13.0 Comments and Responses

13.0 COMMENTS AND RESPONSES

13.1 CEQA REQUIREMENTS

Before approving a project, the California Environmental Quality Act (CEQA) requires the Lead Agency to prepare and certify a Final Environmental Impact Report (EIR).

In accordance with CEQA Guidelines Sections 15120 through 15132, and Section 15161, the Cambria Community Services District has prepared an EIR for the Water Master Plan (SCH #2004071009). The Response to Comments section, combined with the Draft EIR, comprise the Final EIR.

The following is an excerpt from the CEQA Guidelines Section 15132, Contents of Final Environmental Impact Report:

The Final EIR shall consist of:

(a) The Draft EIR or a version 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.

This Response to Comments section includes all of the above-required components and shall be attached to the Final EIR.

13.2 PUBLIC REVIEW PROCESS

DRAFT EIR

The Draft EIR was circulated for review and comment to the public, agencies, and organizations. The Draft EIR was also circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research. A notice of availability was placed in The Cambrian (newspaper). The 45-day public review period ran from February 29, 2008 to April 14, 2008. Comments received during the 45-day public review period have been incorporated into this section.

FINAL EIR

The Final EIR allows the public and Lead Agency an opportunity to review revisions to the Draft EIR, the responses to comments, and other components of the EIR, such as the Mitigation

Monitoring Program, prior to approval of the project. The Final EIR serves as the environmental document to support a decision on the proposed project.

Pursuant to *CEQA Guidelines* Section 15090, the Lead Agency must make the following three certifications, after completing the Final EIR and before approving the project:

- *That the Final EIR has been completed in compliance with CEQA;*
- *That the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the project; and*
- *That the Final EIR reflects the Lead Agency's independent judgment and analysis.*

Additionally, pursuant to *CEQA Guidelines* Section 15093(b), when a Lead Agency approves a project that would result in significant, unavoidable impacts that are disclosed in the Final EIR, the agency must submit in writing its reasons for supporting the approved action. This Statement of Overriding Considerations is supported by substantial information in the record, which includes the Final EIR. Since the proposed project would result in significant, unavoidable impacts, the Lead Agency would be required to adopt a Statement of Overriding Considerations if it approves the proposed project.

These certifications, the Findings of Fact, and the Statement of Overriding Considerations are included in a separate Findings document. Both the Final EIR and the Findings will be submitted to the Lead Agency for consideration of the proposed project.

13.3 WRITTEN COMMENT LETTERS AND RESPONSES

Table 13-1, *List of Persons/Agencies Commenting on DEIR*, provides a listing of the persons, organizations, and public agencies commenting on the Draft EIR.

Table 13-1
List of Persons/Agencies Commenting on DEIR

Letter Number	Commentor Name	Agency
1	Terry Roberts, Director	State of California Governors Office of Planning and Research
2	Susan Armstrong	Resident
3	Ron Massengil	Resident
4	Jim Webb	Resident
5	Charlotte Darehshori	Resident
6	Debby and Tom Mix	Residents
7	Amanda Rice	Resident
8	Frank Butz	Resident
9	Richard Hawley	Greenspace The Cambria Land Trust
10	Brandt Kehoe	Resident
11	William Washburn	Resident
12	Jack Morrow	Water Issues Task Force Santa Lucia Chapter of the Sierra Club
13	Jack Morrow	Water Issues Task Force Santa Lucia Chapter of the Sierra Club
14	Billie and Bob Turner	Residents
15	Bob Horvath	Property Owner
16	Donald R. Thomas	Resident
17	Howard Vallens	Resident
18	Elizabeth Bettenhausen	Resident
19	Lynne Harkins	Resident
20	Cynthia Hawley, Attorney	Greenspace - The Cambria Land Trust and Landwatch San Luis Obispo County
21	Vern Kalshan, Attorney	Attorney at Law
22	S. and James Mulroony	Residents
23	Carolyn Opie	Resident
24	Amanda Rice	Resident
25	Leslie Melina Richards	Resident
26	Steve Shimek, Executive Director	The Otter Project
27	Norm and Mary Stockton	Residents
28	Anonymous	
29	Mary Webb	Resident

This Section includes the written and verbal comments received on the Draft EIR, followed by the responses to the significant environmental points raised by the comments. The numbered responses that follow correspond to the numbered comments listed in Table 13-1. A response is provided for each comment raising significant environmental issues, as received by the CCSD during the Draft EIR review period. Added or modified text is double-underscored (example of text addition) while deleted text is presented in strikeout font (~~example~~).

COMMENT NO. 1

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

April 15, 2008

RECEIVED
APR 18 2008
CAMBRIA CSD

Robert C. Gresens
Cambria Community Services District
P.O. Box 65
Cambria, CA 93428

Subject: Cambria Community Services District Water Master Plan
SCH#: 2004071009

Dear Robert C. Gresens:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on April 14, 2008, 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.

1-1

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

Terry Roberts
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2004071009
Project Title Cambria Community Services District Water Master Plan
Lead Agency Cambria Community Services District

Type EIR Draft EIR

Description The Cambria Community Services District (CCSD) has developed a phased review of its Water Master Plan. The Assessment of Long Term Water Supply Alternatives (Final Task 4 Report) assessed various long-term supply alternatives and recommended that CCSD's long-term water supply strategy consist of Seawater Desalination, Recycled Water, and Water Demand Management. These recommended alternatives, along with the proposed Potable Water Distribution System improvements, comprise the Water Master Plan components evaluated in the Draft EIR. The Draft EIR provides a review of the Water Master Plan's environmental effects, in accordance with Section 15168 of the CEQA Guidelines.

Lead Agency Contact

Name Robert C. Gresens
Agency Cambria Community Services District
Phone (805) 927-6223 **Fax**
email
Address P.O. Box 65
City Cambria **State** CA **Zip** 93428

Project Location

County San Luis Obispo
City Cambria
Region
Cross Streets Entire Community
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 1
Airports
Railways
Waterways Santa Rosa, San Simeon Creek, and Pacific Ocean
Schools Coast Unified School District
Land Use Open Space, Commercial Retail, Office and Professional, Commercial Service, Recreation, Residential Multi-Family, Residential Single-Family, Residential Suburban, Public Facilities, and Agriculture

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Coastal Zone; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 3; Department of Parks and Recreation; Native American Heritage Commission; Department of Health Services; Department of Fish and Game, Marine Region; Department of Fish and Game, Region 4; Department of Water Resources; California Coastal Commission; Caltrans, District 5; State Water Resources Control Board, Division of Water Rights; State Water Resources Control Board, Clean Water Program; State Lands Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 02/29/2008 *Start of Review* 02/29/2008 *End of Review* 04/14/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

RESPONSE TO COMMENT LETTER NO. 1

Terry Roberts, Director
State of California Governors Office of Planning and Research
April 15, 2008

1-1 The State Clearinghouse has provided confirmation of receipt of the Draft EIR and the close of the review period on April 14, 2008. No state agencies submitted comments by that date. No additional response is necessary.

COMMENT NO. 2

March 29, 2008

To: CCSD Cambria
From: Susan Armstrong, 1715 Dreydon Av. Cambria.

My letter is in response to the article in the Tribune today by Kathe Tanner.

To my thoughts this problem of water and sewer seems to need more money going towards it than any other general needs of the community. At this time Cambria seems to have an aging sewer and a depleting water supply. The focus I believe should be:

Water-----First
Sewer------Second
Parks or extra land-----Last

With little or no maintenance regarding native growth, except for fire clearance costs, which should be done by the owners of the lots or land.

If Cambria does not receive permits from the Coastal Commission for the decalination plant we had better stop receiving thousands of tourists per summer that like to take 30 minute showers each day for $200 a night with OUR PRECIOUS waterat their hotel. I am not blaming hotels because I use water too. However we have not done nearly enough where landscaping is concerned. Forcing all landscape to be native only or succulent with very few pots spotted for color on porches. 2-1

I have for instance a neighbor that has a yard full of Iris bulbs and flowers with a timed watering system that flows heavy at late night hours when I walk my dog and watch the water run down the street instead of a slow drip system or the newer methods of spray mist. At the same time these same people rarely come to use their house here in town while they continue to use this antiquated water system on a flower garden that only my family sees most of the year around. I think it's time for the town to be told what type of landscaping is acceptable and what isn't. I also believe they should put showers in all the hotels that pay as you go $1.00 per each minute of use on water, as they do in Yellowstone. That way even our tourists will find out how critical the water is during the long summer draughts.

I also don't approve of ballparks or restrooms at Fiscalini Ranch- it is beautiful now with paths and a few benches and nothing else. This town needs to stop spending money on wrong priorities.

In closing I repeat the mantra

2-1

Water-----Find and pay first
Sewer----- pay second
Parks or extra land---- Is last priority except for firebreaks

Sincerely
Susan Armstrong

RESPONSE TO COMMENT LETTER NO. 2

Susan Armstrong, Resident
March 29, 2008

2-1 The commentor offers perspective regarding water supply concerns in the community. The commentor does not provide new environmental information and does not directly comment on information provided in the Draft EIR. No further response is necessary.

RECEIVED
MAR 3 1 2008
CAMBRIA COMMUNITY SERVICES DISTRICT

DRAFT PROGRAM LEVEL ENVIRONMENTAL IMPACT REPORT (EIR) FOR WATER MASTER PLAN COMMENTS: R. MASSENGILL

P. 3-9 AND EXHIBIT 3-2

1. Desal Plant: Once again CSD plants a project on a sensitive holy ground. State Park is as much at fault for location selection as anyone. How did state Parks enter into agreement? Plovers, Steelhead are game stoppers alone. Tax payers public land issue is a concern. **3-1**

2. It will be difficult show impact on biota from desal discharge or entrapment if built properly i.e. submerged pipes, but pipes present another problem, see point 3.. Diablo Canyon discharges millions of gallons a minute of hot water, kills everything that goes through the condenser pipes 10 cu meters/sec. The chemical discharges is listed in a binder nearly a foot thick each year. The problem is demonstrating what the effect is statistically. The impact related to what is going by is nil, statistically. That's why the coastal commission , water quality control board lets them slide every year. The bigger problem is accidental discharge and chemical release. Again, at Diablo, nickel was release in the mid 70' thousands of red abalone were killed. resulting in a huge law suit by fish and game. F&G got a new boat and a bunch of salaries out of it. **3-2**

3. The reason there are no pipes in the open high energy coastline between Pt. Conception and Monterey is because of the high surf and long shore transport of sediments. The "100" year storms of the 80's did a job on the central coast. At Diablo, 22 ton tri bar barriers were cast up on a access road near the intake cove. The breakwater itself was destroyed. CSD hopes to put the pipes deep enough in the sand to avoid storm damage. However, we get more that 3 meters of vertical sand transport during normal winter storms at San Simeon, which may put the buried pipe in jeopardy. Replacing the pluming after every major storm maybe the most expense item in the budget. Except for the concept of design changes from CSD, slant drilling etc. we have not seen anything official since 30% design. This projects need of a marine engineer as an advisor was critical. The choice of Army Corps of Engineers does not muster up confidence in project management in my mind. I support the geophysical work planed by CCSD. If completed properly, it may cost $100,000, CCSD may rethink the Desal site selection and relocate or reexamine **3-3**

4.. Steelhead and San Simeon. I can not believe USFW has not jumped all over this. The location of the plant could block migration if (accidental) contaminates combine in the sediments or water. Even if the plant is shut down during the spring the potential risk exist. **3-4**

I plan to engage USFW regarding the steelhead and San Simeon issues. As a past member of the Desal Committee for the Monterey Bay National Marine Sanctuary, this type of risk was discussed with CCSD. The notion of combining desal with existing infrastructure such as a sewage plants or other facilities in nearby communities remains an area to explore before millions of dollars are washed up on the beach during heavy weather. **3-5**

Ron Massengill
2434 Trenton St.
Cambria, CA

Ron Massengill

THE CAMBRIAN

Thursday, March 27, 2008 Vol. 77, No. 21 50¢

Hearing today on water plan

By Kathe Tanner
The Cambrian

Environmental review covers CCSD's plan to increase supply, curb demand, recycle wastewater

The route to Cambria's water-supply future has been laid out, and people have a chance to say if they like where it's going.

The Cambria Community Services District's water master plan is an overview of how the district intends to increase the water supply while making usage more efficient and limiting demand.

A hearing will be held at the district director's meeting today on a 500-plus page review of environmental impacts of that plan (see PublicMeetings, Page 4).

Written comments can be submitted through April 14.

If and when the district moves ahead with specific parts of the water plan, it would have to prepare other reports outlining the environmental impacts of each step.

Cambria has been under a virtual building moratorium since November 2001, when the district board declared a water-shortage emergency.

The water-plan environmental review covers how the district got into the water-short position it's in, what the options are for alleviating that shortage, how the options could affect the area and how to minimize those effects.

Beyond mapping Cambria's water plans, the document also serves as a compendium of details, such as how the town's water system works, how much water the state allocates to the district, excerpts from various land-use regulations, capacities of the sewer plant and the town's storage tanks, traffic counts and lists of earthquake faults and sensitive species.

The water master plan calls

Please see WATER, Page 4

Water

From Page 1

for the district to:

- Provide more water by building a seawater-desalination plant, to supplement supplies from wells on San Simeon Creek.

The report also examines other water-supply options, from piping in water from Lake Nacimiento or Whale Rock Reservoir to building reservoirs, with or without dams.

- Use highly-treated wastewater to reduce the amount of drinking water used to irrigate plants, lawns and playing fields. Recycled water would be delivered to users with lots of landscaping, such as schools, churches, commercial areas, the fire station and a planned community park.
- Encourage users to consume less water. Cambrians already are among the most water-thrifty Californians. But more conservation is possible, the report says. One step could be a retrofit requirement to install water-efficient, front-loading clothes washers.
- Reduce the number of potential customers through a proposed 22-year Buildout Reduction Plan. Under the plan, CCSD would only provide water to 4,650 residential customers, leaving 3,357 lots undeveloped. Besides current customers, that would serve 665 property owners who paid to include their lots on CCSD's wait list, plus about 65 lots that would get meters through the sale by a land trust of three unallocated connections per year.

Lots without water service could be sold or donated to the district or another entity or merged with neighboring lots to make larger building sites or pocket parks.

Comments on the environmental review of the water master plan will be folded into the draft report, which will then come back so the district board can certify it.

RESPONSE TO COMMENT LETTER NO. 3

Ron Massengil, Resident
March 31, 2008

3-1 The commentor makes reference to the project being located on a "sensitive holy ground," with no supporting information to back up this statement. Conversely, a proposed on-shore desalination treatment facility is described by reference within the WMP Program EIR as being located on existing CCSD-owned property that is currently used in part for the percolation of treated wastewater effluent. Any related infrastructure, such as connecting transmission pipelines, would be underground. For proposed desalination facilities, a project-level EIR/EIS analysis and associated mitigation measures will encourage the use of previously disturbed areas, such as existing roadways and parking lots on State Parks property in order to avoid sensitive areas. Trenchless construction technology will also be analyzed at a project-level to further avoid potential impacts. A future project-level EIR/EIS for desalination will address in greater detail the issues and concerns expressed by the commentor.

With regard to the commentor questioning agreements, the CCSD and State Parks have an existing agreement where the CCSD provides potable water service and wastewater treatment to the San Simeon State Parks campground. The proposed desalination project would increase the reliability of service to this visitor-serving State Parks facility, while also placing less demand on the existing aquifers along San Simeon Creek and Santa Rosa Creek. Placing less demand on the creek aquifers, particularly during the dry season and extended drought periods, is anticipated to further protect young-of-year steelhead that reside in Cambria's creeks year round. Thus, the proposed project is anticipated to provide benefits to what the commentor views as a potential "game stopper."

With regard to biological resource considerations, the Draft EIR provides an overview of biological habitat considerations, which will be subject to further analysis under a project level desalination CEQA/NEPA public review and environmental clearance process.

3-2 The Draft EIR provides an overview of biological habitat considerations. Further analysis is to be conducted for a project-level desalination CEQA/NEPA clearance, which would include a detailed review of desalination discharge and entrapment considerations.

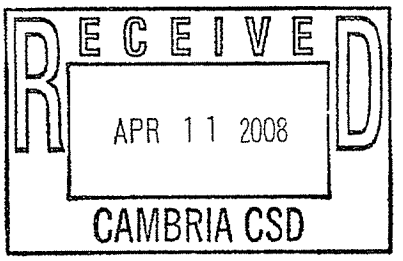
The commentor's reference and discussion related to the Diablo Canyon Nuclear power plant discharge is not related to the CCSD's proposed desalination alternative, but is noted. In addition, a future desalination facility will be subject to permitting by the Regional Water Quality Control Board (RWQCB) as well as other resource agencies.

3-3 The CCSD is in the process of gathering geotechnical data to support the development of a project description for analysis within a project-level EIR/EIS. A key feature that the CCSD will be developing from this data is a subterranean intake, which would also avoid potential impacts to marine organisms. The CCSD consulting team currently investigating this effort includes Dr. Scott Jenkins of the Scripps Institute. Dr. Jenkins is a renowned expert on coastal erosion and will be instrumental in guiding the development of project approaches that will avoid the concerns expressed on this subject.

3-4 With regard to Steelhead and the San Simeon Creek habitat area, the Draft EIR provides a programmatic overview of biological resource considerations. The project level desalination CEQA/NEPA review/clearance will include a detailed analysis of habitat affects for the area. As described in Response to Comment No. 3-1, the proposed desalination alternative project is anticipated to offer additional protection to young-of-the year steelhead by providing a water supply that would be independent of the area's coastal stream aquifers.

3-5 Comment is noted. Commentor does not directly comment on information provided in the Draft EIR. The project-level EIR/EIS for desalination will also include analysis of various alternatives. The current data gathering effort for the project level EIR/EIS is focused on developing subterranean facilities that would avoid the impact concerns mentioned.

COMMENT NO. 4



Cambria Community Services District
Post Office Box 65
Cambria, CA 93428

April 3, 2008

Water Master Plan EIR Comments follow:

The irony of what is being proposed in this plan may not at first appear obvious. After the declaration of a 'water emergency' in November 2001, the CCSD heightened its efforts to identify additional sources of potable water. The Water Master Plan Draft EIR has reduced its search for alternatives to options such as desalination. Any additional supply might encourage development which would, in turn, consume any net gains in new water. As such, "to address the potential growth inducing effects from the desalination project, the BRP (Build out Reduction Program) will be incorporated into the CCSD WMP program level EIR". This is an expensive program that anticipates "50% of the program is funded through sale of the 65 unallocated water connections". The water meters are to be sold to mitigate the effects of developing the water supply for those meters. By adding new connections, whether from the 'wait list' or 'unallocated connections' the total number of connections grows. In other words, this EIR recommends growth to mitigate growth. This makes as much sense as taking out a loan to pay off your debts. 4-1

The assurances offered in the EIR that this growth will be limited to the proposal at hand are that there will be a growth 'cap' put on Cambria. 4,650 total connections to our water system is the number chosen. Also, many buildable lots will be purchased or otherwise retired from potential development. The desalination project/concept is designed with the service needs of this number in mind. Our waste water treatment plant and other infrastructure constrain these considerations further. In the EIR we learn that the desalination facility is modular in nature and can be expanded. What is to stop the 4,650 number from growing? If the BRP costs spiral upwards, where will those additional revenues come from? We would have a clear precedent established to raise funds: sell water connections for some of the remaining properties. An additional desalination module would use installed piping and infrastructure and would seem inexpensive by comparison. A new board could raise the arbitrary 4,650 figure to an even 5,000 to pay for the remaining BRP and new module. 4-2

How did our choices become so limited? Many of the most complex decisions presented in the Water Master Plan Draft EIR are handled through the use of an Evaluative Matrix. In it, individual metrics are named, weighed and fine gradations of judgment set forth. Each gradation is given a numerical value, the values are summed and alternatives are ranked from high to low. This is how alternative water sources were analyzed. The basic design of this decision support tool remained unchanged through reports by RBF, Kennedy and Jenks and the WMP EIR. This tool is as good as the assumptions that went into its design. With resultant numerical rankings varying by just a point or less, we need to examine the underlying assumptions to verify that they reflect the needs of our community. 4-3

Selection of individual metrics impacts the resultant numerical score only to the degree that they are valued or weighed. The initial assumption of the evaluative matrix used by the CCSD, is that all metrics are to be treated equally. All are given the same weight, which on the surface may assure us that fairness has guided the subsequent evaluations. Are cost, water quality and environmental issues of equal concern to the community? Will we weigh reliability the same as funding availability? Given the unique environment that has so importantly molded the character of Cambria, one could argue that this metric is valued more highly in this community. While subsequent results were vetted and debated within our village, the assumptions underlying them were not. A simple polling to establish the metrics and the weight they are to be given would reflect the community's values. Unfortunately, the matrix as

designed and carried forth, through several iterations, makes no provisions to debate the weighing of the metrics selected.

Within each metric, there are five decision points articulated. The resultant score is then added to the other metric judgments and a total point value assigned to alternatives considered. These minute judgments affect the final score and whether an alternative water supply rises or falls in the ultimate ranking. The metric "reliability", ranging from 'not reliable' to 'very reliable', when applied to reservoir alternatives are rated a '2', one step above not reliable. Since most local communities supplement their water supply with impounded water, they might be surprised to see such a rating. Desalination, relying heavily on the flawless performance of technically complex equipment to generate water, is rated on the same metric a '5': very reliable. While dams are not without some notable failures, they are generally safe and considered reliable in the most common use of this term. How can such a simple and common sense observation be overturned and an intricate series of pipes and pumps be rated more highly? 4-3

In the Kennedy and Jenks Task 4 report, the discussion of reliability points out what we might have thought, that when we look at desalination, this "alternative is dependent upon the reliability of the infrastructure". While equipment 'up time' might be admirable, can it truly surpass that of an impoundment? With a reservoir, there is 'zero tolerance' for failure and day in, day out, this criteria is successfully met. Isn't this the definition of reliability? Apparently it is not the definition used in the WMP Draft EIR. Instead, a juxtaposition of reliability for 'availability' seems to have occurred. In that case, in is not hard to believe that the seemingly endless availability of seawater trumps all other sources of water. Have we changed metrics? One change in how we understand 'reliability' will affect the score assigned to any reservoir or dam proposal. The infrastructure for a desalination facility is orders of magnitude more complex than an impoundment of water. Increased complexity produces greater opportunity for errors and malfunctions. This would typically lower reliability. Interestingly in the "Cambria Desalination EIR" (Bein,Frost &Assoc 12/94) reliability of the desalination option was rated a '3' instead of the current '5' adopted in the WMP Draft EIR. 4-4

Another metric that seems to receive puzzling treatment is titled "Permitting/CEQA". The range of permitting ease is from 'very difficult' to not needing a permit. If an alternative water supply requires a permit to proceed and that permit is denied by the issuing body, would that not increase the difficulty of obtaining permits? If that same denial was appealed and the appeal failed, would the difficulty increase? This has been our community's experience with the California Coastal Commission to date. Even so, the desalination alternative, which requires this permit to proceed, is rated 'difficult to obtain' as opposed to 'very difficult to obtain'. This illustrates two points relative to the evaluative matrix decision tool. The fine gradations of judgment, between say 'difficult' and 'very difficult', are not objective criteria dispassionately applied. Secondly, these judgments are not being updated or refined based on subsequent experience. If our rating of the ability to obtain permits did not budge after our recent experience, one is left to wonder what would change this rating. That static nature of the decision tool has prevented it from reflecting several years of experience. These experiences, for example the difficulty of obtaining permits, might change how alternatives are ultimately ranked. If reliability rankings can change, as illustrated above, surely ease of permitting rankings could change based on experience. 4-5

In the end, the decision support tool only offers guidance to decision makers in the CCSD. The ultimate judgments are held to a higher standard, which like the Hippocratic Oath, at a minimum seeks to do our community and environs no harm. Mistakes in this arena can have far reaching consequences for those elements in our community that are most precarious. One native group of Pleistocene survivors, the south central California coastal steelhead, is teetering on the brink of extinction. This species has been recognized as a threatened/endangered species. We are fortunate to have several local streams that support steelhead populations. San Simeon and Santa Rosa creeks are 4-6

both designated "critical habitat" by NOAA's National Marine Fisheries Service. While both creeks have served as sources for the community's water supply, only San Simeon creek figures prominently in the Water Master Plan Draft EIR alternatives. This is the proposed site for the desalination plant. The WMP notes that "a future project-specific EIR/EIS would need to further determine the potential impacts to sensitive species after more details become known regarding the desalination facility." It is hoped that this EIR will include some alternative sites to consider. 4-6

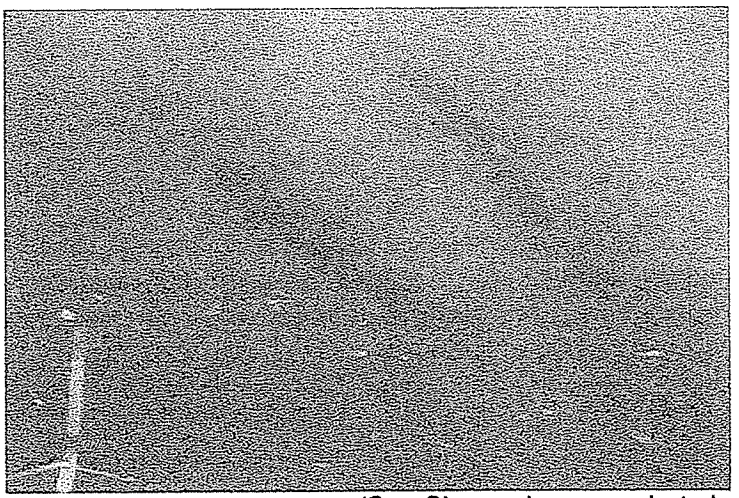
While those details must wait, the CCSD has not. Presentations highlighting "another interesting aspect of desalination is its benefit to fisheries" have been made (Nov. 2007). These presentations argue from the "table out of a CCSD Water Master Planning document" (Table 2-2, Task 4) that "reliance on the two coastal stream aquifers is reduced by the future use of desalination". This argument, that taking less water is a benefit to the fish that rely on that water, is pretty straightforward. What is less clear is how on the one hand, "no diversion from Santa Rosa aquifer was assumed in the sizing for the desalination project" and how this might be a benefit of desalination. If the benefit is assumed prior to design how is it then a result of that design? Santa Rosa creek is being excluded from future water plans due to the MTBE contamination that persists in the creek, not because of the potential desalination facility. It will always be cheaper to pump groundwater than desalt seawater. While the CCSD presentation indicates "designing mitigation and avoidance measures into a future desalination (project) ensures it will be an environmentally positive project", this is not because Santa Rosa creek is polluted and cannot currently serve as a water source for Cambria. 4-7

What might benefit the steelhead in San Simeon creek is an increase in available water, especially in the dry summer months. The Water Master Plan Draft EIR notes that "ground water and surface waters are linked" and that "use of seawater desalination to augment the potable water system would add approximately 75 percent of the desalinated seawater produced to the percolation pond area at the base of San Simeon Creek". From Task 3 reports we are told to expect "30% of applied water being returned to the hydraulic mound via underflow through groundwater". Elsewhere in the WMP, we learn that "it is not known how much of the approximately 450k gpd provides flow into the nearby lagoon and riparian areas." How much water from the desalination facility will return to San Simeon creek and lagoon? It appears the correct answer is: we do not know. Is it possible there would be less water, thereby negatively impacting our local steelhead? 4-8

With a desalination facility, the CCSD anticipates being able to issue 'intent to serve' letters to the 'wait list' property owners, sell 'unallocated' water meters and increase connections to meet the 4,650 target. This increase will initially be met with groundwater pumped from the San Simeon aquifer and subsequently through use of the desalination plant. When will this augmented supply be turned on? Surely financial constraints would tend to favor use of the cheaper groundwater as long as possible. When our allocation for this basin is approached, switching over to desalted water may be necessary. Today, we live within the constraints of this aquifer and do not pump out as much water as we are allowed by law to take. Will this be true when more users are added and the cost of making desalted water increases substantially? Is it not likely that our use of San Simeon creek groundwater will in fact increase if the proposed desalination facility is built? Our neighbors in Santa Barbara and Morro Bay have desalination facilities which sit idle. The expense of operating them exceeds that of pumping groundwater or using water from Lake Cachuma. Has their groundwater use decreased since these facilities were built? If it has not, what would lead us to expect our experience would be different? The answer to these questions would help CCSD decision makers avoid costly missteps. 4-9

When steelhead habitat is compared in Santa Rosa and San Simeon creeks, San Simeon is portrayed as being deficient or marginal. Based on work done by D.W. Alley and Associates, the Task 4 report cites that "Santa Rosa Creek is more readily recognized as a steelhead habitat stream due to its longer reach of year-round fish habitat, about 12 miles for Santa Rosa, versus 1 mile for San Simeon." But is the length of reach critical to sustaining viable steelhead populations? Recent studies (Bond 2006) 4-10

demonstrate the importance of lagoon reared fish in maintaining steelhead populations. Due to their increased survival rates, probably due to larger size, lagoon fish recruit at higher rates than stream bred fish to the adult population. These are the fish that return in greatest numbers to breed in subsequent years. Since this is an endangered species, survival is the key element we should focus on. San Simeon lagoon is home to many mature steelheads, year after year. The following picture, from March 2008 shows just a few:



(San Simeon Lagoon, photo by Lorin Cary 2008)

4-10

Several more were documented at 'Three Mile Bridge' depositing eggs in the gravel there. San Simeon has a population of steelhead that is perhaps more heavily dependent upon the lagoon and estuary for procreation than Santa Rosa Creek. Interestingly, these fish may play a disproportionately large role in their future numbers. Threats to the estuary and lagoon at San Simeon Creek might well impact these fish in a corresponding manner. It is curious that in rating upstream alternative storage projects, two of the Steiner Creek sites suffered in the ratings due to "the need for a high fish ladder". If fish only have 'year-round' habitat in the first one mile of San Simeon Creek, why would a fish ladder be needed so far upstream? Either the habitat persists for miles of creek or these alternatives were inappropriately downgraded for problems they did not possess.

4-11

If the CCSD wishes to pursue desalination and argue that the application of this technology is going to benefit south central California coast steelhead in San Simeon creek, then surely they must offer some evidence in support of this claim. The presence of desalination facilities in areas with active steelhead populations, such as Morro Bay or Santa Barbara, should demonstrate this premise. What peer reviewed published studies support this claim? Would it help or hurt or not affect these protected species? If we cannot definitively answer these questions, the application of this technology must wait for further proof. Cambria is not a ship at sea, or a desert community and desalination is not our only alternative to obtain more water.

4-12

Some observations about alternative water supplies are common sense and do not require a consultant to report upon. For example, it is a simple observation to note that most of Cambria's neighbors augment groundwater supplies with water from an impoundment. These reservoirs and dams are a decidedly low-tech addition to municipal water supplies. It is also noted that such impoundments often coexist with active steelhead populations. Further, most ranches in the surrounding area store seasonal runoff to help irrigation in the dry season. Small reservoirs capturing runoff or spring water abound in the hills surrounding Cambria. This

4-13

solution works for both our municipal neighbors, ranchers and local farmers. To argue that it cannot work for Cambria would contradict this on-going demonstration to the contrary. 4-13

The cost of electrical energy is going up. Electrical pumps moving water, whether from a well or through a reverse osmosis membrane, are expensive to operate. Another method that moves water at no charge, day in and day out is gravity. The WMP has tried to minimize the costs of desalination by proposing that Cambria consider a photovoltaic farm in the central valley. Exchanging energy credits earned there for power consumed at San Simeon Creek represents a large investment in infrastructure that is not directly tied to water supply augmentation. The WMP proposes that Cambria become an energy provider to offset the cost of running a desalination facility. If this were a cash flow positive enterprise, many investors would pursue it. Local communities would band together, pools of utility investors would organize and vast photovoltaic farms would occupy our sunny interior valleys. But that would only occur if this enterprise were profitable, which at this time, it does not appear to be. While this 'green' technology may appeal to many on its own merits, it adds another layer of cost and complexity. 4-14

Small projects to store water cost less than big projects. Small projects, ill-conceived or underfunded, represent mistakes that are easier and less expensive to correct. An apple can be eaten one bite at a time, but not swallowed whole. Small projects will often have a limited environmental impact compared to larger projects. Using the local rancher as the smallest unit of self-sufficiency, you find water is often pumped by wind, stored in small ponds and fed by gravity to its destination. If water is in tight supply, the rancher grazes fewer cattle and less farm acreage is put in production. How ironic to see our town in the same situation, but proposing the addition of new users and contemplating a "50% quality of life" increase in water use. To meet these anticipated changes, a huge investment in both desalination and power generating infrastructure are required. The only way our small community could afford such expense is if much of the cost is paid by someone else. In fact, the CCSD anticipates in the WMP Draft EIR that as much as 75% of the cost of desalination will be paid for with grant money. One can only hope that grants cover the photovoltaic farm as well. Is funding at the 75% level common and can other alternatives receive similar funding? 4-15

A typical homeowner in Cambria still uses drinking water to irrigate landscaping. Using low flow faucets, shower heads and toilets is a conservation effort that has shown significant water savings. The CCSD made a wise decision to help this effort along with subsidies. More can be done to save water for human use. This strategy can employ simple and proven methods that do not rely on new sources of potable water. The MWP Draft EIR makes it appear that conservation efforts have been exhausted or that future benefits would be insufficient to meet the anticipated need. But conservation measures should not wait for the development of alternative water supplies, they should be implemented independently. Placing all of our eggs in one desalination basket, especially when this strategy has not succeeded in the recent past, might not be wise. 4-16

Smaller projects with proportionately smaller price tags would be on a scale more appropriate for a community like Cambria. Realistically, all anticipated potential water use needs may not be able to be met simultaneously with the implementation of one technology. Common sense should make us pause when current capital improvement projects go unfunded and unfinished while major new infrastructure is being planned. A new desalination facility and photovoltaic farm will not further the goal of retrofitting local water tanks to help them withstand an earthquake. Deficit enterprise funds are not balanced with grant monies for desalination. All the elements for a variety of new water solutions have been examined and put before us. It is odd that with all of that research, creativity and hard work, we do not seem to have much of a choice. 4-17

The "advisory ballot" from 2000 was not a flawless reflection of community sentiment. Disputes over the mailing list for the survey and the information provided in the survey, such as 4-18

the presentation of alternatives, persist to this day. The slight margin favoring desalination has been accepted as a mandate that the CCSD appears powerless to resist. Eight years is a long time to assume opinions and participants remain the same. Certainly technologies have improved a fact which is reflected in the Water Master Plan Draft EIR. Is it beyond the scope of this project to update the opinions of the community being served? Did Cambrians know oil would be over $100's a barrel and that a tank of gas would reach new heights? In 2000, were we aware that pursuing desalination might include the development of a photovoltaic farm in the Central Valley? Given that the recently proposed water and sewer rate hikes were overturned through application of Proposition 218, the mood of the electorate may have changed. 4-18

Finally, smaller, simpler, more affordable projects are more likely to succeed. Does meeting the needs of the community mean the CCSD must start making desalted water, produce electricity and become an active participant in the real estate market? If enterprise funds, the services at the core of our community, are out of balance, how can spending at these proposed levels be contemplated? The assumptions leading us to believe there is a need for water production at the levels anticipated must be scrutinized anew. Assumptions like the '50% quality of living' increase in water allocation seems arbitrary. The sale of 65 unallocated water connections is driven by the search for money to pay for the BRP, which is in turn driven by the effects of embracing the desalination alternative. Greater conservation efforts and the ability to use nonpotable water for landscape irrigation would help stretch out our supply of potable water. 4-19

The opportunity for incremental improvement is always there. The CCSD staff continues to work hard at making this community a better place to live. Thank you for the opportunity to comment on the pending Water Master Plan Draft EIR. 4-20

Respectfully,

Jim Webb

Jim Webb
1186 Hartford St.
Cambria, CA 93428

RESPONSE TO COMMENT LETTER NO. 4

Jim Webb, Resident
March 31, 2008

4-1 The commentor offers comment on the selection of a desalination alternative. More specifically, the commentor believes that desalination and any supplemental source of water including desalination will induce growth. This is correct. The Program EIR and specifically the Buildout Reduction Program provides a feasible mitigation measure to potential growth inducing impacts of desalination.

The commentor mischaracterizes the water planning problem facing the CCSD and its legal obligations and authority to solve the water shortage emergency. The CCSD declared a Water Code Section 350 water shortage emergency which legally empowered the CCSD to limit the availability of new water connections. Pursuant to these emergency powers the CCSD imposed a moratorium. This declaration also imposed a legal duty upon the CCSD Board to seek more reliable sources of water and develop infrastructure to deliver it to the Cambria community.

The WMP was been developed to identify and study the environmental impacts of the alternatives for feasible sources of water that could solve the water shortage emergency. It also recognizes that when the CCSD fulfills its legal duty to solve the water shortage that it will no longer have the legal authority to limit the number of water connections that are available each year. What will be left to protect the community of Cambria from uncontrolled growth are the laws and permitting authority of the County of San Luis Obispo, the California Coastal Commission, other regulatory agencies, and CEQA.

CEQA specifically requires that the CCSD consider the growth inducing impacts of its water projects and to adopt all feasible mitigation measures to mitigate these identified impacts. The formulation and study of the BRP was to develop and determine the feasibility of a mitigation measure that would mitigate the growth inducing impacts of water supply projects and reduce the future need for water in the CCSD boundaries. With much study and community input, the CCSD developed the BRP and determined it to be a feasible mitigation measure to potential growth inducing impacts of the water projects identified in the WMP.

Within the twenty year minimum water planning window required by the Water Code, the CCSD has confirmed a maximum of 4,650 existing and future residential connections, as the likely buildout of Cambria. This would represent an increase of 864 connections over the 3,980 existing and in process connections. In coordination with the WMP program, as well as earlier CCC recommendations, the CCSD's BRP would mitigate the WMP's potential for growth-inducing impacts to ensure that the long-term demand for residential water connections in Cambria (primarily single-family homes) does not exceed 4,650 existing and future residential connections; this EIR has incorporated the BRP as mitigation measure. In order to ensure that the likely limit of residential connections is not exceeded, the CCSD would implement the BRP program to retire and reduce the potential number of residential building sites.

The overall goal of the BRP is to retire and/or merge enough potential building sites in Cambria so that the remaining number of suitable building sites roughly matches the 864 (total) additional outstanding residential water connections that have been approved by the CCSD. To accomplish this goal, 3,357 residential lots would need to be retired and/or merged. Potential building sites, not all vacant lots, would be targeted because many lots do not qualify for development, since they are too small to acquire water rights. The BRP anticipates continued implementation of current CCSD and County programs to retire and/or merge residential lots. Of the BRP and indicates that of the 3,357 residential lots that remain undeveloped, an estimated 1,526 total lots are non-buildable.

The BRP also estimates that 879 total residential lots would be retired and/or merged voluntarily by the lot owner. These lots include the retirement of potential building sites with deed restrictions/ conservation easements and merging vacant lots with existing built-up lots. The BRP sets forth specific funding mechanisms that will provide money to purchase at fair market value the remaining 879 lots that are part of potential building sites. Compliance with the BRP would serve as the tool to cap the maximum number of potential water service residential connections within the CCSD service area to a maximum of 4,650. This mitigation measure would be imposed by the County of San Luis Obispo and/or the California Coastal Commission as a condition of approval for a supplemental water supply project. This condition would require that a certain number of lots be retired pursuant to the BRP prior to the issuance of intent to serve letters pursuant to the County of San Luis Obispo's growth control ordinance. The net result of implementing the BRP is that growth in Cambria will never exceed the maximum of 4,650 connections. Either the remaining buildable lots will be retired and 4,650 connections will exist or not enough lots have been retired and there are less than 4,650 connections.

When the BRP is imposed as a condition of approval of a development permit for a water supply project, lot retirement will follow the County of San Luis Obispo's growth management ordinance. If that ordinance is amended or repealed, the BRP would still limit the total connections to a maximum of 4,650, which is the amount analyzed by the EIR. If the ordinance is repealed, the operation of the BRP would slow growth by itself either due to the fact that not enough lots are retired or by specific language in the condition.

Once this condition is imposed by the County of San Luis Obispo and/or the California Coastal Commission, it can only be modified by an application by the CCSD and the approval of the County of San Luis Obispo and the approval of the California Coastal Commission. Since this condition is a mitigation measure, it must be monitored by the CCSD. If it is not monitored or followed by the CCSD, since it is a mitigation measure, any private citizen can sue the CCSD to enforce the exact terms of the condition requiring scheduled compliance with the BRP.

The general goals for planning in Cambria presented in the NCAP (i.e., Goal 2 [Orderly Development], Goal 4 [Location and Timing of Urban Development] and Goal 5 [Location and Timing of Development within Cambria]) function as criteria to determine consistency of the WMP with the LUE/LCP. Implementation of the BRP as mitigation for the proposed WMP would be in furtherance of these identified goals. Compliance with the provisions specified in the BRP would provide for a sustainable

rate of development within the planned capacity of the proposed WMP. The WMP system capacity is sized to be commensurate with the planned level of development proposed in the BRP (a maximum of 4,650 residential connections). Compliance with the BRP would enable the CCSD to provide and maintain water services. Additionally, through compliance with the BRP, new water services would be allocated in such a manner that would minimize the adverse growth-inducing impacts.

The merger and development of lots is within the authority of County of San Luis Obispo and/or the California Coastal Commission and is unchanged by the BRP. Mergers may, depending on the applicable zoning laws, allow for the construction of more or larger structures. The net effect of the retirement of buildable lots is the reduction of commercial and residential development that will be a positive environmental consequence that will far exceed any expansions that the County of San Luis Obispo and/or the California Coastal Commission allows. It should be noted that the BRP does not allow the transfer of development credits from retired lots.

The BRP is a significant and feasible measure to mitigate potential growth inducing impacts of a supplemental water supply project. When its implementation is required pursuant to the authority of the County of San Luis Obispo and/or the California Coastal Commission, it will become a permanent and legally enforceable program. When the BRP is fully implemented it will result in a maximum of 4,650 water connections for the CCSD. No legal action by property owners alleging that their property is taken without the payment of just compensation can be successful because the BRP only raises the money to pay lot owner's who choose to sell their property "just compensation".

4-2 The 4,650 existing and future residential connection cap limitation is in conformance with the County-adopted Cambria Community Plan Update, which was also certified by the California Coastal Commission. Any future increase beyond this number would be subject to a Local Coastal Plan amendment. Besides County and State oversight, local CCSD Measure P, which was passed in 2006, requires a majority vote of the local electorate before authorizing a sphere of influence amendment or the extension of domestic water services outside of the 2006 jurisdictional boundaries of the CCSD, which will increase water services to a connection amount in excess of 4, 650.

4-3 Within comments 4-3 and 4-4 the commentor questions the comparison matrix used in the earlier Kennedy/Jenks Long Term Alternatives assessment report. The reliability of desalination versus dams is also questioned. Each long-term supply alternative will have certain advantages and disadvantages. However, desalination, when properly designed and applied was viewed as a superior alternative on several accounts, including environmental. Public CCSD Board meeting discussions also reviewed and questioned various alternative approaches as the Kennedy/Jenks report was being developed. With regard to the commentor's preference towards dams, in-stream reservoirs are very difficult to permit due to their impact on existing native species, including critical habitat for the threatened South-Central Coast steelhead trout. Off-stream storage reservoirs are generally more feasible than in-stream reservoirs, but also require pumping, and would require substantial removal

of native vegetation and habitat when compared to a compact desalination facility (approximately 6,400 square feet or less than two tenths of an acre), which can fit onto much smaller land areas. Because desalination relies upon using the Pacific Ocean as a storage reservoir, as opposed to a man-made reservoir, it requires far less land area than a seasonal storage reservoir. Besides greater land impacts, seasonal storage alternatives also have further environmental concerns associated with the introduction of warmer water into local area streams as well as the potential for introducing non-native species into the existing riparian habitats. Certain remote storage reservoir locations, such as the Nacimiento Reservoir, can also require substantial pumping to cross the Santa Lucia mountain range. The energy improvements that have occurred with technological advancements to the desalination process have greatly closed the gap when compared to pumping stored water over such distances (e.g., the pumping pressure to lift water from the Nacimiento Reservoir via an independent pipeline to Cambria requires about 1,040 psi (derived from Figures 4.3 and 4.4 of the 1993 Penfield & Smith reference cited within the Task 4 WMP report), while the pumping pressure required for seawater desalination can range from about 775 to 875 psi (personal communications with Tom Seacord, Carollo Engineers, and James Lozier, CH2MHILL). Although desalination does rely upon mechanical equipment, there are approximately 10,000 such plants in operation worldwide, with that number increasing each year.

The reliability of using a supply of seawater, which is always going to be available at Cambria, versus a limited freshwater supply, was also considered as the alternatives were evaluated. Seawater desalination is also less subject to climatic changes that may ultimately alter historic rainfall data used in the sizing of man-made impoundments. Improvements in desalination technology that have occurred since the referenced 1994 Desalination EIR have also resulted in greater energy efficiencies. Because energy use is a key concern with desalination, the CCSD has included in its planning the use of renewable power as a means to negate such a project's carbon footprint, while also lowering its long-term operating costs.

4-4 With regard to the referenced matrix and dam/reservoir alternatives, please refer to Response to Comment No. 4-3.

4-5 The commentor refers to the CCSD's efforts to obtain a permit for geotechnical exploration at the San Simeon Creek beach area. The purpose of this data collection effort was to define alternative project descriptions for subsequent analysis within a project-level EIR/EIS. Unfortunately, appeals to Coastal Commission on this due diligence environmental planning effort managed to skew the purpose of this effort to appear as if the CCSD was actually building a facility on the areas being studied. Although a temporary setback is acknowledged on the geotechnical data collection permit, the commentor may wish to note that the Coastal Commission has previously approved permitting for a new desalination project at Sand City, which is currently under construction. Most recently, the Coastal Commission approved permitting for a major desalination facility in Carlsbad. In addition, the Marina Coast Water Agency has an existing desalination facility that dates back to the 1990s. During the Cambria data collection permitting effort, the Commission requested further investigation of other beach areas. In response to this request, the CCSD is in the process of gathering such additional data.

4-6 Commentor raises concern for a desalination facility in the vicinity of San Simeon Creek siting concerns over its proximity to critical steelhead habitat. The commentor questions and seeks a review of alternative sites when a project level EIR/EIS for the desalination facility occurs. A project level analysis is subject to the review and analysis requirements set forth under the National Environmental Protection Act (NEPA) and the California Environmental Quality Act (CEQA). CEQA and NEPA requirements for a project level review include a range of alternatives, which may include technology modifications, orientation of facilities and alternative site locations. It is the CCSD's intention and commitment to fully comply with the project level review requirements, which is also based upon a fully defined and detailed project description. It is also noted in Response to Comments Nos. 4-13 and 29-1, that seasonal storage reservoirs in the area will fill in or remove critical steelhead habitat.[1] Under Section 7 of the Endangered Species Act (ESA), all federal agencies must ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species, or destroy or adversely modify its designated critical habitat. Constructing dams would require federal permitting, and would therefore require compliance with Section 7 of the ESA.

4-7 Contrary to the commentor's last sentence, the Santa Rosa Creek aquifer is currently being used as a water supply via the CCSD's emergency well SR-4, which is upstream from the MtBE contamination plume. A future desalination facility will be sized such that no dependence on the Santa Rosa aquifer would be required during the dry season or an extended drought period.

4-8 Because the commentor has intermingled indoor and outdoor water use within his discussion, the following response is intended to provide further clarification. From past work by the USGS, (incorporated by reference within the Water Master Plan's Assessment of Long-Term Supply Alternatives report – Yates & Von Konyenberg, USGS Report 98-4061, page 66), on an annual basis, approximately 83 percent of the water produced was used for indoor use in Cambria, while 17 percent was used outdoors. Roughly two percent of the indoor water use is consumed and would therefore not enter the sanitary sewer system. Within the WMP Program EIR discussion, the percentage of indoor water use was rounded down to approximately 75 percent, with the remaining outdoor water use being rounded to approximately 25 percent. Should future water produced by a seawater desalination facility have a similar indoor and outdoor use distribution, a conservatively low 75 percent of this new supply will be treated at the CCSD wastewater treatment plant before being recharged into the San Simeon aquifer at the CCSD's existing percolation ponds. Desalination would therefore serve to increase the quantity of water available in the hydraulic mound area and any underflow that may subsequently charge the San Simeon Creek lagoon area. The USGS report, principally authored by Eugene Yates, used 30 percent of applied irrigation water as ultimately percolating through the upper soil mantle before being returned to the groundwater supply. This later percentage varies depending upon specific irrigation methods and corresponding efficiencies, as well as which groundwater basin the demand is located in. To answer the commentor's specific question, the maximum potential increase to the groundwater basins from seawater desalination would be approximately 450 to 500 acre feet during the dry season (i.e., 602 acre-ft/dry season (maximum desalination

[1] 40 CFR Part 256, September 2, 2005, "Endangered and Threatened Species; Designation of Critical Habitat for Seven Evolutionarily Significant Units of Pacific Salmon and Steelhead in California; Final Rule."

capacity) times .75 from interior use demands, plus 602 X 0.25 X 0.30 from potential recharge, which varies depending upon specific use). The added 450 to 500 acre-feet of recharge from the use of seawater desalination during the dry season, equates to 800,000 to 885,000 gallons per day.

4-9 Because of the current CCSD water moratorium, it is incorrect to assume new water demands will "initially be met with groundwater pumped from the San Simeon aquifer and subsequently through use of desalination." The CCSD moratorium will not be completely lifted until a new water supply has been secured. Response to Comment No. 4-8 responds to the question on San Simeon groundwater and its relationship to desalination. The commentor describes two older desalination facilities that are not in operation and does not account for other such facilities that are currently in operation worldwide, as well as advances in technology that have since occurred that greatly improve operational efficiencies.

4-10 With regard to Steelhead and creek habitat considerations, please refer to Response to Comment Nos. 3-4, 4-6, 4-7 and 4-8.

4-11 With regard to Steelhead and creek habitat considerations, please refer to Response to Comment Nos. 3-4, 4-6, 4-7 and 4-8.

4-12 With regard to Steelhead and creek habitat considerations, please refer to Response to Comment Nos. 3-4, 4-6, 4-7, and 4-8.

Other comments are noted, which do not directly comment on information provided in the Draft EIR. No further response is necessary.

4-13 The commentor argues in favor of developing a seasonal storage reservoir and notes that municipal neighbors use such approaches. The closest such municipal reservoir to the CCSD is the Whale Rock reservoir east of Cayucos to the south. The Army built this particular reservoir during World War II with the purpose of serving Camp San Luis Obispo. Besides being an urgent wartime effort, its construction preceded enactment of significant regulations, including the Endangered Species Act, as well as the Coastal Act. In essence the commentor is overlooking the historical perspective of when this reservoir was constructed as well as the motivating forces behind its construction at that time. It is doubtful that such a reservoir ever be permitted in today's highly regulated and controlled environment. The small reservoir sizes being suggested by the commentor also become relatively large reservoirs in order to obtain similar levels of reliability when compared to desalination, which relies upon the ocean for storage. Factors that increase reservoirs in size include evaporative losses, long-term storage losses due to siltation, leakage into geologic formations, regulatory requirements that can require releases to support downstream riparian habitats, diversions required to ensure water rights are maintained, as well as seasonal rainfall fluctuations that require multiple year demand storage for drought protection. By comparing a small-scale agricultural pond for cattle watering to a municipal water supply, the commentor is making an over simplification. Per Response to Comment Nos. 4-3, 4-6, and 29-1, storage reservoirs also create environmental impacts and require considerably greater land use when compared to a compact desalination facility. Setting such land aside for storage, particularly in areas such as Cambria that contain significant

expanses of Federally designated critical habitat, have their own unique set of onerous and complex environmental concerns as well as permitting requirements.

4-14 The commentor does not consider recent legislation (AB 946, 2007 - Krekorian) in his discussion, which allows for net metering credit from remotely located renewable power supply systems that can further offset long-term energy costs.

4-15 The commentor implies that desalination is a much larger project than storage projects and draws parallels to irrigation ponds used to water cattle. The commentor is further reminded that the CCSD does not have the flexibility outlined in his rancher analogy by simply reducing the number of cattle raised in response to a drought. For example, the CCSD cannot simply ask its customers to leave town due to a water shortage, and has therefore developed the subject Water Master Plan approaches. The commentor further questions the addition of future connections as well as the application of a 50-percent quality of life increase in sizing the proposed desalination project. The "quality of life" increase could have been similarly labeled as a safety or contingency factor used in sizing a future facility as opposed to condoning the future relaxation of established water conservation practices. In order to respond to the 50-percent quality of life increase questioning, the sensitivity of the percent quality of life increase needs to be viewed from a facility sizing perspective.

Convenient references for reviewing the sensitivity of the 50-precent value can be found in Tables 2-6 and 2-7 of the Kennedy/Jenks Assessment of Long-Term Supply Alternatives report. The 602 acre-feet per dry season sizing of the proposed desalination project uses the lowest population density (see Table 2-7, 1.66 persons per dwelling unit), the lowest ultimate buildout scenario column (4,650 existing and future residential connections), while allowing for a 50 percent demand increase when compared to current demands (i.e., 50 percent greater than demands that occur while operating under a water shortage emergency). Comparing these same criteria to a 2.21 persons per dwelling unit density (see Table 2-8), results in a need for 819 acre-feet during the dry season. With no quality of life increase, the same sizing needs reduce to 306 acre feet for the 1.66 density criteria, and 451 acre feet for the 2.21 density. Based on review of historic census data, the water master planning recommended proceeding with the 1.66 population density criteria for sizing. Should future demographic changes result in the higher 2.21 population density, the 602 acre-feet sizing equates to a 20 percent quality of life increase allowance. Besides the potential unknowns on future demographics, reliability in response to an emergency scenario was considered. Such emergency scenarios would be no use of either aquifer being available following a catastrophic event. Such events could involve accidental release of a contaminant to both aquifers, a multiple-year drought with virtually no intervening aquifer recharge, a major wildland fire, and tsunami inundation of the aquifers resulting in saltwater contamination. Under such emergency scenarios, the 602 acre-feet per dry season facility would be operated year-round resulting in the production of approximately 1,200 acre-feet. When comparing the 1,200 acre-foot capacity against the 1.66 population density table (Table 2-7), 1,009 acre-feet of supply would be needed assuming no quality of life increase, and 1211 acre-feet with a 20-percent quality of life increase. If the 2.21 maximum population density were to evolve at some time in the future, 1256 acre-feet in demand would need to be provided, which allows for no quality of life increase. Therefore, although referenced as a "quality of life" increase, this increase

also serves as a safety factor in considering long-term reliability under emergency events as well as providing some contingency should future demographics shift from past patterns.

Under the 1.66 density criteria, the relative construction cost difference between there being no quality of life increase allowance and a 50 percent increase, is approximately $1,700,000. Granted this is not an insignificant amount, however this sizing will provide the CCSD some room to adjust its operation in response to emergency situations as well as potential changes in future demographics. This cost differential will also be primarily related to the treatment process train components as opposed to supporting pipelines and infrastructure. The modular nature of desalination could allow stepwise increases in capacity from 306 acre feet to 602 acre-feet per dry season capacity should the CCSD decide to do so in the future. The CCSD operating staff can also adjust the future operation to match actual future demands as well as seasonal rainfall patterns.

4-16 Comment is noted. As stated on Page 3-13 of the Draft EIR, Demand Management involves further improvements to the current conservation program and regulations, set forth by the CCSD, to reduce potable water use for landscaping. The CCSD is also a signatory agency to the California Urban Water Conservation Council, which promotes water conservation, as well as related research and innovation in advancing water conservation. The water master plan recommends a three-pronged approach to solving the chronic water shortages in Cambria; namely, water conservation, recycled water for non-potable irrigation, and seawater desalination to augment potable water supplies.

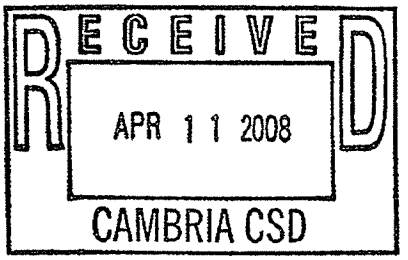
4-17 The commentor describes capital costs and funding needs, which will continue to be a focus of concern by the CCSD and discussed in public forums. For desalination, the CCSD was able to obtain a $10.3 million Federal authorization from the Water Resources Development Act program, which provides 75 percent funding. Most recently, the CCSD was also able to obtain a $3 million credit for local costs via the 2007 WRDA bill. If successful in obtaining subsequent appropriations, approximately $13.3 million in Federal funding may ultimately be applied towards the desalination project. Depending upon the contracting approach pursued, a certain level of outside funding is also available for renewable power systems, such as solar arrays. The recent passage of AB 946 in 2007 further allows for direct net metering credit to the CCSD from operation of an inland or remote renewable power system, which further brightens the outlook for future energy cost savings. With regard to Alternatives and cost factors, please refer to Response to Comment No. 4-15.

4-18 Commentor does not comment on the Draft EIR. No further response is necessary.

4-19 Comment is noted. Further discussion on the 50 percent quality of life increase can be found in Response to Comment No. 4-15.

4-20 Comment is noted. Commentor does not directly comment on information provided in the Draft EIR. No further response is necessary.

Charlotte Darehshori
585 Drake St.
Cambria, CA



April 7, 2008

Mr. Robert Gresens
Cambria Community Services District
1316 Tamson Drive, Suite 201
Cambria, Ca 93428

Re: Water Master Plan EIR

Please accept the following comments on the Water Master Plan EIR:

Form and Organization Article 10, Sections 15140 to 15154. require that EIR's be written in plain language, be less than 150 pages, or if more complex, less than 300 pages. These page limitations encourage agencies to reduce unneeded bulk and help in disclosing key environmental issues to the decision-makers and the public. The EIR shall focus on the significant effects on the environment. Further, to assist in public review, technical data, maps, specialized analysis and data can be appendices to the main body of the EIR. CEQA 15123, states "The summary should normally not exceed 15 pages. The Water Master Plan Summary is 36 pages. **5-1**

Cambria Community Services District has chosen to present two EIR's with overlapping comment periods. Both EIR's are massive documents (each having more than 800 pages) with huge amounts of information included, making for bloated and rambling documents. Clearly, releasing both documents at the same time appear to be timed to overwhelm the reader with the mass of paper as well as the mind numbing lists, charts, technical detail, reviews, summaries, histories, maps, studies, etc. (Furthermore, this period also comes at tax season.) **5-2**

Additionally, the use of a Tiered Programmed document can avoid environmental review of subsequent project (CEQA Section 21156 Streamlined Environmental Review). Thus, the consultants' strategy, appears to be one of getting these documents through the Environmental Review process by "bulking up", the EIR's so as to make it impossible to properly evaluate the environmental issues on which the reader should be focused, hoping the reader will be lulled into accepting the numerous circular and conclusory statements as shown in the attached documents from the Water Master Plan. (See Exhibits A-E) **5-3**

The format of the document includes numerous circular and conclusory statements intended to lead to less scrutiny under the Programmed Tier Approach. The Lead Agency (CCSD) states that the Water Master Plan Project would have a cumulative impact with respect to: water, air, noise, hydrology, traffic, but mitigation will be attained through compliance with regulatory requirements and thus there will be no **5-4**

significant impact. **CEQA does not permit the deferral of analysis**. Therefore, making a conclusory statement that the project, combined with future development could cause a negative environmental effect, but that mitigation meeting established regulatory requirements on a project by project basis will reduce the impact to a less than significant level, is inappropriate. These are boiler plate statements made by the paid consultants who prepared this document for the sole purpose of getting the projects approved. (See attached Exhibits A-E) 5-4

CEQA 15130 states: "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the cumulative impacts of environmental impacts not only of approved projects under construction, approved related projects not yet under construction, but also unapproved projects, projects under review which may have a cumulative impact, and using all reasonable efforts to discover, disclose and discuss other related projects. **This report does not adequately address or in many cases mention the cumulative impacts of past projects, proposed current projects, plus the effects of reasonably foreseeable probable future projects..** 5-5

1. Build out Reduction Project will allow 864 new building permits, which represents an increase of approximately 23%. Population in 2005 was estimated to be approximately 6,400. After build out the population is estimated to be approximately 7,724 to 10,469. (Water Master Plan EIR)
2. Fiscalini Park would increase the number of automobile trips in surrounding neighborhoods by approximately 328 ADT, and has the potential to generate up to 728 ADT when all trail amenities are completed. The Fiscalini Master EIR, (PG V-161) states that operation of the community park would generate 973 daily trips, and 150 peak hour trips.
3. Addition of a possible police substation and additional patrolling.
4. Station No. 10 fire station requires replacement within the next eight years
5. Current road and flood control construction on Hwy 1 and Moon Stone Beach
6. Construction of a CCSD water pump station of 6,702 square feet, including an emergency generator, pipeline & access.
7. Desalination Projects
8. Additional San Simeon dwellings, both residential and commercial

Community support services are already below recommended levels including:

(1) The standard for law enforcement is one officer per 750 persons. Our current ratio is one deputy per 1,140. **"Thus there is an existing deficiency with respect to the provision** of law enforcement services in Cambria." (Population, Housing and Growth, Page 5.13-20.) 5-6

(2) According to Ben Boer, 2006), **neighborhood complaints of illegal and nuisance parking have increased in the area. Visitor traffic is generated through the day, with a steady** quantity of parked cars at each end of the trail. Thus, currently, existing parking 5-7

facilities are not adequate to serve the West FRP trail systems, as well as inadequate law enforcement to control illegal and nuisance parking and visitors. Page 5.3-5, Traffic and Circulation. 5-7

(3) Emergency Medical, "**At the current time, emergency medical service in Cambria has been considered barely adequate.**" (Population, Housing and Growth, Pg 5.13-20. 5-8

(4) Summary of Infrastructure and Service Provider Findings. "**As is evidenced . . ., the analysis concluded that the infrastructure systems and service providers in Cambria have noted existing deficiencies, irrespective of any further development.**" Page 5.13-20. 5-9

(5) Public Services and Utilities: "**Response times are sometimes compromised when access is constrained by parked cars, roadway deficiencies and proximity to road. Delivery zones in the East and West Village are especially problematic because delivery trucks often park in the right of way and constrict all car traffic.** Public Services and Utilities Pg 5.11-7 5-10

(6) The Water Master Plan Program EIR states: Implementation of the proposed WMP would not induce direct economic growth in Cambria, because it does not involve the construction of new businesses. Implementation of the proposed WMP would not induce direct population growth in Cambria, because it does not involve the construction of new housing." **This is totally misleading because of the new and expanded water source, desalination; the district has designed a program, called Buildout Reduction which allows 23% growth.** 5-11

(7) Traffic and Circulation: Existing Conditions: **"Many of the streets within the Cambria URL are unpaved, too narrow, poorly maintained, and lack proper drainage facilities. Numerous local public streets do not have vertical and horizontal clearances required by current Fire Code Standard. Pg 5.3-5** 5-12

(8) The District's plan to buy out 864 buildable lots and thus reduce the number of buildable lots is designed to "bunch" development in the areas of Marine Terrance, Park Hill and the ocean side of Cambria. This higher density is only increased by Special Projects 1, and 2, which prohibits lots in these special areas to be used for building. Those lot owners will be forced along with those included in the Buildout Reduction Project to build homes in areas already problematic because of small 2-lane collector roadways, i.e. Ardath and Burton. **"During the P.M. peak hour, roadway level of service on Highway 1, operates at LOS D, defined as near unstable with restrictions on maneuverability within traffic streams.(Main Street to Burton Drive) and LOS E defined as unstable operations with maneuverability very limited (Burton Drive to Ardath Drive.)** (PG V150, Fiscalini Ranch Master EIR). The additional traffic directly related to the build out and to the proposed Community Park will increase these categories to LOS F, considered unacceptable. 5-13

The concept of placing development in high density areas which will allow allow public transportation, more bike riders, and more pedestrian traffic is suggested as another cookie cutter idea that does not fit the unique environment of Cambria, for the local population, the majority of whom are over fifty (Cambria statistics) **"Local bicycle use is limited due to the hilly terrain and difficult climbs." Pg 5.3-8** 5-14

(9) **A major concern is the increased stormwater runoff which will occur in the areas of high density increasing the impervious surface area with larger rooftops (allowed by the TDC program), additional rooftops, garages, paved roads, sidewalks, larger homes with less ground.** What facilities are planned to capture and clean stormwater runoff? Tiering requires the lead agency to analyze reasonably foreseeable significant effects and does not allow deferral of such analysis to a later tier document. 5-15

There is a serious failure with regard to meeting the requirements of CEQA in its analysis of greenhouse gas emission, climate change, and diesel engine exhaust emissions, including an inventory of existing estimates of emissions sources plus a projected inventory of new greenhouse gases that can reasonably be expected to be emitted. 5-16

The requirement that a Master EIR include a capital outlay, or capital improvement program showing the source of funds has been totally ignored. The costs for the proposed Desalination Project are from 2002 when the price of a barrel of oil was $23.00. A barrel of oil is now close to $110.00. The costs of the desalination plant are not disclosed, but supposedly will be covered with a "grant". 5-17

Due to the Lead Agencies' lack of compliance with CEQA's Article 10, which has deprived most citizens of Cambria from participating in the Public Comment period, the Water Master Plan EIR should be sent back to its drafters, written to comply with Article 10 and a new public comment period provided. 5-18

This EIR is requested to be set aside in its entirety as fatally inadequate in its environmental analysis in each and every category. The empty statement "we will comply at some future time and mitigate by complying with regulatory requirements should not be allowed to excuse the district from providing the specificity to permit thoughtful analysis of the impacts of the different projects in this Master EIR. This approach allows piece-mealing and avoidance of the true environmental impacts. The unique and fragile environment of this community hangs in the balance. 5-19

Thank you for your consideration of these comments.

Sincerely,

Charlotte Darehshori

CUMULATIVE IMPACTS

Aesthetic, Light Glare

- **THE WATER MASTER PLAN PROJECT, COMBINED WITH FUTURE DEVELOPMENT IN THE NORTH COAST AREA, COULD RESULT IN AESTHETIC, LIGHT, AND GLARE IMPACTS. COMPLIANCE WITH SAN LUIS OBISPO COUNTY REGULATORY REQUIREMENTS ON A PROJECT-BY-PROJECT BASIS WOULD REDUCE CUMULATIVE IMPACTS TO A LESS THAN SIGNIFICANT LEVEL.**

Impact Analysis: Development allowed under the NCAP is not anticipated to create an aesthetically incompatible site open to public view, would not create substantial glare or night lighting, and would not impact unique geological or physical features.[3] New development within the North Coast Area would be subject to compliance with County policies and regulations (CZLUO Section 23.04.320 and NCAP Standards CW–12, CW-13, CW-15, CW-17, AW-5, AW-6, and relevant CS Standards) that would mitigate visual and light/glare impacts. Compliance with the County's regulatory requirements on a project-by-project basis would ensure that potential impacts associated with aesthetics, light, and glare are reduced to less than significant levels.

Mitigation Measures: No mitigation measures are recommended beyond compliance with San Luis Obispo County regulatory requirements on a project-by-project basis.

Level of Significance: Less Than Significant Impact.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant impacts related to aesthetics, light, or glare have been identified following compliance with the County's regulatory requirements.

CUMULATIVE EMISSIONS

AQ/R

- **THE WATER MASTER PLAN PROJECT, COMBINED WITH FUTURE DEVELOPMENT WITHIN THE NORTH COAST AREA, COULD RESULT IN CUMULATIVELY SIGNIFICANT AIR EMISSIONS. ANALYSIS HAS CONCLUDED THAT A LESS THAN SIGNIFICANT CUMULATIVE IMPACT WOULD OCCUR.**

Impact Analysis:

The South Central Coast Air Basin is currently in nonattainment for PM_{10}. The proposed Project, in combination with other future development identified in the NCAP, could contribute to the degradation of regional air quality. However, the proposed Water Master Plan features are not trip-generating uses, such as residential or commercial development would be. Once construction of the proposed Project is completed, operational emissions would be relatively minor. Furthermore, stationary equipment would be subject to APCD permit requirements and would not significantly increase the ambient air quality. Because the proposed Project would not exceed the APCD thresholds for ozone precursors or PM_{10}, cumulative impacts would be less than significant.

the proposed Project would still have the potential to result in emissions associated with GHG emissions and global climate change. However, there is significant uncertainty involved in making predictions regarding the extent to which the operations of mixed use developments, such as the proposed project, would affect GHG emissions and global climate change. Therefore, a conclusion on the significance of the environmental impact of climate change cannot be reached. Section 15145 of the *CEQA Guidelines* provides that, if after a thorough investigation a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impacts.

Mitigation Measures: Refer to Mitigation Measures AQ-1 and AQ-8.

Level of Significance: Less Than Significant With Mitigation Incorporated. (As previously stated, a significance determination cannot be made for global climate change impacts).

LEVEL OF SIGNIFICANCE AFTER MITIGATION

B

CUMULATIVE IMPACTS — Geology + Soils

- THE WATER MASTER PLAN PROJECT, COMBINED WITH FUTURE DEVELOPMENT WITHIN THE NORTH COAST AREA, COULD EXPOSE PEOPLE OR STRUCTURES TO POTENTIAL ADVERSE EFFECTS INVOLVING SEISMIC HAZARDS, AND COULD RESULT IN SUBSTANTIAL SOIL EROSION. CUMULATIVE IMPACTS WOULD BE LESS THAN SIGNIFICANT FOLLOWING COMPLIANCE WITH FEDERAL, STATE, AND SAN LUIS OBISPO COUNTY REGULATORY REQUIREMENTS, AND IMPLEMENTATION OF RECOMMENDED MITIGATION ON A PROJECT-BY-PROJECT BASIS.

Impact Analysis: The cumulative effects resulting from implementation of the proposed WMP and other development in the North Coast Area could expose a greater number of people and structures to potential substantial adverse effects involving seismic hazards. Additionally, the cumulative effects of development could result in substantial soil erosion. The cumulative effects of exposure to potential seismic hazards would be reduced to a less than significant level following compliance with Federal, State, and San Luis Obispo County regulatory requirements (i.e., National Pollutant Discharge Elimination System, Building and Construction Ordinance, North Coast Area Plan standards, Coastal Zone Land Use Ordinance, and Stormwater Pollution Prevention Plan), and implementation of recommended mitigation on a project-by-project basis. In addition, erosional and sedimentation impacts would be mitigated on a project-by-project basis. The 2005 NCAP Update concluded that implementation of the Community Plans Update would not result in significant impacts to soils, geology, or erosion.[3] Therefore, the cumulative effects associated with geology and soils resulting from development within the North Coast Area would be mitigated to a less than significant level.

Mitigation Measures: No mitigation measures are recommended beyond compliance with the established regulatory requirements on a project-by-project basis.

Level of Significance: Less Than Significant Impact.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Analysis has concluded that following implementation of the recommended mitigation measures requiring compliance with San Luis Obispo County, State, and Federal regulatory policies and requirements, geology and soil impacts would be reduced to a less than significant level.

CUMULATIVE IMPACTS — Noise

- THE WATER MASTER PLAN PROJECT, COMBINED WITH FUTURE DEVELOPMENT WITHIN THE NORTH COAST AREA, COULD INCREASE THE AMBIENT NOISE LEVELS. THE IMPACTS AND MITIGATION MEASURES WOULD BE DETERMINED ON A PROJECT-BY-PROJECT BASIS. COMPLIANCE WITH SAN LUIS OBISPO COUNTY REGULATORY REQUIREMENTS ON A PROJECT-BY-PROJECT BASIS WOULD REDUCE CUMULATIVE IMPACTS TO A LESS THAN SIGNIFICANT LEVEL.

Mitigation Measures: No mitigation measures are recommended beyond compliance with San Luis Obispo County regulatory requirements on a project-by-project basis.

Level of Significance: Less Than Significant Impact.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Compliance with San Luis Obispo County's noise standards and implementation of the recommended mitigation measures would reduce short-term, long-term, and cumulative noise impacts to a less than significant level.

CUMULATIVE IMPACTS Biological Resources

- **THE WATER MASTER PLAN PROJECT, COMBINED WITH FUTURE DEVELOPMENT IN THE NORTH COAST AREA, COULD ADVERSELY AFFECT THE AREA'S BIOLOGICAL RESOURCES. FOLLOWING IMPLEMENTATION OF THE RECOMMENDED MITIGATION AND COMPLIANCE WITH FEDERAL, STATE, AND SAN LUIS OBISPO COUNTY REGULATORY REQUIREMENTS, ON A PROJECT-BY-PROJECT BASIS, IMPACTS WOULD BE REDUCED.**

Impact Analysis: When viewing the proposed Water Master Plan in conjunction with future development projects in the North Coast Area, the loss of sensitive species/habitats and interference with migration corridors could be concluded as significant cumulative effects. However, cumulative impacts to sensitive species/habitats and migration corridors are currently being mitigated on a project-by-project basis and in accordance with Federal, State, and County requirements. Following compliance with the regulatory requirements, recommended mitigation, and NCAP Standards, on a project-by-project basis, impacts would be reduced to less than significant levels. It is further noted that the 2005 NCAP Update EIR concluded that implementation of the Community Plans Update would not result in any significant impacts to biological resources.[8]

Mitigation Measures: No mitigation measures are recommended beyond compliance with the Federal, State, and County regulatory requirements on a project-by-project basis.

Level of Significance: Less Than Significant Impact.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Analysis has concluded that following implementation of the recommended mitigation measures requiring compliance with North Coast Area Plan Standards, Coastal Zone Land Use Ordinance policies, and State and Federal regulatory policies and requirements, impacts to biological resources would be reduced to a less than significant level.

CUMULATIVE IMPACTS Cultural Resources

- **THE WATER MASTER PLAN PROJECT, COMBINED WITH FUTURE DEVELOPMENT IN THE NORTH COAST AREA, COULD ADVERSELY AFFECT CULTURAL RESOURCES. RESOURCES WOULD BE EVALUATED AND MITIGATED ON A PROJECT-BY-PROJECT BASIS. COMPLIANCE WITH STATE AND SAN LUIS OBISPO COUNTY REGULATORY REQUIREMENTS WOULD REDUCE IMPACTS TO A LESS THAN SIGNIFICANT LEVEL.**

Impact Analysis: Potential cumulative impacts to cultural resources would be site specific and would be evaluated on a project-by-project basis. Each development would be required to comply with all applicable County, State, and Federal regulations concerning preservation, salvage, or handling of cultural resources. It is further noted that the 2005 NCAP Update EIR, which addressed implementation of the Community Plans Update, concluded that for both known and potential unknown resources, existing County policies ensure that impacts are less than significant would not result in any significant impacts to biological resources.[3]

Mitigation Measures: No mitigation measures are recommended beyond compliance with the established County, State, and Federal regulatory requirements on a project-by-project basis.

Level of Significance: Less Than Significant Impact.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Analysis has concluded that following implementation of the recommended mitigation measures requiring compliance with Coastal Zone Land Use Ordinance policies, CZLUE policies, North Coast Area Plan Standards, and State and Federal regulatory policies and requirements, impacts to cultural resources would be reduced to a less than significant level.

CUMULATIVE IMPACTS

Biological Resources

D

- THE WATER MASTER PLAN PROJECT, COMBINED WITH FUTURE DEVELOPMENT IN THE NORTH COAST AREA, COULD ADVERSELY AFFECT THE AREA'S BIOLOGICAL RESOURCES. FOLLOWING IMPLEMENTATION OF THE RECOMMENDED MITIGATION AND COMPLIANCE WITH FEDERAL, STATE, AND SAN LUIS OBISPO COUNTY REGULATORY REQUIREMENTS, ON A PROJECT-BY-PROJECT BASIS, IMPACTS WOULD BE REDUCED.

Impact Analysis: When viewing the proposed Water Master Plan in conjunction with future development projects in the North Coast Area, the loss of sensitive species/habitats and interference with migration corridors could be concluded as significant cumulative effects. However, cumulative impacts to sensitive species/habitats and migration corridors are currently being mitigated on a project-by-project basis and in accordance with Federal, State, and County requirements. Following compliance with the regulatory requirements, recommended mitigation, and NCAP Standards, on a project-by-project basis, impacts would be reduced to less than significant levels. It is further noted that the 2005 NCAP Update EIR concluded that implementation of the Community Plans Update would not result in any significant impacts to biological resources.[8]

Mitigation Measures: No mitigation measures are recommended beyond compliance with the Federal, State, and County regulatory requirements on a project-by-project basis.

Level of Significance: Less Than Significant Impact.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Analysis has concluded that following implementation of the recommended mitigation measures requiring compliance with North Coast Area Plan Standards, Coastal Zone Land Use Ordinance policies, and State and Federal regulatory policies and requirements, impacts to biological resources would be reduced to a less than significant level.

CUMULATIVE IMPACTS

Cultural Resources

- THE WATER MASTER PLAN PROJECT, COMBINED WITH FUTURE DEVELOPMENT IN THE NORTH COAST AREA, COULD ADVERSELY AFFECT CULTURAL RESOURCES. RESOURCES WOULD BE EVALUATED AND MITIGATED ON A PROJECT-BY-PROJECT BASIS. COMPLIANCE WITH STATE AND SAN LUIS OBISPO COUNTY REGULATORY REQUIREMENTS WOULD REDUCE IMPACTS TO A LESS THAN SIGNIFICANT LEVEL.

Impact Analysis: Potential cumulative impacts to cultural resources would be site specific and would be evaluated on a project-by-project basis. Each development would be required to comply with all applicable County, State, and Federal regulations concerning preservation, salvage, or handling of cultural resources. It is further noted that the 2005 NCAP Update EIR,

which addressed implementation of the Community Plans Update, concluded that for both known and potential unknown resources, existing County policies ensure that impacts are less than significant would not result in any significant impacts to biological resources.[3]

Mitigation Measures: No mitigation measures are recommended beyond compliance with the established County, State, and Federal regulatory requirements on a project-by-project basis.

Level of Significance: Less Than Significant Impact.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Analysis has concluded that following implementation of the recommended mitigation measures requiring compliance with Coastal Zone Land Use Ordinance policies, CZLUE policies, North

CUMULATIVE IMPACTS

Hydrology & Water Quality

E

- **THE WATER MASTER PLAN PROJECT, COMBINED WITH FUTURE DEVELOPMENT WITHIN THE NORTH COAST AREA, COULD RESULT IN INCREASED DRAINAGE, STORM WATER QUALITY IMPACTS, AND RISK OF FLOODING. COMPLIANCE WITH THE FEDERAL, STATE, AND SAN LUIS OBISPO COUNTY REGULATORY FRAMEWORK ON A PROJECT-BY-PROJECT BASIS WOULD REDUCE POTENTIAL IMPACTS TO LESS THAN SIGNIFICANT LEVELS.**

Compliance with the following established regulatory framework would ensure that potential drainage, short- and long-term storm water quality, and risk of flooding impacts from cumulative development are reduced to less than significant levels.

- NPDES requirements (including BMPs);
- San Luis Obispo County SWPPP requirements;
- North Coast Area Plan Standards;
- Coastal Zone Land Use Ordinance guidelines and standards; and
- Cambria Flood Control Project.

Mitigation Measures: No mitigation measures are recommended beyond compliance with the established regulatory requirements on a project-by-project basis.

Level of Significance: Less Than Significant Impact.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant impacts related to drainage, short- and long-term storm water quality, and risk of flooding have been identified following compliance with the established Federal, State, and San Luis Obispo County regulatory framework.

RESPONSE TO COMMENT LETTER NO. 5

Charlotte Darehshori, Resident
April 7, 2008

5-1 The commentor refers to Sections 15140 to 15154 and 15123 of the CEQA Guidelines, which provide guidance in the preparation of EIR's and Negative Declarations. The commentor is correct in asserting that the EIR is to focus on significant affects on the environment. As stated on Page 1-2 of the Draft EIR, Section 15121 of CEQA identifies the main purposes of the EIR, which includes identification of ways to minimize significant effects of a project.

The commentor's reference to page limits and writing in "plain English" has been a key consideration in publishing the document and text discussions are "streamlined" wherever possible. The reference to CEQA page limits is a recommendation under the CEQA Guidelines, but is not a requirement.

5-2 The comment has been noted.

5-3 The commentor refers to the application of Tiered documentation and processing. The Draft EIR has been prepared as a Program EIR in accordance with Section 15168 of the CEQA Guidelines. Page 1-1 of the Draft EIR cites the provisions of Section 15168, including the processing of the EIR. The Program EIR is to serve as the CEQA clearance for the program/policy adoption of the Water Master Plan. Facility implementation shall be subject to further environmental review, once each project/facility can be fully defined and is then determined to be a "project" in accordance with Public Resource Code 21065.

In order to further clarify the CCSD's intent to conduct additional environmental review accordance with the tiering provisions of CEQA (Section 15152), the following is to be incorporated into the Final EIR, on Page 1-3, Paragraph 3 of the Draft EIR:

> The CCSD intends to utilize this Program EIR as the tiering document for further project level CEQA review in accordance with Section 15152 of the CEQA Guidelines which is as follows:
>
> *15152. TIERING*
>
> *(a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.*
>
> *(b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or*

negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

(c) Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

(d) Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

(1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.

(e) Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering.

(f) A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.

(1) Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR, that effect is not treated as significant for purposes of the later EIR or negative declaration, and need not be discussed in detail.

(2) When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).

(3) Significant environmental effects have been "adequately addressed: if the lead agency determines that:

(A) They have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or

(B) They have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

(g) When tiering to used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.

(h) There are various types of EIRs that may be used in a tiering situation. These include, but are not limited to, the following:

(1) General Plan EIR (Section 15166).
(2) Staged EIR (Section 15167).
(3) Program EIR (Section 15168).
(4) Master EIR (Section 15175).
(5) Multiple-family residential development/residential and commercial or retail mixed-use development (section 15179.5).
(6) Redevelopment project (Section 15180).
(7) Projects consistent with community plan, general plan, or zoning (Section 15183).

5-4 The commentor claims deferral of analysis in the WMP EIR. As stated in Response to Comment No. 5-3, the Program EIR fully complies with the requirements set forth in Section 15168 of CEQA. Furthermore, the recent California Supreme Court ruling (June 2008) upholding the Programmatic level of impact review for the Bay-Delta EIR confirms that the first tier programmatic EIR can provide a more general analysis of impacts and defer to a more specific project level analysis to a later environmental review.

5-5 The CCSD has fully complied with the Cumulative impact review requirements set forth under Section 15130(a) of the CEQA Guidelines. The section states that among the review options, "a summary of projections in an adopted General Plan or related planning document . . ." may be utilized. Section 4.0, Basis of Cumulative Analysis, provides the reader with an overview of existing and potential development for the North Coast Area Plan area. Given the context of the WMP service area in Cambria, it has been deemed appropriate to consider the Area Plan in terms of cumulative considerations.

5-6 Commentor's reference to Page 5.13-20 of the Draft EIR is correct. Comment does not directly challenge information provided in the Draft EIR. No further response is necessary.

5-7 The commentor refers to visitor traffic and parking conditions in the local area. The commentor concerns for adequacy of parking and illegal parking conditions are noted but are not germane to the WMP EIR analysis. The commentor's reference to Page 5.3-5 of the Public Review Draft EIR is unclear.

5-8 Commentor's reference to Page 5.13-20 of the Draft EIR is correct. The comment does not directly challenge information provided in the Draft EIR. No further response is necessary.

5-9 Commentor's reference to Page 5.13-20 of the Draft EIR is correct. The comment does not directly challenge information provided in the Draft EIR. No further response is necessary.

5-10 Commentor's reference to Page 5.11-7 of the Draft EIR is correct. The comment does not directly challenge information provided in the Draft EIR. No further response is necessary.

5-11 With regard to concerns for growth and buildout reduction, please refer to Response to Comment No. 4-1.

5-12 Commentor's reference to Page 5.3-5 of the Draft EIR is correct. The comment does not directly challenge information provided in the Draft EIR. No further response is necessary.

5-13 The commentor refers to concerns for density in particular neighborhoods of Cambria, as a result of the Buildout Reduction Program (BRP). The BRP does not pre-determine the level of development in neighborhoods throughout the community but instead considers an overall reduction in buildout conditions, when compared to buildout projections considered in the North Coast Area Plan.

5-14 Please refer to Response to Comment No. 5-13.

5-15 As stated on Page 5.9-18 of the WMP Draft EIR, the proposed Water Master Plan improvements along with other future development in the North Coast Area may:

- Impact storm water quality due to sheet erosion of exposed soils and subsequent deposition of particles and pollutants in drainage areas from grading, excavation, and construction activities.

- Increase the impervious area of the respective development sites, potentially altering their existing drainage patterns or the rate/amount of surface runoff.

- Reduce the permeable surfaces on the respective development sites and introduce urban water pollutants, which could result in long-term impacts to the quality of storm water and urban runoff.

- Proposed uses in areas designated FH Combining Designation and may increase the rate and volume of runoff, which may increase the risk of flooding.

Compliance with the following established regulatory framework would ensure that potential drainage, short- and long-term storm water quality, and risk of flooding impacts from cumulative development are reduced to less than significant levels.

- NPDES requirements (including BMPs);
- San Luis Obispo County SWPPP requirements;
- North Coast Area Plan Standards;
- Coastal Zone Land Use Ordinance guidelines and standards; and
- Cambria Flood Control Project.

No mitigation measures are recommended beyond compliance with the established regulatory requirements on a project-by-project basis. No significant impacts related to drainage, short- and long-term storm water quality, and risk of flooding have been identified following compliance with the established Federal, State, and San Luis Obispo County regulatory framework.

5-16 *CEQA* requires an agency to engage in forecasting "to the extent that an activity could reasonably be expected under the circumstances. An agency cannot be expected to predict the future course of governmental regulation or exactly what information scientific advances may ultimately reveal" (*CEQA Guidelines* Section 15144, Office of Planning Research commentary, citing the California Supreme Court decision in Laurel Heights Improvement Association v. Regents of the University of California [1988] 47 Cal. 3d 376).

CEQA does not require an agency to evaluate an impact that is "too speculative" provided that the agency identifies the impact, engages in a "thorough investigation" but is "unable to resolve an issue," and then discloses its conclusion that the impact is too speculative for evaluation (*CEQA Guidelines* Section 15145, Office of Planning and Research commentary). Additionally, *CEQA* requires that impacts be evaluated at a level that is "specific enough to permit informed decision making and public participation" with the "production of information sufficient to understand the environmental impacts of the proposed project and to permit a reasonable choice of alternatives so far as environmental aspects are concerned" (*CEQA Guidelines* Section 15146, Office of Planning and Research commentary).

Table 5.4-5 (Applicable Global Climate Change Strategies) of the Draft EIR (and provided below) provides a list of recommended measures and strategies to help reduce global climate impacts that was provided by CARB and the Climate Action Team. The strategies listed in Table 5.4-5 would directly apply to the proposed Project. Table 5.4-5 provides an analysis of the Project's conformance with the GHG reduction strategies.

Table 5.4-5
Applicable Global Climate Change Strategies

Strategies for Reducing Greenhouse Gas Emission Reduction[1]	Project Conformance
Vehicle Climate Change Standards. AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the CARB I September 2004.	Following a phase-in period, the majority of the vehicles that access the Project sites would be expected to be in compliance with any vehicle standards that CARB adopts.
Other Light Duty Vehicle Technology. New standards would be adopted to phase in beginning in the year 2017 model year.	Following a phase-in period, the majority of the vehicles that access the Project sites would be expected to be in compliance with any vehicle standards that CARB adopts.
Diesel Anti-Idling. In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.	All vehicles, including diesel trucks accessing the Project sites, would be subject to the CARB measures and would be required to adhere to the 5-minute limit for vehicle idling.
Heavy-Duty Vehicle Emission Reduction Measures. Increased efficiency in the design of heavy-duty vehicles and an education program for the heavy-duty vehicle sector.	These are CARB enforced standards; vehicles that access the project sites that are required to comply with the standards would comply with the strategy.
Water Conservation. The California Public Utilities Commission adopted a Water Action Plan in December 2005. This Water Action Plan includes a number of initiative to encourage water conservation including rate design reform, conservation program investment by water utilities, and partnering with energy utilities	In addition to current conservation efforts, the CCSD would incorporate feasible Water Action Plan initiatives to reduce water usage and promote water conservation.
Water Use Efficiency. Water use efficiency is a strategic investment in the reduction of climate change. Water use efficiency encourages smart use of water to encourage water savings and therefore reduce energy consumption.	The proposed Project would incorporate water use efficiency technologies and energy recovery devices to reduce the amount of water used and recapture lost energy.
Municipal Utility Energy Efficiency Programs. The California Energy Commission and the California Public Utilities Commission are collaborating on additional energy efficiency programs beyond those programs already adopted.	Programs created by the California Energy Commission and California Public Utilities Commission would be implemented to increase energy efficiency.
Urban Best Management Practices. The Department of Water Resources will promote the use of Urban Best Management Practices that are locally cost-effective.	The proposed Project would incorporate Urban Best Management Practices that are cost-effective in the CCSD .
Notes: 1 - Only the applicable strategies for reducing GHG emissions were included.	
Source: California Environmental Protection Agency, *Climate Action Team Report to Governor Schwarzenegger and the Legislature*, March 2006.	

Global Climate Change impacts are influenced by cumulative emissions from human activities in the region, the state, and the world. A reduction in vehicle miles traveled results in a decrease in fuel consumption and a decrease in GHG emissions. Based on an investigation of compliance with local air quality thresholds and resultant future long-term operational impacts, the proposed Project would still have the potential to result in emissions associated with GHG emissions and global climate change. However, there is significant uncertainty involved in making predictions regarding the

extent to which the operations of mixed use developments, such as the proposed project, would affect GHG emissions and global climate change. Therefore, a conclusion on the significance of the environmental impact of climate change cannot be reached. Section 15145 of the *CEQA Guidelines* provides that, if after a thorough investigation a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impacts.

5-17 The commentor's reference to a Master EIR and the requirement of a capital outlay is consistent with Section 15176(b)(4) of CEQA. The commentor is advised that the WMP EIR is a Program EIR, in accordance with Section 15168 of CEQA, which does not require a Capital Outlay Program.

5-18 The CCSD has fully complied with CEQA (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) and the rules, regulations and procedures for implementation of CEQA, as adopted by the CCSD. This includes applicable sections set forth in Article 10.

5-19 Comment is noted and the commentor is referred to all responses provided to Comment Letter No. 5.

COMMENT NO. 6

From: "Tom Mix" <circle3tom@hotmail.com>
To: "Bob Gresens" <bgresens@cambriacsd.org>
Date: 4/8/2008 8:07 AM
Subject: Long Range Water Plan

April 8, 2008

CCSD Board Members:

This letter addresses the Nacimiento pipeline as an alternative permanent water supply for Cambria. We realize it is not the number one alternative, which is good. We are very opposed to using the Town Creek Route for a Nacimiento pipeline for many reasons.

We agree with the many concerns to the Town Creek Route alternative cited in Section 6.2 of the 2008 CCSD Long Range Water Plan Final Draft. In addition, it would be extremely difficult and expensive to build an access road and bridges and an underground or above ground pipeline from the lake to the crest of the mountain range. This must be further evaluated.

As land owners and full time residents where the Town Creek alternative would probably dump on the ocean side of the Santa Lucia range, we are concerned about crossing this new water flow to access our property for agricultural and personal utilization. The water would create a whole new creek until it joined the existing San Simeon Creek. The probable entry point at San Simeon Creek is 700 vertical feet and 2,700 linear feet below the crest in very steep terrain. So, the new creek would be fast flowing, and over half of a mile long. The environmental issues would be enormous. Also, be advised it would ruin a spring which is our alternative water supply. 6-1

Lastly, you will find it very difficult to negotiate right of way agreements with the many landowners on both sides of the mountain.

In the event this alternative ever becomes high on the priority list, we would be happy to meet with any Board members or any of your staff or advisors either in your offices or on site to further our points.

Debby and Tom Mix
5855 San Simeon Creek Road
Cambria, CA
circle3tom@hotmail.com

RESPONSE TO COMMENT LETTER NO. 6

Debby and Tom Mix, Resident
April 8, 2008

6-1 Section 6.2 of the Draft EIR presents a review of a "Surface Water from Lake Naciemiento" Alternative. The Alternative was considered through the WMP process and is reviewed in the Draft EIR in accordance with Section 15126.6 of CEQA. The commentor provides additional perspective and concerns related to this Alternative. The commentor does not directly challenge information provide in the Draft EIR. No further response is necessary.

From: "Bob Gresens" <bgresens@cambriacsd.org>
To: "Monique Madrid" <mmadrid@cambriacsd.org>, "Tammy Rudock" <trudock@cambriacsd.org>, "Glenn Lajoie (E-mail)" <gal@rbf.com>, <rgarcia@rbf.com>
Date: 4/9/2008 12:54 PM
Subject: FW: Water Master Plan EIR Questions

FYI.

Bob
-----Original Message-----
From: Bob Gresens
Sent: Wednesday, April 09, 2008 9:59 AM
To: 'Amanda Rice'
Cc: Kathy Choate
Subject: RE: Water Master Plan EIR Questions

Hello Amanda,

Thank you for your interest in our Water Master Plan Program EIR. Your questions are welcomed, but they need to follow our protocol for processing public information requests with Kathy Choate, our District Clerk. Kathy is in charge of tracking public information requests, making arrangements to review documents in our office, and for distributing responses. She can be reached by phone at 927-6223. In addition, I have copied Kathy on this email reply. The first step in the information request process is to fill out the attached public information request. After receiving this from Kathy, I will be glad to respond to your questions.

Sincerely,

Bob Gresens

Robert C. Gresens, P.E.
District Engineer
Cambria Community Services District
P.O. Box 65
Cambria, CA 93428
805-927-6119
fax: 805-927-5584

-----Original Message-----
From: Amanda Rice [mailto:cambriachick@charter.net]
Sent: Tuesday, April 08, 2008 12:24 PM
To: Bob Gresens
Subject: Water Master Plan EIR Questions

Bob,
I've been reading through the WMP EIR and have a couple of questions.

Page 2-1 of the Executive Summary - Background and History The SWRCB diversion permits allow up to 1748 AF (divided into wet and dry season amounts). But there is a Development Permit from the CCC allows no more than 1,230 AF. **7-1**

What Development permit was this? Is it the same CCC Development permit referred to to on page 2-2 (Projected water demands) that requires maximum of 5,250 connections? If so, is the 1,230 AF in some way based on the maximum of 5,250 connections? Is there any situation where the Coastal Commission would remove the 1,230 AF restriction? 7-1

What is the AF permitted (whether by the SWRCB or CCC or CCSD) based upon? (ie does it have any relation to the amount of groundwater available from the aquifer?) 7-2

Any answers you can provide would greatly improve my understanding of the water master plan and the EIR. Thank you for your time.

Amanda Rice
cambriachick@charter.net
927-4191
909-0814 (cell)

RESPONSE TO COMMENT LETTER NO. 7

Amanda Rice, Resident
April 8, 2008

7-1 The permitting information requested was subsequently responded to by the CCSD via a public information request process. In addition, the same commentor provided an April 14, 2008 letter requesting further permitting details (please refer to Response to Comment No. 24-5 and corresponding Response to Comment).

7-2 The permitting information requested was subsequently responded to by the CCSD via a public information request process. In addition, the same commentor provided an April 14, 2008 letter requesting further permitting details (please refer to Response to Comment 24-5 and corresponding Response to Comment).

COMMENT NO. 8

From: "Frank Butz" <fanbutz@charter.net>
To: "Bob Gresens" <bgresens@cambriacsd.org>
Date: 4/9/2008 9:31 AM
Subject: desal

Dear Bob,

For all the obvious reasons, which I an sure you have already heard, for Cambria to build, own and operate a desalinization plant is a **BAD** idea. I am told that Pacific Gas and Electric Co, a major user of desalinated water, uses a contract rental desalinization company to provide for their desalination needs. With the high cost of construction, the very high probability of cost overruns for construction, (when was the last time you heard of a construction job coming in at the design engineers estimated price and especially the contractors bid price?),the high cost of maintaining and updating such a sophisticated facility, not even the ever increasing cost of energy. If our Cambria Community Service District has researched the possibility and the cost of a desalinization contractor I have not heard of the research or the estimated cost and feasibility of the use of such a plan. I think it is an idea whose time has come for consideration. 8-1

Any information you may have about this possibility will be appreciated.

Thank you ~ Frank

RESPONSE TO COMMENT LETTER NO. 8

Frank Butz, Resident
April 9, 2008

8-1 Commentor offers perspective on the desalination facility component. Comment is noted. Commentor does not directly comment on information provided in the Draft EIR. No further response is necessary.

COMMENT NO. 9

GREENSPACE

THE CAMBRIA LAND TRUST

Cambria Community Services District
Attn: Mr. Robert C. Gresens, P.E
1316 Tamson Drive, Suite 201
Cambria, California 93428

April 9, 2008

RE: Water Master Plan – Program Draft Environmental Impact Report
SCH NO. 2004071009

Dear Mr. Gresens:

Attached are comments from Greenspace-the Cambria Land Trust and LandWatch on the Water Master Plan referenced above. The comments are in two sections. One section (nine pages) is general comments on from Greenspace that we consider deficiencies in the document regarding omissions of information and inadequate analysis and mitigation measures. The second section of comments from Greenspace and LandWatch is prepared by attorney, Cynthia Hawley, on potential legal deficiencies and protocols regarding the California Environmental Quality Act. **9-1**

It must be noted that Task 1 and task 2 of the Water Master Plan are not included in this analysis. Documents referenced in the DEIR are apparently part of Task 1 and Task 2. It is our understanding that referenced material must be included in the appendix. **9-2**

Since Task 2 is paramount in citizen participation as it relates to understanding this complicated and unusually cumbersome document I request that the DEIR be withdrawn from public review until a complete document is available to the public or extend the review time once the missing documents are accessible to the general public. The document is not on the CCSD website. **9-3**

Additionally, because of the number of issues in this burdensome DEIR, I request a 30 day extension of review time. **9-4**

We offer the following comments in the spirit of public participation.

Best regards,

Richard Hawley

CC: Lois Capps; Peter Douglas, California Coastal Commission; and Traci Sheehan, the Planning and Conservation League

Attachments: Part I and Part II

RICHARD HAWLEY
EXECUTIVE DIRECTOR

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Cambria, CA 93428
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rick@greenspacecambria.org
www.greenspacecambria.org

Part 1 - General comments by section to the Water Master Plan (WMP)

1.0 Introduction and Purpose

The introduction appears to be highly slanted towards desalination when, according to testimony by CCSD Directors during public meetings, no such project exists in Cambria. Other water sources are not given equal attentiveness in this section. 9-5

2.0 Executive Summary

Inadequate history on MtBE in the sense that the DEIR suggests that the wells are not of any use to the CCSD when, in fact, they might be available during winter and spring when flows are substantial. No data exists in the document that analyzes the current extent of the MtBE plume or if the plume threatens CCSD wells during winter flows. 9-6

Inadequate summary of mitigation effects on impacts that gives a false picture of meaningful mitigations and monitoring to the casual reader. It gives the impression that the identified impacts in the document are benign and have little consequence. 9-7

The Summary assumes a 50% quality of life increase over existing consumption! This extreme increase is inconsistent with mitigation and water conservation and is a serious flaw in the WMP. 9-8

The WMP assumes that there is a Desalination project and no other feasible alternative exists, therefore it is inadequate. 9-9

The Summary does not adequately identify all water supply alternatives. 9-10

The Summary suggests that a "no net increase" approach to recycled water from the nearly 400,000 gallons per day can be justified. There is absolutely no data to prove this assumption. This is a significant flaw in the analysis of recycled water for irrigation and in using reclaimed water for domestic purposes. 9-11

Water Demand Management does not consider the reuse of wastewater and, in fact, the entire concept water management is meaningless when you consider a 50% increase in average consumption rates that are incorporated in this DEIR. 9-12

The Buildout Reduction Program (BRP) is only voluntary and therefore not mitigation for anything tangible. The BRP as represented in this document is flawed and therefore the analysis using the BRP is flawed. 9-13

3.0 Project Description
3.2 Background and History

Page 3.4 suggests that the MtBE spill stops well production on Santa Rosa Creek year round. Since there is no data offered to prove that wells SR -1 and SR-3 can not be pumped in the winter and spring after nearly 8 years of clean-up efforts by Chevron, it is mere supposition to say that this water can not be included in the analysis or be relied on as available community water. Using these two wells wisely, winter and spring water flow can be captured and stored in a variety of ways for use in the dry season. Therefore, Cambria has more water available for beneficial use than the DEIR suggests thereby making the water analysis flawed. Even the Kennedy/Jencks report states that pumping during the winter from SR1 and SR3 would likely have no effect on ground water. **9-14**

The WMP is faulty in logic when on one hand the WMP DEIR champions' water conservation then promotes a 50% increase in customer usage even though the Kennedy/Jencks report clearly states that Cambria has sufficient ground water to meet current demands with a 10% increase in consumption. It appears to the casual observer that the 50% increase in water consumption used as a baseline has been intentionally manipulated to give the impression to residents and potential sources of funds to build a desalination plant that Cambria is in desperate need of water when we apparently are not. The logic flaw is that the WMP proposes to provide 50% more water than the community actually needs, given existing usage. Further, if improved conservation methods are implemented, as the WMP discusses, then even less water is needed on a daily basis. This fundamental logic error creates a major flaw permeating the entire document. **9-15**

There are water supply alternatives not discussed in the WMP that would provide cheaper water to Cambria and be environmentally superior to the limited scope of options discussed in the WMP. As an example, an off-stream storage facility adjacent to the CCSD San Simeon well fields was offered to the CCSD by a private property owner. The site has the potential to hold 300-acre feet of water. The water would be available during the dry season at a fraction of the cost of alternatives discussed in the WMP. Other options include building numerous small holding ponds throughout the watershed that capture water during the wet season and then is released during the dry season to recharge groundwater supplies and polishing wastewater for reuse in the drinking water system. **9-16**

Since the need for 600-acre feet of water appears to be a fiction because of deficiencies in baseline information, the MWP DEIR falls short on analysis that can be relied upon by residents and decision makers. **9-17**

3.3 Project Characteristics

While the WMP DEIR states that the CCSD proposes to implement a desalination plant, no substantiated evidence exists in the DEIR that Cambria needs infrastructure of this magnitude. Since the DEIR offers no data that substantiates the need for a desalination plant, the conclusion that a desalination plant is the only water option is misleading and erroneous.

In order to accurately determine viable water options and to fairly make analytical conclusions, all known water projects must be incorporated into the discussion process. Unfortunately, the DIER omits a number of water options. For example, a reverse osmosis plant that treats waste water and converts it to drinking water standards, off-stream storage reservoirs, and the identification and application of recognized and innovative water management strategies into the analysis. Using current water use in the analysis instead of the inflated 50% increase in customer usage will give an accurate accounting on real water needs and not the inflated water consumption demands the DEIR relies on with their conclusions. 9-18

While the Buildout Reduction Program has merit aside from the WMP, it has no merit as a mitigation tool to reduce water consumption for four important reasons. First, it is voluntary. Second, it can be changed by vagaries of decision makers. Third, it likely will be legally challenged by disenfranchised property owners and, if those challenges are successful, become moot. Fourth, parcels voluntarily taken off the water rolls can be merged with existing properties and water consumption can increase on those properties by way of added rooms, granny units, and landscaping. 9-19

3.4 Implementation of Water Master Plan

The discussion in this section is not accurate in the sense that not all options for enhancing Cambria's water have been identified in the WMP and that the analysis currently used in the WMP is therefore flawed. The discussion further states that the CCSD declared a water emergency in 2001 but fails to mention that the CCSD released scores of water connections after the water emergency was declared creating the illusion that water consumption was frozen by this action when the opposite is true. Therefore, Cambria has continued to allow water consumption to increase through issuing water connections for projects that range from single-family homes to large commercial developments. Additionally, the CCSD has converted existing water meters into meters that typically have higher water use associated with them. This reality poses the question that the water emergency may never have existed. 9-20

3.5 Phasing

Demand management actually becomes problematic when you encourage consumption with the 50% increase in baseline water use by existing customers 9-21

and that likely would not be consistent with the California Urban Water Conservation Council objectives with water conservation. This significant increase in individual urban water use allowed by the CCSD is not consistent with the fundamental goal of the California Urban Water Conservation Council which states, "water conservation options are given equal consideration with supply". This is a special interest of the council and by including their name in this section implies that this activity is somehow approved by the council. It is misleading. 9-21

Since other water options were not analyzed in section 3.5 the conclusions made are flawed and not adequate.

4.0 Basis of Cumulative Analysis

The cumulative analysis cannot be accomplished with any degree of accuracy until the North Coast Area Plan is adopted. Only the Cambria and San Simeon Area Plan is complete. Adjacent impacts must be considered in this plan and that is not possible to do until the North Coast Area Plan is adopted by the Coastal Commission and the San Luis Obispo County Board of Supervisors. Further, there is no analysis of adverse impacts to surrounding properties outside the Cambria Urban Reserve Line from water potentially sold from a desalination plant to users outside of Cambria. Because other water options have not been addressed in this document cumulative impacts created by potentially less damaging projects may have less adverse impacts on the environment. 9-22

5.0 Environmental Analysis

The cumulative environmental analysis of the environmental analysis can never be known until the North Coast Area Plan is complete and the San Luis Obispo County Conservation Element is complete. The WMP document is deeply flawed on all accounts until updated planning documents are available and until it adequately addresses other water projects that potentially are environmentally superior to the analysis in this document.

Cumulative impacts cannot be determined until a designed project is known.

The WMP DEIR does not analyze all potential water alternatives and is therefore inadequate as a document that gives decision makers a clear picture of available options for water sources. 9-23

Water use as envisioned by the CCSD that is based on a 50% increase in water consumption by users would not be consistent with policies concerning 9-24

conservation and environmentally sound water best management practices by the California Urban Water Conservation Council, the Investment Strategy for California Water, or Policies of the Coastal Act. While the WMP alludes to water conservation, the plan actually promotes more use of water to justify the need of 600-acre feet of additional water that further justifies the false need of infrastructure that does not fit the need of the community. A 50% increase in water demand and management can not be reduced to a level of insignificance. Quite the contrary would occur. The WMP intentionally creates a false conservation ethic by providing 50% more water to individuals who by definition use at least 50% less thereby people falsely think they are conserving water when in reality they are consuming more than historic usages. This is a slight of hand and deceitful at best and raises the bar of significance to unavoidable. 9-24

There is no analysis given that proves the additional need of 600 acre feet for the community. 9-25

The desalination plant will not be reduced to a level of insignificance based on but not limited to these reasons: 9-26

- The proposed plant has not been designed so it is impossible to determine any level of significance to the environment.
- There are no provisions that limit the amount of water that can be produced by the plant for purchase outside the un-annexed CCSD URL. 9-27
- Mitigation identified in the WMP as Buildout Reduction Program (BRP) is voluntary only and therefore may never happen. 9-28
- The BRP encourages reselling of donated or purchased lots to existing properties with water connections therefore increasing the potential for higher water use because the expanded property now can increase its carbon footprint, increase its structure size and occupancy and build 'granny units' all, of which, increase water demand. 9-29
- The BRP is based on the false thinking that it is a legal instrument when, in fact, it may be a social justice issue that discriminates between rich and poor. 9-30
- Growth limits currently honored by the county can change at any time and are therefore meaningless as mitigation. 9-31
- CCSD review is equally meaningless as attitudes and policies change with each administration. 9-32
- No analysis exists on desalination as a potential pollutant to the ocean ecosystem. 9-33
- No analysis on the carbon footprint regarding AB 32 and other global warming causes attributed to this type of infrastructure. 9-34

Therefore, it is virtually impossible to determine any level of environmental significance, either benign or acute, when the mitigation measures identified are 9-35

not based on tangible data. This is a flaw in the document and is purely subjective.

9-35

Since missing data has been identified and for the above reason, all discussions on reviewed impacts and subsequent mitigation for CEQA in this document are equally flawed and permeate the document.

The sections on global warming were interesting to read but missed the mark as it pertains to the desalination plant core issues. Absolutely no analysis of impacts to the ocean were included on potential carbon release or on dumping by-products into the ocean.

9-36

The WMP states that the plan is in conformance with the conservation strategies of the California Environmental Protection Agencies Global Warming Action Team. This is a fiction for these reasons:

The WMP is based on a 50% increase in water consumption per capita while the Strategy for California Water encourages a decrease in current consumption. The WMP does say that the CCSD will implement water savings strategies but the deception of the WMP is that the baseline has shifted from existing water usage levels to 50% increased levels thereby making a sham of conservation by starting from a water usage basis that makes conservation seem easy because the baseline is elevated.

9-37

Water use efficiency is another goal of the California Strategy. The WMP relies on the most energy consumptive water technology currently in existence and claims that the WMP is in conformance when less expensive and superior environmentally alternatives have not been considered in the WMP.

9-38

The Municipal Utility Energy Efficiency Program is another strategy that the WMP claims is consistent with the Strategy goals. The WMP plan merely states that it will implement programs but fails to mention whether these programs are germane to desalination or how the energy efficiency is compared to other less consumptive ones.

9-39

Since we have no approved desalination project or design for the desalination plant it is impossible to prove or disprove any mitigation measures dished up in the WMP. All the pages of text devoted to proving a facility is environmentally sound are subjective and not based on design or actual constraints. The analysis is flawed, inadequate, and self-serving.

9-40

The energy footprint of this plan was glossed over and represents a huge challenge for our community. There are other less energy consumptive alternatives to desalination that the CCSD have chosen not to consider. The WMP does not compare projects for Greenhouse Gases emission nor does it

9-41

adequately address other potential water projects that require less energy and thereby less damage to the health and safety of people where energy is produced and to the environmental issues that degrade the quality of life of people, animals and habitat. 9-41

The WMP does not mention that desalination is the most costly water source currently known to exist and it does not discuss the financial burden that this plant might inflict on residents not able to afford this extravagance. The WMP does not mention other less costly projects because they were never brought forward by the CCSD. The WMP is fatally flawed on all accounts due to omissions of other potential less damaging alternatives. 9-42

Cambria is fortunate to have an abundance of sensitive species, habitat and resource areas. It is critical that the WMP take our good fortune seriously. Failing, with special emphasis on marine ecosystems, to analyze what the effects projects like desalination might have on these plants, animals, reptiles, invertebrate, fishes and habitat areas is a failure of the WMP DEIR. 9-43
The desalination plant is not only influencing the ocean ecology, it is doing so in a marine reserve, making it subject to grater scrutiny and a possible revision of environmental standards which might be prohibitively expensive to meet.

An example of the WMP's failure to produce data is readily observed when one observes the paucity of data concerning all aspects of the marine ecosystem. Inspite of this, the WMP concludes that impacts "would be reduced" if you follow the meager mitigation measures offered that are based on zero evidence or data. The WMP fails to identify the adverse impacts and it fails to identify the level of impact that might occur. Saying impacts will be reduced is a meaningless statement and fails to identify the level of impact and fails to identify specific mitigations and offers trite general mitigation to serious environmental concerns. The public and decision makers deserve more and cannot rely on the boilerplate-unsubstantiated statements offered in this document. The analysis offered in this section is largely unsupported by data and thus, mitigation offered is inadequate. 9-44

Another example of missing data that renders impact conclusions of "would be reduced" as inadequate is absence of analysis on 'in and out' migration of steelhead trout. There simply is nothing offered to support conclusions of 'would be reduced' because there is no data to support the mitigation measures. 9-45
Further, without data to support the conclusions reached, some species could be extirpated from the ecosystem. Constructing conclusions in the manner the document has chosen downplays and disguises the true impacts of the project.

The WMP concludes that an increased water supply will not be growth inducing. This conclusion is misleading and fails to account for the fact that additional water supply and availability generated from this plant can be exported to other areas of the north coast exclusive of Cambria's desires. This is particularly true 9-46

since federal tax dollars has been earmarked for the construction of this plant thereby making water available to all who want to purchase it. Additionally, no analysis has been done on the intake piping system and what water capacity might be available if the desalination plant is increased. The capacity of the plant can easily be changed the year it is online with a simple vote. The fact that the CCSD has encouraged water consumption by increasing the per capita use by 50% can be easily reduced by 50% thereby creating more water than the community needs. The plant is clearly a public works project that is growth inducing and the WMP's 50% increase in per capita water available water use creates an artificial demand for water. 9-46

The mitigations identified in the growth inducing analysis of the WMP are based on ethereal musings and fictions. The BRP is a hollow mitigation based on wishful thinking and likely unconstitutional. Increasing water use by 50% to justify the WMP is dishonest at best. The desal plant may be obligated to furnish water to unknown development because it uses federal tax dollars and may be owned by the federal government. All these conditions have not been analyzed and the impacts of the WMP as reported are not adequate and gives only a partial view of the facts. 9-47

6.0 Alternatives to the Proposed Project

Numerous projects have been omitted by the CCSD and by extension this document. The Airport reservoir site located adjacent to the CCSD well field on San Simeon Creek Road is an excellent example. The CCSD did not adequately review this potential site for merit and cost savings.

The reuse of wastewater as drinking water was not analyzed. 9-48

Both of these projects have the potential to adequately supply water to Cambria at a fraction the cost. Without including known and obvious projects in the WMP the public has been disenfranchised and manipulated into thinking all aspects of water have been addressed in the community water master plan. This document fails in analyzing these well-known and common water supply alternatives.

7.0 Effects not to be Significant

Because of the issues of missing data, missing projects, and other reasons identified in the above text, this section of the document is inadequate. 9-49

8.0 Inventory of Mitigation Measures

Because inadequate analysis based on erroneous water needs, missing data, and other issues identified above the inventory of mitigated measures is incomplete and inadequate.

9-49

9.0 Inventory After Mitigation

Because inadequate analysis based on erroneous water needs, missing data, and other issues identified above the inventory of mitigated measures is incomplete and inadequate.

10.0 Organizations and Individuals Consulted

9-50

No comment

RESPONSE TO COMMENT LETTER NO. 9

Richard Hawley, Greenspace, The Cambria Land Trust
April 9, 2008

9-1 Commentor provides clarification on the comment submittal. Comment is noted.

9-2 The reports referenced in Subsection 1.6 of the Draft EIR are available for review at the CCSD offices. Page 1-8, first paragraph under Subsection 1.6 of the Draft EIR has been revised as follows in the Final EIR:

> Pertinent documents relating to this EIR have been cited in accordance with Section 15150 of the *CEQA Guidelines*, which encourages incorporation by reference as a means of reducing redundancy and length of environmental reports. The following documents, which are available for public review at the CCSD, are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized for each section of this EIR. <u>These documents are available for review at the CCSD offices located at 1316 Tamson Drive, Suite 201, Cambria, California, 93428.</u> A brief synopsis of the scope and content of these documents is provided below.

The water master planning process is explained in paragraph 1.1 of the July 2004 Task 3, Potable Water Distribution System Analysis Report by Kennedy/Jenks. The planning process is again summarized within the WMP Program EIR on pages 1-11 through 1-13. The CCSD essentially phased its water master planning work effort to correspond with available resources at the time. The Task 1 effort developed a geographic information system that was later used as a tool to support subsequent Water Master Planning tasks. The Task 1 effort did not result in a report. The Task 2 planning effort is summarized within in a December 8, 2000 Water Supply and Availability Analysis report by Kennedy/Jenks. In response to an April 9, 2008 email request from Mary Webb, Vice President of Greenspace, this report was offered in electronic format, and via the CCSD's Public Information Request process. However, a subsequent follow up to this offer was never received from Greenspace.

9-3 Refer to Response to Comment No. 9-2. During development of the Task 2 report, public workshops occurred on July 24, 2000, August 28, 2000, and October 30, 2000.

9-4 The CCSD has fully complied with the public review requirements set forth under Section 15087 and 15105 of CEQA for the Notice of Preparation (NOP) and Draft EIR. The Draft EIR was logged in at the State Clearinghouse and was properly noticed in accordance with the requirements set forth under CEQA.

9-5 The Introduction summarizes recommendations made within the Water Master Plan's Task 4 Assessment Long-Term Supply Alternatives Report. This report recommended a three-pronged approach towards solving Cambria's water shortage via water conservation, use of recycled water for non-potable irrigation, and seawater

desalination to augment potable water supplies. Desalination is in the planning stages and subject to completion of an environmental review and clearance process.

9-6 The CCSD currently uses the Santa Rosa Creek aquifer via the operation of emergency well SR-4 and its associated water treatment plant that are upstream from the MtBE contamination plume. The commentor suggests using pumps (SR-1 and SR-3) during the winter and spring that are currently shut down by the CCSD and closer to the MtBE contamination plume. Because dry season capacity is the limited supply during the summer season, a storage reservoir would be required to allow the application of the commentor's suggestion. Seasonal storage was reviewed as part of the Water Master Plan's Task 4 Assessment of Long-Term Supply Alternatives Report (please refer to Section 5). For related discussions on this subject, please refer to Response to Comment Nos. 4-3, 4-7, and 4-13.

9-7 The EIR provides an effective "road map" in accordance with Section 15168 of CEQA, which is the provision for the Program EIR. CCSD believes that the mitigation measures properly respond to the impact consideration and provides the appropriate reference to County requirements.

9-8 Please refer to Response to Comment No. 4-15.

9-9 Section 3.2 of the Draft EIR provides the background related to the WMP process and the phased review involving the Task reporting. The section provides a detailed overview of water supply alternatives and the resulting long-term supply strategy consisting of seawater desalination, recycled water and Water Demand Management.

9-10 Section 6.0 presents the Water Supply alternatives considered under the WMP process. The Alternatives are reviewed in accordance with Section 15126.6 of the CEQA Guidelines.

9-11 Please refer to Response to Comment No. 4-8.

9-12 Within the Water Master Plan, demand management measures are focused on conserving potable water demands, while recycled water (i.e., reuse of treated wastewater) is planned to replace potable water being used for irrigation with non-potable recycled water. The July 2004, Task 3: Recycled Water Distribution System Master Plan report further describes the planned use of recycled water. Also see related discussion on the quality of life increase within Response to Comment No. 4-15. A project-level environmental clearance on the recycled water facilities will provide additional environmental analyses.

9-13 Please refer to Response to Comment No. 4-1.

9-14 Please refer to Response to Comment No. 9-6.

9-15 Please refer to Response to Comment No. 4-15.

9-16 Please refer to Response to Comment Nos. 4-3, 4-7, and 4-13.

9-17 Please refer to Response to Comment No. 4-15.

9-18 Please refer to Response to Comment Nos. 4-3, 4-7, 4-13 and 9-48 for discussion on commentor's reference to other supply alternatives. With regard to the 50 percent quality of life increase, please refer to Response to Comment No. 4-15. Otherwise, comment noted.

9-19 Please refer to Response to Comment No. 4-1.

9-20 Commentor points out that the CCSD has issued water connections after the declared 2001 Water Emergency. This is correct. The declaration of an water shortage emergency does not by itself impose a moratorium. Its declaration empowers the CCSD with extraordinary rule making authority to mandate the conservation of water. A moratorium is only one of many rules that can be adopted. A moratorium can forbid certain types of water connections and allow others. For example, the CCSD allowed affordable housing to obtain connections if they were on the Affordable Housing Wait List on the date the moratorium was adopted. The WMP and its EIR analyzes a buildout of a total 4,650 water connections and as such if water connections are allowed after the declaration of a water shortage emergency it does not change the total number of connections analyses.

9-21 The 50 percent quality of life increase was used as a basis for sizing per earlier Response to Comment No. 4-15. The CCSD is a signatory agency to the California Urban Water Conservation Council, and has adopted its statewide demand management measures as well as local measures that go beyond statewide recommendations to further conservation.

9-22 With regard to the Cumulative Impact analysis, please refer to Response to Comment No. 5-5.

9-23 With regard to the Alternatives analysis, please refer to Response to Comment Nos. 4-3, 9-5, 9-10, and 9-16.

9-24 Please refer to Response to Comment Nos. 9-17 and 9-21. The 50 percent quality of life increase was used as a basis for sizing per Response to Comment No. 4-15.

9-25 Please refer to Response to Comment No. 4-15.

9-26 With regard to the desalination facility component, please refer to Response to Comment Nos. 4-6 and 5-3.

9-27 Please refer to Response to Comment No. 4-3.

9-28 With regard to mitigation and the BRP, please refer to Response to Comment Nos. 9-13 and 9-19.

9-29 Please refer to Response to Comment No. 4-1.

9-30 Commentor does not directly comment on information provided in the Draft EIR. No further response is necessary.

9-31 Please refer to Response to Comment No. 4-1.

9-32 Commentor does not directly comment on information provided in the Draft EIR. No further response is necessary.

9-33 With regard to desalination and potential impacts to the ocean environment, please refer to Response to Comment Nos. 3-1, 3-2, 3-4, 4-6, and 5-3.

9-34 With regard to concerns pertaining to the global climate change analysis, please refer to Response to Comment No. 5-16.

9-35 With regard to mitigation, please refer to Response to Comment Nos. 5-3, 9-7, 9-13 and 9-19.

9-36 With regard to global climate change concerns, please refer to Response to Comment Nos. 5-16 and 9-34.

9-37 Please refer to Response to Comment Nos. 9-15, 9-18, and 9-24.

9-38 Please refer to Response to Comment No. 9-24.

9-39 Please refer to Mitigation Measure AQ-8 which states that to meet the GHG reduction goals of Executive Order S-1-07, the project level EIR/EIS for the desalination project shall include an analysis on the use of renewable power sources to offset electrical demands. Since the completion of Table 5.4-5, the State of California has also passed AB 946 (Krekorian, 2007), which allows for direct net metering credit from remotely located renewable power systems. The future application of AB 946 will allow offsetting any greenhouse gas emissions, while also reducing long-term operating costs.

9-40 Comment is noted.

9-41 For discussion on the commentor's energy use concern, please refer to Response to Comment No. 9-39. For discussion on the commentor's reference to other supply alternatives, please refer to Response to Comment Nos. 4-3, 4-7, and 4-13.

9-42 Comment does not directly comment on information provide in the Draft EIR. For discussion on the commentor's reference to other supply alternatives, please refer to Response to Comment Nos. 4-3, 4-7, and 4-13.

9-43 With regard to desalination and impacts to the ocean environment, please refer to Response to Comment Nos. 3-1, 3-2, 3-4, 4-6 and 5-3.

9-44 With regard to desalination and potential impacts to the ocean environment, please refer to Response to Comment Nos. 3-1, 3-2, 3-4, 4-6 and 5-3.

9-45 With regard to Steelhead, please refer to Response to Comment No. 3-4.

9-46 With regard to growth, please refer to Response to Comment Nos. 9-15, 9-18, 9-22, and 9-24.

9-47 Please refer to Response to Comment Nos. 4-1 and 4-15 regarding the BRP and "Quality of Life" increase. Comments are noted.

9-48 For discussion on the commentor's reference to other supply alternatives, please refer to Response to Comment Nos. 4-3, 4-7, and 4-13. The potential use of the Warren property's "airport reservoir" site was investigated and subsequently reported on during a March 23, 2001 public CCSD Board workshop. This potential long-term supply alternative was dismissed from further consideration at that time due to there not being adequate storage volume, as well as two of the proposed reservoir sites being located on top of hills that would require rock excavation. The hilltop sites would also not be conducive towards constructing a dam at one end because there are no valleys to contain the water. The commentor also questions why direct potable reuse of treated wastewater was not analyzed. A similar effort was considered for Cambria during 1991 (Groundwater Recharge Project), and later abandoned. Indirect reuse plans by other agencies, including the Dublin San Ramon Services District, were also abandoned when faced with public opposition that may have transcended technical capabilities and concerns (toilet to tap arguments, "yuck" factor, concerns over loss of property values, etc.). Although not pursued for potable reuse, the Water Master Plan pursued a more commonly accepted approach by planning recycled water for landscaping irrigation. The Task 3 Recycled Water Distribution System Master Plan report provides further details.

9-49 Commentor offers perspective on claim of missing information in the Draft EIR. The CCSD asserts that the referenced section has been properly drafted. Comment is noted.

9-50 Commentor offers perspective on claim of missing information in the Draft EIR. The CCSD asserts that the referenced section has been properly drafted. Comment is noted.

COMMENT NO. 10

From: "Brandt Kehoe" <brandtk@csufresno.edu>
To: "Bob Gresens" <bgresens@cambriacsd.org>
Date: 4/9/2008 3:31 PM
Subject: Notice of Water Master Plan draft EIR

Bob,

When and how was public notice given of the Draft Program EIR for the Water Master Plan?

10-1

Brandt Kehoe
680 Canterbury Lane
Cambria, CA 93428

brandtk@csufresno.edu
805-927-2850

RESPONSE TO COMMENT LETTER NO. 10

Brandt Kehoe, Resident
April 9, 2008

10-1 The Public Review for the Draft EIR, which concluded on April 14, 2008, included noticing with the State Clearinghouse of California, the County of San Luis Obispo and the local newspaper (The Cambrian), in compliance with the provisions of Sections 15085(a) and 15087(a)(1) of CEQA.

From: "Bob Gresens" <bgresens@cambriacsd.org>
To: "Glenn Lajoie (E-mail)" <gal@rbf.com>, "Rita Garcia (E-mail)" <rgarcia@rbf.com>
Date: 4/10/2008 11:19 AM
Subject: FW: CCSD Water Master Plan EIR

Hello Glenn & Rita,

I was about to respond back to Mr. Washburn on his most recent questions. Before doing so, should I assume each comment letter will be included in the Final EIR? I also assume his comment letter becomes a public document, which means his name does appear on the list. Note that his comments to date are more related to the Buildout Reduction Plan. I also understand he owns vacant property that is not on the CCSD water wait list.

Bob

-----Original Message-----
From: WILLIAM WASHBURN [mailto:boothillwill@verizon.net]
Sent: Thursday, April 10, 2008 10:27 AM
To: Bob Gresens
Subject: Re: CCSD Water Master Plan EIR

Mr. Gresens:

This information is very helpful. I have ytwo more questions. Item (b) says the final EIR will include: "*Comments and recommendations received on the draft EIR either verbatim or in summary* " - does this mean that the final EIR will include my comments? And in (c), will my name apear in the final EIR? 11-1

From what you are saying, it doesn't appear that I will necessarily be getting a CCSD response to my comments. That is unfortunate. I was hoping for a CCSD response as it would seem to be the appropriate thing to do.

Sincerely, Will WASHBURN

--- Original Message ----
From: Bob Gresens <bgresens@cambriacsd.org>
To: WILLIAM WASHBURN <boothillwill@verizon.net>
Sent: Thursday, April 10, 2008 9:55:18 AM
Subject: RE: CCSD Water Master Plan EIR

Dear Mr. Washburn,

For your reference, the excerpt below is from the California Environmental Quality Act (CEQA), which describes the Final EIR content. After we receive public comments, we will be working with our consultant to develop appropriate responses that will go into a Final EIR document for future consideration by our Board of Directors. While developing comments, it helps if they are tied to specific page numbers in the public review draft EIR (I.e., the WMP Program EIR, which is currently out for review). Per item (d) below, responses will be keyed to "significant environmental points." In case you need further reference, the following State web site contains more specific information on CEQA: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines/art9.html
I hope this helps answer at least the majority of your questions below. The responses provided will depend upon the specific nature of each comment we receive, as well as how they relate to significant environmental points.

Sincerely,

Bob Gresens

Robert C. Gresens, P.E.
District Engineer
Cambria Community Services District
P.O. Box 65
Cambria, CA 93428
805-927-6223
fax: 805-927-5584

"15132. Contents of Final Environmental Impact Report

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.

Note: *Authority cited: Section 21083, Public Resources Code; Reference: Section 21100, Public Resources Code.*

Discussion: *This section is necessary in order to explain the difference between a draft EIR and the final EIR which is ultimately considered by the decision-makers in each agency prior to granting an approval for the project. The final EIR is a necessary document because it brings together a number of subjects such as comments and responses to comments which would not be available in the draft EIR that is sent out for public review. The list of contents is also necessary in order to show that the findings on the feasibility of avoiding or reducing significant effects and the statement of overriding considerations are not part of the final EIR. The findings and the statement of overriding considerations are made after the decision-makers have considered the final EIR. The findings and statement are included in the public record but not in the final EIR. "*

-----Original Message-----
From: WILLIAM WASHBURN [mailto:boothillwill@verizon.net]
Sent: Wednesday, April 09, 2008 6:50 PM
To: Bob Gresens
Subject: Re: CCSD Water Master Plan EIR

Mr. Gresens:

Thanks again for your response. I am still not sure exactly what the CCSD will do with public comments to the EIR. Will I get a response from the CCSD regarding all of my comments, or possibly just for some of them/any of them? Will all of the EIR public comments be kept by the CCSD for future reference purposes? And, could any public comments potentially be entirely ignored by the CCSD?

11-2

Sincerely, Will Washburn

----- Original Message ----
From: Bob Gresens <bgresens@cambriacsd.org>
To: WILLIAM WASHBURN <boothillwill@verizon.net>
Sent: Wednesday, April 9, 2008 2:37:37 PM
Subject: RE: CCSD Water Master Plan EIR

Dear Mr. Washburn,

I recommend that you assume the April 14th, 5 p.m. deadline as being the final opportunity to potentially influence the Water Master Plan Program EIR. At its discretion, our Board could elect to extend the public review period. However, they will not be meeting again until April 24th. In addition, we are not planning to include the WMP Program EIR as a separate hearing or discussion item during the April 24th Board meeting.

Sincerely,

Bob Gresens

Robert C. Gresens, P.E.
District Engineer
Cambria Community Services District
P.O. Box 65
Cambria, CA 93428
805-927-6119
fax: 805-927-5584

-----Original Message-----
From: WILLIAM WASHBURN [mailto:boothillwill@verizon.net]
Sent: Wednesday, April 09, 2008 1:49 PM
To: Bob Gresens
Subject: Re: CCSD Water Master Plan EIR

Mr. Gresens:

Thanks for the quick response. I can envision many questions arising from the public comments due by 14 April on the EIR, as it is a complicated document. Will there be another opportunity for public response of the EIR before it goes final, or this this 14 April deadline the only opportunity we have to potentially influence the document? **11-3**

Sincerely, Will Washburn

----- Original Message ----
From: Bob Gresens <bgresens@cambriacsd.org>
To: WILLIAM WASHBURN <boothillwill@verizon.net>
Sent: Wednesday, April 9, 2008 12:47:39 PM
Subject: RE: CCSD Water Master Plan EIR

Dear Mr. Washburn,

Thank you very much for your interest in the CCSD Water Master Plan Program EIR and for taking the time to write. Your comments will be noted and also passed along to our consulting team. A final EIR, which will contain responses to comments, will also be completed following the close of the public review period on April 14th at 5 p.m.

This final EIR document will be reviewed and considered by our Board before making their final approval.

In response to your specific questions below:

1) Yes, I am the correct person to contact on the WMP Program EIR.

2) Depending upon the level of comments we receive, the timing for completion of a final program EIR document could be approximately one or two months following the April 14th close of comments.

Sincerely,

Bob Gresens

Robert C. Gresens, P.E.
District Engineer
Cambria Community Services District
P.O. Box 65
Cambria, CA 93428
805-927-6119
fax: 805-927-5584

-----Original Message-----
From: WILLIAM WASHBURN [mailto:boothillwill@verizon.net]
Sent: Wednesday, April 09, 2008 10:56 AM
To: Bob Gresens
Subject: CCSD Water Master Plan EIR

Mr. Gresens:

I have attached my comments to the CCSD Water Master Plan EIR. I understand that they are rquested to be supplied by April 14. I hve two questions: **11-4**

1. Are you the correct pperson to send these comments to?

2. Approximately when could I expect to receive a CCSD response to my comments? **11-5**

Sincerely, Will Washburn

RESPONSE TO COMMENT LETTER NO. 11

William Washburn, Resident
April 9, 2008

11-1 All written comments received at the close of the 45-day Public Review period (April 14, 2008) are included in the Final EIR, along with CCSD responses to each comment. The commentor's name and any affiliation are also noted for the record.

11-2 Please refer to Response to Comment No. 11-1. The public comments are to be considered by the CCSD Board of Directors as they consider Certification of the Final EIR, in accordance with CEQA Guidelines. All comments are a part of the record for the Final EIR.

11-3 A public hearing will be scheduled to receive any further comments on the Final EIR, prior to consideration of Certification. It is the discretion of the CCSD Board of Director's to provide responses to testimony offered.

11-4 Mr. Robert Gresens is the CCSD's point of contact regarding questions for the EIR. Written comments on the Draft EIR were accepted by the CCSD until April 14, 2008.

11-5 The CCSD will be posting the Final EIR on the CCSD's website by mid-August, 2008. The Final EIR will contain Chapter 13, which includes all written comments received on the Public Review Draft EIR and the responses to each comment.

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SANTA LUCIA CHAPTER
P.O. Box 15755 • San Luis Obispo, California 93406
Phone: (805) 543-8717 • Fax: (805) 543-8727
http://www.sierraclub.org/chapters/santalucia

Cambria Community Services District
1316 Tamson Drive, Suite 201
Cambria, CA 93428

April 10, 2008

Following are comments of the Santa Lucia Chapter of the Sierra Club on the Public Review Draft of the Water Master Plan Program Environmental Impact Report dated February 26, 2008.

We note that the desalination proposal will be covered by a separate and specific EIR/EIS for this element of the Master Water Plan. The Chapter requests that an early notice be given to us regarding preparation and issuance of this document, which will require more detailed analysis and comment. **12-1**

2.2 Project Characteristics

Seawater Desalination

At the end of second paragraph of this section add the following:

> This EIR/EIS shall include all elements of building and operating the desalination plant, including, but not limited to any physical operations involved in feasibility studies, and all piping connecting seawater intake and brine discharge to the desalination plant. Best available technology for power, including renewable power sources and state of the art filters shall be specified. The EIR/EIS shall also include a detailed plan for handling and disposal of hazardous materials resulting from the filtration process itself. **12-2**

5.5 Noise

Campgrounds should be included in the category of sensitive noise receptors in addition to homes and businesses. 12-3

5.6 Biological Resources

BIO-2 Add the following: " Physical disturbance of the nesting area of special status species shall not be permitted during the nesting season." 12-4

5.4 Air Quality

AQ-3 Last sentence, change "mitigation measures would be required" to "shall be required." 12-5

AQ -5 Change " Tier 1 mitigation measures would be required:" to "shall be required." Also change "Tier 2 and Tier 3 mitigation measures would be required to "shall be required." Change last sentence to read: "CO concentrations shall not exceed Federal or State standards." 12-6

Thank you for this opportunity to present our written comments. For future reference, please send any notices or documents directly to the address below:

Jack Morrow, Chair
Water Issues Task Force
311 Wedgewood St.
Cambria, CA 93428

RESPONSE TO COMMENT LETTER NO. 12

Jack Morrow, Water Issues Task Force Santa Lucia Chapter of the Sierra Club
April 10, 2008

12-1 The Sierra Club, Santa Lucia Chapter, will be added to the mailing/notification list for future environmental review by the CCSD for a proposed Desalination facility.

12-2 For Page 2-3, following Paragraph 4 and Page 3-12, following Paragraph 1 of the Draft EIR, the following paragraph has been added to the Final EIR:

> The EIR/EIS shall include all elements of building and operating the desalination plant, including, but not limited to any physical operations involved in feasibility studies, and all piping connecting seawater intake and brine discharge to the desalination plant. Best available technology for power, including renewable power sources and state of the art filters shall be specified. The EIR/EIS shall also include a detailed plan for handling and disposal of hazardous materials resulting from the filtration process itself.

12-3 Page 5.5-8 of the Draft EIR provides a listing of sensitive receptors, including outdoor recreation. Campgrounds are considered outdoor recreation facilities.

12-4 Page 5.6-26, Mitigation Measure BIO-2 of the Draft EIR has been revised as follows in the Final EIR:

> BIO-2 Although physical disturbance of nesting areas of Special Status Species is not anticipated during nesting seasons, ~~If~~ if construction during the nesting season cannot be avoided and special status species are found to occur within 500 feet of the construction boundary, sound barriers shall be required to reduce noise levels generated during construction to acceptable levels (less than 60 dBA). Monitoring of noise levels during Project construction shall be required.

12-5 Page 5.4-19, Mitigation Measure AQ-3 of the Draft EIR has been revised as follows in the Final EIR:

> AQ-3 Short-term construction emissions for the proposed desalination system shall be modeled utilizing the most recent URBEMIS or CARB approved model, to determine whether construction emissions would exceed APCD thresholds of 2.5 tons per quarter of ROG, NO_X, and PM_{10} emissions. If emissions exceed the above noted thresholds, mitigation measures ~~would~~ shall be required to reduce the emission levels.

12-6 Page 5.4-22, Mitigation Measure AQ-5 of the Draft EIR has been revised as follows in the Final EIR as follows:

AQ-5 Long-term operational emissions for the proposed desalination system shall be modeled utilizing the most recent URBEMIS computer model or CARB approved model, to determine whether operational emissions would exceed APCD thresholds. If the seawater desalination facility emissions of ROG, NO_X, SO_2, and PM_{10} are less than 10 pounds per day (lbs/day) and CO emissions are less than 50 lbs/day, impacts ~~would~~ shall be considered less than significant and no mitigation measures would be required. If emissions of any of ROG, NO_X, SO_2, or PM_{10} were estimated at 10 to 24 lbs/day, Tier 1 mitigation measures ~~would~~ shall be required. If emissions of ROG, NO_X, SO_2, or PM_{10} cannot be reduced to less than 25 lbs/day or CO emissions cannot be reduced to less than 550 lbs/day, Tier 2 and Tier 3 mitigation measures would be required. If CO emissions exceeded 550 lbs/day, CO concentrations ~~should~~ shall be modeled to determine whether or not the Project would cause an exceedance of the Federal or State standard.

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Cambria Community Services District
1316 Tamson Drive, Suite 201
Cambria, CA 93428

April 12, 2008

REVISED AND EXPANDED COMMENTS

Following are the revised the comments of the Santa Lucia Chapter of the Sierra Club on the Public Review Draft of the Water Master Plan Program Environmental Impact Report dated February 26, 2008. Changes are to paragraph 2.2 Project Characteristics.

We note that the desalination proposal will be covered by a separate and specific EIR/EIS for this element of the Master Water Plan. The Chapter requests that an early notice be given to us regarding preparation and issuance of this document, which will require more detailed analysis and comment. 13-1

2.2 Project Characteristics

Seawater Desalination

At the end of second paragraph of this section add the following:

> This EIR/EIS shall include all elements of building and operating the desalination plant, including, but not limited to any physical operations involved in feasibility studies, and all piping connecting seawater intake and brine discharge to the desalination plant. Best available technology for power, including renewable power sources and state of the art filters shall be specified. The EIR/EIS shall also include a detailed plan for 13-2

handling and disposal of hazardous materials resulting from the filtration process itself.

The EIR/EIS for the Cambria desalination plant shall be in accordance with the California Environmental Quality Act (CEQA). 13-2

Title and ownership, and operation, of the desalination plant shall be vested in the Cambria Community Services District and the citizens of Cambria.

5.5 Noise

Campgrounds should be included in the category of sensitive noise receptors in addition to homes and businesses. 13-3

5.6 Biological Resources

BIO-2 Add the following: " Physical disturbance of the nesting area of special status species shall not be permitted during the nesting season." 13-4

5.4 Air Quality

AQ-3 Last sentence, change "mitigation measures would be required" to "shall be required." 13-5

AQ -5 Change " Tier 1 mitigation measures would be required:" to "shall be required." Also change "Tier 2 and Tier 3 mitigation measures would be required to "shall be required." Change last sentence to read: "CO concentrations shall not exceed Federal or State standards." 13-6

Thank you for this opportunity to present our written comments. For future reference, please send any notices or documents directly to the address below:

Jack Morrow, Chair
Water Issues Task Force
311 Wedgewood St.
Cambria, CA 93428

RESPONSE TO COMMENT LETTER NO. 13

Jack Morrow, Water Issues Task Force Santa Lucia Chapter of the Sierra Club
April 11, 2008

13-1 Please refer to Response to Comment No. 12-1.

13-2 Please refer to Response to Comment Nos. 4-6 and 12-2. The ownership and operation of the desalination plant will comply with the requirements of law including all applicable laws of the County of San Luis Obispo and/or the California Coastal Commission.

13-3 Please refer to Response to Comment No. 12-3.

13-4 Please refer to Response to Comment No. 12-4.

13-5 Please refer to Response to Comment No. 12-5.

13-6 Please refer to Response to Comment No. 12-6.

From: "Billie and Bob Turner" <billie-45@peoplepc.com>
To: "Bob Gresens" <bgresens@cambriacsd.org>
Date: 4/12/2008 11:29 AM
Subject: Water Master Plan

We reside at 2566 Camborne Place and want to share our concerns about Cambria's future with you.

We are against desalination. We believe the impact to the ocean is too great.

We agree that nonpotable water should be used for large-scale irrigation.

We are against piping water from Lake Nacimiento or Whale Rock Reservoir or any other scheme to artificially increase water supply for Cambria.

14-1

We believe growth should be tied to resources. If our water is too precious then STOP THE GROWTH. We are not developers. We do not wish to make a "killing" on our modest home where we have lived for 30 years. We are both retired and love the tranquility of our community. Growth would destroy that tranquility. So we can kill two birds with one stone by living within the limits of our natural resources and maintaining the quality of life for Cambrians. This is our community. It is not a commercial venture. We hope you take our point of view into consideration.

Billie and Bob Turner
2566 Camborne Place
Cambria, CA 93428

RESPONSE TO COMMENT LETTER NO. 14

Billie and Bob Turner, Residents
April 12, 2008

14-1 Commentor offers perspective on water supply and Alternatives. The commentor does not raise new environmental information and does not directly comment on information provided in the Draft EIR. No further response is necessary.

COMMENT NO. 15

From: "mahorvath" <mahorvath@verizon.net>
To: "Bob Gresens" <bgresens@cambriacsd.org>
Date: 4/13/2008 10:11 PM
Subject: Comments on Water Master Plan

Dear Mr.. Gresens:

I would like to comment on the Buildout Reduction Program portion of the water master plan. As you know, the proposed rate increases were recently defeated, and the cost of the BRP was one of the most controversial issues. People clearly don't want to pay for property acquisition in their water rates, even though they are getting the benefits of reduced population growth, and the program is cast as a water conservation measure. On the other hand, I don't believe it is fair, reasonable, or even legal for the CCSD to continue to use water meters as a tool to stop growth, and if the building moratorium continues much longer, I believe CCSD will be faced with lawsuits for inverse condemnation by the owners of vacant buildable lots.

I believe there is a solution available which would make the BRP self sufficient in it's funding. The plan already includes a provision for the sale of 65 unallocated water connections (3 per year for 22 years). I believe the sale of these positions should be increased to a number sufficient to fully fund the BRP. Grandfathered water meters are currently selling for over $350,000, and water wait list positions are selling for $100,000 to $200,000. Even if these values dropped as a result of more meters on the market, it would take perhaps 200 additional connections (say 10 more per year for 22 years) to fund the $40,000,000 BRP program, and also fund the greater capacity of the desalination plant for the additional connections. I believe a revenue neutral BRP such as this should be presented as a compromise alternative, to defuse the hot-button issues of water rates paying for lot reduction.

15-1

Bob Horvath
3680 Conquista Avenue
Long Beach, CA 90808

320 Worcester
Cambria, CA 93428

April 13, 2008

RESPONSE TO COMMENT LETTER NO. 15

Bob Horvath, Property Owner
April 13, 2008

15-1 Comment is noted. Commentor offers perspective on a Buildout Reduction Program. The commentor does not raise new environmental information and does not directly comment on information provided in the Draft EIR. No further response is necessary.

On Page 3-16 of the Draft EIR, under the subheading "Buildout Reduction Program (BRP)," the following introductory text has been added to the Final EIR in order to clarify the introduction of the BRP in the Project Description:

> The Buildout Reduction Program (BRP) is integral to the mitigation program for the WMP. Due to the importance of the BRP, serving as mitigation for potential growth inducing impacts, the description of the BRP is presented in this subsection, and cross-referenced to the analysis in Section 5-13.

COMMENT NO. 16

From: "Donald Thomas" <donrthoms@yahoo.com>
To: "Bob Gresens" <bgresens@cambriacsd.org>
Date: 4/13/2008 4:30 PM
Subject: Water Plan

Dear Mr. Gresens,
My comments:
Desal plant. Opposed as a waste of money on an uneconomical and environmentally unfriendly water source. We have adequate rainfall and advantageous topography to develop or share surface storage. How about a siphon [a la MWD] pipeline from Lake Nacimiento?

Recycle waste water. Good idea.

Reduce consumption. Already done.

16-1

Firefighting storage. Absolute necessity.

Lot reduction. Opposed to any entrance of CCSD into real property ownership. This is beyond the scope of public mandate and is probably unconstitutional.

Thanks for listening,

Donald R. Thomas
6576 Buckley Dr.
Cambria

RESPONSE TO COMMENT LETTER NO. 16

Donald R. Thomas, Resident
April 13, 2008

16-1 Comment is noted. Commentor offers perspective on desalination, a Lake Nacimiento Alternative, recycled wastewater, fire services and buildout reduction. The commentor does not raise new environmental information and does not directly comment on information provided in the Draft EIR. No further response is necessary.

Howard Vallens
1050 Pineridge Drive
Cambria, CA 93428

April 13, 2008

Mr. Robert Gresens, P. E.
District Engineer
Cambria Community Services District
1316 Tamson Drive, Suite 201
Cambria, CA 93428

Re: Subject: Draft Program-Level Environmental Report ("DP-EIR") for the CCSD Water Master Plan ("WMP")

Dear Mr. Gresens:

The following comments are submitted in response to the February 2008 Draft Program-Level EIR (DP-EIR) for the Cambria Community Services District (CCSD) Water Master Plan (WMP) pursuant to the California Environmental Quality Act (CEQA). As a concerned resident, I am writing in order to promote the quality of life for all residents of Cambria. Please enter the following comments into the formal record of this proposed action.

Comment 1: *The DP-EIR contains insufficient information and does not analyze, assess, or factor in the impact and effect of global warming and greenhouse gas emissions in the operation of a seawater desalination plant, when comparing and contrasting seawater desalination with the following water alternatives: (1) Surface Water from Lake Nacimiento Alternative (3-7, 6-8, 6-12); (2) Whale Rock Exchange (3-7, 6-16, 6-19); (3) "Hard-Rock Drilling" Alternative (3-7, 6-22, 6-23); (4) "Van Gordon Dam And Reservoir" Alternative (3-7, 6-26, 6-28); (5) "Jack Creek Dam And Reservoir" Alternative (3-8, 6-32, 6-33).*

Under Introduction And Purpose, 1.1 Purpose Of The EIR (1-1), the DP-EIR states that the "purpose of this Program EIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to reduce potentially significant effects." In the Executive Summary (2-3), the DP-EIR states that the "CCSD's long-term water supply strategy (i.e., Water Master Plan) is proposed to consist of seawater desalination ..." The Summary further states that in "order to provide an additional water supply up to 602 acre-feet during the dry season, the CCSD proposes to implement seawater desalination. The seawater desalination element consists of constructing a subterranean seawater intake, pumping and pipeline facilities to transport the seawater to a desalination plant, a[n] RO [reverse osmosis] desalination treatment process, a groundwater blending system, and pumping facilities to pump the treated water into the distribution system. Seawater concentrate from the RO process would be conveyed, in a separate pipeline, to a subterranean system for disbursement back into the groundwater near its junction with the seawater." **17-1**

The DP-EIR states that a desalination plant would need to be sized for a 740 gpm permeate flow and operate approximately 183 days per year to serve 4,650 residential connections and residential demand of 18 ccf per bi-monthly billing period. (3-6)

According to the Pacific Institute, Desalination, *With A Grain Of Salt, A California Perspective* (Cooley, Gleick & Wolff, June 2006):

> "Energy is the largest single variable cost for a desalination plant, varying from one-third to more than one-half the cost of produced water (Chaudhry 2003). Semiat (2000) reports that electrical energy use accounts for 44% of the typical water costs of an RO plant, with the remainder from other operation and maintenance expenses and fixed charges (amortization of capital).... a 25% increase in energy cost would increase the cost of produced water by 11% ... RO....Unless there is a way to greatly reduce the actual amount of energy used in desalination processes, the share of desalination costs attributable to energy will rise as energy prices rise." (p. 41)
>
> . . .
>
> "The water sector consumes a tremendous amount of energy to capture, treat, transport, and use water. The California Energy Commission (2005) estimates that the water section in California used 19% and 32% of total electricity and natural gas use, respectively, in 2001. Substantial quantities of diesel were also consumed in California's water sector. Because desalination is the most energy-intensive source of water, desalination will increase the amount of energy consumed by the water sector. The currently proposed desalination plants would increase the water-related energy use by 5% over 2001 levels.
>
> "The energy-intensive nature of desalination means that extensive development can contribute to greater dependence on fossil fuels, an increase in greenhouse gas emissions, and a worsening of climate change. We recommend that regulatory agencies consider requiring all new desalination facilities be carbon-neutral – i.e., that the greenhouse gas emissions associated with desalination facilities be offset through energy efficiency improvements, or greenhouse gas emission reductions elsewhere." (p. 72.)

17-1

In selecting a seawater desalination plant over the other water alternatives, the environmental analysis in the Draft Program Level EIR for the WMP:

- Fails to substantively address, analyze, assess, or factor in the effect of carbon dioxide (CO2) and the greenhouse gas emissions associated not only with the operation of a seawater desalination plant at the site[1], but emissions involved in producing electricity to serve the operation of the plant.[2]

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[1]Cal. Admin. Code Title 14, §15126, states in part, "All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation...." (Emphasis added.)

[2]There are six major greenhouse gases: (1) carbon dioxide (CO2); (2) methane (CH4); (3) nitrous oxide (N2O); (4) hydroflourocarbons (HFSs); (5) perfluorocarbons (PFCs), and (6) sulfur hexaflouride (SF6).

- Undertakes no substantive analysis in comparing or evaluating the operation of a seawater desalination plant with other potential sources of water and fails to consider or address all feasible mitigation measures to avoid, minimize, or offset the anticipated global warming impact of a desalination project.

- Omits analysis and considerations that desalination facilities are "likely to have some special vulnerability to climate impacts. Ocean desalination plants are constructed on the coast and are particularly vulnerable to changes associated with rising sea levels, storm surges, and increased frequencies and intensity of extreme weather events. Intake and outfall structures are affected by sea level. Over the expected lifetime of a desalination facility, sea levels could plausibly rise by as much as a foot or more, and storm patterns are also likely to change on a comparable time scale. All of these impacts have the potential to affect desalination plant design and operation and should be evaluated before plant construction and operation is permitted." (Pacific Institute, Desalination, *With A Grain Of Salt, A California Perspective* (Cooley, Gleick & Wolff, June 2006), p. 72.)

Global warming is a serious environmental problem facing California and the nation. While construction of a desalination plant may potentially provide a source of water, the greenhouse gas emissions associated with the operation of a desalination plant must be fully evaluated, considered, disclosed, and mitigated.

17-1

Emissions of greenhouse gases accumulate in the atmosphere and cause the trapping of heat near the Earth's surface. Increased atmospheric concentration of these gases causes increasing average temperatures on a global scale, with adverse impacts on humans and the environment. According to NASA's James Hansen, proceeding at the emissions rate of the past decade will result in "disastrous effects, including increasingly rapid sea level rise, increased frequency of droughts and floods, and increased stress on wildlife and plants due to rapidly shifting climate zones." (See http://www.giss.nasa.gov/research/news/20070530/; see also *Hansen et. al., Dangerous Human-Made Interference with Climate* (2007) 7 Atmos. Chem. Phys. 2287-2312 http://pubs.giss.nasa.gov/docs/2007/2007_Hansen_etal_1.pdf.)

The atmospheric concentration of carbon dioxide (CO2), the leading greenhouse gas, is now 379 parts per million (ppm), higher than any time in the preceding 650,000 years.

Through Executive Order S-3-05, and AB 32, the California Global Warming Solutions Act of 2006, copies of which are attached, the Governor and the Legislature recognized California's vulnerability to the adverse effects of climate change and the urgent need to curb emissions. (Health & Safety Code §38501; Gov. Code §12812.6.) California is committed to reducing emissions to 1990 levels by 2020, and 80% below 1990 levels by 2050. Achieving the 2020 target will require California to reduce emissions by at least 29% below projected levels.

As the Legislature recognized, global warming is an "effect on the environment" under the California Environmental Quality Act (CEQA), and a project's contribution to global warming can be significant. (See Pub. Res. Code §21083.05, subd. (a).) CEQA was enacted to ensure that public agencies do not approve projects unless feasible measures are included that mitigate the

project's significant environmental effects. (See Pub. Res. Code §21002.) CEQA requires that "[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to so do." (See Pub. Res. Code §§21002.1(b) and 21081; *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 134.) This requirement is recognized as "[t]he core of an EIR." (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 564-565.)

Chapter 6.0, Alternatives to the Proposed Project, does not substantively evaluate or account for the greenhouse gas emissions of operating a desalination plant. In selecting the Proposed Project, the CCSD is urged to analyze, evaluate, and discuss in the DP-EIR anticipated sources of greenhouse gas emissions in the WMP and compare the same with Alternatives to the Project. The CCSD should revise the WMP and evaluate whether the global warming impacts from a desalination facility will be significant.[3] If CCSD determines that the global warming-related impacts of the WMP are cumulatively significant, it must discuss those impacts in the DP-EIR and contrast and compare the same with the other stated water alternatives. 17-1

Assuming that the global warming-related impacts of the WMP are significant, the DP-EIR, as currently written, would not satisfy CEQA. Although the DP-EIR makes passing reference to non-enforceable conservation measures such as solar/photovoltaic arrays[4], there are no specifics, details, or measurements how the WMP will address the State's 25% emissions reduction requirement by 2020.[5] The CCSD should lead by example in adopting programs to limit the production of greenhouse gases.

Comment 2: *The DP-EIR Evaluation Matrix for Potential Water Supply Alternatives, Summarized at Table 3-6 (3-10) and Table 6-1 (6-4), contains a fundamental error in describing the "Permitting/CEQA" of a seawater desalination plant as a "Rank 2" instead of a "Rank 1 [Very Difficult].*[6] 17-2

The DP-EIR states in part at 3-9, "In order to provide an additional water supply of up to 602

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[3]See *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 197, 55 Cal.Rptr.2d 625 ["(A) decision to 'tier' environmental review does not excuse a governmental entity from complying with CEQA's mandate to prepare, or cause to be prepared, an [EIR] on any project that may have significant effect on the environment...."]; CEQA Guidelines, §15152, subd.(b).

[4]The DP-EIR states in pertinent part, "Typically, the electrical power source for a seawater desalination plant is an interconnection to the local power grid. The power grid is controlled by a power marketing company, which, in consultation with the California Independent System Operator (Cal ISO), would obtain power from the California power market at the lowest cost possible. A variety of base-, intermediate-and peak-load power generating facilities may produce power for the proposed seawater desalination plant. Electric power generating plants are distributed throughout the region, and their emissions contribute to the total regional pollution burden....[¶] To offset the power demands, the CCSD is anticipating the use of solar/photovoltaic arrays. The conceptual plan includes an electrical system designed to allow the addition of modules of solar arrays on property owned by the District that is adjacent to the desalination facility. This may include placing the solar panels on supports above the existing percolation ponds or on the adjacent well field property." (5.4-21 to 5.4-22.)

[5]This program EIR does not address "the effects of the program as specifically and comprehensibly as possible." 14 Cal. Code Regs. §151689(c); *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 523, 534 (overturning redevelopment plan for insufficient detail and analysis).

[6]The definition of Rank 1 is "Very Difficult to Obtain" (See Table 3-5).

acre-feet during the dry season, the CCSD proposes to implement seawater desalination." The DP-EIR further states at 3-24, "Because this component involves construction within the San Simeon State Park and the ocean, there are a number of important agreements that must be obtained. San Luis Obispo County approval and CCC [California Coastal Commission] concurrence would be required for this component."

The DP-EIR underestimates and disregards the inherent difficulties in permitting and CEQA compliance in constructing and operating a desalination plant.[7] The DP-EIR's Rank 2 is at best faulty and at worst misleading, as it fails to analyze and fully address the impact of California Coastal Commission (CCC) and County of San Luis Obispo requirements.[8] Project activities for testing and construction of a desalination plan would occur both within the County of San Luis Obispo's Local Coastal Program (LCP) jurisdiction and the CCC's retained jurisdiction. Portions of a desalination facility and testing therefor, are located within the Coastal Zone of the County of San Luis Obispo and are subject to the County's certified LCP.

17-2

(1) The DP-EIR Rank 2 conclusion is erroneous as the County and CCC would have to amend the LCP before a permanent facility could be built.

(2) The DP-EIR Rank 2 conclusion is erroneous as approval of a desalination facility would require a revision of the Declaration of Purpose for San Simeon State Beach, which establishes uses of the beach as scenic, natural, cultural, and recreational.

(3) The DP-EIR Rank 2 conclusion is erroneous as the CCC denied a coastal development permit on September 6, 2007, for geotechnical tests and associated activities at San Simeon State Beach.[9]

(4) The DP-EIR Rank 2 conclusion is erroneous as any future testing and development would interfere with public recreation and access to the shoreline at San Simeon Beach and therefore does not confirm to applicable provisions of the County's LCP and the Coastal Act.

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[7]An EIR must contain facts and analysis, not the agency's bare conclusions or opinions. "This requirement enables the decision-makers and the public to make an 'independent, reasoned judgment' about a proposed project." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.)

[8]The Pacific Institute, Desalination, *With A Grain Of Salt, A California Perspective* (Cooley, Gleick & Wolff, June 2006), states, "Desalination plants are subject to extensive review. However, as we have alluded to above, the regulatory and oversight process for desalination is sometimes unclear and contradictory. Table 9 summarizes the major review processes that apply to desalination projects in California. As this table indicates, as many as 26 state, federal, and local agencies may be involved in the review or approval process for a desalination plant. Adequate review is essential to ensure environmental protection, public health, and appropriate use of our resources. However, it is likely that uncertainty about the project review process acts as a barrier to project development." (P. 78.)

[9]Based on a 1993 alternative site study commissioned by the CCSD, the most favorable site for a subterranean site is the San Simeon Creek State Beach. Since the California Coastal Commission has *denied* testing at this location, the DP-EIR Rank 2 conclusion is erroneous. Further, access to the mouth of Santa Rosa Creek would similarly require use of State Parks property and the construction of facilities and longer pipelines in surrounding wetlands and ESHA. The DP-EIR should utilize Rank 1 "Very Difficult" since it is more appropriate for consideration of the permitting of a desalination facility.

(5) The DP-EIR Rank 2 conclusion is erroneous since the CCSD is proposing to conduct geotechnical and hydrogeogologic tests at San Simeon State Beach, an area that includes significant sensitive habitat values in and near San Simeon Creek and the estuary, along the beach, and in nearshore coastal waters, including a western snowy plover nesting area managed by the Department of State Parks and Recreation. The County LCP designates the Estuary and creek as environmentally sensitive habitats.

(6) The DP-EIR Rank 2 conclusion is erroneous since the CCSD is proposing to conduct geotechnical and hydrogeologic testing in an area which provides substantial recreational and scenic values.

(7) The DP-EIR Rank 2 conclusion is erroneous since any future development associated with a potential subterranean intake and outfall structures at San Simeon State Beach would require modification of the LCP and additional review and approval by the CCC. 17-2

(8) The DP-EIR Rank 2 conclusion is erroneous since testing, including seismic reflection survey would result in harm to sensitive marine species due to the acoustic signals generated by the survey equipment. The San Simeon Beach area and nearshore waters are used year-around by a variety of marine mammals and other species that would likely be adversely affected by a proposed seismic survey.

(9) The DP-EIR Rank 2 conclusion is erroneous since desalination testing and development would be visually apparent from Highway 1 and would not conform to LCP requirements. The LCP's Norther Coast Plan Areawide Standard #6 provision requires that locations for certain new development not be visible from Highway 1, unless no alternative location exists. Coastal Act §30251 requires that development be sited to protect views to and along the ocean, that it be visually compatible with the surrounding area.

Comment 3: *The Draft Program Level EIR for the WMP bases the CCSD's long-term water supply strategy on a seawater desalination facility consisting of a subterranean seawater intake. However, the report is speculative because there are no facts, data, or details as to whether a subterranean intake is even geologically compatible. The DP-EIR fails to address or consider whether appropriate geologic conditions even exist to utilize a subterranean seawater intake.*[10] 17-3

The DP-EIR contains no geological data that a subterranean intake is feasible and therefor makes an unsubstantiated assumption that the geology would support a subterranean intake. This needs to be substantiated before adopting seawater desalination as a preferred water

[10]The DP-EIR states in part, "Subterranean intake and subterranean concentrate return wells located on the seaward side of the mean tide line; Depending upon geological investigation findings, the actual well screens may be located outside of the jurisdictional boundary of the County's NCAP. These facilities will be further described and analyzed within a future project-specific EIR/EIS after geological data is obtained." (5.1-21).

supply strategy.

17-3

Comment 4: *The Draft Program Level EIR for the WMP bases the CCSD's long-term water supply strategy on a seawater desalination with no almost no substantiating data and a lack of details. For example, the following reflect references to necessary future investigation and reports on the implementation of a desalination facility:*

- "Subterranean intake and subterranean concentrate return wells ... These facilities will be **further described and analyzed** within a future project-specific EIR/EIS after geological data is obtained." (Emphasis added; 5.1-21)

- "The municipal water wells are defined as 'Public Utility Facilities' land use (J5 definition), which may not be construed as an allowable use within the REC category. However, NCAP Standard CW-4.D.6 (Desalination Standards) refers to the preferred use of sub-surface feedwater intakes (e.g. beach wells) instead of open pipelines from the ocean. Thus, it would appear that a potential inconsistency exists....A future project-specific EIR/EIR would need to further discuss consistency **after more details become known** regarding the desalination system." (Emphasis added; 5.1-21 to 5.1.-22.)

- "The placement of a subterranean pipeline between the high tide line and bluff face would be subject to compliance with rural area NCAP Recreation Standard CS-6 (Setbacks – Coastal), which specifies a minimum 50-foot setback from the high tide line....A future project-specific EIR/EIS would need to further discuss consistency with the goals, objectives, and policies that are set forth in the County General Plan." (5.1-22)

17-4

- "County approval and CCC concurrence would be required for implementation of the proposed plant....A future project-specific EIR/EIS would need to further discuss consistency with the County's General Plan **after more details become known** regarding the desalination system." (Emphasis added; 5.1-22)

- Pursuant to Section 23.03.040(2), the proposed subterranean seawater intake and seawater concentrate return systems, and associated pipelines that are within the CCC's original permit jurisdiction would require a Coastal Development Permit from the CCC, in addition to any permits required by Title 23. A project-specific EIR/EIS would further discuss consistency with the CZLUO, **after more details become known** regarding the desalination system." (Emphasis added; 5.1-22)

- "A future project-specific EIR/EIS would need to further discuss potential impacts to the visual character of the site **after more details become known** regarding the desalination facility." (Emphasis added; 5.2-10)

- "A future project-specific EIR/EIS would need to further discuss potential impacts to a scenic vista or visual resource **after more details become known** regarding the desalination facility." (Emphasis added; 5.2-12)

- ☐ "A future project-specific EIR/EIS would need to further discuss potential spillover light and glare impacts **after more details become known** regarding the desalination facility." (Emphasis added; 5.2-14)

- ☐ "A future project-specific EIR/EIS would need to further discuss potential construction-related traffic impacts **after more details become known** regarding the desalination facility." (Emphasis added; 5.3-12)

- ☐ "A future project-specific EIR/EIS would need to further discuss potential long-term traffic and circulation impacts **after more details become known** regarding the desalination facility." (Emphasis added; 5.3-13)

- ☐ "A future project-specific EIR/EIS would need to further discuss potential construction-related air emissions **when project-specific is available.**" (Emphasis added; 5.4-17)

- ☐ "A future project-specific EIR/EIS would need to further discuss potential long-term air quality impacts from stationary and mobile sources **after more details become known** regarding the desalination facility." (Emphasis added; 5.4-22)

- ☐ "A future project-specific EIR/EIS would need to further discuss the seawater desalination system's consistency with the APCD's thresholds **after more details become known** regarding the desalination facility." (Emphasis added; 5.4-24) **17-4**

- ☐ "A future project-specific EIR/EIS would need to further discuss potential short-term construction-related noise impacts **after more details become known** regarding the desalination facility." (Emphasis added; 5.5-12)

- ☐ "A future project-specific EIR/EIS would need to further discuss impacts from mobile and stationary sources **after more details become known** regarding the desalination facility." (Emphasis added; 5.5-18)

- ☐ "Short-term construction-related impacts to sensitive plant, wildlife, and marine species are anticipated to be potentially significant..."A future project-specific EIR/EIS would need to further determine the short-term construction-related impacts to biological resources **after more details become known** regarding the desalination facility." (Emphasis added; 5.6-25)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential impacts to sensitive species **after more details become known** regarding the desalination facility." (Emphasis added; 5.6-28)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential impacts to the marine environment **after more details become known** regarding the desalination facility." (Emphasis added; 5.6-29)

- ☐ "The specific impacts to sensitive species would be dependent upon the final

improvement plans for the seawater desalination facility." (5.6-29)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential impacts to sensitive habitats and resource areas **after more details become known** regarding the desalination facility." (Emphasis added; 5.6-32)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential impacts to jurisdictional waters/resources **after more details become known** regarding the desalination facility." (Emphasis added; 5.6-33)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential impacts to wildlife corridors **after more details become known** regarding the desalination facility." (Emphasis added; 5.6-34)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential impacts to paleontological resources **after more details become known** regarding the desalination facility." (Emphasis added; 5.7-14)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential exposure of life or property to risks involving seismic hazards **after more details become known** regarding the desalination facility." (Emphasis added; 5.8-15)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential erosion and sedimentation impacts **after more details become known** regarding the desalination facility." (Emphasis added; 5.8-17)

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- ☐ "A future project-specific EIR/EIS would need to further determine the potential short-term construction-related impacts to storm water quality **after more details become known** regarding the desalination facility." (Emphasis added; 5.9-13)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential impacts to drainage patterns and the rate/amount of surface runoff **after more details become known** regarding the desalination facility." (Emphasis added; 5.9-14)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential impacts to storm water and ocean water quality **after more details become known** regarding the desalination facility." (Emphasis added; 5.9-16 to 5.9-17)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential impacts associated with flooding **after more details become known** regarding the desalination facility." (Emphasis added; 5.9-18)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential impacts associated with hazardous materials **after more details become known** regarding the desalination facility." (Emphasis added; 5.10-12)

- ☐ "A future project-specific EIR/EIS would need to further determine the potential

construction-related impacts to access and circulation and consistency with the County's Local Hazard Mitigation Plan **after more details become known** regarding the desalination facility." (Emphasis added; 5.10-15)

- "A future project-specific EIR/EIS would need to further determine the potential impacts to fire protection **after more details become known** regarding the desalination facility." (Emphasis added; 5.11-15)

- "A future project-specific EIR/EIS would need to further determine the potential impacts to parks and recreation services **after more details become known** regarding the desalination facility." (Emphasis added; 5.11-19)

- "A future project-specific EIR/EIS would be prepared to further determine the potential impacts to surface and groundwater supplies associated with the desalination facilities." (5.12-16)

- "A future project-specific EIR/EIS would be prepared to further determine the desalination facility's potential impacts associated with potable water quality." (Emphasis added; 5.12-18)

- "A future project-specific EIR/EIS would be prepared for the seawater desalination system **when project-specific information is available.**" (Emphasis added; 5.12-19)

17-4

Comment 5: *The Draft Program Level EIR for the WMP and the Fiscalini Ranch Preserve Master EIR are contradictory, inconsistent and reach opposite conclusions with respect to implementation of a seawater desalination plant. The former proposes "to implement seawater desalination." (3-9.) The latter considers desalination "speculative." (V-241.)*

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The CCSD Fiscalini Ranch Preserve Master EIR states at V-241 that "the desalinated water option is in the planning stage, and actual implementation is considered **speculative**." (Emphasis added.) In direct contrast, the Draft Program Level EIR for the WMP "proposes to implement seawater desalination." (2-3). If the availability of the desalinated water option is "speculative," then how is it that the Draft Program Level EIR for the WMP proposes to implement seawater desalination?

Comment 6: *The Draft Program Level EIR for the WMP's treatment of alternatives should consider and address the process known as "indirect potable water reuse."*

The process of "indirect potable water reuse" consists of purifying sewage into drinking water — after a scrubbing with filters, screens, chemicals and ultraviolet light and the passage of time underground. The finished product–which exceeds drinking water standards–is then injected underground to help form a barrier against seawater intrusion on groundwater sources and gradually filtering into existing aquifers. This technology is in operation in several locations including Huntington Beach, California.

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I appreciate the opportunity to comment on the Draft Program Level EIR for the WMP. Incorporating sound strategies for a supplemental or alternative water source will insure that

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this important project proceeds with minimal negative impact to Cambrians, environmentally and fiscally.

17-7

Very truly yours,

Howard Vallens

Enclosures

Executive Order

EXECUTIVE DEPARTMENT

STATE OF CALIFORNIA

EXECUTIVE ORDER S-3-05
by the
Governor of the State of California

WHEREAS, California is particularly vulnerable to the impacts of climate change; and

WHEREAS, increased temperatures threaten to greatly reduce the Sierra snowpack, one of the State's primary sources of water; and

WHEREAS, increased temperatures also threaten to further exacerbate California's air quality problems and adversely impact human health by increasing heat stress and related deaths, the incidence of infectious disease, and the risk of asthma, respiratory and other health problems; and

WHEREAS, rising sea levels threaten California's 1,100 miles of valuable coastal real estate and natural habitats; and

WHEREAS, the combined effects of an increase in temperatures and diminished water supply and quality threaten to alter micro-climates within the state, affect the abundance and distribution of pests and pathogens, and result in variations in crop quality and yield; and

WHEREAS, mitigation efforts will be necessary to reduce greenhouse gas emissions and adaptation efforts will be necessary to prepare Californians for the consequences of global warming; and

WHEREAS, California has taken a leadership role in reducing greenhouse gas emissions by: implementing the California Air Resources Board motor vehicle greenhouse gas emission reduction regulations; implementing the Renewable Portfolio Standard that the Governor accelerated; and implementing the most effective building and appliance efficiency standards in the world; and

WHEREAS, California-based companies and companies with significant activities in California have taken leadership roles by reducing greenhouse gas (GHG) emissions, including carbon dioxide, methane, nitrous oxide and hydrofluorocarbons, related to their operations and developing products that will reduce GHG emissions; and

WHEREAS, companies that have reduced GHG emissions by 25 percent to 70 percent have lowered operating costs and increased profits by billions of dollars; and

percent have lowered operating costs and increased profits by billions of dollars; and

WHEREAS, technologies that reduce greenhouse gas emissions are increasingly in demand in the worldwide marketplace, and California companies investing in these technologies are well-positioned to profit from this demand, thereby boosting California's economy, creating more jobs and providing increased tax revenue; and

WHEREAS, many of the technologies that reduce greenhouse gas emissions also generate operating cost savings to consumers who spend a portion of the savings across a variety of sectors of the economy; this increased spending creates jobs and an overall benefit to the statewide economy.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power invested in me by the Constitution and statutes of the State of California, do hereby order effective immediately:

1. That the following greenhouse gas emission reduction targets are hereby established for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels; and

2. That the Secretary of the California Environmental Protection Agency ("Secretary") shall coordinate oversight of the efforts made to meet the targets with: the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the Air Resources Board, Chairperson of the Energy Commission, and the President of the Public Utilities Commission; and

3. That the Secretary shall report to the Governor and the State Legislature by January 2006 and biannually thereafter on progress made toward meeting the greenhouse gas emission targets established herein; and

4. That the Secretary shall also report to the Governor and the State Legislature by January 2006 and biannually thereafter on the impacts to California of global warming, including impacts to water supply, public health, agriculture, the coastline, and forestry, and shall prepare and report on mitigation and adaptation plans to combat these impacts; and

5. That as soon as hereafter possible, this Order shall be filed with the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have here unto set my hand and caused the Great Seal of the State of California to be affixed this the first day of June 2005.

/s/ Arnold Schwarzenegger

Governor of California

Assembly Bill No. 32

CHAPTER 488

An act to add Division 25.5 (commencing with Section 38500) to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 27, 2006. Filed with Secretary of State September 27, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 32, Nunez. Air pollution: greenhouse gases: California Global Warming Solutions Act of 2006.

Under existing law, the State Air Resources Board (state board), the State Energy Resources Conservation and Development Commission (Energy Commission), and the California Climate Action Registry all have responsibilities with respect to the control of emissions of greenhouse gases, as defined, and the Secretary for Environmental Protection is required to coordinate emission reductions of greenhouse gases and climate change activity in state government.

This bill would require the state board to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with this program, as specified. The bill would require the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, as specified. The bill would require the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions, as specified. The bill would authorize the state board to adopt market-based compliance mechanisms, as defined, meeting specified requirements. The bill would require the state board to monitor compliance with and enforce any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism adopted by the state board, pursuant to specified provisions of existing law. The bill would authorize the state board to adopt a schedule of fees to be paid by regulated sources of greenhouse gas emissions, as specified.

Because the bill would require the state board to establish emissions limits and other requirements, the violation of which would be a crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Division 25.5 (commencing with Section 38500) is added to the Health and Safety Code, to read:

DIVISION 25.5. CALIFORNIA GLOBAL WARMING SOLUTIONS ACT OF 2006

PART 1. GENERAL PROVISIONS

CHAPTER 1. TITLE OF DIVISION

38500. This division shall be known, and may be cited, as the California Global Warming Solutions Act of 2006.

CHAPTER 2. FINDINGS AND DECLARATIONS

38501. The Legislature finds and declares all of the following:

(a) Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

(b) Global warming will have detrimental effects on some of California's largest industries, including agriculture, wine, tourism, skiing, recreational and commercial fishing, and forestry. It will also increase the strain on electricity supplies necessary to meet the demand for summer air-conditioning in the hottest parts of the state.

(c) California has long been a national and international leader on energy conservation and environmental stewardship efforts, including the areas of air quality protections, energy efficiency requirements, renewable energy standards, natural resource conservation, and greenhouse gas emission standards for passenger vehicles. The program established by this division will continue this tradition of environmental leadership by placing California at the forefront of national and international efforts to reduce emissions of greenhouse gases.

(d) National and international actions are necessary to fully address the issue of global warming. However, action taken by California to reduce emissions of greenhouse gases will have far-reaching effects by encouraging other states, the federal government, and other countries to act.

(e) By exercising a global leadership role, California will also position its economy, technology centers, financial institutions, and businesses to benefit from national and international efforts to reduce emissions of greenhouse gases. More importantly, investing in the development of innovative and pioneering technologies will assist California in achieving the 2020 statewide limit on emissions of greenhouse gases established by this division and will provide an opportunity for the state to take a global economic and technological leadership role in reducing emissions of greenhouse gases.

(f) It is the intent of the Legislature that the State Air Resources Board coordinate with state agencies, as well as consult with the environmental justice community, industry sectors, business groups, academic institutions, environmental organizations, and other stakeholders in implementing this division.

(g) It is the intent of the Legislature that the State Air Resources Board consult with the Public Utilities Commission in the development of emissions reduction measures, including limits on emissions of greenhouse gases applied to electricity and natural gas providers regulated by the Public Utilities Commission in order to ensure that electricity and natural gas providers are not required to meet duplicative or inconsistent regulatory requirements.

(h) It is the intent of the Legislature that the State Air Resources Board design emissions reduction measures to meet the statewide emissions limits for greenhouse gases established pursuant to this division in a manner that minimizes costs and maximizes benefits for California's economy, improves and modernizes California's energy infrastructure and maintains electric system reliability, maximizes additional environmental and economic co-benefits for California, and complements the state's efforts to improve air quality.

(i) It is the intent of the Legislature that the Climate Action Team established by the Governor to coordinate the efforts set forth under Executive Order S-3-05 continue its role in coordinating overall climate policy.

CHAPTER 3. DEFINITIONS

38505. For the purposes of this division, the following terms have the following meanings:

(a) "Allowance" means an authorization to emit, during a specified year, up to one ton of carbon dioxide equivalent.

(b) "Alternative compliance mechanism" means an action undertaken by a greenhouse gas emission source that achieves the equivalent reduction of greenhouse gas emissions over the same time period as a direct emission reduction, and that is approved by the state board. "Alternative compliance mechanism" includes, but is not limited to, a

flexible compliance schedule, alternative control technology, a process change, or a product substitution.

(c) "Carbon dioxide equivalent" means the amount of carbon dioxide by weight that would produce the same global warming impact as a given weight of another greenhouse gas, based on the best available science, including from the Intergovernmental Panel on Climate Change.

(d) "Cost-effective" or "cost-effectiveness" means the cost per unit of reduced emissions of greenhouse gases adjusted for its global warming potential.

(e) "Direct emission reduction" means a greenhouse gas emission reduction action made by a greenhouse gas emission source at that source.

(f) "Emissions reduction measure" means programs, measures, standards, and alternative compliance mechanisms authorized pursuant to this division, applicable to sources or categories of sources, that are designed to reduce emissions of greenhouse gases.

(g) "Greenhouse gas" or "greenhouse gases" includes all of the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexaflouride.

(h) "Greenhouse gas emissions limit" means an authorization, during a specified year, to emit up to a level of greenhouse gases specified by the state board, expressed in tons of carbon dioxide equivalents.

(i) "Greenhouse gas emission source" or "source" means any source, or category of sources, of greenhouse gas emissions whose emissions are at a level of significance, as determined by the state board, that its participation in the program established under this division will enable the state board to effectively reduce greenhouse gas emissions and monitor compliance with the statewide greenhouse gas emissions limit.

(j) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by an increase in emissions of greenhouse gases outside the state.

(k) "Market-based compliance mechanism" means either of the following:

(1) A system of market-based declining annual aggregate emissions limitations for sources or categories of sources that emit greenhouse gases.

(2) Greenhouse gas emissions exchanges, banking, credits, and other transactions, governed by rules and protocols established by the state board, that result in the same greenhouse gas emission reduction, over the same time period, as direct compliance with a greenhouse gas emission limit or emission reduction measure adopted by the state board pursuant to this division.

(*l*) "State board" means the State Air Resources Board.

(m) "Statewide greenhouse gas emissions" means the total annual emissions of greenhouse gases in the state, including all emissions of greenhouse gases from the generation of electricity delivered to and consumed in California, accounting for transmission and distribution line losses, whether the electricity is generated in state or imported. Statewide emissions shall be expressed in tons of carbon dioxide equivalents.

(n) "Statewide greenhouse gas emissions limit" or "statewide emissions limit" means the maximum allowable level of statewide greenhouse gas emissions in 2020, as determined by the state board pursuant to Part 3 (commencing with Section 38850).

CHAPTER 4. ROLE OF STATE BOARD

38510. The State Air Resources Board is the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases.

PART 2. MANDATORY GREENHOUSE GAS EMISSIONS REPORTING

38530. (a) On or before January 1, 2008, the state board shall adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with this program.

(b) The regulations shall do all of the following:

(1) Require the monitoring and annual reporting of greenhouse gas emissions from greenhouse gas emission sources beginning with the sources or categories of sources that contribute the most to statewide emissions.

(2) Account for greenhouse gas emissions from all electricity consumed in the state, including transmission and distribution line losses from electricity generated within the state or imported from outside the state. This requirement applies to all retail sellers of electricity, including load-serving entities as defined in subdivision (j) of Section 380 of the Public Utilities Code and local publicly owned electric utilities as defined in Section 9604 of the Public Utilities Code.

(3) Where appropriate and to the maximum extent feasible, incorporate the standards and protocols developed by the California Climate Action Registry, established pursuant to Chapter 6 (commencing with Section 42800) of Part 4 of Division 26. Entities that voluntarily participated in the California Climate Action Registry prior to December 31, 2006, and have developed a greenhouse gas emission reporting program, shall not be required to significantly alter their reporting or verification program except as necessary to ensure that reporting is complete and verifiable for the purposes of compliance with this division as determined by the state board.

(4) Ensure rigorous and consistent accounting of emissions, and provide reporting tools and formats to ensure collection of necessary data.

(5) Ensure that greenhouse gas emission sources maintain comprehensive records of all reported greenhouse gas emissions.

(c) The state board shall do both of the following:

(1) Periodically review and update its emission reporting requirements, as necessary.

(2) Review existing and proposed international, federal, and state greenhouse gas emission reporting programs and make reasonable efforts to promote consistency among the programs established pursuant to this part and other programs, and to streamline reporting requirements on greenhouse gas emission sources.

PART 3. STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT

38550. By January 1, 2008, the state board shall, after one or more public workshops, with public notice, and an opportunity for all interested parties to comment, determine what the statewide greenhouse gas emissions level was in 1990, and approve in a public hearing, a statewide greenhouse gas emissions limit that is equivalent to that level, to be achieved by 2020. In order to ensure the most accurate determination feasible, the state board shall evaluate the best available scientific, technological, and economic information on greenhouse gas emissions to determine the 1990 level of greenhouse gas emissions.

38551. (a) The statewide greenhouse gas emissions limit shall remain in effect unless otherwise amended or repealed.

(b) It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020.

(c) The state board shall make recommendations to the Governor and the Legislature on how to continue reductions of greenhouse gas emissions beyond 2020.

PART 4. GREENHOUSE GAS EMISSIONS REDUCTIONS

38560. The state board shall adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from sources or categories of sources, subject to the criteria and schedules set forth in this part.

38560.5. (a) On or before June 30, 2007, the state board shall publish and make available to the public a list of discrete early action greenhouse gas emission reduction measures that can be implemented prior to the measures and limits adopted pursuant to Section 38562.

(b) On or before January 1, 2010, the state board shall adopt regulations to implement the measures identified on the list published pursuant to subdivision (a).

(c) The regulations adopted by the state board pursuant to this section shall achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from those sources or categories of

sources, in furtherance of achieving the statewide greenhouse gas emissions limit.

(d) The regulations adopted pursuant to this section shall be enforceable no later than January 1, 2010.

38561. (a) On or before January 1, 2009, the state board shall prepare and approve a scoping plan, as that term is understood by the state board, for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from sources or categories of sources of greenhouse gases by 2020 under this division. The state board shall consult with all state agencies with jurisdiction over sources of greenhouse gases, including the Public Utilities Commission and the State Energy Resources Conservation and Development Commission, on all elements of its plan that pertain to energy related matters including, but not limited to, electrical generation, load based-standards or requirements, the provision of reliable and affordable electrical service, petroleum refining, and statewide fuel supplies to ensure the greenhouse gas emissions reduction activities to be adopted and implemented by the state board are complementary, nonduplicative, and can be implemented in an efficient and cost-effective manner.

(b) The plan shall identify and make recommendations on direct emission reduction measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and nonmonetary incentives for sources and categories of sources that the state board finds are necessary or desirable to facilitate the achievement of the maximum feasible and cost-effective reductions of greenhouse gas emissions by 2020.

(c) In making the determinations required by subdivision (b), the state board shall consider all relevant information pertaining to greenhouse gas emissions reduction programs in other states, localities, and nations, including the northeastern states of the United States, Canada, and the European Union.

(d) The state board shall evaluate the total potential costs and total potential economic and noneconomic benefits of the plan for reducing greenhouse gases to California's economy, environment, and public health, using the best available economic models, emission estimation techniques, and other scientific methods.

(e) In developing its plan, the state board shall take into account the relative contribution of each source or source category to statewide greenhouse gas emissions, and the potential for adverse effects on small businesses, and shall recommend a de minimis threshold of greenhouse gas emissions below which emission reduction requirements will not apply.

(f) In developing its plan, the state board shall identify opportunities for emission reductions measures from all verifiable and enforceable voluntary actions, including, but not limited to, carbon sequestration projects and best management practices.

(g) The state board shall conduct a series of public workshops to give interested parties an opportunity to comment on the plan. The state board shall conduct a portion of these workshops in regions of the state that have the most significant exposure to air pollutants, including, but not limited to, communities with minority populations, communities with low-income populations, or both.

(h) The state board shall update its plan for achieving the maximum technologically feasible and cost-effective reductions of greenhouse gas emissions at least once every five years.

38562. (a) On or before January 1, 2011, the state board shall adopt greenhouse gas emission limits and emission reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, to become operative beginning on January 1, 2012.

(b) In adopting regulations pursuant to this section and Part 5 (commencing with Section 38570), to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions limit, the state board shall do all of the following:

(1) Design the regulations, including distribution of emissions allowances where appropriate, in a manner that is equitable, seeks to minimize costs and maximize the total benefits to California, and encourages early action to reduce greenhouse gas emissions.

(2) Ensure that activities undertaken to comply with the regulations do not disproportionately impact low-income communities.

(3) Ensure that entities that have voluntarily reduced their greenhouse gas emissions prior to the implementation of this section receive appropriate credit for early voluntary reductions.

(4) Ensure that activities undertaken pursuant to the regulations complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant emissions.

(5) Consider cost-effectiveness of these regulations.

(6) Consider overall societal benefits, including reductions in other air pollutants, diversification of energy sources, and other benefits to the economy, environment, and public health.

(7) Minimize the administrative burden of implementing and complying with these regulations.

(8) Minimize leakage.

(9) Consider the significance of the contribution of each source or category of sources to statewide emissions of greenhouse gases.

(c) In furtherance of achieving the statewide greenhouse gas emissions limit, by January 1, 2011, the state board may adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit greenhouse gas emissions, applicable from January 1, 2012, to December 31, 2020, inclusive, that the state board determines will achieve the maximum