerning this project.
- GC - 7.2 One example I found while going over the pipeline route is in figure 2-23 pipeline map showing the area of the proposed Prado Road Extension. At station area of about 2914+00 is Archaeological Site CA-SLO-1427. This site is a rock outcropping that holds many mortars from different time periods and shows evidence of different occupations as far back as 5,000 years ago. It also holds the remains of a tule hut floor. It sat virtually undisturbed on private property until the Sports Complex and Prado Road extension was planned.
- GC - 7.3 As you may be aware of or not, that the Prado Road Extension is being challenged by many residents of San Luis Obispo that do not want to see a 4 lane road so close to the new Ball Field Complex now in process of being completed. The Ball Field does not impact the site but the extension of Prado Road will. Parents would rather see the site as part of the sports complex. Maybe a trail that would lead up to the outcropping and interpretive signs placed to educate the public on the history of the spot and general area.
- GC - 7.4 In the DEIR I noticed in Section 4.0 Cumulative Projects Description, page 4-2 that #19 the Prado Road Extension Status is in process and the Schedule is unknown. And also in Section 5.8 Cultural and Paleontological Resources, page 5.8-54 under section 5.8.1.7 Arcas with Potential for Paleontology and Cultural Resources, Table 5.8.5 does not show site CA-SLO-1427 in which the use of this route would impact and should have been listed in Table 5.8.5.

- GC - 7.5 | The Salinan Tribe would like to see a different route for the extension of Prado Road, maybe to divert south and connect up with Tank Farm Road totally missing CA-SLO-1427. This is also the wish of many SLO residents. The pipeline route could then follow that route. I believe choosing to follow the present proposed Prado Road extension route, could delay this project because of the concerns of the community and a new route in this area should be explored.
- GC - 7.6 | The bottom line is that if this significant site was missed in the original survey there may be more sites that were overlooked. We would like this site be added to Section 5.8.1.7 and placed on Table 5.8.5. Of course after the 106 process has been followed concerning this site, if one was not done.
- GC - 7.7 | The Salinan Tribe feels all cultural and sacred sites that are now undisturbed should stay undisturbed for future generations to learn from. These are none renewable resources. Just documenting the percent of damage done to a site is not good enough; it does not save the integrity of the site.
- GC - 7.8 | The headwaters of the Nacimiento River are ancient areas of the Salinan People and we hold the water that comes from there as sacred. And the Salinan Tribe feels that they should be compensated for the use of this water by our project.

We believe this DEIR to be incomplete for the reasons mentioned above.

We would encourage you to continue to notify us as to updates or meetings concerning this project.

I will be faxing this letter to Steve Mc Masters, SLO County Environmental Department, as the county is the lead agency for this project and also to Rob Wood at the Native American Heritage Commission. And to Marine Research Specialists.

Thank you,



Patti Dunton, For John Burch, Cultural Preservation Lead, Salinan Tribe



August 28, 2003

SLO CNTY
PLANNING/BUILDING
DEPT

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**Parsons
Brinckerhoff
Quade &
Douglas, Inc.**

707 Broadway
Suite 1700
San Diego, CA 92101
619-338-9376
Fax: 619-338-8123

Nancy E. Orton
San Luis Obispo County Department of Planning and Building, Rm. 310
County Government Center
San Luis Obispo, CA 93408-2040

RE: Comments on Draft EIR Regarding Nacimiento Water Project

Dear Ms Orton:

The following comments are regarding the Public Draft EIR for the Nacimiento Water Project (NWP). The Draft EIR fails to adequately discuss and evaluate alternatives to the NWP and is therefore seriously deficient. The California Environmental Quality Act, Section 15126 (d), requires an EIR to describe a reasonable range of alternatives to a project or to the location of a project which could feasibly attain its basic objectives and evaluate the comparative merits of the alternatives. To be more specific, Section 3.0 Alternatives of the Draft EIR is limited, incomplete and fails to adequately evaluate a range of alternatives to the proposed NWP including potential alternative water supply options and alternative pipeline and facility locations.

Criteria used to evaluate the range of alternatives and to remove alternatives from further consideration appear to be based on incomplete and outdated information, specifically in reference to a desalination supply alternative. A presentation on a regional desalination plant was presented to the Water Resources Advisory Committee, County of San Luis Obispo, Flood Control and Water Conservation District on January 8, 2003. My firm, Parsons Brinckerhoff, is currently in the early stages of an investigation of the feasibility of a regional desalination facility at the Estero Bay Terminal site.

The Draft EIR claims to have used an alternative screening analysis to limit the number of alternatives evaluated in detail in the EIR that assures "only the environmentally preferred alternatives are evaluated and compared in the EIR". We believe that the list of environmentally preferred alternatives to the NWP in the Draft EIR is incomplete and therefore in material breach of the CEQA Guidelines.

The Draft EIR further states "This screening methodology also uses the "rule of reason" approach to alternatives as discussed in CEQA (Guidelines Section 15126.6(f)). The rule of reason approach has been defined to require that EIRs address a range of feasible alternatives that have the potential to diminish or avoid adverse environmental impacts."

The CEQA Guidelines state:

"The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effect of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project." (Section 15126.6(f))

GC - 8.1



GC - 8.1
Cont'd

In defining feasibility of alternatives the CEQA Guidelines state:

“Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” (Section 15126.6(f)(1))

The draft EIR states that “If an alternative is found to not obtain the basic objective, then it was also eliminated.”

In Section 2.2 Project Objectives and Need of the draft EIR the objective of the NWP is stated as “to provide a reliable supplemental water source for a variety of uses within SLO County by supplementing the local ground and surface water supplies with a new surface water source. The objective is also to increase reliability of water deliveries, to improve water quality and to lessen the extent of future ground water pumping to existing residents and provide sufficient supplies to support planning objectives in various communities of SLO County. The objective of the proposed project is, therefore, to ensure better management of available water resources throughout the county.”

A regional desalination plant meets the basic objective as defined in the EIR.

GC - 8.2

- New water source: desalination meets the definition of a new water source
- increase reliability of water deliveries: desalination provides a reliable, drought proof supply
- improve water quality: desalination provides high quality water with a low Total Dissolved Solids <350 mg/l and high level removal of bacteria, viruses and cysts
- lessen the extent of future ground water pumping to existing residents: desalinated water will provide a supplemental, new water supply
- and provide sufficient supplies to support planning objectives in various communities of SLO County: A regional 16,200 AFY or larger desalination facility is feasible. The desalinated water can be delivered through new local pipelines to nearby coastal communities such as Cayucos, Morro Rock MWD, Lewis Pollard Trust, etc. A desalination facility at Estero Bay can deliver water through the Whale Rock Pipeline to San Luis CUSD, Camp San Luis and San Luis Obispo. Unused oil pipelines can be lined to deliver desalinated water to the Atascadero area. New or existing pipelines of shorter length and less environmental impact than for the NWP scenario can be constructed integrate water services and serve other communities in the County.

GC - 8.3

NEPA Section §1502.14 also requires an analysis of alternatives to the Applicant’s proposed project that provides for a comparison of alternatives and provides a clear basis for choice among options for the decision maker and the public. Because the evaluation



and inclusion of alternatives is incomplete, the decision maker cannot properly make a informed decision. NEPA requires the alternatives analysis to:

(a) *“Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives for which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.”*

(b) *“Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.”*

(c) *“Include reasonable alternatives not within the jurisdiction of the lead agency.”*

(d) *“Include the alternative of no action.”*

(e) *“Identify the agency’s preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.”*

(f) *“Include appropriate mitigation measures not already included in the proposed action or alternatives.”*

GC - 8.3
Cont'd

The rationale in Section 3.2.8.3 Desalination and Salinas Reservoir Expansion Alternative used to eliminate the desalination and Salinas Reservoir expansion alternative is based on old and incomplete information that is not valid, particularly for desalination. Significant improvements in membrane performance, recovery rates, energy recovery and salt rejection have been made since the 1990 Morro Bay and 1991 Santa Barbara reports were written. These improvements have significantly lowered the capital and operating costs for desalination.

As stated in the Draft EIR, it is true that desalination facilities can be developed in incremental stages more readily than other water supply projects. The statement in the Draft EIR is not necessarily true on page 3-62 “The operational disadvantages of desalinated water are its high cost and limited yield.” Desalination plants of 25 mgd (28,000 AFY) capacity and larger are being built today. Seawater desalination projects typically today have a recovery rate of between 45 and 60%, not 35% as stated. The cost of building and operating a desalination plant is about half of what it was in 1991. The preliminary cost estimate for a 16,200 AFY desalination facility is approximately \$60 million dollars, including service to nearby coastal communities and San Luis Obispo and clients in between the City and the plant. Customers could buy a lot of desalinated water for the difference in cost between the desalination alternative and the NWP alternative.

GC - 8.4

The Draft EIR states that “The use of desalination to replace the NWP allotment would result in many of the same impacts as the proposed project given water supply and distribution issues” and then gives some general negative statements to dismiss the alternative. The Class I and II impacts of the desalination facility are likely to be substantially less than the NWP in some cases. The desalination facility is proposed to be located outside the Coastal Commission zone area. The intake and outfall systems will require hydrodynamic modeling, biological studies and monitoring and possibly mitigation measures in order to obtain the required permits. The level of environmental

GC - 8.5



GC - 8.5 ↑ impact cannot be fully determined until studies and alternative designs are selected for the intake and outfall systems but are mitigable impacts.
Cont'd

GC - 8.6 The following impacts for the desalination facility have not been rigorously studied the Estero Bay regional desalination facility at this time but this alternative should be reviewed, properly evaluated and included in the final EIR for the benefit of the general public and the decision makers for a new, reliable water source sufficient to meet the area's requirements.

Class I – Significant Unavoidable Impacts

Nacimiento Water Project (Page IS-62)

Regional Seawater Desalination Facility at Estero Bay

AIR QUALITY (Section 5.4)

GC - 8.7

Construction impacts from both NWP and Salinas Valley Water Project (SVWP) are significant and would therefore be potentially significant cumulatively if construction occurs within the same time frame.

Desalination project would use existing Whale Rock Pipeline for a portion of the delivery system reducing the amount of new pipeline construction in comparison to NWP and SVWP. Some pipeline construction could be delayed until needed by clients.

TRANSPORTATION/CIRCULATION (Section 5.11)

GC - 8.8

If the spillway construction activities of the SVWP coincide with the intake and pump station construction of the proposed project, cumulative traffic impacts due to lane/road closures and delays for emergency vehicle traffic would be significant.

Construction of the desalination project will be mostly on private land and should require minimal lane/road closure and delays. The proposed intake and brine discharge systems incorporates the existing NPDES permitted loading pipelines at the site reducing environmental and construction impacts. The total amount and impact of pipeline installation along roadways and in congested areas should be less than for the NWP.

VISUAL AND AESTHETIC RESOURCES (Section 5.12)

GC - 8.9

Impact VR.14 The cumulative water withdrawals from Lake Nacimiento would result in more frequent instances of lake level below 748 feet, and would result in significant unavoidable adverse impacts to visual resources.

In addition to short-term construction impacts, SVWP would have long-term visual impacts in the vicinity of Nacimiento Dam due to lowered water level of the reservoir; this impact has been characterized as significant and unavoidable in the project EIR, because of this the two projects would have cumulatively significant impact on the visual appearance of the lake level, although the proposed project alone would have insignificant impacts to the level of the reservoir.

The proposed location for the desalination plant is behind a knoll and not visible from the beach or the highway greatly reducing the visual impact. The facade of the two story building will be designed to blend in with the architecture of the area. All intake, outfall and potable water pipelines will be underground. The visual appearance of the ocean will not be significantly impacted by the facility as the intake and outfall systems are in water with a depth of 55 feet or more below mean sea level.



GC - 8.10

RECREATIONAL RESOURCES (5.14)	
<p>REC.6 The cumulative development scenario would result in increased lake drawdowns below recreational threshold levels of 748 feet, and would result in significant unavoidable adverse impacts to recreational resources on and around Lake Nacimiento.</p>	<p>The recreational use of the ocean will not be significantly impacted by the facility as the intake and outfall systems are in water with a depth of 55 feet or more below mean sea level.</p>

GC - 8.11

Class II – Significant But Mitigable Impacts	
HYDROLOGY AND WATER QUALITY (Section 5.1)	
<p>The cumulative impacts on water quality from the SVWP and NWP projects would potentially increase the level of total metals in NWP water due to a lower average lake storage under SVWP. The SVWP could result in a greater duration of NWP pumping from the lowest reservoir inlet compared to NWP pumping without the SVWP. This cumulative impact would be mitigated by the proposed mitigation measures, however.</p>	<p>The reverse osmosis process will produce high quality potable water that meets all EPA and State water quality standards with a TDS of 350 mg/l or less. The process also has a high removal rate of bacteria, viruses and <i>giaradia</i> and other cysts. If a portion of the desalinated water is transported through the Whale Rock raw water pipeline, it will improve the quality of water being treated at the water treatment plant.</p>

GC - 8.12

NOISE (Section 5.5)	
<p>Significant cumulative noise impacts could occur at the Nacimiento Dam if construction phases at this location were to overlap. These noise impacts however would be mitigated to insignificant levels by implementation of the proposed mitigation measures. Noise from maintenance and other noise producing activities (road repair) could also be mitigated to insignificant levels if were to occur at the same time.</p>	<p>The construction of the desalination plant is remote from any homes significantly reducing the noise impacts to receptors. The lining of the oil pipeline to Atascadero, if used for potable water delivery, will occur at periodic locations in low density home areas and will require a short duration at any site. The desalination motor and high pressure pump systems will utilize modern noise suppression systems. The building insulation will further reduce the noise level outside the building to a insignificant level</p>

GC - 8.13

TRANSPORTATION/CIRCULATION (Section 5.11)	
<p>Impact T.9 Cumulative impacts associated with the proposed pipeline construction activities occurring after roadway improvements have been completed on the same roads. Numerous roadway improvement projects could occur simultaneously with the proposed project. In many cases roadway improvements would precede installation of the water pipeline, which would result in potential damage to the newly resurfaced roadway and/or other improvement. To mitigate significant cumulative impacts associated with pipeline construction following roadway improvements, work coordination and communication between various County departments is recommended. Mitigation. T -18 Coordinate pipeline construction activities with other public works and roadway</p>	<p>The cumulative impacts associated with proposed pipeline construction activities is similar but less extensive than for the NWP as less pipeline construction is anticipated to be required.</p>



GC - 8.13
Cont'd

↑ improvements. Where possible, install pipeline segments in coordination with roadway improvements to avoid damaging the newly improved roadway. A detailed plan showing how Public Works Department will coordinate construction with planned roadway improvements shall be submitted to the County Department of Planning and Building prior to final project approval.	
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Please feel free to contact me at (619) 338-9376 or by e-mail at Jensen@pbworld.com if you need additional information.

Respectfully,
PB Water, a Division of Parsons Brinckerhoff Quade & Douglas, Inc.

A handwritten signature in black ink that reads 'James H. Jensen'.

James H. Jensen
Assistant Vice President
Area Manager

WYOMING ASSET MANAGEMENT, INC.
6475 PACIFIC COAST HWY SUITE 205
LONG BEACH, CA 90803
TEL: 562) 715-8211
email: wyoastmgt@aol.com

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September 2, 2003

Nancy E. Orton
 San Luis Obispo County Department of Planning and Building, Rm 310
 County Government Center
 San Luis Obispo, CA 93408

Re: Comments On Draft EIR Regarding Nacimiento Water Project

Dear Ms. Orton:

My company is co-venturing the installation of a regional desalination facility and have been authorized by the owner of the Estero Bay Terminal site to conduct a feasibility study for the project. We have hired Parsons Brinckerhoff, a major engineering and consulting firm, to accomplish this task. In pursuing our study, the Nacimiento Water Project (NWP) and corresponding Public Draft EIR, as it relates to other viable, fresh water alternatives, has come to our attention and we find it to be non-conforming to the California Environmental Quality Act (CEQA).

Specifically, we have the following comments relative to the Draft EIR:

- GC - 9.1 | 1. The report fails to adequately discuss and evaluate physically and economically viable water supply options and site and facility alternatives to the NWP and is therefore incomplete and seriously deficient on its face.
- GC - 9.2 | 2. Criteria relied upon to evaluate an array of alternatives and further relied upon to eliminate certain alternatives is based on incomplete and outdated information, specifically in reference to a saltwater desalination facility alternative. A technologically current, detailed report on a regional desalination plant was in fact presented to your County Water Resources Advisory Committee on January 8, 2003, by our consulting firm. There is little evidence any of that current information was utilized in assessing alternatives to the NWP.
- GC - 9.3 | 3. The Draft EIR claims to have used an alternative screening analysis to limit the number of alternatives to the NWP. We find the statement that assures... "only the environmentally preferred alternatives are evaluated and compared in the EIR"...to be inherently biased at minimum and that the list of so-called "environmentally preferred alternatives to the NWP" is woefully inadequate, incomplete and in material breach of the CEQA.
- GC - 9.4 | 4. The EIR further states that "This screening method also uses the 'rule of reason'

approach to alternatives.” We would submit that in fact the rule of reason was not adequately applied and that a review utilizing current information and present technical data relative to a regional desalination facility would produce an entirely different finding under CEQA guidelines, Sections 15126.6(f) and 15126.6(f)(1). In particular, under the latter cited Section we unequivocally submit that our proposed regional desalination facility will be entirely consistent therewith. Further, we unequivocally submit that our regional desalination facility meets the basic Project Objectives and Need as outlined in Section 2.2 of the Draft EIR as follows:

a) New water source: Desalination meets the definition of a new water source; b) Increase reliability of water deliveries: Desalination provides a reliable, drought proof supply; c) Improve water quality: Desalination provides a low Total Dissolved Solids <350 mg/l and high level removal of bacteria, viruses and cysts; d) Lessen the extent of future groundwater pumping to existing residents: Desalinated water will provide a supplemental new water supply; and e) Provide sufficient supplies to support planning objectives in various communities of SLO County: A regional 16,200 AFY or larger desalination facility is entirely feasible. The desalinated water can be delivered through new local pipelines to nearby coastal communities such as Cayucos, Morro Rock MWD, Lewis Pollard Trust, etc. A desalination facility at Estero Bay can deliver water through the Whale Rock Pipeline to San Luis CUSD, Camp San Luis and San Luis Obispo. Unused oil pipelines can be lined to deliver desalinated water to the Atascadero area. New or existing pipelines of shorter length and less environmental impact than for the NWP scenario can be constructed to integrate water services and serve other communities in the County.

5. Under NEPA Section 1502.14 which requires an analysis of alternatives to the Applicant’s proposed project and that provides for a comparison of alternatives and provides a clear basis for choice among alternatives for the decision maker and the public, we find the evaluation, analysis and comparison of alternatives to be inadequate and incomplete, resulting in the inability for the decision maker and public to make an informed decision.

Significant improvements in desalination technology, membrane performance, recovery rates, energy recovery and salt rejection have been made in the past 10-12 years. These improvements have significantly lowered the capital and operating costs for desalination, which runs counter to the incomplete, outdated and invalid information utilized in Section 3.2.8.3 to eliminate the desalination and Salinas Reservoir expansion alternative.

As stated in the Draft EIR, it is true that desalination facilities can be developed in incremental stages more readily than other water supply projects. The statement at page 3-62 is not true, however, “The operational disadvantages of desalinated water are its high cost and limited yield.” Desalination plants of 25MGD (28,000AFY)

GC - 9.4
Cont'd

GC - 9.5

GC - 9.6

GC - 9.7

GC - 9.7
Cont'd

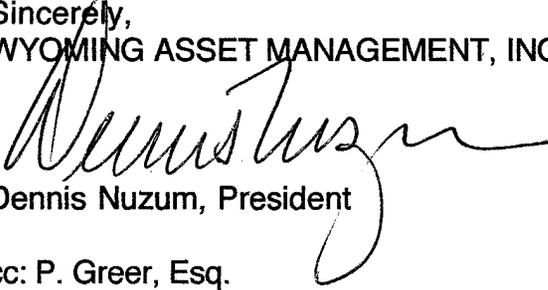
↑ capacity and larger are being built today. Seawater is also most certainly not susceptible to drought conditions as is the NWP. Typical saltwater desalination projects today have a recovery rate of between 45 and 60%, not 35% as stated. The current cost of building and operating a desalination plant is about half of what it was 10-12 years ago, which seems to be the outdated information basis utilized in the Draft EIR. The preliminary cost estimate for a 16,200 AFY desalination facility is approximately \$60 Million, including service to nearby coastal communities and SLO, as well as clients between the city and the plant. The enormous savings between a desalination alternative and the NWP alternative equates to a considerable amount of additional fresh water supply to the ultimate consumers.

In our view, a rigorous exploration and current, objective evaluation of all reasonable alternatives has not occurred nor have any valid, reliable reasons been provided for those alternatives which are to be eliminated from detailed study.

GC - 9.8

We respectfully request that the salient impacts for a saltwater desalination facility be rigorously studied at this juncture, properly reviewed and evaluated with current information and included in the final EIR for the benefit of the decision makers and general public for a new, reliable and consistently abundant fresh water source to meet the geographic area requirements.

Sincerely,
WYOMING ASSET MANAGEMENT, INC.


Dennis Nuzum, President

cc: P. Greer, Esq.
J. Jensen

GC-10



Upper Salinas-Las Tablas Resource Conservation District

65 Main Street, Suite 108, Templeton, CA 93465 / (805) 434-0396 / fax 434-0284



Steelhead Recovery Team

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SEP 12 2003

Planning & Bldg

September 9, 2003

Department of Planning and Building
Attn: Ellen Carroll
County Environmental Coordinator
County Government Center, Room 310
San Luis Obispo, CA 93408

RE: Comments regarding the proposed Nacimiento Water Project EIR

Dear Mrs. Carroll:

The Nacimiento Water Project, if properly designed and managed, has the opportunity to improve habitat conditions along the Salinas River. If the Nacimiento water is used to replace well water use near the Salinas River, it will help to restore riparian vegetation along the river corridor. This will be an excellent alternative to minimize the use of wells in the Salinas River and will facilitate groundwater recharge. There is also the opportunity to use a portion of the water to irrigate channel vegetation along the river. Riparian vegetation can help cool the stream temperatures and protect the channel from erosion.

In this way, the project could help to increase steelhead populations and reduce erosion in the Upper Salinas River and tributaries. Historically, Nacimiento River and its tributaries had more Chinook salmon and steelhead than any of the other tributaries of the Salinas River. It is very probable that prior to construction of the dam, the Nacimiento River was the most important steelhead and chinook salmon habitat south of San Francisco. The Chinook salmon disappeared in the early 1900's. However, steelhead remained plentiful in the Salinas River watershed until the building of

GC - 10.1

the Nacimiento River Dam. After the building of Nacimiento River Dam in 1956, steelhead migrations were blocked. When the dam was constructed, there were no provisions to allow steelhead passage to the upper Nacimiento River and its many tributaries. In addition, critical flows in the Salinas River during the winter migration have been affected by the operation of the dam.

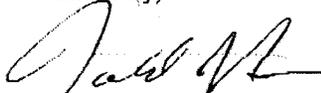
Our studies of channel vegetation within the Upper Salinas watershed indicate the loss of significant amount of riparian vegetation and an increase of channel erosion during the past 50 years. In some areas, loss of riparian vegetation has been over 80 percent.

The numbers of steelhead in tributaries such as Atascadero Creek, Paso Robles Creek, Jack Creek, Santa Rita Creek, Santa Margarita Creek and Tassajara Creek could be benefited by use of some of the Nacimiento project water for restoring riparian vegetation and lessening the use of groundwater.

I believe that this use of a small portion of the Nacimiento project water can help in the restoration of the smaller steelhead streams in the Upper Salinas River thus providing mitigation to the ongoing loss of steelhead habitat caused by the Nacimiento Dam over the past 50 years.

Thank you for consideration of these suggestions.

Sincerely,



Donald J. Funk
Executive Director

CC Mike Hill, Department of Fish & Game
Dave Highland, Department of Fish and Game
Amanda Bern, Regional Water Quality Control Board
Adriana Morales, Biologist, US-LT RCD

GC - 10.1
Cont'd

Number	Response
Comments from Groups/Companies	
<i>Canyons and Streams Alliance (CASA)</i>	
GC-1.1	<p>The EIR analyzed potential impacts associated with a treated and raw water option. As noted in Section 6 of the EIR, impacts associated with each option were similar with the main differences being associated with potential impacts associated with the transportation of chlorinated water under the treated water option, and the potential loss of Salinas River riparian areas and impacts to water quality under the raw water alternative. The EIR made it quite clear that these impacts were considered less than significant.</p> <p>The root of the argument in this comment relates to potential impacts associated with a spill of chlorinated water. It is recognized that the Raw Water Option has less potential for catastrophic biological impacts that could result from a large spill of chlorinated water under the treated water option. Section 5.7.4.1 clearly states that “Impacts to aquatic life and contamination of drainages could result from a pipeline rupture which releases treated water into the stream system, resulting in mortality, degradation of habitat and water quality.” However, as noted in Section 5.6.4.1, the probability of a large chlorinated water spill is extremely small based on historical pipeline failure data for water transmission pipelines (as opposed to water distribution pipelines typically found in cities, which have much higher failure rates due to the vastly higher number of connections). Since risk is measured by the combination of event probability and consequences, it was determined based on criteria established by such groups as the American Institute of Chemical Engineers, US Environmental Protection Agency and Santa Barbara County that potential impacts associated with a spill of chlorinated water was less than significant.</p> <p>It should be noted that regardless of which alternative is selected, the same volume of water will need chlorination and chlorine-based disinfection products will need to be shipped to a single or multiple water treatment facilities. While the northern portion of the pipeline route would remain untreated under the raw water option, chlorination is proposed to occur in Atascadero, which would then transport treated water to Santa Margarita (see EIR Figures 2-15 and 2-16) via a second pipeline. Also, project related water transported to the south from the City of San Luis Obispo and California Men’s Colony water treatment plants would also be chlorinated. Thus, all water transported in and through the City of San Luis Obispo to the project participants south of the City would also be chlorinated. It is also possible that additional treatment facilities will be constructed in Paso Robles and Atascadero for the purposes of treating water under the raw water option.</p> <p>In light of many comments received on the DEIR, mainly commenting on differences in impacts between the proposed project Treated and Raw Water Options, the Environmentally Superior Alternative (ESA) was reevaluated. As noted in</p>

Number	Response
	<p>the responses to many of the comments, the EIR preparers have not deviated from their original classification of the various impacts identified in the EIR. However, in the reevaluation of the ESA, the relative severity of impacts identified in the EIR, most of which were considered less than significant (Class II or III), was considered. For example, two substantial differences between the Treated and Raw Water Options related to potential hazards associated with a spill of chlorinated water for the Treated Water Option, and the loss of riparian habitat for the discharge percolation ponds for the Raw Water Option. In both cases, mitigation measures were proposed and residual impacts were considered less than significant (a Class II impact). On the surface these impacts would appear to be equal (i.e., both Class II impacts), but further evaluation would reveal that replacement of lost riparian habitat would be required at a 3:1 ratio, which would essentially result in no adverse impact. Conversely, potential impacts associated with a treated water spill were reduced by requiring that non-chlorinated water be used for initial pipeline testing, which is when there would be the highest probability of pipeline failure. This did not eliminate potentially adverse impacts associated with a spill, but reduced the probability of a spill to a level that was considered less than significant. In the DEIR, these two Class II impacts were considered to be equal under a quantitative scoring approach. In the FEIR a greater weighting was given to the potential for a chlorinated water spill and subsequent impacts to sensitive biological species. As a result, the Raw Water Option was considered environmentally superior for the biological resources issue area. Similar reevaluations were made in other issue areas, which when all combined resulted in the Raw Water Option being selected as the ESA. Please refer to Section 6 of the EIR for a complete discussion.</p>
GC-1.2	<p>To use the commenter’s own word, while some mitigation measures may seem “wimpier” than others, the EIR contains more than 160 mitigation measures, many of which are designed to avoid impacts to sensitive resources. Pre-construction biological monitoring is not a required mitigation measure to avoid evaluating potential impacts in the EIR, but is intended to supplement the EIR analysis by verifying the presence or absence of sensitive species. Detailed biological surveys were conducted as part of the EIR analysis, but it was also recognized that a simple snapshot may not collect all relevant information on the distribution of sensitive species. Also, it is likely that a significant amount of time will pass between the EIR biological surveys, which are already more than a year old, and initiation of project construction. It is quite possible that new sensitive species may need to be surveyed, and the distribution of sensitive species that were evaluated in the EIR may also be different.</p> <p>The County has a strong track record of monitoring and enforcing mitigation measures proposed for other EIR projects. This project will not be any different since various County agencies and departments will be involved in the monitoring effort. If the County were not serious about implementing the required mitigation measures, many would not have been proposed in the EIR. However, in their review of the Administrative Draft EIR, the County felt it was important to live up to the same standard as they impose on other proponents of large projects, such as Unocal at Avila Beach and</p>

Number	Response
	Guadalupe, or WorldCom and AT&T on their fiber optic cable projects. All of these projects had extensive mitigation requirements which were aggressively enforced.
GC-1.3	<p>This project has a unique opportunity to insure that the mitigation measures are properly implemented and monitored, regardless of the general health of the economy. All costs related to implementation and monitoring of the EIR mitigation measures will be included in the final project costs. If the project participants feel that the project is too expensive, the project would not move forward. Since environmental compliance and monitoring would represent a very small fraction of the overall project cost, ample funds will be available to implement and monitor all of the mitigation measures contained in the EIR. The project will likely be funded through the issuance of bonds, making the funds available and dedicated for their intended purpose.</p> <p>Monitoring and compliance for a project of this magnitude would not be conducted solely by the County’s Environmental Coordinator, but by a team of experts that would be hired by the County. These experts would report to the Environmental Coordinator or a designated representative who would make the ultimate decision on project compliance. This is how all other major development and remediation projects are monitored, most of which have been quite successful. Unfortunately, the State Water Project was not such a project.</p> <p>The County Department of Planning and Building would retain the authority over environmental monitoring, regardless of the final governance mechanism that is developed for the project. Under this arrangement the “applicant” (e.g., County, District or Joint Powers Authority) is usually required to fund the monitoring effort, paying the County, in advance, or authorizing through budget allocations, all funds necessary for County staff and consultants to complete the monitoring program. Therefore, the monitoring program is typically funded prior to construction, thus removing the issue of project cost overruns cutting into monitoring efforts.</p> <p>Contrary to the comment, the County does employ several biologists even though their job title may not be “field biologist.” To further debate the need for 4 full-time staff biologists to work countywide in the areas of fish, wildlife, flora and marine resources is beyond the scope of this EIR.</p>
GC-1.4	The regulatory requirements listed in Section 2 of the EIR does not represent an evaluation of biological consultation requirements for the project, but a basic list of permits that will be required. The issue of required biological opinions and potential permit requirements that would be triggered if there are impacts to endangered species is thoroughly addressed in Section 5.7 of the EIR which covers potential impacts to biological resources. Required consultations should not be confused with required permits.
GC-1.5	An EIR cannot guarantee that all mitigation measures will be adequately monitored and enforced. However, San Luis

Number	Response
	<p>Obispo County has a strong track record on monitoring of EIR projects that they review and approve. Comparisons to monitoring of the SWP do not represent a fair picture of the County's aggressive monitoring of other large development projects where they have had the opportunity to oversee EIR preparation and implementation of project mitigation.</p>
GC-1.6	<p>The project team has received an abundance of input from several agencies responsible for oversight of biological resources. Informal consultations have been held with representatives from the US Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), California Department of Fish and Game (CDFG) and environmental personnel responsible for biological resources at Camp Roberts and Camp San Luis. The project will also be holding formal consultations with several of these agencies prior to the preconstruction biological monitoring and project construction. Admittedly, the EIR project team did not consult with the CDFG Regional Office in Yountville, but instead chose to consult with local CDFG biologists that are more familiar with local biological issues.</p>
GC-1.7	<p>As noted above, extensive biological surveys were conducted as part of the EIR with the relevant information summarized and evaluated as part of the EIR analysis. Additional surveys were not proposed in order to defer evaluation of potential impacts to biological resources, but to provide for additional safeguards prior to project construction. The EIR makes several references to the biological surveys that were conducted as part of the project including:</p> <p>A full list of the vegetative species <u>observed during site surveys of the pipeline ROW</u> is also contained in Appendix B A full list of the wildlife species <u>observed during site surveys of the pipeline ROW</u> is contained in Appendix B The potential presence of sensitive species in the project area was identified using a combination of CNDDDB, the California Native Plant Society (CNPS) plant listing, and <u>the results of site surveys</u>. <u>During the biological field surveys</u> it has been determined that approximately 1,000 individual oak trees (i.e., trees outside of oak woodlands) would be within the 200-foot wide project corridor.</p> <p>The commenter clearly has chosen to ignore the fact that extensive biological surveys were conducted as part of the EIR. While the commenter may not agree with the conclusions in the EIR it cannot be disputed that adequate biological surveys were conducted. Simply going out and conducting another biological survey before the Final EIR is approved is not going to change the conclusions of the EIR.</p>
GC-1.8	<p>Please see the Response to comment GC-1.3.</p>
GC-1.9	<p>Please see the Response to comment GC-1.3. The County will be responsible for post-construction monitoring. There is no need for the County to fund a position at a State agency to monitor their project.</p>
GC-1.10	<p>The County routinely prepares, or has their consultants prepare monitoring reports to document project compliance with the required mitigation measures. This process would be followed on this project as well. There is no requirement to</p>

Number	Response
	hold a public hearing on the final monitoring report.
GC-1.11	The EIR noted the average residual chlorine concentration in treated water, but did not base the potential impacts on this level. It was assumed that any substantial spill of chlorinated water would result in impacts to sensitive aquatic species.
GC-1.12	The EIR preparers concur with the commenter that chlorine and chlorinated water are toxic to aquatic species. While we could debate the specific levels where acute toxicity affects would occur, it is recognized that the residual chlorine levels in the water under the treated water option would be sufficient to adversely affect many sensitive aquatic species. However, the overall risk of a potential spill, which balances the probability of a spill versus the consequences, is considered low by generally accepted risk guidelines. As such, we consider the risk to be sufficiently low enough to classify the impact as less than significant.
GC-1.13	<p>In the analysis of potential chlorinated water spills, a variety of spill scenarios were considered. Very small pipeline leaks, those where the water loss would be difficult to detect, would not result in impacts to nearby creeks since the chlorine would be oxidized prior to accumulating in creek/wetland areas. Since the vast majority of the pipeline and associated facilities would be buried, the chlorinated water would react with organic matter contained in the soil, thus neutralizing the chlorine. Even in the absence of oxidation, chlorine dissipates fairly rapidly in the environment. Assuming an initial chlorine concentration of 2 ppm, residual chlorine levels of 0.019 ppm would be reached in approximately 2.5 hours. Even under the most favorable soil conductivity conditions, which would be about 500 cm/day for sand, residual chlorine levels would be less than 0.019 ppm within a distance of about 2 feet. With the exception of creek crossings, the pipeline would be more that 2 feet from creeks and wetlands in all cases, thus minimizing potential impacts from small leaks of chlorinated water on sensitive biological species. Therefore, small pipeline leaks were not considered a credible threat to aquatic species along the pipeline route.</p> <p>The failure rate from the Alberta EUB study was calculated for pipeline failures, which included catastrophic ruptures, as well as large pipeline leaks sufficient to result in surface water flow from a buried pipeline. Or in other words, all pipeline failures that could potentially impact nearby creeks and wetlands via surface water flow in a very short time period (i.e., less than 2.5 hours where the chlorine would dissipate). Thus, the failure rate used in the EIR reflects both pipeline ruptures and substantial leaks. As noted above, small pipeline leaks would not impact nearby creeks and wetlands with chlorinated water due to chlorine dissipation oxidation of organic matter in the soil.</p> <p>As noted in the EIR, the one pipeline failure scenario that was considered likely was associated with pipeline testing. Prior to commencing normal operations, the pipeline system would be hydrostatically tested. Hydrostatic testing involves filling the pipeline with water and raising the pressure to levels much greater than normal operating conditions. Thus, if there are any construction and/or material defects in the system, they would likely fail during testing, as was the</p>

Number	Response
	<p>case with the Coastal Branch of the State Water Project pipeline. In order to avoid potential impacts associated with a chlorinated water spill during pipeline testing, the EIR added mitigation requiring the project operator to use unchlorinated water.</p> <p>In the evaluation of the Environmentally Superior Alternative, many factors were considered in addition to potential impacts associated with a chlorinated water spill. As noted in the ESA discussion, impacts associated with the treated and raw water options were nearly identical. Under the treated water option, potential impacts associated with a chlorinated water spill was the greatest concern, while the raw water option would result in the loss of some riparian vegetation in the Salinas River channel and would not meet some of the proposed water quality goals. The main differentiating factor between these options is that under the raw water option, the impacts identified in the EIR would definitely occur, while under the treated water option it was projected that the potential impacts of a chlorinated water would not occur, but was possible. Compounding the difficulty in the comparison is that even under the raw water option, more than 12 miles of pipeline would still carry chlorinated water since the water would be chlorinated at the CMC and SLO WTP facilities. Thus, even the raw water option would have the potential to result in a chlorinated water spill to Chorro, Stenner and San Luis Obispo Creeks, as well as several unnamed intermittent streams.</p> <p>Finally, it should be noted that the selection of the Raw or Treated Water option will ultimately be decided by the County Board of Supervisors and project participants, mainly on economic grounds. As noted in the response to comment P-2.2, the final cost for the NWP has not been determined, but has been estimated at approximately \$193,161,000 for the treated water option and \$150,301,000 for the raw water option. This differential of more than \$40,000,000 has resulted in an economic preference for the Raw Water Option.</p>
GC-1.14	Please see the response to the previous comment (GC-1.13).
GC-1.15	Please see the response to comment GC-1.13.
GC-1.16	As noted in the comment the NWP faces many of the issues that were experienced in the SWP. Many project participants already have water treatment facilities and would prefer raw water, while a few need treated water due to their lack of, or limited capacity for water treatment. Thus, no single project will satisfy all participants. However, as noted in the response to comment, there appears to be a preference amongst project participants for the Raw Water Option.
GC-1.17	Please see the response to comment GC-1.13.
GC-1.18	Under the Raw Water Option, as defined by the Applicant (i.e., the County), water would be discharged into percolation basins in the Salinas River Channel and recovered at existing groundwater pumping sites. Under this scenario, the water quality would not meet the project goals of improved water quality for a few participants. The County did not include

Number	Response																																								
	<p>new water treatment facilities at these locations since they are not absolutely required to meet applicable drinking water standards, nor does the County have the authority to require the construction of these facilities. It will be up to the individual project participants to determine their specific water treatment needs under the Raw Water Option, and to construct the necessary facilities. Ideally, each project participant would provide their own treatment system and receive raw water, but this approach is not economical for all participants.</p>																																								
GC-1.19	<p>As noted in many of the previous responses, the EIR evaluated potential treated water spill impacts in terms of the risk to the environment, not just the consequences of an event that is not projected to occur during the life of the project. No preference was given to the needs of humans over other species. If this were the case, the lower project cost associated with the Raw Water Option would have been a major factor in reducing potential impacts on humans that would result from higher water costs. As CEQA does not allow for the evaluation of economic considerations, the relative costs of the two options were not considered in the EIR analyses.</p>																																								
GC-1.20	<p>Please see the response to comment GC-1.13.</p>																																								
GC-1.21	<p>Each discussion of creek/wetland crossings in the EIR needs to be taken in context of the specific discussion. The project description focuses on stream/wetland crossings where an actual channel will need to be crossed, while much of the discussion in the Biological Resources section focuses on sensitive stream/wetland habitat. A detailed listing of stream/wetland crossings was developed that included all USGS-defined blue-line streams. In many cases, these streams constitute little more than a dry channel characterized by occasional runoff. Other stream crossings would occur within existing roadways and would not impact the blue line stream, which runs through a culvert under the road.</p> <p>The comment notes a potential methodology that can be used to estimate the number of stream crossings which is unnecessary since a tally of crossings has been established for the project. While the comment notes the potential for 96 blue-line streams, the actual number and locations are as follows:</p> <table border="1" data-bbox="359 1068 1717 1412"> <thead> <tr> <th colspan="4" data-bbox="359 1068 1717 1101">Nacimiento Water Project Inventory of Stream and River Crossings</th> </tr> <tr> <th data-bbox="359 1101 527 1133">Designation</th> <th data-bbox="527 1101 831 1133">Name</th> <th data-bbox="831 1101 1188 1133">Location</th> <th data-bbox="1188 1101 1717 1133">Crossing Type</th> </tr> </thead> <tbody> <tr> <td data-bbox="359 1133 527 1170">C1</td> <td data-bbox="527 1133 831 1170">Nacimiento River</td> <td data-bbox="831 1133 1188 1170">N35° 45.645' / W120° 51.327'</td> <td data-bbox="1188 1133 1717 1170">Boring</td> </tr> <tr> <td data-bbox="359 1170 527 1208">C2</td> <td data-bbox="527 1170 831 1208">Intermittent Stream</td> <td data-bbox="831 1170 1188 1208">N35° 45.241' / W120° 48.980'</td> <td data-bbox="1188 1170 1717 1208">Trench</td> </tr> <tr> <td data-bbox="359 1208 527 1245">C3</td> <td data-bbox="527 1208 831 1245">Intermittent Stream</td> <td data-bbox="831 1208 1188 1245">N35° 45.057' / W120° 48.596'</td> <td data-bbox="1188 1208 1717 1245">Trench</td> </tr> <tr> <td data-bbox="359 1245 527 1282">C4</td> <td data-bbox="527 1245 831 1282">Intermittent Stream</td> <td data-bbox="831 1245 1188 1282">N35° 44.423' / W120° 48.491'</td> <td data-bbox="1188 1245 1717 1282">Trench</td> </tr> <tr> <td data-bbox="359 1282 527 1320">C5</td> <td data-bbox="527 1282 831 1320">Intermittent Stream</td> <td data-bbox="831 1282 1188 1320">N35° 44.271' / W120° 48.360'</td> <td data-bbox="1188 1282 1717 1320">Trench</td> </tr> <tr> <td data-bbox="359 1320 527 1357">C6</td> <td data-bbox="527 1320 831 1357">Intermittent Stream</td> <td data-bbox="831 1320 1188 1357">N35° 44.174' / W120° 48.267'</td> <td data-bbox="1188 1320 1717 1357">Trench</td> </tr> <tr> <td data-bbox="359 1357 527 1395">C7</td> <td data-bbox="527 1357 831 1395">Intermittent Stream</td> <td data-bbox="831 1357 1188 1395">N35° 43.687' / W120° 48.045'</td> <td data-bbox="1188 1357 1717 1395">Trench</td> </tr> <tr> <td data-bbox="359 1395 527 1412">C8</td> <td data-bbox="527 1395 831 1412">Intermittent Stream</td> <td data-bbox="831 1395 1188 1412">N35° 42.926' / W120° 46.961'</td> <td data-bbox="1188 1395 1717 1412">Trench</td> </tr> </tbody> </table>	Nacimiento Water Project Inventory of Stream and River Crossings				Designation	Name	Location	Crossing Type	C1	Nacimiento River	N35° 45.645' / W120° 51.327'	Boring	C2	Intermittent Stream	N35° 45.241' / W120° 48.980'	Trench	C3	Intermittent Stream	N35° 45.057' / W120° 48.596'	Trench	C4	Intermittent Stream	N35° 44.423' / W120° 48.491'	Trench	C5	Intermittent Stream	N35° 44.271' / W120° 48.360'	Trench	C6	Intermittent Stream	N35° 44.174' / W120° 48.267'	Trench	C7	Intermittent Stream	N35° 43.687' / W120° 48.045'	Trench	C8	Intermittent Stream	N35° 42.926' / W120° 46.961'	Trench
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11.0 Comments Received on the Draft EIR and Responses

Number		Response		
	C9	Intermittent Stream	N35° 42.389' / W120° 46.340'	Trench
	C10	Intermittent Stream	N35° 42.262' / W120° 44.917'	Trench
	C11	Intermittent Stream	N35° 42.344' / W120° 43.474'	Trench
	C12	San Marcos Creek	N35° 42.168' / W120° 43.003'	Boring
	C13	Salinas River	N35° 40.122' / W120° 41.516'	Overhead Pipe Crossing
	C14	Intermittent Stream	N35° 39.447' / W120° 41.462'	Trench
	C15	Intermittent Stream	N35° 38.636' / W120° 40.916'	Trench
	C16	Intermittent Stream	N35° 36.808' / W120° 40.756'	Trench
	C17	Intermittent Stream	N35° 35.977' / W120° 40.908'	Trench
	C18	Intermittent Stream	N35° 33.599' / W120° 41.319'	Trench
	C19	Intermittent Stream	N35° 31.593' / W120° 40.402'	Trench
	C20	Intermittent Stream	N35° 31.137' / W120° 39.905'	Trench
	C21	Intermittent Stream	N35° 29.430' / W120° 38.426'	Trench
	C22	Intermittent Stream	N35° 27.692' / W120° 37.340'	Trench
	C23	Intermittent Stream	N35° 27.581' / W120° 37.272'	Trench
	C24	Salinas River	N35° 26.742' / W120° 36.408'	Bridge Crossing or Trench
	C25	Santa Margarita Creek	N35° 26.084' / W120° 36.389'	Boring or RR Bridge Crossing
	C26	Intermittent Stream	N35° 23.671' / W120° 36.305'	Trench
	C27	Santa Margarita Creek	N35° 22.082' / W120° 38.472'	Boring
	C28	Stenner Creek	N35° 20.438' / W120° 39.433'	Boring
	C29	Stenner Creek	N35° 19.469' / W120° 40.503'	Boring
	C30	Stenner Creek	N35° 19.142' / W120° 40.847'	Boring
	C31	Stenner Creek	N35° 18.498' / W120° 40.824'	Boring
	C32	Intermittent Stream	N35° 19.645' / W120° 41.581'	Trench
	C33	Chorro Creek	N35° 20.155' / W120° 41.256'	Boring; Below Chorro Reservoir
	C34	Intermittent Stream	N35° 17.429' / W120° 41.483'	Trench
	C35	Intermittent Stream	N35° 17.294' / W120° 41.665'	Trench
	C36	San Luis Obispo Creek	N35° 15.302' / W120° 40.187'	Boring
	C37	Intermittent Stream	N35° 15.165' / W120° 38.812'	Trench
	C38	Intermittent Stream	N35° 15.143' / W120° 38.708'	Trench
	C39	Intermittent Stream	N35° 14.831' / W120° 38.768'	Trench
	C40	Intermittent Stream	N35° 14.731' / W120° 38.922'	Trench
	C41	Intermittent Stream	N35° 14.720' / W120° 38.932'	Trench
	C42	Intermittent Stream	N35° 14.752' / W120° 38.496'	Trench

Number	Response			
	C43	Intermittent Stream	N35° 13.957' / W120° 37.843'	Trench
	T1	Salinas River	N35° 32.583' / W120° 42.409'	Bridge; Templeton Treated Water
	T2	Salinas River	N35° 29.595' / W120° 38.728'	Bridge; Atascadero Treated Water
	R1	Santa Margarita Creek	N35° 25.706' / W120° 36.344'	Bridge Crossing
	R2	Perennial Canal	N35° 20.338' / W120° 40.640'	Boring; Drains to Chorro Reservoir
	D1	Salinas River	N35° 35.925' / W120° 41.199'	Paso Robles Discharge
	D2	Salinas River	N35° 32.844' / W120° 42.218'	Templeton Discharge
	D3	Salinas River	N35° 31.705' / W120° 41.629'	Atascadero Discharge
	Number of Stream Crossings for Treated Water Option:			45
	Number of Stream Crossings for Raw Water Option:			48
<p>Note: C = Crossing (both options), T = Treated Water Only, R = Raw Water Only, D = Raw Water Discharge</p>				
<p>This listing above was used in the EIR analysis to evaluate potential biological impacts associated with the proposed project. In addition, the EIR assumed that in the event of a chlorinated water spill, chlorinated water would reach a creek or wetland containing sensitive aquatic species even though there are many locations where a spill would not impact sensitive species. Thus, the analysis of the risk to sensitive species associated with a chlorinated water spill conservatively overestimated the probability of potential impacts.</p>				
GC-1.22	<p>Of the many stream crossings listed in the previous response, several would occur in areas with relatively steep terrain. However, trenches would be gradually sloped were feasible. In those cases where the terrain is too steep, micro-tunnels or borings are proposed where the pipeline would pass through the steep terrain with minimal angles. Thus, there would not be any unusually steep pipeline angles. In addition, the pipeline would be hydrostatically tested prior to operations (using untreated water) to identify any potential weaknesses in the pipeline.</p>			
GC-1.23	<p>Please see the response to Comment GC.1-22.</p>			
GC-1.24	<p>Clearly there are many substantial differences between Alberta, Canada and California in terms of “wraths of nature”, or what are commonly referred to in risk analysis as external events. External events are scenarios such as earthquake, fire, floods, etc. that can result in equipment failure. For any given project, external events are typically evaluated in a project and site specific basis, focusing on those events that have the greatest likelihood or probability of adversely affecting the project. Equipment failure rates inherently include failures associated with “wraths of nature”, although some adjustment is necessary to address site-specific events. While no attempt was made to correct the Alberta EUB failure rate for external events that are specific to Alberta, such as extremely low temperature, potential implications of local external events to the NWP were evaluated. As noted in the comment, the greatest external event hazard</p>			

Number	Response
	<p>associated with the NWP project would result from an earthquake.</p> <p>Potential seismic impacts on pipelines have been evaluated by the California State Fire Marshal (CSFM). Based on the information in the CSFM report, three of the 507 pipeline failures reported during 1981-1990 study period were related to seismic activity. Based on the number of total length of pipelines in the state (72,303 mile/years), and the number of failures observed during this ten year period (3), one could assume that the base rate for seismically-induced failures could be 4.15×10^{-6} failures/mile-year. The resulting number of failures for the NWP pipeline project would be 0.03 seismically-induced failures over the presumed 100-year project life. This represents an insignificant increase to the number of estimated failures presented in the EIR.</p> <p>However, the limited duration of the study period would warrant further examination of potential seismically induced failures. The CSFM report presented probabilities of earthquakes of various magnitudes for the State, as well as pipeline failure probabilities for each magnitude category. These probabilities were based on information from all earthquakes in the state for a 139 year period from 1850 through 1989. Using these probabilities, as well as estimates of local magnitude in areas adjacent to an earthquake epicenter, a seismic failure rate for the proposed project was developed. Based on this analysis, a failure rate of 6.2×10^{-5} failures/mile-year was estimated, which is approximately an order-of-magnitude higher than the observed failure rate for the period of 1981-1990. Since the NWP pipeline covers a distance of 64 miles, only portions of the pipeline would be subjected to various intensities during an earthquake. As a result, the potential for pipeline failures was adjusted to reflect the varying degree of local magnitude along the pipeline length. As a result, the total number of seismically-induced failures for the NWP pipeline over a 100-year period was estimated to be 0.4 failures (this includes leaks and ruptures). Since the failure rate used in the EIR already includes some seismically induced failures, the addition to potential seismic failures to the rates already presented above would be insignificant. In addition, not all failures would result in impacts to streams or wetlands, thus the likelihood of impacting sensitive species remains quite low.</p>
GC-1.25	Please see the response to Comments GC.1-13 and 21.
GC-1.26	<p>In evaluating alternatives, no preference was given to any specific environmental area. In order to be as objective as possible, equal weighting was given to all environmental issue areas, such as traffic versus biological resources, regardless of the perceived importance of any single issue area. The statements noted in the comment from the EIR Executive Summary are generally subjective in nature and oversimplify the environmental analysis that was prepared for the proposed project and alternatives. Many of the biological impacts identified for the proposed project were also identified for the 1997 EIR alternative. However, in the case of the 1997 EIR alternative, additional impacts to traffic and visual resources were identified.</p>

Number	Response
GC-1.27	<p>Monterey County has proposed substantial changes to the operation of Lake Nacimiento that will benefit downstream fisheries in the Nacimiento and Salinas Rivers. Historically, much of the SLO County allocation has been either held in the lake to maintain optimum lake levels for recreation, or released during high flow periods, thus flowing to the ocean. Monterey County's proposed re-operation of the reservoir will allow for a greater degree in flexibility of proposed releases and more flow in the Nacimiento and Salinas Rivers during traditionally low flow periods, thus maintaining a better environment for fisheries. Much of the information identified in this comment was included in the Monterey County EIR for the Salinas Water Project, which has been incorporated into this EIR by reference, and thus meets the requirements of CEQA.</p> <p>It should be noted that it is impossible to identify exact flow data for the Nacimiento and Salinas Rivers, since flow rates would be based on the hydrologic balance each year. However, as per the 1985 Memorandum of Agreement (MOA) with the California Department of Fish and Game (CDFG), the Monterey County Water Resources Agency maintains minimum flow rates that are sufficient to support downstream fisheries. The Nacimiento Water Project would not have any impact on the 1985 MOA requirements, and would thus not adversely impact downstream fisheries.</p> <p>Finally, as noted in the Hydrology and Water Quality section of the EIR, much of the NWP allocation would remain in the Salinas River watershed, with approximately 50% of the allocation being returned to the Salinas River as treated wastewater. Thus, approximately 4,000 afy of the NWP water would remain in the Salinas River watershed.</p>
GC-1.28	<p>A review of the DEIR Figures 2-3 to 2-24 clearly shows that a majority of the pipeline would be constructed in road right of way (ROW). However, it should be clarified that many of these roads are not paved, nor will they be paved following the completion of the project. For example, east of the Lake Nacimiento Dam, the pipeline would be constructed under an existing dirt road from the dam to an area east of the Nacimiento River crossing where the pipeline would follow the paved West Perimeter Road ROW. Between Lake Nacimiento and Highway 101, the pipeline would follow existing road ROW (paved and unpaved) for approximately 14 of the 15 miles of this portion of the route (see DEIR Figures 2-3 through 2-7). In cases where the pipeline crosses open areas, such as the Rolling A or Happy Valley Ranches, the pipeline will follow existing dirt roads or cross heavily disturbed ranch land. These areas would not be paved and no loss of acreage would occur. Aside from the acreage losses associated with the construction of the water treatment, storage and pumping facilities, as well as the discharge basins under the raw water option, no additional acreage would be destroyed. These acreages were noted in the DEIR under the sections that describe these facilities.</p>
GC-1.29	<p>The Biological Resources Technical Report (BRTR) that was prepared for the EIR and forms the basis for the environmental baseline for biological resources has been summarized in the EIR and incorporated by reference, which is a common practice allowed by the California Environmental Quality Act. Given the length of the BRTR, the report</p>

Number	Response								
	<p>was not included as part of the EIR, but is available for review from the San Luis Obispo County Department of Planning and Building. As noted in the previous, the amount of habitat that would be destroyed would be minimal and limited to the WTP and raw water discharge ponds. The following habitat loss would occur associated with these facilities:</p> <table data-bbox="359 410 953 553"> <tr> <td>Water Treatment Plant</td> <td>28 Acres</td> </tr> <tr> <td>Paso Robles Discharge Ponds</td> <td>8 Acres</td> </tr> <tr> <td>Templeton Discharge Ponds</td> <td>1 Acre</td> </tr> <tr> <td>Atascadero Discharge Ponds</td> <td>6 Acres</td> </tr> </table>	Water Treatment Plant	28 Acres	Paso Robles Discharge Ponds	8 Acres	Templeton Discharge Ponds	1 Acre	Atascadero Discharge Ponds	6 Acres
Water Treatment Plant	28 Acres								
Paso Robles Discharge Ponds	8 Acres								
Templeton Discharge Ponds	1 Acre								
Atascadero Discharge Ponds	6 Acres								
GC-1.30	<p>The only wetland habitat that would be directly impacted by the project would be the loss of riparian areas associated with the construction of the raw water option discharge facilities. In this case, a 3 to 1 ratio has been identified in Mitigation Measure BR-22. Other wetland areas would be avoided either through direction drilling under the resource, or suspension, either on an existing or new bridge, over the top of the resource. However, should the delineation of an area be reevaluated and designated as a wetland, the RWQCB recommended wetland mitigation ratio of 3 to 1 should be followed. Therefore, mitigation measure BR-22 has been modified to note this change in the wetland replacement ratio.</p>								
GC-1.31	<p>No formal consultations between the EIR preparers and relevant Federal and State natural resource agencies have taken place. Formal consultations will be required between the County and these agencies once a final project design has been completed and formal permitting of the project commences. However, the EIR biologists had numerous informal discussions with the California Department of Fish and Game (CDFG), U.S. Fish and Wildlife Service (USFS), U.S. Army Corps of Engineers, National Marine Fisheries Service (NMFS), Regional Water Quality Control Board (RWQCB) and the California Army National Guard (Camps Roberts and San Luis) prior to and during the preparation of the EIR. However, many of these agencies were excluded from the list of agencies contacted during EIR preparation. Appendix H of the EIR has been updated to include contacts with the agencies and individuals listed above.</p>								
<i>Cogstone Resource Management, Inc.</i>									
GC-2.1	<p>The regulations have been cited as requested.</p>								
GC-2.2	<p>The sensitivity ratings have been modified to reflect the guidelines of the Society for Vertebrate Paleontology, records of fossils recovered from formations in local museums, results of field surveys and general experience. The EIR ratings, however, are not consistent with the suggestion that all formations except the young alluvium be rated as "high" where evidence would indicate otherwise (specifically, older marine rocks for which current information lacks support for a high sensitivity in the pipeline ROW areas).</p>								
GC-2.3	<p>Reference to a firm has been removed from Measures CR-1 and CR-6 as requested. Sensitive areas will be identified as</p>								

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	<p>part of the monitoring plan, the change has been incorporated into CR-1 and CR-6. These measures have also been changed to include the requested phrase on surface alterations and subsurface excavation.</p> <p>The monitoring plan is assuming that no major impacts will occur to the cultural sites. Research design is typically included as part of Phase II subsurface testing and Phase III mitigation (data recovery) - these two activities do require research designs, but monitoring plans typically do not require research design. We see no need to change CR-1 and CR-6 to include research design. Also the elements listed in the monitoring plans state "include but are not limited to " thus if the project paleontologist or archaeologist wanted to include a research design in a monitoring plan they could do so.</p>
GC-2.4	Professional qualified paleontologist and archaeologist will be retained to carry out monitoring, preparing the outlined training, plans and reports. These professionals may select to assign their representatives to carry out some duties or activities of paleontological and archaeological monitoring, as will be determined on a case to case basis by the professionals. This is typical for cultural resources monitoring in many projects in the area. Changes to reflect the above-mentioned have been incorporated into measures CR-1, CR-2, CR-4, CR-5, CR-6, CR-9, CR-11 and CR-12.
GC-2.5	Procedures for paleontology have been listed as requested.
GC-2.6	Scientific names for species have been rewritten in a correct format as requested.
GC-2.7	The changes have been made as requested.
ECOSLO	
GC-3.1	<p>As noted in the response to many of the comments from the Canyon and Stream Alliance (CASA), the probability of a treated water pipeline would not be expected to occur over the life of the project. Historical failure rate data for water transmission pipelines indicate the pipeline would have a failure rate of 4.8×10^{-5} failures/mile-year (once every 20,000 years per pipeline mile) (please see the response to Comment P-6.5 for more discussion on failure rates). Given a 64 mile pipeline length, the probability of a failure would be once every 325 years, which is an event that one would not expect to occur. While all pipelines eventually wear out, the pipeline would be designed and constructed to minimize the loss of integrity over its serviceable life.</p> <p>The pipeline will be monitored by the County throughout its operation. Flow metering would be used to identify small leaks in the pipeline, which can then be isolated and repaired. The detection and repair of small leaks should preclude most large pipeline failure scenarios. However, in the event of a large pipeline spill, pressure losses in the pipeline would result in pump shutdown. The pumps would not be restarted until the pressure loss was evaluated to determine if there was a spill. In the event of a large spill of chlorinated water to a sensitive habitat, there is little that can be done to mitigate potential impacts to sensitive species. While the chlorine in the water would dissipate over the period of 2-3</p>

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	<p>hours, damage to sensitive species would likely have already occurred.</p> <p>In light of many comments received on the DEIR, mainly commenting on differences in impacts between the proposed project Treated and Raw Water Options, the Environmentally Superior Alternative (ESA) was reevaluated. As noted in the responses to many of the comments, the EIR preparers have not deviated from their original classification of the various impacts identified in the EIR. However, in the reevaluation of the ESA, the relative severity of impacts identified in the EIR, most of which were considered less than significant (Class II or III), was considered. For example, two substantial differences between the Treated and Raw Water Options related to potential hazards associated with a spill of chlorinated water for the Treated Water Option, and the loss of riparian habitat for the discharge percolation ponds for the Raw Water Option. In both cases, mitigation measures were proposed and residual impacts were considered less than significant (a Class II impact). On the surface these impacts would appear to be equal (i.e., both Class II impacts), but further evaluation would reveal that replacement of lost riparian habitat would be required at a 3:1 ratio, which would essentially result in no adverse impact. Conversely, potential impacts associated with a treated water spill were reduced by requiring that non-chlorinated water be used for initial pipeline testing, which is when there would be the highest probability of pipeline failure. This did not eliminate potentially adverse impacts associated with a spill, but reduced the probability of a spill to a level that was considered less than significant. In the DEIR, these two Class II impacts were considered to be equal under a quantitative scoring approach. In the FEIR a greater weighting was given to the potential for a chlorinated water spill. As a result, the Raw Water Option was considered environmentally superior for the biological resources issue area. Similar reevaluations were made in other issue areas, which when all combined resulted in the Raw Water Option being selected as the ESA. Please refer to Section 6 of the EIR for a complete discussion.</p> <p>It should be noted that the Raw Water Option would still result in treated water in some portions of the NWP pipeline. While the northern portion of the pipeline route would remain untreated under the raw water option, chlorination is proposed to occur in Atascadero, which would then transport treated water to Santa Margarita (see EIR Figures 2-15 and 2-16) via a second pipeline. Also, project related water transported to the south from the City of San Luis Obispo and California Men's Colony water treatment plants would also be chlorinated. Thus, all water transported in and through the City of San Luis Obispo to the project participants south of the City would also be chlorinated. It is also possible that additional treatment facilities will be constructed in Paso Robles and Atascadero for the purposes of treating water under the raw water option.</p>
GC-3.2	Please see the response to Comment GC-1.13 regarding potential impacts associated with pipeline leaks.
GC-3.3	While many commenters would like to see the treated water option removed from the EIR, this is one of the options

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	<p>proposed by the County. Since it forms the basis of the requested project, CEQA requires that the EIR evaluate potential impacts associated with this project option. Even if the treated water option were considered as part of the alternatives analysis, the EIR would need to contain an assessment of potential environmental impacts associated with this option, even if it was not considered for detailed evaluation in the EIR.</p> <p>The purpose of an EIR is to evaluate potential environmental impacts associated with the proposed project and alternatives. CEQA explicitly excludes almost all economic considerations. However, it should be noted that participation by various Cities and water purveyors is contingent on reaching terms that are acceptable to each participant. It is unlikely that urban users would participate in the project if the cost to their rate payers was excessive. While the EIR found that the project would result in significant adverse growth-related impacts, most of this growth was identified in the general plans for participating cities.</p>
GC-3.4	Please see the responses to comments from Life on Planet Earth and the Canyon and Stream Alliance.
<i>Environment in the Public Interest</i>	
GC-4.1	Please see the response to Comments GA-6.17 and GC-1.13.
GC-4.2	Section 5.10 of the DEIR specifically noted the benefit of receiving treated water and identified the added water supplies as a “beneficial impact” (see Impact UP.2). In addition, Section 5.1 noted several instances where the raw water option would not meet some of the project goals for improving water quality, as well as problems associated with discharges of raw water into the Salinas River discharge ponds. In terms of the responsibilities of each purveyor and their likely benefit, CEQA is limited to the evaluation of environmental impacts associated with the project. Section 2 of the DEIR describes each purveyors needs (and inherent benefits), as well as responsibilities for water treatment and water wheeling to provide water to purveyors that will not be physically connected to the NWP.
<i>Life on Planet Earth</i>	
GC-5.1	Please see the response to Comment GC-3.1 regarding the analysis of the Environmentally Superior Alternative. Also, please see the response to comment GA-6.17 regarding the discussion of evaluating the relative risk of the project. Potential significance is based not just on consequences, but on risk, which combines the probability of an event with the potential consequences. If probability is not included in the evaluation of risk than just about every activity in life would be considered significant.
GC-5.2	The Salinas River suspended pipe crossing will be designed to current seismic standards to avoid phenomena such as harmonic vibration. The depictions in the DEIR of the suspended pipe crossing are only conceptual in nature since final design has not been completed. However, for environmental analysis purposes, especially visual resources, the DEIR depictions were adequate to estimate potential impacts associated with construction and operation of the structure.
GC-5.3	Please see the response to Comments GC-1.13 and GC-1.24.

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GC-5.4	Please see the response to Comments GC-1.21, GC-3.1 and GC-3.3.
GC-5.5	As noted in Section 7 of the EIR, impacts associated with growth are considered a Class I Significant Impact for all alternatives that would increase regional local water supplies. Given the ease of constructing small water treatment facilities, both the treated and raw water options could lead to urban sprawl.
GC-5.6	The County developed the proposed project route in an effort to minimize potential environmental impacts by using existing roadways, where feasible, and/or previously disturbed areas. The EIR also added more than 160 mitigation measures in an effort to avoid and/or minimize potential impacts. Given the improvements in project design and mitigation, many of the Class I impacts identified in the 1997 EIR were avoided or substantially reduced. However, as noted in Section 7 of the EIR, secondary impacts associated with growth inducement are considered significant. Since secondary growth inducement impacts are treated differently than the direct impacts identified in Section 5 of the EIR, the Class I growth impact was not listed in the Impact Summary Tables. However, in order to make this important impact clear, the growth inducement impact has been included in the Final EIR Impact Summary Tables.
GC-5.7	The project final design will include the ability to isolate the pipeline on both sides of the Rinconada Fault rupture zone should surface rupture be found to pose a risk to project facilities..
GC-5.8	Measure CR-1 parts 9 and 10, and measure CR-6 parts 10 and 11 require development of cultural resources monitoring plans that would in detail (that is not feasible to be presented in an EIR) list all measures for the project sites security in relation to protection of the cultural resources (e.g., fencing, covering, guarding, training). These plans, measure CR-8 in regards to training, in addition to the legally enforceable fines and potential imprisonment for looting of cultural resources are considered to be sufficient in deterring the public and workers from looting (please see Disturbance of an Archeological Site, PRC §5097.5). Therefore, impact from looting is considered to be mitigated to Class II.
GC-5.9	While the probability of a pipeline failure was considered unlikely, potential impacts to traffic were evaluated since the pipeline would be constructed in roadway right-of-way for most of the route. It is clear that road closures create traffic, but Mitigation Measure T-14 would serve to reduce potential impacts by having alternative routes and traffic control measures identified in advance.
GC-5.10	The EIR analysis considered the probability of an in-service pipeline failure to be extremely low, and therefore, insignificant (please see the response to comment GC-1.1). Mitigation was proposed for pipeline testing since testing represents an activity where the chance of a failure is quite high. Pipeline testing is used to identify construction and material defects, which are frequent causes of equipment failure. Testing of the Coastal Branch of the State Water Project revealed a construction defect that resulted in a large water spill.
GC-5.11	The cost of the EIR mitigation measures will be included in the total project cost. Please see the responses to comments GC-1.2 and GC-1.3.
GC-5.12	As noted in the comment, the exact governance of the project has not been determined. However, regardless of how the

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	<p>project is governed, the County Department of Planning and Building would retain the authority over environmental monitoring. Under this arrangement the “applicant” is usually required to fund the monitoring effort, paying the County, in advance or authorizing through budget allocations, all funds necessary for County staff and consultants to complete the monitoring program. Therefore, the monitoring program is typically funded prior to construction, thus removing the issue of project cost overruns cutting into monitoring efforts.</p>
GC-5.13	<p>The EIR alternatives analysis did evaluate a combined desalination and Salinas Dam water diversions in the alternative screening analysis. However, under CEQA, alternatives to the proposed project are required to avoid or substantially reduce potential impacts associated with proposed project. While this alternative would avoid some impacts, it would create numerous significant impacts. Desalination offers an almost endless supply of water, but at a substantial environmental cost. Brine disposal and energy use would result in significant impacts to the environment. Additional pipelines would still be required which would also be associated with many of the impacts identified in the EIR.</p>
GC-5.14	<p>Information on water conservation was obtained from the Department of Water Resources and County Public Works. While the No Project Alternative could spur some conservation, the level of conservation would be based on local water availability for each project participant. As previous experience in the County would show, effective water conservation is usually achieved through water pricing, limited supplies, and locally mandated water conservation measures; however, not to the extent needed to negate the need for supplemental water supplies. While the need for conservation is clear, conservation as a viable (feasible and enforceable) alternative to the NWP was not considered feasible under CEQA. The County, as well as many of the project participants, does not have the statutory authority to impose conservation. Thus, water conservation was not considered a viable CEQA alternative to the NWP.</p>
GC-5.15	<p>The Socioeconomic and Environmental Justice sections of the EIR were prepared according to State and Federal guidelines. The intent of evaluating Environmental Justice is to determine if a project has a disproportionate impact on disadvantaged populations. While right-of-way acquisition can and has been a traumatic experience for property owners, it is not an environmental issue that is evaluated under CEQA. In many cases the County has already worked with affected property owners with several minor adjustments being made to reduce potential impacts on affected property owners. The County will continue to work with property owners to minimize impacts to affected parties, but this is a process that will take place outside of the CEQA/EIR process.</p>
PasoWatch	
GC-6.1	<p>A mitigation measure requiring mandatory water conservation was considered, but unfortunately was considered infeasible for this project. The County lacks the authority to impose mandatory across the board on the project participants. The root of the problem is that the project participants are a mix of cities, water agencies and private companies. For example, The City of Atascadero would receive their allocation through the Atascadero Mutual Water Company (AMWC). The AMWC doesn’t have any authority to impose mandatory water conservation on its customers,</p>

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	while the County clearly does not have the authority to impose water conservation on the City of Atascadero, which is not a participant in the project. Had the EIR been able to require a feasible mitigation measure requiring water conservation, one would have been included to reduce potential impacts to insignificant levels. However, the infeasibility of constructing an enforceable conservation measure precluded a water conservation requirement and resulted in a finding that the project would result in significant unavoidable growth impacts. These administrative issues aside, water conservation alone could not negate the need for supplemental water altogether.
<i>Salinan Tribe</i>	
GC-7.1	Specific crew members are listed in technical report (Gibson and Parsons 2003:9) and in original 1996 survey report (Gibson and Parsons 1996:7), these reports however are confidential and can be reviewed after request is approved. Salinan crew members included Robert Duckworth Jr. (on both surveys) and Penny Hurt on 1996 survey. These individuals can be contacted for information on specific areas of survey. These crew members have been present during surveys of most of the sections of the project. In some instances, the Salinan crew members were not able to accompany the crew each day and for survey of each section of the project. The survey reports were sent to the crew members for their input, however no comments were received.
GC-7.2	The SLO-1427 site was first recorded in July 1990 by Charles Dills who recorded only bedrock mortars. In July 2000 a Phase I archaeological surface survey was conducted and 15 shovel test pits were excavated (Maki 2000) and a supplemental site record was completed. In August 2000, Clay Singer conducted a Phase II evaluation testing of SLO-1427 (Singer 2000). In 2001, a Phase I survey for the SLO City Water Reuse Project was done adjacent to SLO-1427 (Gibson 2001). Currently, the City of SLO is in the construction phase of their Water Reuse Project. That project pipeline is being placed outside the area of the bedrock, surface or subsurface artifacts, as would the proposed project. The pipeline trenching will be monitored by an archaeologist and a Chumash representative.
GC-7.3	Potential impacts associated with the proposed Prado Road Extension and Sports Park are beyond the scope of this project and outside the jurisdiction of the County. However, as noted above, impacts to the site as part of this project would be avoided and closely monitored during construction to watch for previously unknown sites.
GC-7.4	Site SLO-1427 has been added to the EIR in table 5.8.5. Please see the response to GC-7.2.
GC-7.5	As noted above, the proposed Prado Road Extension and Sports Park are beyond the scope of this project and outside the jurisdiction of the County. The NWP pipeline will be routed to avoid impacts in this sensitive area (SLO-1427), but impacts associated with other projects are beyond the scope of this EIR and the County.
GC-7.6	The site was not missed, this section of route was not surveyed during the 1996 or 2003 surveys, it was surveyed during the Damon Garcia Sports Complex in 2000 and during the SLO City Water Reuse Project in 2001. The information from these surveys was used in the preparation of the current NWP EIR. No repeated survey was necessary.
GC-7.7	Phase II or III archaeological testing and documentation are intended to preserve archaeological resources. All efforts

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	<p>for preservation by avoidance of direct and indirect impacts will be done during the project, unavoidable adverse impacts are mitigated by subsurface testing (data recovery) and monitoring during construction. This offsets the any potential damage. After testing, the remainder of cultural resources in the archeological site is not affected and its integrity is not affected or damaged. In many cases the data learned from the mitigation of a small percentage of the archaeological site can be used to save the much larger portion of the site.</p>
GC-7.8	<p>Legal water rights issues are the responsibility of Federal, State and County governments. Currently, the County has a vested right to the water with no compensation required.</p>
<p><i>Parsons Brinkerhoff Quade & Douglas, Inc.</i></p>	
GC-8.1	<p>This comment references various sections of the California Environmental Quality Act (CEQA) as justification for the need to have a regional desalination plant located at the Estero Bay Terminal site. However, as noted in the comment, "...Parsons Brinkerhoff, is in the <i>early stages of an investigation of the feasibility</i> of a regional desalination facility at the Estero Bay Terminal site." (emphasis added) As a proponent of a regional desalination plant located at the Estero Bay Terminal site, the commenter has clearly stated that it is uncertain if this project is <u>feasible</u>. CEQA Guidelines 15126.6(f)(3) clearly states "[a]n EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative."</p> <p>In addition, CEQA Guidelines 15364 defines "'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." As will be seen in the responses to the subsequent Parsons Brinkerhoff comments, and aside from the admission that the feasibility of this project is not even known by the project proponent at this time, it is highly questionable that the project could feasibly meet the project goals while also avoiding the significant environmental impacts associated with the proposed project.</p> <p>The project, as described by Parsons Brinkerhoff, clearly leaves out many of the pertinent details and components of the project that would be required in order to reasonably ascertain the goals of the project and evaluate potential environmental impacts. The omissions in the Parsons Brinkerhoff comment letter are discussed in subsequent responses.</p> <p>Along these lines the courts have determined that "[t]he discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. 'Crystal ball' inquiry is not required." (<i>Residents Ad Hoc Stadium Committee v. Board of Trustees</i> (3d Dist. 1979) 89 Cal.App.3d 274, 286 [152 Cal.Rptr. 585])</p>

Number	Response
	<p>The specific issues raised in this comment are addressed in the responses to detailed Parsons Brinkerhoff comments below.</p>
GC-8.2	<p>It is clear that a regional desalination facility located at the Estero Bay Terminal site, if feasible, could meet many of the basic objectives that were identified in the EIR. However, there are two factors that were not considered by the commenter, including; (1) the County already has a right to the Lake Nacimiento allocation of 16,200 afy, and (2) it is dubious as to whether or not the project would avoid any environmental impacts associated with the proposed project.</p> <p>CEQA section 15126.6(f) clearly states that “The alternatives shall be limited to the ones that would avoid or substantially lessen any of the significant effect of the project. Of those alternatives, the EIR need examine in detail only ones that the lead agency determines could feasibly attain the most basic objectives of the project.” The commenter postulates a pipeline distribution system that would be of “...shorter length and less environment impact than for the NWP scenario can be constructed integrate (<i>sic</i>) water services and serve other communities in the County.”</p> <p>There are numerous problems with the presumption that a regional desalination facility located at the Estero Bay Terminal site would have less environmental impact than the NWP or avoid or substantially lessen the environmental impacts identified in the EIR. Several factors were not elucidated by the commenter, including:</p> <p>Of the 64 miles of pipeline proposed for the NWP, approximately 49 miles of the pipeline would still be required to serve project participants between San Miguel in the north and Edna Valley MWC in the south. This total does not include the “new local pipelines” referred to in the comment. It is also unclear if portions of the existing unused oil pipeline will need to be replaced prior to use for the transport of drinking water. This potential reduction in pipeline length, if in fact there is even a reduction once the factors mentioned above are accounted for, does not represent avoidance or a substantial reduction in potential environmental impacts associated with the NWP.</p> <p>The commenter fails to identify potential environmental and water quality impacts associated with using “unused oil pipelines” to transport water between the Estero Bay facility and Atascadero. Depending on existing environmental contamination within and around these pipelines, it may not even be feasible to use these pipelines to transport drinking water supplies. The commenter fails to identify what actions would be taken to assure that these pipelines deliver safe, uncontaminated drinking water, whether or not these pipelines would need to be lined, or if additional treatment would be required by the project participants after they receive the water.</p>

Number	Response
	<p>There is also no discussion of what, where and how other project-related facilities would be constructed. The project will require numerous pump stations, surge tanks, reservoir tanks and treatment/chlorination facilities. Given the lack of information, it is impossible to ascertain what environmental impacts would occur associated with the entire project, thus making this alternative speculative under CEQA (CEQA Guidelines 15126.6(f)(3)).</p> <p>The commenter also fails to note other environmental impacts that would be associated with a regional desalination facility located at the Estero Bay Terminal site, most notably energy consumption and brine disposal. The desalination process requires substantial amounts of energy. While the project would likely use electricity from the regional grid, the use of this energy would result in secondary air pollutant emissions at electrical generation facilities. In addition, it is unclear if the energy demands of a regional desalination facility would place a significant demand on the local electrical grid. The project, located as sea level, would also have greater energy demands requirements than the NWP to pump water uphill to the communities between San Miguel and Santa Margarita. Again, the greater energy requirement would result in greater secondary air pollutant emissions.</p> <p>Brine disposal is another environmentally serious problem associated with desalination facilities. As noted in the commenter's letter (see Comment GC-8.5, brine would be disposed of through an outfall, most located within the State Tidelands (within three miles of the coast). The discharge of brine is likely to have a substantial impact on marine organisms in the vicinity of the outfall, which would likely result in a significant environmental impact.</p>
GC-8.3	<p>First, it should be noted that the EIR is not a NEPA document, but includes NEPA elements to aid Federal agencies in their permitting responsibilities associated with the NWP. Regardless of the NEPA status of this EIR, the Commenter has already clearly noted that "...Parsons Brinkerhoff, is in the <i>early stages of an investigation of the feasibility</i> of a regional desalination facility at the Estero Bay Terminal site." (emphasis added) Under NEPA, "[r]easonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense rather than simply desirable from the standpoint of the applicant." (46 FR 18026 (1981)). The EIR evaluated an alternative that it found did not offer any environmental benefit over the proposed NWP.</p> <p>The District of Columbia Court of Appeals in <i>NRDC v. Morton</i> found that "...agencies must discuss reasonable alternatives even when they are outside their jurisdiction or not authorized by statute or administrative regulation." However, the court found that agencies need not discuss alternatives that were remote and speculative. The Courts have determined that an agency's responsibility to examine alternatives has always been "bounded by some notion of feasibility" to avoid NEPA from becoming "an exercise in frivolous boilerplate". (<i>Vermont Yankee Nuclear Power Corp. v. NRDC</i>, 435 U.S. 519, 551 (1978)) "NEPA has never been interpreted to require examination of purely</p>

Number	Response
	<p>conjectural possibilities whose implementation is deemed remote and speculative. Rather, the agency's duty is to consider "alternatives as they exist and are likely to exist." (48 Fed. Reg. 34263 (1983)) In light of the commenter's admission that the Estero Bay regional desalination facility is in the early stages of a feasibility study, this alternative can be considered conjectural at best, but clearly meets the NEPA/CEQA definition of speculative, and thus would be inappropriate to consider as a reasonable alternative to the NWP.</p> <p>Finally, the rationale used to dismiss the "Desalination and Salinas Reservoir Expansion Alternative" was not based solely on the "outdated information for desalination. As will be noted in the following response, a range of desalination recovery yields were presented, of which the commenter's proposed values fall within that range (35-75% in the EIR versus 45-60% in the comment). Information from local desalination projects in the 1990s was presented, as well as information from a paper published in 2002 by the International Desalination Association.</p> <p>The commenter notes that improvements in desalination have significantly lowered capital and operating costs. However, the EIR alternatives analysis did not consider cost in the screening of a desalination alternative. While operating costs would clearly still be higher for a regional desalination facility versus the NWP for both treatment and pumping (the NWP has gravity on its side), construction costs would also be an issue, as will be addressed in the response to the next comment. Thus, the rationale behind deleting the Desalination and Salinas Reservoir Expansion Alternative from further analysis was based on environmental impacts and not project efficiency or cost. Therefore, this alternative was correctly deleted from further consideration as a feasible alternative to the NWP.</p>
GC-8.4	<p>As noted above, a range of desalination recovery yields were presented in the EIR, of which the commenter's proposed values fall within that range (35-75% in the EIR versus 45-60% in the comment). Information from local desalination projects in the 1990s was presented, as well as information from a paper published in 2002 by the International Desalination Association. Also, contrary to the comment, cost was not used as a reason to exclude the desalination alternative from further consideration. It is recognized that substantial progress has been made in construction and operating efficiency and cost for desalination facilities. However, these factors did not weigh in the decision to exclude desalination from further analysis as a feasible alternative to the NWP.</p> <p>The commenter also provides a preliminary cost estimate for a 16,200 AFY desalination facility of \$60 million. This cost estimate includes some improvements required to provide water service to the coastal communities and the City of San Luis Obispo. The commenter also further states that "[c]onsumers could buy a lot of desalinated water for the difference in cost between the desalination alternative and the NWP alternative." These statements are incredibly naive and grossly misleading. This cost estimate does not include any improvements necessary to deliver water to most of the</p>

Number	Response
	<p>project participants, especially those located between San Miguel and Santa Margarita in the north County and the airport area south of San Luis Obispo. Assuming the old crude oil pipeline to the marine terminal could be used to deliver water to the Atascadero area, it would clearly need to be modified to include pump stations, surge tanks, reservoir tanks and pressure relief facilities. In addition, approximately 49 miles of the NWP pipeline would still be required to deliver water to the NWP participants identified in the EIR.</p> <p>Under the NWP raw water delivery option, the cost of a regional desalination project at Estero Bay would likely rival the NWP project costs. Starting with the \$60 million cost of the desalination facility, portions of the NWP pipeline and facilities that would still be required would cost approximately \$71 million, and additional improvements to the crude oil pipeline listed above would total at least \$10 million, for a total of \$141 million, which only represents a modest reduction from the \$150 million for the NWP raw water alternative. This modest savings would be more than erased in the long term since the operating costs associated with desalination would be substantially higher than for the NWP. However, the entire cost argument is moot since CEQA does not consider cost in the evaluation of alternatives and cost was not included in the EIR alternative screening analysis.</p>
GC-8.5	<p>As noted in the previous responses, environmental impacts associated with a regional desalination facility would result in impacts equal to or greater than those identified for the NWP. While some of the insignificant impacts associated with the NWP at Lake Nacimiento could be avoided, most of the NWP pipeline would still be required to deliver water to the project participants, with all of the impacts identified for pipeline construction still occurring. A regional desalination facility would also create several new environmental impacts related to energy demand, sea water intake, and waste brine disposal.</p> <p>The comment notes that the desalination facility would be located outside the “Coastal Commission zone area”, however the intake and outfall clearly fall within the Coastal Commission jurisdiction, as well as that of the State Lands Commission. Whether or not the facility would be inside or outside of the Coastal Commission jurisdiction has little relevance to evaluating potential environmental impacts or the merits of the project.</p> <p>Finally, the comment notes all of the studies that would be required to obtain permits for the desalination facility, such as hydrodynamic modeling, biological studies and monitoring, and notes that the level of environmental impact cannot be fully determined until studies and alternative designs are selected for the intake and outfall systems. Does the commenter expect San Luis Obispo County to pay for and conduct these studies as part of this EIR? Obviously, the commenter further illustrates that this alternative is only at a conceptual stage, may or may not be feasible, and is clearly speculative under CEQA. Therefore, the EIR should not be revised to include an Estero Bay regional desalination</p>

Number	Response
	<p>facility. Should the proponents of this concept wish to pursue environmental review, they should complete their feasibility study, prepare a preliminary project design, conduct the necessary environmental baseline studies and submit their project applications to the appropriate agency for environmental review.</p>
GC-8.6	<p>Each of the environmental impacts identified in the comment are addressed individually in the subsequent responses. However, potential impacts associated with a regional desalination facility at Estero Bay, cannot be fully evaluated in the Final EIR for the NWP project since there is not enough information on the Estero Bay project to evaluate potential environmental impacts. While desalination clearly offers a new, reliable water supply for any coastal county, a regional desalination facility at Estero Bay is nothing more than a concept at this time, with the commenter admitting that the feasibility of the project is not known. Therefore, it is impossible to evaluate a regional desalination facility at Estero Bay to a project level of detail as would be required under CEQA.</p>
GC-8.7	<p>First, this and all subsequent responses to this commenter need to be addressed in the context of the impacts identified by the commenter. The commenter has listed Class I and II impacts associated with cumulative impacts for both the NWP and Salinas Valley Water Project (SVWP). In almost all cases, the impact is caused by the SVWP, not the NWP, and would be considered significant even in the absence of the NWP. Since the SVWP has already been approved and funded, and has nothing to do with providing additional water supplies to the NWP participants or San Luis Obispo County, a regional desalination facility at Estero Bay would do virtually nothing to avoid or substantially reduce these impacts.</p> <p>The comment asserts that air quality impacts would be lower for a desalination project. This comment is clearly incorrect since a majority of the NWP pipeline would still be required to service many of the NWP participants. In addition, there would be short term air pollutant emissions associated with construction of the desalination facility, local pipelines, improvements to the old crude oil pipeline, new ancillary facilities (surge tanks, reservoir tanks, pressure relief), as well as improvements to the offshore intake and outfall. Combined, it is highly unlikely that the project would reduce construction-related air pollutant emissions, and clearly not to a level that would be considered insignificant.</p> <p>A regional desalination facility at Estero Bay would also require substantially higher energy use than the NWP, both associated with the desalination process and the need to pump a majority of the water uphill to the north county project participants. This increased energy results in substantial secondary air pollutant emissions over the entire life of the project. Therefore, long-term air quality impacts associated with a regional desalination facility at Estero Bay would greatly exceed impacts associated with the NWP.</p>
GC-8.8	<p>This traffic impact occurs due to road closures related to SVWP spillway improvements. The NWP pipeline would only cross perpendicular to Lake Nacimiento Drive and is clearly insignificant. An Estero Bay desalination facility would do</p>

Number	Response
	<p>nothing to alleviate SVWP-related traffic impacts. Most of the NWP facilities would also be built on private land, and the portions of the NWP pipeline that would not be needed under a regional desalination project are either on private land or lightly utilized rural roads, such as within Camp Roberts. All NWP pipeline segments within heavily traveled roadways would still be required under a regional desalination project to serve NWP participants.</p> <p>The comment also asserts that for the Estero Bay desalination facility “the total amount and impact of pipeline installation along roadways and in congested areas should be less than for the NWP.” As noted above, the entire NWP pipeline between the San Miguel turnout and Santa Margarita, as well as all NWP pipelines south of the City of San Luis Obispo Water Treatment Plant, would still be required to deliver water to the NWP participants. This constitutes the vast majority of the NWP pipeline and all of the areas where traffic existing congestion was identified in the EIR. In addition, the Estero Bay desalination facility would require the construction of some pipelines along the coast. Therefore, a regional desalination facility at Estero Bay would not avoid or substantially reduce NWP-related traffic impacts.</p>
GC-8.9	<p>Again, the visual impact identified in the comment results from the SVWP and not the NWP. While the NWP could slightly contribute to the overall impact, it is more likely that the NWP allocation would be released into the Nacimiento River. Therefore, there would be no improvement in the water level visual impact if the NWP were not constructed.</p>
GC-8.10	<p>Consistent with the previous response, the recreation impact identified in the NWP EIR is associated with the SVWP and would not be avoided or substantially reduced by a regional desalination facility at Estero Bay.</p>
GC-8.11	<p>As noted in the comment, potential cumulative water quality impacts associated with SVWP releases on NWP water quality have been fully mitigated in the EIR. Therefore, a regional desalination facility at Estero Bay would do nothing to change this impact.</p> <p>Also, the comment notes that “[i]f a portion of the desalinated water is transported through the Whale Rock raw water pipeline, it will improve the quality of water being treated at the water treatment plant.” This clearly illustrates the gross conceptual nature of a regional desalination facility at Estero Bay as an alternative to the NWP, since the project proponent does not even know how or where water would be transported. Again, a regional desalination facility at Estero Bay, as outlined by this commenter, does not meet the CEQA requirements as a feasible alternative to the NWP and is clearly speculative under CEQA.</p>
GC-8.12	<p>Again, this construction noise impact at Lake Nacimiento has been fully mitigated, thus the only significant noise levels at the lake would be associated with the SVWP and the many speed boats that utilize the lake. However, as noted in the comment, additional noise impacts would be associated with the construction and operation of a regional desalination facility at Estero Bay, the significance of which cannot be determined without a project design, but that would be</p>

Number	Response
	clearly avoided by the NWP.
GC-8.13	The comment notes that NWP pipeline construction could result in a cumulative impact if pipeline construction occurs in a recently improved roadway. As noted in the comment, this impact has been mitigated. The comment asserts that a regional desalination facility at Estero Bay would have lower impacts “as less pipeline construction is anticipated to be required.” Unfortunately, the portions of the NWP that would not be constructed under an Estero Bay Regional desalination project are almost entirely in unimproved roadways or open areas. The NWP pipeline would still be constructed in all areas where roadway improvements have been identified.
<i>Wyoming Asset Management, Inc.</i>	
GC-9.1	All comments provided by this commenter essentially reiterate those provided by Parsons Brinkerhoff Quade & Douglas, Inc. Therefore, responses will not be repeated and the appropriate response above will be referenced for each comment. Please see the response to Comment GC-8.1.
GC-9.2	Please see the responses to Comments to GC-8.3 and GC-8.4. Also, it should be noted that, while information on a regional desalination facility may have been presented to individuals of the County Water Resources Advisory Committee on January 8, 2003, no information was provided to the EIR preparers and no comments or information were received on the Notice of Preparation (NOP) for the NWP. The NOP is the proper CEQA forum for providing comment on the scope of an Environmental Impact Report.
GC-9.3	CEQA is quite clear as to which alternatives should be evaluated in an EIR. As noted in the EIR: CEQA Guidelines Section 15126.6 provides direction for the discussion of alternatives to the proposed project. This section requires: <i>A description of “...a range of reasonable alternatives to the project, or to the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” [15126.6(a)]</i> <i>A setting forth of alternatives that “...shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.” [15126.6(f)]</i> As noted in the responses to comments GC-8.1 through GC-8.13, a regional desalination facility at Estero Bay would not avoid or substantially lessen any of the environmental impacts associated with the NWP, and would also create new, potentially significant impacts that could be avoided by the NWP. Combined with the clearly speculative nature of the Estero Bay desalination facility concept, this alternative is clearly unacceptable under CEQA.
GC-9.4	Please see the response to Comment GC-8.2.
GC-9.5	Please see the response to Comment GC-8.3.

Number	Response
GC-9.6	Please see the responses to Comments GC-8.3 and GC-8.4.
GC-9.7	Please see the responses to Comments GC-8.3 and GC-8.4.
GC-9.8	<p data-bbox="357 305 1879 483">As noted in the responses to Comments GC-8.1 through GC-8.13, a regional desalination facility at Estero Bay is completely conjectural in nature at this time and under CEQA is considered speculative. In addition, it is clear that this project does not meet the CEQA requirements for the evaluation of alternatives to a project level of detail as noted in the response to Comment GC-9.3, since it does not avoid or substantially lessen any of the environmental impacts associated with the NWP.</p> <p data-bbox="357 524 1890 849">Even if the EIR preparer were to evaluate this project to a project level of detail, the proponent and consultant (Parsons Brinkerhoff) do not have a clear concept of how a regional desalination facility at Estero Bay would meet the requirements of the NWP participants, how water would be delivered to each purveyors, how this alternative would be constructed or if it is even feasible. As noted in the introduction to this comment letter and that of Parsons Brinkerhoff, a regional desalination facility at Estero Bay is only in the early stages of a feasibility study. Therefore, the EIR should not be revised to include an Estero Bay regional desalination facility. Should the proponents of this concept wish to pursue environmental review, they should complete their feasibility study, prepare a preliminary project design, conduct the necessary environmental baseline studies and submit their project applications to the appropriate agency for environmental review.</p> <p data-bbox="357 889 1879 1031">As noted in the NEPA decision in <i>Residents Ad Hoc Stadium Committee v. Board of Trustees</i> (see the response to Comment GC-8.1) “[t]he discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. ‘Crystal ball’ inquiry is not required.”</p>
<i>Steelhead Recovery Team</i>	
GC-10.1	<p data-bbox="357 1075 1879 1390">The Nacimiento Water Project (NWP) would divert 16,200 acre feet per year (afy) of water that normally flows down the Nacimiento River and into the Salinas River. However, re-operation of Lake Nacimiento as part of Monterey County’s Salinas Valley Water Project would negate this potential impact by retaining more water in the reservoir during periods when water is normally released to accommodate flood control. The retention of more water in the reservoir during these periods allow Monterey County to maintain higher flow rates in the Nacimiento River during drier periods and would be beneficial to downstream fisheries. Of the 16,200 afy diverted for the NWP, approximately half of the water would remain in the upper Salinas watershed, with about 4,000 afy returned to the Salinas River as treated wastewater. Therefore, it is likely that the project would benefit the upper Salinas River watershed and associated fisheries.</p>

11.4 Comments Received from Public/Individuals and Responses

SLO CNTY
PLANNING/BUILDING
DEPT
2003 SEP -5 PM 3:28

September 4, 2004

Nancy E. Orton
San Luis Obispo County
Department of Planning and Building, Room 310
County Government Center
San Luis Obispo, CA 93408-2040

Dear Ms. Orton,

Thank you for the opportunity to review and comment on the Draft EIR for the Nacimiento Water Project. The Draft EIR appears to be well written. As one not accustomed to reading EIR's, I found the table of contents and Executive Summary valuable, not only as a summary of the project but a way to save time. I could easily turn to a section and find a discussion of a particular issue related to the project.

I would appreciate the following comments be addressed as part of the final EIR.

Page 12 of Executive Summary: "CEQA Guidelines indicate that it is reasonable to conclude that if, as a result of a project, water is removed as a constraint to growth in a community, the project can be considered growth-inducing. Based on the EIR analysis of growth restraints in the County, growth inducement impacts associated with the proposed project would be considered significant and unavoidable." Page 7-26 Public Draft/Growth Inducement: "The governing body of each water purveyor accepting NWP water shall include in their water management plans and programs, the goal of reducing groundwater basin overdraft in the long-term, with measurable objectives to accomplish this goal."

P - 1.1 Water should be regarded as a limited resource. I am requesting that acceptance of NWP water be mitigated by a mandated conservation program. Just as it is important to plan ahead for future water needs, decreasing the need for water via conservation measures should be required by the beneficiaries of the project. The program would include residents, businesses and industry, paying on a sliding scale for what they use, after an allowed base amount. Cities would also be expected to participate in the conservation program via reduction of water in city owned buildings, landscape use, golf courses and/or via the use of recycled water. Just think how much better off our environment would be if we had started recycling programs a lot earlier.

P - 1.2 Page 2-4 of Public Draft/ Growth Inducement: City of El Paso de Robles (4,000afy) "The General Plan currently being updated forecasts population growth from approximately 28,000 to 47,000 residents." Currently the growth plan, of which there are three, for Paso Robles' General Plan, has not been chosen. Who provided the figure of a population of 47,000? Is this a reflection of accurate or inaccurate information in the EIR?

P - 1.3 Page 7-6 Public Draft/Growth Inducement: Re: Paso Robles population projection in regards to water demand and water deficit at build out. I believe Paso Robles is currently approaching a population of 27,000. (Note the letter from the City of Paso Robles regarding mitigation for the NWP... "the current population is 26,900") The figure of a population of 28,741 for the year 2009 does not seem to reflect a growth pattern of the past three years nor is it a reasonable number for predicted growth. Doesn't this mean the water demand and deficit projection amount is even larger?

Page 5.4-23 of Public Draft/Air Quality: (b., c., and l.) Regarding the use of water to spray dirt stockpiles. Change the phrase "should be sprayed daily" to "shall be sprayed daily". The increased frequency for spraying when wind speeds exceed 15mph needs to be spelled out with a minimum number. This type of monitoring should be documented and available for public access.

P - 1.4 "The contractor or builder should designate a person to monitor the dust control program". Change the word "should" to "shall". If one has been watching development in the County, they know that this type of mitigation for development projects is often disregarded. Once the air has been polluted, what is the recourse for the public?

P - 1.5 Page 5.4-24 of Public Draft/Air Quality: (c.) "Limiting the length of the construction workday period, if necessary, during periods with high air pollutants." I believe the words "if necessary" needs to be defined. I am recommending construction stop during "critical air days", days when individuals with asthma or breathing problems are told to remain indoors.

P - 1.6 Page 5.7-1,2,3 Public Draft/Biological Resources/ Oak Trees: The City of Paso Robles has requested "an additional mitigation measure calling for oak tree impacts within the City to be evaluated by a certified Arborist and impacts within the Critical Root Zone (as defined by Paso Robles' Oak Tree Ordinance) be mitigated to the maximum feasible degree". Oak trees have been evaluated in terms of a dollar amount in Paso Robles thus leading me to believe there is a similar economic value to oak trees in the County. There should be additional oak tree mitigation in our County due to the recognized problem of Sudden Oak Death. I am requesting that Paso Robles' recommendation for oak tree protection be extended the length of the NWP pipeline.

Again, thank you for allowing me to comment on this project. I would appreciate being notified as to the date this issue appears on the agenda of the County Board of Supervisors.

Sincerely,



Katherine Barnett

383 Quarterhorse Lane
Paso Robles, CA 93446

August 29, 2003

Nancy E. Orton
San Luis Obispo County Department of Planning and Building, Rm. 310
County Government Center
San Luis Obispo, CA 93408-2040

RECEIVED
SEP 4 2003
Planning & Bldg

RE: Questions concerning Nacimiento Water Project

Dear Ms. Orton:

The following are questions of concern for the Nacimiento Water Project (NWP).

- P - 2.1 | • What other means will San Luis Obispo County take to obtain water other than the draining of Nacimiento Lake?
- P - 2.2 | • What is the total cost going to be for the NWP?
- P - 2.3 | • How will the project be paid for and if by taxpayer money, how much will taxes increase over the next 30 years?
- P - 2.4 | • Will the pipeline guarantee water supply during drought years? And if not where would the county get the water during the dry years?
- P - 2.5 | • What cities will be involved in the project and receive water?
- P - 2.6 | • What will the cost of the water be to each city?
- P - 2.7 | • How will the project deal with such environmental issues such as "mercury" in Nacimiento Lake currently?
- P - 2.8 | • Will San Luis Obispo County give compensation to lost revenue from recreation and tourism to the cities?
- P - 2.9 | • What will the traffic increases be due to the construction within the cities?
- P - 2.10 | • Will the NWP give compensation to local businesses due to the slow down from the construction within the cities?
- P - 2.11 | • Will the NWP help in preventing in saltwater intrusion in Monterey County or will by use of the water for the project only increase the risk for Monterey County?
- P - 2.12 | • Will the NWP "sucked-up" any fish or marine life into the pipeline and what means will be taken to prevent this from happening?

Ronnie Barton
P.O. Box 2054
Paso Robles, CA 93447

Nancy E. Orton
 S.L.O. County Dept. of Planning
 County Government Center, Rm 310
 San Luis Obispo, Ca 93408-2040

9-4-03

Dear Ms Orton:

I believe that the Narimientos Water project should attempt to set up special rules to bring about replacement of the oak trees that will be removed to construct the pipeline.

Observations & Recommendations

Since this pipeline will cover approximately 64 miles it should be understood that young oak trees will only grow well on part of the land. A survey should be conducted to determine the areas for oak trees to be planted.

P-3.1

Since there are more than 600 species of the Quercus genus all native to the northern hemisphere... which variety would be planted? This could be an opportunity to plant many different kinds of oak trees to emphasize the edible acorn, hard wood lumber production, variation in leaf size and color and even the use of the Cork oak (Quercus suber) to produce natural cork to be used by our local wine industry.

P-3.2

Since this will involve more than one county... who will be responsible for the management & funding of the project, We have an excellent Horticulture Dept. at Cal Poly it might be possible to have the Dept. or even a senior project to be involved. We also have large container plant growers in the area who might wish to participate.

P - 3.2
Cont'd

Other sources of information, assistance funds and materials include; California Nurserymens Assoc., U.S. Dept of Agriculture (Forestry), California Department of Agriculture Seed Suppliers, California Winery Producers etc. It might be possible to allow different Universities to be responsible for a portion of this huge project. Future Farmers, 4H members, Scouts and other organizations (Grange - Farm Bureau - etc) may want to be involved.

It should be understood that after the young trees have been planted they must be irrigated on a strict schedule for 3 to 5 years. This watering responsibility should be the task assigned to the Pipeline authority or the counties involved.

This could be a spectacular project to feature "The Oaks Project in the Central Coast of California"

Lots of Luck

James C. Bost, Retired
1401 Blueberry Ave.
Arroyo Grande, Ca.

93430

805 481 3576

CP-56

Roberta Fonzi

7880 Sinaloa Avenue, Atascadero, CA 93422

805.610.1419

RECEIVED

SEP 3 2003

Planning & Bldg

August 30, 2003

TO: Nancy Orton, San Luis Obispo Department of Planning and Building, Room 310

FROM: Roberta Fonzi, Chair, Atascadero Planning Commission



RE: Draft EIR, Nacimiento Water Project

The following comments are submitted for your review and consideration:

- P - 4.1 | 1. Section 2.2.1 – San Miguel Community Services District – There appears to be no rationale for the amount of water requested. No way to assess if 610 AFY will be enough to improve water quality, or would perhaps be surplus. UNABLE TO ASSESS WHETHER INCREASED SUPPLEMENTAL WATER WILL MEET OBJECTIVE (2.2) OF IMPROVING WATER QUALITY.
- P - 4.2 | 2. Section 2.2.2 – City of El Paso de Robles – States that increasing salt levels have impacted the wastewater discharge requirements at the regional plant. UNABLE TO ASSESS WHETHER THE SUPPLEMENTARY WATER WILL “SCOUR” OUT THE DISCHARGE BASIN MAKING THE WATER CLEANER AND HIGHER QUALITY OR IF IT WILL DECREASE GROUNDWATER PUMPING (ONLY).
- P - 4.3 | 3. Section 2.2.3 – Templeton Community Services District – The amount of water requested appears to be TOO LOW. To insure uniformity, the amount of water requested should have some logical basis. This amount DOESN'T APPEAR TO COMPLY WITH GENERAL PLAN BUILDOUT AMOUNTS.
- P - 4.4 | 4. Section 2.2.4 – Atascadero Mutual Water Company – Unable to assess whether amount requested is somehow tied to the General Plan build out or not. MORE INFORMATION NEEDED.
- P - 4.5 | 5. Section 2.2.5 - Santa Margarita Ranch- The amount of water requested appears to be a pre-cursor for future development, and would be growth-inducing, i.e., NO WATER, NO DEVELOPMENT PROJECT. THERE APPEARS TO BE NO CONNECTION BETWEEN REQUEST AND NEED.
- P - 4.6 | 6. Section 2.2.6 – Santa Margarita County Service Area 23-The town of Santa Margarita has been subject to severe flooding in the past, and is located at the confluence of several streams and drainage channels. This doesn't seem to have been taken into consideration. WILL ADDITIONAL WATER RELEASED INTO THE GROUNDWATER BASIN (UNTREATED WATER OPTION) RESULT IN AN INCREASE IN: 1.) SEPTIC PROBLEMS AND NITRATES 2.) FLOODING?
- P - 4.7 | 7. Section 2.2.7 – City of San Luis Obispo - San Luis Obispo is the only agency that is requesting (and being allowed) to have a “reliability reserve.” Why aren't other agencies given a “reserve?” And more importantly, why isn't all excess water placed into a “County Reserve” to go to all areas according to present or future need? THIS APPEARS TO BE A “WATER GRAB” BY THE CITY OF SAN LUIS OBISPO WHICH MAY AFFECT THE ABILITIES OF OTHER AGENCIES TO PROVIDE ADEQUATE AND RELIABLE FUTURE SERVICE (AN OBJECTIVE OF THE PROJECT).
- P - 4.8 | 8. Section 2.2.9- San Luis Coastal Unified School District – WHAT IS THE BASIS FOR THIS AMOUNT OF ENTITLEMENT - - PROVIDE RATIONALE.

- P - 4.9** | 9. Section 2.2.10 through 2.2.14 – There appears to be no uniform basis for the water amount requested. Is the amount based upon General Plan Buildout or something else? PROVIDE RATIONALE.
- P - 4.10** | 10. Section 2.2.15 – Edna Valley Mutual Water Company – Unable to determine if proposed Los Nomadas is planned for in General Plan; this development seems to be the only rationale for the water request. POSSIBLY GROWTH INDUCING – IF NO WATER, NO LOS NOMADAS PROJECT?
- P - 4.11** | 11. Section 2.3.2.1 – 2.3.2.15 - The term “PEAKING FACTOR” is used without explanation or definition. This appears to be an important term, but who knows? Is peaking factor based upon actual use or future use, a projection?
- P - 4.12** | 12. Section 2.4.2 – Raw Water Option – The EIR states that the Raw Water Option will allow the water allotment to be percolated into the Salinas River (Atascadero, Paso Robles and Templeton) to add to the underflow for delivery to each entity’s water system. How can the water use be limited only to these agencies, not the adjacent agricultural users? If the ag users increase pumping, what will be the impact on the urban water providers? WILL THIS PROJECT LEAD TO INCREASED WATER USE BY AG USERS AND URBAN USERS THUS THWARTING CONSERVATION EFFORTS? Also, by percolating raw water into the existing groundwater basin and then pumping it back out, CONSIDERATION OF THE INCREASED ENERGY NEEDED FOR PUMPING SHOULD BE INCLUDED AS AN IMPACT OF RAW WATER USE. ALSO, ANY LOSS PROJECTED LOSS OF WATER FROM EVAPORATION DURING PERCOLATION SHOULD BE CONSIDERED AS AN ADVERSE IMPACT OF THE RAW WATER OPTION.

Thank you for your consideration. If you have any questions, feel free to contact me.

PO Box 180
Templeton, CA 93465
September 4, 2003

Nancy Orton
San Luis Obispo County
Department of Planning and Building
County Government Center, Room 310
San Luis Obispo, CA 93408-2040

SLO CNTY
PLANNING/BUILDING
DEPT
2003 SEP -5 PM 2:28

Subject: Nacimiento Water Project, Environmental Impact Report,
Public Draft dated July 2003

Dear Ms. Orton:

Approved as amended by the Board of Supervisors (5-0) on March 7, 2000;
Consent Item B-15, Language regarding the Juan Bautista de Anza Trail for
inclusion into the Nacimiento Water Project Environmental Impact Report -- the
following language is missing and needs to be added into this Report:

"The Nacimiento pipeline alignment generally coincides with the approximate 1-mile wide Juan Bautista de Anza trail corridor identified by National Park Service documents. Although the trail project is not part of the project description for the Nacimiento Water Project, it is intended that this EIR be used in the future as the basis for an initial environmental assessment of a multi-use transportation trail for pedestrians, equestrians, and bicycles. CEQA Guidelines Section 15153 allows a lead agency to use an EIR from an earlier project under certain circumstances. In addition, depending on the ultimate alignment of a trail project, which is as yet undetermined, CEQA Guidelines Sections 15162 and 15163 would allow the preparation of either a Subsequent or Supplemental EIR for a trail project, should one or the other document be deemed necessary after a complete environmental assessment. However, at this time, the design and environmental analysis of a trail project will have to be processed as a separate project, and this EIR can be used initially as a constraints analysis for the design of a future trail."

Likewise, this EIR should be used as a constraints analysis for the design of any proposed trail (SLO County Trails 1991) including other trail projects approved within the time frame of this Nacimiento Water project.

Very truly yours,



Dorothy Jennings

P - 5.1

Chérie W. Love
10945 Kings Road
Ventura, CA 93004

September 1, 2003

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SEP 4 2003

Planning & Bldg

Nancy E. Orton
San Luis Obispo County
Department of Planning and Building
County Government Center, Room 310
San Luis Obispo, CA 93408-2040

Re July 2003 Draft Environmental Impact Report (EIR) for the proposed Nacimiento Water Project prepared by Marine Research Specialists.

Congratulations on preparing a thorough environmental review that for the most part is excellent. The following comments are for the County's consideration during final planning for the Project and for future discussion.

- P - 6.1 | The EIR indicates that the distance between the Proposed Water Treatment Plant and nearest sensitive receptor (an unidentified Mahoney Road residence) is 3500 feet. A residence located at 7815 Mahoney Road is approximately 2700 feet from the northeast corner of the proposed WTP site.
- P - 6.2 | The pipeline alignment four to five feet south of the boundary fence between Camp Roberts and Willard Ranch (approximately P26 to P29 as depicted in Aerial 4, Carollo Engineers' 4/15/2002 Report) will require relocating the boundary fence north about 50 feet during construction. The temporary relocation could be avoided by locating the pipeline 50 feet south of the planned location.
- P - 6.3 | There is a watering trough for cattle located on the fence line between Willard Ranch Parcels 3 and 4. This is the southern limit of the Willard Ranch water system and serves cattle north and south of the fence line. Pipeline installation along the currently proposed pipeline alignment across the northern portion of Willard Ranch Parcel 4 will require temporary (a) relocation of both the fence and watering trough and (b) provision of watering facilities and water for cattle south of the pipeline installation right of way. The temporary relocation of the fence and watering trough could be avoided by locating the pipeline 50 feet south of the planned location.
- P - 6.4 | Reference for Willard Ranch Parcels is Parcel Map CO-AL-87-023 recorded on Page 90 in San Luis Obispo County's Book 41 of Parcel Maps. An enclosed aerial photograph depicting the Willard Ranch and immediately adjacent lands provides an "as is" picture of the ranch.
- P - 6.5 | Willard Ranch owners remain concerned about potential flooding of ranch land in the event the pipeline or storage tanks at the Water Treatment Plant fail. The water volume in storage and location of the storage tanks are of particular concern. We trust that the county's final plan for the Nacimiento Water Project will eliminate this potential flooding hazard.
- P - 6.6 | The EIR confuses Mahoney and Texas Roads in the second and third paragraphs on page 2-19. This has been carried forward from the Carollo Engineers Report (Carollo 4/15/2002). After crossing private fields and a stream, the pipeline intersects Mahoney Road. It then continues easterly on Mahoney Road and, at the intersection of Mahoney and Texas Roads, continues easterly on Texas Road. Contrary to the third paragraph statement, neither Mahoney nor Texas Road is paved. The private road mentioned at the end of the second paragraph is Texas Road.

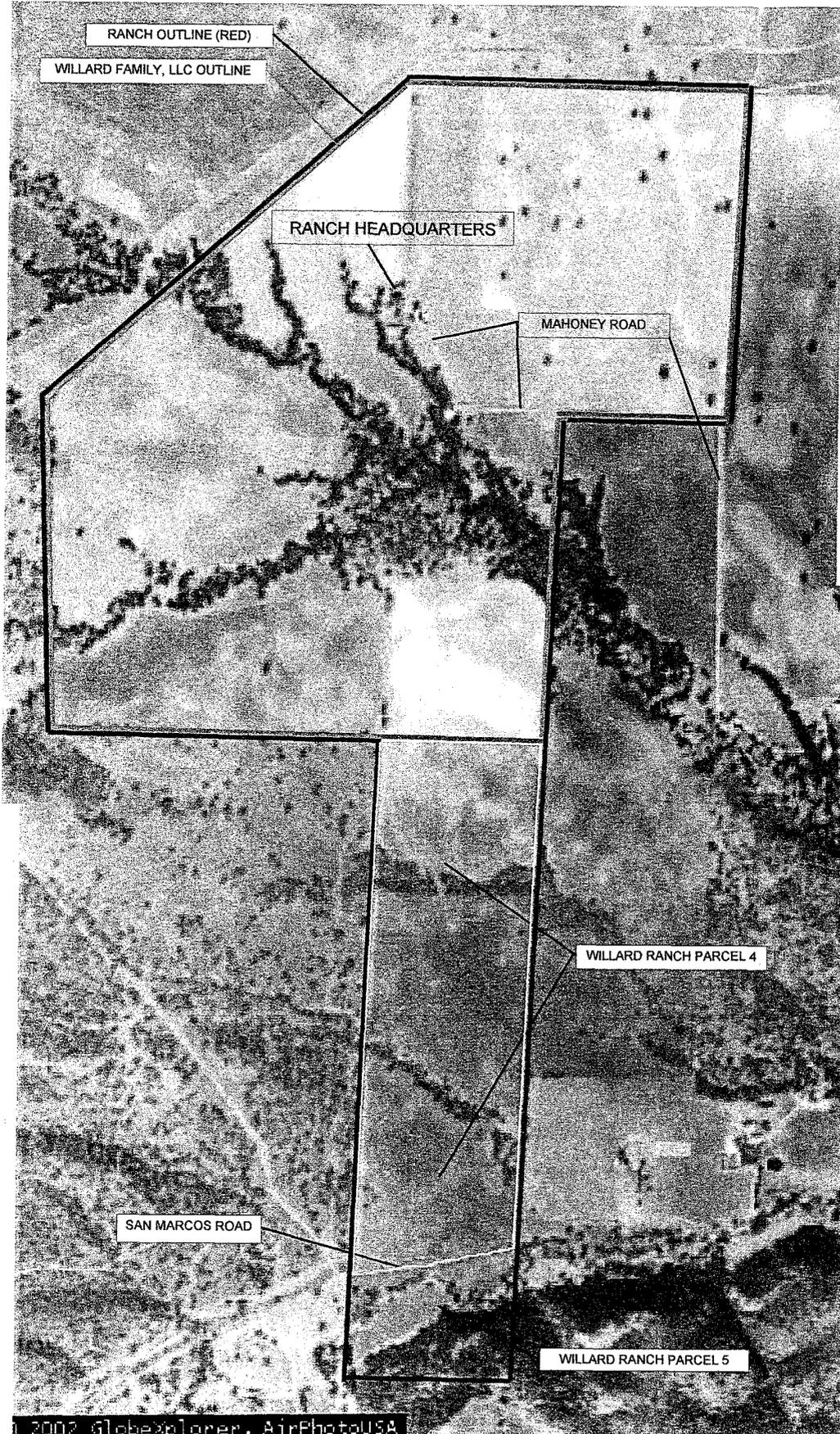
Sincerely,



Chérie W. Love

CC: CBC, CWP, CWH, File

WILLARD RANCH



RANCH OUTLINE (RED)

WILLARD FAMILY, LLC OUTLINE

RANCH HEADQUARTERS

MAHONEY ROAD

WILLARD RANCH PARCEL 4

SAN MARCOS ROAD

WILLARD RANCH PARCEL 5

© 2002 globeexplorer, AirPhotoUSA

AERIAL PHOTOGRAPH FROM MAPQUEST.COM

NAVTECH
ON BOARD



"joy"
<rollingaranch@tcsn.net>

To: "Nancy E Orton" <norton@co.slo.ca.us>
cc:
Subject: Nacimiento Water Project

09/05/2003 08:55 AM

September 4, 2003

Nancy E. Orton

San Luis Obispo Planning and Building, Rm 310

County Government Center

San Luis Obispo, Ca 93408-2040

Dear Nancy E. Orton:

Subject: Nacimiento Water Project coming through Rolling A Ranch

Rolling A Ranch is a multi-million dollar horse operation and would suffer significantly if this water operation were to take place. The Ranch relies on good, vigorous pastures to produce sound and healthy racehorses. To have these pastures disrupted would unquestionably do enormous harm to our production.

P - 7.1

The impact on Rolling A Ranch and its horse population during construction and rehab would be catastrophic. The horses would have to be consolidated into pastures causing a dangerous overcrowding and over-grazing. Not to mention the noise and hazardous materials that will be present daily. Consequently, putting incredibly expensive horses at risk for injury and illness.

P - 7.2

We have verbally suggested alternate routes to Ms. Lillian Jewell of Hamner and Jewell Associates, and feel that it would be in the best interest of the project to look at them seriously. Relocating the water line along the Salinas River would greatly minimize the impact on Rolling A Ranch, and possibly be more cost affective for the project. This alternate route has flatter terrain and only deals with two landowners with very little livestock and fencing. If the project were to run through Rolling A Ranch, a significant amount of steel and wire fencing would have to be replaced; whereas, the alternate route only comes across barbwire fencing that could be replaced in a matter of hours. Furthermore, this approach would eliminate disruption of daily operations and save valuable pastures and irreplaceable oak trees.

In closing, Rolling A Ranch is not opposed to the Nacimiento Water Project itself, but the proposed route is of serious concern to our operation. It's to our understanding that no actual surveying has been done, only lines drawn on aerial photos. There's an old saying that we need to think outside of the box. We need to work together to come up with a better solution than the one proposed.

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Sincerely,

DAVID MARTIN, for:

Ranch Foreman

EDWARD C. ALLRED

Owner

Robert L. Roos
2550 Homestead Road
Templeton, CA 93465

September 2, 2003

Ms. Nancy Orton
SLO County Planning & Building Dept
Rm. 310
County Government Center
San Luis Obispo, CA 93408-2040

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SEP 3 2003

Planning & Bldg

Re: Nacimiento Water Project EIR

Ms. Orton,

After reviewing the Draft EIR for the Nacimiento Water Project I have the following comments to address an issue that I believe was not covered adequately in the Draft EIR.

That issue is the possible damage to, and subsequent loss of, the mature oak trees that line much of the pipeline route planned for public right of ways such as Templeton Rd. The EIR did note that there are many trees along Templeton Rd. & Vaquero Drive (TableB.3 counts 156 Valley oak trees in segments P76-P78).

My concern is that the digging of the trenches for the pipeline will damage the roots of these mature trees and eventually cause their demise and possible death.

P - 8.1

Mitigation measure BR-10 does require construction techniques be implemented to protect oak trees, however, I do not believe there is sufficient detail in that mitigation measure to ensure that construction techniques such as tunneling or boring in the root zones of those mature trees or moving the pipeline from one side of the road to the other and back again be used to minimize root disturbance.

In addition to the obvious biological benefit of those mature oak trees, they provide a pleasing visual background to those who travel these country roads. Also, the large trees close to the road offer a traffic claming effect, slowing traffic to safer speeds. Replacing lost trees at a 4/1 ratio as mitigation measure BR-10 requires may, in time, help to mitigate the biological effects of the loss but there is no way to mitigate the damage to the viewshed or the traffic calming effects these majestic trees have. Please investigate ways to save as many trees close to the right-of-way as possible by prescribing suitable mitigation measures.

Thank you for consideration of this matter.

Sincerely,



Robert L. Roos

EDITHA SPENCER
426 PEACHTREE COURT
PASO ROBLES, CA 93446
(805) 239-4404

September 5, 2003

San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

RE: DRAFT ENVIRONMENTAL IMPACT REPORT

To all parties concerned:

To me, the most important consideration regarding the Nacimiento Water Project is **what that water is going to be used for.**

I believe that measure GR1 must be strengthened. The EIR for the NWP must clearly state that, as a mitigation measure, the governing body of each water purveyor accepting NWP water must adopt a plan or program requiring that its project water be used first to offset groundwater basin overdraft and to improve water quality as needed and to provide an appropriate reserve before being made available for other purposes. The current measure is unacceptably weak.

P - 9.1

Overall, the Draft EIR for the Nacimiento Water Project is **sobering in its implications for future growth.** The EIR states that it assumes that the NWP, if completed, could lead to increased growth in SLO County communities and cities. More should be done to address that issue.

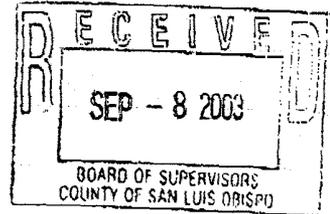
It is true that local jurisdictions are put on notice to have growth-management regulations in place in their General Plans and Zoning Regulations. However, the EIR should also formulate ways in which **SLO County government bodies would develop plans for sharing more information and decision-making with communities and cities regarding land use and permanent buffer zones.**

The possibility of sprawl in this county is of overriding concern to a majority of those who live here.

Sincerely,



Editha Spencer



EACH SUPERVISOR RECEIVED COPY

September 5, 2003

Gidi Pullen
1600 Lupine Lane
Templeton, CA 93465

RECEIVED
SEP 25 2003
Planning & Bldg

Regarding: Nacimiento Pipeline, Oak Protection

Board of Supervisors
County Government Center
San Luis Obispo, CA 93408

Dear Mr. Chairman and Members of the Board.

P - 10.1

If the Nacimiento Pipeline is planned for construction along the east side on the northern end of Templeton Road, one needs to remember that a future one mile alignment upgrade has been planned for that part of Templeton Road (El Pomar-Estrella Area Plan Update). According to local sources, the land has been purchased for that purpose.

For that reason, there should be no reason to remove the ancient oaks now lining the north end of Templeton Road.

Thank you for your consideration.

Sincerely,

Gidi Pullen

| Number | Response |
|---|--|
| Comments from Public/Individuals | |
| <i>Katherine Barnett</i> | |
| P-1.1 | <p>A mitigation measure requiring mandatory water conservation was considered, but unfortunately was considered infeasible for this project. The County lacks the authority to impose mandatory across the board on the project participants. The root of the problem is that the project participants are a mix of cities, water agencies and private companies. For example, The City of Atascadero would receive their allocation through the Atascadero Mutual Water Company (AMWC). The AMWC doesn't have any authority to impose mandatory water conservation on its customers, while the County clearly does not have the authority to impose water conservation on the City of Atascadero, which is not a participant in the project. Had the EIR been able to require a feasible mitigation measure requiring water conservation, one would have been included to reduce potential impacts to insignificant levels. However, the infeasibility of constructing an enforceable conservation measure precluded a water conservation requirement and resulted in a finding that the project would result in significant unavoidable growth impacts. These administrative issues aside, water conservation alone could not negate the need for supplemental water altogether.</p> |
| P-1.2 | <p>Population growth estimates are based on the information from the City and County at the time the EIR was prepared. The population growth projection of 47,000 was a worst-case estimate based on potential buildout for the City. Or in other words, the maximum population that can be accommodated based on available land. The currently accepted and adopted population growth projection is 28,741 residents by 2009, as reflected in Section 7 of the EIR. The EIR relies on the information, whether adopted or projected, that is supplied by the participating cities and the County. A review of past growth projections in Paso Robles would show that growth has not occurred as planned.</p> <p>The currently adopted Paso Robles population growth projection of 28,741 by 2009 is clearly questionable given the current population of 26,900. Using the growth rate between 1995 and 2002 as an indicator, the projected population in Paso Robles by 2009 should be 31,185. However, this estimate does not include factors such as planned development or economic factors.</p> |
| P-1.3 | <p>As noted in the response to the previous comment the growth estimates are based on the information available from the City and County at the time the EIR was prepared. While the population growth projection of 28,741 seems questionable based on the current population of 26,900 and recent growth rates, it is the currently adopted estimate that was available at the time the EIR was prepared. Should population growth rates return to the rates experienced between 1990 and 1995 (about 1,491 new residents during that period), the 2009 population estimate of 28,741 would prove to be quite accurate. It would be inappropriate for the EIR to reconstruct each project participants growth projections, which are usually developed after months of study by local planners that are familiar with their City's plans, policies and constraints. Regardless of the figures evaluated in the EIR, it is projected that Paso Robles would have a water</p> |

| Number | Response |
|----------------------|---|
| | deficit at buildout in the absence of acquiring additional water or implementing water conservation. The maximum water deficit is based on maximum buildout and current water use rates. |
| P-1.4 | Word “should” has been replaced with “shall” as requested. The rest of the mitigation measure AQ-1 is taken exactly as is written in the CEQA Handbook developed by the SLO Air Pollution Control District (APCD), and cannot be changed. The SLO APCD will be monitoring implementation of the dust mitigation measures and the wind speed, and all documentation will be done through the APCD. Please contact the APCD for the project monitoring information or with any complaints during the construction phase. The County of SLO can also be contacted with any complaints in regards to air quality or otherwise. |
| P-1.5 | The language is taken from CEQA Handbook developed by the SLO APCD, and cannot be changed. The mitigation measure words “during periods with high air pollutant levels” cover the suggested wording “critical air days”; and are more descriptive. No change has been made. |
| P-1.6 | Mitigation Measure BR-10 requires a plan for oak tree conservation and restoration be prepared by the project applicant. (also see measure BR-6). The plan would take into account tree deceases and other factors and their effect on oak restoration and conservation, the plan would also take into account the existing regulations/ordinances and other factors for oaks in the County. No changes have been made. |
| Ronnie Barton | |
| P-2.1 | San Luis Obispo County has no immediate plans for obtaining any significant amount of water other than the Nacimiento Water Project (NWP). It should be noted that the NWP allocation is approximately 5% of the lake’s volume, which would not result in the lake being drained. The water that will be taken from the lake as part of the project is currently released each year and flows to the Pacific Ocean near Monterey. The NWP would simply divert these annual releases and provide water to County residents. |
| P-2.2 | The final cost for the NWP has not been determined, but has been estimated at approximately \$193,161,000 for the treated water option and \$150,301,000 for the raw water option. |
| P-2.3 | The pipeline will be paid for by each of the participating agencies, with the final cost per agency being based on factors such as the amount of water supplied and the distance the water is transported to each agency (e.g., the City of San Luis Obispo would likely pay more per acre foot of water than Paso Robles since it is farther away from the lake). The project will be financed through the issuance of bonds to cover initial construction costs. The bonds will be repaid from the income realized through the sale of the water to end users. No taxpayer money has been identified for funding of this project and not tax increases should result. |
| P-2.4 | A study prepared as part of the EIR found that the NWP would meet its water supply obligation for all the years since 1958, when the lake began operation, with the exception of one year during the extended drought of 1975-1977. Since the NWP project has been proposed to increase water reliability and reduce the reliance on groundwater, the water not |

| Number | Response | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | supplied during a severe drought would have to be made up through increased use of groundwater and water conservation. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P-2.5 | <p>A list of project participants and the amounts of water that they would receive was provided at several locations in the EIR, including Table 2.1 on Page 2-10. Project participants currently include:</p> <table border="1" data-bbox="508 412 1417 1117"> <thead> <tr> <th data-bbox="508 412 848 444">Water Purveyor</th> <th data-bbox="848 412 974 444">Allocation
cfs</th> <th data-bbox="974 412 1142 444">Peak ing Factor
%</th> <th colspan="2" data-bbox="1142 412 1417 444">FlowRate</th> </tr> <tr> <td></td> <td></td> <td></td> <th data-bbox="1142 444 1247 477">mgd</th> <th data-bbox="1247 444 1417 477">cfs</th> </tr> </thead> <tbody> <tr><td>Pipeline</td><td></td><td></td><td></td><td></td></tr> <tr><td>San Miguel CSD</td><td>410</td><td>10</td><td>0.40</td><td>0.99</td></tr> <tr><td>Para Rubber City</td><td>4,000</td><td>30</td><td>4.44</td><td>718</td></tr> <tr><td>Templeton CSD</td><td>250</td><td>30</td><td>0.29</td><td>0.65</td></tr> <tr><td>Atascadero MWC</td><td>3,000</td><td>30</td><td>3.48</td><td>528</td></tr> <tr><td>Santa Margarita Ranch</td><td>200</td><td>10</td><td>0.20</td><td>0.30</td></tr> <tr><td>C SA 13-Santa Margarita</td><td>100</td><td>30</td><td>0.12</td><td>0.19</td></tr> <tr><td>San Luis Obispo City</td><td>3,380</td><td>10</td><td>3.32</td><td>514</td></tr> <tr><td>Camp San Luis Obispo</td><td>200</td><td>10</td><td>0.20</td><td>0.30</td></tr> <tr><td>San Luis CUSD-Mono Bay</td><td>55</td><td>10</td><td>0.05</td><td>0.08</td></tr> <tr><td>C SA 10A-Cayucos</td><td>80</td><td>10</td><td>0.08</td><td>0.12</td></tr> <tr><td>Lewis P. Road Trust-Cayucos</td><td>50</td><td>10</td><td>0.05</td><td>0.08</td></tr> <tr><td>Mono East MWC-Cayucos</td><td>30</td><td>10</td><td>0.03</td><td>0.05</td></tr> <tr><td>C SA 11-Airport Area</td><td>890</td><td>10</td><td>0.87</td><td>1.33</td></tr> <tr><td>Fire Lane MWC-Airport Area</td><td>30</td><td>10</td><td>0.03</td><td>0.05</td></tr> <tr><td>Edna Valley MWC-Airport Area</td><td>700</td><td>10</td><td>0.49</td><td>1.04</td></tr> <tr><td>Subtotal</td><td>13,375</td><td></td><td>15.25</td><td>23.39</td></tr> <tr><td>SLD County (Contingency)</td><td>2,825</td><td>10</td><td>2.57</td><td>3.98</td></tr> <tr><td>Pipeline Total</td><td>16,200</td><td></td><td>17.82</td><td>27.37</td></tr> <tr><td>Lake Use</td><td></td><td></td><td></td><td></td></tr> <tr><td>Heritage Ranch CSD</td><td>475</td><td>NA</td><td>NA</td><td>NA</td></tr> <tr><td>Heritage Ranch CSD</td><td>212</td><td>NA</td><td>NA</td><td>NA</td></tr> <tr><td>Diamond Benefit Life Ins. Co.</td><td>413</td><td>NA</td><td>NA</td><td>NA</td></tr> <tr><td>Sport clubs and other parties</td><td>94.10</td><td>NA</td><td>NA</td><td>NA</td></tr> <tr><td>Available Lake Use</td><td>105,275</td><td>NA</td><td>NA</td><td>NA</td></tr> <tr><td>Total Reserved for Lake Use</td><td>1,300</td><td>NA</td><td>NA</td><td>NA</td></tr> <tr><td>Total Allocation</td><td>17,500</td><td></td><td></td><td></td></tr> </tbody> </table> | Water Purveyor | Allocation
cfs | Peak ing Factor
% | FlowRate | | | | | mgd | cfs | Pipeline | | | | | San Miguel CSD | 410 | 10 | 0.40 | 0.99 | Para Rubber City | 4,000 | 30 | 4.44 | 718 | Templeton CSD | 250 | 30 | 0.29 | 0.65 | Atascadero MWC | 3,000 | 30 | 3.48 | 528 | Santa Margarita Ranch | 200 | 10 | 0.20 | 0.30 | C SA 13-Santa Margarita | 100 | 30 | 0.12 | 0.19 | San Luis Obispo City | 3,380 | 10 | 3.32 | 514 | Camp San Luis Obispo | 200 | 10 | 0.20 | 0.30 | San Luis CUSD-Mono Bay | 55 | 10 | 0.05 | 0.08 | C SA 10A-Cayucos | 80 | 10 | 0.08 | 0.12 | Lewis P. Road Trust-Cayucos | 50 | 10 | 0.05 | 0.08 | Mono East MWC-Cayucos | 30 | 10 | 0.03 | 0.05 | C SA 11-Airport Area | 890 | 10 | 0.87 | 1.33 | Fire Lane MWC-Airport Area | 30 | 10 | 0.03 | 0.05 | Edna Valley MWC-Airport Area | 700 | 10 | 0.49 | 1.04 | Subtotal | 13,375 | | 15.25 | 23.39 | SLD County (Contingency) | 2,825 | 10 | 2.57 | 3.98 | Pipeline Total | 16,200 | | 17.82 | 27.37 | Lake Use | | | | | Heritage Ranch CSD | 475 | NA | NA | NA | Heritage Ranch CSD | 212 | NA | NA | NA | Diamond Benefit Life Ins. Co. | 413 | NA | NA | NA | Sport clubs and other parties | 94.10 | NA | NA | NA | Available Lake Use | 105,275 | NA | NA | NA | Total Reserved for Lake Use | 1,300 | NA | NA | NA | Total Allocation | 17,500 | | | |
| Water Purveyor | Allocation
cfs | Peak ing Factor
% | FlowRate | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | mgd | cfs | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pipeline | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| San Miguel CSD | 410 | 10 | 0.40 | 0.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Para Rubber City | 4,000 | 30 | 4.44 | 718 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Templeton CSD | 250 | 30 | 0.29 | 0.65 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Atascadero MWC | 3,000 | 30 | 3.48 | 528 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Santa Margarita Ranch | 200 | 10 | 0.20 | 0.30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C SA 13-Santa Margarita | 100 | 30 | 0.12 | 0.19 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| San Luis Obispo City | 3,380 | 10 | 3.32 | 514 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Camp San Luis Obispo | 200 | 10 | 0.20 | 0.30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| San Luis CUSD-Mono Bay | 55 | 10 | 0.05 | 0.08 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C SA 10A-Cayucos | 80 | 10 | 0.08 | 0.12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lewis P. Road Trust-Cayucos | 50 | 10 | 0.05 | 0.08 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mono East MWC-Cayucos | 30 | 10 | 0.03 | 0.05 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C SA 11-Airport Area | 890 | 10 | 0.87 | 1.33 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fire Lane MWC-Airport Area | 30 | 10 | 0.03 | 0.05 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Edna Valley MWC-Airport Area | 700 | 10 | 0.49 | 1.04 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subtotal | 13,375 | | 15.25 | 23.39 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SLD County (Contingency) | 2,825 | 10 | 2.57 | 3.98 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pipeline Total | 16,200 | | 17.82 | 27.37 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lake Use | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Heritage Ranch CSD | 475 | NA | NA | NA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Heritage Ranch CSD | 212 | NA | NA | NA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Diamond Benefit Life Ins. Co. | 413 | NA | NA | NA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sport clubs and other parties | 94.10 | NA | NA | NA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Available Lake Use | 105,275 | NA | NA | NA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Reserved for Lake Use | 1,300 | NA | NA | NA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Allocation | 17,500 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P-2.6 | The cost to each city has not been determined. However, the cost will be borne by end users of the water and not be funded through city funds. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P-2.7 | Potential impacts to water quality posed by the Quicksilver mines and mercury in the lake were thoroughly evaluated in the EIR and have been closely monitored for years. Long-term monitoring data has shown that mercury is not detected in the water at the site of the proposed NWP intake structure. Therefore, mercury is not considered a significant environmental issue for this project. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P-2.8 | Economic studies have indicated that the NWP will not result in lost revenue from recreation and tourism. Therefore, | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Number | Response |
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| | there are no plans to compensate cities. |
| P-2.9 | Section 5.11 of the EIR fully evaluated potential traffic impacts associated with project construction and, after mitigation, found traffic impacts to be less than significant. Project construction will add very few vehicles to local roadways, but could result in lane closures and traffic disruptions. The proposed project route avoids the most heavily traveled roads in the region, and limits construction during peak traffic periods. |
| P-2.10 | The NWP project avoids most businesses, taking a more rural route and in several cases, avoiding city streets. Therefore, no significant disruptions to local businesses are expected and no compensation is proposed. |
| P-2.11 | The project was found to have a less than significant impact on seawater intrusion in Monterey County. See Section 5.1 of the EIR for a complete discussion of this issue. |
| P-2.12 | The NWP will utilize fish screens on the intake structure to minimize the number of fish that will get “sucked-up” by the project. |
| <i>James E. Bort</i> | |
| P-3.1 | Mitigation Measure BR-10 specifies that: “... each of the four oak woodland habitat types that would be disturbed shall be replaced or restored with a similar density of oak trees by species as found in the impacted habitats.” Therefore, the oaks will be replaced with the same species as were impacted/removed. Please also see measure BR-6, which states that a Vegetation Restoration and Replacement Plan will be prepared by a qualified restoration biologist and a horticulture specialist. These professionals will make a determination which oak species should be used for restoration activities. |
| P-3.2 | Thank you very much for the information, the County will take it into account in selecting professionals and contractors for the project. The Vegetation Restoration and Replacement Plan for the project will identify long term monitoring and maintenance requirements that are to be followed by the County to promote the long-term health of any replanted oak trees. This plan will also identify proper irrigation schedules and measures to be taken should some of the oak trees not survive during vegetation restoration. |
| <i>Roberta Fonzi</i> | |
| P-4.1 | Water allocations for each participant are based on their requested allotment and no strict formula to achieve project objective 2.2. It would be speculative to guess at how each participant arrived at their specific requested allocation, but many are based on a desire to improve water quality, while others have a need to improve water supply reliability by additional water resources. As noted in Section 7 of the EIR, it has also been assumed that much of the water would be used to accommodate future population growth. As noted in Section 5.1 of the EIR, those areas that rely on ground water will see an improvement in water quality by utilizing water from the NWP. However, should local cities use the additional NWP water to accommodate growth, it is likely that long-term improvements in water quality would be minimal. However, regardless of potential improvements in water quality, the NWP will result in additional water supplies to the County and increased reliability. |

| Number | Response |
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| P-4.2 | There is no relationship between the City of El Paso de Robles participation in the project and “scour” of the discharge basin. Current water quality in the City is considered poor in terms of hardness. The use of NWP water will improve the quality of water in the City’s system overall and reduce the need for water users to “soften” their water, which is a significant source of salts in the wastewater. This projected reduction in water softening is expected to substantially improve the characteristics of the water that the City discharges from their wastewater treatment plant. |
| P-4.3 | Again as noted in the response to Comment P-4.1, each project participant determined their requested allocation. In the case of Templeton CSD, the requested allocation does appear to be too low to accommodate general plan buildout. However, the Templeton CSD may have other plans for acquiring or managing their water resources, with the NWP water only representing a portion of their overall water management strategy. |
| P-4.4 | Please see the response to Comments P-4.1 and 4.3. |
| P-4.5 | The amount of water requested by Santa Margarita Ranch would be a precursor for future development and was considered growth inducing in the EIR. Section 7 of the EIR found that overall growth inducing impacts associated with the project were significant and unavoidable. |
| P-4.6 | The volume of water deliveries to Santa Margarita County Services Area 23 and the town of Santa Margarita represent a very small fraction of the local water budget. No water will be discharged into the local creeks or channels, but all water delivered to these areas will be fed directly into the local water distribution system. While the area has experienced high water levels and severe flooding in the past, potential increases in flooding associated with NWP water deliveries and subsequent discharges of treated wastewater would be considered negligible. |
| P-4.7 | Each project participant determined their own allotment request and also will determine how their allocation will be used. In the case of the City of San Luis Obispo, they originally determined that of their 3,380 afy allocation request, 2,000 afy of the water would be reserved for uses other than growth or land development, which was mainly for reliability. As noted in Section 2.2.7 of the EIR, the City Council has removed this reliability reserve requirement, thus making the entire 3,380 afy allocation available for development. The County does not determine how each project participant will utilize their requested allocation and would not preclude any participant from reserving any portion of their allocation. Whether or not this is a “water grab” by the City of San Luis Obispo would be open to each individual’s opinion. However, any participant has the ability to request a larger allocation since the County currently has 2,625 afy available and currently allocated as a “contingency” supply. |
| P-4.8 | Please see the response to Comments P-4.1 and 4.3. Each participant provided their requested allocation base on their individual needs. It should be noted that the requested allocations are considered part of the Project Description, with the purpose of the EIR to evaluate potential environmental impacts associated with the construction and operation of the project. |
| P-4.9 | Please see the response to Comments P-4.1, 4.3 and 4.8. |

| Number | Response |
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| P-4.10 | Please see the response to Comments P-4.1, 4.3 and 4.8. As noted previously, Section 7 of the EIR found that overall growth inducing impacts associated with the project were significant and unavoidable. |
| P-4.11 | As stated on Page 2-10 of the EIR, each project participant requested a "...peaking factor, which is the extra project capacity requested to deliver the requested water considering system outages for maintenance and to deliver the requested water to better meet their system demands." So in other words, the peaking factor is the design requirement to allow for faster peak deliveries of water when needed. Since water will not be delivered at constant rates to all project participants, the pipeline system is designed with peaking factors, which typically take the form of a larger diameter pipeline, to allow for larger deliveries when they are needed. In this case larger deliveries refers to a daily rate, not an increase in the participant's allocation. |
| P-4.12 | <p>Under the raw water option, NWP water will be delivered to percolation basins for Atascadero, Templeton and Paso Robles. The water will be recovered using nearby water pumping facilities after the water has flowed underground for a short distance. In the case of Atascadero, all of the water will be recovered before it reaches the Salinas River Underflow. While it is technically feasible that an agricultural user could slant drill a water well to intercept this water it is unlikely that anyone would do so without having an explicit water right. Since the effect of water percolation and recovery would be quite localized, there would not be additional water available for agricultural users to pump. However, it should be noted that the project may reduce the reliance on groundwater resources in some areas, thus increasing the amount of groundwater available. However, agricultural pumping rates would continue to be based on each user's specific water rights.</p> <p>The increased energy required to re-pump the water under the raw water option was evaluated in the EIR (see Section 5.10) and found to be less than significant. While re-pumping the water from the Salinas River channel would require additional energy over the treated water option, this alternative would not utilize a water treatment plant, which would result in a reduction in energy use for that component of the project.</p> <p>Regarding evaporation from the percolation basins, potential losses were considered negligible and lower than the losses experienced by leaving the water in Lake Nacimiento.</p> |
| <i>Dorothy Jennings</i> | |
| P-5.1 | The requested text was included in Section 1.4 of the EIR on Page 1-4 of the Draft EIR since it pertains to uses of the EIR. |
| <i>Cherie W. Love</i> | |
| P-6.1 | The EIR identified the distance to the nearest sensitive receptor, which is the residence located at 7815 Mahoney Road, at approximately 3,500 feet from the WTP to the residence. Figure 11-2 shows an aerial reconnaissance based on a |

| Number | Response |
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| | recent aerial photograph and also identifies the WTP and nearby residences. The distance between the WTP and nearest residence was verified using a USGS topographic map and found the distance between the WTP site boundary and the nearest residence to be approximately 3,000 feet (see Figure 11-3). Since the WTP facilities would not abut the property boundary the distance between WTP facilities and the nearest residence would be 3,500 feet as stated in the EIR. |
| P-6.2 | The depiction of the pipeline relative to the property boundary is for illustrative purposes only. The EIR evaluated a 200 foot wide pipeline corridor with the intent of avoiding sensitive resources and private infrastructure. In Aerial 4 of the Carollo Report, the pipeline between points P26 to P29 would be located south of the Willard Property fence, with no need to remove the fence for pipeline construction. Therefore there is no need to relocate the pipeline. |
| P-6.3 | Please see the response to the previous comment. While provisions may be necessary to provide water to cattle grazing on Willard Ranch Parcel 4 during construction, the relocation of fencing and the existing watering facilities may not be necessary. Further, details of impacts on improvements such as fences and watering troughs will be addressed during construction. |
| P-6.4 | The attached parcel map and aerial photograph was quite helpful and is consistent with the information used by the EIR preparers. |
| P-6.5 | <p>The County is quite concerned about potential flooding issues associated with large accidental water releases. The specific site was selected since it was located in a depression which would reduce potential visual impacts and minimize flooding in the unlikely event of a catastrophic pipeline or storage tank failure. Figures 11-4 and 11-5 show terrain in the vicinity of the WTP and Willard Ranch Properties. The WTP site would be separated from Parcel 3 by a low ridge that is approximately 30-40 feet higher than the WTP location. This ridge would protect the ranch residences and buildings to the north from any large water release. However, in the event of a large water spill, the water would likely flow across Willard Ranch Parcel 4 following an intermittent stream channel (this channel is visible in Figure 11-2 at the southeast corner of the WTP site). This channel would divert the water towards the east across Willard Ranch Parcel 4 and then towards the southeast, eventually draining into an intermittent stream located south of San Marcos Road.</p> <p>It should be noted that the probability of a large water spill is quite low. The pipeline has been estimated to have a failure rate of 4.8×10^{-5} failures/mile-year¹ (once every 20,000 years per pipeline mile), while storage tanks have a failure rate of 1.1×10^{-3} failures/year² (once every 900 years per tank). Assuming a one-mile length of pipeline where a potential failure could impact the Willard Ranch Property and two storage tanks, the combined probability of an equipment failure and large spill would be approximately 2.25×10^{-3} failures/year (once every 444 years). This probability would indicate that it is extremely unlikely that a large equipment failure and spill would occur that could</p> |

¹ Alberta Energy and Utilities Board (EUB). 1998. Pipeline Performance in Alberta 1980–1997 (source of water transmission pipeline failure rate).

² American Institute of Chemical Engineers (AIChE), Center for Chemical Process Safety (CCPS), 1989. Guidelines for Process Equipment Reliability Data.

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| | adversely affect the Willard Ranch Property. In addition, the water in the storage tanks would be untreated and therefore would not be chlorinated, further reducing potential environmental impacts. |
| P-6.6 | You are correct about the confusion between where Mahoney Road ends and Texas Road begins. Carollo Engineers and the EIR preparers all assumed that when Mahoney Road made a 90 degree turn from a North-south to east-west trending road that the name changed to Texas Road, which most maps identify as such further east. The EIR has been corrected to reflect the correct transition from Mahoney to Texas Roads. |
| David Martin | |
| P-7.1 | The County recognizes the sensitivity of operations at Rolling A Ranch and would work with the Ranch to minimize potential impacts through project scheduling and the various mitigation measures identified in the EIR. The County is also committed to working with Rolling A Ranch to evaluate alternative alignments in the immediate area. |
| P-7.2 | The project engineering team considered the “river route” suggested by Rolling A Ranch and concluded that the environmental impacts of construction along the riparian corridor and the related impacts on neighboring property owners results in more cost, environmentally and economically, to the public. Routing the pipeline through Rolling A Ranch is the preferred alternative. As part of the environmental review, the EIR team evaluated potential environmental impacts along the pipeline right-of-way and also documented the location of sensitive biological cultural and paleontological resources. Oak tree removal is not anticipated. These analyses can be used by the County to determine if adjustments to the pipeline alignment would be consistent with the EIR findings and avoid significant impacts to the environment. |
| Robert L. Roos | |
| P-8.1 | A professional biologist that would be involved in the final selection of the pipeline route will make determination of the exact detailed area that would be disturbed to construct the pipeline and as per the County’s guidance will make his/her determination in the way to protect as many oak trees as feasible. It is anticipated that no oak trees will be removed along Templeton Road and Vaquero Drive, but given the close proximity of several trees to the road, some root zones could potentially be impacted. The final project design will avoid oak tree root zones to the maximum extent feasible, utilizing minor route realignments, boring or tunneling as determined as appropriate by a professional arborist. During construction, potential damage oak tree root zones will be monitored by a biologist. |
| Editha Spencer | |
| P-9.1 | While it would be desirable to strengthen Mitigation Measure GR-1, the County lacks the authority to intervene in local governmental decisions. A mitigation measure requiring mandatory water conservation was considered, but unfortunately was determined to be infeasible for this project. The County lacks the authority to impose mandatory measures across the board on the project participants. The root of the problem is that the project participants are a mix of cities, water agencies and private companies. For example, The City of Atascadero would receive their allocation |

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| | <p>through the Atascadero Mutual Water Company (AMWC). The AMWC doesn't have any authority to impose mandatory water conservation on its customers, while the County clearly does not have the authority to impose water conservation on the City of Atascadero, which is not a participant in the project. Had the EIR been able to require a feasible mitigation measure requiring water conservation or growth limits, one would have been included to reduce potential impacts to insignificant levels. However, the infeasibility of constructing an enforceable conservation measure precluded a water conservation requirement and resulted in a finding that the project would result in significant unavoidable growth impacts. While the population growth figures presented in the EIR would imply a substantial amount of growth, these figures generally represent worst-case conditions. Future growth rates are more likely to be determined by economic conditions.</p> <p>The comment raises the issue of the EIR formulating "...ways in which SLO County government bodies would develop plans for sharing more information and decision-making with communities and cities regarding land use and permanent buffer zones." Unfortunately this issue is well beyond the scope of evaluating environmental impacts of the Nacimiento Water Project and is generally left to the County and cities to address via their planning process.</p> |
| <i>Gidi Pullen</i> | |
| P-10.1 | Oak tree removal will be kept to an absolute minimum, especially in areas where the pipeline would be constructed within existing roadways, such as Templeton Road. However, there is a possibility that construction within the roadway could damage the root system of some oak trees. In these cases, the trees will be monitored by a qualified biologist. Construction of the Nacimiento Water Project will be coordinated with local roadway improvements and realignments to the maximum extent feasible. This coordination is required by EIR mitigation measure T-18. |

Figure 11-2 Aerial Reconnaissance of Sensitive Receptors

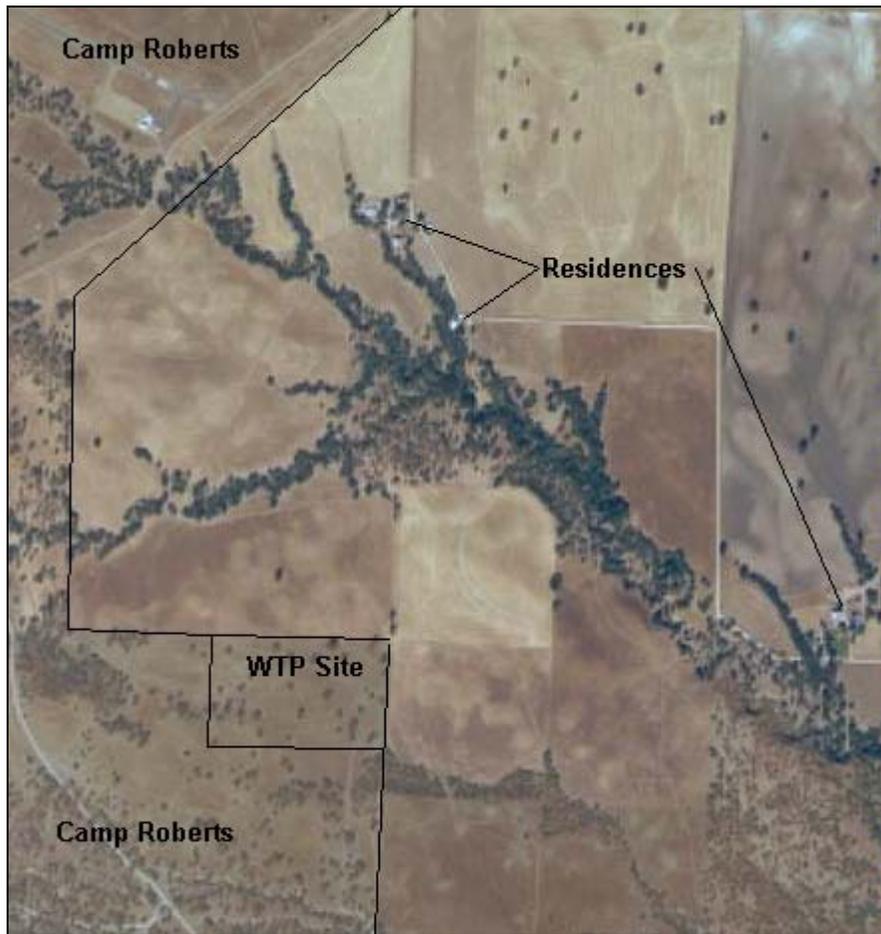


Figure 11-3 Distance from WTP Site Boundary to Nearest Residence

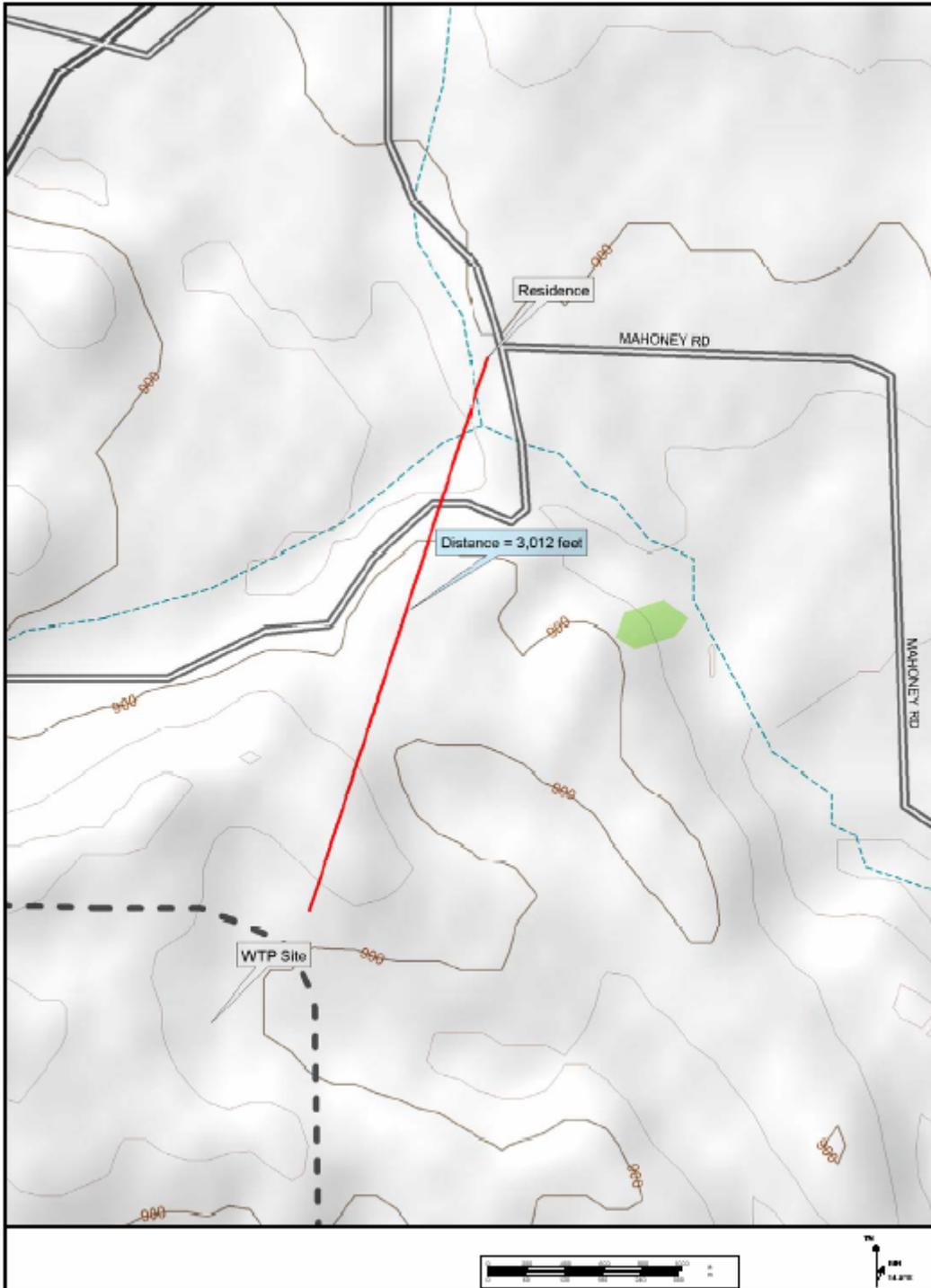


Figure 11-5 Terrain in the Vicinity of the WTP

