technologically feasible and cost-effective reductions in greenhouse gas emissions, in the aggregate, from those sources or categories of sources.

(d) Any regulation adopted by the state board pursuant to this part or Part 5 (commencing with Section 38570) shall ensure all of the following:

(1) The greenhouse gas emission reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the state board.

(2) For regulations pursuant to Part 5 (commencing with Section 38570), the reduction is in addition to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that otherwise would occur.

(3) If applicable, the greenhouse gas emission reduction occurs over the same time period and is equivalent in amount to any direct emission reduction required pursuant to this division.

(e) The state board shall rely upon the best available economic and scientific information and its assessment of existing and projected technological capabilities when adopting the regulations required by this section.

(f) The state board shall consult with the Public Utilities Commission in the development of the regulations as they affect electricity and natural gas providers in order to minimize duplicative or inconsistent regulatory requirements.

(g) After January 1, 2011, the state board may revise regulations adopted pursuant to this section and adopt additional regulations to further the provisions of this division.

38563. Nothing in this division restricts the state board from adopting greenhouse gas emission limits or emission reduction measures prior to January 1, 2011, imposing those limits or measures prior to January 1, 2012, or providing early reduction credit where appropriate.

38564. The state board shall consult with other states, and the federal government, and other nations to identify the most effective strategies and methods to reduce greenhouse gases, manage greenhouse gas control programs, and to facilitate the development of integrated and cost-effective regional, national, and international greenhouse gas reduction programs.

38565. The state board shall ensure that the greenhouse gas emission reduction rules, regulations, programs, mechanisms, and incentives under its jurisdiction, where applicable and to the extent feasible, direct public and private investment toward the most disadvantaged communities in California and provide an opportunity for small businesses, schools, affordable housing associations, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions.

PART 5. MARKET-BASED COMPLIANCE MECHANISMS

38570. (a) The state board may include in the regulations adopted pursuant to Section 38562 the use of market-based compliance mechanisms to comply with the regulations.

(b) Prior to the inclusion of any market-based compliance mechanism in the regulations, 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) Consider the potential for direct, indirect, and cumulative emission impacts from these mechanisms, including localized impacts in communities that are already adversely impacted by air pollution.

(2) Design any market-based compliance mechanism to prevent any increase in the emissions of toxic air contaminants or criteria air pollutants.

(3) Maximize additional environmental and economic benefits for California, as appropriate.

(c) The state board shall adopt regulations governing how market-based compliance mechanisms may be used by regulated entities subject to greenhouse gas emission limits and mandatory emission reporting requirements to achieve compliance with their greenhouse gas emissions limits.

38571. The state board shall adopt methodologies for the quantification of voluntary greenhouse gas emission reductions. The state board shall adopt regulations to verify and enforce any voluntary greenhouse gas emission reductions that are authorized by the state board for use to comply with greenhouse gas emission limits established by the state board. The adoption of methodologies is exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

38574. Nothing in this part or Part 4 (commencing with Section 38560) confers any authority on the state board to alter any programs administered by other state agencies for the reduction of greenhouse gas emissions.

PART 6. ENFORCEMENT

38580. (a) The state board shall 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 this division.

(b) (1) Any violation of any rule, regulation, order, emission limitation, emissions reduction measure, or other measure adopted by the state board pursuant to this division may be enjoined pursuant to Section 41513, and the violation is subject to those penalties set forth in Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with Section 43025) of Part 5 of, Division 26.

(2) Any violation of any rule, regulation, order, emission limitation, emissions reduction measure, or other measure adopted by the state board pursuant to this division shall be deemed to result in an emission of an air contaminant for the purposes of the penalty provisions of Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with Section 43025) of Part 5 of, Division 26.

(3) The state board may develop a method to convert a violation of any rule, regulation, order, emission limitation, or other emissions reduction measure adopted by the state board pursuant to this division into the number of days in violation, where appropriate, for the purposes of the penalty provisions of Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with Section 43025) of Part 5 of, Division 26.

(c) Section 42407 and subdivision (i) of Section 42410 shall not apply to this part.

PART 7. MISCELLANEOUS PROVISIONS

38590. If the regulations adopted pursuant to Section 43018.5 do not remain in effect, the state board shall implement alternative regulations to control mobile sources of greenhouse gas emissions to achieve equivalent or greater reductions.

38591. (a) The state board, by July 1, 2007, shall convene an environmental justice advisory committee, of at least three members, to advise it in developing the scoping plan pursuant to Section 38561 and any other pertinent matter in implementing this division. The advisory committee shall be comprised of representatives from communities in the state with the most significant exposure to air pollution, including, but not limited to, communities with minority populations or low-income populations, or both.

(b) The state board shall appoint the advisory committee members from nominations received from environmental justice organizations and community groups.

(c) The state board shall provide reasonable per diem for attendance at advisory committee meetings by advisory committee members from nonprofit organizations.

(d) The state board shall appoint an Economic and Technology Advancement Advisory Committee to advise the state board on activities that will facilitate investment in and implementation of technological research and development opportunities, including, but not limited to, identifying new technologies, research, demonstration projects, funding opportunities, developing state, national, and international partnerships and technology transfer opportunities, and identifying and assessing research and advanced technology investment and incentive opportunities that will assist in the reduction of greenhouse gas emissions. The committee may also advise the state board on state, regional, national, and

international economic and technological developments related to greenhouse gas emission reductions.

38592. (a) All state agencies shall consider and implement strategies to reduce their greenhouse gas emissions.

(b) Nothing in this division shall relieve any person, entity, or public agency of compliance with other applicable federal, state, or local laws or regulations, including state air and water quality requirements, and other requirements for protecting public health or the environment.

38593. (a) Nothing in this division affects the authority of the Public Utilities Commission.

(b) Nothing in this division affects the obligation of an electrical corporation to provide customers with safe and reliable electric service.

38594. Nothing in this division shall limit or expand the existing authority of any district, as defined in Section 39025.

38595. Nothing in this division shall preclude, prohibit, or restrict the construction of any new facility or the expansion of an existing facility subject to regulation under this division, if all applicable requirements are met and the facility is in compliance with regulations adopted pursuant to this division.

38596. The provisions of this division are severable. If any provision of this division or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

38597. The state board may adopt by regulation, after a public workshop, a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to this division, consistent with Section 57001. The revenues collected pursuant to this section, shall be deposited into the Air Pollution Control Fund and are available upon appropriation, by the Legislature, for purposes of carrying out this division.

38598. (a) Nothing in this division shall limit the existing authority of a state entity to adopt and implement greenhouse gas emissions reduction measures.

(b) Nothing in this division shall relieve any state entity of its legal obligations to comply with existing law or regulation.

38599. (a) In the event of extraordinary circumstances, catastrophic events, or threat of significant economic harm, the Governor may adjust the applicable deadlines for individual regulations, or for the state in the aggregate, to the earliest feasible date after that deadline.

(b) The adjustment period may not exceed one year unless the Governor makes an additional adjustment pursuant to subdivision (a).

(c) Nothing in this section affects the powers and duties established in the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(d) The Governor shall, within 10 days of invoking subdivision (a), provide written notification to the Legislature of the action undertaken.

SEC. 2 No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that

may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

RESPONSE TO COMMENT LETTER NO. 17

Howard Vallens, Resident
April 13, 2008

17-1 For discussion on the commentor's energy use and related greenhouse gas emissions concerns, please refer to Response to Comment Nos. 5-16 and 9-39. For discussion on other alternatives, please refer to Response to Comment Nos. 3-5, 4-3, 4-6,4-7, 4-13, 9-5, 9-10 and 9-16.

17-2 Please refer to Response to Comment Nos. 4-3, 4-4, 4-5, 4-7, and 4-13. The comments are noted and will be addressed within a project-level EIR/EIS. The project-level EIR/EIS will include environmental analysis of alternatives that could either avoid, or mitigate, the concerns outlined by the commentor.

17-3 Please refer to Response to Comment Nos. 3-3, 4-3, and 4-6 regarding a project level CEQA/NEPA review of a desalination facility. Geological information on the San Simeon Creek beach area was derived from geophysical measurements conducted during 1998 (Maas & Dickey, Microgravity and Electrical Resistivity Study; and, Mann, Ground Penetrating Radar survey), and to a lesser extent from a 1988 USGS report by Yates and VonKonyenburg (USGS Report 98-4061). The earlier studies by Maas and Dickey, as well as Mann, confirmed a depth to bedrock of approximately 70 to 110 feet at the main paleochannel where the San Simeon Creek enters the ocean. Further geotechnical data collection is proposed to confirm whether the lithology at the near shore area is similar to that found in well driller logs from wells constructed further upstream from this location. Currently, well 8R3 (installed by Gus Yates while employed by the USGS), which is located immediately northeast of the northern Highway 1 bridge abutment, is the closest well to this area that has a thoroughly documented lithology. Following collection of geotechnical data closer to the various study areas, several alternatives will be developed and analyzed during development of a project-level EIR/EIS.

17-4 The commentor has copied all text in the Draft EIR which identifies the need for further review, after more details become available regarding a desalination facility, in order to conduct a project specific CEQA/NEPA review. No further response is necessary.

17-5 Water Master Planning has included demands for a future community park on the eastern portion of the Fiscalini Ranch Preserve within its Task 3 Recycled Water Distribution System Master Plan report. Future park demand will be met by the use of recycled water as opposed to desalinated seawater. The Fiscalini Ranch Preserve EIR briefly considered desalinated seawater for park irrigation and dismissed such an application. However, it is unfortunate that the Fiscalini Ranch Preserve EIR misapplied the word "speculative," as it has very broad application and interpretation, and could conceivably be applied to any water supply alternative that has not already been constructed.

17-6 Please refer to Response to Comment No. 9-48.

17-7 Comment is noted.

COMMENT NO. 18

MEMO

DATE: April 14, 2008

TO: Bob Gresens, District Engineer

FROM: Elizabeth Bettenhausen Elizabeth Bettenhausen

SUBJECT: Program Environmental Impact Report for the Water Master Plan

Accompanying this memo is my review of the above mentioned document. I hand delivered it today to the CCSD office.

Elizabeth Bettenhausen

345 Plymouth Street

Cambria, CA 93428

805.927.0659

elizabeth1b@charter.net

Review by Elizabeth Bettenhausen, 345 Plymouth St., Cambria, CA
Elizabeth Bettenhausen of

February 2008
PUBLIC REVIEW DRAFT
PROGRAM ENVIRONMENTAL IMPACT REPORT
WATER MASTER PLAN
SCH NO. 2004071009
Lead Agency:
CAMBRIA COMMUNITY SERVICES DISTRICT

1. A Banquet

I invite people to a master banquet. The invitation says, "Please come to a banquet. We will have improved appetizers, an entrée (probably meat), and a conservative dessert. Please check with your doctor beforehand to make sure you won't have allergic reactions or food poisoning."

I can imagine getting quite a few phone calls.

- "Hey, Elizabeth! What food is going to be served at the banquet?"
- "Elizabeth, what recipes are you using?"
- "My doctor says she can't predict the food poisoning until she knows how the stuff was produced and cooked."

18-1

My answer: "Oh, the banquet is just an idea. I don't really have a specific recipe for the entrée yet. But I wanted to warn you about the cumulative effect of the banquet."

In the PROGRAM ENVIRONMENTAL IMPACT REPORT for the WATER MASTER PLAN (PEIR-WMP) the possible components and absent design of the seawater desalination plant sound like the entrée at my banquet: maybe meat. The environmental effects and mitigations are determined for what is called "the conceptual nature of the proposed desalination processes" (5.5-17)

18-2

The PEIR-WMP analyzes the possible conceptual cumulative environmental impact of a conceptual desalination plant, a conceptual recycling project, some not yet designed CIPs for potable water management, and already existing but not clearly specified water conservation.

The following sentence appears at least 32 times in Chapter 5. "A future project-specific EIR/EIS would need to further determine the potential impacts... after more details become known regarding the desalination facility." The conceptual nature of projects leaves the program vague in the specifics.

18-3

In Chapter 5 another reference to the seawater desalination plant appears for the first time. Discussing the "Land Use Plan, Policies, and regulations set forth in the Coastal Land Use Ordinance," the analysis then states, "Similar to the potable and recycled water distribution systems discussion above, the proposed seawater desalination system improvements would be evaluated through the County's development review process to determine the conditions or their establishment and operation." (5.1-24)

18-4

The word "improvements" makes me wonder. How can you improve what doesn't yet exist? What are "the proposed seawater desalination system improvements"? What are the specific design plans and components for the proposed seawater desalination system? To list intake and outflow pipes, an RO system, distribution pipes, a barn image, and maybe solar panels is so general that the cost cannot be analyzed, let alone the environmental impacts.

Perhaps the PEIR-WMP serves a legal purpose or two, including future use of tier analyses. But serving the public from this 541 page banquet menu would be unwise indeed.

18-5

2. Who chooses the entrée?

The caterer will choose and cook the entrée, judging by the "Project Cooperation Agreement between the Department of the Army and Cambria Community Services District for Design and Construction of the Seawater Desalination Project, Cambria, California," signed by CCSD on March 27, 2006.

Article II.A. of this Agreement states that "The Government [Department of the Army]... shall expeditiously design and construct the Project..." The CCSD has the power only to "review and comment" on this (Article II.A.1).

18-6

The seawater desalination project, the major part of the Water Master Plan, has not been designed. PEIR-WMP does not ever mention that the design is the prerogative and responsibility of the Army Corps of Engineers in the Department of the Army as specified in the Agreement signed by the CCSD. If CCSD has a concept about a seawater desalination project, the Army Corps of Engineers is under no obligation to design and construct according to that concept. PEIR-WMP analyses a concept that has no authority. Thus the cumulative impact of the Water Master Plan is based on speculative impact of possible effects of a concept in the Water Master Plan that has no legal standing.

3. A tiered cake on a foundation of imaginary ingredients

The *CEQA Guidelines* 15152 and 15168 do not support a large project with vague, conceptual individual actions. A Program EIR considers "a series of actions that can be characterized as one large project" (*CEQA Guidelines* Section 15168). In that context I quote the following from PEIR-WPA, 2.3:

> Although seawater desalination is one of three primary components of the *Water Master Plan*, the level of analysis under this Program EIR focuses on the WMP's ability to provide a reliable source of water for the community and the potential to cause growth-inducing effects. This Program EIR serves as the master environmental documentation in order to properly tier from the programmatic analysis (refer to *CEQA Guidelines* Section 15152). The project level study for the seawater desalination would provide the comprehensive construction and operations analysis. The study will also be subject to compliance with the *National Environmental Protection Act* (NEPA) Environmental Impact Statement (EIS) requirements due to anticipated federal funding. Thus, a joint EIR/EIS will be prepared specifically for the seawater desalination element. Consistent with NEPA requirements, the EIR/EIS will analyze various alternatives to the facility's location and operations.

a. Why does the first sentence state that a specific action, seawater desalination, is not included in the "level of analysis" in the PEIR-WPA?

18-7

b. Does the first sentence also mean that the Build-Out Reduction Plan is intrinsic to the Water Master Plan?

c. If the answer to "b" is yes, does approval of PEIR-WPA constitute the adoption of the Build-Out Reduction Plan by the Board of Directors of the CCSD?

d. Who will determine that conclusions reached in PEIR-WMP about a conceptual seawater desalination project have any bearing on "the construction and operations" designed and carried out by the Army Corps of Engineers?

e. Who will prepare "a joint EIR/EIS"? Do the Army Corps of Engineers and the Cambria Community Services District have equal authority and participation? Will the public, corporately and individually, be allowed to review the "joint EIR/EIS" on the seawater desalination plant, regardless of their participation in the review of the PEIR-WPA?

f. By implication the final sentence means that the analysis in PEIR-WPA of water supply alternatives and possible environmental impact of each is insufficient both in alternatives listed and "reasonable" impact from each. EIR/EIS must consider any proposed alternatives not considered in PEIR-WPA, as well as those included.

4. Culinary experts

In the impact analysis reported in the Executive Summary, the following sentence or a variation of it appears at least 46 times in the "Significance After Mitigation" column.

> "Analysis has concluded that impacts would be less than significant following compliance with" County, State, and or Federal "regulatory framework ."

a. How specific can the analysis be if no specific design has been adopted for the seawater desalination plant?

b. How specific can the analysis be when the "likely customer base" has been posited for the recycled water system without any indication of how likelihood was determined for each and all in the list? 18-8

c. On what grounds does the PEIR-WMP assume that compliance with county, state, and federal regulations necessarily and adequately creates mitigation of negative declarations?

d. How does PEIR-WMP take into account the distinctive interactions of the thirteen characteristics of environmental analysis in arriving at analytical conclusions?

In PEIR-WMP each of these characteristic is analyzed in isolation from the others. This leads to a conclusion about the cumulative effect of the Program that is in fact only a judgment about thirteen characteristics acting in sequential isolation rather than cumulatively. To call this an analysis of the cumulative effect is erroneous and misleading.

5. Who is invited?

In the PEIR-WMP no mention is made of any consultation with the Native American Heritage Commission, members of the Salinan nation, or members of the Chumash nation. This violates the Senate Bill 18, Chaptered on 09/30/04. 18-9

6. Don't pick away at your food!

I want to say explicitly that judging the adequacy of the PEIR-WMP analysis of the environmental impact of the Waster Master Plan is simply impossible, because the information on the Plan's projects is either absent or outdated or inadequate. My review has specified major elements of this. So I will not continue by picking away at each example. 18-10

RESPONSE TO COMMENT LETTER NO. 18

Elizabeth Bettenhausen, Resident
April 14, 2008

18-1 Comment does not raise new environmental information and does not directly comment on information provided in the Draft EIR. No further response is necessary.

18-2 Commentor is correct. The Draft EIR considers conceptual aspects of the WMP, including a seawater desalination facility, recycled water system, potable water distribution system improvements and Water Demand Management. All are features of the policy program set forth in the WMP and are subject to further environmental review, once they further defined beyond the conceptual programming in the Program EIR.

18-3 Please refer to Response to Comment Nos. 4-6, 5-3, 5-4, and 17-4, regarding a project specific EIR/EIS for a desalination facility.

18-4 The use of the word "improvements" can be interchangeable with "facilities" and the usage of "improvements" in no way implies that a project feature automatically improves conditions. All existing and potentially affected conditions are subject to review and analysis. Please refer also to Response to Comment No. 5-4.

18-5 With regard to future tiering of the Program EIR, please refer to Response to Comment No. 5-3. Additional comment does not raise new environmental information and does not directly comment on information provided in the Draft EIR.

18-6 The Project Cooperation Agreement between CCSD and the Corps requires the Army Corps to design the desalination facility in cooperation with the CCSD. If the design does not meet the approval of the CCSD, the CCSD can choose not to go forward with the project. Any desalination project constructed pursuant to this agreement will have been fully analyzed by a CEQA/NEPA document.

18-7a The Program EIR serves as the environmental review as the CCSD considers the adoption of the Water Master Plan. As referenced in Response to Comment No. 5-3, future project components would be subject to further review at a Project level analysis, once the details of the individual project components are identified. This would include a project level analysis for seawater desalination.

18-7b Buildout Reduction is referenced as mitigation on Page 5.13-24 of the Draft EIR (Mitigation Measures PHG-1 and PHG-2).

18-7c Please refer to Response to Comment No. 9-13.

18-7d Please refer to Response to Comments Nos. 4-6 and 18-7a.

18-7e Please refer to Response to Comment No. 18-6. The Project Level EIR/EIS shall be required to fully comply with State and Federal review requirements, pursuant to both CEQA and NEPA.

18-7f With regard to Alternatives, please refer to Response to Comment Nos. 3-5, 4-3, 4-6, 4-7, 4-13, 9-5, 9-10 and 9-16.

18-8a Please refer to Response to Comment No. 18-7a.

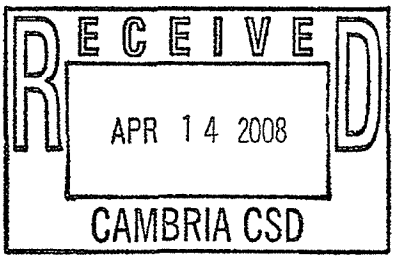
18-8b The commentor's reference to "likely customer base" is unclear. The commentor does not provide new environmental information and does not directly comment on information provided in the Draft EIR. No further response is necessary.

18-8c Based upon the conclusion that the WMP components are subject to applicable County, State and Federal requirements, the Program EIR concludes that impacts would be less than significant, based upon compliance.

18-8d The Program EIR considers the inter-relationships of each topical area addressed with other related topics when concluding the significance of impacts.

18-9 SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation ad notice requirements apply to adoption and amendment of both general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, existing state planning law requires local governments to use the same processes for adoption and amendment of specific plans as for general plans (see Government Code Section 65453). Therefore, where SB 18 requires consultation and/or notice for a general plan adoption or amendment, the requirement extends also to a specific plan adoption or amendment. The WMP does not include the adoption of a Specific Plan or Amendment to the North Coast Area Plan.

18-10 The commentor offers perspective on the adequacy of the Program EIR analysis. Comment is noted.



Submitted by
Lynne Harkins
PO Box 606/L.Harkins@charter.net
Cambria, CA 93428 on April 14, 2008
Comments with regard to
February 2008
PUBLIC REVIEW DRAFT
PROGRAM ENVIRONMENTAL IMPACT REPORT - WATER MASTER PLAN
SCH NO. 2004071009
Lead Agency: CAMBRIA COMMUNITY SERVICES DISTRICT

1.Is this CEQA review inappropriate and premature when its central focus, though merely conceptual, is a desalination project which is inconsistent with the NCAP?

Desalinization Plants. Desalinization plants constructed to serve development within the service boundaries of the CCSD shall only be permitted if owned and operated by the CCSD. Private desalinization plants are prohibited. NCAP Chap 7-31

In response to March 27, 2008 questioning about ownership of the proposed desal facility, CCSD has thus far provided nothing that counters their own counsel's March 25th and April 17, 2004 evaluation that the contract between CCSD and the Army Corps "is silent on ownership". According to the AC cooperative agreement posted on the CCSD website, the desal facility would be federally authorized and CCSD would operate,maintain, and repair it, but it doesn't say CCSD would own it. AC counsel's March 31, 2004 letter of clarification refers to "intellectual property" sharing, not facility ownership. 19-1

Can you justify a CEQA review of a project that is inconsistent with the NCAP at the time of review?

Should not seeking an amendment to the NCAP be done prior to even as unsubstantial a review as this PEIR provides?

How can CCSD provide the community with assurances about this CEQA process and the actual desal facility's construction when "performance of all work on the project (whether the work is performed under contract or by Government personnel), shall be exclusively within the control of the Government." (Art II A.1 of Project Coop Agreement) ?

Won't review of the specific project will be under less rigorous NEPA EIS procedure which doesn't include mitigations?

2. The use of outdated 2000 Kennedy-Jenks watershed evaluation undermines the relevance and credibility of this review. It fails to account for more recent changes in watershed use; especially the 180-200 AF annual allotment of recycled water that was awarded in November of 2006 to the Warren estate.
Relieving the SS watershed of that large of an agricultural use of water and in such close proximity to Cambria's end position in the watershed has to have had a large net positive impact on water availablility at our end of the watershed, yet it goes unmentioned. 19-2

How can a credible evaluation of current conditions for our Water Master Plan fail to include that and other changes since 2000?

3. What community meetings, surveys and other community inputs yielded the call for a "quality of life", 50% increase in water minimum per hook-up? What evidence can you show to support what seems to be a false imperative as the conceptual driving force of this Water Plan?

Does this proposed increase not nullify all previous conservation attempts by ccsd/the community? 19-3

Would that not provide cover for a 50% increase in minimum monthly charge for water as well?

and/or would it not also yield a significant increase in growth-inducing, artifically obtained (thru desal) water?

Is it through this "quality of life" increase that the appearance of "economies of scale" are created at the conceptual, paper level?

4. Though a fascinating and engaging technology, which has a place in CA's water future, desalting sea water through reverse osmosis, is very costly in terms of both money and energy. According to the authoritative Pacific Institute, we are far from having exhausted an inventory of far less expensive, common sense, water efficient means of increasing available water. A copy of their excellent publication was submitted to CCSD at time of scoping for this PEIR. 19-4

On what recent studies/evidence do you base the assumption that Cambria can not use water more efficiently and therefore must resort to desal?

Besides billing penalties for water use, what community-wide education programs have you presented to guide and encourage ratepayers in water efficiency ?

What OWUE.org expertise was sought and/or what Prop 50 grants were applied for to explore opportunities for water efficiency/conservation practices in the community?

Why, if meters can be read remotely by passing ccsd trucks, were meters not installed where ratepayers can see them easily? Isn't a first step in water conservation helping people to become conscious of their water use; thereby enabling them to focus on more efficient use? 19-4

Do you doubt that people would adjust their use downward if they could easily see how much they were using?

5. Of inestimable significance is the potential impact of a desal plant on wildlife and habitat both in the state park and in the nearshore environment. Given that the feed water for the desal facility will be coming from the same location as the outflow of the underground plume that maintains the "freshwater" mount to prevent saltwater intrusion into our well field, the question arises about the quality and content of that feedwater. That barrier is maintained by means of the percolation of our secondary-treated, highly chlorinated wastewater. As it is not treated to tertiary standards, it contains chemicals from pharmaceuticals including psychotropic and sexual enhancement meds, personal care products, hormone replacement products, caffeine, endocrine disruptors from household/ cleaning products, pesticide residues. Chlorine resistant bacterial and viral content might also be present. Additionally, chlorine combines with organic matter in water to produce toxic trihalmethanes. The presence of these chemicals would reasonably be expected to be higher by at least 25% during the spring/summer when tourist and water needs both spike-at the very time the desal facility would be operating. Now when all of that passes through the reverse osmosis of this conceptual desal plant, it should be ok for us to drink,(though it will call for very thorough and on-going testing) but the toxic effluent reject brine water that will be returned to our nearshore environment will contain all of those things (along with the other chemicals listed in the discharge permit you'll be requred to get) at more than double the concentration of the ambient seawater. Unfortunately this occurs as many nearshore species are feeding, bearing/rearing young and the filter feeders at the base of the food chain will be the recipients/bioaccumulators of these toxic by-products of desal. 19-5

These are not just theoretical risks. Southern CA waters are revealing the results of the human chemicalized waste stream-including male turbot producing egg proteins and, in some cases, miniature eggs in their sperm. The idea that dilution eliminates impact is more and more questionable,yet it is all you offer. Southern California toxicology researchers find chemicals from wastewater are ending up in coastal oceans -- and affecting the hormone levels of fish.By Kenneth R. Weiss, Los Angeles Times Staff Writer February 17, 2008

Why are we not instead evaluating tertiary wastewater treatment as a source of high quality water for reuse while at the same time minimizing impacts on our coastal waters which are central to our tourism based economy?

What guarantees/assurances can you provide that the critically endangered sea otters, the still endangered brown pelicans, the steelhead, the rockfish and the local kelp itself will not be harmed by the chemical brew that this desal plant will discharge at a rate of up to a million gallons a day?

What studies have been made or will be made prior to desal construction to make it possible to really deliver what's called for in the biological resources section?*"The discharge sustains the biological productivity of coastal waters and maintains healthy populations of all species of marine organisms. " 5.6-6*How will you monitor nearshore marine environment for health or harm if desal gets operational? 19-5

Wetlands and all the endangered species and species of concern in San Simeon State Park are put in a permanent state of risk by the pipes that would pass through the wetlands/creek area: bearing saltwater feedwater in one and concentrated toxic reject brine water in other(s). Either could damage/destroy these sensitive areas if there were a break from seismic activity, accident, poor quality work or sabotage,
yet you offer very little in the way of a real look at impacts and alternatives.

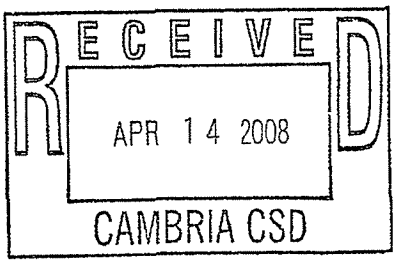
"A future project-specific EIR/EIS would need to further determine the potential impacts to wildlife corridors after more details become known regarding the desalination facility. Additionally, the EIR/EIS would analyze alternative desalination facility sites."
5.6-34

This flies in the face of the purpose of the CEQA process; logically as well as biologically. This PEIR fails to consider other possible sources of long-term water supply besides desal -such as supplemental reservoirs and community-based rain catchment and greywater systems. It inadequately addresses the impacts of the central, yet formless desal facility and its construction. Under the federal authority described in the AC contract all of this could be moot in any event.

Unfunded federal mandates for security that might entail night -lighting and 24/7 security presence are among the things that could jeopardize our environment and our local control of our water resources down the line. Has CCSD abdicated from discharging the responsibilities they were elected to fulfill by signing away their authority to the Army Corps?and if they haven't, have they done an adequate job of presenting us with a good review of our water future?

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). 19-5

Though that's a statement and quote from this PEIR, it is this reviewer's opinion that throughout this document you provide insufficient information "to permit decision making and public participation" of the quality that this exquisite coastal/forest setting deserves. Your revisions are awaited with interest.



RESPONSE TO COMMENT LETTER NO. 19

Lynne Harkins, Resident
April 14, 2008

19-1 As stated on Page 5.1-22 of the Draft EIR, County approval and Coastal Commission concurrence would be required in order to implement a proposed desalination facility. Also, compliance with NCAP Standard CW-5 (Desalination Plants) would be required to establish consistency with the NCAP. 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. Additionally, the EIR/EIS would analyze alternative desalination facility sites. Refer to Section 3.6 of the Draft EIR (Agreements, Permits, and Approval) for a complete outline of the necessary agreements, permits, and approvals.

Ownership of a desalination facility is not an environmental impact. The CCSD will comply with all of the applicable laws regarding ownership of the desalination facility. Please refer to Response to Comment No. 18-6 regarding contract between CCSD and Army Corps and assurances of the CEQA/NEPA process.

19-2 The comments are noted and will be further analyzed as part of a project-level EIR for recycled water. For a related discussion, please refer to Response to Comment No. 4-8 which describes approximately 450 to 500 acre-feet of additional recharge that will occur from the future use of desalinated seawater. The 185 acre-feet of future recycled water demand from the Warren property should be offset by the additional recharge occurring through that portion of desalinated water that ultimately percolates back into the aquifer after being treated at the wastewater treatment plant. The commentor is reminded that a water connection moratorium was imposed during 2001, which is within one year of the referenced 2000 Kennedy/Jenks report. Therefore, not much additional water demand has occurred to Cambria's water supply since the 2000 report was completed.

19-3 The 50 percent quality of life increase was used as a basis for sizing per Response to Comment No. 4-15.

19-4 Water conservation measures being implemented by the CCSD are described within its 2005 Urban Water Management Plan Update. This document is available on the CCSD web site at cambriacsd.org. CCSD's water master planning calls for a three-pronged approach towards addressing Cambria's chronic water shortage; water conservation, recycled water for non-potable landscape irrigation, and seawater desalination to augment its potable water supply. As the referenced Pacific Institute report attests to, desalination is only part of CCSD's puzzle towards providing a long-term reliable water supply. With regard to the energy concerns, the CCSD has planned for the use of renewable power to offset greenhouse gas emission concerns while also reducing operating costs. Since the June 2006 Pacific Institute report was issued, the State of California passed AB 946 (Krekorian, 2007), that allows for net metering credit from remotely located renewable power systems. Adoption of this recent legislation further facilitates the application of renewable power to desalination projects of the size planned by the CCSD. As far as recent studies/ evidence to support the use of desalination, the commentor may also wish to refer to the CCSD's

2005 Urban Water Management Plan Update, which includes planning for various multi-year drought scenarios. Significant drought periods of recent historical record include 1988-1990, and 1975-1976. With regard to water use efficiency, the CCSD is a signatory agency to the California Urban Water Conservation Council (CUWCC), and implements demand management measures developed by the Council as well as within the CCSD's code. Ms. Cori Ryan of the CCSD serves as the Water Conservation Officer and routinely coordinates water audits and rebate programs that encourage the use of the most water efficient fixtures, toilets, and clothes washing machines available. The CCSD also provides services that go beyond measures developed by the CUWCC, such as its monthly household residential leak monitoring and notification program. Should a residence be flagged as having potential leaks, the CCSD will meet and investigate questionable water use with the resident free of charge. The CCSD web site also contains a link to the H2OHouse web site, a highly educational and interactive site that promotes water conservation. With regard to the commentor's questioning the location of meters in difficult to access locations, such meter locations are normally fixed by the location of a service line that was initially set during the home's original construction. To address meter reading access issues, and for a nominal one-time fee of $25, the CCSD offers a small remote readout device that is magnetized and can be readily attached to a refrigerator for ease of viewing.

19-5 With regard to biological considerations and concerns, please refer to Response to Comment Nos. 3-1, 3-2, 3-4, 4-6 and 5-3. Regarding Alternatives and the level of analysis under a Program EIR, please refer to Response to Comment Nos. 3-5, 4-3, 4-6, 4-13, 5-3, 5-4, 6-1 and 9-10.

In response to the commentor's concerns for the level of analysis provided in the Program EIR for the WMP, Section 15146 of CEQA has been provided in its entirety, along with a discussion from the CEQA Guidelines.

15146. Degree of Specificity

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21003, 21061, and 21100, Public Resources Code. Formerly Section 15147.

Discussion: This section is necessary to deal with the wide range of activities which are subject to the CEQA process. Some activities such as the adoption of local general plans may deal with issues on a level of broad generalities. At the other end of the scale, CEQA also applies to conditional use permits for specific development projects. While CEQA requirements cannot be avoided by chopping the proposed project into pieces to render its impacts insignificant the EIR need not engage in a speculative analysis of environmental consequences for future and unspecified development. (Atherton v. Board of Supervisors of Orange County, (1983) 146 Cal. 3d 346.)

As with the range of alternatives, the level of analysis provided in an EIR is subject to the rule of reason. The level of specificity for a given EIR depends upon the type of project. The analysis must be specific enough to permit informed decision making and pubic transportation. The need for thorough discussion and analysis is not to be construed unreasonably, however, to serve as an easy way of defeating projects. What is required is 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. See Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal. 3d 376. In Antioch v. Pittsburg (1986) 187 Cal. App. 3d 1325, the court held that EIR requirements must be sufficiently flexible to encompass vastly differing projects with varying levels of specificity. When the alternatives have been set forth in this manner, an EIR does not become vulnerable because it fails to consider in detail each and every conceivable variation of the alternatives stated.

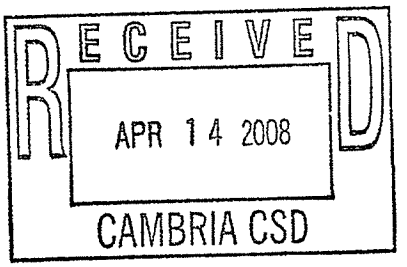
PART II OF COMMENTS ON THE CAMBRIA COMMUNITY SERVICES DISTRICT
DRAFT WATER MASTER PLAN
PROGRAM ENVIRONMENTAL IMPACT REPORT

Submitted by

GREENSPACE THE CAMBRIA LAND TRUST and

LANDWATCH SAN LUIS OBISPO COUNTY

Prepared By
Cynthia Hawley, Attorney



Greenspace The Cambria Land Trust and LandWatch San Luis Obispo jointly offer the following comments on the Cambria Community Services District's Water Master Plan Draft Program Environmental Impact Report. Among other things, these comments conclude that the three water supply projects selected within the Water Master Plan and the program DEIR were selected based on unsupported assumption that the dry season requirement for a supplemental water supply is 602 acre feet per year, and on the unsupported and premature conclusion that the selected projects will have no significant impacts on the environment. **20-1**

Overall, it should be noted that the purposes of the Water Master Plan appear to be two fold. First, the WMP is a decision making process or tool used "to identify one, or a combination of, feasible long-term supply alternatives that would best meet the CCSD's objectives..." (Section 3.4) Within this purpose, the Water Master Plan (WMP) reviews a series of alternative water projects to provide Cambria with water during the dry season. The function of the Environmental Impact Report in relation to this decision-making purpose appears to be to justify the Water Master Plan's rationale for selecting the three specific projects by way of evaluation of the environmental impacts of the various alternative water projects under scrutiny. **20-2**

Second, according to section 3.5of the Draft Environmental Impact Report, the Water Master Plan is a plan for implementation; the WMP "proposes to implement the potable water distribution system improvements, recycled water, and seawater desalination programs concurrently" – the three selected water projects. The Draft Environmental Impact Report (DEIR) is dedicated to this second Water Master Plan purpose. For example, the "Environmental Issues and Mitigation" chart at section 2.3 of the DEIR is devoted entirely to charting the anticipated environmental impacts related to implementation of the selected three projects. **20-3**

Thus, the Water Master Plan functioned as a decision making process by which the three projects were selected and it also functions as the foundation for implementing the selected projects as evaluated for implementation within the Draft Environmental Impact Report. **20-4**

It is within this second purpose that the DEIR acts as a "program" EIR. That is, the Draft Environmental Impact Report serves the purpose of analyzing the environmental impacts of a series of three related public works water projects that can be characterized as one large project with a "chain of contemplated actions". *(Practice Under the California Environmental Quality Act, CEB, Kostka and Zischke, 1st ed., 2003 update, section 11.9)* **20-5**

As a program EIR, the District provides broad brush descriptions of the project, existing conditions and potential impacts. The DEIR explicitly defers detailed analyses of impacts and mitigation measures to future "project" level EIRs – once the individual projects are clearly defined and the environmental impacts are known. For example, at page 5.6-29 the DEIR states that after more details become known, a future project-specific EIR will need to further determine potential impacts of the proposed desalination project on the sensitive plant and wildlife species in the marine environment. This statement and other similar statements indicating that analyses of environmental impacts will be deferred to later project-specific EIRs once the projects are designed and the impacts are known are repeated throughout the DEIR. 20-5

What follows are comments on the Draft Environmental Impact Report.

The DEIR improperly makes ultimate findings that the selected projects will have "insignificant impacts" on the environment before the projects are designed and the impacts are known.

In spite of making it very clear that the potable water distribution system improvements, the recycled water project, and seawater desalination project are not fully designed at this time, that impacts are unknown and that the impacts of each project will be analyzed in future project-specific EIRs after needed data is available, the DEIR makes ultimate findings that the projects will have no significant effects on the environment.

Instead of stopping at the broad brush analyses and appropriately broad conclusions that may provide the bases for future project specific EIRs to "tier" from, the DEIR leaps across a void of data and analysis to make ultimate findings that the projects themselves – the potable water distribution system improvements, the recycled water project, and seawater desalination project – will have only insignificant impacts on the environment. 20-6

It is not the function of this program EIR to make the ultimate finding that the specific projects – to be designed in the future and for which information about environmental impacts is not identified and analyzed – will have no significant impacts on the environment. These findings cannot be legally made because, obviously, they are not supported by data and analyses as the program DEIR explicitly states. It is entirely premature and improper to use this program EIR as a vehicle for pronouncing – without any supporting data or analysis – what the levels of significance of the now-unknown impacts of the individual projects will be.

The District cannot have its cake and eat it too. It cannot defer meaningful analysis until a later date and rest in the luxury of findings that its proposed projects will cause no significant impacts to the environment.

The purpose of making these premature conclusions is found in the analysis of alternative projects in the DEIR. These unsupported and basically false conclusions that the three projects themselves will have no significant impact on the environment are used to boost the scores of the three selected projects in comparison to alternative projects – scores that are used as the basis for selection. (See below for more discussion on this topic)

There is no data or analysis to support the conclusion that Cambria needs a supplemental source of water due to the unreliability of Santa Rosa Creek's productivity.

Section 2.1 of the DEIR concludes that a supplemental source of water is needed based on the following grounds:

- Santa Rosa wells SR-1 and SR-3 cannot be relied upon to deliver 201 acre feet per year of summertime production because MtBE is still being remediated up gradient from the wells. (p. 2-2)
- The dry season operating practice from 2002 raises questions over the reliability of Santa Rosa Creek well SR-4 during the dry season due to potential habitat impacts. (p. 2-2)
- The Santa Rosa Creek supply is not expected to operate during the dry season and is expected to operate only as a supplemental source during the wet season. (Table 3-1 "Existing Supply Availability" p. 3-3)
- "a supplemental source is required to further augment the Santa Rosa supply during dry summer months." (p. 5.13-18)

These grounds, and the conclusion drawn, are unsupported suppositions and assumptions. CEQA requires that decisions made related to project selection and protection of the environment must be supported with data in the record and that conclusions must be supported by analyses based on that data. 20-7

Establishing the need for supplemental water must be based on a comparison of actual water use with actual well production. Without a determination of water need based on actual data and reliable projection studies, it is impossible to make an informed decision as to how much water is needed and what water source would be most appropriate to meet that need with the least environmental impacts.

There is no data or evidence in the record or analysis in the DEIR that supports the assumption that wells SR-1 and SR-3 cannot be relied upon during the summer months to deliver 201 acre feet because of MtBE remediation or that the wells are unusable due to MtBE contamination. There is no information to show a link between reliability of the wells and the process of remediation. This information must be provided to support the District's conclusion.

There is no data or evidence in the record or analysis in the DEIR that supports the assumption that dry season "operating practice" from 2002 raises questions over the reliability of Santa Rosa well SR-4 to produce 201 acre feet during the dry season. There is no data on dry season "operating practice" during 2002 available to the public. The CCSD recently denied a Public Records Act request for this data. The specific questions as to the reliability of well SR-4 raised by the 2002 operating practice are not even stated.

Even if specific questions were identified, they would have to be analyzed based on data and evidence to arrive at the conclusion that the wells would not be reliable enough to produce 201 acre feet per dry season.

There is no data or evidence in the record to support the "expectations" that the Santa Rosa Creek supply will "not operate" during the dry season and will operate only as a "supplemental" source during the wet season. Expectations are speculative at best. There is no discussion of what a "supply not operating" means or of the process used to categorize Santa Rosa Creek water, one of Cambria's two permitted sources of water, as "supplemental" rather than a primary source of water.

There is no data or evidence in the record or analysis in the EIR to support the conclusion that "a supplemental source is required to further augment the Santa Rosa supply during dry summer months." To rely upon these statements to demonstrate the need for a supplemental water supply, the DEIR must provide supporting data and evidence in the record and must provide analysis using that data as rationale. 20-7

District records show otherwise. The 2000 "Baseline Water Supply Analysis" by Kennedy/Jenks Consultants shows at Table 3-4 that the community had ample water at that time, with six to eight thousand permanent residents, to provide water during a "critically dry" season for a 20% increase in residential connections. That is, the water supply was sufficient to provide for 1,600 additional residents during a critically dry season. To support its statements, the District should provide accurate information showing how much SR-4 safely produces, what the state is of the MtBE clean up, and whether water can be pumped from SR-1 and SR-3 during the winter high flows without affecting the spread of MtBE contamination, and how much water is actually needed to make up for any shortfall to provide for critically dry seasons for current residents.

There is no data in the record to support the conclusion that Cambria requires 602 acre feet per year of supplemental water.

Based on the first unsupported assumption that Santa Rosa Creek is incapable of producing 201 acre feet during the summer months and that "Thus, a supplemental water source is required (p. 2-2), the District then inflates the unproven need to 602 acre feet per year, also in a void of data, based on "board direction" (p. 6-1). Finally, the DEIR repeatedly mischaracterizes the mere desire for 602 acre feet per year as the supplemental dry season need (p. 2-33).

No evidence or data, or rationale corroborated by evidence or data is provided to support the need of 602 acre feet per year of water. No pumping records from wells or actual usage data are cited or analyzed in the DEIR to demonstrate any such dry season need. 20-8

The DEIR takes the pretense of "needing" 602 AF/yr a step further by mischaracterizing it throughout the document as the supplemental dry season need (p. 2-33). At page 5.12-12 the DEIR states that the long-term supplemental dry season water requirement is between 602 and 994 acre feet per year. Page 6.3 states that the recommendation of the DEIR is to implement seawater desalination "as a supplemental source during critically dry years". At page 6-5 the "no project" alternative is rejected based on the criteria that "the volume of supplemental water needed by the CCSD during dry season (i.e., 602 AF) would not be supplied. (p. 6-5) This same statement is made on page 6-8. The DEIR

states at page 6-1 that the "volume of 602 acre feet per year of supplemental water needed during the dry season was determined by Board direction."

That is, the amount of water required by Cambria to make up for dry season needs and the amount set as the criteria for selection of a new water source was set arbitrarily by a motion of the board of directors.

The direct result of transforming the arbitrary selection of 602 AF/yr into the dry season need and applying that spurious "need" in comparisons of project alternatives was the disqualification of the "no project" alternative and other alternatives that could not produce that volume – even if the environmental impacts were less, in violation of CEQA.

20-8

The District's motivation to up the ante to 602 AF/yr was to provide a 50% "quality of life" increase in water use per household, and to supply water for growth up to an ultimate total of 4,650 residential connections. The 50% "quality of life" increase certainly contradicts the water conservation and use reduction programs in the "Water Demand Management" element of the WMP. Whether the District has the legal authority to put a cap on growth by withholding available desal-produced water is questionable.

The EIR must analyze whether the District has the legal authority to put a cap on how many residences it will serve when it plans to build a desalination plant that has the capacity to double its production (see below). Can a water agency set a limit to how many customers it will serve when it has the capacity to serve them through desalination? This information is critical to an informed decision-making process and to a realistic determination of the impacts of the project, including growth inducing impacts.

Analysis of long term water supply alternatives is flawed by the use of the unsupported need to produce 602 AF/yr of water as a project objective and criteria for project selection.

As discussed above, the "need" for 602 additional acre feet of water per year is unsupported by any facts, data, evidence or analysis and is, essentially, simply an arbitrarily fabricated goal of the CCSD based on unfounded inflated demands. Yet, it is used as criteria for analyzing project alternatives and for eliminating projects that might be less environmentally harmful.

20-9

CEQA requires the lead agency to describe and analyze a range of reasonable alternatives to a project which would feasibly attain most of the basic objectives of the project but would avoid or lessen any significant effects of the project. *(Cal. Code of Regs. section 15126.6)* This section describes a two phased process of selecting feasible alternatives for analysis: First, the selection of the range of alternatives that will be analyzed in the EIR and second, the analysis of those alternatives within the EIR. The DEIR lists on page 6-3 the criteria used by the CCSD to evaluate and select the long term water supply projects for analysis within the EIR.

The selection of water supply alternatives is based on the criteria that it produce at least 602 acre feet of water per year, criteria that is shown above to be unsupported as to need.

In combination with the false findings that the desalination project would have less than significant impacts on the environment (see below), setting the criteria for water production arbitrarily high at 602 AF/yr effectively eliminates all other alternatives so that the use of the "Evaluation Matrix for Potential Water Supply Alternatives" fails as a valid method of analyzing a range of reasonable alternatives to a project which would feasibly attain most of the basic objectives of the project but would avoid or lessen any significant effects of the project. 20-10

In order to conform to CEQA, the alternatives analyzed by the CCSD must include water projects that provide the amount of water actually needed as a dry season supplement for existing customers and projects must not be disqualified because they do not produce 602 AF/yr.

The finding that the desalination project will result in insignificant impacts is based on false assumptions.

As noted above, the selection of seawater desalination as the water project is based directly on the false assumption and finding that the project will result in only "insignificant impacts" to the environment. There are no facts of any sort in the DEIR to support that conclusion. CEQA and common sense require that findings and conclusions on which project-related decisions are made must be supported by data in the record and analyses based on that publicly available data.

Table ES-1 (p. ES-3) of the Water Master Plan Assessment of Long-Term Water Supply Alternatives shows the scoring system used by the CCSD to rank water projects based on specific criteria. For the criteria of "environmental issues", the scores are established as follows: 20-11

1 = Significant impacts, further review required
2 = Significant, but short term
3 = Less than significant after mitigation
4 = No significant impacts
5 = No impacts

The "Evaluation Matrix for Potential Water Supply Alternatives" on page 6-4 of the Water Master Plan Draft Environmental Impact Report is the chart used for final assessment of project alternatives and project selection. In the chart, data, analyses, and conclusions are distilled into scores applied to specific criteria, such as "environmental issues" and "supply capability". The scores are added up and the projects with the highest overall score are selected.

This selection chart shows all four desalination alternatives with a score of "3" in relation to "environmental issues". These scores are drawn from inappropriate and unfounded statements in the DEIR that the desalination project will have "insignificant impacts"

overall in relation to the environmental values discussed. These conclusions are not only unsupported by facts and analysis, they are contradicted by the text of the DEIR which states explicitly and repeatedly that there is not enough information to determine what the impacts of the desalination project will be and that facts and analyses will be provided in later project-level EIRs.

For example, at page 5.6-29, the DEIR states that not enough information is available at this stage of planning to determine the potential impacts a desalination plant may have on sensitive marine species or to develop mitigation measures. It states that "[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." It indicates that mitigation measures will be based on the future determination of appropriate environmental baselines. The conclusions that the desalination project would have only "insignificant impacts" on the environment – conclusions that are used as grounds for selection of the project – are refuted by the text of the document. 20-11

Because the process used for selection from among a range of alternatives is based on scores that are disproved by the text of the DEIR, the "Evaluation Matrix for Potential Water Supply Alternatives" must be amended to reflect genuine scores supported by data in the record. The District must analyze alternative projects and make a selection of a water supply project based on legitimate scores founded in facts.

The CCSD should direct its consultants to rectify the conclusions drawn and project selections made with facts in the record and analyses based on facts in the text of the EIR.

Mitigation measures are inadequate.

Overall, the mitigation measures are undefined because they apply to as-yet unidentified impacts and it is impossible to evaluate whether, or to what extent they will be effective. While it is acceptable to include mitigation based on compliance with applicable statutory standards that are measurable in relation to identified impacts *(Practice Under the California Environmental Quality Act, CEB, Kostka and Zischke, 1st ed., 2003 update, section 14.8)*, the key is applicability to identified impacts within existing conditions and the DEIR does not identify specific impacts based on data to which the standards would apply. The DEIR defers identification of impacts and descriptions of existing conditions (see below) to later project-specific EIRs. 20-12

For example, the DEIR states that the specific impacts of the recycled water project to sensitive habitats and/or sensitive resource areas "would be dependent upon the final improvement plans for the proposed potable and recycled water facilities." (p. 5.6-31) Likewise, in relation to the impacts on air quality caused by the proposed desalination plant, the DEIR states on page 5.4-22 that "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."

Actual impacts to sensitive habitats and/or sensitive resource areas based on data are not identified or analyzed so that the application of any mitigation measure is premature. It is

impossible to evaluate the effectiveness of proposed mitigation measures that can not be applied to identified impacts to species and habitats that are described. There can be no showing that proposed mitigation measures will actually reduce or avoid any impacts to, for example, certain species and habitats where those impacts, species and habitats have not been identified and described.

20-12

If the CCSD wants to adopt mitigation measures other than broad policies, such as those to which future mitigation measures must conform, it must provide identified impacts based on data in the record to which those mitigation measures apply. It goes without saying that findings of insignificance based on mitigation measures for unidentified impacts to un-designed projects within un-described existing conditions are equally premature and improper without any basis in fact.

Discussion of marine plants, animals, and habitats are entirely missing from the DEIR.

Among the primary impacts that the proposed desalination plant would have on the environment would be impacts to ocean plants, animals, and habitats from the intake pipes and discharge of toxic effluent. The DEIR states on pages 5.6- 28 & 29 that "Marine resources in the vicinity of a desalination plant could be impacted by the process of feedwater intake, concentrate return method used, and constituents present in the concentrate return" and that "both the seawater intake system and the seawater concentrate return system could potentially cause significant adverse impacts".

However, discussion within the "Environmental Setting" section is entirely lacking in descriptions of marine resources. No marine plants are identified in the DEIR's list of sensitive plants. No marine habitats are included in the list of sensitive habitats. There is no description of the offshore vegetation communities. Obviously, it is impossible to determine the potential impacts of desalination intake and discharge on marine plants, animals, and habitats unless those plants, animals, and habitats are identified and the environmental requirements of those species and habitats are known, described, and analyzed in light of the potential harms. To conclude that the level of impact on marine life will be insignificant due to the implementation of mitigation measures in a void of information is ludicrous and unlawful.

20-13

While it is mentioned that the desalination project would involve intake and discharge pipes in the Monterey Bay National Marine Sanctuary, no data or analysis is provided on the impacts or potential mitigation measures that would be applied to the project to protect these special resources. The specific impacts to sensitive habitats and SRAs are deferred to the "final improvement plans" and to a "future project-specific EIR/EIS" after "more details become known". The conclusion that the impacts caused by the desalination project would be "less than significant" contradicts the statements and cannot be made in a void of information.

Within the explanation of "Significance Criteria" beginning on page 5.6-23, the DEIR clarifies that, according to CEQA, an evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context."

Significantly, there are no data or analyses in the DEIR related to any specific impacts the intake and discharge systems will have on ocean plants, animals, and habitats. The discussion of Existing Conditions within plant communities beginning on page 5.6-13 of the DEIR does not identify or describe marine plants or marine habitats. While "marine mammals" are mentioned as special status species known to occur within the project boundaries and several marine mammals are listed on page 5.6-17, no marine habitats are described and there is no description or consideration of the biological requirements of each species or how the proposed projects may impact them and their habitats as required. Steelhead, a known marine species, is identified only within the context of riparian habitats even though the proposed project would involve discharge of toxic chemicals in the ocean near the mouth of San Simeon Creek where steelhead come to spawn. No information is provided on kelp forests and the plant and animal communities that depend upon them. **20-13**

Only to the extent that the program level EIR provides sufficiently comprehensive analyses of existing conditions and project impacts, among other things, can the CCSD legally rely on the evaluations within the program EIR for ultimate conclusions, the tiering of later project level EIRs, and project approvals. The DEIR states specifically that there is not enough data at this phase to determine what the potential impacts and mitigation measures will be. Under these conditions it is impossible to reach any conclusions related to the levels of impacts that will result from the contemplated projects and to any mitigation measures that may reduce or avoid those impacts.

<u>The DEIR does not analyze alternatives that could accomplish basic project objectives</u>.

The Assessment of Long-Term Water Supply Alternatives was finalized in July 2004 and states at Section 1.5 that potential water source alternatives were based on "previous studies". However, during September 2000 the District Board directed staff to look into the feasibility of pumping winter flow from San Simeon Creek for storage in a non-dam reservoir on the Warren property near the San Simeon Creek well fields. *(September 11, 2000 Agenda No. II.B)*

Depending on an accurate assessment of dry season need and the volume of water that could be pumped and stored in an off-stream, non-dam reservoir from existing water sources, this project could feasibly accomplish the basic goal of providing dry season water needs while avoiding the environmental harms of other projects and must, according to CEQA, be included in the analysis of alternatives. **20-14**

Since the Kennedy/Jenks Baseline Water Supply Analysis states that pumping from the District's wells does not have an effect on groundwater levels, the District should analyze the feasibility and impacts of pumping winter flow from San Simeon Creek into an off-stream surface storage reservoir similar to the plan proposed by the Warren family. By augmenting the storage of existing available water supply, the high costs and the potential damaging impacts of sea water desalination would be avoided. Storage of available winter flow for summer use is consistent with the conservation of water described in the Water Demand Management selected within the WMP. Conservation during summer

months would support the wise use of stored water and serve to protect creek flow for habitat. Conservation of water is diametrically opposed to the selection of the proposed desalination plant which is planned to produce enough water to increase customer use by 50%. 20-14

The DEIR should base selection of projects on comparison of environmental impacts in addition to overall scores.

CEQA requires analysis of project alternatives that "could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects."

The need to increase water availability during severe dry seasons is stated in the DEIR to be the primary objective of the project – the Water Master Plan. At page 2-2 the DEIR states that "a supplemental source is required to further augment the Santa Rosa Supply during the dry summer months". The selection of an appropriate project to meet that objective should be based on data that establishes that basic need, on data showing exactly how much water is needed, and on an analysis demonstrating that the project will have the least negative impacts on the environment in relation to other projects that achieve the basic objective.

Section 6.0 of the DEIR states that "viable alternatives" were identified as those projects with overall scores of 2.9. The basis for the decision to select the projects should include not only the overall score of each alternative but the scores related to environmental impacts. 20-15

The selection of projects from the scope of alternatives should include a discussion of why the Whale Rock exchange alternative, which is a "viable option" with an overall score of 2.9, was not selected. According to CEQA, the reasoning used to eliminate project alternatives must be described in order to support a decision to eliminate it. EIR must contain evidence or explanation in the record showing that a more comprehensive analysis of impacts was infeasible or speculative. The decision to limit the scope of analysis by not disclosing relevant information in the record is not supported by evidence or rationale to limit the scope. *(Kings County Farm Bureau v City of Hanford (1990) 221 CA3d 692; Practice Under the California Environmental Quality Act, CEB, Kostka and Zischke, 1st ed., 2003 update, section 12.5)*

The DEIR fails to disclose, analyze and apply relevant available information related to project description and impacts.

The scope of analysis of the impacts of discharged effluent into the sea is inadequate because it fails to include in the project description, among other things, the list the possible chemicals and substances that may be discharged. The CCSD provides no evidence or rationale in the record that supports the decision to limit the scope to exclude the list of possible effluent components and impacts for environmental analysis as required. *(See above Kings County Farm Bureau; Practice Under the California Environmental Quality Act)* 20-16

The "project description is the sine qua non of an informative, legally adequate EIR." *(County of Inyo v City of Los Angeles (1977) 71 CA3d 185; CCR 15124; Practice Under the California Environmental Quality Act, CEB, Kostka and Zischke, 1st ed., 2003 update, section 12.14)* As here, when the project description omits known project elements, it may fail to disclose impacts related to those elements and defeat the purpose of CEQA to provide for informed environmental decision making.

The District's April 2000 report entitled "Final Project Design Report – Desalination Project Management Services" by Kennedy/Jenks Consultants describes a 360 square foot "drainage area" that will emit 900 gallons per minute of effluent produced by the desalination plant. (Section 2.2.4) This report describes planned pre-treatment, chemical additions, the RO system, cleaning and flushing systems, post treatment systems, and disinfection systems and the chemicals that may be used in these systems.

The report by the California Coastal Commission, "Seawater Desalination in California" lists the potentially adverse constituents of the discharge produced by reverse osmosis seawater desalination, discusses their impacts, and provides suggestions for reducing their impacts. This list includes the following:

- Salt concentrations above those of receiving waters
- Temperatures above those of receiving waters;
- Turbidity levels above those of receiving waters;
- Chemicals from pretreatment of the feed water which may include biocides, sulfur dioxide, coagulants (e.g., ferric chloride), carbon dioxide, polyelectrolytes, anti-scalants (e.g., polyacrylic acid), sodium bisulfite, antifoamagents, and polymers;
- Chemicals used in flushing the pipelines and cleaning the membranes in RO plants which may include sodium compounds, hydrochloric acid, citric acid, alkalines, polyphosphate, biocides, copper sulfate, and acrolein;
- Chemicals used to preserve the RO membranes (e.g., propylene glycol, glycerine, or sodium bisulfite);
- Organics and metals that are contained in the feedwater and concentrated in the desalination process; and
- Metals that are picked up by the brine in contact with plant components and pipelines.

20-16

Since the District's own report includes project description related to discharge constituents and since information about the effects of the various constituents is readily available at this phase of planning, the project description within the EIR should include this information. Because the project description omits these known project elements, the DEIR avoids disclosure and analyses of impacts related to the effects the discharges will have on marine habitats, plants and animals and the purpose of CEQA to provide informed environmental decision making is frustrated.

<u>The project description fails to include the current proposed desalination project as described by the 30% Design by Kennedy/Jenks Consultants' 2000</u>. The desalination project designed by Kennedy/Jenks Consultants is sited at San Simeon State Beach's lower Washburn parking lot. The design includes a well vault to be located at the

20-17

adjacent parking lot on the west side of Highway 1. By failing to disclose the known project elements and the currently contemplated site within the District's proposed 30% design, identification of reasonably foreseeable potential impacts that may be caused by the project at that site are avoided and the DEIR fails to identify and analyze potential mitigation measures that would avoid or reduce those impacts. 20-17

The EIR fails to evaluate the effects of future project expansion which are reasonably foreseeable consequences of the initial project.

According to the District's April 2000 report entitled "Final Project Design Report – Desalination Project Management Services" by Kennedy/Jenks Consultants, the contemplated desalination facility was "configured to facilitate the addition of more membrane modules" that would effectively double the output of the plant. The project description fails to disclose this information, no information is provided on the consequences of doubling the capacity of the planned initial output of the desalination facility, and no analyses are provided to show the impacts of such a doubling on the environment. 20-18

The EIR must identify and analyze the impacts that doubling the size of the plant would have on, for example, marine life and the capacity for the greater output to induce growth in the North Coast Planning Area.

The program EIR improperly defers analyses of reasonably foreseeable significant impacts.

An impact is ripe for evaluation in the first tier analysis when it is a reasonably foreseeable consequence of the approval and the agency has enough reliable data to permit a meaningful and accurate report. (*Los Angeles Unified School District v City of Los Angeles (58 CA4th 1019); CCR15152(b)*) Use of the tiering process does not mean the lead agency may defer the analysis of foreseeable environmental impacts to a later phase of review. *(CCR 15378; Practice Under the California Environmental Quality Act, CEB, Kostka and Zischke, 1st ed., 2003 update, section 11.5)*

The geotechnical test well project planned by the CCSD is not only reasonably foreseeable but is an essential component of the whole desalination project for which a land use permit is currently being pursued by the District. To carve this project element out for deferred separate analysis to a later EIR or mitigated negative declaration would be improper segmentation. To proceed with this desalination project element while purporting to be taking the initial step of selecting desalination within the Water Master Plan and the WMP program EIR is unreasonable and unlawful. It puts the cart before the horse – puts project implementation before project approval within the broad context of the overall Water Master Plan – and renders meaningless the CEQA process of analyzing project alternatives for the least impact on the environment. 20-19

Since the prior permit application to proceed with this desalination project element was denied by the Coastal Commission, the District is now starting from scratch and will be required to submit a new application for a new geotechnical data gathering project

requiring further analysis of environmental impacts and approval procedures under CEQA. The District should not segment this integral project element out for later separate review of impacts. The decision to pursue desalination as the preferred water source includes the necessity to proceed with the geotechnical test well project and analysis of the impacts of this project should not, according to the court in Stanislaus Natural Heritage Project v County of Stanislaus (48 CA4th 182), be deferred to a later date. If the program EIR does not cover this phase of the project, it will have to be considered as a new separate project *(National Resources Defense Council v City of Los Angeles (2002) 103 CA4th 268)* and cause the District to spend additional funds for separate CEQA analysis. 20-19

The EIR refers to the use of maps but no maps are provided for public review.

At page 5.6-23, the DEIR states that the "determination of impacts in this analysis is based on a comparison of maps depicting project grading limits and maps of the biological resources." In order to become informed as to the critical determination of impacts, the public should have access to these maps. The EIR should either include these maps as attachments or state where the public can go to review them. 20-20

No data or analysis is provided on the impacts of earthquake on the desalination plant infrastructure.

According to the District's April 2000 report entitled "Final Project Design Report – Desalination Project Management Services" by Kennedy/Jenks Consultants, seawater intake alternative "A", which spans 1.475 feet from the State Parks overflow parking lot east of Highway 1 to approximately 350 feet offshore from the mouth of San Simeon Creek, "appears to cross a suspected faultline". The DEIR also provides ample information about existing fault lines in the area of the proposed desalination facility and the severity of historic earthquakes that could portend impacts to the planned future desalination infrastructure. Since this information is available at this time, an analysis should be included of the impacts on the environment and property of damage to the facility including the intake and discharge pipelines due to earthquake. 20-21

The District should adopt or approve the Water Master Plan.

The California Environmental Quality Act applies to government action. *(Cal. Code of Regs. 15002)* An Environmental Impact Report is a description and analysis of significant environmental effects of a project and a discussion of ways to avoid or mitigate those effects that must be considered by a public agency before it approves or disapproves a project. Where there is no action in the form of a decision by a government agency to undertake a project or to finance a project or to approve or disapprove a private development project that will affect the environment, there is no requirement pursuant to CEQA to produce environmental review documents. 20-22

CEQA applies to "a discretionary action by a public agency that may cause a physical change to the environment" *(CCR 15378; Practice Under the California Environmental Quality Act, CEB, Kostka and Zischke, 1st ed., 2003 update, section 1.3; emphases added)*

Apparently, the CCSD intends to implement the projects selected within the Water Master Plan since it has prepared this program EIR to analyze the environmental impacts of the selected projects within the WMP and since it has already begun implementing the desalination project with its proposed geotechnical data gathering element of the project.

If the CCSD does not intend to take discretionary action to move forward to implement the three selected projects by adopting the WMP, CEQA would not apply and development and certification of the WMP program level EIR would be superfluous and a waste of public funds. Without approval of the Water Master Plan, there would be no government action to which the "program EIR" could be attached and from which later project-level environmental reports could be "tiered".

20-22

The purpose of the tiering process under CEQA is to allow a lead agency such as the CCSD to prepare a series of environmental documents that focus on issues related to environmental impacts that are ripe for decision at each stage of the land use planning process and to exclude or limit analysis of issues that have already been decided or are not ready for decision. Preparation of a program EIR allows the District to analyze the impacts of the proposed project – "CCSD Water Master Plan" – "to the degree of specificity appropriate to the current proposed actions." (Water Master Plan 1.1)

While the purpose of the WMP was, in part, a decision making tool for selection of the three selected projects, through the program EIR, it is primarily a Public Works Plan involving the land use-related decision to approve the selected projects for implementation.

Unless the District approves a WMP that incorporates all mitigation measures, the EIR will be inadequate as a matter of law.

CEQA requires that mitigation measures must be fully enforceable through permit conditions, agreements, or other means. And, according to the court in Citizens for Quality Growth v City of Mt. Shasta *([1988] 198 CA3d 433)* a public agency must take a specific action to impose mitigation measures. *(PRC 21081.6(b); CCR 15378; Practice Under the California Environmental Quality Act, CEB, Kostka and Zischke, 1st ed., 2003 update, section 17.15)*

20-23

Without adoption or approval of the WMP, the CCSD cannot make the required explicit finding that the mitigation measures have been incorporated into the project. The CCSD states in section 1.1 that the mitigation measures provided "may be adopted as conditions of approval to minimize the significance of impacts resulting from the Project" – suggesting that the "project", the WMP, is meant to be approved on the condition that the mitigation measures are incorporated into the project itself as required by law.

If the WMP that incorporates the mitigation measures as a condition of approval is not formally approved or adopted, the EIR is rendered meaningless and the primary purpose of CEQA to protect California's environment is thwarted.

RESPONSE TO COMMENT LETTER NO. 20

Cynthia Hawley, Attorney, Greenspace - The Cambria Land Trust and Landwatch San Luis Obispo County
April 14, 2008

20-1 Comment is noted. Commentor disputes the referenced water supply calculation of 602-acre feet per year and conclusions rendered in the Draft EIR. Please refer to Response to Comment No. 4-15.

20-2 The commentor correctly identifies the purpose of the Water Master Plan process, which involves the identification of feasible long-term water supply alternatives. The commentor's reference to the function of the Program EIR to "justify the Water Master Plan's rationale for selecting …" is incorrect. The WMP has been determined by the CCSD, serving as the lead agency, to be a "Project" under CEQA (Public Resources Code Section 21065) and thus requires an environmental review determination.

20-3 As has been previously discussed in Response to Comment Nos. 4-6, 5-3, 5-4, 15-4, 17-4 and 18-7, the Draft EIR has been prepared as a Program EIR in accordance with Section 15168 of the CEQA Guidelines. The Program EIR is to serve as the CEQA clearance for the program/policy adoption of the WMP. In order for implementation, each project component shall be subject to further environmental review, once each component can be fully defined, in accordance with Public Resources Code 21065.

20-4 Comment is noted. Please refer to Response to Comments Nos. 20-1, 20-2 and 20-3.

20-5 With regard to the Commentor's claim of deferral of analysis, please refer to Response to Comment No. 5-4.

20-6 The commentor again identifies concerns for deferral of analysis and indicates that the significance conclusions for issue area does not reach proper conclusions and findings. With regard to the deferral claim, please refer to Response to Comment No. 5-4. The Program EIR analysis and conclusions are based upon the review of conceptual project components, which have not been fully defined at this time. As stated in Response to Comment No. 20-3, the Draft EIR serves as a Program EIR for the program/policy adoption of the WMP, which is the intent of Section 15168 of CEQA.

20-7 The CCSD commissioned the December 8, 2000, Final Report, Baseline Water Supply Analysis Report, which included detailed analysis and modeling of the groundwater basins under various scenarios. The scenarios included the hydrologic class year (normal, dry, and critically dry) as well as whether adequate or only partial recharge occurred to the groundwater basin during the prior rainy season. Modeling completed without the use of the existing Santa Rosa wells SR1 and SR3, found the San Simeon supply to be inadequate under all scenarios. Operation of the new emergency well SR4, which was installed behind the Coast Union High School, upstream from the MtBE plume, resulted in sporadic operation during the later

summer of 2002. At issue during this time, were concerns that the well might contribute towards dewatering reaches of the creek that served as potential steelhead habitat. As a result, the CCSD operators shut down well SR4 on several occasions during the dry season, which coincides with the period when it is most needed. This operating practice is in conformance with the existing CCSD diversion permits that require compliance with the Endangered Species Act. With regard to reference to Table 3-4, of the Baseline Analysis report, the table shows just the opposite conclusion than those of the commentor. Under the fully recharged groundwater basin scenario with critically dry years, the groundwater elevation is below acceptable minimums. Under a partially recharged groundwater basin scenario at the start of the dry season, there is only a 64 to 57 percent probability that the basin will actually be at the level necessary to sustain it through the remainder of the year (under all hydrologic year classes; normal, dry, and critically dry years, with the higher probability being associated with a normal year).

It should be noted that the CCSD's diversion permits have many performance constraints. First is that San Simeon Creek is to be the primary source of water. The Santa Rosa Creek wells may only be used when the San Simeon wells should not be pumped due to some damage to the wells or its delivery system or due to the likelihood that further pumping may cause a violation of the diversion permit, may violate someone else's water rights, or may cause damage to the environment. Therefore, the productivity of the Santa Rosa Creek well is only relevant on those occasions the CCSD cannot pump enough for the San Simeon wells to supply its customers. This is almost always during the driest times, for if San Simeon Creek is low on water Santa Rosa Creek would be too. This is when reliability of the Santa Rosa Creek well is relevant. The CCSD's diversion permit for Santa Rosa Creek has a number of its own performance standards, including its own diversion permit and the constraints of other legally superior users of water, and environmental concern that in many years does not allow for enough water extraction to serve Cambria. As such, the CCSD has had to impose and enforce use restrictions and surcharges. The future reliability of Santa Rosa Creek water is also impacted by the increased upstream agricultural use. That use too is greatest during droughts and the driest parts of the year.

20-8 In response to the commentor's assertions regarding the 602 acre-feet dry season capacity sizing and 50 percent quality of life increase, please refer to Response to Comment Nos. 4-1 and 4-15. It is noted that existing programs and regulations, including the County's Growth Management Ordinance, further regulate and mitigate the potential for growth-related impacts.

20-9 In response to the commentor's questioning the 602 acre-feet dry season capacity sizing, please refer to Response to Comment No. 4-15.

20-10 In response to the commentor's questioning the 602 acre-feet dry season capacity sizing, please refer to Response to Comment No. 4-15. Further discussion on the evaluation matrix can be found in Response to Comment No. 4-3.

20-11 Further discussion on the evaluation matrix can be found in Response to Comment No. 4-3.

20-12 The commentor asserts that the Program EIR mitigation measures are inadequate, deferment and concerns for the biological resources analysis section. Please refer to Response to Comment Nos. 3-2, 3-4, 4-6, 5-3, 5-4, 5-16, 9-13, 19-5 and 9-19.

20-13 With regard to comments regarding biological considerations and concerns, please refer to Response to Comment Nos. 3-1, 3-2, 3-4, 4-6, 5-3 and 19-5. The commentor again refers to deferment, which is responded to in Response to Comment No. 5-4. The CCSD has Incorporated by Reference the 1994 Cambria Desalination Facility EIR in accordance with Section 15150 of the CEQA Guidelines (Page 1-8 of the Draft Program EIR) which provides a review of marine impact considerations at the time of the previous desalination facility proposal by the CCSD.

20-14 With regard to alternatives, please refer to Response to Comment Nos. 3-5, 4-3, 4-6 and 20-2. The Warren reservoir alternatives were investigated and reported on during a March 23, 2001 CCSD Board meeting. Please refer to Response to Comment No. 9-48.

20-15 The Whale Rock exchange alternative remains a possible supply alternative, as do other listed alternatives. However, this alternative also relies upon the exchange of Whale Rock stored water with Nacimiento reservoir water. Pumping of Nacimiento water has similar energy concerns associated with desalination. As described in Response to Comment No. 4-3, an independent pipeline from Nacimiento to Cambria would actually require more pumping energy than desalination.

20-16 The CCSD is in the process of collecting geotechnical data to support alternative descriptions within a project-level EIR/EIS. Each alternative will consider the points referenced in the California Coastal Commission report, with the selected alternative ultimately being subject to Coastal Commission permitting. The commentor is also reminded that the Coastal Commission recently approved a desalination project for Sand City that is currently under construction.

20-17 The CCSD is in the process of collecting geotechnical data to support descriptions within a project-level EIR/EIS. The project-level alternatives analysis will address the concerns noted.

20-18 The modular nature of the reverse osmosis process used in desalination can be phased to address sizing concerns as well as related unknowns associated with future demographics, such as the number of persons per household. Please refer to Response to Comment Nos. 4-2 and 4-15 for a related discussions. The modular nature of the desalination process can also offer a direct benefit to the concern expressed by the commentor through allowing a smaller plant to be initially built. However, the project-level EIR will address impacts associated with a facility sized for its ultimate capacity.

20-19 With regard to claims of deferment, please refer to Response to Comment Nos. 20-5 and 20-6.

With regard to a geotechnical investigation related to siting a desalination facility, a prior Mitigated Negative Declaration to conduct the study is referenced on Page 1-14 of the Draft EIR. This is a site-specific consideration subject to the detailed review

under a project level EIR/EIS. The CCSD is in the process of collecting geotechnical data that will support descriptions within a project-level EIR/EIS. The project-level alternatives analysis will address the concerns noted.

Of further note, with the Coastal Commission's denial of the Coastal Development Permit for the test wells as San Simeon Creek, the CCSD does not have sufficient information regarding what type of test system and what specific location would be acceptable to trigger a more detailed analysis at this time. Also, the cases cited involve the legislative acts of planning agencies. The CCSD's WMP is not a project that vests land use rights. It provides a blueprint for analysis of a proposed plan that could be implemented to but only after all environmental impacts are analyzed and mitigated in accordance with CEQA.

20-20 The Draft EIR incorrectly refers to mapping and grading that has not occurred. Page 5.6-23, Paragraph 3, of the Draft EIR has been revised in the Final EIR as follows:

~~The determination of impacts in this analysis is based on a comparison of maps depicting project grading limits and maps of the site's biological resources. All construction activities, including staging and equipment areas, are assumed to be contained within the limits of grading.~~ Both direct and indirect impacts on biological resources have been evaluated. Direct impacts are those that affect habitats due to grading and construction. Indirect impacts are those that would be related to disturbance from construction activities (e.g., noise, dust) and use of the project site.

20-21 As stated in Section 5.8 of the Draft EIR, implementation of the proposed Project could expose people or structures to potential substantial adverse effects involving risks from seismic hazards, based on the following factors:

- *Fault Rupture*. The potential for impacts associated with fault rupture in Cambria area is considered low, because the only fault zone within the community (i.e., Cambria Fault zone) is not designated as a special studies zone. However, the Cambria Fault zone has not been extensively examined for activity. Also, the recycled water improvements are proposed in the immediate vicinity of the Cambria Fault zone. Therefore, implementation of the proposed WMP improvements could expose people or structures to potential substantial adverse risk involving fault rupture.

- *Groundshaking*. Because Cambria is located in a seismically active region, implementation of the proposed improvements could expose people or structures to potential substantial adverse risk involving strong seismic ground shaking.

- *Liquefaction*. The potential for liquefaction triggered by a seismic event exists in portions of Cambria. More specifically, areas that overlie deposits of saturated recent alluvium, such as the East/West Ranch and the Santa Rosa Creek floodplain, have high and very high liquefaction potential, respectively. The potable water distribution system includes existing pipelines connecting to wells located within the San Simeon well field, which is located adjacent to

Santa Rosa Creek. Although no improvements are proposed for either the pipelines or wells, continued maintenance of these existing facilities would occur under the proposed WMP. Therefore, these existing water facilities would continue to be exposed to potential substantial adverse risk involving liquefaction.

- *Landslides*. Portions of Cambria, particularly in the eastern residential areas, are located on moderate to steep slopes. These areas are designated in the County's Safety Element as having moderately high risk with regard to landslides. The potable and recycled water improvements are proposed in these areas. Therefore, the potable and recycled water distribution systems improvements could be located on a geologic unit that is unstable, potentially resulting in landslides. Additionally, Project implementation could expose people or structures to potential substantial adverse risk involving seismically induced landslides.

- *Tsunamis and Seiche*. Although the majority of the Cambria urban area is protected by coastal bluffs, low lying areas along Santa Rosa Creek and San Simeon Creeks could potentially be impacted in the event of a tsunami. Although, the potential for tsunami damage is considered low, as no tsunami events have been recorded within Cambria, the proposed improvements could be exposed to potential risk involving tsunamis. The County's Tsunami Emergency Response Plan further recommends an elevation higher than 50 feet amsl for purposes of avoiding potential tsunami run-up areas. Compliance with the County's Tsunami Emergency Response Plan, which recommends an elevation higher than 50 feet amsl for purposes of avoiding potential tsunami run-up areas, would be required. It is noted that Cambria does not contain surface water reservoirs large enough to generate significant impacts associated with a seismic-generated seiche.

Overall, implementation of the proposed Project components could expose people or structures to potential substantial adverse risks involving seismic hazards, unless mitigated. Through the County's development review process, future WMP improvements would be evaluated to determine the appropriate permits for authorizing their use and the conditions for their establishment and operation. Compliance with standards contained within the County's Building and Construction Ordinance (Title 19) regarding site preparation, construction activities, quality of materials, occupancy classifications, the location and maintenance of buildings and structures, and within the Tsunamis Emergency Response Plan regarding tsunamis run-up areas, would be required. Excluding those exempted by Code, all proposed improvements would be required to prepare a geologic study (Code Section 23.07.084), which recommends building techniques, site preparation measures, or setbacks necessary to reduce risks to life and property from seismic hazards to less than significant levels. The proposed improvements would also be subject to compliance with NCAP Standard CW-15 (Shoreline Development). Compliance with these standards would mitigate potential impacts associated with seismic hazards to a less than significant level.

In addition, the proposed seawater desalination facility improvements would be subject to compliance with the County's Building and Construction Ordinance, CZLUO Section 23.07.080, and relevant NCAP Standards. 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. Additionally, the EIR/EIS would analyze alternative desalination facility sites.

20-22 The CCSD is required to make a CEQA determination prior to CCSD Board determination on the WMP. With regard to tiering, please refer to Response to Comment No. 5-3.

20-23 Comment is noted.

VERN KALSHAN
ATTORNEY, Bar No. 48078
440 Kerwin Street
Cambria CA 93428-4491
Telephone 805/927-1222
Facsimile 805/927-5380
805-927-5584

Fax

Water Master Plan EIR

TO: _____

DATE: APR 14 2008

Comments

SUBJECT: _____

Dear Services District,

What plan do you have to prevent desalination discharge from being toxic to all marine life ? 21-1

Very truly yours,

Vern Kalshan

Vern Kalshan

RECEIVED
APR 14 2008
CAMBRIA CSD

_____(_____ *pages including this cover sheet*

RESPONSE TO COMMENT LETTER NO. 21

Vern Kalshan, Attorney, Attorney at Law
April 14, 2008

21-1 With regard to discharge from a desalination facility, please refer to Response to Comment No. 3-2.

April 14, 2008

Mr. Bob Gresens
CCSD District Engineer
P.O. Box 65
Cambria, CA 93428

Dear Mr. Gresens:

We would like to formally register disapproval for a desalinization program and/or facility. Our reasons are ecological, and have been eloquently outlined by the Sierra Club and others. We would rather see this money spent on more ecologically beneficial solutions for water use, such as low growth for our community, gray water systems, and cistern systems. Further we would like to see all such programs and systems operated in conjunction with existing forest management and oceanography management and protection agencies. 22-1

Thank you for your assistance. We are homeowners here in Cambria, and voters in this county and state.

Sincerely,
S. Mulroony
James E. Mulroony

S. & J. Mulroony
2536 Wilcombe Drive
Cambria, CA 93428
805·927·2299

RESPONSE TO COMMENT LETTER NO. 22

S. and James Mulroony, Residents
April 14, 2008

22-1 The commentor offers perspective regarding a desalination facility and related considerations. 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.

COMMENT NO. 23

From: "Carolyn Opie" <c.f.opie@gmail.com>
To: "Bob Gresens" <bgresens@cambriacsd.org>
Date: 4/14/2008 3:55 PM
Subject: Water plan/rates

Comments of water plan as defined in Cambrian

Provide more water with desalinization plan

As the plant is not approved, it is time to look at alternative plans.
The time to implement is a lengthy process no matter which plan is chosen

Recycle waste water

No problem with recycling if the cost is within the current budget

Encourage consumers to use less water

The majority of citizens are using the minimum of water now

The only suggestion is for people to buy front loading washer - too costly for many people.
Conservation is a good goal but will not solve the water problem

23-1

Improve water supplies for firefighting

Absolutely - How?

Buying up underdeveloped land

This does not belong on a water/sewer bill - call it what you want but it is tax

The community is required to pay for the purchase of land, and to maintain it
The lots are owned by the town therefore no taxes are accessed.
This places a greater burden on the taxpayer
It reduces money available for the budget

Rates

The water and sewer rate problems have accumulated over a number of years. It cannot be resolved in a single year. It will require raising the rates over a number of years and bringing costs down.

Carolyn Opie
2171 Green St
Cambria

RESPONSE TO COMMENT LETTER NO. 23

Carolyn Opie, Resident
April 14, 2008

23-1 The commentor offers perspective regarding the "Water Plan as defined in Cambrian." 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.

April 14, 2008

Amanda Rice
2220 Ardath Dr
Cambria CA 93428

To: Cambria Community Services District
Attn : Bob Gresens, District Engineer
Re: Water Master Plan Draft Program
Environmental Impact Report Comments

Thank you for the opportunity to comment on the Cambria Community Services District Water Master Plan Program Environmental Impact Report. I've lived in Cambria for a little more than eight years and own a home on lodge hill. I love Cambria and appreciate how complex it can be to balance conservation, resources, private property rights and public infrastructure. I offer the comments as a private citizen and resident of Cambria.
The Water Master Plan Program Environmental Impact Report is extensive, incorporating dozens of documents, data analysis and studies and a 3-pronged plan for resolution of the shortage of water. 24-1
There are a number of inconsistencies within the document as well as inconsistencies with stated policies and policies implied by prior actions of the County of San Luis Obispo, The California Coastal Commission and the State of California. There are also of a number of elements inconsistent with recommendations or policy suggestions of other agencies and Industry Associations such as Department of Water Resources, AWWA, CPUC and the Pacific Institute.

General Concerns:

Minimal citizen engagement opportunities and minimum public review period.
This Program EIR includes planning for the long-term, has over 400 pages (not including appendices or documents included by reference. The nature of this EIR would seem to indicate the CCSD should have as long a public review period as legally possible, to allow thorough examination and comment preparation. The EIR is hardly a clearly written, easily read document. The lack of clear statements of policy, goals and actions isn't apparent unless one takes the time to digest the entire document. I would like to have an extension to the public review time granted. The time provided, coupled with the simultaneous release of the Fiscallini Ranch EIR and the reality that the comment period closes one day before Tax Day is detrimental to thorough and useful public participation. 24-2
This program EIR does not adequately address some of the impacts, suggests mitigation measures that are inappropriate or infeasible

1. Concern : Inadequate, flawed and out of date evaluation of baseline water supply analysis
EIR Page reference: Throughout (pp 1-12, 2-1, 3-3,6-1 and others)
Additional detail: The data that is the foundation of nearly every projection in the Report is the Baseline Water Supply Analysis performed in 2000 by Kennedy/Jenks Consultants. The analysis was used later in Tasks 3 and 4 of the WMP which determined the baseline need for 4,650 residential connections. It is inappropriate to base long term planning and demand projections on this data. A more current baseline analysis needs to be completed, after a thorough assessment of the current status of the Santa Rosa and San Simeon Aquifers to determine whether our diversion permit allowing 1,230 AFY (restricted during the dry season) is appropriate for the resource. 24-3
Corroborating support for concern:
Changes to the EIR process currently being considered by the state legislature include prohibiting information more than 5 years old. (SB 1165 by Senator Sheila Kuehl, seeks to strengthen the statute and actually enhance public participation)
The Urban Drought Guidebook (2008) State of California Department of Water Resources, Office of Water Use and Efficiency Transfers. This resource clearly defines current accepted practices in determining how to resolve water supply shortages and how to identify and deal with a 350 water emergency, as was declared by CCSD in 2001. It also clearly defines how water suppliers can reduce demand and augment supply where appropriate, implications under CEQA and specific examples of communities where the suggested plans are already working.

AWWARF The Value of Water Concepts Estimates and Applications for Water Managers, 2005 (ch 6, pp115-116)
One way to help alleviate some of the problems with defining the baseline is to be explicit about what assumptions and estimates are embedded in the analysis of what happens if no action is taken (i.e., if the water supply continues as it does now, status quo). Stakeholders and other impacted parties will then be able to discuss the explicit assumptions, scenarios, and estimates in a direct manner. This is more productive than having an obscure basis for the baseline, which would contribute to having the debate occur on more veiled issues and hidden (or not so hidden) agendas such as attitudes about growth. And, if some interested parties want the growth debate to be a central part of the analysis of water supply policies, then the pros and cons of growth can be added to the evaluation of future supply enhancement options (where it belongs) rather than having it be part of the premise for why the baseline is wrong and, therefore, why the economic analysis should not be done in the first place. 24-3

Evaluating Options
Once the baseline is established, the next step is to develop and evaluate the options that will be compared to the baseline (and compared to each other). When evaluating a range of alternative supply options, it may be useful to frame the comparison based on each option delivering the minimum amount of water needed, and also factoring in the time period within which the water would need to be supplied. That is, it typically is useful to scale the options to match the projected minimum delivery requirements. Projects that are scaled to meet these minimum requirements can then considered to be the relevant water supply options.

2. Concern: Major inconsistency within the PEIR and with State and County agencies regarding water demand.
EIR Page Reference: Throughout (pp 1-13, 2-2, 3-4, 6-5, 6-8, 6-16, 6-22, 6-25, 6-36 and others)
Additional Detail: In July 2003, the CCSD Board of Directors added a "quality of life" increase of 50% for residential water users. Was this based on a study of actual usage or anything other than the desire to provide relief for Cambrians, most of whom are now in the habit of conserving? This is in direct conflict with one of the three elements of the plan to resolve the water supply shortage: conservation.
The CCSD cannot simultaneously insist it is implementing demand management and increase amount of water "allowed' per capita water. The quality of life increase is also contrary to the State of California's policies and efforts to reduce the per capita consumption.
According to various CCSD reports and permit applications, current residential use averages somewhere between 13 and 14 units bimonthly (about 100 gallons per capita per day gpcd assuming 1.66 people per connection) The "quality of life" increase distorts the projected demand in several ways, and the initial studies even acknowledge this. It is unrealistic, given current use and potential connections, that CCSD will see an average of 18 Units per connection actual use. This is a major fundamental flaw that is amplified over the life of the program described in the PEIR. It also shows absence of a coherent policy toward resources and the intention to ignore the Conservation element of this PEIR. 24-4
Corroborating support for concern:
The Urban Drought Guidebook (2008) State of California Department of Water Resources, Office of Water Use and Efficiency Transfers. (pp 61) The table in this document clearly shows the "Health and Safety Indoor Residential usage comparing conserving and non-conserving fixtures and change of habits that can reduce the indoor usage to 30 gpcd. Although this is extremely low, it would not endanger health and safety for residences. There are many, many documents written in the last 2 – 3 years by authorities in the water industry, planning, public works, environmental protection and other fields showing a real reduction of quality water supply available in the Western United States. Calls from nearly every corner urge the importance of demand management and recycled water use is seriously underestimated and that much of what is currently defined as a shortage in supply could be resolved with more aggressive demand management, recycled water for landscaping and retrofitting.
California Coastal Commission
De Novo Appeal Number...A-3-SLO-05-017, Pine Knolls Water Tanks (2004) (pp 19-20)

A closer examination of the water demand question suggests that the Pine Knolls tank project is oversized given the constraints inherent in the project. This is a critical concern given the need to minimize if not avoid impacts to the Monterey pine ESHA that is currently proposed to be developed for the new tank project. The most significant factor in the CCSD's storage analysis that results in higher than storage numbers than might be necessary is the assumption of a 50% increase in water use by both residential and commercial connections. This "quality of life" increase was incorporated into the water demand analysis at the request of the CCSD Board in part to provide relief to the existing customers from current water conservation measures Presumably the increase would occur as water rates were restructured or reduced and as other conservation measures were removed. As shown in Table 1 below, simply eliminating the 50% assumed increase in water consumption per connection reduces the necessary storage for Pressure Zone 1 from approximately 1.15 million gallons in scenario F3 to 0.979 million gallons in scenario F1. This reduction in volume has a significant impact on tank size. It is uncertain if people in the community will actually use more water in the future as a result of the Board directive, or if the community will continue to conserve water as it has.

Although the desire for relief from stringent water use and conservation policies is understandable, assuming a 50% increase in water use per capita is not an appropriate demand assumption, particularly given the extremely constrained water supply sources of San Simeon and Santa Rosa creeks, as well the potential impacts from other potential new water sources, such as desalination. More to the point, this assumption should not be relied upon when sizing the storage tanks for this project, particularly given the environmental sensitivity of the site. According to the CCSD's water supply analyses, it appears that per capita water use in Cambria is averaging around 114 gallons per day per capita, when the total water production for the community is considered, including commercial uses. This translates to about 90 gallons per capita for residential water use only. These numbers are within the range of water use in coastal communities in California. And while conservation efforts in Cambria are strong and likely continuing to improve, there are probably additional improvements in conservation to be had that could actually decrease water demand per capita as opposed to increasing it. Even a 5% improvement in efficiency, as opposed to a loosening of current restrictions, would help significantly with water supply and infrastructure needs. 24-4

In the same report, the CCC staff noted the Kennedy /Jenks study was flawed (according to a specialist hired to analyze the storage required for the Pine Knolls Tanks. (pp20) Actually I found the analysis in the appeal to be much more comprehensible than the EIR or the Task 3 and 4 of the Water Master Plan – though it included the same information

Listed as one of the general goals for Cambria in the NCAP (pp1-2) : Conserving nonrenewable resources and replenishing renewable resources. Balancing the capacity for growth allowed by the Plan with the sustained availability of resources.

Preserving and protecting water quality by avoiding and mitigating, potential adverse water quality impacts of new residential, commercial, and recreational development, among other ways through the implementation of low impact site designs that protect natural drainage courses, maximize opportunities for on-site percolation or detention and reuse of stormwater, and treat and filter runoff as necessary to remove sediments and contaminants.

3. Concern: Buildout Reduction Program:

Additional Comments with corroboration: The WMP EIR includes a mitigation factor for the potential impact of a Desalination Plant called the Build Out Reduction Plan (or Build out Reduction Program, depending on the document used). The impacts of this plan are not adequately described in terms easily understood. Although any plan projected to extend over 22 years will almost certainly require changes and some "wiggle room" on budget projections are important, the report relies on too many unknowns to consider the projections reliable. It is also unclear whether the BRP is a mitigation factor or an element of the Master Plan. Chapter 2 of the PEIR titles the section on BRP with the same size font and bold and indent as Desalination, Conservation and Recycle Water. (pp2-5) This would seem to indicate it is NOT a mitigation factor for the 24-5

growth potential of desalination, but is a 4th element of the WMP and this PEIR. But on page 2-32, BRP is clearly listed as a mitigation measure.

The Buildout Reduction Program has not been certified by the CCSD board. Including it in the WMP PEIR as a mitigation without public hearing and an EIR, without an official public ballot seems to be lacking in transparency and implies the CCSD would like to go through the back door into this controversial program. This is not out of character for CCSD, with the Pine Knolls Tanks project being another example of the CCSD trying to avoid the public hearing process on a project that is clearly subject to such participation.

The BRP is also inconsistent with SLO County and CCC estimated Buildout limits. And in fact, the CCC "limit" of 5,250 (a condition of CDP 428-10 which amended the number of connections and upper limit of 1,230 AFY diversion from the San Simeon Aquifer) doesn't seem to be a "hard limit" in the same way the CCSD 4,650 is. CDP 428-10 revised upward the number of connections it would permit in the CSD's URL – from 3,800 maximum to 5,250 connections. The initial limit (set in 1977) was based on 90gpcd and 2 people per household. The vacancy rate in 1977 was 25% - the same as today. What changed was the demand – as older homes were retrofitted and demand went down, the CCSD was able to get the amended permit to serve as many as 5,250 households with the same 1,230 AFY it had previously been permitted to serve 3,800.

All these numbers matter because the inconsistency between the County, the CCC and the District could conceivably hold within them the solution to Buildout and resource sustainability. The difference between the County's 6,130 and the BRP number is 1, 480. The difference between the CCSD and the Coastal Commission's estimate is 600. Assuming identical demand – the buildout of 5,250 would demand 948 AFY, still less than 1,230 AFY permitted. I know these numbers are simplified and demand projections require seasonal breakdown and other factors. My point is that we still have "head room" with the amount we can draw from the aquifer. If the water isn't there, then we should be looking for a more realistic permit for diversion and handing out the first of many intent to serve letters.

24-5

The Cambria Community plan would seem to agree that the amount of water needs to be examined more in depth (pp 3-7) "safe-yields of coastal groundwater basins north of San Simeon Creek have only begun to be studied in detail."

Even if the SLO board of supervisor's sets Cambria's allocation of building permits at 2.3% when they review the RMS July 2009 (SLO county Growth Management Plan, 2007), it would be 2020 before the waitlist was exhausted. Another analysis of water use demand projections could allow the second set of waitlisters to being building.

The BRP is a liability as a program and a policy and is quite premature in my opinion. If we are really trying to plan that far into the future, how about extending the comment period on this EIR and properly certifying or calling for a genuine ballot on a program that may increase my property value, but also could potentially bankrupt Cambria without even providing more water.

The Cambria Community Plan (updated 11/2007) has this to say about the Buildout Reduction Program. The County, other agencies, and the community should work together with the CCSD in their implementation of the CCSD's Buildout Reduction Program. The Buildout Reduction program will identify various programs in which the County could provide assistance. Along with other buildout reduction measures identified in the CCSD's Buildout Reduction Program, a program should be initiated to encourage lot consolidation through voluntary mergers and other mechanisms, and to retire vacant lots through acquisition. An open space district should be formed through a cooperative effort between the County, the community of Cambria and others, to begin purchasing small and substandard lots. The objective of this district would be to retire development rights, protect resources, preserve the forest, reduce the number of potential homes, improve fire clearance and reduce impacts on limited resources. Purchased lots could also be considered for a variety of purposes, such as pocket parks, viewsheds, habitat preservation and other uses to benefit the community. (NCAP pp 4-17)

Also from the NCAP: One of the County's long range goals is "Encouraging establishment of a Park or Open Space District to purchase small substandard lots in Cambria in order to reduce overall buildout and the corresponding need for costly new services and infrastructure." This plan is nowhere to be found in the WMP PEIR, in the buildout reduction section or otherwise.

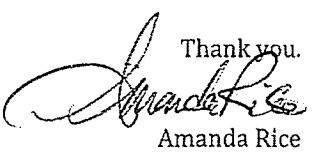
In fact, one of the current options still available for funding the cost of the BRP is raising water rates. Although it could potentially be justified through an extended line of reasoning that we must have BRP to have desal, which we must have to ensure a reliable water supply I'm sure an experienced attorney could argue a judge into enough confusion to win a case. However, California Law is quite clear that water and wastewater rates are specifically to cover the cost of delivering water and the ongoing maintenance of the pipes. Large public works projects should be funded not with water and wastewater rates, but in other ways. I object to the inclusion of this specific way of funding the BRP and argue it is inconsistent with state law governing water and wastewater rates. 24-5

Below are additional comments that time does not permit me to organize (if an extension is granted I will gladly clarify and provide references for each of the following.

1. WMP PEIR pp 3-1 The phased water master plan update is not complete as originally planned. Tasks One and Two should be part of this report and Task 5 was never completed. 24-6
2. The estimate of demand for recycled water is not very thorough or well explained. It seems to me that a recycled water system and demand management would go hand in hand as described here. Shouldn't demand management include description of continuing and new demand management: Like using recycled water for irrigation as a demand management issue? (pp 3-16) 24-7
3. The last sentence of Potable Water System improvements is" The remaining distribution system improvements projects are in various stages of planning or design." Can this be more specific? (pp3-16) A timeline with specifics would be useful for determining how soon impacts may occur. 24-8
4. "During the CCSD's Board of Directors' July 24, 2003 meeting, action by the Board confirmed a maximum of 4,650 connections as the ultimate buildout of Cambria. This total was based on 3,812 existing connections at the end of 2002, 165 connections in process at that time, and 670 future connections from the CCSD wait list."2 This value also approximates the number of dwelling units to be served by a desalination project, which was the subject of an advisory ballot measure approved in Cambria during August of 2000. In view of the CCC's earlier recommendation to reduce buildout potential in Cambria, as well as the recent 2007 NCAP, the CCSD has developed a phased Buildout Reduction Program in parallel with its Water Master Plan efforts.(pp 3-18) I object to this information being included as it is misleading and incomplete. The implication of this statement is that the vote was "official". In the interest of transparency and information that is complete for agencies referring to this document but unfamiliar with Cambria history, the nature of this ballot should be completely disclosed. 24-9
5. Demand Management and recycle water elements seem underdevelopment and anemic when compared to the BRP and the Desalination descriptions– although the details of those two elements are vague, a high degree of specificity is not required in a PEIR. The commitment to these two parts of what should be a balanced portfolio seems less than genuine. (pp3-20) 24-10
6. From pp 4-3 of the PEIR- As indicated in Table 4-1, the cumulative development potential is 5,505 dwelling units, 2,590 motel rooms, 996,965 square feet (SF) of commercial retail uses, and 315,645 SF of other uses. This 5,505 seems to include San Simeon also. This should be corrected. 24-11

Please contact me if the public comment period is extended and keep me informed of revisions and when the final PEIR will be available.

Thank you.



Amanda Rice
2220 Ardath Drive Cambria, CA 93428
805-927-4191
cc: Tammy Rudock, Joan Cobin, Bruce Gibson, Charles Lester

RESPONSE TO COMMENT LETTER NO. 24

Amanda Rice, Resident
April 14, 2008

24-1 Comment is noted. Commentor indicates concern for inconsistencies within the document as an overall introductory comment.

24-2 With regard to an extension of time for review, please refer to Response to Comment No. 9-4.

24-3 The commentor suggests that the December 8, 2000 Baseline Water Supply Analysis report by Kennedy/Jenks is out of date and therefore inappropriately applied to the water master planning. However, the commentor is reminded that the CCSD Board declared a Water Code 350 emergency water shortage during its November 15, 2001 Board meeting, which was followed by a water connection moratorium. In view of the maximum one percent growth rate (set by the County for the 2000-2001 period) very little additional demand has actually accrued since the December 8, 2000 Baseline report was completed. In addition, the December 8, 2000 Baseline report included projections within its analyses for 10 percent and 20 percent increases in growth, which include any additional connections that may have occurred since the December 8, 2000 report was completed, (i.e., it projected forward in time), and the time when the current connection moratorium took effect (midnight, November 15, 2001). The commentor attempts to draw comparisons of the supporting 2000 Baseline report to a proposed Senate Bill by Kuehl (SB 1165), which proposes to revert final EIR documents to draft status if they become more that five years old. Because the 2000 Baseline report includes scenarios that can be applied to current conditions, and is not an EIR, the proposed SB 1165 legislation may not be applicable. Because proposed SB 1165 was refused passage of the Senate Appropriations Committee on May 29, 2008, it is also not known whether this proposed legislation would become law. The commentor further references the California Department of Water Resources (DWR) "Urban Drought Guidebook, 2008 Updated Edition" (emphasis added by responder). As noted within this reference, it is an update to an original 1991 DWR guidebook, as well as a subsequent 1991 DWR update. Many of the recommendations contained within the 2008 Updated Edition were carried over from the prior year documents. These earlier DWR source documents were available to the CCSD as it drafted updates to an Emergency Water Conservation Program Ordinance and an associated ordinance prohibiting the waste of water (included in Appendix E to the 2000 Baseline Report, and subsequently adopted and incorporated into the CCSD's Code).

In addition, the commentor does not reference specific water conservation measures recommended within the DWR's 2008 Updated Edition that are not already being implemented by the CCSD. The commentor suggests furthering water conservation as a means to augment the CCSD's supply. Indeed, the CCSD's water master planning calls for continued conservation efforts as part of its overall approach. For example, the CCSD became a signatory agency to the California Urban Water Conservation Council (CEWCC) during 2005. The CCSD adopted a 2005 update to its Urban Water Conservation Plan, which includes statewide demand management measures, many of which were originated by the CUWCC. The adoption of future

water conservation measures also need to be tempered with how existing water conservation practices can lead to a "hardening of demand," such that there is less ability to significantly reduce future demands after conservation efforts are already implemented and being practiced. Although the CCSD is committed towards advancing water conservation, there may also be a certain degree of demand hardening resulting from its long history of water conservation practices when compared to data referenced from other areas with less conservation history.

At the top of Page 2 of the commentor's letter, a citation is made from Page 115 of the American Water Works Association Research Foundation's (AWWArf) report entitled "The Value of Water: Concepts, Estimates, and Applications for Water Managers." While researching this particular citation, it was noted that it was under the subheading, "Issues in Defining the Baseline." Two sentences before the cited paragraph from the AWWArf report state: "… demand forecasts have embedded in them some assumptions on "hot button" topics such as the rate of growth in local populations and economic activity, the extent of and effectiveness of conservation programs, and so forth. No-growth advocates may, for example, want to see limited water supplies in the future as a way of creating a bottleneck that will limit the number of new residents in the community." In defining its baseline, the CCSD spent considerable resources on directly addressing the growth issue. The master planning documents were developed with multiple buildout scenarios, GIS modeling was used to inventory and evaluate development potential, and an economic model was developed to assess the cost burden and means for financing future buildout reduction efforts. The culmination of these efforts resulted in the Buildout Reduction Program report, which is incorporated as Section 14.3 of the WMP Program EIR. This report was the end product of a broad cross-section of local Cambria citizens who spent a year questioning, reviewing, and refining the overall approach towards financing a buildout reduction plan. The BRP and the Water Master Plan Program EIR have been further coordinated with the adopted "Cambria and San Simeon Acres Community Plans Update," which was adopted by the County and subsequently certified by the California Coastal Commission. In essence, a great deal of public review and input as well as effort went into defining the "baseline," as defined in the AWWArf report.

SB 1165 was first introduced in February 2008 as legislation to amend Public Resource Code Sections 21082.1 and 21166 and to add language to Section 21166.5. The legislation is deemed Active, but was refused passage in May 2008, in accordance with Senate Rule 28.8. It is unclear whether the legislation will proceed further and, given the speculative nature of SB 1165, and the fact that it is not an existing or adopted standard, the commentor's reference is not germaine to the WMP Program EIR document and current CEQA standards.

24-4 With regard to the 50 percent "Quality of Life" water increase, please refer to Response to Comment Nos. 4-15 and 19-3. The commentor correctly questions whether other rationales were used in applying the 50 percent quality of life increase. As discussed in Response to Comment No. 4-15, the other rationales were reliability under various emergency scenarios, as well as the potential for changes in long-term population density (e.g., 2.21 versus 1.66 persons per household). In response to the commentor's reference to the 2008 DWR Update to its Urban Drought Guidebook, the CCSD has included water conservation and recycled water for non-

potable irrigation as part of its overall water master planning. If the commentor were suggesting consideration of 30 gpcd in its future facility planning for sizing purposes, the CCSD would disagree in using such a low value. However, the CCSD previously developed 50 gpcd in establishing residential use limitations under a Stage 3 Water Shortage Emergency (Appendix E to the December 8, 2000 Baseline Water Supply Analysis report). The 50 gpcd is within the range of values cited within DWR Drought Guidebook 2008 Update for basic health and safety needs.

The commentor further copies a past Coastal Commission report discussion that related to an appeal on the Pine Knolls Tank Replacement project (DeNovo Appeal Number A-3-SLO-05-017). In citing the past Coastal staff report, the commentor is attempting to build a case that an inconsistency exists with the State on sizing of the tanks due to the application of a 50 percent quality of life increase in demands. The Coastal Commission's main goal in questioning the tank sizing was to avoid or minimize the new water tanks encroachment into the former CT Ranch property (a prior cattle grazing area deemed to be ESHA by the Coastal Commission). In reflecting back on this past sizing debate, the typical high-risk fire season in Cambria occurs during the dry summer months when tourism is at its peak, and the occupancy of vacation homes increases. While researching this response, it was found that the same tank sizes result from applying a higher residential occupancy of factor 2.21 persons per household with no quality of life increase applied. (This may in part be attributed to past census data being typically collected during early April. The April occupancy rate was most likely lower than what occurs during the summer dry season due to Cambria being a vacation area.) With no quality of life increase being applied and a 2.21 residential occupancy, the composite demand is 0.270-acre feet per year per residential connection (please refer to Page 24 of Task 3 Water Distribution System Analysis report "Composite demand," includes commercial demands in addition to the residential demands). By applying 2.21 persons per household with no quality of life increase, the total volume of the new Pine Knolls tanks equates to 1.1 million gallons; i.e., the originally permitted project with two 550,000-gallon tanks that preceded the appeal and subsequent downsizing by the Coastal Commission to 930,000 gallons. It is therefore agreed that the master planning report could have been written more clearly in describing the design criteria applied for tank sizing. However, referring to the past report as being "flawed" is a mischaracterization on the part of the commentor. (One could similarly argue that errors were made on the part of Commission planners and its design consultant by not having considered layout constraints that were dictated by existing 12,000-volt PG&E power lines. Similarly, layouts suggesting onerous emergency vehicle access routes did not meet the needs of emergency responders.) The more conservative approach used in sizing the water tanks within the Task 3 Potable Water Distribution System Analysis report also avoids any future need to construct additional storage further within the debated ESHA should long-term demographics change. The CCSD believes that applying the 2.21 residential density remains justifiable within the Potable Water Analysis report in view of the springtime period when historic census data was collected, as well as the difficulty in accurately predicting future demographics throughout the lifetime of the new tanks (typically, at least 50 years).

The last paragraph of the commentor is noted, with much of this discussion applying to the County's operation of its storm water collection facilities. Some homes and businesses in Cambria do use collected storm water drainage for irrigation.

However, this practice is generally more viable in areas that experience year-round rainfall. During the summer months, customers with cisterns often resort to having water trucked to their property after their initial storage is depleted.

24-5 With regard to the BRP, please refer to Response to Comment No. 4-1. With regard to the commentor's discussion on the existing diversion permits and the Coastal Commission issued CDP limitation of 1,230 acre-feet, it is an oversimplification to suggest handing out intent to serve letters based on the annual use of water. This is due to the limited dry season demand, which is described in Response to Comment No. 4-15 and related Tables 2-6 and 2-7 of the Kennedy/Jenks Task 4 Assessment of Long-Term Supply Alternatives report.

With regard to the commentor's reference to groundwater basins ("The Cambria Community Plan would seem to agree…") that are north of the San Simeon Creek aquifer, those areas are outside of the Cambria Community Plan. Therefore, drawing parallels to needing further study of the San Simeon and Santa Rosa aquifers by using this out of context Community Plan citation, is an obfuscation and misapplication.

24-6 With regard to the Tasks 1 and 2 WMP reports, please refer to Response to Comment No. 9-2. Task 5 of the Water Master Planning was proposed to be a financing study. Black and Veatch completed a recent financing study for the CCSD, which addressed all CCSD operations and proposed projects, including planned water projects. This effort has since evolved into a periodic budgeting and rate setting effort on the part of CCSD staff.

24-7 The Water Master Planning completed a separate Recycled Water analysis, which is described in detail within the report entitled "Final Report, Task 3: Recycled Water Distribution System Master Plan." Part 2.2 of this report provides specific details on how recycled water demands were developed. "Demand Management" refers to potable water conservation, which is considered a separate master-planning element. The inter-relationship between offsetting potable water irrigation with recycled water is described within the Recycled Water Distribution System Master Plan report.

24-8 Key water distribution system improvements associated with this comment are described in the summary table below.

Project	Status	Estimated Timing
Pine Knolls Tanks Replacement	New tanks are in operation with final punch list items being completed by the Contractor.	Completion of tank project by mid 2008.
East-West Ranch Pipeline	Loop the water system between Lodge Hill and Park Hill to improve fire flows and system reliability.	Project completed.
New Stuart Street Tank	Conceptual design completed.	On hold due to a lack of financing resulting from the 2007 Prop 218 majority protest.

Project	Status	Estimated Timing
Rodeo Grounds Pump Station Replacement	Replace the existing pumping station with a new located out of the Santa Rosa Creek flood plain. The new station will also contain fire pumps to further augment fire fighting.	On hold due to a lack of financing resulting from the 2007 Prop 218 majority protest.
Connector pipeline between Hillcrest and the end of Manor Way	Planning level.	On hold due to a lack of financing resulting from the 2007 Prop 218 majority protest.
Seismic upgrades to the Fiscalini and Leimert storage tanks	Planning level.	On hold due to a lack of financing resulting from the 2007 Prop 218 majority protest.

24-9 Page 3-18, paragraph 4 of the Draft EIR, has been revised in the Final EIR as follows:

The 2007 NCAP concludes that the theoretical buildout of Cambria would be approximately 6,130 dwelling units, presuming that public service constraints can be resolved and other resource protection requirements of the LCP can be met.[1] The 2007 NCAP further acknowledges that "the CCSD has begun efforts to reduce water demand and to secure a reliable water supply. During the CCSD's Board of Directors' July 24, 2003 meeting, action by the Board confirmed a maximum of 4,650 connections as the ultimate buildout of Cambria. This total was based on 3,812 existing connections at the end of 2002, 165 connections in process at that time, and 670 future connections from the CCSD wait list."[2] This value also approximates the number of dwelling units to be served by a desalination project, which was the subject of an advisory ballot ~~measure~~ approved in Cambria during August of 2000. In view of the CCC's earlier recommendation to reduce buildout potential in Cambria, as well as the recent 2007 NCAP, the CCSD has developed a phased Buildout Reduction Program in parallel with its Water Master Plan efforts.

[1] County of San Luis Obispo, *North Coast Area Plan Cambria and San Simeon Acres Portions Updated*, November 6, 2007, Page 2-7.
[2] Ibid.

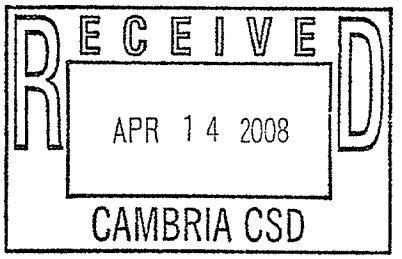
24-10 Please refer to Response to Comment No. 24-7.

24-11 With regard to cumulative considerations in the North Coast Area Plan planning area, which includes San Simeon, please refer to Response to Comment No. 5-5.

COMMENT NO. 25

To: Robert Gresens, P.E. District Engineer
Cambria Community Services District
1316 Tamson Drive, Suite201
Cambria, California 93428

April 14, 2008



From: Leslie Melina Richards
1501 San Simeon Creek Road
Cambria, California 93428
(805)924-0404

Thank you for allowing me the opportunity to address the Draft Program Level Environment Impact Report for the CCSD Water Master Plan. It is my premise that mitigation measures should be described specifically even in a Program EIR and not left for future speculation. CEQA Guidelines section 15126.4(a)(1)(D) clearly state "the EIR must analyze any significant effects of mitigation it describes." The Draft EIR for the Water Master Plan is fundamentally inadequate when pertaining to the Buildout Reduction Program as a mitigation measure. Critical information pertaining directly to the BRP, which would facilitate meaningful public review and comment has been precluded. The Draft EIR document omits integral components of the stated mitigation program which in turn results in a failure to disclose the critical impacts of the BRP. Incorporation of all relevant information pertaining to the entire BRP would raise issue directly related to the substance of the Draft EIR and constitute "significant new information" within the meaning of Public Resources Code Section 21092.1 and CEQA Guidelines 15088.5. Thus, in my opinion, the CCSD must re-circulate, for additional public comment either a full or partial revision of its WMP Program EIR. **25-1**

LACK OF SIGNIFICENT DATA FOR PUBLIC REVIEW

A) Pg. 3-19 of the EIR document, under Program purpose and Description "the EIR incorporates a Buildout Reduction Program as a tool...", "refer to appendix 14.3 (report of Citizens Finance Committee on Buildout Reduction)" This referenced report is only Chapter 6, Financial Report, of a much more detailed and comprehensive document which was prepared by RBF Consulting for the CCSD, in October 2005. Why have only portions of this document been included in the Draft EIR? **25-2**

B) Pg. 5.10-17, "Main features of program are outlined in Table 5.13-7". Where is this information? **25-3**

C) Repeatedly, (Pg 5.13-34, 8-15...) under mitigation measures "the CCSD shall adopt a BRP consistent with the Buildout Reduction Program Report Town Hall Meeting Final Draft. (May 16 2006) refer to Appendix 14.3 (BRP Report)" Why has the CCSD chosen not to include the RBF Program document from October 2005, in this appendix, as well? **25-4**

D) In the Bibliography, pg 11-2, a reference to "Final Buildout Reduction Program Report, February 2008," has been confirmed by CCSD staff, on 4/8/08, not to have been completed and does not exist. Why then, is it stated here? **25-5**

ANALYSIS OF SIGNIFICENT EFFECT OF MITIGATION MEASURE

A) The BRP Citizens Finance Committee Report, on pg. 6, under, Ways to fund Acquisitions, option #4 states "the CCSD will have 84 unallocated water connections which will be sold on the open market to lot owners not on the wait list." The BRP was designed specifically as a growth inhibiting mitigation measure for the WMP. By selling 84 additional water positions to finance the BRP project, the BRP project, in itself, is creating secondary growth impacts, which in themselves, must be mitigated. (CEQA Guidelines section 1512.4(A0(1)(D). What additional mitigation measures besides the BRP has been incorporated into the Draft EIR to address this issue? **25-6**

B) BRP "Lot Retirement" has numerous conflicts of interest that, to date, have not been efficiently remedied, and, could eventually have adverse effects on the environment. First, there is a conflict of total buildout ratios between, CCSD, County Planning and the California Coastal Commission. Ratios swing between 4650 for the CCSD to as high as 6130 for the Nov. 2007 NCAP. Until there is consensus between these three scenarios, how is it possible to formulate mitigation measures accurately? When does the CCSD speculate these plans will be updated? Second, "Lot retirement" through the BRP by the CCSD, as lead agency, is not a clear guarantee that the "retired" parcels would not be "un-retired" at a later date if future CCSD Boards deem fit. The CCSD is currently the largest land owner in Cambria, holding the Deeds to their parcels as well as being the lead agency responsible for maintaining their own Deed restrictions. This is clearly an example of the "fox guarding the hen house". SLO Land Conservancy, Greenspace, American Land Conservancy, and County all have conservation easements that limit development in perpetuity, but this only accounts for a small portion of CCSD holdings. In the before mentioned comprehensive report, supplied to the District by RBF consulting in October 2005, chapter 5.0, section V, Property Acquisition, pg. 55 of the BRP clearly states, "AS A SPONSOR OF A PROPERTY ACQUISITONS PROGRAM, AT THE LEVELS CONTEMPLATED BY THE PROGRAM,THE CCSD WOULD BECOME A MAJOR PLAYER IN THE LOCAL REAL ESTATE MARKET" And on pg.56, "THE PROGRAM SHOULD BE ABLE TO MERGE AND RESELL PARCELS" "MAXIMIZING REVENUES FROM RESALES". Theoretically, the CCSD could abandon the 4650 buildout cap and exchange it for the more fiscally lucrative number of 5250 stipulated in the LCP. What constraints criteria have been incorporated into the BRP that would prohibit this scenario being played out in the future? **25-7**

MITIGATION INFEASIBILITY

A) CEQA Guidelines section 15364 defines feasible as " Capable of being accomplished in a successful manner, within a reasonable period of time, taking into account economics, environment, legal, social and technological factors." CEQA requires that mitigation measures be able to function in a reasonable amount of time. The length of the BRP completion is 22 years, in itself, an unreasonable amount of time for the estimated 800+ targeted parcels to be purchased. This feature of the BRP is the projects "fatal flaw" and will be the one legal challenge that cannot be surmounted. Which property owners will be compensated first? Who will determine the order of lot purchase? What criteria or plan will force certain parcel owners to wait for their compensation? Many lot owners will have to wait years, paying property taxes and lot maintenance, in order to see an equitable amount of return on their original investments. To date, 280 parcel owners in Special Projects Area 2 are in a state of limbo due to a poorly timed redevelopment ordinance **25-8**

enacted by the CCSD over the start of the year. The CCSD assumed a water rate increase with a BRP funding measure attached, would automatically pass but, was in fact, soundly defeated. How long will these adversely effected property owners have to wait for their compensation? 25-8

B) Why has the CCSD Board of Directors delayed a ratification vote in acceptance of the BRP to date? Why is the CCSD using the Program EIR as a means of "back-dooring" the BRP into existence? If the BRP is specifically designed to mitigate growth inducing impacts created by the WMP and is supported by all secondary agencies affiliated with the CCSD, why the no vote of confidence by the current CCSD Board of Directors? The Citizens Finance Committees Report was the only portion of the BRP to be formally ratified by the Board of Directors of the CCSD in January of 2006. What kind of message is this sending to the community of Cambria? That the CCSD doesn't even have confidence in the feasibility of its own mitigation measure? In fact, the CCSD has been so reluctant to take responsibility for the BRP that they have attempted to foist legal responsibility for the project off on the California Coastal Commission. In a letter dated Sept. 19, 2007, District staff requested that "the BRP would be made a permanent, by "condition of approval" of the Desalination project CDP." Why is the CCSD requesting that the CCC take lead agency authority over the BRP when the CCSD is required to maintain that position in the Program Draft EIR for the Water Master Plan? 25-9

C) At a cost estimate of 38,000,000, for the BRP, how can a community the size of Cambria be expected to shoulder the brunt of the economic burden of this project? To compound this equation, the cost associated with the Desalination projects is estimated to be within 20 to 30,000,000. How is it feasibly possible for a community of 6500 to finance these projects? Should not the residents be allowed to vote on such extensive capital outlays? In October 2007, the residents of Cambria made it very clear they were not in support of funding the BRP when they voted unanimously to reject a rate increase proposal that had BRP funding attached. Doesn't this give the CCSD a clear message that the community, as a whole, is not in support of the BRP? What alternative mitigation measures, besides the BRP, has the District investigated? Why be wed to only one alternative? Have any other alternative mitigation measures been identified by the CCSD that would fulfill the requirements stipulated in the WMP Draft Program EIR? 25-10

In conclusion, "an EIR project description that omits integral components of the project may result in an EIR that fails to disclose the actual impacts of the project." =Abbott and Kinderman, Land Use Law.

I contend that this statement holds true in regards to mitigation measures, as well. The CCSD WMP Program EIR has omitted critical data pertaining to the environmental impacts of the BRP. Thus, meaningful public review and comment has been precluded. It is my opinion that only after full disclosure of relevant information pertaining to implementation and management of the BRP as mitigation for the Draft EIR is re-circulated partially or completely, only then can a proper public review take place. This statement is supported by the "substantial evidence" standard as codified at Public Resources Code section 21168. Substantial evidence includes "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion even though other conclusions might be made. Whether a fair argument can be made that a project may have significant effect on the environment is to be determined by examining the WHOLE record before the lead agency." 25-11

RESPONSE TO COMMENT LETTER NO. 25

Leslie Melina Richards, Resident
April 14, 2008

25-1 With regard to the BRP, please refer to Response to Comment No. 4-1. With regard to concerns for mitigation and claim of deferment ("left for future speculation"), please refer to Response to Comment Nos. 5-3, 5-4, 9-7, 9-13, and 9-19. The CCSD disagrees with the commentor's assertion that there is a failure of the lead agency to disclose "significant new information." The CCSD has fully complied with the requirements set forth under *CEQA.* Please refer also to Response to Comment No. 5-18.

25-2 The October 2005 Draft BRP report has been considered as a reference document for the Citizens Finance Committee in their review and recommendations to the CCSD Board of Directors regarding implementation of a BRP. Once presented to the Board, no further action was determined necessary on the October 2005 report. Thus, a Final Report was never initiated.

25-3 Page 5.10-17, Paragraph 1, Lines 1 and 2, of the Draft EIR provide an incorrect reference to Table 5.13-7. The reference will be corrected in the Final EIR and the correct reference is Table 5.13-3, Summary of Buildout Reduction Program.

> The Buildout Reduction Program (BRP) described in Section 3.0 (Project Description) anticipates continued implementation of current CCSD and County programs to retire and/or merge residential lots. The main features of the proposed Program are outlined in Table ~~5.13-7~~ 5.13-3 (Summary of Buildout Reduction Program). As outlined in Table 5.13-3~~7~~, of the 3,357 residential lots to remain undeveloped, the BRP estimates that 1,526 total lots are non-buildable. In addition, lots that are in steep "fire chimneys," which are forested and tend to draw fire up, may be given a higher priority by land conservancies seeking the voluntary retirement of future development rights. The BRP also estimates that 879 total residential lots would be retired and/or merged voluntarily by the lot owner.

25-4 Please refer to Response to Comment No. 25-2. Page 11-2, Line 1, of the Draft EIR will be revised in the Final EIR as follows:

> ~~*Final Buildout Reduction Program Report,* February 2008.~~
>
> *Draft Building Reduction Report*, October 2005, prepared by RBF Consulting.

25-5 Please refer to Response to Comment Nos. 4-1 and 25-4.

25-6 With regard to commentor's concern that the BRP will result in secondary growth affects, please refer to Response to Comment Nos. 4-1, 24-5 and 25-1.

25-7 Please refer to Response to Comment Nos. 4-1 and 25-1.

25-8 With regard to the commentor's assertion that the Program EIR mitigation measures are inadequate, please refer to Response to Comment Nos. 3-2, 3-4, 4-1, 4-6, 5-3, 5-4, 5-16, 9-7, 9-13, 9-19 and 19-5.

25-9 Please refer to Response to Comment No. 4-1.

25-10 Comment is noted and, as referenced in Response to Comment No. 20-8, existing programs and regulations, including the County's Growth Management Ordinance, further regulate and mitigate the potential for growth-related impacts.

25-11 Please refer to Response to Comment No. 4-1. The BRP is a mitigation measure for potential growth inducing impacts resulting from the Water Master Plan. The BRP mitigates potentially significant environmental impacts resulting from uncontrolled growth if the County's Growth Management Ordinance does not. The beginning point for environmental analysis is the present environmental setting. This setting has many lots that are developable but have yet been developed due to lack of water service. The BRP does not change this setting. It raises money to preserve this setting to protect the environment. As such, it, even if considered alone, does not have an environmental impact.

The Otter Project - Environmental Center of San Luis Obispo - Santa Lucia Chapter of the Sierra Club - Desal Response Group at Environment Now - Surfrider Foundation

April 14, 2008

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

VIA FACSIMILE and Hard Copy

Dear Mr. Gresens and Cambria Community Services District Board Members:

Concerned local citizens have asked The Otter Project, Environmental Center of San Luis Obispo, Santa Lucia Chapter of the Sierra Club, DeSal Response Group of Environment NOW, and Surfrider Foundation to comment on the CCSD Draft Program Level EIR for the Water Master Plan. These comments are made on behalf of our organizations and our California, San Luis Obispo County, and Cambria memberships. Following are our comments.

Project Description

Nowhere in the project description or any other section of the DEIR are the project goals and objectives clearly stated. Without a clear picture of these goals and objectives, the DEIR cannot sufficiently or objectively analyze the project alternatives' ability to meet the goals and objectives. **26-1**

Section 3.

The project description does not adequately or accurately document the existing conditions.

It is important that the DEIR depict the geological characteristics of potential project areas. Also, especially when considering seawater desalination and/or a new point-source of discharge, it is important to adequately characterize impacted marine environments. Neither of these characterizations are included in the *Project Location and Setting* section. **26-2**

Further, water supply appears to be based upon the California Coastal Commission development permit limiting diversions from San Simeon and Santa Rosa creek basins to 1230 acre feet per year. The CCSD maintains that additional sources are needed as noted in the following statement: **26-3**

> "The Baseline Water Supply Analysis (Kennedy/Jenks Consultants, December 8, 2000) (Baseline Analysis) developed a system of models based on historical data

that projected basin response to increased levels of water demand to determine the adequacy of the groundwater supply. From the model, it was determined that the current groundwater supply was not adequate to provide a 90 or 95 percent level of reliability for water demands greater than 10 percent of the 1999 demands (4,176 residential connections). Thus, the basins cannot reliably meet the increased demands of the waiting list and grandfathered connections (4,650 residential connections) without an additional water source."

However, as noted in the referenced - but not included in the EIR - "Final Draft Assessment of Long-Term Water Supply Alternatives, Section 2" conditions have significantly changed since the *Baseline* completion in December 2000. Previous to 2002 the CCSD shared water and provided a 2-inch pipe to an irrigated agriculture operation in the San Simeon basin. In 2002 the CCSD entered into a fallowing agreement with the operation and presumably now has that water available to Cambria or to simply keep within the basin. Similarly, in 2001 the CCSD acquired East/West Ranch: "the acquisition of this property provides CCSD with a means to control agricultural use within the Ranch, and to consequently limit or prevent any future irrigation." The DSEIS does not account for these substantial acquisitions and is therefore very significantly deficient. **26-3**

The project description calculates residential use at 135 gallons per person per day (we assume this includes the 50-percent "quality of life" bonus - see below). Commercial demand for potable water and total demand for non-potable water do not appear to be analyzed. The 135 gallons per person per day for residential use is excessive and the need for this volume is unsubstantiated. Even 90 gallons (back-calculated from 135 gallons - 50-percent "quality of life" bonus) seems excessive for a community supposedly under strict water conservation measures. According to the most recent US Geological Survey report, *Estimated Water Use in the United States in 2000*, domestic water use in California is approximately 95 gallons per person per day. According to the 2003 Pacific Institute Report *Waste Not, Want Not*, (which uses a rounded up figure of 100 gallons) per capita total urban water use in the United States was 100 gallons in 2000. Of those 100 gallons, 60.5 gallons was for indoor use and 39.5 gallons was used outdoors. (Note: the ratio of indoor to outdoor water use varies from study to study, but a total domestic water use of 95-100 gallons per capita per day (gpcd) and 60-70 gallons for indoor use is commonly found). The Institute estimates that, "With current technologies and policies, [indoor and outdoor] residential water use in 2000 could have been as low as 60 to 65 gpcd without any change in the services actually provided by the water." Further, the Institute estimates, "Even without improvements in technology, we estimate that indoor residential use could be reduced by approximately 890,000 AF/yr - almost 40 percent," or to approximately 37 gpcd. Water use in Cambria and the United States should be further compared against water use in other countries such as France, Germany, and the UK, where per capita household water use is half the US. Clearly, reductions below 90 gallons per person per day are possible by curtailing most outdoor residential use. One hundred thirty-five gpcd is excessive. **26-4**

The *Baseline Analysis* identifies demands for quality of life increases of 10, 20, 30, and 50 percent higher than existing demands. The DEIR, without any explanation other than

"CCSD Board of Directors' earlier July 24, 2003 direction" chose the highest, 50-percent, "quality of life" bonus over existing demand. Such an unsubstantiated increase is unwarranted given water use patterns in the rest of the United States and the world.

We see no documentation for the 75% assumed occupancy rate resulting in the 1.66 people per unit assumption. We must ask: what is the basis for a year-round 75-percent occupancy rate? Cambria has many vacation homes and we believe a 75% occupancy rate is overstated. Please provide the basis for this important assumption. 26-4

More simply stated: Cambria water use (90 gpcd) is barely under the national average (95 gpcd). To suggest that Cambria should finance and build an industrial desalination facility with such a comparatively large environmental footprint so that residents can use 135 gallons gpcd is not responsible conservation or management. As very clearly shown in Table 3.2, the "quality of life" bonus drives this proposal.

The Project Characteristics and Table 3-6

Desalination: The project characteristics prematurely and inappropriately lead the reader to the conclusion that saltwater desalination is the advisable long-term water supply strategy. The characteristics listed for the desalination component only characterize the perceived positives of seawater desalination. Challenges associated with seawater desalination which may foreseeable impact the environment include its large global-warming footprint (associated with emissions and the energy needed to run the facility), plant siting (including, but not limited to considerations for future sea level rise), possible growth inducement (which has been cited as a mitigated negative impact), brine discharge to the marine environment, and cumulative impacts (including, but not limited to the proliferation of small desal plants in the region, as opposed to regionally-minded water supply planning). Additionally, the DEIR cites that seawater desalination is a "very reliable [water supply] source," which operates under the assumption that the desalination facility will run properly. Seawater desalination facilities are known to be plagued with technical and operational problems that prevent them from functioning in their designed capacity, such as the permitted facilities in Tampa Bay, Florida and Marina, California. 26-5

The matrix, Table 3-6, includes cost and funding - these sections are totally inappropriate for a DSEIS and CEQA analysis that is used to evaluate the environmental consequences of proposed actions and alternatives. This matrix and discussion should be either shown without factoring in cost and funding, or should be eliminated entirely.

The subjectivity of the matrix is a serious problem. First, each category is given equal weight, as noted above, which is entirely inappropriate in a CEQA document meant to compare environmental costs and benefits. Next, the matrix appears to handicap ideas such as "seasonal storage alternatives" discussed in Task 3 but never carried forward into the DEIR. Local, smaller scale, less expensive, easier-to-permit projects such as using the Perry Creek Dam or Upper Steiner Creek Dam could provide additional water to both residents and groundwater if designed appropriately. 26-6

The subjectivity of the "reliability" score is also a problem. We do not understand how a solution as technical and energy dependent as desalination can be more reliable (scored 5 of a possible 5) than a reservoir solution (scored 2 of 5) or demand management (scored 2 of 5). Few, if any, desalination plants in the United States are able to operate at the capacity they were designed for.

The "permitting" score is simply not realistic. The Coastal Commission has twice rejected a Cambria desalination plant. Certainly, being rejected by the Coastal Commission once and again on appeal should score as "very difficult to obtain" (a score of 1 of 5).

While citing "*Final Task 4 Report: Assessment of Long-Term Water Supply Alternatives, Table 8-37*" as the source for Table 3-6, the matrix shown in DSEIS does not match Table 8-37. While the discrepancy does not change the ranking, it does appear to 'bump up' desalination above the other preferred alternatives. It must be noted that the final evaluation matrix shown in Table 3-6 of the DSEIS perhaps unfairly characterizes the funding availability of the Seawater Desalination alternative against all other alternatives giving it a score of 4 of a possible 5 (75% cost reduction). Public funding of desalination plants is far from a certainty! Examples of 75-percent publicly funded municipal desalination facilities should be provided to substantiate this assertion.

In comparison, the funding of the recycled water solution is given a score of 3; there are a variety of public sources for sewage treatment upgrade and recycled water projects. Funding opportunities for sewage treatment plant upgrades (so that water can be better re-used), water recycling projects, and water conservation include: 26-6

Small Community Wastewater Grant Program

- Provides grant assistance for the construction of publicly owned wastewater treatment facilities for small communities (max. pop. 20,000) with financial hardships (max. annual MHI $37,994)
- Contact: David Kirn, 916-341-5720, dkirn@waterboards.ca.gov.
- Website: http://www.waterboards.ca.gov/cwphome/scwg/index.html

Water Recycling Construction Program & Water Recycling Facilities Planning Grant Program

- Grants and loans for the design and construction of water recycling facilities, which include wastewater treatment facilities, pump stations, and recycled water distribution systems
- Contact: Bob Pontureri, 916-341-5828, rpontureri@waterboards.ca.gov
- Website: http://www.waterboards.ca.gov/recycling/recyfund.html

Clean Beaches Initiative Grant Program (Prop 84) $37 million

- Grants and bonds to help local agencies, non-profit organizations, and public agencies implement projects that protect and restore California's coastal water quality

- Contact: Laura Peters, (916) 341-5854, lpeters@waterboards.ca.gov
- Website: http://www.swrcb.ca.gov/cwphome/beaches/index.html

Department of Water Resources - Integrated Regional Water Management Grant Program

- Proposition 84 Grants $1 billion total; $52 million for the Central Coast - funding for water conservation, water use efficiency, water reclamation and improvement of water quality
- Proposition 50 Grants $380 million - funding for projects to protect communities from drought, protect and improve water quality, and reduce dependence on imported water
- Implementation Grants - grants designed for projects that are ready for or nearly ready to proceed
- Contact: Tracie Billington, 916-651-9226, tracieb@water.ca.gov
- Website: http://www.grantsloans.water.ca.gov/grants/integregio.cfm

Ocean Protection Council

- Protection of Beaches, Bays, and Coastal Waters (Prop 84) $90 million - grant funds to meet the goals Governor Schwarzenegger's Ocean Protection Act, which has a main objective to improve ocean and coastal water quality.
- Contact: Rebecca Pollock, 510-286-0319, rpollack@scc.ca.gov
- Website: http://resources.ca.gov/copc/project_application_instructions.html

State Coastal Conservancy

- Protection of Beaches, Bays, and Coastal Waters (Prop 84) $135 million
- California Sea Otter Fund tax donation
- Contact: Rebecca Pollock, 510-286-0319, rpollack@scc.ca.gov
- http://www.scc.ca.gov/Public_Info/contacts.htm

Division of Financial Assistance

- Administers the implementation of the State Water Resources Control Board's financial assistance programs, which includes loan and grant funding for construction of municipal sewage and water recycling facilities, etc.
- Contact: Sudhakar Talanki, 916-341-5434, stalanki@waterboards.ca.gov
- Website: http://www.waterboards.ca.gov/funding/index.html

State Revolving Fund $200-$300 million annually

- Implements the Clean Water Act and various State laws by providing financial assistance for the construction of facilities or implementation of measures necessary to address water quality problems and to prevent water pollution
- Contact: Christopher Stevens, 916-341-5698, cstevens@waterboards.ca.gov
- Website: http://www.swrcb.ca.gov/funding/srf.html

California Infrastructure and Economic Development Bank (I-Bank)

- Administers Infrastructure State Revolving Fund (ISRF) Program, which provides low-cost financing to public agencies for a wide variety of infrastructure projects

- Contact: Jim Young, 916-445-6733
- Website: http://www.ibank.ca.gov/state/ibank/ibank_homepage.jsp

Total scores would become very different if scored more quantitatively, evenly, and fairly. As noted above, within the context of CEQA, "cost combination" and "funding availability" should not be considered at all. "Demand management" scores the highest of all alternatives, yet the CCSD proposes a "quality of life" water bonus of 50-percent above current use - this appears to be something other than "demand management." While national water use is 95 gpcd - and declining - Cambria water use is 90 gpcd and proposed to increase to guzzling 135 gpcd. If just reliability and permitting are re-scored more appropriately, the entire ranking would change with demand management and recycled water maintaining top positions, but seawater desalination falling to near the bottom. 26-6

Recycled Water System: The statement: "existing demands converted from potable to non-potable recycled water would have no net increase [decrease?] in the volume of water being diverted from the aquifer system" is confusing. As noted, 450,000 gallons per day is available for storage and recycling. Even if we accept Table 3-7, Potential Recycled Water Users and Demands, which we feel may be an under-estimate of potential recycled water use, 161-184 acre-feet per year is still a 13-15 percent savings and reduction in the amount of water needed to be drawn from the aquifer, assuming that the recycled water replaces the existing use of potable water for landscaping and irrigating. 26-7

Water Demand Management: The water demand management project characteristics lack any detail. The project characteristics list actions taken in 2000, "recent" addition of a front-loading washing machine retrofit program, and signing-on to a 2005 statewide MOU. It is unclear what are being proposed as new measures; there is a single reference without any commitment:

> "Future demand management measures may include greater emphasis on landscape irrigation. Such measures may include the addition of rain sensors to ensure irrigation systems shut-off during periods of rain. The installation of evapotranspiration (ET) controllers may also become part of future landscape irrigation efficiency improvement measures."

Further reductions in indoor water use should include a numeric target such as 45 gallons per person per day as is suggested as easily attainable in the Pacific Institute Report "Waste Not, Want Not." Outdoor water use should be reduced to an absolute minimum or banned. In a setting as beautiful as Cambria, natural landscaping should be required. Advantages of natural landscaping include: 26-8

- no fertilization required
- no additional water
- more water available for other uses and other people
- zero to near zero work needed for maintenance
- no lawn mowing
- erosion reduced to a minimum
- natural landscaped plants take full advantage of rainfall

- when water restrictions are implemented, natural landscaped plants will survive, while more traditional plants may not
- increased habitat for native flora and fauna
- where heavily forested, provides shade on homes and businesses saving energy
- native plants rarely become invasive

26-8

And again, the 50-percent "quality of life" bonus of a 50-percent increase above current use is entirely inconsistent with the concept of "water demand management." One hundred and thirty-five gallons of water per person per day is wasteful and inappropriate.

Build-out reduction program: While we question the decision-making behind the 864 residential water connection commitments that have been previously approved by the CCSD with no water available, we agree with the CCSD's desire to limit water connections to no more than 4650 as confirmed by the CCSD's Board of Directors' meeting of July 24, 2003. However we see no commitment to hold the line at 4650 total connections. Instead, we see a proposal for a "modular" desalination facility that could be easily enlarged. Or, if actual use is less than 135 gpcd, the surplus could be used for additional connections. As noted in the DEIR, the CCSD will become a 'major player' in the local real estate market as it buys lots and sells water connections.

26-9

Stated more simply, the project description overrates desalination and underrates living within local means through local solutions, water recycling, and conservation. The growth-inducing aspects of the desalination proposal are understated.

26-10

Section 4 - Cumulative Impact Analysis

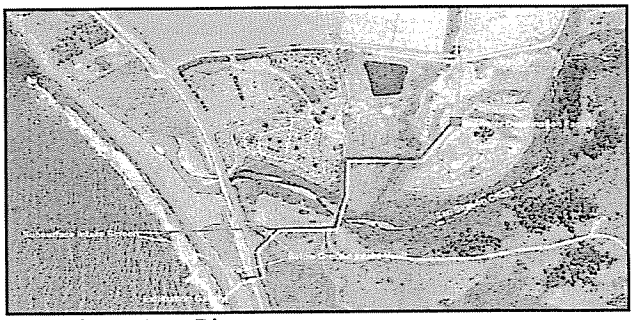
It is impossible to evaluate or comment upon the CEQA required DEIR analysis of cumulative impacts because there is none. The four page analysis is simply a cut and paste description of requirements. There is the acknowledgement:

> "The Initial Study Checklist (Appendix G of the *CEQA Guidelines*) provided as part of Appendix 15.1, indicates that the proposed project may yield potentially significant cumulative effects. As a result, Section 5.0 of this EIR assesses cumulative impacts for each applicable environmental issue, and does so to a degree that reflects each impact's severity and likelihood of occurrence."

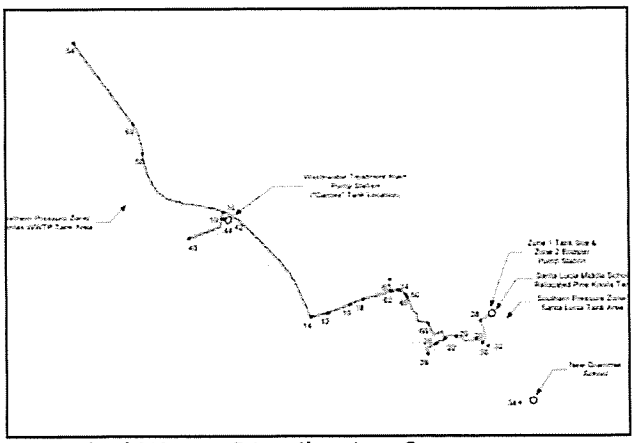
26-11

While Section 5 does evaluate each individual impact, there is no discussion of cumulative impacts.

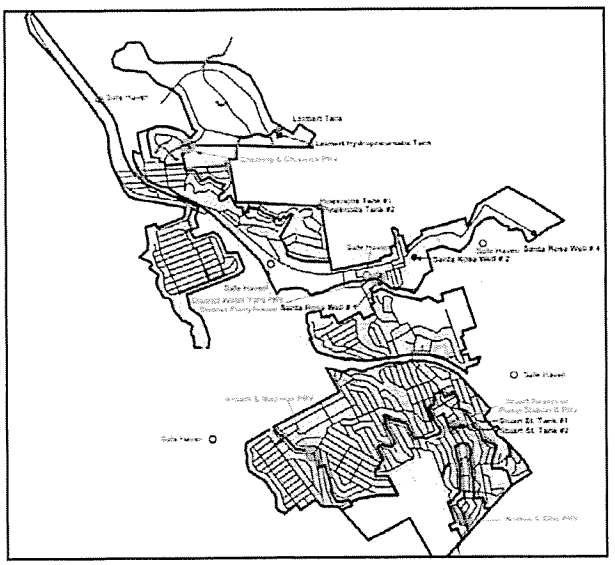
It is difficult to understand how a project of this magnitude cannot have cumulative impacts:



Desalination Plant



Recycled Water Distribution System



Potable Water Distribution Improvements

Plus:

- Additional source of water contributing to growth

Together, these modifications will contribute to increases in traffic, urban footprint and impermeable surface area, population, runoff and sedimentation, air pollution, noise, hydro-modification, and increased demand on other public services. Additionally, cumulative impacts could occur as the result of this incredibly localized approach to water supply planning (including, but not limited to the proliferation of small desal plants in the region, as opposed to regionally-minded water supply planning). None of these are considered for their cumulative effect. The very high cost of the 'new' desalinated water will lead to increased land and home prices and the further gentrification of coastal California.

26-12

Cumulative impacts are acknowledged by the CCSD but are not evaluated as required by CEQA. Instead cumulative impacts are cursorily treated only within the context of an impact section. As an example, the cumulative impact of the project components may be considered within a section such as land use, but the cumulative impact of a land use change on biological resources or water resources is not evaluated as required by CEQA. 26-13

Section 5 - Environmental Analysis

Each section appears to cut and paste portions of regulatory and planning documents in an effort to create an overview of existing regulatory conditions. Following is a statement of impact and mitigation measures.

What is lacking is a description and analysis of what change will occur due to the project. As an example, in the land use section, 19 of 25 pages are devoted to a review of applicable regulations and existing conditions, but no mention is made in the entire section of the 864 new connections and homes that will be built as a result of the project. Without some description, in each section, of the change from the existing condition, it is impossible to evaluate the impacts and merits of the project. 26-14

Consistently, impact is measured against regulatory and planning policy and not against real change in the Cambria environment. The focus on the regulatory environment versus the real tangible environment circumvents the CEQA process.

As noted above, cumulative impacts are considered only within the context of each section and not within the context of looking across all sections and considering the consequences of the project. A cumulative impact evaluation - across all potential impacts -- is required. The section by section consideration is not adequate.

5.1 - Land Use

As already noted impacts to land use appear to be narrowly defined in the DEIR as consistency with existing regulatory and planning policies. We believe it is also appropriate to document change to land use patterns and consider the environmental consequence of those changes. Certainly increasing the developed land area by 20-percent would be a very significant change and requires evaluation. This evaluation has not been provided. 26-15

We find it somehow ironic that the nondescript, undefined water management program is deemed to have no impact, but that the consequences of the planned fifty-percent quality of life bonus have not been evaluated or even mentioned - this increase in water use if applied outdoors will change a relatively arid urban landscape into an irrigated one. 26-16

We find the growth inducing impacts of the desalination component poorly described and minimized. We have little confidence that growth will stop at 4650 connections given that the desalination plant will be operating at approximately 50-percent capacity 26-17

(about half the year) and will be built in a modular fashion so that it can be easily enlarged. 26-17

5.2 - Aesthetics

Again, the discussion of the impact of the project is very constrained to the impact of the project itself and ignores the impact of growth and the change in character of Cambria. As an example, the aesthetic impact of the desalination plant is limited to discussion of the design, aesthetics, light, and glare of the plant itself. 26-18

The desalination plant enables a degree of growth that must be evaluated.

5.6 - Biological

This section is a good example of a general criticism of this DEIR. The first paragraph of the "Significance Criteria" states:

> "Both direct and indirect impacts on biological resources have been evaluated. Direct impacts are those that affect habitats due to grading and construction. Indirect impacts are those that would be related to disturbance from construction activities (e.g., noise, dust) and use of the project site."

We believe this is too narrow a definition of significant impact. Potential impacts of an industrial site on the bank of San Simeon Creek, the impacts of growth and development, and increased watering of the urban landscape have been entirely ignored and must be considered.

While the DEIR acknowledges significant impacts to include those activities that:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Game and Wildlife Service. 26-19
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

The DEIR then states that the long-term impacts of desalination plant will not have any significant impact because:

> "Once constructed, it is not anticipated that operation of the seawater desalination plant would result in significant impacts to sensitive plant and wildlife species, since operational activities would be contained within the new desalination facility."

Again, we believe the DEIR too narrowly construes impacts by only considering the impact to the immediate footprint of the plant. Not considered are:

- Increased inherent risks to steelhead, stream, and riparian communities by placing an industrial facility on the bank of San Simeon Creek. Inadvertently, but significantly, pipes break, chemicals are spilled, and sewage overflows at some point in the long life of these facilities. Increased risk to species and communities was not considered.
- Growth and development. Clearing, development, and increased watering of the urban environment will clearly have an impact on the rich biological resources of Cambria. Monterey Pine must be considered, including the cumulative impacts of all project components and consequences.

26-19

We are confused by the statement: "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." As this is a program level EIR it appears this is an acknowledgment that impacts are unknown and cannot be evaluated. Are we to understand that this Draft EIR is suggesting that the desalination project be approved without understanding the impacts? Obviously, the specific impacts of a desalination project and the broader biological impacts to the entire Cambria area must be better understood before the program can be approved.

5.7 - Cultural Resources.

The DEIR acknowledges the significance of San Simeon Creek and the rich archeological remains found there:

> *"The study area is one of the richest archaeological zones in San Luis Obispo County. The sites as a whole should be considered a historic district representative of coastal occupation for at least 5,000 years. As a whole, the San Simeon Creek area represents the best documented valley on the central coast. Almost every type of archaeological site found in the region is represented in this small study area: prehistoric Chumash villages, bedrock processing sites, other work sites, human burial locations, Spanish mission rancho, Mexican rancho, and American early ranching dairying."*

26-20

Yet, the DEIR defers judgment on potential impacts with the statement:

> "A future project-specific EIR/EIS would need to further determine the potential impacts to archaeological and/or historical resources after more details become known regarding the desalination facility. Additionally, the EIR/EIS would analyze alternative desalination facility sites."

Again, this appears to be an inappropriate application of the CEQA process and an illegal fragmentation of the project permitting. It is in this document that impacts should be recognized and evaluated. And it is in this document that alternative siting of the desalination facilities should be addressed.

5.9 - Hydrology and Water Quality

As previously stated, the DEIR appears to focus solely on the site specific impacts and ignores the broader impacts of growth, increases to the urban footprint, and increases to the amount of impermeable surfaces contributing to the acknowledged flooding problem.

And again as stated before, the DEIR states for the desalination facility:

> "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. Additionally, the EIR/EIS would analyze alternative desalination facility sites."

26-21

Fragmenting the permitting of a project in order to 'facilitate' the permitting process is inappropriate. It is in this document that impacts should be recognized and evaluated. And it is in this document that alternative siting of the desalination facilities should be addressed.

In the subsection entitled "cumulative impacts" it is noted that the project will increase the amount of impervious surface. Yet, with no mention of the proposed 20% growth, it is simply stated that by complying with local ordinances impact will be less than significant. We see no substantiation for the claim that increase in stormwater runoff due to an increase in impermeable surface will be mitigated in any way. Cambria has an acknowledged flooding problem and we see no quantitative descriptive of how growth will be mitigated.

26-22

5.?? - Global Warming

The contributions and impacts of the proposed desalination plant to global warming are not shown. The effects of global warming are a concern in any estimation of future water availability and needs. Desalination plants are not exempt from those concerns. The rising sea levels and projected increase in frequency and intensity of extreme storms that are part of the picture of global climate change must be considered in evaluation of such impacts on the vulnerable intake and outfall structures of desalination plants. No California desalination plant in operation or on the drawing boards includes any adaptive measures to incorporate the effects of climate change into its design. Additionally, because desalination is the most energy-intensive water source, operation of desalination plants represents a significant increase in fossil-fuel consumption and greenhouse gas emissions.

26-23

6.0 - Alternatives

Table 3.6 is repeated as Table 6.1 in the Alternatives section. Please refer to our comments to Table 3.6. In essence, we believe Table 6.1 heavily and inappropriately leans towards the desalination alternative. Further, using cost and funding availability is an inappropriate screen in a CEQA analysis. Please refer to our more detailed comments on table 3.6.

26-24

A very significant omission of this CEQA analysis is any discussion of alternative siting for the desalination facility. This document is clearly incomplete without these siting alternatives. It is inappropriate to segment the permitting process and defer discussion of alternatives to a later process. As noted, San Simeon Creek has significant biological, cultural, estuary, and marine resources. Impacts to these resources have not been studied or quantified for this report and no alternatives have been offered. This document is clearly deficient.

Another notable omission from alternatives analysis is brackish water desalination. Brackish water desalination should also be investigated as a viable alternative, as this source water is less energy intensive to desalinate and the brine produced (and subsequently discharged) is less saline. A possible source for this water could be the contaminated Santa Rosa wells, as this water supply source is not currently considered usable. Implementing a brackish water desalination project here could serve to make use of this otherwise unusable water and reduce the global warming footprint of the desalination project. Other possible sources should be investigated as well. **26-25**

In summary, as very clearly shown in Table 3.2, the "quality of life" bonus drives this proposal. Without the "quality of life" bonus, Cambria has a net annual surplus of water of 221 acre-feet. These numbers are based on data that dates to before agricultural irrigation rights in both water basins were retired. Reframing the question without the "quality of life" bonus leads to solutions that include conservation, water recycling, and local storage.

It is the "quality of life" bonus that should be more fully discussed in the DEIR, but is instead hidden in footnotes and ancillary documents. When the average Californian uses 95 gallons per capita per day, is it appropriate to sacrifice any public resource or endure any impact so that the people of Cambria can have 135 gpcd? Or is the 135 gpcd simply a way to justify more water production and growth? Either way, we feel conservation, water recycling, and perhaps some additional local storage capacity - essentially living within the means of the local aquifer - offer the most sustainable and reasonable solutions for Cambria. **26-26**

Sincerely,

Steve Shimek
Executive Director
The Otter Project
3098 Stewart Court
Marina, CA 93933

Morgan Rafferty
Executive Director
Environmental Center of San Luis Obispo
1204 Nipomo Street
San Luis Obispo, CA 93401

Andrew Christie, Chapter Director
Santa Lucia Chapter of the Sierra Club
547 Marsh St.
San Luis Obispo, CA 93401

Conner Everts
Co-Chair
Desal Response Group
at Environment Now
2515 Wilshire Blvd.
Santa Monica, CA 90403

Sarah Corbin
Central California Regional Manager
Surfrider Foundation
809 Browns Valley Road
Watsonville, CA 95076

RESPONSE TO COMMENT LETTER NO. 26

Steve Shimek, Executive Director, The Otter Project
April 14, 2008

26-1 Section 2.1 of the Draft Program EIR provides an historical discussion of the CCSD's potable water considerations involving local groundwater aquifers along San Simeon and Santa Rosa Creeks. The basins cannot reliably meet the increased demands of the waiting list and grandfathered connections (4,650 residential connections) without an additional source of recharge. The Task reports prepared by the CCSD concludes that a supplemental source is required to further augment supply during the summer months. This is all documented in Section 2.0 of the Draft EIR and thus the CCSD fully complies with the Project Objectives reporting, as required by Section 15124 of CEQA.

26-2 The Project Description clearly identifies the project location in the coastal region of the central coast and the existing conditions baseline for each topical area is presented in Sections 5.1 through 5.13. With regard to the geologic setting, please refer to Response to Comment No. 20-21. With regard to biological resource concerns, please refer to Response to Comment Nos. 3-1, 3-2, 3-4, 4-6, 5-3 and 19-5.

26-3 The Task 2 Baseline report was incorporated by reference into the Water Master Plan Program EIR. The CCSD disagrees with characterizing the changes as being "significant," as noted in the commentor's last paragraph. The commentor references a 2002 fallowing agreement with Clyde Warren that lasted for only one year.

26-4 Section 2.2, "Existing Water Demands," of the Water Master Plan's Task 3 Potable Water Distribution System Analysis report provides a detailed discussion on Cambria's existing water use and how it compared to similar coastal communities. This section also answers certain questions raised by the commentor, such as the 2000 census data, which was the basis for the 1.66 persons per household density in Cambria (including both occupied and non-occupied residences) as well as the higher 2.21 persons per household density for occupied residences. From the Section 2.2 discussion, when considering only residential water use, the average water use in Cambria is approximately 0.161 acre-feet per residential connection. Applying the 2000 U.S. Census value of 1.66 persons per household results in a residential consumption of 86.6 gallons per capita per day (gpcd), which rounds to approximately 90 gpcd. A response to the 50 percent quality of life increase can be found in Response to Comment No. 4-15, which includes further explanation on how this enhances reliability in response to emergencies while also providing a contingency for addressing potential increases in long-term residential occupancy (e.g., 2.21 persons per household).

In response to the comparative water consumption information provided by the commentor, the CCSD also conducted research on this subject during development of the water master plan. This research found that much of the data available for comparison purposes from other service areas was not segregated, and included commercial, industrial, and institutional use along with residential use. For

comparison purposes, (i.e., including all urban consumptive use categories; commercial, institutional, industrial, and residential), total urban water use in Cambria was 113 gpcd. According to the commentor's cited Pacific Institute's "Waste Not Want Not" reference, California's urban water use is about 185 gpcd. Therefore, the urban water use in Cambria is about 61 percent of the California urban water use identified within the cited Pacific Institute report (i.e., 113/185 x 100). The commentor makes further reference to USGS Circular 1268, entitled "Estimated Use of Water in the United States in 2000." From review of this USGS report, no reference could be found to support the commentor's statement that "domestic water use in California is approximately 95 gallons per day." To further investigate this statement, 2000 data from the USGS website referencing this report was downloaded and analyzed for San Luis Obispo County. According to the USGS supplied data for 2000, the total population served by public water supplies within the County amounted to 193,590, with a total consumption of 33.61 million gallons per day. This equates to about 174 gpcd on a countywide basis. Thus, Cambria's gpcd consumption is about 65 percent of the overall countywide gpcd consumption (i.e., 113/174 x 100). From follow-up research to this comment, the responder was not able to reach the same conclusions as those of the commentor. However, it should not be implied that this response is intended to dismiss the CCSD's intention of further implementing demand management as part of its overall master planning approach. Response to Comment No. 19-4 also provides additional discussion on the CCSD's water conservation efforts.

26-5 With regard to global climate change, please refer to Response to Comment Nos. 5-16 and 9-39; plant siting, please refer to Response to Comment Nos. 4-6, 5-3, 5-4, 17-4 and 18-7; growth inducement, please refer to Response to Comment Nos. 4-1, 4-2, 9-15, 9-18, 9-22 and 9-24; marine/biological considerations, please refer to Response to Comment Nos. 3-1, 3-2, 3-4, 4-6 and 5-3; cumulative affects, please refer to Response to Comment No. 5-5. Comments regarding other desalination facilities are noted.

26-6 With regard to the referenced matrix, please refer to Response to Comment No. 4-3. The commentor's reference to funding sources, resources and opportunities are noted.

26-7 The existing CCSD operation creates a hydraulic groundwater barrier of treated wastewater effluent between the ocean and its upstream San Simeon aquifer potable well field. To ensure there would be no decrease to the groundwater within this aquifer, the Task 3 Recycled Water Distribution System Master Plan developed a no-net increase approach. Under the no-net increase approach, existing upstream potable water irrigation demands could be readily replaced with recycled water, without any change occurring to the existing CCSD hydraulic barrier operation or aquifer water balance. From Table 2-5 of the recycled water report, the existing irrigation demands amounted to approximately 49 acre-feet per year. The same no-net increase reasoning could not be applied towards future irrigation demands (Table 2-5, subcategory B), which amount to another 50 acre-feet per year. Such increased diversion would be subject to further detailed project-level analysis. The potential impact from such future recycled water demand diversions could also be avoided by following the start up of a desalination facility, which would provide additional groundwater recharge (please refer to Response to Comment No. 4-8). Table 2-5,

subcategory C also identifies "less likely recycled water sites" due to their remote location from the main recycled water system distribution system supply main. The cost in providing recycled water to such remote locations may prove to be prohibitively expensive. Besides their remote location and consequent piping delivery system costs, certain subcategory C demands are on their own wells, which could further lessen their potential for future recycled water use. The commentor correctly notes that there are potential savings in future demand from future recycled water use. However, the existing savings may only be on the order of zero to 6-percent (zero assuming no additional diversion from the hydraulic mound, and approximately six percent assuming 50 acre-feet per year additional diversion from the more likely future recycled water demand sites {i.e., ~50 afa/~800afa existing total demand x 100}).

26-8 Prior Response to Comment Nos. 4-15 and 26-4 address the commentor's concerns over the 50 percent quality of life increase. Reducing outdoor water use is a commendable goal and one that is recommended within the CCSD's adopted 2005 Urban Water Management Plan (Page 8-15, Section 8.1.63). However, the actual implementation of such a measure can prove difficult, particularly with existing customers that may place a relatively high value on their personal landscaping preferences. Cambria may also have a relatively low percentage of outdoor water use when compared to other areas. This may be among the reasons its per capita use is about 61 percent of the statewide average (see earlier response to comment 26-4). Regardless, the suggested natural landscaping comments are appreciated and will be considered as the CCSD implements future outdoor water conservation demand management measures. In general, the CCSD has been more aggressive with its efforts to reduce indoor water use. Because of its relatively long history of conservation, a certain level of demand hardening may have set in, which can diminish future water conservation savings (i.e., the low-hanging fruit may have already been picked). This is also part of the reason that future demand management measures may appear lacking in detail to the commentor. In addition, such measures are incorporated by reference within the CCSD's adopted 2005 Urban Water Management Plan.

26-9 With regard to the Buildout Reduction Program, please refer to Response to Comment No. 4-1. Regarding the 4650 water connections, please refer to Response to Comment No. 4-2. Regarding comments pertaining to a modular desalination facility and the possibility of increasing capacity, please refer to Response to Comment No. 20-18.

26-10 Comment is noted. Comment expresses an opinion on the Project Description.

26-11 With regard to Cumulative affects, please refer to Response to Comment No. 5-5. It is important to note that the commentor's reference to Section 4.0 is correct with regard to a discussion of the basis for the cumulative analysis. As stated on Page 5-1 of the Draft EIR, each of the topical study areas in Section 5.0 include a subsection addressing cumulative affects and is based on the discussion in Section 4.0.

26-12 Please refer to Response to Comment No. 26-11.

26-13 Please refer to Response to Comment Nos. 4-6, 5-3, 5-4, 17-4, 18-7 and 26-11.

26-14 The commentor incorrectly refers to the Regulatory Setting subsection as "cut and paste." Applicable regulations and standards for the topic sections are described and not "cut and pasted" into the document.

The commentor refers to analysis of "change," based upon new connections and homes built in Cambria. Section 1.6 of the Draft EIR acknowledges and incorporates by reference the North Coast Area Plan Update, which includes the Draft and Final EIR for the Update. The Draft and Final EIR address buildout affects and conditions in Cambria and is the appropriate reference to the commentor's inquiry/concern.

The regulatory references provide the appropriate framework in order to conduct analysis for the Program-Level EIR. The cumulative analysis is appropriate, considering the provisions of Section 15168 of CEQA. Please refer to Response to Comment Nos. 4-6, 5-3, 5-4, 17-4 and 18-7.

26-15 No changes in land use patterns are proposed with the WMP. Buildout conditions and analysis have been addressed in the Draft and Final EIR for the North Coast Area Plan Update.

26-16 With regard to the 50 percent "Quality of Life" increase and indoor/outdoor usage, please refer to Response to Comment Nos. 4-8 and 4-15.

26-17 With regard to growth inducement and modular facilities, please refer to Response to Comment Nos. 4-1, 4-2, 9-15, 9-18, 9-22, 9-24 and 20-18.

26-18 The review for Aesthetics is consistent with the review factors referenced in Appendix G of the CEQA Guidelines.

26-19 The commentor is referred to several previous Response to Comments which address the project level EIR/EIS consideration, Purpose of a Program EIR and biological considerations. This includes Response to Comment Nos. 3-1, 3-2, 3-4, 4-6, 4-7, 4-13, 5-3, 5-4, 9-5, 9-10, 9-16, 17-4 and 18-7.

26-20 With regard to the Program EIR and Subsequent EIR/EIS, please refer to Response to Comment Nos. 4-6, 5-3, 5-4, 17-4 and 18-7. With regard to Alternatives, please refer to Response to Comment Nos. 3-5, 4-3, 4-6, 4-7, 4-13, 9-5, 9-10 and 9-16.

26-21 Please refer to Response to Comment Nos. 26-21 and 5-15, which addresses Drainage and Water Quality.

26-22 Please refer to Response to Comment No. 26-14.

26-23 With regard to global climate change considerations, please refer to Response to Comment Nos. 5-16 and 9-39.

26-24 With regard to Alternatives, please refer to Response to Comment Nos. 3-5, 4-3, 4-6, 4-7, 4-13, 9-5, 9-10 and 9-16.

26-25 With regard to global climate change considerations, please refer to Response to Comment Nos. 5-16 and 9-39.

26-24 With regard to Alternatives, please refer to Response to Comment Nos. 3-5, 4-3, 4-6, 4-7, 4-13, 9-5, 9-10 and 9-16.

26-26 Comment is noted. Please refer also to previous responses noted in Response to Comment No. 26.

COMMENT NO. 27

4/11/08

I am writing in response To the Cambria Water Master Plan. We have been residents here for 26 years, And have owned property here for 47 years. We have been aware of The water shortage All of this Time. It is our belief That A reservoir above Town would Take Care of This problem. We have Two creeks flowing in our Area That would Supply All the water we need, if we would only use them. The San Simeon + Santa Rosa. I remember reading about why we couldn't use them, due To environmental, concerns such as creating a wild life habitat etc. but To me These problems could be taken care of by proper engineering + design.

27-1

it seems to me there are other agendas at play here and not necessarily the best interest of the town.

I am sure if we put our best minds to work on this problem we could solve our water problem. It is far past time for discussion, lets get to work and take care of this headache.

27-1

Sincerely

Norm & Mary Stockton
554 Worcester Dr.
Cambria, Calif. 93428
Ph. # 927-8741

RESPONSE TO COMMENT LETTER NO. 27

Norm and Mary Stockton, Residents
April 14, 2008

27-1 The commentor offers perspective regarding water supply alternatives and specifically refers to interest in a reservoir alternative. 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.

Subject: Water Master Plan

Water Plan

First, I'd like to thank the board for actually trying to solve the water shortage problem.

DESALIZATION is the only realistic solution to the water shortage problem. Desalinization technology is progressing rapidly with more efficient membranes and other improvements. Other solutions such as dams or piping in from other locations are unreliable and/or expensive. The same weather problems that plague our water system affect other water collection systems. In addition those methods would be subject to politics of other municipalities or agencies. The more cooks the worse the porridge. **28-1**

WATER FACILITY SIZING appears to be inadequate. Both the quantity and piping sizes appear to be inadequate to support a viable community in case of emergencies. Other data suggests that a more realistic water usage is 0.3 acre-feet of water per household per year. As the community changes from one of retirees and part time residents one can expect the water demand to increase to more normal levels, in spite of conservation. It should be pointed out that healthy and safe community includes vibrant and healthy vegetation, not one of dying trees and dying wildlife, or possibly charred remains and burned animals and people. Since the project will mortgage future generations we owe it to them to provide a useful infrastructure, not just a bond to be paid off. **28-2**

LOT BUYOUT is a good idea for maintaining limited growth in a fair manner. Existing laws should used to control growth, not by trying to make the community unlivable. **28-3**

RESPONSE TO COMMENT LETTER NO. 28

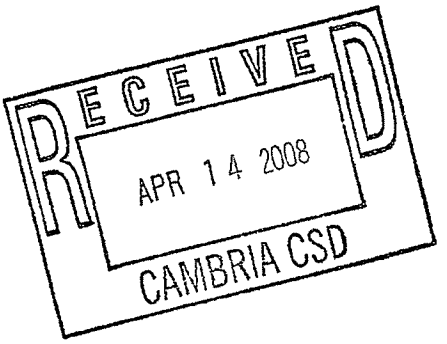
Anonymous
April 14, 2008

28-1 The commentor offers perspective regarding desalination. 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.

28-2 Please refer to Response to Comment Nos. 4-15 and 24-4 for related discussions.

28-3 Comment is noted. No further response is necessary.

COMMENT NO. 29



April 14, 2008

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

Re: Water Master Plan EIR Comments
45 day review

I focus much of my attention on Task 4 Section 5.1 of the Water Master Plan EIR, and the reasons that were given to reject the sites that were proposed for water reservoirs. The reservoir sites were eliminated early on, and therein lay a lot of the problems I have with the Water Master Plan.

By the CCSD's own analysis the reservoir sites including Upper Steiner Creek and others, were clearly superior to a desalination plant in overall cost, amount of water produced for the community, and would be less harmful to the environment than constructing an energy guzzling desalination plant that runs 227 days out of the year. Lower Steiner Creek, and Upper Steiner Creek would have had the highest rating on water yield equal to 1,000 AFY (compared to only 600 AFY provided by desal) and both of these alternatives were reliable and inexpensive, had low capital costs, lower fixed costs, and medium levels of environmental concern. The various reasons the consultants (Kennedy and Jenks) used to eliminate these sites are misleading at best, and deceptive at worst. For example, one site was eliminated because of negative public opinion, another because of construction challenges, and one because of difficult site access. These are weak reasons for elimination as compared to those projects that stayed on the list. The water alternatives that remained in the final analysis were then easily eliminated because of high environmental impacts, or were ranked in such a way they aren't really considered in the final evaluation. The entire report would have been different if Steiner Creek reservoirs (or other reservoir sites) had been more seriously considered and included in the final matrix.

29-1

The CCSD continues to cite much support for a desalination plant among the Coastal Commission. In fact, the votes have been split. There is a history of confusing and incomplete information that continues to move up to the Coastal Commission level, and when the entire story is unraveled at the state level, the permit is denied. It seems the district is trying to obtain an EIR on a Water Master Plan in an attempt to use part of this document for an EIR approval for a Desalination Project. This way they can cite the EIR for the Water Master Plan as being sufficient approval of many of the steps needed for the Desalination Project. I believe this practice is called 'tiering' and it is used to thwart and confuse the public and the agencies we rely on for council. Trying to follow this Water Master Plan is like walking thru a maze –there are assumptions made and formulas given without the supporting documents necessary to check the research and the data. For example, The Baseline Water Supply Analysis (Kennedy Jenks Consultants, 2000) which included a system of models based on historical data that projected basin response to increased levels of water demand in order to

determine the adequacy of the groundwater supply. This study is not included in this document and is not on the district website. The document must be obtained by requesting a records request from the CCSD.

In December of 2007, the Coastal Commission instructed the CCSD to provide an in-depth, alternative desalination plant site analysis. Instead, the CCSD is proposing to submit a constraints analysis, to explain that there is no alternative site for a desal plant to the one on San Simeon State Park. My understanding is that 2 other desalination sites were proposed in the past. These sites need to be described in this document. The choice of desalination for our community is premature as the alternative sites, and alternative water supply solutions have not been fully explored. After all these years, Cambria has no reservoir for seasonal water storage, yet there are sites that are available for reservoirs. Communities surrounding Cambria have reservoirs and have been using them for years. The evaluation matrix eliminates almost all the reservoir sites early in the process. Shouldn't expensive and growth inducing desalination water be the choice of last resort rather than the first?

29-1

Sincerely,

Mary Webb

Mary Webb
1186 Hartford
Cambria, Ca 93428

Cc: CCSD President Joan Cobin and board members:

Bruce Gibson Area Representative

Comments to the Water Master Plan:

Build Out Reduction Report
A build out reduction program is essential to mitigate the growth inducing impacts of any future additional water supply.

It is impossible for the reader to research a report that is referred to, but not included in, this WMP EIR. The Build out Reduction Report is not included in this document. What is included are power point presentations given to the community at various town hall meetings, and pages of questions and answers asked over the last few years. I have a copy of the October 2005 Buildout Reduction preliminary draft report and it contains 65 pages of materials that are NOT included in this chapter nor in this WMP EIR. The chapter on Financials should be included in this document. 29-2

MtBE Contamination of Santa Rosa Creek
During completion of the 2000 Baseline Survey, the CCSD's Santa Rosa well field was shut down due to a Methyl Tertiary Butyl Ether (MtBE) plume. The older Santa Rosa wells have remained shut down since, and a new well SR-4 was constructed further upstream.

According to the EPA, MtBE can be filtered to potable water standards using an 'air stripper' method of filtration, which is substantially less costly than desalination. This water solution is not presented anywhere in the WMP document and I think it requires further investigation. Can we expect a 'clean bill of health' for Santa Rosa Creek in the future? If so, when? If not, why not? The Chevron settlement was supposed to provide an alternative water supply to Cambria residents. I think the community would benefit by having access to information regarding the MTBE contamination of Santa Rosa Creek on a database such as the one listed below:

> *Below is a link for an EPA paper on Treatment technologies for MTBE. The purposes for this paper are to (1) provide a summary of EPA's new report on MtBE treatment technologies; (2) provide an update on EPA's MtBE database/web application; and (3) present an updated, detailed evaluation of the performance data for treatment technologies used for MtBE and other fuel oxygenates. This evaluation will consist of a review of the available performance data for MtBE and the anticipated performance of these technologies for treating non-MtBE oxygenates. The paper will discuss factors that potentially impact the performance of the technologies for treating MtBE and other oxygenates.* 29-3
>
> *http://www.epa.gov/tio/download/remed/542r04009/ngwa-appl-perf-techsarticle_5-3-2004.pdf*
>
> *The website allows users to search for treatment profiles and to submit new profiles or update existing profiles. The site provides a search engine that allows a user to search the profiles by contaminant, media, technology, scale, status, state, site name, or by performing a keyword search. Alternately, a user may browse a list of all profiles in the database.*
>
> *In addition to serving as a tool for identifying existing and completed cleanup projects, the website provides a portal to other environmental professionals and technology providers. Each profile provides information on point(s) of contact, allowing more detailed information about the profile to be acquired directly from those individuals involved with*

the site. EPA strongly encourages communication between environmental professionals involved with treatment of fuel oxygenate sites and is actively working to expand and update the treatment profiles in the database.

29-3

WATER USE PROVISIONS

Several statements regarding unaccounted for district water loss are made here that are prefaced by the phrase "it is believed" ... There is no room for 12% unaccounted for potable water loss. We need to remedy this problem as the amount of potable water unaccounted for is increasing, rather than decreasing. We need to correct this 12% water loss as a priority project before any desalination plant is considered.

29-4

PROJECTED WATER DEMANDS

The Task 4 Report includes an estimate of water needs based on current usage as well as four buildout development scenarios. In addition, the report identifies demands for quality of life increases of 10, 20, 30, and 50 percent higher than existing demands identified in the *Baseline Analysis*. The 50 percent increase was developed to address a July 24, 2003 CCSD Board of Directors' approval allowing 1,800 cubic feet (cf) per bi-monthly billing period for a residential household. Cambria currently uses only **90 gallons per capita per day (gpcd).** 50% increase of water for 'quality of life' increase of water usage is contradictory to our current levels of water conservation. The CCSD is proposing we increase our current water unit level from 12 units to 18 units of water. Why is the CCSD suggesting we increase our water use to **135 gals per day** ? Cambria is still using potable water for landscape irrigation and has no policy to prevent installing water intensive lawns. I would suggest that we could continue to use the current 90 gals per day and increase our 'quality of life' by discouraging landscape irrigation with potable water, and making it easier for people to use recycled water for landscape irrigation. This choice should preceded any desalination proposal.

29-5

SUPPLY AND DEMAND COMPARISON PROVISIONS

Assuming a reservoir would allow 4650 residents, and water usage is .205 AFA per composite connection minus the 50% increase we would only need 953.25 AFA. We used 815 AFA in 2003. This is hardly cause to build and pay for a complex and expensive desalination plant.

29-6

EVALUATION MATIX

There are flaws in the evaluation matrix 6 of this Water Master Plan (matrix Table 6 can be found in Appendices 14.1, page 18, but it is also located in various places in the plan) At each and every turn, this report overestimates the benefits of desal, while it underestimates the costs, the environmental impacts, and the CEQA permitting of a desal plant. Then items such as the funding for alternatives are underestimated, which eliminate them in the end.

The World Wildlife Fund refers to this game playing as "loading the bases" -and the bases are loaded for desal:

29-7

Loading the bases: an inadequate basis for desalination

The large scale supply side answer to water supply problems regrettably involves a long history of loading the bases so that the answer to a perceived, forecast or sometimes even manufactured water crisis is invariably a large scale infrastructure project. With all large infrastructure projects, there are dangers in the authorities and industries that build and operate such facilities being frequently the key entities exerting influence on evaluation and

decision making processes. Key elements of poor decision making on water infrastructure can involve :

- *Denying public access to information*
- *Excluding key interested parties from involvement in decision making processes*
- ***Consideration of no alternatives or limited alternatives***
- ***Considering alternatives in a distorted way by for instance exaggerating their cost in comparison to unrealistically low costings of the preferred project***
- ***Systemic overestimation of benefits and underestimation of costs of projects***
- ***Neglect or underestimation of social and environmental costs of projects***
- *Outright corruption – the purchase of favorable decisions*

There are reasonable alternatives to expensive desal water that are not being considered in this plan. It appears that the CSD and its consultants chose desal as their option early on and then wrote a report to support their conclusion, rather than thoroughly investigate all the other more reasonable, less expensive and common sense alternatives.

RELIABILITY: According to the CCSD evaluation matrix 6, Desalination is rated a 5 = more than sufficient, in **reliability** whereas reservoir water is ranked 1 or 2 (None to little). A desalination plant is a very complex system of membranes and filters – it is only as reliable as the maintenance performed on a proposed desal plant. Is the maintenance going to be flawless? I would assume this maintenance to be much more complex and costly than a reservoir. Because of the cost and complexity of maintenance, this number should be reduced to a 4=sufficient. And reservoir water should be rated 3= less than sufficient. Again, this change of only one point would completely change the results of the evaluation matrix and desal would no longer the 'winning' alternative. 29-7

ENVIRONMENTAL ISSUES: This document would have you believe there is no desal project, while at the same time, explaining how a desal project would have less than significant impacts on the environment. Which is it? If there were a project, it would place significant impacts on the environment . Giving a desal plant a rating of 3 =Less than significant after mitigation, in the matrix is just plain wrong. The WMP is proposing geo technical drilling and installing pipes on a public beach in San Simeon State Park, next to protected snowy plover nesting sites, on the mouth of a freshwater creek that is critical habitat to endangered steelhead populations, pond turtles, and red legged frogs, discharging oversalinated water into a Marine Sanctuary and a recently created State Marine Conservation Area. Desalination uses the highest amount of energy to produce manufactured water and energy costs are rising. To rate a proposed desal project LESS THAN SIGNIFICANT to the environment is offensive and an insult to our intelligence. This rating should have been a 1 =Significant Impacts - Further review required and another 2 points would be deducted from the desal equation.

CEQA permitting : Should have been a 1 = very difficult to obtain.

COSTS: The **costs** of desal are seriously underestimated. Cambrians have already spent $500,000 on lobbying efforts at the state and federal level, and hundreds of thousands in legal fees for desalination. The **cost** of desal should be rated 1= an above/above average rating as manufacturing desal water is the most expensive source of water we could produce. Why then is desal rated 3 =average, rather than a 1 =above/above average in cost? Once again, another 2 points have been added on the Desalination score card. The CCSD has tried to minimize the costs of desalination by proposing that Cambria establish 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 CCSD in the WMP Draft EIR proposes that Cambria become a solar energy provider to offset the cost of running a desalination facility. In addition to the actual costs of the desalination plant, the WMP proposes we go into the business of solar energy generation –while the concept of solar energy is somewhat inviting from an environmental point of view, I can't imagine this is a financially feasible solution for Cambria.

> ***From World Wildlife Fund's Global Freshwater Programme by Phil Dickie***
> ***June 2007***
> ***Desalination: option or distraction for a thirsty world?***
>
> ***Figures produced by and about the desalination industry accordingly should be treated with a great deal of caution.*** *What can be said with confidence on desalination costs is that : Local and site specific factors have a large influence on costs, with energy costs being the major factor.*
>
> ***Desalinated seawater is expensive water compared to most alternatives in most locations.***
> *The Pacific Institute's (Desal: with a Grain of Salt) analysis of desalination in California analyzed the energy content of competing water supplies. Seawater desalination was the* ***most energy intensive*** *of water sources in San Diego county, a multiple of 1.3 times the energy intensity of water sourced from the State water grid, twice that of the Colorado River Aqueduct, four times that of brackish water desalination and* ***eight times as energy intensive as groundwater or reclaiming waste water.24*** *Energy costs are increasingly reflective of overall water costs. What can be said with confidence on desalination costs is that: Local and site specific factors have a large influence on costs, with* ***energy costs being the major factor.*** *Rising energy costs are now counteracting or overwhelming the benefits of incremental improvements in desalination technology.*

29-7

By creating a new water source capability of desalination, rather than focusing on water storage, we are opening ourselves up to a nightmare scenario. The district profits by adding new water hook-ups to the desal plant. The district will run out of money again, however the difference is that we will have added a lot more people who need more services, more water, and more infrastructure. We will have added the burdensome cost associated with the day to day maintenance of a desalination plant. How will we increase district revenues? Expand the desal plant and add more water hook-ups? (Kennedy Jenks 2000 "final project design" describes the desal plant with an initial intake flow capacity of 750 gpm and a future capacity of 1500 gpm with the same 18 inch pipe. The basic infrastructure is designed for the higher capacity.)

This reminds me of the recent mortgage meltdown where unsuspecting people were sold mortgages they could not afford and moved into the 'home of their dreams'. When the bills came they realized they couldn't pay, so now they're being kicked out onto the streets. The community is currently protesting water rate increases while we are being sold the most expensive water money can buy!

FUNDING AVAILABILITY: Which came first – the project or the grant? I'm afraid the district is chasing grant money instead of looking for more appropriate solutions to Cambria's water problems. Within the report itself there are statements made that funding ***may be*** available for groundwater recharge, or that grants ***may be*** available for alternatives. Did the consultants

doggedly pursue money for other projects like they did for a desal plant? Or did the desal grant money present itself, therefore desal became our only option? You will notice that Desal comes out on top for funding and the other projects are relegated to the bottom of the list as if there were NO FUNDING FOR ANY OTHER ALTERNATIVE. According to the CCSD there are other sources of funding for some of the alternatives. This funding needs to be described in full in order to provide the community with options not currently listed in this document, otherwise funding should not be listed as a criteria. Desalination gets a 1-3 point lead in the funding category because of the way the matrix is loaded in favor of desalination. 29-7

CCSD Task 4 Section 5 pages (1-11), 2004 Kennedy Jenks analysis of the alternatives.

WARREN RESERVOIR PROPOSAL
Warren Air Strip as Potential Offstream Water Storage /Reservoir Site

This is a proposal that surfaced from a local San Simeon Creek rancher, Clyde Warren. How many other alternatives may be waiting for us to explore in the San Simeon Creek watershed for reservoir sites? A few smaller ponds would solve our water storage problem during the wet season.

This site has the potential water storage capacity to 300 AF. Cambria current annual consumption is 800 AFA. The reservoir would be lined and a floating lid to curtail evaporation could be created. Water would be pumped from CCSD wells on SS Creek during wet season. We have an annual state permitted allocation of 1230 AF of water on SS Creek with severe restrictions during dry season. Dry season (may-oct) permit is 572 AFA. Water pumped from CCSD wells on SS Creek directly below and South of site . Water would be pumped 300 vertical feet. This Site was offered to CCSD in early 2000-2001 when alternatives analysis for Water Master Plan was being produced. The Land would be sold to CCSD. No apparent environmental impediments and the Land is zoned AG with reservoirs an allowable use. No known seismic faults. Pumping elevation is about 320 feet and it gravity feeds back when it is needed. Advantages are that we do not pollute the ocean and we do not have a high carbon footprint with energy use with Desal. 29-8

5.1 Seasonal Storage for Groundwater Recharge
The storage capacity for each of the alternatives was designed to be greater than the expected yield to provide additional capacity for periods of high rainfall. Because each of these alternatives involves groundwater recharge, state grant funding may be available through Proposition 13. Because Funding is listed as a ranking criteria, I would suggest that all funding possibilities be weighed equally. If all possible funding sources cannot be identified in time for this EIR, I think funding should be removed as a ranking criteria.

The potential seasonal storage alternatives identified in these studies include:
- Cambria Meadows
- San Simeon Dam and Reservoir
- Steiner Creek Dam
- Stonebrook Ranch Dam
- Jack Creek Dam
- Subterranean Dam

5.1.1 Cambria Meadows Alternative

Isn't this property now Covell Ranch and under a conservation easement? I don't believe a project that has been rejected should be listed in this document as an alternative. The project was tied to a resort development and the town did not want the destination resort.

5.1.2.1 Upper San Simeon Site (San Simeon Creek Dam-1)
After transit losses and upstream pumping only 250 AFY would be available for CCSD use. Several of these smaller projects could solve our seasonal storage problems.

5.1.2.2 Van Gordon Site (San Simeon Creek Dam-2)
It is stated that the creek would have to be constantly pumped. In comparison, the desal plant will run 227 days a year. A claim is made that the 500 AFA available for storage will drop to 200 AFA, but no explanation is given. A claim is made that the pumping would draw down the aquifer. The pumping is only done with the remaining wet season entitlement so there is no evidence for this claim.

5.1.2.3 State-Proposed Site (San Simeon Creek Dam-3)
This alternative, is similar to desalination in cost and complexity, and could actually be good for the creek. There is funding for it also. This should also fall within the Seasonal Storage options as the water could be used directly. Buildout Reduction could still be implemented as proposed. According to the WMP –steelhead are located only within 1 mile of the ocean in San Simeon Creek– why would this project require a fish ladder? I am not a dam proponent , but if the community is going to consider a complex and expensive desal plant –than this plan should be considered.

5.1.3.1 Lower Steiner Creek – A This project should be kept in the final matrix 29-8
In the 1991 report, this alternative was evaluated as a conventional on-stream dam and reservoir located on lower Steiner Creek. The reservoir would collect natural run-off (estimated at about 4,460 AFY) from the tributary watershed. Approximately 1,800 AF of water would be provided, 700 AFY for CCSD use and the rest to account for losses and other users. Thus, a reservoir with a 5,400 AF storage capacity and a 155 ft high dam would be needed. Water would be released to San Simeon Creek for extraction at the existing well field. Although the area surrounding the proposed dam site was available in 1991, it may now be difficult to purchase the land. (did anyone ask?) This alternative would face substantial environmental challenges (just like desalination) due to the habitat at the dam site and downstream. Even though substantial environmental challenges are quoted here, this is rated a medium on table 5-1 under environmental issues. Which is it?

5.1.3.2 Lower Steiner Creek – B
According to the WMP –steelhead are located only within 1 mile of the ocean in San Simeon Creek– why would this project require a fish ladder?

5.1.3.3 Upper Steiner Creek –This project should be kept in the final matrix
Benefits of this project include excellent water quality, an isolated area, which would again reduce the visual impacts, and **no identified major environmental issues.**
According to Evaluation of Seasonal Storage Alternatives table 5-1, the eliminating factor for this project was difficult site access and pipe construction – how easily this was thrown out.

5.1.3.4 San Simeon Basin Option
This is a solution that may be the easiest and least complicated. We are not pumping the amount of water we are allowed to pump out of San Simeon Creek at present.

5.1.4 Stonebrook Ranch Dam- This project should be kept in the final matrix
Locally unpopular is not criteria –if that is the case desal is also locally unpopular. May be difficult to obtain and therefore eliminated? I suggest this site be considered. RO filtration would still be less expensive, and less harmful to the environment than a desal option.

5.1.5 Jack Creek Dam
Because of the faulty matrix evaluation this project is only rated 2.6. I have shown that this matrix can easily be changed thru subjective criteria.

5.3 Preliminary Evaluation of Seasonal Storage Alternatives
According to the report "After a screening-level evaluation of the alternatives, there are several which were eliminated without additional evaluation. "

These projects should not have been eliminated for the stated reasons. These seasonal storage alternatives are at least as environmentally damaging as Desalination and 5.1.3.2 which is the Upper Steiner Creek project had NO ENVIRONMENTAL CONCERNS but was rated on table 5-1 as a medium in environmental issues. In fact, two alternatives are chosen that rate higher than desal in environmental damage. In Kennedy Jenks evaluation matrix table 6, Jack Creek Dam is rated as a 1= significant environmental impacts, San Simeon Creek Dam is rated as a 2= significant but short term environmental impact and public opposition does not appear on the matrix at all. In the same matrix, desalination is **mistakenly** rated a 3= less than significant, after mitigation when it should be rated a 1-significant Impact –further review required. Again this is just one or two points here or there, but each point makes all the difference in desalination being chosen. Table 5-1 is misleading – even though it is stated Upper Steiner Creek dam had no environmental concerns, it is rated a medium rather than a low on Environmental Issues. Which is it? Another example of the scales being repeatedly tipped in favor of desalination.

29-8

Table 6
Evaluation Matrix for Potential Water Supply Alternatives

Alternatives	Supply Capabilities	Water Quality	Reliability	Required Agreements	Environmental Issues	Permitting/ CEQA	Cost Combination	Funding Availability	Total
Weight factor	*0.125*	*0.125*	*0.125*	*0.125*	*0.125*	*0.125*	*0.125*	*0.125*	*1*
Seawater Desalination									
RO-300 gpm	2	1	5	2	3	2	4	4	2.9
RO-600 gpm (a)	4	1	5	2	3	2	3	4	3.0
RO-900 gpm	6	1	6	2	3	2	3	3	3.0
NFRO -300 gpm	2	1	5	2	3	2	3	3	2.6
NFRO -600 gpm	4	1	5	2	3	2	1	3	2.6
Lake Nacimiento									
Town Creek- 1 ps, vt pumps	5	4	2	2	2	3	2	1	2.6
Franklin Creek- 1 ps, vt pumps	6	4	2	2	2	3	2	1	2.6
Town Creek- 3 ps, pd pumps	6	4	2	2	2	3	2	1	2.6
Franklin Creek- 3 ps, pd pumps	5	4	2	2	2	3	2	1	2.6
Whale Rock Exchange									
700 AFY	5	3	2	1	3	4	4	1	2.9
1,000 AFY	5	3	2	1	3	4	1	1	2.5
Hard Rock Drilling	2	3	4	3	1	3	4	1	2.6
Recycled Water [a]	1	1	5	4	3	3	5	3	3.1
Demand Management [a]	1	5	2	3	5	5	5	4	3.8
San Simeon Dam- Van Gordon	4	2	1	2	2	3	5	2	2.6
Jack Creek Dam	5	2	2	1	1	3	5	2	2.6
definition of rank 1:	< 250 AFY	Very Poor	Not Reliable	Very Difficult	Significant	Very Difficult	Above Average	None Available	Poor
definition of rank 5:	> 550 AFY	Excellent	Very Reliable	None Needed	None	None Needed	Below Average	Fully Funded	Excellent

Note: (a) Recommended alternatives.

TABLE 5-1

EVALUATION OF SEASONAL STORAGE ALTERNATIVES FOR CCSD[d]

Alternatives	Storage Capacity	Safe Yield	Designed CCSD use	Require Treatment	Reliability	Capital Cost	Annual Capital Cost [a]	Fixed O&M Cost [b]	Total Annual Fixed Cost	Total Variable Cost [c]	Environmental Issues	Eliminating Factor
Units	*AF*	*AFY*	*AFY*			*mill $*	*$/Yr*	*$/Yr*	*$/Yr*	*$/AF*		
Cambria Meadows	1,200	1,000	700	N	medium	$28.2	$1,688,000	$75,000	$1,763,000	$120	high	High capital cost; Abandoned in 1989
San Simeon Dam and Reservoir-1	2,000	500	250	N	low	$19.0	$1,097,000	$48,000	$1,145,000	$0	medium	High cost, low reliability, and insufficient supply
San Simeon Dam and Reservoir-2	1,000	840	700	N	low	$9.7	$500,000	$59,000	$559,000	$100	high	Carried Forward
San Simeon Dam and Reservoir-3	80,000	18,500	1,000	N	medium	$127.7	$7,384,000	$123,000	$7,507,000	$0	high	High capital cost; high yield
Lower Steiner Creek Dam-A	5,400	1,800	700	N	medium	$10.1	$586,000	$33,000	$619,000	$0	medium	Substantial Environmental concerns for downstream lagoon
Lower Steiner Creek Dam-B	5,400	2,200	1,000	N	medium	$18.0	$1,042,000	$48,000	$1,090,000	$0	medium	Substantial construction challenges at dam site
Upper Steiner Creek Dam	6,000	2,620	1,000	N	medium	$16.1	$871,000	$46,000	$917,000	$0	medium	Difficult site access and pipe construction
Stonebrook Dam	4,000	1,340	700	Y	medium	$10.1	$586,000	$104,000	$690,000	$100	medium	Difficulty for approval due to negative public opinion
Jack Creek Dam	4,705	1,535	700	Y	low	$8.4	$483,000	$104,000	$587,000	$200	high	Carried Forward
Subterranean Dam	unknown	unknown	unknown	N	low	$0.3	$16,000	$26,800	$43,000	$0	high	Lack of information and potential environmental effects
Santa Rosa Dam	15,000	6,840	1,000	Y	medium	$41.4	$2,394,000	$145,000	$2,539,000	$890	high	High capital cost and high O&M cost for the Treatment Plant
Perry Creek Dam	8,000	3,500	1,000	Y	low	$23.8	$1,377,000	$136,000	$1,513,000	$890	high	Potential for swamping, fecal contamination, and flooding of highway

Notes:

(a) Determined using 4 interest rate and 30 year time span.

(b) Fixed O&M cost were determined under the following assumptions:
Dam: 0.1 percent of capital cost and 3 man hrs/day
Pipeline: 0.1 percent of capital cost and 1 man hr/day
Wells: 0.1 percent of capital cost and 1 man hr/day
Pump Station: 1.0 percent of capital cost and 2 man hr/day
Treatment Plant: 8 man hrs/day
Packaged Filtration/Chlorination Plant: 4 man hrs/day
Labor: $34/hr and 260 days per year, hrs/day determined by summing number of hours per infrastructure required

(c) Variable O&M Costs were determined under the following assumptions:
Treatment Plant: 4.0 percent of the capital cost, includes chemical cost
Packaged Filtration/Chlorination Plant: 2.0 percent of capital cost, includes chemical cost
Power: $0.15/kw-hr, 80 percent motor efficiency, 90 percent pump efficiency,

(d) All costs are expressed in 2002 dollars.

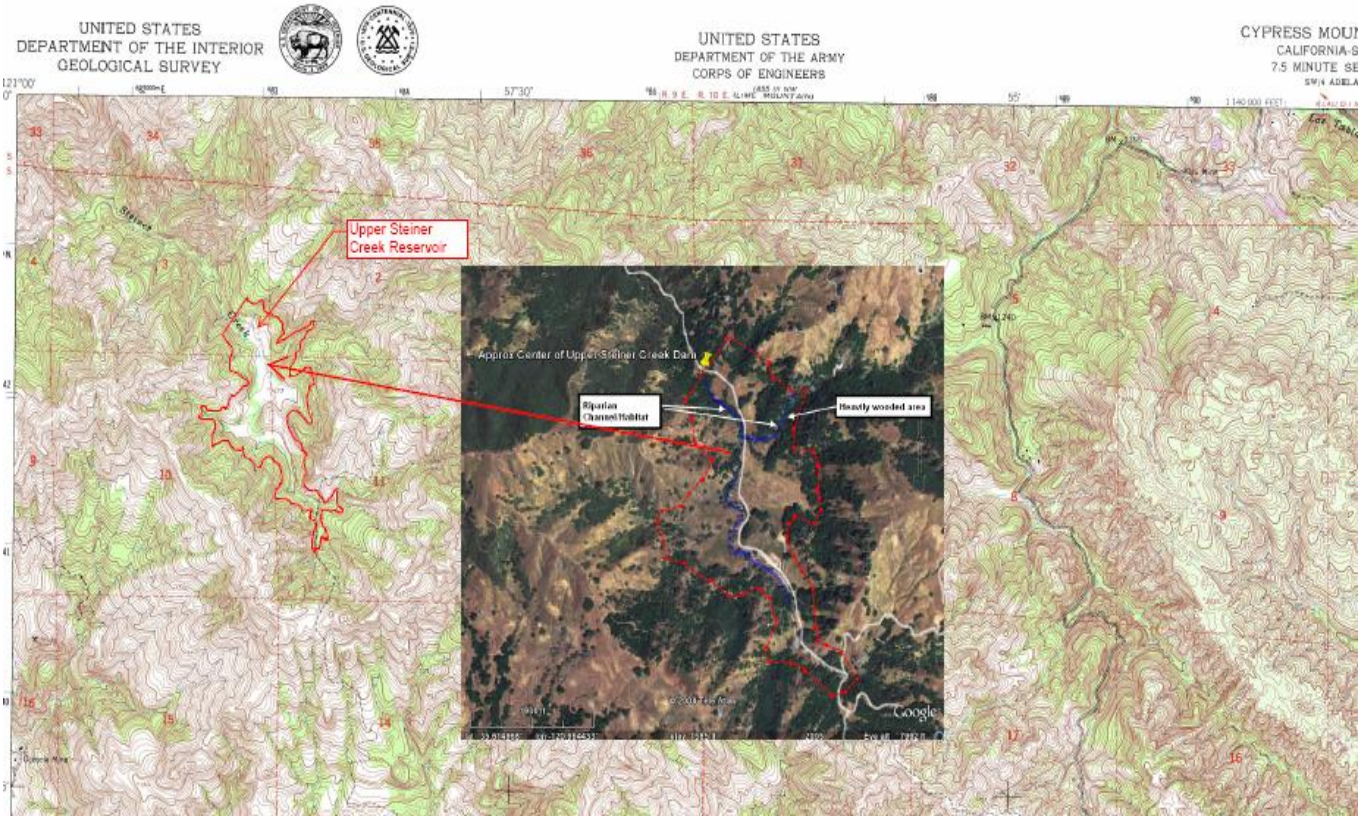
RESPONSE TO COMMENT LETTER NO. 29

Mary Webb, Resident
April 14, 2008

29-1 In addition to the following response, please also see related discussions under Response to Comment Nos. 4-5 and 4-13. The commentor suggests storage reservoirs are environmentally superior to a desalination project due to the higher energy use required of a desalination facility. The Steiner Creek reservoirs are specifically cited by the commentor as having "medium" levels of environmental concerns. While researching this comment, it was noted that the Task 4 Kennedy/ Jenks Water Master Plan report stated that the Lower Steiner Creek reservoir would "face considerable environmental challenges due to the habitat at the dam site and downstream." The Task 4 report further referenced a 1991 report (please refer to WMP Task 4 Report, Appendix E, Engineering Science, Comparative Analysis of Potential Long-Term Water Supply Projects"), which contains additional specifics on the Lower Steiner Creek reservoir. From this 1991 reference, the environmental scientist's commentary noted that approximately 152 acres of relatively undisturbed riparian woodland and 1.9 miles of riparian stream channel habitat would be lost. The area further supports various listed species, including southwestern pond turtles and steelhead. In view of this commentary, it would be a mischaracterization to refer to this as a medium level of environmental concern. It is acknowledged that desalination would require more energy than either the upper or lower Steiner Creek reservoir sites. However, the Task 4 Water Master Plan report also includes description of a renewable power supply system that will be applied to offset the power use and any consequential greenhouse gas emission concerns from a future desalination project.

While researching this response for the Upper Steiner Creek Reservoir alternative, it was found that this particular site was not included within the Task 4 Water Master Plan's referenced 1991 Engineering Science report. In addition, no explanation was found within the 1991 report on why this alternative was not carried forward from an earlier referenced 1987 alternatives analysis reference. The Task 4 Water Master Plan report therefore relied upon the earlier 1987 report reference (please refer to WMP Task 4 Report, Appendix E, Boyle Engineering Corporation, Economic Analysis of Alternative Water Resources Development), as well as a similarly cross-referenced 1976 report (Engineering Report on Proposed Water Systems Improvements and Master Plan, Coastal Valley Engineering, February 1976) for much of its background information on the Upper Steiner Creek Reservoir site. Besides the approximate 160-acre reservoir area, the 1976 report also suggested purchasing the entire 1,534-acre drainage basin to this site to maximize basin management. From review of the 1987 report, it was found that the Upper Steiner Creek reservoir site was "the only site not visited during our inspection of the various projects. This was due to a lack of access across private property." The 1987 report authors were therefore relying upon the 1976 report as well as peering into the area from outside as a limited measure to assess onsite characteristics. When compared to the 1991 reference that described the lower Steiner Creek reservoir, both the 1987 and 1976 references did not include an environmental scientist commentary. However, the 1976 report does include a statement that "the project would appear to be out of the major area of environmental concern for riparian habitat and fisheries.

The 1976 time frame for this statement preceded the Federal designation of critical habitat for steelhead, which occurred during 2005.[2] The 1976 report that originated the upper Steiner Creek alternative also stated "additional information is needed to determine the feasibility of the project. A stream gage should be installed at the proposed dam site to determine safe yield of the basin." Because of this lack of an environmental scientist commentary as well as a lack of onsite information from past references, the research for this response resorted to using high-resolution satellite imagery. From this exercise it was found that there would be about 1.2 miles of stream channel and riparian habitat lost from a reservoir constructed at the Upper Steiner Creek reservoir site. The Figure below provides additional detail. The proposed reservoir area includes woodlands along the lower slopes with a more concentrated flora and fauna within a channel in the northeastern portion of the proposed reservoir site. Because the Upper Steiner Creek reservoir is similarly an "in-stream" impoundment like the Lower Steiner Creek reservoir, it would similarly face considerable environmental challenges. In addition, because both the Upper and Lower Steiner Creek reservoir sites are within Federally-designated critical habitat areas for the south central coast steelhead trout, such proposals would be subject to complying with Section 7 of the Endangered Species Act (ESA). Under Section 7 of the 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.



[2] 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."

29-2 Please refer to Response to Comment No. 4-1.

29-3 The commentor makes reference to the MtBE groundwater contamination plume along the lower reach of the Santa Rosa Creek aquifer and questions whether the CCSD can restart its older Santa Rosa wells either following the ultimate cleanup of the contamination plume, or by additional treatment facilities. Further questions are raised by the commentor on the status of an on-going groundwater remediation effort being performed along the northern flank of the Santa Rosa Creek well field and the availability of related MtBE data.

In response to these questions, the MtBE data that the commentor requests can be found within status reports that Chevron's consultant (Secor) provides to the Regional Water Quality Control Board (RWQCB). Such monitoring and status reporting is in compliance with the RWQCB's Cleanup and Abatement Order No. 01-022 and Monitoring and Reporting Program No. 97-79, as Revised June 16, 2004. The RWQCB is the prime regulatory agency in charge of regulating and monitoring the MtBE remediation effort. The CCSD normally receives copies of these reports and can also make them available for review at its offices. While researching this comment, a summary was found on the cited web site. The full report was also found through searching the Federal Remediation Technologies Roundtable web site. The treatment technology being used on the MtBE plume consists of a "high-vacuum dual phase extraction system" and a groundwater treatment system. The high-vacuum system essentially incinerates hydrocarbons that are sucked off of wells located within the plume area using vacuum pumps. The groundwater treatment system treats water that is pumped from wells within the plume area with activated carbon.

In response to questions on how this information can apply to the CCSD's water supply planning, the CCSD does not have an estimate on the time for clean up to be abated. However, it would not be uncommon for such clean up actions to take decades. Due to such a long and protracted cleanup process, the CCSD decided it would be most prudent to turn off its existing Santa Rosa well field rather than risk pulling the MtBE plume further towards its wells and into the existing potable well aquifer. An emergency well SR-4 was also constructed upstream from the plume area behind the Coast Union High School. However, following start up of well SR-4 during August of 2001, operating personnel had to shut down the emergency well during the late dry season to ensure it was not impacting listed species in the adjacent stream channel. Although the emergency well system works fine while the creek is flowing, it is not viewed as a reliable source during the dry season due to this past history.

Besides reliability during the dry season months, other reasons for pursuing seawater desalination include the fact that neither groundwater basin is adjudicated. Without adjudication, future agricultural operations could ultimately increase their water use by converting non-irrigated areas, such as rangeland, to vegetable or other irrigated crops. This trend was previously described within USGS Report 98-4061 (Yates and Van Konyenburg). Such future riparian use is difficult to project, as well as outside of the CCSD's immediate control. Future increases in riparian demands on the aquifer, particularly during the summer dry season, could also jeopardize listed species residing in the downstream reaches of the creek and

lagoon. The primary species of concern within the lower creek channel reaches and lagoon area is the tidewater goby, which is listed as endangered. Other riparian species that are listed as threatened include the steelhead trout, southwestern pond turtle, and red-legged frogs. Thus, beyond the more immediate concern of groundwater contamination, there are further considerations associated with future potential aquifer demands due to agricultural intensification as well as associated impacts to listed species. These are among the reasons that the CCSD has chosen seawater desalination as the preferred long-term supple alternative, and has not included the Santa Rosa aquifer supply in its supply and demand calculations (please refer to Response to Comment No. 4-15).

29-4 From review of the Water Master Plan documents and Program EIR, there was no statement "it is believed." Therefore, the commentor may actually be making reference to Chapter 4 of the CCSD's adopted 2005 Urban Water Management Plan Update. Within the 2005 UWMP, there is discussion on unaccounted water loss as well as future projections that show the 12 percent value found in 2005 being reduced to seven percent over the next 20 year period. Unaccounted water can be attributed to distribution system leaks as well as meters that under-account for the actual amount of water being used by a customer. (As water meters age, they tend to allow water through them without registering such use.) To arrive at the percent of unaccounted water, the total for all water billed each year plus estimates for fire fighting and other incidental uses that may not be billed are summed. This sum is then divided by the total volume of water actually produced at the San Simeon well field and emergency well SR-4. The commentor recommends that the 12 percent water loss be corrected as a "priority project before desalination is considered." The CCSD does not agree with this logic due to the following points:

1) Unaccounted water that is due to poor meters can continue to be consumed by customers regardless of meter accuracy and will therefore require production by the CCSD in meeting future demands.

2) The total volume of the 12 percent of unaccounted water cited in the 2005 UWMP is approximately 100 acre-feet per year. Even if all the water meters read perfectly and not a drop of water leaked from the distribution system, this would not be enough water to meet the CCSD's long-term water needs. Because there will always be a certain amount of unaccounted water due to aging pipes and meters, an acceptable industry goal is around 10 percent. With a 10 percent goal being achieved, the 100 acre-feet total would be reduced to around 80 acre-feet per year, leaving a 20 acre-foot net total improvement between meter replacements and leak repairs. Per item 3 below, the relatively low volume total for unaccounted water is not meant to imply the CCSD is doing nothing towards being more efficient in reducing its unaccounted water percentage.

3) Since the 2005 UWMP was adopted, the CCSD has replaced all of its residential water meters. Therefore, the CCSD has already made significant strides towards reducing its unaccounted water percentage. However, reducing unaccounted water is an ongoing effort, and one that is in parallel with its efforts to develop a reliable long-term water supply project. The 2007 unaccounted water percentage following residential meter replacements was

around 9.4 percent, which indicates Cambria is now better than the 10-percent goal cited by the U.S. EPA.

4) As the existing distribution system continues to age, there will be future leaks to contend with, which will tend to offset the percent reduction gained by meter replacements. Similarly, as the recently replaced meters age, they will need to be part of an ongoing replacement program or the unaccounted water percentage will creep upward in time. The area is also subject to seismic activity, which tends to increase system leaks following ground movement.

29-5 For a related discussion, please refer to Response to Comment Nos. 4-15, 26-4, and 26-8.

29-6 For a related discussion on water usage, please refer to Response to Comment Nos. 4-15 and 26-4. Tables 2-7 and 2-8 of the Task 4 Water Master Plan Report, Assessment of Long-Term Water Supply Alternatives, provide further details on summer water supply deficits. The minimum storage need without allowing for any increase in current customer demand would be 306 acre-feet, which is found on Table 2-7 under Scenario 4 (i.e., 1.66 persons per household, no increase in unit demands, and with build out capped at 4650 residential units). Storage reservoirs typically need three to five times that amount due to evaporative losses, long-term sediment accumulation, losses to the surrounding geological formation, carry-over storage for dry periods, downstream riparian water rights needs, riparian habitat needs, and so forth. Therefore, without allowing for any increase in customer use demand, including no future change in demographics, a minimal seasonal storage volume requirement would be on the order of 918 to 1,530 acre-feet.

29-7 The CCSD takes exception to the "loading the bases" inference made by the commentor on Page 4 of her comment letter. Response to Comment Nos. 4-3, 4-13, 9-48, 20-15, and 29-1 address the commentor's assertions on reliability and environmental issues found on Page 5 of the commentor's letter. In response to the commentor's assertions on environmental issues, please refer to Response to Comment No. 4-5, which further explains the data gathering purpose of the geotechnical investigation efforts at San Simeon State Park as supporting due diligence data gathering efforts in order to more clearly define alternatives that will be analyzed within a project-level EIR/EIS. Response to Comment No. 4-3 also disputes the commentor's assertion that desalination uses the highest amount of energy to produce water, as independent pipelines from the Nacimiento Reservoir were found to require greater pumping pressures than current desalination technology.

At the bottom of Page 5 and through half of Page 6, the commentor further questions the use of photovoltaic energy to offset energy use by desalination while also citing reports by the World Wildlife Fund and Pacific Institute. From review of the cited World Wildlife Fund report (Page 47), it was found that this report actually suggests using renewable power to minimize desalination impacts: *"Plants are powered through renewable energy, purchase green energy or use 'Gold Standard' offsets for all their emissions."* For Cambria's situation, the California Solar Initiative ("CSI," which became law in California during late 2006) provides direct economic incentives

to the CCSD while also addressing greenhouse gas emission concerns. Under the CSI program, the CCSD will be able to receive net metering credit from a renewable power system, which will offset facility power consumption while also stabilizing long-term power costs. Besides the net metering credit reduction on future power bills, the CSI provides for performance based incentives that provide rebates tied to the renewable power system's performance as well as the timing of when such a system would go into service. In addition to the CSI, the passage of AB 946 (Krekorian) in 2007 further allows net metering to occur from remotely located solar arrays. The recent AB946 legislation provides the CCSD with greater flexibility on the location of renewable power facilities, as they would no longer need to be contiguous with the power load (i.e., the desalination facility). With regard to the commentor's cost discussion on "going into the business of running solar energy generation," and related financing concerns, it is true that such a facility would represent a significant investment for the CCSD. However, in researching this response to comments, it was conservatively estimated that an amount of about $2.3 to $1.3 million in performance payments could be received back from CSI performance incentives over a five year period[3] to help offset the initial capital cost. In addition to the CSI performance incentive program, there are various contracting alternatives available to the CCSD to construct a renewable power system. For example, Government Code 5956 allows contracting strategies to include design, construction, operation, and financing, which could conceivably share some of the energy cost savings with a contractor should the CCSD not have adequate up front capital nor wish to operate such a system. Unlike other capital cost items, solar power costs have actually gone down since the 2004 Kennedy/Jenks Task 4 Water Master Plan report was completed due to the advent of thin film solar technologies and the ramping up of solar manufacturing capacity. The solar cost used in the 2004 Kennedy/Jenks report was roughly $9.10 per watt installed. Current 2008 solar costs are around $5 to $5.50 per watt installed; with thin film manufacturers suggesting costs in the mid to low $2 per watt range becoming possible. Reverse osmosis treatment process improvements have also lowered the total energy demand of desalination since the 2004 K/J report was completed. This is primarily due to the use of more efficient reverse osmosis membranes. From review of the past report, an approximate 590 KW system would have been required to offset the energy use for a desalination facility sized for 602 acre-feet capacity during the dry season. Using more recent technology, this same facility would now be closer to 400 KW in size.[4] Not discounting for any CSI incentives, the renewable power system costs have gone down in price from about $5.37 million ($9.1 x 590,000) using the 2004 report values, to around $2.2 million ($5.5 x 400,000) in 2008.

In response to the commentor's assertions under "Costs" at the bottom of Page 5 of her letter, the summary cost table that follows was developed showing each of the screened alternatives using data from the 2004 Kennedy/Jenks Task 4 WMP report. To ensure a fair comparison, this cost data does not include any reductions due to outside grant funding or the California Solar Initiative. To help in understanding the ranking used, a 30-year present worth cost column cost was added, with each

[3] Assumes CSI steps 6 through 10 incentive kwhr rate payments over a five year period beginning in 2011, 397 kw solar system, and i=4% per year.

[4] This includes pumping water from a subterranean well system to the on-shore treatment facilities, and the reverse osmosis treatment system.

alternative producing 602 acre-feet of dry season capacity per year. For comparison purposes, a line item was also added for a 602 acre-foot desalination facility, which was extrapolated in cost between the 600 gpm and 900 gpm facilities shown in the earlier 2004 report (Note: 602 acre-ft per dry season is around 740 gpm). In addition, the 30-year total present worth cost was divided by the total acre-feet of water produced by each alternative over its 30-year analysis period to arrive at a total cost per acre-foot. Based on a 30-year present worth cost, recycled water alternative was lowest in price, followed by the two on-stream reservoirs (San Simeon Dam and Jack Creek Dam), then desalination, the Whale Rock Exchange alternatives, and lastly the independent Nacimiento pipeline alternatives. After eliminating the in-stream dams due to their major environmental issues, desalination and the Whale Rock exchange alternatives were most competitive as potable water supplies. However, the present worth cost for Whale Rock is around $3 million more than a comparably sized desalination project. With the further addition of solar power to the desalination alternative, the variable O&M costs for desalination decrease by about 65-percent.

Costs Based on 2004 Kennedy/Jenks Task 4 Water Master Plan Report

Alternative	Capital Cost	Fixed O&M	Annual Fixed Cost $/year	Variable Cost $/AF	Net Present Worth (30 yr, i=4%)	$/AF 30 yr PW basis
Nacimiento Water						
Town Creek Route ~ 730 AFY	17,686,000	161,000	1,184,000	580	-26,507,704	-1,210
Franklin Creek Route ~ 739 AFY	18,691,000	161,000	1,242,000	560	-27,304,508	-1,232
Whale Rock Exchange						
700 AFY	3,837,000	65,000	287,000	1,920	-24,947,806	-1,188
1,000 AFY	27,536,000	111,000	1,703,000	2,210	-52,461,083	-1,749
Seawater Desalination (costs assume no grant funding)						
300 gpm (~300AFY)	8,247,000	107,000	584,000	800	-18,425,091	-2,047
600 gpm (~520 AFY)	9,920,000	132,000	706,000	710	-19,593,509	-1,256
740 gpm (~602 AFY)	11,257,000	144,000	795,000	700	-21,033,916	-1,165
900 gpm (~820 AFY)	12,785,000	157,000	895,000	680	-22,578,516	-918
Recycled Water						
160 AFY	4,385,000	33,620	287,000	90	-5,903,241	-1,230
San Simeon Dam & Reservoir						
700 AFY	8,652,000	59,000	559,000	100	-10,713,210	-510
Jack Creek Dam & Reservoir						
700 AFY	8,351,000	104,000	587,000	200	-12,231,332	-582

Because the 2004 report data was based on a June 2002 20-city average ENR index of 6602, costs were updated to reflect the June 2008 20-city ENR index of 8185 in the following table. For discussion and comparative purposes, the next table also included a 602 acre-foot Whale Rock Exchange alternative, which used a $25,000 per acre-foot buy in fee for the exchange water that would come from the Nacimiento project along with a $500 per acre-foot purchase cost for the exchange water. The aforementioned Nacimiento exchange water costs came from recent correspondence between the CCSD District Engineer and County staff familiar with the Nacimiento project. The local distribution costs, which are likely too low, simply prorated the 700 AFA Whale Rock alternative cost downward by a factor of 0.86 (i.e., 602/700). The next table also added in the current cost for a renewable solar power

system at $5.50 per watt installed onto the adjusted capital cost for each desalination alternative shown. The additional capital cost for solar power allowed reducing the variable O&M cost on each desalination alternative to reflect power savings. Again, no further reduction in cost has been applied to the present worth analysis shown on each desalination alternative due to the California Solar Initiative performance offsets (which may range from about $1.3 to 2.3 million), as well as the additional local capital cost savings from the Federal Water Resource Development Act Funding (approximately $13.3 million). In addition, no improvements in desalination energy efficiencies since the 2004 time frame were assumed for the desalination costs in these analyses. In this second table, the rankings remain similar to the first with the exception of desalination becoming more competitive than recycled water on a cost per acre-foot basis. The net present worth costs for the Whale Rock exchange alternative remain about $3 million higher than a comparably sized desalination project. Using more current data for the purchase of Nacimiento replacement water under a 602 AFA Whale Rock Exchange alternative increases its upfront capital cost to approximately $19.1 million. Besides the costs shown, the annual $500 per acre-foot Nacimiento water purchase cost is subject to a take or pay contract provision. This provision would require the CCSD to purchase the 602 acre-feet each year regardless of whether it is actually used (for 602 AFA, this amounts to about $301,000 per year).

Capital Costs Updated to June 2008 Basis
(with solar power system costs Included with Desalination alternatives)

Alternative	Capital Cost	Fixed O&M	Annual Fixed Cost $/year	Variable Cost $/AF	Net Present Worth (30 yr, i=4%)	$/AF 30 yr PW basis
Nacimiento Water						
Town Creek Route ~ 730 AFY	21,930,640	161,000	1,184,000	580	-30,752,344	-1,404
Franklin Creek Route ~ 739 AFY	23,176,840	161,000	1,242,000	560	-31,790,348	-1,434
Whale Rock Exchange						
602 AFY (See note 1)	19,141,800	55,900		500	-25,313,327	-1,402
700 AFY	4,757,880	65,000	287,000	1,920	-25,868,686	-1,232
1,000 AFY	34,144,640	111,000	1,703,000	2,210	-59,069,723	-1,969
Seawater Desalination (costs assume no outside grant funding plus solar at $5.50 per watt installed)						
300 gpm (~300AFY)	11,546,280	107,000	584,000	280	-16,311,273	-1,812
600 gpm (~520 AFY)	14,940,800	132,000	706,000	249	-19,810,185	-1,270
740 gpm (~602 AFY)	17,220,180	144,000	795,000	245	-22,260,635	-1,233
900 gpm (~820 AFY)	19,813,400	157,000	895,000	238	-25,005,783	-1,016
Recycled Water						
160 AFY	5,437,400	33,620	287,000	90	-6,955,641	-1,449
San Simeon Dam & Reservoir						
700 AFY	10,728,480	59,000	559,000	100	-12,789,690	-609
Jack Creek Dam & Reservoir						
700 AFY	10,355,240	104,000	587,000	200	-14,235,572	-678

Annual fixed costs = capital cost @ 4% over a 30 yr period + fixed portion of O&M costs

Note 1: 602 Whale Rock Exchange size estimate based on a proportioned 700 AFA local distribution cost + Nacimiento buy in at $25K/AF.

Exception is further made to the commentor's assertions on Page 6 of her letter regarding the creation of nightmare scenarios due to costs, future service connections, and day-to-day maintenance. Assuming no outside funding, the present worth cost analysis for desalination shows it to be approximately $1,233 per acre-foot for a 602 acre-foot per dry-season capacity system, which includes the cost for a solar power system (and also not including any reduction for CSI performance incentive credits). In comparison, the current water rate paid (June 2008) by Cambrians is approximately $3.62 per 100 cubic feet for the first six units billed. After this amount, the tiered rate structure further increases the unit price. The initial $3.62 per 100 cubic foot rate equates to about $1,577 acre-foot, which is about 28 percent higher than the present worth desalination unit cost. At an average residential bi-monthly consumption of twelve-100 cubic feet units, the CCSD water rate is $4.56 per 100 cubic feet, which equates to $1,986 per acre-feet. Further, should the community ever be forced to use bottled water following an emergency, such cost would equate to about $869,000[5] per acre-foot.

The commentor further asserts that the CCSD (a non-profit agency) will be profiting from new water connections. No proof is provided to support this statement. Questions regarding the sizing of the desalination system pipes are also raised that will be subject to a project-level EIR/EIS after alternatives are further defined. From the preceding discussion, the CCSD takes further exception to the commentor's assertion that desalination would result in the community being sold the most expensive water money can buy.

The commentor further questions Funding Availability and suggests that other funding may be available for other alternatives. The commentor therefore suggests eliminating the funding availability criteria from the comparison ranking found in Table 6 of the Task 4 WMP report. While analyzing this comment, the funding availability ranking was eliminated, and the cost comparison ranking was adjusted to match the 2008 cost table rankings. This resulted in a similar ranking to that found within the 2004 Kennedy/Jenks report, with demand management ranking the highest, recycled water being second, and desalination being third. However, the smaller Whale Rock alternative was also very close to being tied with the smaller 300-gpm-desalination project. Similarly, the larger Whale Rock alternative was very close to being tied with the larger 900-gpm desalination alternative. However, such ranking would ignore the approximately $30 million dollar present worth cost differential that would favor the larger desalination project when compared with the larger Whale Rock alternative. While researching this question, it was also noted that a significant difference in cost for treatment facilities occurs between the two Whale Rock alternatives. In particular, the 1000 AFA Whale Rock alternative estimated the treatment plant would cost approximately $7.3 million, while an alternative with 700 AFA estimated its water treatment plant cost at only $178,000. This significant difference in treatment plant costs suggests an error may have occurred in underestimating the 700 AFA Whale Rock alternative. Regardless of this apparent error, a similarly sized desalination project was still approximately $3 million dollars less in present worth costs. Any increase to the $178,000 treatment plant estimate for the 700 AFA Whale Rock alternative would consequently increase the $3 million present-worth cost differential when compared to desalination.

[5] Estimated at an assumed discount rate of 50 cents per 12-ounce bottle of water.

With regard to the commentor's assertions on funding, the District aggressively pursued funding for desalination primarily in response to a Water Code Section 350 emergency water shortage declaration that has remained in effect since November of 2001. As a result, $10.3 million in Federal Authorization was obtained from the Water Resource Development Act program. In addition, another $3 million in local credit towards the 25-percent local match has since been obtained. (No allowance for such outside funding was made in the preceding cost comparison tables and discussion.)

29-8 The Warren reservoir alternatives were investigated and reported on during a public workshop by the CCSD on March 23, 2001. Please refer to Response to Comment No. 9-48.

With regards to comments questioning steelhead habitat locations, the one mile reported for steelhead habitat along the San Simeon Creek channel is for portions of the stream channel that are upstream from the Palmer Flats area, and downstream from a naturally occurring bolder field that blocks further upstream steelhead migration. This particular reach of San Simeon Creek tends to flow year-round (perennially) and therefore provides habitat for young-of-the-year steelhead, which reside in the creek year-round. Steiner Creek joins into San Simeon Creek near Palmer Flats, which is below the one-mile habitat reach mentioned for steelhead within the Water Master Plan, as well as downstream from the bolder field that blocks further migration along San Simeon Creek. According to the historical background provided within a June 2007 report by D.W. Alley and Associates, Steiner Creek had not been studied since 1994. The Alley report also notes a diversion existed downstream from a wetted section of Steiner Creek, which suggests certain connecting reaches to San Simeon Creek may have been dewatered. The Alley report further mentions that anecdotal evidence exists from landowners that steelhead regularly migrate into Steiner Creek. In addition, the 2005 Federal designation of critical steelhead habitat includes Steiner Creek.

With regard to the commentor's reference to the Stonebrook Ranch Dam alternative, this is another in-stream seasonal storage reservoir alternative that was studied within the Water Master Plan's referenced 1991 Engineering Science report. Similar environmental issues exist with the Stonebrook Ranch as with other in stream storage reservoir alternatives. Most substantial of these is the proposed construction of a dam within a Federally designated critical habitat area for steelhead. In addition, the environmental scientist commentary within the 1991 report included mention of tidewater gobies existing within the mouth of Villa Creek, which would be downstream from the proposed Stonebrook Ranch dam. These are significant environmental issues and among the reasons this alternative was not carrier forward.

With regard to the commentor's reference to the Jack Creek Dam project, the Water Master Plan's referenced 1991 Engineering Science report's environmental scientists commentary noted that approximately 160 acres of undisturbed forested land and 3.1 miles of stream channel would be lost. The stream where this dam would be located also serves as steelhead habitat and is tributary to Salinas River system. Major water rights issues and environmental issues would therefore be encountered with this alternative. In addition, the stored water would require pumping over the Santa Lucia mountain range drainage divide in order to enter the Santa Rosa Creek

watershed. Such factors are significant and not “easily changed thru subjective criteria” per the commentor’s assertions on comment letter Page 9.