

Final

WOODLANDS SPECIFIC PLAN

Supplemental Environmental Impact Report

SCH#2001031063

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*Prepared for:
San Luis Obispo County
Department of Planning & Building
County Government Center, Rm. 310
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**Woodlands Specific Plan
Final Supplemental Environmental Impact Report**

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1.0 EXECUTIVE SUMMARY

INTRODUCTION

This Final Supplemental Environmental Impact Report (SEIR) for the Woodlands Specific Plan has been prepared by the San Luis Obispo County, Department of Building and Planning pursuant to the California Environmental Quality Act Guidelines Section 15088 et seq. The Final SEIR is comprised of the Draft SEIR including all appendices and responses to all comments received on the Draft SEIR.

The Final SEIR is required under Section 15089 of the CEQA Guidelines to include the Draft SEIR or a revised version, a list of persons who commented on the Draft SEIR, responses to those comments, and any other relevant information as determined by the Lead Agency. The Lead Agency for the 2001 Woodlands Specific Plan is the San Luis Obispo County, Department of Building and Planning. The decision-making body is San Luis Obispo County.

The public review period for the Draft SEIR began on July 19, 2001 and ended on September 3, 2001. This document responds to comments received on the Draft SEIR and will be submitted to the San Luis Obispo County Board of Supervisors for consideration. Once the County has certified that the Final SEIR adequately addresses CEQA requirements, it can adopt the Final SEIR and approve the amendment to the Growth Management Ordinance.

Section 6 of this document includes a list of individuals, agencies and organizations that commented on the Draft SEIR. Section 6.2 includes comments received during the public review period of the Draft SEIR and responses to comments received. As part of those responses, some minor changes have been made to the text of the Final SEIR. These changes are included as bold text or underlined text in the Final SEIR.

PROJECT BACKGROUND

The San Luis Obispo County Board of Supervisors adopted the Woodlands Specific Plan and certified the Environmental Impact Report (1998 EIR) for the plan in December 1998. The Specific Plan is intended to provide for an orderly development of the Woodlands property

consistent with the County of San Luis Obispo General Plan. The property is located within the Nipomo Mesa in the South County area adjacent to State Highway 1. The Specific Plan and the 1998 EIR provide a framework for development in the area.

Since the certification of the 1998 EIR, the County Growth Management Ordinance (GMO) has been amended, and has resulted in specific growth limitations for the Nipomo Mesa. Implementation of these growth limitations would delay the ultimate buildout of the Woodlands Specific Plan to over 200 years. The 1998 EIR contemplated the previous Growth Management Ordinance, which would have spread buildout of the project over 27 years. The EIR also recognized the project proponents intent to complete the project within a 15 year time-frame. Consequently, the project applicant has requested an amendment to the County GMO to allow the Woodlands Specific Plan development to proceed as originally envisioned, and allow for the implementation of the Woodlands Specific Plan within a 10-15 year time period. In response to the amendment request, the San Luis Obispo County Board of Supervisors requested that a Supplemental Environmental Impact Report (SEIR) be prepared focused exclusively on groundwater resources.

The Woodlands Specific Plan lies within the Nipomo Mesa sub-unit of the Santa Maria Groundwater Basin. The 1998 EIR addresses groundwater resources in depth. The analysis includes results of a groundwater model developed by Cleath and Associates. Since the certification of the 1998 EIR, several studies have been conducted regarding the Santa Maria Groundwater Basin including the following:

- Water Resources of the Arroyo Grande- Nipomo Mesa Area, California Department of Water Resources (DWR) Southern District, Revised Final Draft/Subject to Revision. January 2000.
- Development of a Numerical Ground-Water Flow Model and Assessment of Ground-Water Yield, Santa Maria Valley Groundwater Basin. Prepared for the Santa Maria Valley Water Conservation District (SMVWCD; Luhdorff & Scalmanini, March 2000).
- Santa Barbara County 1999 Groundwater Report. Santa Barbara County Water Agency, December 1999.
- Annual Resources Summary Report-2000. County of San Luis Obispo
- Technical Memoranda, Cleath and Associates: Assessment of New Factual Data for Proposed Supplemental Environmental Impact Report of the Woodlands Project, San Luis Obispo County, California, March 7, 2001; Groundwater Impact of Cumulative Projects identified by

the County of San Luis Obispo on Nipomo Mesa, March 15, 2001; Groundwater Impact of the 180 units of development Projects identified by the County of San Luis Obispo on Nipomo Mesa April 17, 2001.

This SEIR contains a review and comparison of these newly prepared studies and evaluates whether the new information alters the conclusions of the 1998 EIR. The SEIR also assesses the potential cumulative impacts associated with other proposed projects and eight other proposed land use amendments in the South County planning area.

Project Description

The Woodlands Specific Plan area is located on the Nipomo Mesa within the South County planning area of San Luis Obispo County. The site is bounded on the west by State Highway 1 and on the east by Viva Way, approximately two miles west of the community of Nipomo. Figure 1 shows the general location of the project site. The residential component of the project ranges in density types from single family residential lots of up to one acre to multi-family residential development at 20 units per acre. Conceptually, up to 1,320 residential units have been approved. Approximately 62 acres of commercial uses are proposed, consisting of about 12 acres of commercial retail uses in a village center; a 28-acre resort hotel (up to 500 rooms), conference facilities and a restaurant; and about 22 acres for a business park development. The project designates approximately 587 acres for parks, buffers and open space, including the following: approximately 300 acres designated for two and a half golf courses, a 10-acre public park, 27 acres of neighborhood play areas and open space between residential lots, 11 acres set aside for Monarch Butterfly over-wintering, 76 acres designated for open space buffers along the perimeter of the site, and 93 acres remaining in natural condition. A network of pedestrian, bicycle and equestrian trails is also included under the proposed project. Additionally, a 10-acre area will be reserved for a Wastewater Treatment Facility.

Impact Summary

This SEIR concludes that the new information available since the certification of the 1998 EIR would not alter the conclusions of the 1998 EIR. The 1998 EIR did not find that the groundwater basin underlying the project site was in an overdraft condition. None of the available new studies analyzed herein present evidence to change this finding. The review of new studies confirms that extraction of groundwater required for full buildout of the Woodlands Specific Plan within the 15 year time frame envisioned by the applicant would pose a less than significant impact on regional groundwater resources. No new mitigation measures for this impact are necessary.

The evaluation of potential cumulative impacts of proposed new development in the Nipomo Mesa area concludes that none of the new information available since the certification of the 1998 EIR would alter the conclusions of that EIR with respect to groundwater resources. The 1998 EIR found cumulative impacts to be potentially significant and provided several conservation mitigation measures to minimize the impact. These mitigation measures would remain a requirement of project implementation.

Since the certification of the 1998 EIR, 180 units have been exempted from the Growth Management Ordinance, which will allow for a slightly faster rate of development within the South County area. These projects would accelerate the rate of water extraction by attaining ultimate buildout in the planning area on a slightly faster schedule.

In addition, eight new projects that would require amendments to the SLO County General Plan have been authorized for further consideration by the San Luis Obispo Board of Supervisors. If approved, these projects would increase the ultimate density in the South County area and would increase the cumulative water demand. Additional groundwater modeling conducted by Cleath & Associates concludes that neither the GMO amendment projects nor the General Plan Amendment projects as currently proposed would alter the conclusions of the 1998 EIR with respect to cumulative groundwater impacts from the Woodlands development.

2.0 INTRODUCTION

This Supplemental Environmental Impact Report (SEIR) has been prepared for the County of San Luis Obispo in response to a request to amend the County Growth Management Ordinance to allow the residential portion of the Woodlands Specific Plan to be developed within a 15 year time frame. The Woodlands Specific Plan area is located on the Nipomo Mesa area in the southern portion of San Luis Obispo County. The site is bounded on the west by State Highway 1 and on the east by Viva Way, approximately two miles west of the community of Nipomo. Figure 1 shows the general location of the project site.

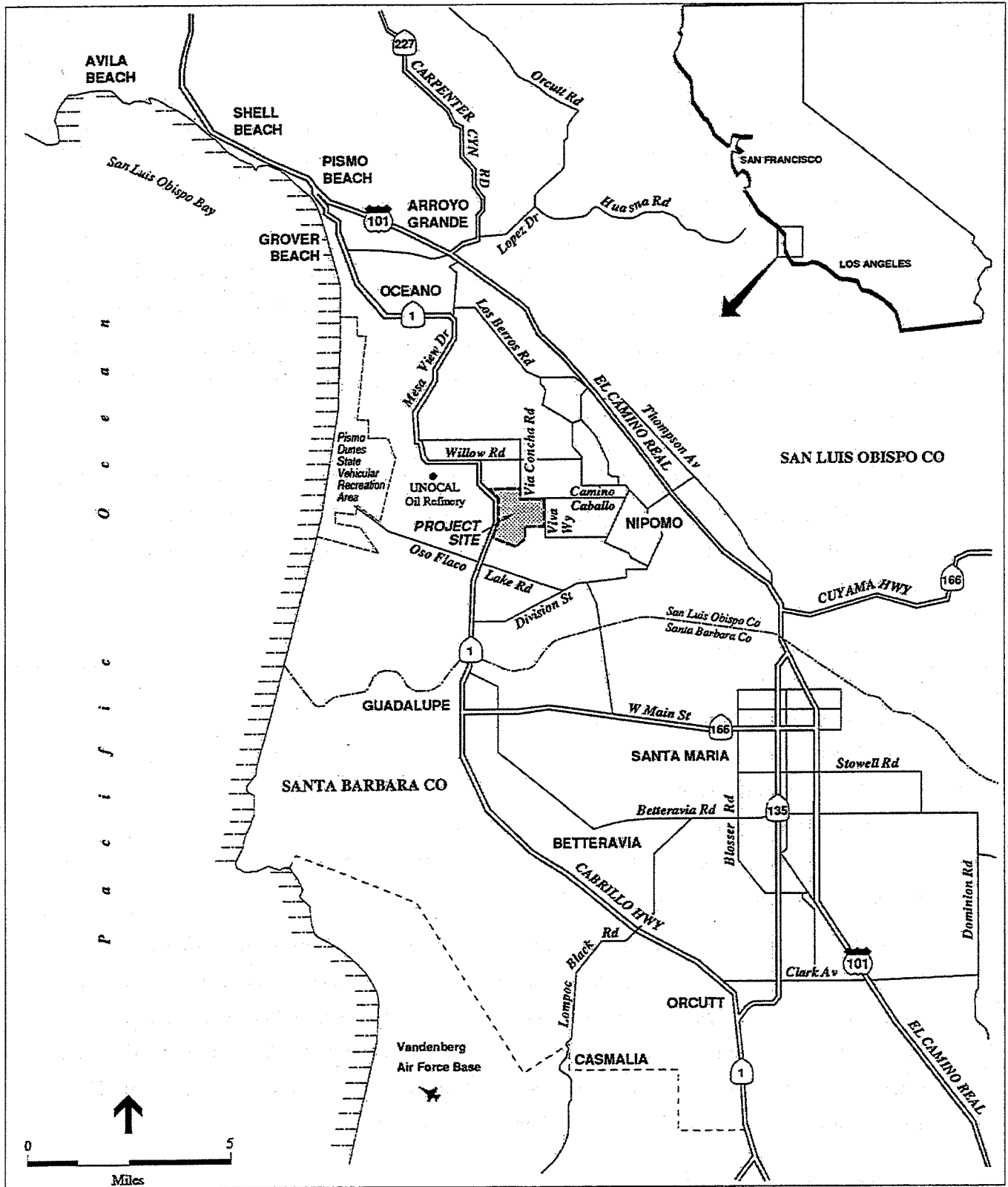
An Environmental Impact Report (EIR) for the Woodlands Specific Plan was certified by the County of San Luis Obispo in December 1998. The 1998 EIR analyzed the development of a 957-acre mixed-use development that included residential, commercial, business park, open space, and recreational uses as follows.

- 1,320 residential units
- a 500-room resort
- a 9-acre commercial "village" core
- a 22-acre business park
- 2 ½ golf courses (45 holes)
- a 12-acre public park
- two optional "flex zone" business parks areas (totaling 24 acres)
- open space areas with trails

Since the certification of the previous EIR in 1998, the San Luis Obispo County Growth Management Ordinance (Title 26) has been amended to modify growth rates in the Nipomo Mesa area. The Woodlands Specific Plan, as approved, would require over 200 years to complete under the revised growth limitations. As a result, the project proponent has requested an additional amendment to Title 26 to allow development of the potential 1,320 residential units within 10 to 15 years as envisioned in the adopted Woodlands Specific Plan.

SCOPE OF THIS SUPPLEMENTAL EIR

This SEIR has been prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15163. CEQA provides that a supplement to a previously certified EIR may



SOURCE: Environmental Science Associates

Woodlands Specific Plan / 201245 ■

Figure 1
Regional Location Map

be prepared if a discretionary action is required for a project for which new information has become available, but for which little revision to the initial EIR is foreseen as necessary. A Supplemental EIR discloses the new information and focuses on potential impacts from the new information.

Preparation of this SEIR was requested by the San Luis Obispo County Board of Supervisors. The scope was limited by the Board to consider the proposed GMO amendment for Woodlands, and focus the impacts analysis on groundwater resources in the Nipomo Mesa area, in light of the new groundwater studies conducted for the region. The SEIR focuses on the potential effects on the groundwater supply in the region caused by an accelerated growth rate. As described previously in the Introduction, the project components for the Woodlands Specific Plan have not changed since the certification of the previous EIR in 1998. Therefore, the SEIR assumes that CEQA requirements to evaluate other resources with respect to the proposed project have been satisfied in the initial EIR. This includes CEQA requirements to assess growth-inducing impacts, irreversible impacts, and to provide an alternatives analysis.

The Notice of Preparation (see Appendix A) identified that the proposed amendment could cause potentially significant impacts to the following environmental resources: groundwater pollution, community water supply, onsite water, growth beyond resource capacity, and cumulative effects to water. This SEIR focuses on each of these issues.

GROWTH MANAGEMENT ORDINANCE LIMITATIONS IN THE NIPOMO MESA AREA

The Final Environmental Impact Report for the Woodlands Specific Plan provides a brief discussion of the San Luis Obispo County Growth Management Ordinance in Chapter 3, page 69 as follows:

[A]ll residential development within the unincorporated areas of the County are subject to the County's Growth Management Ordinance, Title 26 of the San Luis Obispo County Code.

This ordinance restricts the maximum number of new dwelling units to an annual increase of 2.3 percent, based on the number of existing county unincorporated housing units, as defined by the most recent annual estimate provided by the State Department of Finance. As of January 1, 1997, the number of existing county unincorporated housing units was 38,461 units; therefore, a maximum of 884 units can be developed Countywide during 1997.

Under this growth policy, the number of residential units allowed to be constructed by a single applicant would be limited to 44 units per year. This amount is 5 percent of the 884 maximum

allowable units for the whole county. The Woodlands Specific Plan could reach full buildout within approximately 27 years under this ordinance.

In recent years, the South County planning area (which includes the Nipomo Mesa) has experienced growth in excess of the 2.3 percent countywide cap. Rates of 4 to 6 percent have occurred, with other areas in the county experiencing more limited growth. To address this trend, the SLO County Growth Management Ordinance was amended in January 2000, to specifically limit growth in the South County area to 2.3 percent. This area includes the Woodlands Specific Plan area. Section 26.01.070(a)(1) of the ordinance was added as follows:

Maximum number of new dwelling units allowed in the Nipomo Mesa area. The maximum number of new dwelling units allowed in the Nipomo Mesa area for the period of January 1, 2001 through December 31, 2001, shall not exceed a 2.3% increase in the number of existing dwelling units in 2000, resulting in the potential for a Maximum Annual Allocation of 122 new residences in the Nipomo Mesa area for the year 2001.

Under this revised growth policy, any single applicant would be able to construct a maximum of 6 units per year in the Nipomo Mesa area. At this rate, the Woodlands Specific Plan would require over 200 years to reach buildout. The San Luis Obispo Annual Resource Summary Report published in December 2000 recommends that the growth limitations outlined in the ordinance for the year 2001 in the Nipomo Mesa area be extended until further study of the groundwater in the area has been conducted. As a result, the developer has requested an amendment from the Growth Management Ordinance, to implement the project as envisioned by the applicant and described in the certified Woodlands Specific Plan EIR. The project would result in construction of 1,320 residential units within a 15-year time period.

Other Proposed Modifications to the Growth Management Ordinance

The County is considering additional amendments to the SLO Growth Management Ordinance that could increase the Maximum Annual Allocations through the addition of unused allocations from previous years. It is unknown at this time if any of the unused allocations would be allowed in addition to the 2.3 percent annual growth rate for the South County planning area. An estimated 3,000 units could be made available county-wide under this amendment, 300 of which could be available annually. However, since this amendment has not been adopted, and since there could be a wide range of outcomes, this Supplemental EIR for the Woodlands Specific Plan does not address its potential implications in detail. While the GMO amendment for Woodlands would be separate from these other GMO amendments, they are included below for informational purposes.

Proposed GMO Amendments

1. Allow for the use of unused residential allocations from prior years in excess of the current maximum allowable annual carryover of 10%, potentially allowing re-allocation of approximately 3,000 unused allocations from prior years.
2. Redefine how allocations are made available to applicants by redefining the allocation categories, as follows:

Category 1: 20% of allocations reserved for developers of multi-family dwellings and units in phased projects or specific plans;

Category 2: 50% of allocations reserved for applicants for no more than one single family dwelling unit per year; and

Category 3: 30% of allocations reserved for applicants for more than one single family dwelling unit per year.

However, no single applicant shall receive more than six (6) percent of the Maximum Annual Allocations. Unused allocations in one category shall be available for use in the other two. Also, revise the ordinance to coordinate how many Requests for Allocation may be filed by an applicant with how many Allocations may be obtained by a single applicant.

3. Expand the Ordinance to include new subdivisions that result from adopted specific plans so that the resulting number of new residences to be built under the specific plan can be accounted for and be reconciled with the allowed growth rate under the Growth Management Ordinance. Include the possible creation of a methodology to allow "banking" of residential units.
4. Develop methodologies that will provide some type of special consideration to communities emerging from a moratorium, such as: possibly reserving a specified number of allocations for those communities based on a growth rate of 2.3% of the community's housing inventory; or some other method that will enable the community to achieve its "fair share" of new development, while still ensuring that the resulting new development can be supported by available resources and services.

5. Acknowledge the 180 "pipeline projects" in the South County area that were previously exempted from the Growth Management Ordinance through the adoption of Ordinance No. 2902 by the Board of Supervisors on May 2, 1999.

NEW INFORMATION SINCE THE PUBLICATION OF THE 1998 EIR

The Department of Water Resources (DWR) prepared a groundwater analysis of the Nipomo Mesa area in 1979. Groundwater modeling was conducted for the Nipomo Mesa area by Cleath & Associates as part of the 1998 EIR assessment of groundwater resources. The 1998 EIR evaluated the 1979 DWR report as well as the results of the groundwater modeling to assess potential impacts of the proposed project. Since the certification of the 1998 EIR, several additional studies have been completed analyzing groundwater resources within the Nipomo Mesa area. These studies are listed below:

- Water Resources of the Arroyo Grande- Nipomo Mesa Area, California Department of Water Resources (DWR) Southern District, Revised Final Draft/Subject to Revision. January 2000.
- Development of a Numerical Ground-Water Flow Model and Assessment of Ground-Water Yield, Santa Maria Valley Groundwater Basin. Prepared for the Santa Maria Valley Water Conservation District (SMVWCD; Luhdorff & Scalmanini, March 2000).
- Santa Barbara County 1999 Groundwater Report. Santa Barbara County Water Agency, December 1999.
- Annual Resources Summary Report-2000. County of San Luis Obispo
- Technical Memoranda, Cleath and Associates: Assessment of New Factual Data for Proposed Supplemental Environmental Impact Report of the Woodlands Project, San Luis Obispo County, California, March 7, 2001; Groundwater Impact of Cumulative Projects identified by the County of San Luis Obispo on Nipomo Mesa, March 15, 2001; Groundwater Impact of the 180 units of development Projects identified by the County of San Luis Obispo on Nipomo Mesa April 17, 2001.

The first of these documents was prepared by the California Department of Water Resources (DWR). SLO County Flood Control and Water Conservation District contracted with DWR to conduct a regional assessment of the Arroyo Grande-Nipomo Mesa area groundwater basin, updating the 1979 groundwater analysis conducted by the DWR for the same region. The draft report assesses existing and projected water quality, water supply, and local demand projections for the region based on well log data and population projections. No modeling was performed for

the analysis. The analysis has not yet been finalized but is currently in a "Revised Final Draft" form. A final version is expected out in late summer or early fall.

In addition, the Santa Maria Valley Water Conservation District commissioned the preparation of a regional groundwater assessment of the Santa Maria Valley based on ground water flow modeling. The groundwater model prepared by Luhdorff and Scalmanini Engineers includes the Nipomo Mesa area.

The March 7, 2001 Technical Memorandum prepared by Cleath & Associates lists new information used in each of the above-referenced documents that was not available for the preparation of the 1998 EIR. Table 1 summarizes the new information identified in the Technical Memorandum. None of the other documents reviewed for this SEIR contained previously unavailable information.

In addition, the approved Annual Resource Summary Report prepared by the County in 2000 recommended a Level of Severity II for the Nipomo Mesa Sub-Unit of the Santa Maria groundwater basin. Level of Severity II is defined as, "when projected water demand over the next seven years equals or exceeds the estimated dependable supply." Prior to adopting this recommendation, the County Board of Supervisors authorized the preparation of a Resource Capacity Study for the Nipomo Mesa to determine existing and future groundwater conditions and further verify the need to establish the proposed Level of Severity. This Resource Capacity Study had not been initiated as of the date of publication of this SEIR.

TABLE 1: NEW INFORMATION USED IN DOCUMENTS PREPARED SINCE THE PUBLICATION OF THE 1998 EIR

New Report

Water Resources of the Arroyo Grande-Nipomo Mesa Area, Department of Water Resources, Revised Final Draft, January 2000

Development of a Numerical Ground-Water Flow Model and Assessment of Ground-Water Basin Yield, Santa Maria Valley Ground-Water Basin, Luhdorff & Scalmanini, March 2000

Annual Resource Summary Report, County of San Luis Obispo Department of Planning and Building, 2000

New Information

- State well numbers and lithologic logs are provided for several wells in the area.
- The water quality data and analysis is expanded
- Graphs showing annual pumpage from Nipomo CSD and Cal Cities Water Company
- Stream flow records used in the analysis include data from the years 1996 and 1997.
- One hydrograph for a well in the Nipomo Mesa area with data from 1975 to 1979
- Annual water production data for the Nipomo CSD and Cal Cities Water Company from 1998 and 1999

Source: Cleath and Associates, March 7, 2001

3.0 PROJECT DESCRIPTION

The development components of the project have not changed from when they were approved in 1998. These components include the following:

- 1,320 residential units
- a 500-room resort
- a 9-acre commercial “village” core
- a 22-acre business park
- 2 ½ golf courses (45 holes)
- a 10-acre park
- two optional “flex zone” business parks areas (totaling 24 acres)
- open space areas with trails

The previous EIR focused on impacts of the development at buildout, but did not assess the rate of implementation. The EIR generally recognized the existence of both the Growth Management Ordinance in place at the time (resulting in a 27-year residential buildout scenario), and the applicant's intent of a 12 to 15 year buildout rate. This SEIR assesses the rate of growth proposed by the applicant to determine if any additional impacts would be likely on groundwater due to the rate of implementation.

Project Location

The project site is located in the County of San Luis Obispo, approximately two miles west of the community of Nipomo, on the east side of Highway 1 and immediately south of Dawn Road. The site consists of approximately 957 acres and is located in a predominantly rural area, bordered on the west by Highway 1, limited row crops and undeveloped land; on the north by rural residential development and a commercial nursery; on the east by rural residential development and undeveloped land; and on the south by undeveloped property along the Nipomo Mesa bluff.

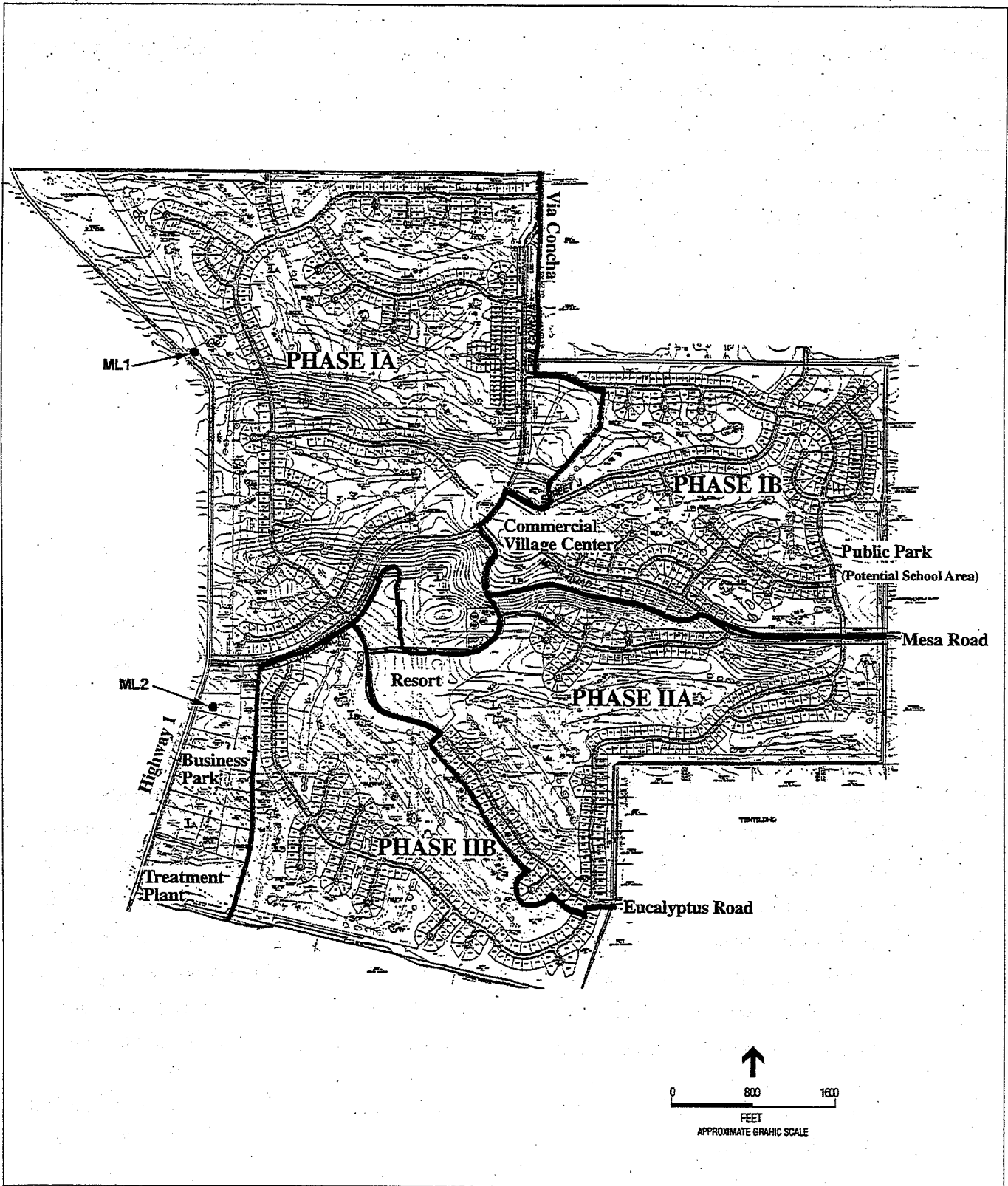
Project Objectives

The approved Specific Plan objectives of the project applicant include the following:

1. Develop a specific plan that will provide for the long-term implementation of a mixed-use project that includes the following components: recreational and rural resort uses; business parks; commercial retail and residential uses; employment opportunities; a public school; permanent open space; and a multi-use circulation system.
2. Implement a project consistent with the Specific Plan and the San Luis Obispo County General Plan, including any amendments to the South County Area Plan adopted concurrently with the Specific Plan.
3. Minimize short-term construction and long-term development impacts to natural resources with project features and design that: encourages improving air quality; provides for good water quality and sustainable quantities; protects important biological resources; minimizes off-site drainage, sedimentation or erosion impacts; minimizes the potential for unacceptable noise levels; avoids damage to cultural resources; and preserves and enhances public views to and from the site.
4. Develop a project involving public input that is compatible with the surrounding community by minimizing vehicular traffic through residential neighborhoods, implementing area wide circulation, providing public services and facilities necessary to support the project, and designing the project to be inviting to the community.
5. Develop an infrastructure improvement program that directly supports the needs of the project, makes the project fit within the community, and provides for a fair share contribution to off-site public improvements.
6. Provide for flexibility in project implementation that will allow for changes in market demand and community-wide needs.
7. Facilitate timely and efficient project implementation by conducting a comprehensive environmental analysis with the specific plan and establish an efficient permit process for project buildout.

Project Characteristics

The subject property is within the Recreation land use category, which normally allows for a broad range of uses. Figure 2 illustrates the site plan for the proposed project. The approved Specific Plan has established the types, acreages and densities that will be allowed for this 957 acre parcel.



SOURCE: The Woodlands Preliminary Site Plan

Woodlands Specific Plan / 201245 ■

Figure 2
Land Use Concept Plan

The Specific Plan consists of a mixed-use development including residential, commercial, business park, open space, and recreational uses. Specific characteristics for each of the proposed land uses are discussed below.

Residential Land Use: The Specific Plan's residential component of the proposed project includes a range of density types from single family residential up to 1.0 acre parcels to multi-family residential development at 20 units per acre. The 1,320 residential units, are currently approved at the following densities:

<u>Density</u>	<u>Acres</u>	<u>Units</u>
0.3 - 1 acre	11	19
10,000 - 14,000 sq. ft.	28	85
7,000 - 9,999 sq. ft.	94	374
4,000 - 6,999 sq. ft.	166	762
<u>20 units/acre</u>	<u>4</u>	<u>80</u>
Total:	303	1,320

Residential neighborhoods would be clustered throughout the site, surrounded by open space. The lowest density residential land use ranges may be located on private streets, with a limited number of lots located on cul-de-sacs. Higher densities of 5 to 8 units per acre would be integrated with lower densities in some areas of the site to provide a mix of housing types. The highest density, multi-family residential units (up to 20 units per acre) would be located in closer proximity to the central village; some of these units may be combined with retail commercial uses as second story units. The proposed 1,320 residential unit limit will apply to all units in all land use categories that allow residential uses (e.g., apartments, duplexes, condominiums, secondary dwellings, etc.).

Commercial Land Use: Approximately 40 acres of commercial uses are included in the Specific Plan, which consist of two primary land uses: the village center and the resort. The village center consists of approximately 12 acres of commercial retail uses, and would provide goods and services within a one-quarter to one-half mile walking distance to both visitors and most residents. The village center includes up to 140,000 square feet of shops, restaurants, offices, the golf course clubhouse, up to 40 apartment units, landscaped parking areas and a central village green/square.

Residential apartments and offices would be located on second stories. Additionally, approximately 28 acres of the village center are designated for commercial service uses, consisting of resort hotel (up to 500 rooms), conference facilities and a restaurant. The resort is located in proximity to the proposed golf courses, and provides access to the village center and nearby recreational opportunities.

Business Park: The Business Park component of the Specific Plan, totaling 22 acres, includes 19 acres in the southwestern portion of the site and three acres near the village center, as shown in Figure 2. Up to 335,000 sq. ft. of research and development, commercial and professional offices could be accommodated in these areas based on a Floor-to-Area Ratio (FAR) of 0.35:1. The Board of Supervisors also approved two optional "flex zone" business park areas (totaling 24 acres) within the Woodlands development.

Recreation and Open Space: The Recreation and Open Space component of the Specific Plan project contains a wide range of open space features including landscaped entry medians and large landscaped buffer "woodlands." The total area designated for parks, buffers and open space on the site is 587 acres, including the following: approximately 300 acres of active, commercial recreational uses designated for two and a half golf courses; 118 acres of non-commercial recreational uses, consisting of a 10-acre public park, 27 acres of neighborhood play areas and open space between residential lots, and 76 acres designated for open space buffers along the perimeter of the site; and 169 acres of natural open space, consisting of 11 acres set aside for Monarch Butterfly overwintering and 93 acres remaining in a natural condition. The proposed residential neighborhoods are separated by either meadows, golf courses or woodland open spaces. In addition to the areas reserved for open space buffers and natural areas, some of the existing eucalyptus trees will remain in the golf course and between the residential neighborhoods. A network of pedestrian, bicycle and equestrian trails is also proposed.

The 45 holes of golf planned for the project radiate out from the village center and are located primarily within the valleys of the site. The 10-acre public park is located on the eastern side of the site, and provides easy access for the surrounding residential communities.

Public Facilities: The public facilities component of the Specific Plan, totaling about 10 acres, is for a wastewater treatment facility. The treatment facility includes a wastewater treatment plant, offices, storage basins, maintenance vehicle storage and maintenance buildings. The facility will treat approximately 346 acre-feet of wastewater per year, which will be used for golf course irrigation.

A potential future school site could be located as a part of the public park. The site could accommodate an elementary school, including school facilities, playgrounds, ballfield areas and parking. If the site is rejected by the Lucia Mar Unified School District, the area will be used for one of the other existing project components, provided there will be no increase in density of other uses. A total of 65 acres of the site are designated for streets.

Project Schedule

The proposed project would be developed in four stages. Stage one would generate 580,000 cubic yards of cut and fill, while Stage two would generate an additional 375,000 cubic yards. Stage three would include 290,000 cubic yards and the final stage would generate 318,000 cubic yards. Development would begin in the northwest quadrant, then move to the northeast quadrant in a clockwise manner. Site clearance is anticipated to occur in one phase at the onset of the project, and would consist of the removal of approximately 640 acres of eucalyptus trees. It is anticipated that the entire project would be completed within 10 to 15 years from project approval.

Project Approvals

It is expected that the project implementation process will include the following types of approvals: adoption of the Specific Plan (completed), Vesting Tract Maps, discretionary use permits (e.g., Development Plans, Minor Use Permits), and construction permits.

Other agencies or departments that may be involved in separate approvals include, but are not necessarily limited to: County Public Works, County Department of General Services, Environmental Health, Caltrans, Regional Water Quality Control Board, and the Air Pollution Control District.

Previously Identified Impacts and Approved Mitigation Measures

Impacts to groundwater resources were identified as potentially significant in the 1998 EIR as Impact 4.1-6. The EIR concluded that implementation of the proposed mitigation measures would reduce the impact to less than significant levels. Consequently, none of the impacts to groundwater resources identified in the 1998 EIR remained significant following the implementation of the identified mitigation measures. The mitigation measures were slightly modified and included as conditions of approval for the Woodlands Specific Plan, approved by the County in 1998. The identified impact and adopted mitigation measures are included below:

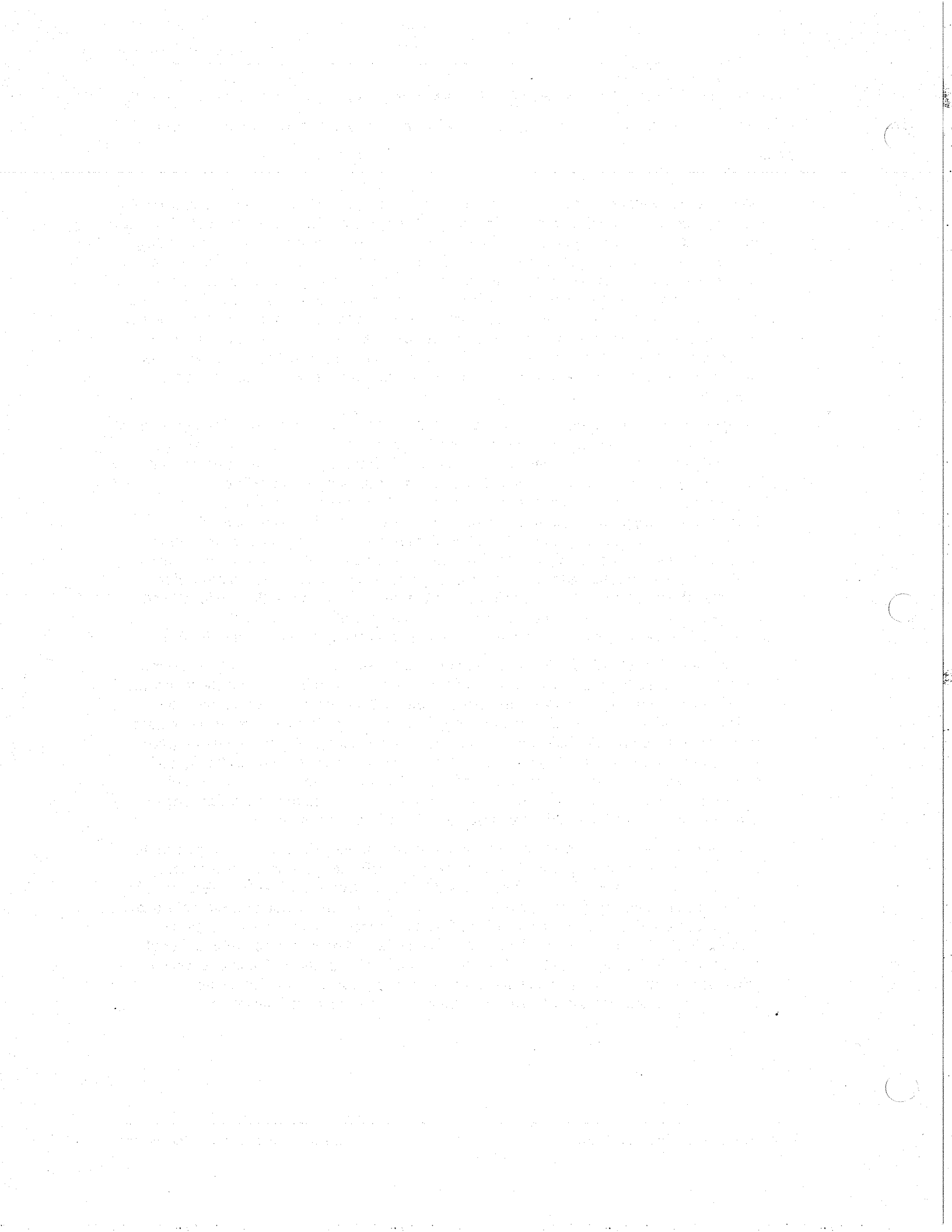
Impact 4.1-6: The project, in conjunction with other nearby projects, will increase groundwater withdrawals and, over the long term, may have significant cumulative impacts to groundwater levels.

Mitigation Measure 4.1-6a. To reduce consumptive use, prior to approval of discretionary development (e.g. recordation of the final map, Development Plan approval), or at such time that a comprehensive program is developed by the water supplier (whichever occurs first), the applicant shall participate in a toilet retrofit program that would replace existing non-low-flow residential and commercial toilets at a 1:1 basis with new development. This retrofit program shall be limited to existing development over the Santa Maria Groundwater Basin. Should it be shown to the county that there are insufficient fixtures available for this replacement program, a comparable water savings program may be substituted. Prior to occupancy or final inspection of new development, it must be shown to the satisfaction of the county that the comparable retrofit (or other off-site water saving method) has been completed.

Mitigation Measure 4.1-6b. Prior to approval of the first discretionary development (e.g., recordation of the final map, Development Plan approval), the applicant shall develop a "master" water conservation education program for all future Specific Plan residents and commercial operators/employees, which must receive county approval before implementation. Such a program shall be developed by appropriate experts (e.g. for landscape watering, use a landscape architect or contractor familiar with the area's vegetation, who would prepare: (1) guidelines for residents covering water conservation techniques; and (2) lists of ornamental drought-tolerant plants that would do well in sandy soils). The program shall address all consumer-controlled water uses (e.g., landscaping, washing, showers, etc.). Prior to approval of subsequent development, the applicant shall incorporate, or modify as needed, this program into the specific development. Any modifications must receive county approval prior to approving subsequent development.

Mitigation Measure 4.1-6c. Prior to approval of discretionary development (e.g., prior to recordation of the final map, Development Plan approval), the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping shall not exceed 50 percent lawn surface with remaining landscaping being drought-tolerant and low water requirements; (3) golf course turf shall be of varieties that have reduced water requirements; (4) all other golf course landscaping shall be drought-tolerant, have low water requirements, utilize drip-irrigation where possible, and be composed of at least 50 percent natives.

Mitigation Measure 4.1-6d. Prior to approval of discretionary development (e.g., prior to recordation of the final map, Development Plan approval), the applicant shall conduct a complete survey of wells that could be affected by cumulative water level interference. The applicant shall then implement means to allow for continued production of these wells under drought conditions to the satisfaction of the County Engineer. Actual impacts to these surrounding wells shall be verified and monitored at the end of each phase with the results submitted to the County Engineer. If additional well level impacts are found that were not previously identified, the applicant, and successors in interest, shall implement any additional measures necessary to avoid significant impacts to the well operation.



4.0 HYDROLOGY SETTING

The regional groundwater system, hydrogeology, and water quality described in the 1998 EIR remain applicable. No new information has been presented that would result in major changes to the prior description of the hydrogeologic setting or in the fundamental assumptions or understanding of the basin geology.

The 1998 EIR describes the existing condition of the groundwater basin in the Nipomo Mesa and clarifies the meaning of the term "overdraft." Referencing the available analyses conducted on the groundwater resources of the area available at the time (DWR, 1979; Cleath 1996; and Luhdorff and Scalminini, 1997), the 1998 EIR concludes that the groundwater basin is not currently in overdraft. The following text is taken directly from the 1998 EIR:

Groundwater under the proposed project is within the Nipomo Mesa subarea, a part of the Santa Maria Groundwater Basin. The thick dune sands overlying the Paso Robles Formation distinguish the Nipomo Mesa subarea from the other areas in the Santa Maria Groundwater Basin. These dune sands are extremely porous and infiltrate essentially all of the rainfall on the Mesa. Almost all of the rainfall water that does not percolate is lost to evaporation and vegetation uptake.

[The 1996 Cleath Report and the 1979 DWR Report] find no evidence of adverse groundwater conditions from current groundwater levels at the Mesa. Although groundwater levels have historically declined in this area, the lack of adverse effects would suggest that the subarea is not in an "overdraft" condition. However, other reports have used this term to describe water conditions in the Nipomo Mesa Subarea. The term "overdraft" essentially means that extractions are exceeding the perennial yield of a basin. The perennial yield is the amount of water that can be withdrawn perennially *without causing an undesirable effect*. Undesired effects could include: progressive reduction of the available water resource, development of uneconomic pumping conditions, degradation of groundwater quality, encroachment of sea water, or land subsidence. A basin in overdraft condition implies that continuation of the pumping will result in significant environmental, social, or economic impacts. Overdraft should not be assumed or confused with a general reduction in groundwater levels. Pumping may reduce

subsurface outflows from the basin and lower groundwater levels without causing adverse effects.

Groundwater conditions in the Santa Maria Valley are influenced primarily by the Santa Maria River and by large scale pumping by agricultural users. Surface water in the Santa Maria River is a major source of recharge in the groundwater basin. Although there are disagreements in the literature, some reports have determined that the Santa Maria Groundwater Basin is in an overdraft condition based on the agricultural pumping. The County of Santa Barbara has included the Santa Maria Groundwater Basin in its list of overdrafted/overcommitted basins. The County reports that the basin has a net overdraft of 20,000 acre-feet per year (afy), 1,100,000 acre feet (af) in available storage, with a calculated remaining life of 55 years.

However, further documentation that the Santa Maria Groundwater Basin is not in an overdraft condition is provided by a recent report (June 1997) by Luhdorff and Scalmanini for the Santa Maria Valley Water Conservation District. The report documents historical trends in groundwater levels in the Santa Maria Basin. Groundwater levels in the basin declined substantially between 1945 and the late 1960s due to increased pumping for agriculture and drier weather conditions. This was followed by a period of recovery comprised of periodic groundwater level declines and recoveries. ... The periodic fluctuations can be attributed to intermittent dry and wet climatic conditions and from releases from Twitchell Reservoir to the Santa Maria River. The report concludes that the reservoir appears to provide sufficient supplemental recharge through the river to maintain and enhance the recovery of groundwater levels in the basin. The long term stability may be from increased recharge since the construction of the reservoir and from stabilization of agricultural community pumping.

Furthermore, the 1998 EIR states that the existing rate of groundwater decline in the Nipomo Mesa is 375 acre-feet per year. The EIR estimates water demand for the Woodlands project at 1,241 afy. The EIR points out that this volume is small in comparison to the volume of water stored in the basin (approximately 49,000 af) and would not significantly affect the projected long-term trend of slightly declining storage volume for the area. Groundwater would continue to outflow to the ocean and neighboring groundwater basins. Consequently, the EIR concludes that the existing pumping levels do not adversely impact the basin.

NEW ANALYSIS

As described in previous sections of this document, several new analyses of the Santa Maria Groundwater Basin have been published since the certification of the 1998 EIR. They include the draft Department of Water Resources Report prepared in January 2000 (DWR Report) and the Santa Maria Valley Water Conservation District Report Prepared in March 2000 (SMVWCD Report). The completion of the DWR Report and the numerical modeling analysis contained in the SMVWCD Report provide significant contributions to the body of information needed to understand how the Santa Maria Groundwater Basin operates as a dynamic system. Though the approaches and methods used to conduct the analyses are different, both reports contain data and analysis that lend to the understanding of the current water budgets, and both reports reach similar conclusions.

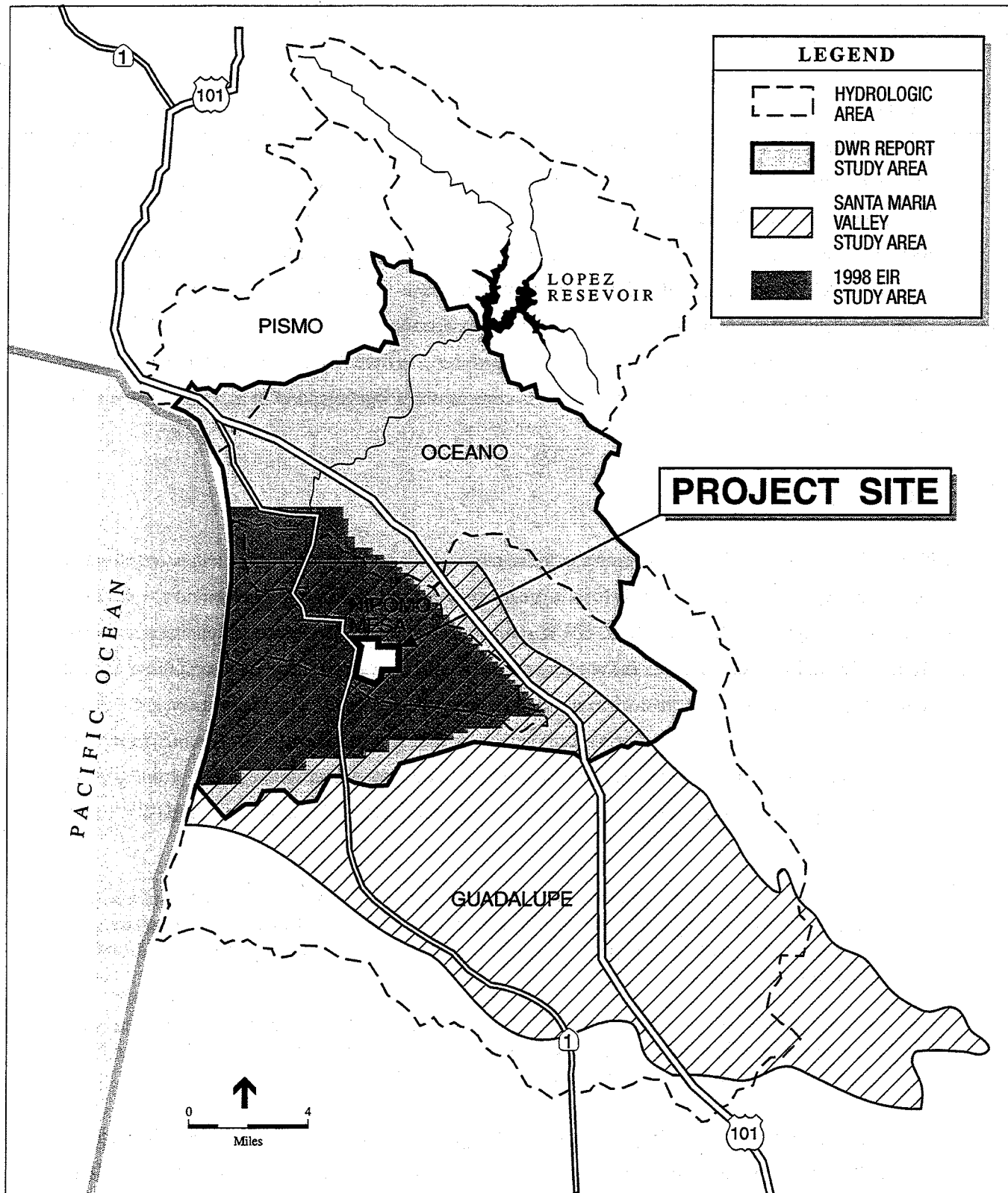
DWR Report

The updated draft DWR report presents basic data on historical groundwater levels, current water demands, and future water demands for a large study area including but not limited to the Nipomo Mesa area. Figure 3 identifies the DWR study area. The DWR report uses well data collected from individual well operators in the study area to construct a water level elevation contour for the region (Figure 4). The report documents that groundwater levels are historically and currently above sea level within the groundwater basin, and that groundwater is flowing from inland towards the coast. This is indicated in the water level contours shown on Figure 4 and the water level profile presented for the water table transect under the Santa Maria River. The DWR report concludes that:

“groundwater is discharged from the basin continuously, as long as the hydraulic head of the groundwater system is above the level at which discharge takes place. Surface and subsurface outflow discharges from the coastal groundwater basin to the Pacific Ocean.” (pg. 58), and

“Groundwater elevations in spring 1975, 1985, and 1995 indicate that coastal groundwater elevations were above msl (mean sea level), outflow was occurring, and the prevailing hydraulic gradients were preventing intrusion of seawater.” (pg 64).

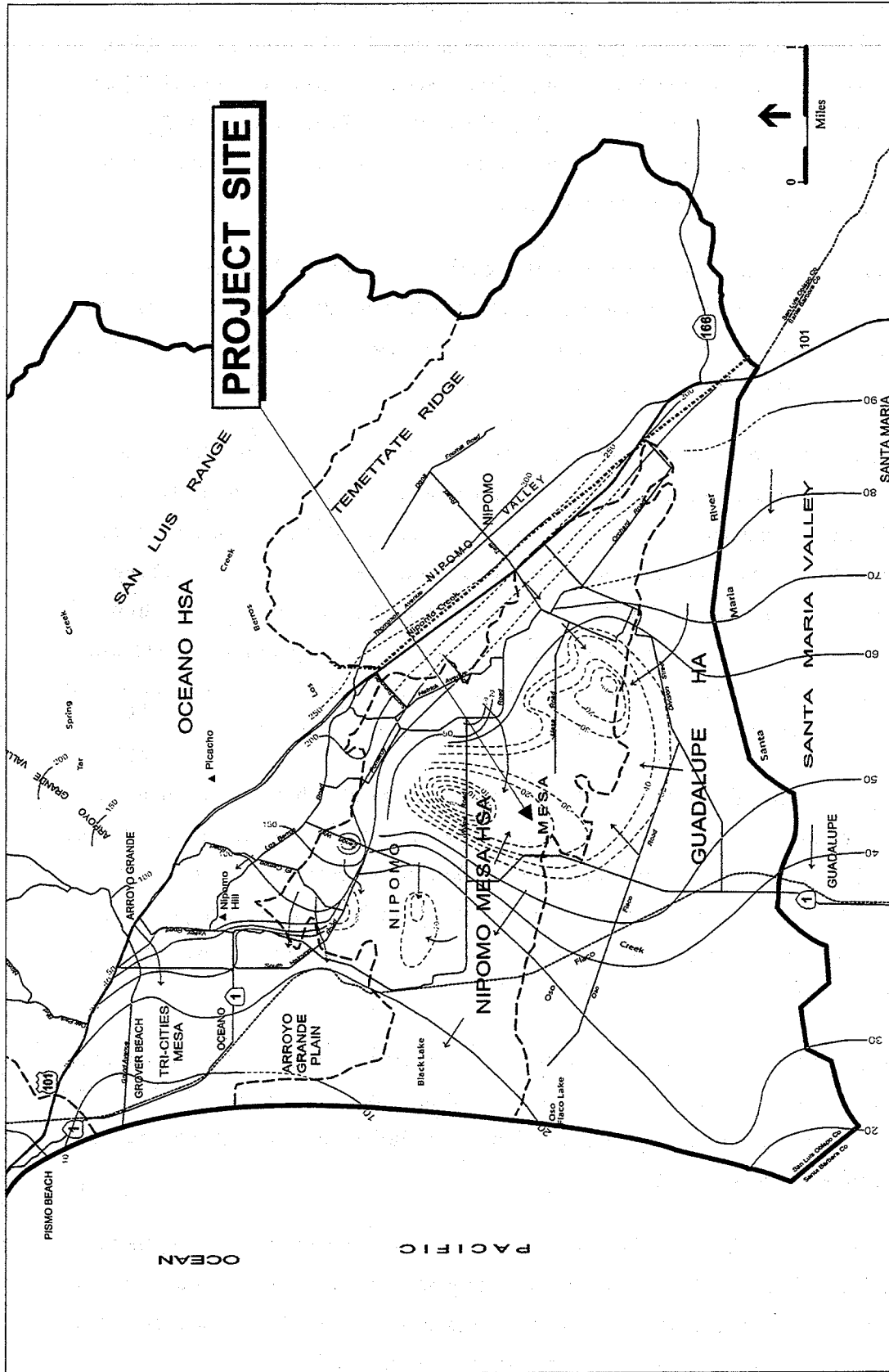
DWR presents water table hydrographs and relates groundwater levels to rainfall and hydrologic trends. The document concludes that with the exception of some areas in Nipomo Mesa, the long period fluctuations in water levels are generally stable, following alternating periods of decline and recovery associated with variable wet and dry periods.



SOURCE: Environmental Science Associates, & The Department of Water Resources

Woodlands Specific Plan / 201245 ■

Figure 3
Hydrologic Areas



Woodlands Specific Plan / 201245 ■
Figure 4
 1995 Groundwater Elevation Contours
 in the Nipomo Mesa Area

SOURCE: Department of Water Resources, Southern District and Environmental Science Associates

The water level data for the Nipomo Mesa is inconclusive and variable, though declines appear evident in some of the well hydrographs. Water level declines observed at some wells are most likely related to increases in municipal pumping, which increased 170% from 1975 to 1990. In these areas, groundwater withdrawal is exceeding natural recharge. However, the DWR Report does not conclude that the depressed water table elevations are necessarily an indication of overdraft within the basin. Rather, the report notes that the basin as a whole over time appears to adjust to changes in rainfall and localized withdrawal.

The DWR report also provides a basic analysis of underflow and recharge between the sub-units of the groundwater basin within the study area. The DWR methodology is appropriate to a planning level of analysis. The DWR program was not intended to assess overall Santa Maria groundwater basin and DWR was not tasked with developing a model of the basin.

The draft report acknowledges that there is a water table depression which forms under the Nipomo Mesa, and concludes that this will influence the rate and direction of groundwater flow and additional recharge from the south in the area of the Santa Maria River. In the analysis of the subsurface flows, DWR notes that the water table depression in the Nipomo area will change the rate and direction of groundwater flow from other areas into the Nipomo area, and from the Nipomo area to other parts of the basin, but the report does not identify any negative consequences from this situation. The changes to underflow between areas are seen not as an indicator of overdraft but rather as an indication that the basin is seeking a new equilibrium.

The DWR Report concludes that it would be conjecture as to whether future seawater intrusion will threaten the basin, concluding that the depression will not result in seawater intrusion as long as the seawater hydraulic gradient is maintained and outflow to the ocean occurs. The report does caution that long term water level declines are possible with significant increases in pumping and water use. The report warns that water table elevations need to be maintained above sea level at the coast to repel seawater.

No substantial evidence was presented in the DWR Report which supports a finding that the Santa Maria groundwater basin is currently in overdraft, or will be in overdraft at the end of the 2020 planning horizon presented in the DWR Report. The report further documents that groundwater levels are maintained above sea level.

The DWR Report describes the need for continued planning, data collection, and analysis of the water budget. The DWR Report covers a limited geographic area and is not intended to evaluate the entire Santa Maria Groundwater Basin or how it operates as an integrated system. Numerical modeling of the water budget was not part of the scope of work for DWR.

A final version of this draft report is expected to be released in late summer or early Fall, 2001.

Santa Maria Valley Water Conservation District Assessment of Basin Yield

The purpose of the SMVWCD Report is to document the development and application of a numerical groundwater model for the Santa Maria Groundwater Basin. The groundwater model, based on the US Geological Survey groundwater water model MODFLOW, was developed to assess the perennial yield and current state of the groundwater basin and to determine if the groundwater basin is currently in overdraft. The modeling objectives were to: 1) develop an understanding of the hydrogeology of the greater part of the Santa Maria Groundwater basin; 2) develop and calibrate a numerical groundwater flow model of the area; 3) formulate possible model scenarios for predicting the impacts on groundwater levels of different management actions; and 4) utilize the calibrated model results to estimate yield and current basin status.

The model evaluates only the southern half of the Nipomo Mesa, south of Black Lake Canyon. The study area is slightly different than the area analyzed by Cleath (See Figure 3). The modeled area includes the Woodlands project area. The model was calibrated over a 53-year period from 1944 to 1997. The report establishes a 22 year base period from 1968 to 1989 for evaluation of management scenarios and future conditions. The report further provides examples of potential future application of the model to the analysis of future conditions. The report does not specifically analyze the future water demand scenarios or forecast the results of management alternatives. The report utilizes existing groundwater level data from nine wells north of the Santa Maria River near the Nipomo Mesa area.

The model was specifically applied to evaluate groundwater flows and examine the groundwater basin response over the historical calibration period. The primary purpose of the model run was to assess whether current pumping in the basin was within the perennial (or safe) yield or, if not, whether the groundwater basin was in overdraft. The report defines perennial yield as the amount of groundwater that can be pumped from a basin on a sustained basis without resulting in an undesirable result. The undesirable results might include long term groundwater level declines, groundwater quality degradation, including but not limited to seawater intrusion; and land subsidence. These undesirable results are similar to the significant impacts and thresholds utilized by the Woodlands project pursuant to CEQA. As such, the SMVWCD model can be used to evaluate significant impacts from historical and probable future conditions.

The SMVWCD report provides a valuable view of the baseline condition with which to compare future projects. The report states that in the Santa Maria Valley groundwater basin, most of the

typical "undesirable results" have either not occurred or are of no reported concern, and concludes that at present, the basin demands are within the perennial yield.

Other Reports

A limited amount of new data is presented in the Santa Barbara County 1999 Groundwater Report and the San Luis Obispo County Annual Resources Summary Report. These reports, published since certification of the EIR in 1998, incorporate updated groundwater data. None of the groundwater data published for the years since certification provide substantial information that would alter the conclusions of the 1998 EIR.

The San Luis Obispo Annual Resources Summary Report updates the status of water supply systems, sewage systems, roads, schools, and air quality in the county. The water supply section highlights the Nipomo Mesa area and notes that the DWR is in the process of updating the 1979 groundwater analysis for the area. The report then includes information from the DWR Report. The report lists recommendations to minimize impacts to groundwater supply including establishing a comprehensive groundwater monitoring program and eliminating the groundwater level decline.

In addition, the approved Annual Resource Summary Report prepared by the county in 2000 recommended a Level of Severity II for the Nipomo Mesa Sub-Unit of the Santa Maria groundwater basin. Level of Severity II is defined as "when projected water demand over the next seven years equals or exceeds the estimated dependable supply." Prior to adopting this recommendation, the County Board of Supervisors authorized the preparation of a Resource Capacity Study for the Nipomo Mesa to determine existing and future groundwater conditions and further verify the need to establish the proposed Level of Severity. This Resource Capacity Study had not been initiated as of the date of publication of this SEIR.

Some new groundwater pumping data has been obtained from the Nipomo Community Services District (CSD) and the Cal Cities Water Company. This data is of short duration and provides some insight into pumping for the period reported. The data show a decline in water production in the Cal Cities Water Company wells and roughly 200 acre-feet more production from the Nipomo CSD. None of these variations in demand is substantial in terms of changes to the assumptions or methods used to evaluate the groundwater impacts.

Cleath & Associates prepared three Technical Memoranda for the project proponent. The first memorandum (March 7, 2001) compares the reports listed above and summarizes the new information they contain. The results of this analysis are included in Table 1.

The second memorandum (March 15, 2001) summarizes the results of a new groundwater model run incorporating a list of proposed General Plan Amendments in the Nipomo Mesa area. The model used was the same as was used in the 1998 EIR. The modeling results provide an assessment of cumulative impacts to groundwater from proposed local development that would increase the ultimate density in the Nipomo Mesa area. The model run found localized changes in groundwater elevation with inclusion of these amendments, but regional water level contours remained unchanged. The localized effects were identified as a five foot decline at a distance of 500 feet from the proposed extraction wells.

The third memorandum summarizes the results of an additional model run evaluating cumulative effects of 180 additional development units in the Nipomo Mesa area (exempted from the Growth Management Ordinance). The memorandum concludes that localized effects to the groundwater from the proposed developments would create localized groundwater elevation declines up to three feet at a distance of 500 feet from the proposed extraction wells.

ASSESSMENT OF NEW DATA AND ANALYSIS

Hydrogeology

New information available since the certification of the 1998 EIR regarding hydrogeology consists primarily of several water level measurements from the intervening years of 1998 and 1999 as well as production information from water suppliers in the region. The new analysis includes both review and assessment of historic data (DWR Report) and the development of a new groundwater model for the entire Santa Maria Valley Groundwater Basin (SMVWCD Report).

The DWR Report finds that for the entire study area, historic groundwater levels have fluctuated depending on recharge rates. Overall, the total storage in the basin is expected to increase by the year 2020 from current levels.

“Total groundwater supply in the study area decreased by about 4,400 af from the 34,800 af in 1975 to 30,400 af in 1995, while the year 2020 groundwater supply is expected to increase 4,700 af over 1995 levels.”¹

The DWR Report acknowledges that the Nipomo Mesa area currently exhibits a groundwater depression due to on-going extraction. Figure 4 shows the groundwater elevations for the year 1995 as provided in the DWR Report. The depression shown in the Nipomo Mesa area could

¹ DWR Report, page ES4

result in increased flow from the Santa Maria Valley basin into the Nipomo Mesa area. The DWR Report provides a range of estimates for groundwater recharge from the Santa Maria Valley into the Nipomo Mesa area. The report acknowledges that the high end of this range (2,800 afy) is similar to the volume assumed in the 1998 EIR (3,300 afy).²

Table 2 summarizes groundwater flows for the Nipomo Mesa area as estimated in the DWR Report. As shown in the table, the range of estimated flow volumes is large due to the lack of substantial, reliable data. Nonetheless, the estimates show that outflows to the ocean from the Nipomo Mesa area have remained relatively stable even though pumping in the area increased from an estimated 4,000 af in 1975 to 5,900 af in 1995.³ Groundwater elevations have adjusted to the increased extraction volumes over this twenty year period.

The decline in water levels at individual wells and the water level depression observed under the Nipomo Mesa do not imply that the entire basin is in overdraft, but are more likely indicative of the relationship between the Nipomo Mesa and the sources of recharge. Groundwater levels near the Nipomo Mesa area may decrease as the groundwater basin finds a new equilibrium. Many of the well hydrographs contained in the DWR Report show recovery of the water levels with the recent wet cycle observed from 1993 through 1998. The water level profile under the Santa Maria River indicates that in 1998, water levels had recovered to high levels observed in 1944.

Water Quality

Of the new reports reviewed for purposes of this SEIR, only the DWR Report addressed groundwater quality. None of the conclusions made in the DWR Report contradicted the analysis contained in the 1998 EIR. The DWR Report concludes that statistical analyses of chloride and nitrates in groundwater failed to establish any negative water quality trends in the Nipomo Mesa area. The report goes on to say that if pumping depressions in the area pull more water from the Santa Maria Valley, the quality in the Nipomo area could decrease. Finally, the DWR Report finds no evidence of sea water intrusion into the groundwater basin, but recommends a regular yearly monitoring program to record trends in the region.

Water Budget

There is no standard accounting procedure for developing a water budget for a groundwater basin. A wide range of methods can be used depending on the availability of historical data, study

² DWR Report, page 90

TABLE 2: ESTIMATED SUBSURFACE FLOWS WITHIN THE NIPOMO MESA AREA
(acre feet)

	<u>Water Year</u>	<u>Low Estimate</u>	<u>High Estimate</u>	<u>Geometric Mean Estimate</u>
Subsurface Flows to Ocean				
	1975	100	1,300	400
	1985	100	1,300	400
	1995	100	800	300
Flows from Nipomo Mesa to Arroyo Grande				
	1975	420	4,300	1,300
	1985	420	4,300	1,300
	1995	420	4,300	1,300
Flows from Santa Maria Valley to Nipomo Mesa				
	1995	350	2,800	1,000
Inflows into Nipomo Mesa				
	1975	160	1,600	500
	1985	160	1,600	500
	1995	160	1,600	500

Source: DWR, January 2000

objectives, budget, schedule, and scope of the basin being investigated. Both the DWR Report and the SMVWCD Report calculate existing water budgets for the region.

The SMVWCD analysis does not break down the water demand by sub-areas. Furthermore, the study area assessed in the SMVWCD Report is much larger than those assessed in the 1998 EIR or DWR Report (See Figure 3). As a result, a direct comparison of water budgets from the SMVWCD and DWR studies is not possible. Nonetheless, the SMVWCD report concludes the following with respect to the entire Santa Maria Groundwater Basin:

While a substantial amount of groundwater storage may intermittently be used to sustain water supply during periods of reduced recharge in dry years, the selected study period

³ DWR Report, Table 8

analysis shows that, for a reasonably long-term period that contains average recharge when considered over the entire period, there is no perennial deficit or decline in groundwater levels and storage. Thus it can be concluded that the basin is developed to essentially its perennial yield and is in balance and not in overdraft.⁴

Table 3 summarizes the water demand assumptions made for the DWR Report.

The estimated urban water demand listed in Table 3 is based on a factor of 0.275 acre feet per capita per year assuming a growth rate of approximately 3.0 percent annually. The population figures are provided by the Department of Finance. This per capita usage rate is comparable to the rate used in the 1998 EIR. The 1998 EIR estimates that the project would create a water demand of 1,639 acre feet per year assuming a residential usage rate of 0.187 acre feet per capita per day (167 gallons per capita per day). The calculation assumes 1,320 units at an average of 2.5 residents per unit. The water demand for the entire project including commercial and non-residential uses such as landscape irrigation is calculated as 0.322 acre feet per capita per year (also assuming 2.5 residents per unit).

Table 4 provides the water budget for the entire Nipomo Mesa area as estimated by the DWR. The budget indicates that a projected 2,100 af deficit is anticipated for the Nipomo Mesa assuming a 3.0 percent population growth rate. This deficit is less than the historic deficits recorded in 1975 and 1985. The DWR Report estimates a loss of groundwater storage in the Nipomo Mesa area between 1975 and 1995 of between 8,000 and 13,000 af. The report concludes that “[t]he loss is not mesa-wide, but is associated with the areas of pumping depression.”⁵

The DWR Report concludes the following:

The projected future deficiencies (about 24 percent in 2020) in the water budget for Nipomo Mesa HSA [hydrologic subarea] represent the potential loss in groundwater in storage that year if average long-term hydrologic conditions occurred in that year. While the projected deficiencies would amount to about one-tenth of a foot decline in groundwater levels in 2020 over the entire section, the loss would not occur mesa-wide, but would be associated with areas of the pumping depressions and declining trends in groundwater levels. The projected increase in urban extractions, 213 percent from 1995 to

⁴ SMVWCD, page 62

⁵ DWR Report, page ES14

TABLE 3: POPULATION AND WATER DEMAND IN THE NIPOMO MESA AREA

	<u>1975</u>	<u>1980</u>	<u>1985</u>	<u>1990</u>	<u>1995</u>	<u>2000</u>	<u>2010</u>	<u>2020</u>
Population	5,820	6,939	7,975	9,177	10,947	13,300	18,850	24,170
Water Demand (thousands of acre feet)								
Urban	1.5	2.1	3.0	3.9	3.1	4.5	5.2	6.6
Agricultural	1.5	1.6	1.9	1.8	1.8	1.8	1.8	1.8
Other	0.95	0.95	0.96	0.97	0.97	0.97	0.97	0.98
TOTAL	3.95	4.65	5.86	6.67	5.87	7.27	7.97	9.38

Source: Department of Water Resources, January 2000

2020 and accounting for 60 percent of the outflow, is the major factor contributing to the projected future deficiencies. Because Nipomo Mesa HSA's major source of recharge is deep percolation of precipitation, it is vulnerable to protracted dry periods.

Reductions in subsurface outflows to the ocean and to Oceano HSA (Arroyo Grande Plain) and increased subsurface inflows from Guadalupe HA [hydrologic area] (Santa Maria Valley) could possibly offset the future negative imbalances between inflow and outflow and reduce the amount of loss in groundwater in storage. However, if in the future, subsurface outflows to the ocean cease, and the seaward hydraulic gradient is reversed, this condition could lead to sea water intrusion of the groundwater resources.⁶

These conclusions pertaining specifically to the Nipomo Mesa portion of the Santa Maria Groundwater Basin, refrain from finding overdraft conditions, due to the consistent outflow to the ocean. Nonetheless, the water balance analysis predicts a deficit in the year 2020. As the basin finds an equilibrium in response to the increased urban extractions, the DWR Report recommends continued assessment of groundwater quality in the area.

The 1998 EIR acknowledges that future water extractions will exceed current recharge volumes in the Nipomo Mesa area, creating a deficit that will likely result in greater volumes flowing from upgradient portions of the basin in compensation. Impact 4.1-1 of the 1998 EIR identifies this

⁶ DWR Report, page 141

TABLE 4: WATER BUDGET NIPOMO MESA HYDROLOGIC SUBAREA
(Thousand of acre feet)

<u>Components</u>	<u>Base Period*</u>	<u>1975</u>	<u>1985</u>	<u>1995</u>	<u>2000**</u>	<u>2010**</u>	<u>2020**</u>
Inflow							
Deep Percolation of Precipitation***	4.7	1.0	1.3	19.0	4.7	4.7	4.7
Urban Return Water	0.6	0.3	0.6	0.6	0.9	1.0	1.3
Other Return Water	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Agricultural Return Water	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Incidental Recharge of Reclaimed Water	0.2	0.0	0.0	0.3	0.7	1.1	1.1
Subsurface Inflow from Guadalupe HA	1.5	0.5	0.5	4.4	1.5	1.5	1.5
Total Inflow	7.3	2.1	2.1	24.6	8.1	8.6	8.9
Outflow							
Urban Groundwater Extractions	3.4	1.5	3.0	3.1	4.5	5.2	6.6
Agricultural Groundwater Extractions	1.9	1.5	1.9	1.8	1.8	1.8	1.8
Other Groundwater Extractions	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Subsurface Outflow to Oceano HAS	1.3	1.3	0.4	4.3	1.3	1.3	1.3
Subsurface Outflow to the Ocean	0.3	0.4	0.1	0.8	0.3	0.3	0.3
Total Outflow	7.9	5.7	6.4	11.0	8.9	9.6	11.0
Surplus/Deficiency (Inflow Minus Outflow)	-0.6	-3.6	-4.0	13.6	-0.8	-1.0	-2.1

Source: DWR, January 2000

Note: All values rounded to the nearest 100 acre-feet.

* Base Period is water year 1984 through water year 1995.

** The future water budgets are based on projected land use changes and associated changes in water demands and on the base period, which represents long-term average hydrologic conditions.

*** All or a portion of this amount of water is available for deep percolation; however, because of antecedent groundwater conditions, variations in storm intensities, in soil moisture at the beginning and end of the rainy season, and in other related characteristics, the amount reaching groundwater is unknown.

impact and states that the Woodlands project would contribute to this deficit by approximately 68 afy by the year 2008 and three afy by the year 2040.⁷ The EIR finds that this amount is insignificant since the basin is not in overdraft. An estimated 1,600 afy (Table 4) would continue to outflow from the basin to the ocean and to the neighboring Oceano HSA.

Groundwater Modeling

The 1998 EIR, the Cleath Technical Memoranda, and the SMVWCD report each utilized numerical models to assess water availability in the Nipomo Mesa area. Unlike the DWR analysis

⁷ 1998 EIR, Table 4.1-6

which provides future water availability based on historic trends and population projections, the groundwater models provide a picture of how the groundwater basin operates over time and responds to changes in supply and demand. Both the 1998 EIR and the DWR Report evaluate only the portion of the Santa Maria basin within San Luis Obispo County. This provides a limited view of how the entire Santa Maria groundwater basin operates. The SMVWCD study on the other hand evaluates the water budget for the entire Santa Maria Valley Groundwater Basin, and therefore provides the best overall representation of the status of the groundwater resources in the Santa Maria area.

The groundwater model used in the 1998 EIR assessed impacts of the development in two eight-year phases with total buildout of the project occurring within approximately 16 years. Meteorological data was input in 16-year periods, based on historic rainfall data between 1976 and 1992. The groundwater modeling conducted in 2001 by Cleath & Associates to assess cumulative impacts added the total cumulative extraction volume into the baseline.

The numerical groundwater models demonstrate that it is likely that the initial decline in water levels and the water table depression will result in a new basin equilibrium as the basin responds to the changes in pumping stress. The water table in the Nipomo Mesa area is maintained by local recharge (deep percolation of rainfall and irrigation/applied water) and underflow from the surrounding groundwater basin area. Underflow comes primarily from the south in the area of the Santa Maria River. As the water levels decline under the Nipomo Mesa, recharge from other areas will increase until a new equilibrium between pumping and recharge from surrounding areas is established. The results of the newly developed groundwater model reported in the SMVWCD report does not conflict with the 1998 EIR modeling effort.

CONCLUSIONS OF THE ASSESSMENT OF NEW DATA AND ANALYSIS

This SEIR presents the following conclusions:

- None of the conclusions regarding impacts to local groundwater resources would change as a result of the new information compiled since the publication of the 1998 EIR. The proposed rate of development would not significantly impact groundwater resources. No new impacts would be anticipated. Nor would the severity of the previously identified impacts change as a result of the newly compiled well data, model development, and analysis.
- The project components have not changed substantially since the EIR was certified in 1998, nor has the ultimate build out level of demand. No significant impacts were identified from

the project build out level of demand. No information or evidence has been provided that would change the conclusion.

- None of the technical analysis contained in the reports published by DWR or the SMVWCD would alter the conclusions contained in the 1998 EIR. Neither the DWR nor the SMVWCD analysis identifies any changed circumstances or conditions requiring changes to the evaluation of the impacts to groundwater resources.
- There is no new groundwater data or analysis of the historical data which provide substantial evidence to alter the groundwater analysis or findings in the 1998 EIR, or which could be used to identify new groundwater impacts or substantial increases in the severity of previously identified groundwater effects.
- The seasonal fluctuations in groundwater levels that occur throughout the Nipomo area, a sub area of the larger Santa Maria Valley groundwater basin, are largely the result of localized groundwater pumping and variations in hydrologic conditions. The water levels at most wells are substantially affected by the combined pumping of the other uses in the basin. There is no indication of seawater intrusion in the Nipomo Mesa area and no data or analysis that suggests the basin is currently in overdraft or will be in overdraft due to increased water demands associated with the proposed project.
- The effects of the Woodlands project on other wells in the area are not considered impacts of the project since the Santa Maria Groundwater basin has not been found to be in overdraft, and the observed declines in water levels are not found to be causing other adverse or negative conditions such as seawater intrusion.
- There are some disagreements among experts regarding basin structure and boundaries; unit water demands; the variables used in the water budget; and methods of analysis and assumptions, but none of these change the findings or conclusions related to basin overdraft. The disagreements are relatively minor and are not substantial in terms of the conclusions contained in the 1998 EIR. The analysis by Cleath and Associates contained in the 1998 EIR is still the most rigorous, project specific analysis available and demonstrates that there will be no significant impacts from the project.
- All of the reports identify the potential for future overdraft from increase in pumping by current users or from new uses of water. Neither of the reports contains assumptions related to build out or land uses that would demonstrate the basin is in overdraft at the 2020 level of

demand, but warnings related to the potential for overdraft and intrusion of seawater are clearly stated.

- Collection and publication of rain, stream, water quality or groundwater data for single years is very valuable, and adds to the long term hydrologic record, but none of the new data would change the fundamental assumptions or conclusions of the 1998 EIR. Short term data from a limited number of years must be put into context of the full historical record to have any informational value. None of the new data deviate greatly from the historical trends previously analyzed or provide a basis for reevaluating baseline conditions, changing assumptions, or identifying new impacts or substantial increases in impacts previously identified. The new data published for the recent years since the publication of the 1998 EIR does not result in significant information and does not provide evidence to change the fundamental underlying analysis or findings of the 1998 EIR.
- The proposed project would result in an accelerated rate of development than allowed by the GMO. The applicant estimates full residential buildout within 10 to 15 years. At the time of the certification of the 1998 EIR, the Woodlands project would have required 27 years to full buildout. This faster schedule would not alter the conclusions of the groundwater modeling. The groundwater extraction rates utilized in the model conducted for the 1998 EIR assumed two 8-year phases, with project completion in approximately 16 years.⁸ As a result, the faster project schedule, as allowed by the GMO amendment, would not alter the conclusions of the 1998 EIR impact assessment to groundwater resources.

Projects with potential impacts to groundwater are difficult to evaluate under CEQA. Unless a basin has been adjudicated, groundwater pumping is largely unregulated in California. Statutory water law, as embodied in the State Water Code, is limited to well construction and abandonment standards and few aspects of groundwater use are regulated. Exceptions are related to out-of-basin transfers of groundwater and in areas where adjudication of groundwater rights has occurred. Court ordered adjudication of groundwater rights could be initiated within the basin either by the overlying water users or by the State Water Resources Control Board based on impacts to water quality.

Unlike surface water diversions and use, groundwater pumping rarely requires evaluation under CEQA because most pumping is done by private landowners and does not require a permit from a public agency. Unless standard methods for analysis of groundwater impacts or thresholds of

⁸ Pers. Com. Tim Cleath, July 10, 2001

significance are established by localized groundwater management plans, or by water districts with appropriate powers and authorities granted by legislation, impact analysis is complicated and conducted on a case by case basis. Reasonable thresholds of significance and feasible mitigation measures are difficult to define because the rules governing groundwater law differ greatly from the limitations on use under normal groundwater use that might result from a strict interpretation of CEQA.

The right to pump and beneficially use groundwater is an overlying right of the landowner that is equal to all other overlying users. Normal groundwater use is covered only by case law, and the amounts each user is allowed to pump are not ordinarily quantified or regulated. Basically, owners of land overlying a basin can pump as much water as they can put to reasonable and beneficial use, and the only recourse for an adversely affected neighboring well owner is litigation. The previously approved Specific Plan established the allowed uses under which development will proceed. The Woodlands project proposes to be an overlying water user.

Finally, designing reasonable and feasible mitigation measures for groundwater projects can be difficult when the effects of the project are difficult to distinguish from the effects of other groundwater users both inside and outside project area. The physical laws governing groundwater flow can be used to estimate the impact of a project at a given time and location. Groundwater models use this type of analysis. Such estimates are always approximations, however, because the natural flow system is always more complex and variable than assumed in the model. Monitoring the effects of the project avoids any errors associated with the modeling analysis, but the variability in the measured data may be largely compared to the magnitude of the impact. In such cases, mitigation of direct impacts may simply be impractical.

The evaluation of groundwater impacts in this SEIR represents a reasonable application of CEQA to groundwater issues, recognizing that, historically, groundwater use has been largely unregulated and that the vast majority of groundwater use continues to be unregulated. With respect to impacts on other groundwater users, the analysis avoids creating a large disparity between unregulated groundwater users and those who must comply with CEQA by taking into consideration the types of impacts that unregulated users ordinarily consider acceptable.

5.0 IMPACTS AND MITIGATION MEASURES

METHODOLOGY

The purpose of this SEIR is to evaluate new data and changed circumstances that would result in revision to the settings, impacts, alternatives and mitigation measures presented in the Woodlands Specific Plan EIR in 1998 (1998 EIR). Emphasis has been placed on identifying new data and analysis, as well as the further consideration of the faster project growth rate that would change the fundamental conclusions and findings of the prior document.

To determine whether newly available information or the faster growth rate would alter the conclusions of the 1998 EIR, ESA staff reviewed the new documentation and compared the conclusions with those made in the 1998 EIR. The review included comparisons of assumptions made for the data analysis, water balance calculations, and modeling efforts.

THRESHOLDS OF SIGNIFICANCE

The California Environmental Quality Act classifies a project as having a significant effect on the environment if it would result in any of the following (as adapted from CEQA guidelines, Appendix G):

- Contaminate a public water supply,
- Substantially degrade water quality,
- Substantially degrade or deplete groundwater resources.

A groundwater basin could be considered significantly impacted if project pumping were to place a groundwater basin in an overdraft condition. Overdraft condition is defined as “the condition of a groundwater basin or aquifer in which the amount of groundwater extracted exceeds the amount of water that recharges the basin over a period of years during which average precipitation and water management in the basin would remain approximately the same.”⁹ For basins already in an

⁹ DWR Report, page 145

overdraft condition, additional groundwater pumping could cause significant effects by exacerbating adverse conditions.

The County of San Luis Obispo has not adopted a significance threshold for groundwater use. However, the Santa Maria Groundwater Basin also underlies Santa Barbara County to the south of the proposed project. Santa Barbara County has included the Santa Maria Groundwater Basin on its list of overdrafted basins. Santa Barbara County has adopted groundwater extraction thresholds for groundwater basins that are in a state of overdraft.¹⁰ Calculations for each individual groundwater basin are based on a formula that considers the basin safe yield, the available storage, and the net annual overdraft. For new groundwater withdrawals from the basin, the threshold of significance is 25 afy of extractions. By using this threshold, a project which would involve a net consumptive use of 25 afy of groundwater would be considered to have a significant impact on groundwater resources.

However, as discussed previously in the Groundwater Conditions section, the decline in water levels in the mesa has not produced adverse groundwater conditions. The Santa Maria Basin has achieved long term stability with periods of drought and recovery. The periodic recovery of the basin provides sufficient recharge to preclude long term adverse conditions and continuing water level declines in the basin are not evident¹¹. This report does not consider the basin to be in a state of overdraft, therefore, this numeric threshold level is not used in this report.

Neighboring wells can be affected by new or increased groundwater extractions. If the production rate of a pre-existing well would drop to a level that would not support the existing or planned use as a result of lowered local groundwater conditions (well interference), this impact could be considered significant.

A significant effect could be realized if the quality of water in the basin is degraded below drinking water standards or if discharges would exceed Basin Plan objectives. Groundwater quality degradation could occur from percolation of low quality water applied to the surface or from altering groundwater flow or storage such that adverse effects are created.

PROJECT IMPACTS

The Woodlands project would contribute to the overall groundwater deficit in the Nipomo Mesa area. Impact 4.1-1 of the 1998 EIR identifies groundwater extraction as a potential impact. The

¹⁰ County of Santa Barbara Environmental Thresholds Guidelines Manual,

¹¹ Cleath and Associates, 1997b and Luhdorff and Scalmanini, 1997.

1998 EIR concludes that the impact would be less than significant since the basin does not show signs of being in overdraft. None of the new information made available since the certification of the previous EIR would change the conclusions of the 1998 EIR with respect to groundwater resources.

Impacts to groundwater resources were assessed in the 1998 EIR assuming the applicant's timeframe of approximately 15 years to ultimate buildout. The project extraction rates utilized in the model assumed two 8-eight year phases, with project completion in approximately 16 years. As a result, the proposed project schedule, as allowed by the GMO amendment, would not alter the impact assessment to groundwater resources provided in the 1998 EIR. No new impacts or mitigation measures are proposed.

CUMULATIVE IMPACTS

Discussion

The Woodlands Specific Plan EIR included an analysis of potential cumulative impacts of the proposed project in accordance with CEQA requirements. The EIR included a list of approved and pending projects in the region that could present cumulative impacts with respect to the proposed project. Groundwater modeling conducted for the cumulative analysis assumed that cumulative groundwater extraction for reasonably foreseeable projects would be 1,457 afy. Table 3 provides DWR's assumptions of demand in the Nipomo Mesa area based on a 3 percent growth assumption as recommended by the Department of Finance. According to the DWR analysis, the demand would increase 2,100 afy between 2000 and 2020.

Although Impact 4.1-6 of the 1998 EIR identifies extraction of groundwater as a cumulatively significant impact, the analysis concludes that the amount of water extracted would not exceed available supplies or promote overdraft conditions. The identified impact pertained to the effects of decreased water levels in neighboring wells. Mitigation measures, primarily conservation measures, were identified that would reduce the potential impacts to less than significant levels. Mitigation Measure 4.1-6d requires that the project applicant conduct a survey of wells in the area and provide the means by which these wells would remain productive under prolonged drought conditions. While the EIR concludes that the project would not impact neighboring wells significantly, a measure was approved as a part of the Specific Plan to monitor these surrounding wells and take any necessary actions to avoid significant impacts.

Since the certification of the 1998 EIR, the GMO has been revised, as described earlier in this document, to reduce the growth rate in the South County area to 2.3% annual growth. This is more restrictive than the rate assumed in the 1998 EIR. Therefore, the cumulative analysis in the previous EIR provides a conservative assessment of cumulative impacts. Since the approval of the Specific Plan on December 15, 1998, the following development projects have been approved or are currently being processed for the area:

- 25 Tract Maps Totaling 424 Lots
- 34 Parcel Maps Totaling 79 Lots
- 4 Apartment/Condo Projects Totaling 241 Units
- 3 Greenhouse Additions Totaling 810,863 Square Feet
- 14 Commercial/Light Industrial Developments Totaling 354,218 Square Feet
- 2 Schools Totaling 530 Students
- 1 Resort Totaling 103 Rooms With Full-Service Restaurant
- 1 Church Totaling 18,000 Square Feet
- 1 Winery Totaling 180,500 Square Feet

The projects listed above are within the anticipated background growth assumptions used in the 1998 EIR, since these projects are within the allowed densities under existing zoning. However, since the publication of the 1998 EIR, 180 units were exempted from the GMO, which in turn has slightly increased the amount allowed above the 2.3 % cap.

In addition to the exempted 180 units, eight General Plan Amendments in the South County area have been authorized for consideration by the County Board of Supervisors. Table 5 lists these eight proposed projects. If approved, these projects would increase the ultimate density and water demand within the Nipomo Mesa area.

Cumulative Impact Assessment

Cleath and Associates conducted an additional modeling run for the region that incorporated cumulative development of the GMO-exempted 180 new units on the Nipomo Mesa. This

TABLE 5: SOUTH COUNTY GENERAL PLAN AMENDMENTS/GROWTH ORDINANCE REVISIONS- SUMMARY (as of 3/13/01)

	<u>Residential</u>	<u>Commercial/Other</u>
Patterson Academy – change about 34.5 acres from AG to RL for School use	75-student dormitory	300 student high school 200-child development center
Nipomo Oaks/Mehlshau – change about 42 acre site from AG to CR		42 acres @ 10% bldg. coverage = 175,000 sf of bldgs. in CR)
Brand- change about 32 acres from RL to RS (allows 32 lots); change 40 acres from RL to CS	64 residences (1 primary & 1 secondary/lot)	523,000 sf buildings in CS
Craig/Lucia MarUSD – change about 16 acres of 40 acre site from RR to REC and 24 acres from PF	16 residences (1 primary/lot)	500 student elem. School
Cypress Ridge – change about 122 acres from RS to REC w/ use limitations <i>Had Previous EIR</i>	- 7 residences	103 lodge bungalows 13,000 sf reception/conference fac; Full-service Restaurant
Green Canyon/Helenius – change about 21 acres from AG to RR (allows 4 lots) on Nipomo Bluff edge	8 residences (1 primary & 1 secondary/lot)	0
County (Summit Station) – remove planning area standard to allow future subdivision	37 residences	0
Robertson – add to NCS D service area; remove planning area standard to allow future subdivision	8 residences	0

Source: San Luis Obispo County Planning and Building Department

modeling estimated that the additional water demand from these projects would be approximately 138 afy. Water usage rates for the new units varied from 0.2 to 1 afy per unit. The results of the model showed that the groundwater extraction from these projects would cause localized depressions of up to three feet at distances of 500 feet from the extraction well. Regional water level contours would remain essentially unchanged. The memorandum prepared by Cleath & Associates concluded that cumulative impacts of the additional 180 units would not alter the conclusions of the 1998 EIR.

The 1998 EIR assumed a cumulative baseline water demand increase of 1,457 afy from current levels. The revised model run for the 180 units added an estimated 138 afy to the cumulative baseline. The Environmental Science Associates (ESA) hydrogeologist concurs with the modeling done by Cleath & Associates and has determined that the increase would not significantly affect the groundwater basin. The applicant estimates full buildout within 10 to 15 years. At the time of the certification of the 1998 EIR, the Woodlands project would have required 27 years to full buildout.

Approval of the eight General Plan Amendments would increase the ultimate buildout density of the Nipomo Mesa area. This would increase ultimate cumulative water demand. The amendments would allow for new residences, two new schools totaling 1,000 students, about 547,500 square feet of commercial space, and a lodge with 103 bungalows. Table 6 provides the estimated water demand for the proposed projects totaling 356.27 afy. Cleath & Associates conducted additional modeling incorporating the additional cumulative demand from the eight General Plan Amendments using the same model used in the 1998 EIR. The model assumed a consumptive use of 214.07 afy after accounting for wastewater recharge (water that is recharged into the groundwater basin from the regional wastewater plants). As discussed earlier, the modeling indicated the proposed projects would lower groundwater no more than five feet within 500 feet of the extraction wells. These localized depressions associated with individual wells would not significantly affect the groundwater basin as a whole. The basin would continue to adjust to the extraction points, but recharge amounts appear to be high enough to prevent overdraft conditions.

Table 7 provides an alternative analysis (as a peer review) of water usage rates for land uses proposed in the General Plan Amendments using rates assumed in the 1998 EIR. The land uses were derived from the latest project descriptions as summarized in Table 5. Usage rates are provided in the table. Using these usage rates, total water demand from these projects (336.2 afy) is similar to the amount used in the Cleath & Associates water modeling effort (356.27 afy) conducted in March 2001. ESA has reviewed and concurs with the model runs conducted for the General Plan Amendments that give no indication that the cumulative projects as currently

TABLE 6: ESTIMATED WATER DEMAND FOR PROPOSED GENERAL PLAN AMENDMENT USES

<u>Proposed General Plan Amendment Project</u>	<u>Assumed Water Demand (afy)</u>	<u>Consumptive Use* (afy)</u>
Patterson Academy	NA**	NA**
Nipomo Oaks/Mehlshau	177.9	106.9
Brand	100	60
Craig/Lucia MarUSD	39	23.4
Cypress Ridge	0.37	0.37
Green Canyon/Helenius	6	3.6
County (Summit Station)	29	17.4
Robertson	<u>4</u>	<u>2.4</u>
TOTAL	356.27	214.07

Source: Cleath & Associates, March 15, 2001

* Net consumptive use accounting for wastewater recharge (water that is recharged into the groundwater basin from the regional wastewater plants).

** Water supply is from a bedrock well which would not add to the cumulative demand.

TABLE 7: USAGE RATES AND WATER DEMAND FOR PROPOSED GENERAL PLAN AMENDMENT USES

<u>Land Use</u>	<u>Use Rate *</u>		<u>Water Demand (afy)</u>
Residential	0.7825** afy/unit	126*** units	98.59
Elementary School	0.02 afy/student	500 students***	10
Commercial	13 afy/acre	16.32 acres	212.16
Hotel	0.15 afy/room	103 rooms	15.45
TOTAL			336.2

Source: Environmental Science Associates

* Rate factors from City of Santa Barbara Water Demand Factor and Conservation Study 'User Guide', August 1989

** Average of four factors for different size lots.

*** Does not include Patterson project since it will access water from deeper bedrock aquifer.

foreseeable would promote overdraft conditions or sea water intrusion. Therefore, the additional cumulative projects would not alter the conclusions of the 1998 EIR.

If additional General Plan Amendments are proposed for the area that would increase ultimate water demand to such a degree that the capacity of the basin was permanently reduced or water quality declined substantially due to inflow of lower quality water from neighboring basins or from sea water intrusion, the projects would pose significant impacts. However, based on the modeling performed by Cleath & Associates and reviewed by ESA's hydrogeologist for the proposed cumulative baseline as it relates to the Woodlands development, these projects would not pose significant cumulative impacts. No additional mitigation measures are recommended for this analysis.

The DWR Report recommends that a regional groundwater monitoring plan be implemented to assess future trends in the area with more reliable data. The County has also authorized the preparation of a Resource Capacity Study to better evaluate groundwater basin conditions. However, the relationship of each individual development to the over-arching management of the basin has not yet been established. Each groundwater user in the region should be treated equally with respect to future monitoring, conservation, and management. Implementation of the mitigation measures required in the 1998 EIR and adopted in connection with the Specific Plan would minimize the Woodlands contribution to the cumulative impact. In the future, should the groundwater basin become adjudicated or a regional management authority established, each development within the basin would be subject equally to the requirements of the management authority.

6.0 RESPONSE TO COMMENTS

INTRODUCTION

The Public review period of the Draft Supplemental Environmental Impact Report (SEIR) began on July 19, 2001 and ended on September 3, 2001. Comment letters were received from two county agencies, one city agency, seven organizations and four private citizens. Each of these comment letters, together with the response to it, is included immediately following this page. The letters are arranged in the order indicated in Table 8.

TABLE 8: LIST OF COMMENTS RECEIVED ON THE DRAFT SEIR

<u>Reference Number</u>	<u>Organization/Author</u>	<u>Date</u>
State		
S-1	State Clearinghouse	7/24/01
Local Governments		
L-1	Air Pollution Control District/County of San Luis Obispo	7/17/01
L-2	CDF/San Luis Obispo County Fire Department	8/14/01
L-3	Nipomo Community Services District	9/5/01
L-4	County of San Luis Obispo, Department of Public Works	9/20/01
Organizations		
O-1	Save the Mesa	?
O-2	Bornholdt, Peron & Pratt, LLP	8/31/01
O-3	The Coalition to save Cambria and San Simeon	9/4/01
O-4	Environmental Defense Center	9/4/01
O-5	Koch California	9/4/01
O-6	Koch California	9/5/01
Private Citizens		
P-1	Istar Holliday	8/1/01
P-2	Donna Mehlschau	8/17/01
P-3	Roger Borg	9/2/01
P-4	Jesse L.B. II	9/4/01

STATE AGENCIES

S-1 State Clearinghouse 7/24/01



Governor's Office of Planning and Research
State Clearinghouse

S-1



Gray Davis
GOVERNOR

Steve Nissen
DIRECTOR

ACKNOWLEDGEMENT OF RECEIPT

DATE: July 24, 2001
TO: John McKenzie
San Luis Obispo County
County Government Center, Room 310
San Luis Obispo, CA 93408
RE: Woodlands Specific Plan Supplemental EIR (ED00-428)
SCH#: 2001031063

RECEIVED
JUL 26 2001
Planning & Bldg

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: July 19, 2001
Review End Date: September 3, 2001

We have distributed your document to the following agencies and departments:

- California Highway Patrol
- Caltrans, District 5
- Department of Conservation
- Department of Fish and Game, Region 3
- Department of Housing and Community Development
- Department of Parks and Recreation
- Department of Toxic Substances Control
- Department of Water Resources
- Native American Heritage Commission
- Public Utilities Commission
- Regional Water Quality Control Board, Region 3
- Resources Agency
- State Lands Commission
- State Water Resources Control Board, Clean Water Program

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 WWW.OPR.CA.GOV/CLEARINGHOUSE.HTML

S1 Office of Planning and Research, State Clearinghouse

S1-1 The comment acknowledges receipt of the document. No response is necessary.

LOCAL AGENCIES

L-1	Air Pollution Control District/County of San Luis Obispo	7/17/01
L-2	CDF/San Luis Obispo County Fire Department	8/14/01
L-3	Nipomo Community Services District	9/5/01
L-4	County of San Luis Obispo, Department of Public Works	9/20/01



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

RECEIVED^{L-1}

JUL 19 2001

Planning & Bldg

DATE: July 17, 2001

TO: Jay Johnson, San Luis Obispo County Department of Planning and Building

FROM: ^{BPL} Barry Lajoie, Air Quality Specialist

SUBJECT: Draft Supplemental Environmental Impact Report for the Woodlands Specific Plan (SCH#2001031063)

1 Thank you for providing District staff with the opportunity to review the Draft Supplemental Environmental Impact Report (SEIR) for the Woodlands Specific Plan. The Draft SEIR addresses the water related environmental impacts that may be associated with amending the County's Growth Management Ordinance to allow the previously-approved Woodlands development to achieve buildout faster (within 15 years) than is currently allowed (200+ years). The Draft SEIR does not present any new air quality issues. We have completed our review of the Draft SEIR and have no new comments on the project.

Again, we appreciate the opportunity to review the project. If you have any questions or concerns regarding these comments please contact me at 781-5912.

BPL/AJB/lmg

H:\ois\plan\response\2330-2.AJB

L1 Air Pollution Control District, County of San Luis Obispo

L1-1 The comment letter states that the SEIR does not change conclusions with respect to air quality impacts of the project. No response is necessary.

CDF/SAN LUIS OBISPO COUNTY FIRE DEPARTMENT

L-2

Dan Turner, Chief

General Information 805/543-4244
FAX 805/543-4248

635 N. Santa Rosa • San Luis Obispo • California 93405

August 14, 2001

Mr. John McKenzie, Environmental Division
County Planning & Building Department
County Government Center, Room 310
San Luis Obispo, CA 93408-2040

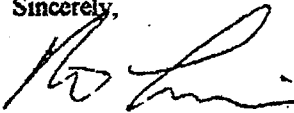
Project: Woodlands (ED00-428)

Dear Mr. McKenzie,

We have re-reviewed the Woodlands EIR, Specific Plan and the Supplemental EIR. In order to insure an understanding of the CDF/SLO County Fire Departments requirements for mitigation of impact 4.7-1 in the EIR (page 322), we have suggested that the developer include sprinklers in all residential and commercial occupancies. This would be regardless of their size and in lieu of increased staffing at the Mesa and Nipomo Fire Stations (see EIR, letter page 506 and page 326, second paragraph). This mitigation measure was not clearly stated in Mitigation Measure 4.7-1a & 4.7-1b. We hope that this clarifies the Fire Department's position. If this suggested mitigation is not feasible, please feel free to contact us for further discussions on alternative mitigation opportunities such as increased fire department staffing.

If I can provide additional information or assistance on this mater please call me at (805)543-4244.

Sincerely,



Robert Lewin
Battalion Chief

Cc: Dan Anderson



PROVIDING COOPERATIVE FIRE PROTECTION AND RESCUE SERVICES
TO THE CITIZENS OF SAN LUIS OBISPO COUNTY



L2 San Luis Obispo County Fire Department

- L2-1 The commentor requests clarification of Mitigation Measure 4.7-1 of the Woodlands Specific Plan EIR to include sprinklers in residential and commercial developments. The SEIR does not propose to modify existing mitigation measures adopted as part of the Woodlands Specific Plan EIR. The project will need to comply with Fire Department requirements for fire protection devices. In addition to the 1998 EIR mitigation measures, future development will be subject to the Public Facility Fee, of which a portion is for fire services. All of this mitigation is applied at the time development is constructed, and the proposed accelerated rate, therefore, should have little effect on fire protection services.

NIPOMO COMMUNITY



SERVICES DISTRICT

BOARD MEMBERS

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JON SEITZ, GENERAL COUNSEL
LEE DOUGLAS, MAINTENANCE SUPERVISOR

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

September 5, 2001

John McKenzie
County Planning and Building Department
SLO County Government Center
San Luis Obispo, CA 93403

SUBJECT: WOODLANDS SPECIFIC PLAN
SUPPLEMENTAL EIR

The following are District comments on the Environmental Science Associates Supplemental Environmental Impact Report. Comments from Jim Garing are attached as a separate letter.

1 • Page 1	<p><u>Nipomo Mesa Sub-unit of the Santa Maria groundwater basin</u></p> <p>The District is unaware of any Nipomo Mesa boundaries being established with respect to the on-going adjudication. It should be pointed out that this is a portion of the larger Santa Maria groundwater basin, presently adjudicated, extending from Pismo Beach to the north to Orcutt to the south. For the purposes reached in the conclusion of the SEIR there is no definition of this sub-unit. The EIR should refer to a portion of the groundwater basin which should be analyzed and managed separately because it is distinct from other areas in the basin in that the water production within the Mesa sub-unit is not impacted by and should not impact water production in other areas.</p>
2 • Page 3	<p>There is the first statement of the conclusion that there is not an overdraft (condition). Throughout the SEIR, it is submitted that the groundwater levels on the Mesa are declining so that water production must be exceeding supply. The reason for the conclusion that there is no overdraft is that there is no consequence undesirable effects which has occurred due to declining water levels and a reduction in water storage.</p> <p>There are undesirable effects which are as follows:</p> <p>Reports indicate there has been a reversal of the groundwater flow from the Mesa to the Santa Maria Valley. Historically, approx. 2000 ac/ft/yr have flowed from the Mesa to the Valley. The reversal has indicated approx. 2800 ac/ft/yr of water now flowing from the Valley to the Mesa. This reversal must be considered as an undesirable effect because those persons who rely on production of water in the Valley portion may claim that the gradient should be corrected so their supply is not intercepted. This matter is already an issue in the adjudication of the groundwater basin. The gradient can be corrected only by reducing present pumping and/or relying on a supplemental water source. This reversal may also affect water purveyors with respect to maintaining Twitchell Reservoir. Since the Twitchell Reservoir recharges the Santa Maria Valley groundwater basin and possibly the Mesa with the flow, those</p>

2
 cont.

Page 3
 (cont)

on the Mesa may have to pay the repair costs and the annual maintenance costs of operating the Twitchell Reservoir which is the undesirable effect. In the adjudication, various parties have asserted pumping priorities and the end result would be that some parties will have to rely, at least in part, on a supplemental water source rather than meet all the parties' needs from the groundwaters on the Mesa. This is obviously an undesirable effect in that it will increase the cost of water availability to meet the Mesa demands.

The possible southerly reversal of the groundwater flow, is at least some indication of overdraft on the Mesa and by lowering the groundwater table may generate a reverse flow in the western portion of the basin, creating sea water intrusion. There is no data in the SEIF to reach a conclusion that the continual lowering of the groundwater table under the mesa may not result in undesirable effects, especially related to sea water intrusion.

The location of the Woodland Project, in an area of pumping depression, is expected to generate an increased demand of 1200-1300 ac/ft/yr. in extraction from this area. An increase in reduction of groundwater levels at this location would not only deplete some of the storage but may increase the flows from the Valley to the Mesa. It is estimated that there is approx. 49,000 ac/ft of storage. There is an estimated overdraft of 2,000 to 3,000 ac/ft/yr. With this magnitude of overdraft, along with the Woodland project storage would be depleted in 15-20 years, not a long period of time considering the fact that groundwater resources need to be maintained and balanced. Also, there is no significant data indicating how much of the storage can continue to be completed without incurring sea-water intrusion.

3

• Pages
 9 & 19

The Scarnanini model is not a model of the Mesa sub-unit area. The model encompasses part of the Mesa, but mostly the Santa Maria Valley and has no application to determining what the impact the project will have on the Mesa water supply. The model indicates that there is an equilibrium in this study area but also essentially admits that the equilibrium is dependent on the continued operation of the Twitchell Reservoir so that between 15,000 and 20,000 ac/ft/yr of supplemental water to the Santa Maria Valley is maintained. Without substantial repairs and implementing an expensive maintenance program, the supplemental water source from the Twitchell project may not be available.

4

• Page 3

The SEIF has no new mitigation measures proposed, there is no discussion on adjudication, and there is no recitation to any of the studies which has produced a water budget after defining the sub-area being analyzed. All these items will probably be done in the course of the adjudication.

5	• Page 16	One mitigation proposed a toilet retrofit program. The NCSD has implemented a toilet retrofit program where it takes four (4) existing residences to be retrofitted for the equivalent of water use of one new home. There is no mention how this toilet retrofit program will be implemented to try to offset the 1,200-1,300 ac/ft of new production. It is doubtful that there would be 5,000-6,000 existing residences built before 1990 which would qualify for the toilet retrofit program to offset the production of the Woodland Project.
6	• General	The SEIR concludes that the subject project will not contribute to the overall groundwater deficit on the Mesa. It should be pointed out that this project will increase the Mesa production by 10% in a sensitive pumping depression area. Their conclusion that there is no overdraft due to the depletion of the basin resources because of the alleged lack of negative impacts, as commented, is completely fallacious. There is no basis for the conclusion that a faster build-out of the Woodland Project would not have a significant adverse environmental impact due to the depletion of the available water resources.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

Doug Jones
General Manager

Enclosure

cc: NCSD Board of Directors

TRACTS/Woodlands/SEIR Report

L3 Nipomo Community Services District

L3-1 The commentor states that the boundaries of the Nipomo Mesa subunit were not defined in the SEIR, and that the SEIR should refer to a distinct area. The SEIR refers to the Nipomo Mesa subunit as described in the Central Coast Regional Water Quality Control Board Basin Plan (hydrologic subarea 310.32). Figure 3 of the SEIR shows the distinct areas where groundwater has been assessed in the region. The basin is currently not adjudicated. The SEIR does not make conclusions regarding the on-going litigation regarding adjudication of the area. The SEIR assesses groundwater analyses and modeling conducted in the area since the certification of the 1998 EIR. While the Nipomo Mesa subarea has a unique set of geologic conditions, namely its very high rate of recharge, it still communicates with the other subareas of the Santa Maria groundwater basin.

L3-2 The commentor states that undesirable effects of groundwater extraction could result from the change of groundwater flow direction. The change in groundwater gradient as a direct physical change in and of itself is not a significant impact. The comment letter does not provide any new factual data. The interpretation of the available data, as described in the comment letter, is incorrect. None of the undesirable effects identified in the comment letter are related to direct or indirect physical changes which could be interpreted to have significant impacts. As stated in the comment, the groundwater direction is currently reversed from the previous southerly direction due to existing pumping in the area. The proposed project would not cause a groundwater flow direction change but might cause an increase in the groundwater gradient. The 1998 EIR assessed impacts associated with the proposed extraction of 1,241 afy from the area. After reclamation and recharge are considered, the project's water consumption would be 830 afy. The 1998 EIR acknowledges that the project would contribute to the existing groundwater extraction in the Nipomo Mesa area, and that this would increase groundwater flow from the surrounding area as the basin equilibrates. The groundwater modeling prepared for the project that was considered in the 1998 EIR anticipated the project building out over a sixteen year period, which is close to what is currently proposed. Contrary to the opinion expressed in the comment, the 1998 EIR states that the project would not deplete the groundwater storage in 15 or 20 years. Rather, water level decline rates would gradually decrease as the basin equilibrates. The 1998 EIR concludes that this would not be

considered an adverse impact of the project. No new information made available since the certification of the 1998 EIR refutes this conclusion. As previously noted, the basin is currently not adjudicated. The SEIR does not make conclusions regarding the on-going litigation regarding adjudication of the area.

CEQA provides definitions of how and when an effect is to be determined significant (Guidelines 15064). The CEQA Guidelines note that the determination of whether a project may have a significant effect on the environment requires careful judgment on the part of the public agency involved based on scientific and factual data. CEQA also notes that an ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting (15064(b)). In addition, determinations must be made on substantial evidence in light of the whole record (15064(a)). Determinations of significance cannot be made based on argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts (15064(f)(5)).

The SEIR conclusion that there is no overdraft is based on scientific and technical data as contained in the water budgets for the groundwater basin and region as evaluated in the cited reports (DWR, 2000; Cleath, 2000; and L&S, 2000), and on expert opinions of the persons preparing the SEIR. None of the reports which provided new information made available since certification of the EIR in 1998, made a definitive conclusion; presented data; contained new analysis; or made findings that there was overdraft within the groundwater basin. Groundwater declines and storage depletions in one part of the basin are not necessarily indicative of basin-wide overdraft. Storage depletions in one area may result in changes in the volume and rate of flow from some other part of the basin, but are not necessarily physical changes with a negative impact or an environmental consequence.

If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR (15064(g)). This SEIR was prepared in part to address the potential disagreement among experts regarding the conditions of the groundwater basin in general, and in the Nipomo area in specific, and to evaluate the impacts that might result from the proposed project. As noted in the SEIR, there are some minor disagreements associated

with basin structures; unit water demands; and other topics, but there was consistency in the determination that the groundwater basin as a whole is not in overdraft.

The comment letter provides discussion of undesirable effects which *may* occur related to repair and maintenance costs of operating Twitchel reservoir and the potential future reliance on supplemental water sources which *might* be a result of the adjudication process. These consequences identified are speculative and unsubstantiated opinion or narrative. In addition, economic and social changes resulting from a project should not be treated as significant effects on the environment (15064(e)).

- L3-3 The commentor states that the Scalmanini model assesses the entire Santa Maria Valley. This is noted on page 24 of the SEIR. Figure 3 of the SEIR shows the extent of the Scalmanini groundwater modeling effort. The model area encompasses the project area and was assessed for this reason. The importance of the contribution from the Twitchell Reservoir is acknowledged on page 19 of the SEIR.
- L3-4 The commentor states that the SEIR does not mention the adjudication, and proposes no new mitigation measures. The SEIR evaluates the available information regarding the condition of the groundwater basin. The SEIR finds that none of the new information made available since the certification of the 1998 EIR would alter the conclusions made in the 1998 EIR. Therefore, no new mitigation measures are recommended. Finally, CEQA does not require conjecture or speculation regarding the outcome or strategies of on-going litigation.
- L3-5 The commentor refers to a mitigation measure recommended in the 1998 EIR. The SEIR does not alter the conclusions of the 1998 EIR. Nor does it modify the previously adopted mitigation measures. The referenced mitigation measure would assist in reducing water extraction impacts.
- L3-6 The commentor disagrees with the conclusions of the SEIR. The SEIR summarizes the available information regarding available groundwater supplies and projected demands. The available data show that the groundwater basin has adequate supplies to accommodate the Woodlands project without creating adverse overdraft conditions. The SEIR acknowledges that future development, unforeseen at this point in time, could create overdraft conditions in the future. The SEIR also acknowledges that the groundwater basin may be adjudicated in the future.



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: engr@co.slo.ca.us

October 11, 2001

MEMORANDUM

TO: John McKenzie, Environmental Specialist

VIA: Richard Marshall, Development Services Engineer *JEM*

FROM: Susan Litteral, Project Coordinator *SL*

SUBJECT: Woodlands Specific Plan (Growth Management Ordinance) Notice of Availability of Draft Supplemental EIR (ED 00-428)

I am the Public Works Department's project coordinator for the CA Department of Water Resources (DWR) report on Water Resources of the Arroyo Grande-Nipomo Mesa. I have just finished reviewing new portions of the Administrative Draft of this report and have talked to one of the DWR staff people working on this report. Based on this latest evaluation, we agree with the conclusion that the Santa Maria Groundwater Basin is not in overdraft. Our concern, however, is that this SEIR does not address the distribution of water throughout this large groundwater basin; some areas have stable supplies and others do not.

1 Figure 4 of the SEIR shows the groundwater contours for 1995 and identifies three hydrologic areas (HA) and subareas (HSA); these are called Guadalupe HA, Nipomo Mesa HSA and Oceano HSA by DWR in their analysis. The interaction and flows between these areas is constantly changing. The large pumping depression on the Mesa may, over time, improve as a new equilibrium is achieved. It may also worsen if demands in this area outstrip the ability of water to flow to recharge it. This depression needs to be carefully considered in any decisions that change long term water demands in the Nipomo Mesa HSA. Groundwater flows slowly. It can take years for a wet winter to be reflected in the water table. Although the 1975 groundwater contour map (DWR) is not included in the SEIR, a comparison of the two maps reveals that in this 20 year span the groundwater flow direction southeasterly of the project site has rotated ninety degrees and westerly of the site it has completely reversed. Demand on this subarea has increased rapidly in the past decade, and it will take many years for any equilibrium to be achieved from this recent growth, much less a large additional project.

1
cont.

Approval of the Woodlands Specific Plan and the subsequent tract maps will grant vested rights to the developer. Woodlands Specific Plan is located very close to the lowest areas of the groundwater pumping depression so its effects on the distribution of water within the subarea and basin will be more severe. Ideally, the rate of development of the project should be carefully metered to allow the basin time to reach or move toward better equilibrium. Since the specific plan has been adopted, it will be difficult to restrict continuing increases in water demand if, over time, it is discovered that an acceptable equilibrium condition is not achieved.

Two hundred years to build out the project is a long time for a developer, but 200 years is not even a "blink of an eye" in geologic time. Groundwater trends are normally evaluated over a "base period" to allow averaging between wet and dry hydrologic cycles. The typical duration for a base period is 20 years. The request for an exemption from the Growth Management Ordinance to permit project completion within 15 years will result in a large increase in permanent demand on the basin faster than the basin can possibly achieve any equilibrium or the changes in the basin can even be evaluated.

Approval of this significant, permanent new demand in a short time frame limits future decision making options and could create an unsupportable demand on the basin. The keys to minimizing this impact include reducing consumptive use and increasing recharge. The mitigation measures identified in the EIR are well structured to minimize the impacts to groundwater resources from this project. There are numerous measures to restrict the extent and type of landscaping in the development, restrictive plumbing standards, plumbing retrofits, and reuse of effluent. The very nature of the mesa soils and topography will ensure significant recharge from surface runoff. The mitigation measures pertaining to surface water quality will work to protect the basin from contamination by these waters.

c: Evelyn Thompkins
Department of Water Resources
770 Fairmont Ave STE 102
Glendale, CA 91203-1035

File: Tract 2341
CF900.40.01

LAUTILITY\Oct01\woodland SEIR comments.wpd.kjs.sl

L4 San Luis Obispo County Department of Public Works

L4-1 The comment expresses concern that the project could create an unsupportable demand on the groundwater in the Nipomo Mesa area, specifically within the existing zone of depression. The comment states that the SEIR does not assess the distribution of groundwater within the larger Santa Maria Groundwater Basin. The SEIR does address the regional distribution of the groundwater resources and the importance of the temporal effects of varying hydrology on the basin by incorporating the available new information contained in the groundwater models for the larger area (Cleath, 2000; L&S, 2000). By applying the numerical groundwater modeling results, the SEIR acknowledges the need to look at the hydrologic and hydraulic connections between the various areas within the entire groundwater basin. The available numeric models are the best mechanism for evaluating the interrelationships between the various areas, taking into account the variations in hydrologic conditions over time and the different management scenarios and alternatives. The application of the models includes a range of pumping conditions that would account for the individual and cumulative project effects, and also includes a reasonable and representative hydrologic time period. The results of the model indicate that the project would contribute to the existing depression, but would not substantially alter existing conditions.

The 1998 EIR assessed the project's contribution to the existing groundwater depression in the area. The project in and of itself would not create a groundwater depression, reverse groundwater flow, or create overdraft conditions. The existing groundwater depression caused by other users would be increased by the proposed project, but the analysis concludes that this effect would not constitute a significant impact to water quantity or quality. No new information has come to light since the certification of the 1998 EIR that would alter this conclusion.

INTERESTED ORGANIZATIONS

O-1	Save the Mesa	?
O-2	Bornholdt, Peron & Pratt, LLP	8/31/01
O-3	The Coalition to save Cambria and San Simeon	9/4/01
O-4	Environmental Defense Center	9/4/01
O-5	Koch California	9/4/01
O-6	Koch California	9/5/01

Save the Mesa
2092 Curtis Place, Arroyo Grande, CA 93420
Bill Robinson
805-489.6872
bilrob@silcom.com

O-1

John McKenzie,
RE: Woodlands SEIR

Mr. McKenzie,

1 | According to the terms of the settlement between Save the Mesa and the County of San Luis Obispo, there will be no exemptions to the GMO until there is an EIR addressing the cumulative effects of such exemptions as they relate to water on the Nipomo Mesa.

As you know, this EIR is still pending.

The request for an exemption to the GMO for the Woodlands project can not be processed or completed until that EIR is completed

Thank you,

Bill Robinson, President, Save the Mesa
805.489.6872
2092 Curtis Place,
Arroyo Grande, CA 93420

O1 Save the Mesa, Bill Robinson

O1-1 The commentor states that no exemptions to the GMO would be acceptable under the Settlement Agreement. Unlike the 180 projects in the South County area that were exempted entirely from the GMO, the Woodlands project proposes to amend, not exempt, the growth rate of the GMO as it relates to the previously-approved Woodlands Specific Plan. The number of residential units approved in the Specific Plan does not change. Therefore, the Woodlands GMO amendment is not considered an exemption as described in the Settlement Agreement.

Even if this project was considered an "exemption" from the GMO and subject to the Settlement Agreement, this proposed project has been subjected to the EIR process that was envisioned in the Settlement Agreement, and would therefore satisfy and meet the intent of the agreement as it relates to the Woodlands development.

KENNETH C. BORNHOLDT
GAYLE L. PERON
JOHN M. PRATT

LAW OFFICES
BORNHOLDT, PERON & PRATT, LLP

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August 31, 2001

HAND DELIVERED

Mr. John McKenzie
Environmental Specialist
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

**Re: Woodlands Specific Plan (Growth Management Ordinance) Draft
Supplemental EIR (ED00-428)**

Dear Mr. McKenzie:

We represent PH Property Development Company, the applicant of the project that was analyzed in the above-referenced document ("DSEIR"). The applicant has the following comments concerning the DSEIR.

General Comment

Throughout the document, the term "new information" is used (e.g., 1.0 Executive Summary, first full paragraph, page 2). We understand that this term is used in the layman's sense referring to a point in time after the County certified the 1998 EIR. This term is not used in the legal sense as that term is defined in Section 21166(c) of CEQA.

1. 1.0 EXECUTIVE SUMMARY / PROJECT DESCRIPTION (page 2).

In the fourth sentence of the first paragraph, there is a reference that up to 1,320 residential units were approved "conceptually." In 1998, the Woodlands Specific Plan received final approval for 1,320 residential units, not "conceptual" approval (See attached copy of §1.7).

2. 2.0 INTRODUCTION (page 4).

2 The 1998 EIR analyzed a "10-acre active public park," not a "12-acre public park" (See: 1998 EIR, page 62; Woodlands Specific Plan, page 57). However, the project proponent has offered to dedicate a 12.1-acre active public park as part of its VTM application.

3. 2.0 INTRODUCTION / SCOPE OF THIS SUPPLEMENTAL EIR (page 6).

3 The document should disclose in the last paragraph that no other potentially significant impacts other than water resources were identified in the County's Initial Study and Notice of Preparation that were not previously considered in the 1998 EIR (See: DSEIR Appendix A, page 6).

4. 2.0 INTRODUCTION / GROWTH MANAGEMENT ORDINANCE LIMITATIONS IN THE NIPOMO MESA (page 7).

4 In the second to last sentence in the paragraph, it states the developer requested an "exemption". The developer requested an "amendment" (See: DSEIR, second paragraph, page 1).

5. 2.0 INTRODUCTION / OTHER PROPOSED MODIFICATIONS TO THE GROWTH MANAGEMENT ORDINANCE (page 7).

5 The document should disclose that the County is in the process of preparing a separate EIR to consider the cumulative impacts on the Mesa from the GMO and General Plan Amendments currently being processed by the County (See: DSEIR Appendix A, page 3).

6. 3.0 PROJECT DESCRIPTION (page 11).

6 The reference to a "12-acre public park" should be a "10-acre active public park" (See: Comment 3). Also, the 1998 EIR did assess the rate of implementation of the project (See: 1998 EIR, page 63).

7. 3.0 PROJECT DESCRIPTION / PROJECT OBJECTIVES (page 12).

7 Another Specific Plan objective approved by the County was the financial benefit of the project to the County (See: The Woodlands Specific Plan, Appendix A).

8. FIGURE 2. LAND USE CONCEPT PLAN (page 13).

8 The applicant was not the source for this Figure 2 as was represented in the DSEIR. Any discussion in the DSEIR relating to the "potential future school site" should be eliminated, because there is none specified in The Woodlands Specific Plan approved by the County. Any discussion of a potential school site at the project is conjectural at this time.

9. 3.0 PROJECT DESCRIPTION / PROJECT CHARACTERISTICS / RECREATION AND OPEN SPACE (page 15).

9 In the second paragraph, the reference to a "12-acre public park" should be to a "10-acre active public park" (See: Comment 3).

10. 3.0 PROJECT DESCRIPTION / PROJECT CHARACTERISTICS / PUBLIC FACILITIES (page 15).

10 Please see Comment 8 for discussion on the "potential future school site".

11. 3.0 PROJECT DESCRIPTION / PROJECT APPROVALS (page 16).

11 The applicant is not proposing and has not proposed any General Plan Amendment as part of its implementation of The Woodlands Specific Plan. Therefore, the decision-makers should not be told that said Amendments are "possible," because it is speculative and conjectural at this time.

Lucia Mar Unified School District should not be listed as an agency involved in a separate project approval, since it is speculative that a potential school site will ever be located in the project.

12. 4.0 HYDROLOGY SETTING / CONCLUSIONS OF THE ASSESSMENT OF NEW DATA AND ANALYSIS (page 34).

12 The statements in the last bullet paragraph need clarification. The project that was analyzed in the certified 1998 EIR was full residential build-out within 10 to 15 years versus a different rate of development under the GMO then in effect. The applicant has never proposed any "accelerated rate of development" or "faster project schedule" different from the development rate analyzed in the 1998 EIR.

13

13. 5.0 IMPACTS AND MITIGATION MEASURES / CUMULATIVE IMPACTS / DISCUSSION (page 39).

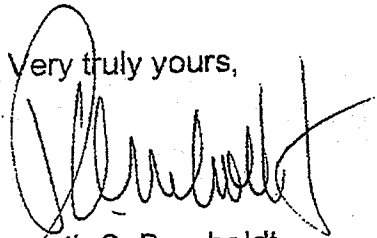
The Specific Plan was approved on December 15, 1998, not January 1, 1999, as stated at the top of the page (See: RFP, §1.7).

14

14. 5.0 IMPACTS AND MITIGATION MEASURES / TABLE 7 (page 42).

The documents should explain that in the "Commercial" category, the reference to "16.32 acres" relates only to acres of buildings and not the total acres of land at the sites.

Very truly yours,



Kenneth C. Bornholdt

KCB/sls

cc: John Janneck
Victor Montgomery

1.4 ACCEPTANCE OF PROPOSAL CONTENT If a contract is awarded as a result of a response to this request, the County will select the successful individual or firm as quickly as possible after the final date for receipt of the proposals. However, final award is contingent upon successful contract(s) negotiation.

It is likely that the content of the proposal of the successful bidder will be used in a legal contract of agreement. Bidders should be aware that methods and procedures proposed are likely to become contractual obligations.

1.5 INQUIRIES

If the consultant has any questions in regard to this RFP, contact: John McKenzie at (805) 781-5452.

1.6 CONTRACT AMOUNT

The consultant shall prepare a cost estimate based upon the services requested in this RFP. The SEIR document shall be bid at a firm, fixed price, while staff meetings, public hearings, and preparation of findings, shall be bid on a time and materials basis.

1.7 PROJECT BACKGROUND

On December 15, 1998, the Woodlands Specific Plan was approved and EIR certified for the following: 2 ½ golf courses (45 holes), 1,320 residential units, a 500-room resort, a 9-acre commercial "village" core, a 22-acre business park, a 12-acre public park, two optional "flex zone" business park areas (totaling 24 acres) and open-space areas with trails.

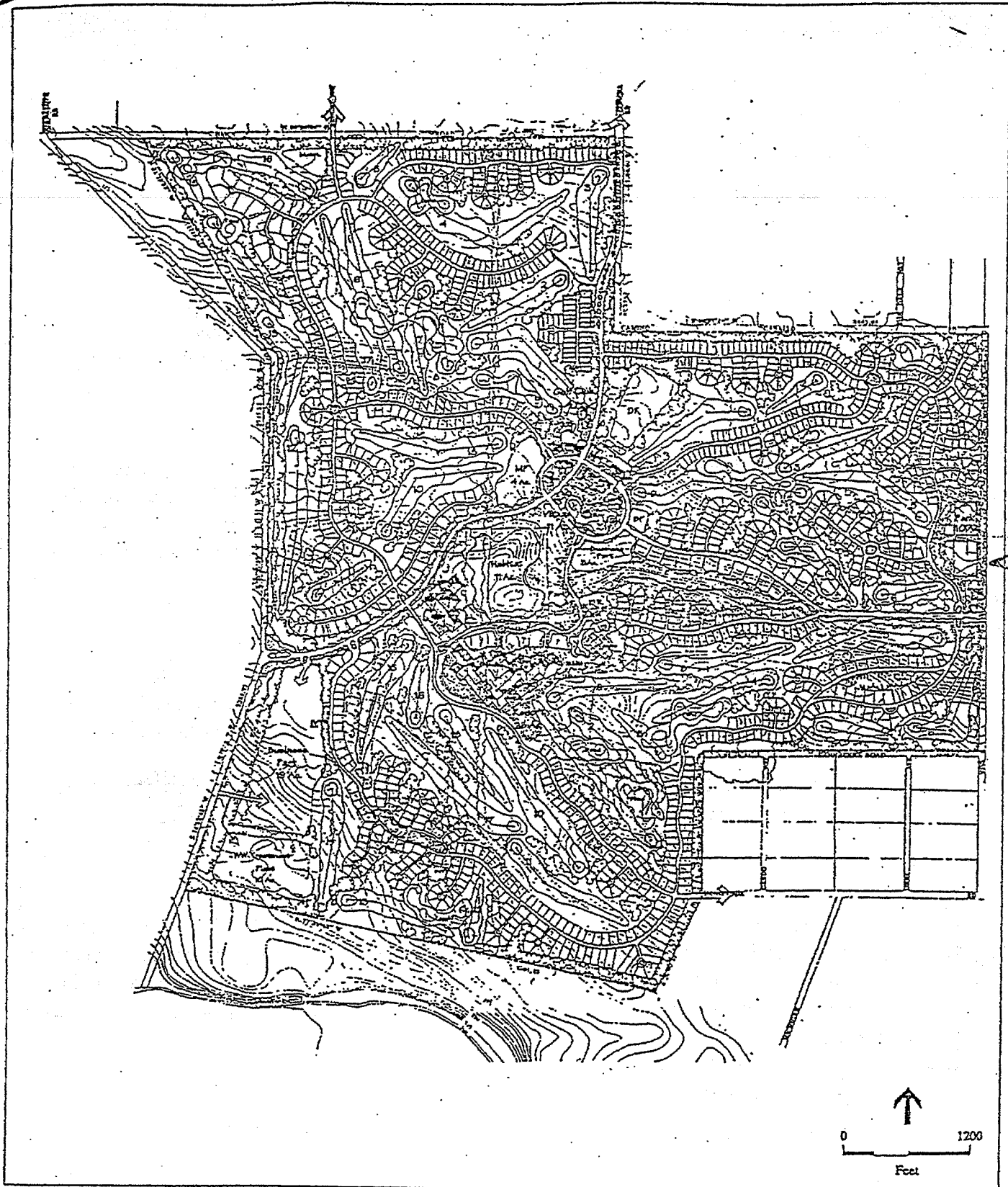
The EIR recognized the applicant's desire to complete the project within a 10 to 15 year time frame. The EIR also noted that the project was subject to the County's Growth Management Ordinance, which, at the time of the EIR, would have taken about 27 years to allow construction of the 1,320 residences at Specific Plan buildout. Subsequent revisions to the GMO would result in it taking over 200 years for the project to reach buildout.

Since approval of the project, several new water reports have become available. These include: "Revised Final Draft Water Resources of the Arroyo Grande-Nipomo Mesa Area" by Dept. of Water Resources (2000); Ludhorf & Scalmini water study (2000), Santa Barbara Co. 1999 Groundwater Report; and the annual review of the County's Resource Management System Summary Report (2000)

Also, eight county general plan amendments within the area have been authorized for processing which would increase the density in the Nipomo Mesa area over what was previously considered in the EIR. Finally, a lawsuit was filed on the Growth Management Ordinance relating to the granting of exemptions from the ordinance for "pipeline" projects.

1.8 PROJECT LOCATION

The Specific Plan area encompasses approximately 957 acres, and is located on the east side of Highway 1, between Dawn Road and the southern edge of the Mesa, west of the community of Nipomo.



SOURCE: RRM Design Group.

Woodlands Specific Plan / 950250 ■

Figure 2.2a
Revised Project Alternative



E. Design Guidelines

1. Location

These guidelines affect the area designated Public Facility/wastewater treatment.

2. Character

The wastewater treatment facility will be buffered to any adjacent areas for the most part by existing trees. However, the buildings should be in keeping with a rural character and utilize low scale structures and natural materials. Paved areas should be limited to access roads, parking, and ponds.

3. Site Planning

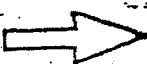
There will be a 200' landscaped buffer between the facility and Highway One, and a 100' buffer along the southern property boundary. Access will be from from the business park and should be marked by a sign and lighting. The facility should be screened from the adjacent golf course with berming and landscaping per the Landscape Design Guidelines below.

F. Landscape Guidelines

1. Planting

- Existing Eucalyptus trees are to remain, with some thinning and clearing, in the 200' buffer from the western property line, and within the 100' buffer from the southern property line.
- This facility should be screened from the golf course by existing Eucalyptus trees and shrubs as suggested in the Suggested Plant Palette, Appendix C.

2.6.2 Public Park



A 10 acre neighborhood "active" public park will be dedicated to the County. It is located to the north of the Mesa Road entrance and is intended for use as an area wide facility that provides easy access from the surrounding neighborhoods outside the plan area. The County may provide for both passive and active uses including multi-use ballfields, playground, picnic areas, tot lot, and onsite parking.

A. Land Use Designation

The public parks are designated PF.

B. Allowable Uses

- Playgrounds (active park only)
- Picnic areas

COUNTY OF SAN LUIS OBISPO
NOTICE OF PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT FOR THE Woodlands Specific Plan; ED01-428

PROJECT DESCRIPTION

A request to amend Title 26 (Growth Management Ordinance) to: allow development of the potential 1,320 residential units envisioned in the adopted Woodlands Specific Plan to be built in accordance with the phasing schedule in the specific plan (10-15 years), instead of being subject to the allowable build-out rate specified by the existing growth management limitations (in excess of 200 years at the currently allowed rate for the Nipomo Mesa area).

PROJECT LOCATION

The proposed project is within the Recreation land use category and is located on the Nipomo Mesa, bounded by Dawn Road to the north, Highway 1 to the west, Nipomo bluff to the south, and Viva Way to the east. The subject project is approximately two miles west of the community of Nipomo (see Exhibit A).

PROJECT BACKGROUND

A Specific Plan was approved by the Board of Supervisors which allowed the following uses on the 957 acre property: 22 acres of business park, 45 holes of golf, a 500-unit resort, a commercial center and 1,320 residential units. A Final EIR was certified by the Board that evaluated the impacts associated with this development. At the time of project approval and EIR certification, the Growth Management Ordinance in place would have allowed about 44 residential units be constructed a year, or would take about 30 years to reach the project's residential buildout. The current GMO, with recently approved changes, would push this residential buildout rate to over 200 years. The applicant is requesting the amendment to the GMO to allow the residential buildout to occur within a 15-year timeframe.

Since the time of Specific Plan approval, additional water information has become available (e.g., Revised Final Draft DWR report (2000), Ludhorf & Scalmini (2000)).

In addition, eight general plan amendments in and around the Nipomo Mesa area have been authorized for processing, which could increase the Area Plan's buildout density by about 531 residential units. Also, other amendments to the GMO are currently being considered including the approval of exemptions for 180 "pipeline applicants/projects" in the South County area from Title 26.

The County is also in the process of preparing an EIR (separate NOP forthcoming) to generally consider cumulative impacts on the Mesa from the GMO and General Plan Amendments currently being processed by the County.

ENVIRONMENTAL PROCESS

The environmental review process for this project is expected to proceed as follows:

- 1) A Supplemental Environmental Impact Report will be prepared for the Woodlands Specific Plan to analyze new water information/effects not previously considered in the certified Woodlands Specific Plan EIR.
- 2) This effort will include a cumulative water analysis that considers the pending eight GPAs and 180 GMO exemptions.

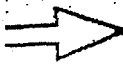
If you have questions or need more information, please contact John McKenzie ([805]781-5452) at the Environmental Division, Planning & Building Department, County Government Center, San Luis Obispo, 93408-2040.

375,000 cubic yards. Stage III would include 290,000 yards and the final Stage would include 318,000 cubic yards. Development would begin in the northwest quadrant, then move to the northeast quadrant in a clockwise manner. This differs from the original proposed project, which proposed to develop the western portion of the site and then the eastern portion.

2.5 PROJECT SCHEDULE

The proposed project would be developed in two general stages. The first stage would consist of the western site components, including the west golf course, western residential neighborhoods, the resort, the clubhouse, village infrastructure, the three-acre business/office park, the 19-acre business park, and the wastewater treatment facility. Public and private open spaces including the Sensitive Resource Area, village green, woodland buffers, trails, dedication of the public park site and internal neighborhood open spaces are also planned for this stage, as well as all necessary supporting infrastructure, roads, and site amenities.

The second stage would involve the buildout of the east golf course, eastern residential neighborhoods, the second golf clubhouse, the remainder of the Village Center, a multi-family residential neighborhood, expansion of the wastewater treatment facility, and dedication of the school site. Table 2-2 summarizes the two stages of development for each alternative. Figure 2-3 illustrates the proposed stages for the project. Under the Revised Project Alternative, the project would be developed in four stages instead of two. Development would occur in the northwest quadrant of the site and more in a clockwise motion.



It is anticipated that the entire project would be completed within 10 to 15 years from project approval. In this EIR, the year 2020 is used for cumulative impact assessment, as this year corresponds with other relevant studies (e.g., the recent EIR traffic assessment completed for the Willow Road Extension and Interchange).

Site clearance is anticipated to occur in one phase at the onset of the project, and would consist of the removal of approximately 640 acres of eucalyptus trees from the site. Tree trunks would be logged for transport, while slash (tree limbs and debris) and stumps would be chipped on-site. Approximately eight to ten million boardfeet of eucalyptus would be removed from the site, resulting in approximately 2,000 truckloads of logs and 500 truckloads of chipped material.



County Land Use Element
South County Area Plan
PH Property Development Company

The following standards apply to the PH Property Development Company property shown in Figure 7-17.

1. *Specific Plan Objectives:* The Specific Plan is to be prepared to achieve the following performance criteria:

- A. *Types of Land Use:* Recreational and rural resort uses (such as golf courses and lodging), business parks, related commercial retail and residential uses are the broad categories of uses that should be considered. Uses are encouraged that will provide employment opportunities for area residents, enhance the jobs / housing balance within Nipomo, be in harmony economically with other existing or planned business areas and be a positive long-term revenue generator for public support services.
- B. *Open Spaces and Recreation:* The Specific Plan shall provide for permanent open space areas that will retain the rural character of the site as seen from Highway 1. A landscaped open space buffer shall be provided around the perimeter of the Woodlands site. Open spaces shall be emphasized in the plan for active and passive public recreation, for informal social activity and to reinforce the identity of neighborhoods and focal points with the use of spatially defined squares and parks. Provide for public recreational uses such as golfing, walking and horse riding around and through the development areas.
- C. *Circulation and Access:* Consider alternative access roads within the intent of minimizing vehicle traffic through residential neighborhoods within Nipomo yet utilizing alternative routes to minimize traffic increases on Highway 1 and Willow Road. Provide a system of multi-use pathways that is separate from roadways between points on the property.
- D. *Water Conservation:* Where feasible, provide for the use of reclaimed water to satisfy much of the project non-potable water demand. Minimize water consumption by the use of drought-tolerant plants and low-consumption irrigation techniques.
- E. *Funding for Public Facilities and Services:* Identify and implement area-wide circulation, public service and facility improvements necessary to support the project.

4. *Specific Plan - Content:* Preparation of the Specific Plan is to include all information required by Sections 65450 et. Seq. of the Government Code, and in addition, it is to include the information to achieve the objectives in standard #2 and the following information:

- A. Resource capacities of the project site and site vicinity, including but not limited to, water supply and usage, sewage disposal suitability, schools and transportation.
- B. Site layout and development concepts for all uses on the property, including the location of clustered residential sites and the proposed number of units within each cluster. Residential development is to utilize the applicable sections for clustering in Land Use Ordinance Chapter 22.04, within the density allowed for the Residential Rural category.
- C. A phasing plan for implementation of the project, if multiple phases are proposed.
- D. Circulation patterns and street alignments in the project, and consider the extension of Mesa Road and Eucalyptus Road to Highway 1 for access from eastern portions of the site to the highway, extension of Via Concha from Willow Road to Eucalyptus Road, pedestrian paths, equestrian trails and bikeways.
- E. Architecture and landscaping that respond to the character of the area.

5. *Land Division Requirements:* A clustered land division proposed prior to submittal of a Specific Plan application shall locate the allowed residential lots in a manner that will be buffered from industrial and agricultural uses on the west side of Highway 1.

- A. *Circulation and Access:* Extend Mesa Road to Highway 1 as the sole access point from the site to the highway. Extend and improve Via Concha from Willow Road to Eucalyptus Road directly or by intervening streets.
- B. *Open Space Uses:* Open space uses other than agriculture and golf course fairways shall retain vegetation near Highway 1. Provide for recreational open space uses such as walking, bicycle and horse riding. Trails should be provided around and through the residential clusters.

O2 Bornholdt, Peron, & Pratt, LLP

O2-1 The commentor states that the residential units were not "conceptually" approved, but rather actually approved. While the Specific Plan has been approved, which has planned for up to 1,320 residential units, there is currently no vested right to build them. Subsequent approvals are necessary to establish this right.

O2-2 The commentor provides clarification on the size of the public park, saying that the approved size of the park is 10 acres but that the applicant has offered to dedicate 12.1 acres. Comment noted.

O2-3 The commentor requests that a sentence be added to the Scope of this Supplemental EIR Section stating that the Notice of Preparation found no potentially significant impacts other than water resources. In response to this comment, the following sentence has been added to the last paragraph of the referenced section:

The Notice of Preparation (see Appendix A) identified that the proposed amendment could cause potentially significant impacts to the following environmental resources: groundwater pollution, community water supply, onsite water, growth beyond resource capacity, and cumulative effects to water. This SEIR focuses on each of these issues.

O2-4 The commentor requests that the word "exemption" be replaced by the word "amendment" in the second to last sentence of the second paragraph of page 7. This edit has been made to the final SEIR.

O2-5 The commentor requests that the SEIR mention that the County is preparing an EIR to address cumulative impacts of groundwater in the area. The SEIR mentions on page 43 that the County has agreed to conduct a Resource Capacity Study. Potential future actions of the County are not relevant to the analysis of existing data made available since the certification of the 1998 EIR.

O2-6 The commentor notes that the reference to a 12-acre park on page 11 should be changed to a 10-acre park. This change has been made to the Final SEIR.

O2-7 The commentor adds the financial benefit to the County as an objective of the project. The financial benefit of the project is mentioned in the 1998 EIR. The newly assessed information has not altered the findings of the financial benefit.

- O2-8 The commentor states that the project would not necessarily involve a school. The figure was intended to mainly illustrate the phasing pattern, as well as the general location of the commercial development. References to PH Property Development company will be removed as the source of the information. Reference to the potential school site was only intended to illustrate the likely location of a future elementary school site should the school district and the developer come to an agreement.
- O2-9 The commentor notes that the reference to a 12-acre park on page 15 should be changed to a 10-acre park. This change has been made to the Final SEIR.
- O2-10 The commentor states that the project would not necessarily involve a school. See response O2-8.
- O2-11 The commentor states that neither a General Plan Amendment nor the Lucia Mar Unified School District be mentioned in the Project Approvals Section on page 16. While no amendments are proposed, it is common for general plan amendments to be made on Specific Plans before project buildout is reached. This reference is not essential to the analysis and will be removed from the section. The Lucia Mar Unified School District would be contacted as specific development is proposed regardless of whether a school site is proposed or school built within the subject development.
- O2-12 The commentor requests that the last bullet point on page 34 be clarified to state that the applicant has not requested an accelerated rate of growth in the SEIR. It is clear in the referenced paragraph that the accelerated growth rate refers to the proposed rate of development as compared to the Growth Management Ordinance currently in effect. The bullet explains that the 1998 EIR generally assessed a similar rate of development as is currently proposed. No changes have been made to the text.
- O2-13 The commentor states that the Specific Plan was approved on December 15, 1998, not January 1, 1999. The SEIR has been changed to reflect this comment.
- O2-14 The commentor states that the 16.32 acres noted in Table 7 refers to commercial building space, not actual land. The project description is clearly described in the report. No modifications have been made.

THE COALITION TO SAVE CAMBRIA AND SAN SIMEON

O-3

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coalitiontosavecambria@onemain.com

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County Planning & Building Dept.
County Government Center, Room 310
San Luis Obispo, CA 93408-2040

September 4, 2001

RECEIVED

SEP 04 2001

S.L.O. COUNTY
PLANNING DEPT.

RE: Woodlands Specific Plan Draft Supplemental EIR (ED00-428)
4 pages total

Dear John:

The Coalition to Save Cambria and San Simeon has reviewed the Woodlands Specific Plan Draft Supplemental EIR and has prepared the comments that follow.

1 We are concerned about the size of the proposed development, about the proposal to allow the project to proceed outside of the Growth Management Ordinance, and about the fact that conclusions concerning environmental impacts are being drawn in a vacuum of reliable resource information. We are concerned that this project will open the door to other similar huge urban sprawl projects that will destroy forever the rural and agricultural character and economy of our county. And we are concerned that resources already stretched to meet countywide needs like traffic, air quality, and shared sources of water including the state water project and Nacimiento will be negatively impacted in the near to long term. The scope of this proposed project in terms of countywide cumulative impacts on resources was not included in this SEIR.

2 The project background shows inconsistencies and confusion. The Woodland's Specific Plan was approved and the 1998 Plan EIR was certified when the County's Growth Management Ordinance (GMO) applied as a blanket to almost the entire county including the project area. The County as a whole (excluding Cambria) was restricted to an overall 2.3% growth rate. Under that ordinance the proposed project was approved for build out over a 27-year period. The 1998 EIR provided evaluation of the project impacts based on the 27-year build-out period.

On August 8, 2000 the Board of Supervisors directed staff to prepare an amendment to the GMO that would allow the proposed Woodlands project to accelerate build-out of the project so that the project could be completed in almost a third – 10 to 12 years – of the original 27 years allowed in the Specific Plan.

2a Environmental review of this intended amendment has not been done and the amendment has not been adopted. Therefore, as of this date, the proposed Woodlands project is required to adhere to the County Growth Management Ordinance.

On January 16, 2001 the Board adopted an amendment to the GMO that separated the Nipomo Mesa area from the countywide 2.3% annual growth rate and established a separate 2.3%

"We're a community – not a commodity"

1

2
cont.

growth rate for the planning area. Therefore, as of January 16, 2001 the proposed Woodlands project is required to adhere to this amended GMO. The August 8, 2000 Board direction to staff to "exempt" the project from the now-defunct previous ordinance is no longer germane. To proceed, the project must now be made "exempt" from the amended GMO and environmental analysis of that "exemption" must be provided.

The SEIR fails to describe the project impacts in light of the amended Growth Management Ordinance restrictions. Certification of the SEIR is inappropriate until the project described is in compliance with the GMO and until an analysis reflecting GMO standards and regulations is provided.

3

The project description has changed significantly and the SEIR fails to provide information to make the previous EIR adequate. The SEIR states that "...the project components for the Woodlands Specific Plan have not changed since the certification of the previous EIR in 1998". This is false. The SEIR project description includes, among other significant changes, an additional 13 acres of commercial development.

Further indicating a lack of adequate analysis the above false statement is followed by the declaration that "Therefore, the SEIR assumes that CEQA requirements to evaluate other resources with respect to the proposed project have been satisfied in the initial EIR."

4

The SEIR fails to provide evidence – and consequently fails to provide an analysis of evidence – supporting the conclusion the project will have no impacts on the resources shown within the EIR to be significantly impacted. A discussion of impacts on the resources shown within the EIR to be significantly impacted was not included. In terms of water resources, the SEIR falls back on the conclusions of the 1998 EIR as quoted above.

Since the project has changed significantly, we maintain that the SEIR must provide analysis using the new project description, based on new evidence in the record, and using actual physical and current environmental conditions as a baseline for impact evaluation.

5

The SEIR fails to provide required analysis of financing for project infrastructure.

6

The rate of growth proposed within the expanded Specific Plan described in the SEIR is inconsistent with the GMO and with the County General Plan. Neither the project as described in the original Specific Plan nor the expanded project as described in the SEIR are consistent with the Growth Management Ordinance. Neither project has been "exempted" from the GMO. Certification of the SEIR should not take place until the expanded project within the SEIR is consistent with General Plan and the impacts of the proposed project are analyzed in relation General Plan requirements.

7

Certification of the SEIR and the expanded project described in the SEIR would allow the expanded project to proceed in contradiction with the Resource Management System and other General Plan requirements.

7
ont.

The SEIR proposes to proceed prior to development of the upcoming Resource Capacity Study without adequate evidence of resource availability in contradiction to the General Plan requirements within the RMS.

8

These actions exemplify a "developer-driven" decision making process. The Board directed staff to amend the GMO in order to approve a project that contradicts the purposes of general plan policies and ordinance requirements solely so that the developer could increase his profits. The tail is wagging the dog when the ordinance is amended to be consistent with the developer's desires for profit (the only benefit cited) rather than requiring the developer to adhere to regulations designed to protect the public health and safety.

Indeed, the Board directed staff to develop amendments to the GMO based on language detailed in an August 3, 2000 letter from developer Mr. Janneck entitled "Woodlands Specific Plan - Growth Management Ordinance".

9

The SEIR fails to provide an adequate evaluation of resource availability and impacts. Based on recent litigation between the County of SLO and the citizen group Save the Mesa, a stipulated agreement requires that no additional density changes to the South County Area Plan will be allowed until a determination of water availability has been made. The proposed project would add extensive additional density.

10

Implicit within this agreement is the verification by the County that there is currently no adequate determination of water availability for the project area. Because a determination of water availability is lacking, there is no adequate evidence upon which a reliable determination of effect upon the water resource and other related resources (e.g., biological resources) can be made.

11

The draft SEIR fails to describe the contemporaneous environmental setting as a baseline for evaluation either as to actual physical environmental characteristics relating to significant effects shown in the EIR or in terms of the impacts of the previously approved project.

12

SEIR provides no analysis of impacts that the proposed expanded project would have on other environmental resources. Only conclusions relating to water resources based on the 1998 EIR are provided. No reference is made to the standards and regulations of the Resource Management System.

13

The evidence cited to show adequate water for the project and upon which the conclusion was made that the project would have no significant impacts on the area water resource is inconsistent with the findings made by the Board of Supervisors as the basis for the January 2001 amendment to the GMO to severely restrict growth in the project area. Certification of the SEIR would require the Board of Supervisors to adopt contradictory findings.

14

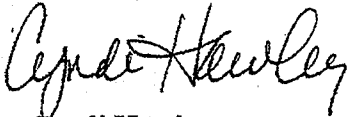
The use of groundwater models such as that used as evidence to determine availability of adequate water for the proposed project have been criticized by experts as unreliable and are inconsistent with California Waterworks Standards for determining water availability. These findings are inconsistent with those of the RMS which places the area at a level II of water source depletion.

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15 | The SEIR is deficient because the San Luis Obispo General Plan is legally inadequate. The Conservation Element for the County of San Luis Obispo was written in 1974 and has not been updated since that time. Given the serious depletions in water resources and the extensive impacts on all resources throughout the county during the last 26 years, the SLO County Conservation Element has become functionally non-existent.

16 | The uncertainties and confusion surrounding the availability of resources for the proposed Woodlands project, the multiple standards used for determining resource availability, and the opportunities this confusion opens for exploitation of the process at the expense of public health and safety demonstrate the acute need for an effective and complete Conservation Element and a consistent General Plan.

Sincerely,



Cyndi Hawley

cc: Supervisor Bianchi
Save the Mesa

O3 The Coalition to Save Cambria and San Simeon

O3-1 The commentor states that cumulative impacts of the development have not been adequately addressed. Cumulative impacts from the project were adequately assessed in the 1998 EIR. As such, traffic, air quality, and other effects of growth in the area were not addressed in the SEIR. However, the SEIR does provide analysis of cumulative impacts to the groundwater resources in the area. The assessment concludes that the currently foreseeable projects would not cumulatively promote significant adverse impacts. These conclusions are based on groundwater modeling prepared for the subject property.

O3-2 The commentor suggests that the project background shows inconsistency and confusion. The project background provides a history of the GMO as it applied to the 1998 EIR, as well as recent changes that describe the current situation which are considered in the SEIR. The 1998 EIR recognized both the GMO at that time (i.e., 27-year project buildout), as well as the applicant's proposed timeframe of 15 years. However, the focus of the impacts and mitigation measures were tied to each of the four phases of development, which was relatively independent of the growth rate. The water modeling done for the project that was reviewed in the 1998 EIR considered a two 8-year period (or a total of 16 years) to reach buildout.

O3-2a The commentor describes that the recent changes to the GMO were approved after the Board's action to consider amending the Woodlands project, thereby negating any further consideration of the Woodlands amendment. This procedural comment has no bearing on the adequacy of the SEIR. However, amendments such as this that are under consideration but not approved, do not just go away from peripherally-related actions. Rather, they must recognize such peripheral actions have occurred and apply them as appropriate to the proposed action. In this case, the change of project buildout from 27 years to over 200 years has no effect on the analysis being performed, which is determining the significance of the growth rate at 15 years to project buildout. The SEIR concludes that there are no additional significant water impacts and the previously required mitigation measures will adequately reduce potential impacts to less than significant levels. Therefore, a slower growth rate does not need to be considered.

O3-3 The commentor states that the project has changed since the certification of the 1998 EIR. The commentor does not provide sufficient information to show where the additional 13 acres of commercial are being referenced. The descriptions of all of the project

components in the SEIR are intended to reflect what was approved as a part of the Specific Plan.

- O3-4 The commentor suggests that the SEIR does not adequately assess potentially significant impacts. Per Section 15163 under CEQA, the intent of the SEIR "need contain only the information necessary to make the previous EIR adequate for the project as revised". The NOP is included as Appendix A of the SEIR. The Initial Study included with the NOP identifies those areas that could have potentially significant impacts based on new information available since the certification of the 1998 EIR. These issues involved groundwater and water supply. The SEIR finds that the newly available information does not alter the conclusions of the 1998 EIR with respect to groundwater resources. All other issues are considered adequately analyzed and mitigated within the 1998 EIR.
- O3-5 The commentor states that the SEIR fails to provide analysis of financing. CEQA does not require that financial analysis be included in EIRs.
- O3-6 The commentor states that the plan is inconsistent with the Growth Management Ordinance (GMO) and the County General Plan. The project would require, and has been authorized consideration for, an amendment to the GMO as described in the Introduction. The SEIR has been prepared to assess potential impacts to groundwater resources from implementation of this amendment. The SEIR will need to be certified and the proposed Woodlands GMO amendment will need to be approved by the Board of Supervisors before the applicant can proceed along the faster buildout timeframe.
- O3-7 The commentor states that the project contradicts the Resource Management System (RMS). Due to the generality of the comment, it is unclear what aspect of the RMS the project may contradict. The RMS provides an annual summary of the general conditions for water sources and systems, sewer, roads, school and air quality. Neither the 1999 or 2000 annual reports include any recommendations to change severity levels for the South County area for any of the above-mentioned issue areas. The annual RMS has sufficient preliminary evidence for the staff to recommend that subareas within the Santa Maria groundwater basin be assigned a Level of Severity II or III. These staff-recommended levels have not been adopted by the Board of Supervisors and have not changed from when the EIR was prepared in 1998 and therefore is not new information that has not already been considered.

Based mainly on the DWR report (which was also analyzed in the Woodlands SEIR), there was sufficient information for the Board of Supervisors to authorize at the beginning of this year the preparation of a Resource Capacity Study to further evaluate and determine the level of severity of the groundwater basin. In addition to the DWR report, the Woodlands SEIR also considered the supplemental water modeling done for the project, as well as the other regional water information (e.g., Ludhorf & Scalminini). Based on this information, as it applies to the proposed "accelerated" rate of growth for Woodlands, the impacts are similar to what was already analyzed and discussed in the 1998 EIR.

O3-8 The commentator states that the project is "developer driven." Comment noted. The SEIR assesses potential impacts of the project to groundwater resources with respect to new information that was not available at the time of the 1998 EIR in accordance with CEQA requirements.

O3-9 The commentator states that the SEIR fails to provide adequate evaluation of impacts. On the contrary, the SEIR summarizes new information available since the 1998 EIR and evaluates the potential for the project to cause impacts that had not already been addressed in the 1998 EIR.

The Commentor also states that as a result of recent litigation, no additional density is allowed in the South County Area. The Settlement Agreement makes no reference to additional density. Rather, it specifically identifies that no further Growth Management Ordinance exemptions shall go forward until an EIR is prepared. The agreement specifies 180 "GMO-exempted" projects in the South County. Unlike these 180 projects, the Woodlands project proposes to amend, not be exempted from, the growth rate of the GMO as it relates to the previously-approved Woodlands Specific Plan. The number of residential units previously approved in the Specific Plan does not change. Therefore, the proposed Woodlands GMO amendment is not prohibited by the Settlement Agreement.

Even if this project was considered an "exemption" from the GMO and subject to the Settlement Agreement, this proposed project has been subjected to the EIR process that was envisioned in the Settlement Agreement, and would therefore satisfy and meet the intent of the agreement as it relates to the Woodlands development.

- O3-10 The commentor states that there is currently no adequate determination of water availability for the project area. On the contrary, water modeling conducted for the project area has indicated that groundwater resources are adequate to meet the project demands and other cumulative demands that are known and identified at this time and as identified in the SEIR. The 1998 EIR assessed potential impacts to other resources (including biological resources). See also Response O3-9.
- O3-11 The commentor states that the SEIR does not adequately provide an environmental setting. Per Section 15163 under CEQA, the intent of the SEIR "need contain only the information necessary to make the previous EIR adequate for the project as revised". The SEIR summarizes the previous analysis, provides a review of new information made available since the certification of the 1998 EIR, and assesses potential impacts of the project in light of the new information in compliance with CEQA requirements. Additional environmental setting information and impacts to the existing environment were assessed in the 1998 EIR.
- O3-12 The commentor states that the SEIR does not assess impacts to resources other than groundwater for the "expanded" project. Other than the proposed growth rate change, the project being considered is the same as what was approved for the Specific Plan and is not considered an "expanded" project. The Initial Study checklist includes as Appendix A in the SEIR concludes that groundwater resources and water supply issues could be impacted by the newly available information. No other resources were seen as being potentially impacted by the new information. Therefore, in compliance with CEQA requirements for Supplemental EIRs, the SEIR focuses on groundwater issues.
- O3-13 The commentor states that the conclusions of the SEIR contradict the Board of Supervisors findings to limit specifically the growth rate to 2.3% for the Nipomo Mesa area. The SEIR assesses potential impacts to groundwater based on available technical water information. When this amendment goes before the Board for a final action, the Board will consider all previous actions taken that may relate to the proposed amendment, including the current 2.3% Nipomo Mesa growth cap.
- O3-14 The commentor states that the groundwater models have been criticized by experts and are inconsistent with California Waterworks Standards. Contrary to this statement, the groundwater modeling efforts provide the best available information regarding the groundwater resources within the Nipomo Mesa area. The modeling efforts utilized

MODFLOW modeling software developed by the United States Geological Service. The model was adjusted to more closely reflect the conditions found in the project area. The modeling procedures are not inconsistent with standard modeling procedures. The referenced Level of Severity II on water resources is an RMS recommendation to the Board based on preliminary evidence. The SEIR conclusion is not intended to state that additional basin-wide analysis is not necessary, but rather after more detailed analysis of this preliminary information as it applies to this project's impacts have not changed since the 1998 EIR. The conclusions reached in this project-specific SEIR is not suggesting that an RCS should not still be prepared to determine potential impacts and mitigation measures from a basin-wide perspective.

O3-15 The commentor states that the County's General Plan is legally inadequate. The SEIR does not assess the adequacy of the General Plan.

O3-16 The commentor requests that the Conservation Element of the General Plan be amended. This comment does not speak to the adequacy of the SEIR under CEQA and therefore no additional comments are necessary.



September 4, 2001

Via Facsimile and US Mail

Timothy McNulty, Esq.
Deputy County Counsel
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RE: Save the Mesa v. County of San Luis Settlement Agreement and the Draft SEIR for the Woodland Project

Dear Mr McNulty,

As you likely recall, the Environmental Defense Center (EDC) represented Save the Mesa in a lawsuit challenging the County's May 2, 2000 amendments to the County Growth Management Ordinance (GMO) on the grounds that the County had failed to comply with the requirements of the California Environmental Quality Act (CEQA). The case, Save the Mesa v. County of San Luis Obispo, CV000489 ("the lawsuit") was resolved through the execution of a settlement agreement, to which you were a signatory on the County's behalf.

I have reviewed the Woodlands Specific Plan Supplemental Impact Environmental Impact Report ("DSEIR") (SCH#2001031063). It would appear that by certifying this SEIR and approving the GMO amendments proposed therein, the County would be violating at least two separate provisions of the settlement agreement that resolved the Save the Mesa lawsuit.

The SEIR, which purports to consider the proposed GMO amendment for Woodlands, focuses on the analysis of the impacts on groundwater resources in the Nipomo Mesa area. . . SEIR, at 6. The DSEIR, by its own admission, does not consider or analyze the environmental impact of all GMO amendments the County is considering, including the proposal to add the unused allocations from previous year to the Maximum Annual Allotments.

The Save the Mesa Settlement Agreement, contained the following provisions:

1. The County will grant no further exemptions from the Growth Management Ordinance for the Nipomo Mesa area (as defined in Title 26), including the use of unused allocations from previous years, unless and until an EIR is completed that addresses such potential exemptions or through the year 2001, whichever comes last.

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1
cont.

- 2. the County will evaluate the environmental impacts of the approximately 180 Pipeline Projects in an environmental impact report to be prepared and certified before the end of 2001. Said environmental impact report may also consider other proposed projects including additional proposed amendments to the Growth Management Ordinance. The EIR will address resource constraints to growth in Nipomo Mesa area including constraints posed by water resources. . . .

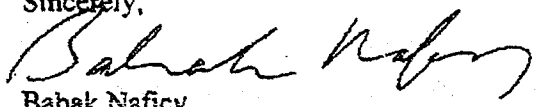
Now, less than a year after execution of the Settlement Agreement, it appears that County may be in the process of violating its terms. Any GMO amendment for the Woodlands project would violate the terms of the Settlement Agreement because all GMO amendments contemplated by the County have not been addressed and analyzed in an EIR, as the Settlement Agreement requires.

2

Finally, it would appear that the "cumulative impacts" analysis contained in the Woodlands DSEIR is inadequate under CEQA. The SEIR fails adequately to consider the impacts of all proposed GMO amendments, as contemplated under the terms of the Save the Mesa Settlement Agreement and acknowledged in the DSEIR itself. The SEIR deliberately fails to consider the potential impacts of the proposal to increase the Maximum Annual Allocations through the addition of unused allocations from previous years. SEIR, at 7. The SEIR must include an adequate analysis of the cumulative impacts of all past, present, and "probable future" projects. 4 Cal. Code Regs. §15065(c). The increase to the Maximum Annual Allocations by adding unused allocations from the previous year is a "probable" project within the meaning of CEQA. As such, the SEIR's cumulative impact analysis is deficient as drafted because it fails to consider and analyze all probable future projects.

Please feel free to contact me to discuss any of the issues raised in this letter. Please note, however, that if the County proceeds with the certification of the DSEIR and approves the proposed GMO amendment for the Woodland in violation of the terms of its Settlement Agreement in the Save the Mesa case, we would be forced to resort to judicial intervention to enforce the terms of that agreement.

Sincerely,



Babak Naficy
Senior Staff Attorney
Environmental Defense Center
Attorneys for Save the Mesa

Cc: John McKenzie, Environmental Division
County Planning & Building Dept.
(805) 781-1242

O4 Environmental Defense Center

O4-1 The commentor claims that the County would be violating a Settlement Agreement allowing no further exemptions to the GMO prior to completion of an EIR that assesses the cumulative effects of such exemptions. The agreement specifies 180 "GMO-exempted" projects in the South County. Unlike these 180 projects, the Woodlands project proposes to amend, not be exempted from, the growth rate of the GMO as it relates to the previously-approved Woodlands Specific Plan. The number of residential units previously approved in the Specific Plan does not change. Therefore, the Woodlands GMO amendment is not affected by the Settlement Agreement.

Even if this project was considered an "exemption" from the GMO and subject to the Settlement Agreement, this proposed project has been subjected to the EIR process that was envisioned in the Settlement Agreement, and would therefore satisfy and meet the intent of the agreement as it relates to the Woodlands development.

The SEIR does assess potential impacts to groundwater resources resulting from the project based on newly available information. The SEIR also has considered the cumulative water effects of the 180 exemptions and the eight pending General Plan Amendments as they may affect the proposed Woodlands development. While difficult to quantify for any specific impacts or geographic area, the other proposed GMO amendments were listed in the SEIR as informational items.

O4-2 The commentor further discusses the Settlement Agreement and that the Woodlands SEIR inadequately assesses cumulative impacts relating to the pending GMO amendments. The SEIR focused on cumulative water impacts relating to the Woodlands development. The pending GMO amendments were quantitatively assessed for cumulative water impacts to the extent feasible. With the exception of the 180 South County exemptions and the proposed project, the proposed GMO amendments do not provide sufficient levels of specificity to be able to conduct any further quantitative analysis on cumulative water impacts to the Santa Maria groundwater basin. Should the Woodlands amendment be approved, the other GMO amendments address other aspects of growth in the county and will have no effect on the Woodlands development. The 180 exemptions were considered for cumulative impacts in the SEIR. See also comment O4-1. At this time, the "Nipomo Mesa Area" is specifically limited to 2.3%. Should the "unused allocations" portion of the GMO amendments be approved, none of these would be allowed in this particular area,

but would likely be distributed throughout the remainder of the county. Therefore, it is not expected that this aspect of the proposed GMO amendments would have an effect on the cumulative impacts around the Woodlands development. Also, these other GMO amendments are being evaluated together for their environmental impacts under a different project known as the proposed Growth Management Ordinance Amendments (from Aug. 8, 2000, Board of Supervisors hearing).



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September 4, 2001

RE: Woodlands Specific Plan (Growth Management Ordinance) -- Notice of Availability of Draft Supplemental EIR (ED00-428)

John McKenzie, Environmental Division
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I would like to comment on the Woodlands SEIR. There are several statements that need to be supported or corrected. The following misstatements in the SEIR create misconceptions of the Woodlands project's place in the water pumping priority in Nipomo. This misconception can result in decisions that result in significant environmental impacts to agriculture and other landowners who pump groundwater.

The SEIR states: "The Woodlands project proposes to be an overlying water user." Page 35 Paragraph 2

The SEIR in general implies that pumping for the Woodlands will be an overlying use¹. While the land does overly the basin the final use of the water for the project's homes could not create an overlying use. The golf courses may be an overlying use if the well that supplies them is on land owned by the same entity that owns the golf course land. Even though the initial EIR has a letter claiming the use will be overlying, common sense would indicate otherwise.

¹ Since the initial EIR there has been an example of what will happen in the processing of the Cypress Ridge project to the north. It created a "mutual water company". the County health and State health department would not allow the system to be used to supply water to the homes in exchange for money to run the system. My understanding is that it failed to meet the requirements of financial stability and responsibility. As such the system was connected to Rural Water (an appropriator) and will be run by Rural Water as an appropriative pumping.

The Woodlands has proposed that their system will be owned jointly by about 1200 homeowners, each one owning about 1/1200th and each one responsible for 1/1200th of any problem. This clearly would not meet the same County health and State health department requirements that resulted in the Cypress Ridge being an appropriative use.

I do not see the proposed "overlying" water system meeting all the requirements of county health and the State.

The SEIR needs to provide the data and facts to show how Woodlands will be an overlying use and meet county and state health requirements or correct the SEIR to remove the "overlying use" component for the water use by homes and convert it to appropriative use. The SER should have a statement from

¹ Attached: Definition of overlying and appropriative use., Lemieux letter from initial EIR.

County Health and The State Health Department that they will approve the type of water company that will result in an "overlying use" before placing it as a fact in the SEIR.

Has the county health department reviewed the proposed "overlying" water system proposed by the Woodlands and acknowledged it as being acceptable?

1
cont.

I searched and could find no examples of a water system for 1000 users that is constructed as proposed. Can the SEIR writers point to any water system that is approved by the State of a size greater than 500 hookups that meets the criteria for the "overlying" water system proposed by the Woodlands to back up their claims?

The SEIR states: "Court ordered adjudication of groundwater rights could be initiated within the basin either by the overlying water users or by the State Water Resources Control Board based on impacts to water quality." Page 34 Paragraph 4

2

This statement is incomplete propaganda. It's clear that any landowner or water pumper, and several types of government entities can initiate a litigation on ground water. It is also a misrepresentation to use the phrase "could be" as the area is involved in a litigation that was initiated by neither overlying water users or by the State Water Resources Control Board in 1997.

Please correct the wording to properly reflect the current status of this area of the basin as being litigated as of 1997 by a non-overlying entity.

I think it's important to note that the owners of the Woodlands have not made any claim to any pumping rights at this point in the litigation.

The SEIR states: "In the future, should the groundwater basin become adjudicated or a regional management authority established, each development within the basin would be subject equally to the requirements of the management authority." Page 43 paragraph 1

3

This is statement is clearly an assumption of what will happen in the future and is incorrect. As water pumping rights are based on priority and historical pumping which would clearly not be equal in each new development. As such this statement should be removed from the SEIR.

The applicant, governmental reviewers and the final home owners of the Woodlands project must be clear that the homes will be an appropriative use and will have a lower priority than any overlying use and any appropriative pumping that come before them. In the event of an overdraft they need to be prepared to be one of the first to have their groundwater pumping cut back to correct that overdraft. It's the law of the State of California. The SEIR should be considered in this context.

Thank You



John Snyder
Vice President

San Luis Obispo County Master Water Plan Cooperative Management Agreements Page 1
LAWS OF WATER RESOURCE MANAGEMENT

File: Woodlands SEIR comments 01 0902

Page 2

Printed: 9/4/01 4:41 PM

3
cont.

California water law is complex due to historical circumstances surrounding Californians water users. The first important division in the law comes between ground water and surface water.

Groundwater

Groundwater extractions are not subject to permits in California. Within the area of groundwater law, a division is made between overlying pumpers and appropriators. Overlying pumpers whose property lies above the ground water basin may withdraw water for reasonable and beneficial uses on the property above the basin. Parties that sell water in the basin or pump water outside of the basin may also appropriate any surplus water. Their rights are secondary to the overlying owners and attach in the order in which they were perfected.

O5 Koch California Ltd.

- O5-1 The commentator implies that the project would not be an overlying use and provides an example of a different project. The applicant has indicated that the project would in fact be an overlying use and the approved Woodlands Specific Plan requires it. For purposes of CEQA, the project was assessed with the assumption that water for the project would be supplied from the underlying groundwater basin. The legal authority of the water provider would be established prior to the project implementation and would be approved by the County Health Department and the State Department of Health Services as indicated in the 1998 EIR.
- O5-2 The commentator disagrees with a statement in the SEIR that the groundwater basin could become adjudicated by overlying users or the State Water Resources Control Board. The statement in the SEIR was not intended to exclude other forms of adjudication. The statement addresses the fact that the basin could be adjudicated in the future and does not comment on any on-going litigation. CEQA does not require conjecture over the outcome or strategies of on-going litigation.
- O5-3 The commentator states that the SEIR inappropriately assumes that under adjudication, groundwater users would be equally subject to the adjudicated authority. The comment suggests that the proposed project may not have overlying rights to the groundwater and therefore may have lower priority rights. The Department of Health Services will have approval authority over the water purveyor's design based on reliability. The SEIR cannot conjecture over the outcome of pending litigation. No new information has been raised that was not addressed in the 1998 EIR that would alter the conclusions of the 1998 EIR.



Koch California Ltd.

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September 5, 2001 (second letter)

RE: Woodlands Specific Plan (Growth Management Ordinance) -- Notice of Availability of Draft Supplemental EIR (ED00-428)

John McKenzie, Environmental Division
County Planning & Building Dept.
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

Phone(805) 781-5452
Fax (805) 781-1242

1 I would like to comment on the Woodlands SEIR. I had asked for an extension due to receiving a late response to my data request. I have only now just had time to write this and so I request that it be include in the SEIR.

2 I would like to see the following Nipomo Community Services District (NCSD) response to comments from the EIR process of the NCSD Sun Dale Well project in 1998 and the Woodlands EIR/SEIR reconciled. At a minimum I would like to know the following:

Are the findings of the Woodlands EIR or SEIR the best available knowledge of the physical groundwater status or just "...taking a position that is reserving potential actions necessary to preserve an entitlement to the groundwater..."(page 1 paragraph 2) like NCSD has done?

3 Are any of these in the Woodlands EIR or SEIR finding made at "...the advice of water rights council as required by law in order to establish a certain legal framework with regards to Entitlement to groundwater on the Mesa"(page 3 paragraph 6) as NCSD has done?

4 Does the Woodlands EIR or SEIR find like the NCSD has for the Sun Dale project that the "Appendix A of the Final Environmental Impact Report for the South County Area Plan" does not find the in a state of overdraft (page 8 paragraph 1)?

5 Does the Woodlands EIR or SEIR find like the NCSD has for the Sun Dale project that the "Appendix A of the Final Environmental Impact Report for the South County Area Plan" "one of the most important facts revealed in the latest Environmental Impact Report... is that changing from existing rural conditions including native and non-native vegetation to

5
cont. | increasingly dense residential use has a positive impact on the water balance under the
Mesa" (page 8 paragraph 2)?

6 | Does the Woodlands EIR or SEIR find the "Appendix A of the Final Environmental
Impact Report for the South County Area Plan" is the most reliable study that dates prior
to the Woodlands EIR/SEIR as stated by Jim Garing for NCSD: "The South County area
plan update environmental impact report in my opinion is the most recent environmental
document that examined the whole Nipomo groundwater basin and it's effect on
surrounding basins in a complete and entire manner. You know the county spent hundreds
of thousands of dollars on that document so I believe there is reason to rely on it". (Jim
Garing response for NCSD to public comments on Video of actual Sun Dale public
meeting at 1H36M10S).

7 | Is the Woodlands EIR or SEIR more or less "rigorous" (page 3 paragrahp7) then the
"Appendix A of the Final Environmental Impact Report for the South County Area Plan"?

Thank You



John Snyder
Vice President

O6 Koch California, Ltd. (second letter)

- O6-2 The commentor asks whether the findings in the SEIR are based on the best available knowledge or only to establish a legal entitlement should the basin be adjudicated (provides a quote from a Garing Taylor & Associates memorandum dated January 20, 1998). The SEIR assesses the available information on the groundwater basin to evaluate potential adverse impacts.
- O6-3 The comment asks if actions of the decision makers would proceed along the same lines as has been done by NCSA, where they have retained legal counsel to advise in the event the basin is adjudicated. The question does not refer to the SEIR's adequacy under CEQA, and therefore no additional comments are necessary. The county decisionmakers will be looking to amend the Growth Management Ordinance with findings related to that document, which is unlike the findings needed to be made by a water district when approving a project.
- O6-4 The commentor asks to what extent another county document has been used (Appendix A of the South County Area Plan EIR) or will be relied upon as a part of the SEIR. The South County Area Plan EIR was considered as a part of the baseline information used for the 1998 Woodlands EIR to assess water impacts (as well as other more recent documents). The SEIR evaluates the available information regarding the condition of the groundwater basin. No new evidence available since the 1998 EIR was certified would alter the conclusions made in the 1998 EIR.
- O6-5 The commentor asks whether the SEIR finds that the project would have a positive impact on groundwater. The SEIR evaluates the available information regarding the condition of the groundwater basin. The elimination of the existing water consumption by native and non-native plant species and recharge from residential development on the site was evaluated in the 1998 EIR. No new evidence available since the 1998 EIR was certified would alter the conclusions made in the 1998 EIR.
- O6-6 The commentor asks if the Appendix of the South County Area Plan EIR is the most reliable study. Please refer to response # O6-4.
- O6-7 The commentor asks if the SEIR or EIR are more or less rigorous than the South County Area Plan Appendix. The SEIR does not make any conclusions as to which study is most "rigorous." The SEIR evaluates the available information regarding the condition of the

groundwater basin. No new evidence available since the 1998 EIR was certified would alter the conclusions made in the 1998 EIR.

PRIVATE CITIZENS

P-1	Istar Holliday	8/1/01
P-2	Donna Mehlschau	8/17/01
P-3	Roger Borg	9/2/01
P-4	Jesse L.B. II	9/4/01

RECEIVED

AUG - 2 2001

Planning & Bldg

577 Sheridan Road
 Arroyo Grande, CA 93420
 August 1, 2001

Re: Woodlands Supplemental EIR (ED00-428)

John McKenzie, Environmental Division
 County Planning & Building Department
 County Government Center, Rm 310
 San Luis Obispo, CA 93408-2040

Dear Mr. McKenzie,

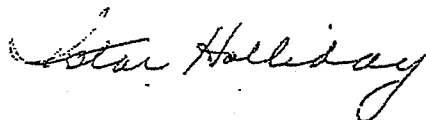
1 I have read the Woodlands Supplemental EIR and urge you to reject the findings. Cumulative Impacts, as stated on p.38, are based on assumptions which are contradicted by both the DWR water studies of the area, which find dwindling storage of the Nipomo Mesa Subunit (indicating overdraft), and the "findings" of the Nipomo Community Services District, which is currently litigating water rights, contending the Nipomo Mesa Subunit is in "overdraft." Interestingly, the Woodlands study mentions these reports, but dismisses them as "not alter[ing] the conclusions of the 1998 EIR" (SEIR 3)

How can two important, official studies which diametrically oppose the assumptions of Woodlands' hired hydrologist be dismissed out of hand? Is it a case of "My mind's made up .don't confuse me with the facts"?

2 In addition, this SEIR states, "The Woodlands project proposes to be an overlying water user" (SEIR 35). Though John Jannecke has publicly denied reaching out to commercial purveyors to exchange access to Woodlands' groundwater for "will to serves" which would allow these purveyors to export the Nipomo Mesa groundwater to outlying subscribers, I am in possession of contracts between him and Santa Maria contradicting his denial. This and other such informal and formal contracts with other appropriators/ purveyors would be available to you also, under the Freedom of Information Act, should you ask for them, and cast doubt on Woodlands' "promises".

This SEIR is specious and self-serving; therefore, I urge you to reject it.

Sincerely



P1 Istar Holliday

P1-1 The commentor disagrees with the findings of the SEIR. The SEIR evaluates the analysis conducted for the Department of Water Resources (DWR) report and summarizes the report's conclusions. Contrary to the statement made in the comment, the DWR report does not indicate that the groundwater basin is in a state of overdraft. The report does not "diametrically oppose" the conclusions of the SEIR. The SEIR does not provide comment or conjecture on the outcome of on-going litigation. The SEIR evaluates the available information regarding the condition of the groundwater basin. No new evidence available since the 1998 EIR was certified would alter the conclusions made in the 1998 EIR.

P1-2 The commentor implies that the developer has contracted with commercial purveyors to appropriate water. The applicant has demonstrated that the four on-site production wells will provide sufficient water to serve the proposed project. The water reports completed for the development relate only to on-site usage impacts. While it is known that the City of Santa Maria has purchased state water and is hoping to recoup some of its cost through selling the recharge value of this water's effluent, this has not been determined as a necessary mitigation for this project. The SEIR provides an analysis of new information available since the 1998 EIR was certified. The SEIR is not "specious" or "self-serving."

RECEIVED^{P-2}
AUG 17 2001
Planning & Bldg

August 14, 2001

John McKenzie, Environmental Division
County Planning & Building Dept.
County Government Center, Rm. 310
San Luis Obispo, CA 93408

Dear Mr. McKenzie,

RE: WOODLANDS Draft SEIR

1 | On page 42 the Nipomo Oaks/ Mehlschau Proposed General Plan
Amendment indicates an Assumed water demand of 177.9 afy and
Consumptive use of 106.9 afy. Our studies on development of
approximately 21 acres have water usage in the range of 13.65---18.27 afy.
I have enclosed the page in question and hi-lighted the area in dispute.

The project only covers a total of 42+/- acres and I believe the 177.9 afy
water estimate to be in error.

Thank you for your consideration of this matter.



Donna Mehlschau

Donna Mehlschau
101 Mehlschau Rd
Nipomo, CA 93444
805-929-5037

TABLE 6: ESTIMATED WATER DEMAND FOR PROPOSED GENERAL PLAN AMENDMENT USES

<u>Proposed General Plan Amendment Project</u>	<u>Assumed Water Demand (afy)</u>	<u>Consumptive Use* (afy)</u>
Patterson Academy	NA**	NA**
Nipomo Oaks/Mehlshau	177.9	106.9
Brand	100	60
Craig/Lucia MarUSD	39	23.4
Cypress Ridge	0.37	0.37
Green Canyon/Helenius	6	3.6
County (Summit Station)	29	17.4
Robertson	4	2.4
TOTAL	356.27	214.07

Source: Cleath & Associates, March 15, 2001

* Net consumptive use accounting for wastewater recharge (water that is recharged into the groundwater basin from the regional wastewater plants).

** Water supply is from a bedrock well which would not add to the cumulative demand.

TABLE 7: USAGE RATES AND WATER DEMAND FOR PROPOSED GENERAL PLAN AMENDMENT USES

<u>Land Use</u>	<u>Use Rate *</u>		<u>Water Demand (afy)</u>
Residential	0.7825** afy/unit	126*** units	98.59
Elementary School	0.02 afy/student	500 students***	10
Commercial	13 afy/acre	16.32 acres	212.16
Hotel	0.15 afy/room	103 rooms	15.45
TOTAL			336.2

Source: Environmental Science Associates

* Rate factors from City of Sanata Barbara Water Demand Factor and Conservation Study 'User Guide', August 1989

** Average of four factors for diferent size lots.

P2 Donna Mehlschau

P2-1 The commentor states that the SEIR overestimates the water demand of one of the proposed General Plan Amendments (Nipomo Oaks/Mehlschau) in the cumulative analysis section. The comment states that the developers estimate an average maximum of 18.27 acre-feet per year (afy) as opposed to the 177.9 afy assumed in the SEIR (Table 6). The 177.9 afy was used in the groundwater model conducted by Cleath & Associates to assess cumulative water extraction impacts. The volume of water was estimated based on standard water use rate assumptions and proposed land uses. According to the comment, the actual volume may be considerably less than estimated. As such, the modeling conducted using the higher number provides a conservative estimate of water use. Lower consumption rates would further minimize the cumulative impact.

September 2, 2001

RECEIVED

SEP - 5 2001

Planning & Bldg

John McKenzie, Environmental Division
 County Planning & Building Dept.
 County Government Center, Rm. 310
 San Luis Obispo, CA 93408-2040

Dear Mr. McKenzie:

SUBJECT: WOODLANDS SPECIFIC PLAN (GROWTH MANAGEMENT ORDINANCE) NOTICE OF AVAILABILITY OF DRAFT SUPPLEMENTAL EIR (ED00-428)

The Grand Jury's Final Report Land Use and the California Environmental Quality Act in San Luis Obispo County included the following concerning the appropriate scope of this SEIR:

"WOODLANDS

On August 8, 2000, the Board of Supervisors directed the Woodlands, a planned major new development in Nipomo, to prepare a Supplemental Environmental Impact Report (SEIR). In this regard, county staff prepared a scope of work, which would: "In addition to the CEQA section requirements for preparing a Supplemental EIR, this scope is also based on other CEQA principles (such as looking at the whole of a project, consideration of cumulative effects, etc.), and the county's desire to prepare a legally adequate SEIR."¹

The Woodlands appealed the county's scope of work at the Board of Supervisors February 27, 2001 meeting. In their response to the appeal, the Board of Supervisors approved the applicant's limited scope of work with emphasis on water issues only. Unfortunately it discounts the efforts of the county staff to be responsive to CEQA in its broadest sense.

While the Grand Jury understands that only "new information" or "changed circumstances", as defined by CEQA, can trigger the preparation of the SEIR, the appropriate scope and content is within the sound discretion of the Board. The fact that the Board ignored the scope and content recommended by the staff could be a problem later on when the Board will be required to certify the SEIR as adequate and complete before approving the project. If the draft SEIR attracts comments from the public and other agencies that address the lack of proper scope of the SEIR, the Board will be required once again to exercise its discretion on the proper scope, when and if, it is asked to certify the final SEIR.

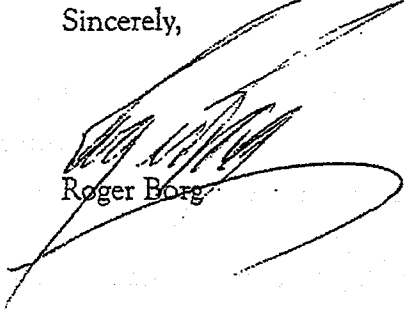
¹ Board of Supervisors Agenda Item Transmittal, February 27, 2001.

1
cont.

Analyzing and understanding cumulative impacts is a difficult process and is sometimes overlooked. It is interesting that during a recent Board of Supervisors public hearing, after being reminded that more than 1,000 projects had been approved in the South County planning area, most with negative declarations, one member of the Board remarked: "the sheer numbers approved after Woodlands approval shows that someone has not been paying attention to the cumulative impacts." It seems to the Grand Jury that the Board of Supervisors has the ultimate responsibility for paying attention to cumulative impacts on the environment."

A response to the concerns of the Grand Jury should be included in the written comments. A statement regarding the legal sufficiency of the scope should also be included.

Sincerely,



Roger Borg

P3 Roger Borg

P3-1 The comment requests a discussion on the concerns of the Grand Jury relating to this SEIR and its adequacy given that the originally recommended work scope was reduced to focus on water impacts, as well as on the legal adequacy of the limited scope of the SEIR.

The original work scope focused on evaluating a Development Agreement (required by the Board at the time of the SEIR), the potential for a school site on the subject property, and accelerated growth rate and cumulative impacts relating to water, traffic and air quality.

Both the Board of Supervisors and applicant revised the project to not include the completion of a Development Agreement, therefore no environmental analysis was needed for this potential aspect of the project.

While there has been discussion between the school district and the applicant, the applicant has stated that no school site is currently proposed as a part of the project and that there is no formal agreement between the School District and the applicant, and is therefore speculative to further analyze at this time. The original EIR did consider a small elementary school prior to the addition of the executive 9-hole golf course. An amendment to the Specific Plan will be necessary in the future to allow for a school, and would be evaluated for specific environmental impacts at that time.

The accelerated growth rate and cumulative impacts for water have been addressed in the SEIR. On air quality, as has been stated in APCD's response to this SEIR (see comment letter #L-1), the growth rate change will not significantly change air quality impacts or mitigation measures as analyzed in the 1998 EIR.

The shorter timeframe for project buildout will result in traffic volume increases over a shorter period of time for surrounding roads. However, the overall amount of traffic at project buildout will not change from what was analyzed in the 1998 EIR. The potential school traffic or Development Agreement are not being considered since they are not being included as a part of the project description. Also, as each of the four phases are completed, traffic improvements to all of the primary access routes will be required to achieve acceptable levels of service for these roads. The recent update of the South County Circulation Study has incorporated all of the regional improvements identified as necessary from the 1998 EIR. As development is approved within the Specific Plan, it

will be subject to the fair-share fee for the improvements identified in the updated Circulation Study. Therefore, it has been determined that traffic impacts can be reduced to less than significant levels.

Jesse L.B. Hill
Attorney at Law
1910 Grant Avenue
Arroyo Grande, CA 93420
(805) 489-8384

SEP - 6 2001
Planning & Bldg

September 4, 2001

John McKenzie, Environmental Division
Dept. of Planning and Building
County Government Center, Room 310
San Luis Obispo, CA 93408-2040

RE: Woodland's Exemption from Growth Management

Dear Mr. McKenzie:

1 As I understand the situation, the County in their settlement with Save the Mesa agreed "1. No further Exemptions. The County will grant no further exemptions from Growth Management Ordinance for the Nipomo Mesa area (as defined in Title 26), including the use of unused allocations from previous years, unless and until an EIR is completed that addresses such potential exemptions or through the year 2001 whichever comes last." It would appear that the proposed exemptions would violate that agreement.

2 Also, it is unclear to me the number of units that have been built on the Nipomo Mesa during the year 2000. The County traffic numbers indicate that 340 to 350 units have been built on the Nipomo Mesa in the year 2000. These numbers were provided in the South County Circulation Study 2001 update through Dave Flynn in engineering. What is unclear to date is the number of residences that were exempt from growth management, the number that are exempt for the local GM cap because they are prior vested maps, the number that are exempt as affordable housing, and then the final result would be added to the 180 units to determine the number to be built in 2000. In 2001, this calculation would need to be referenced to the NipomoCAC.org Projects approved from 1/1/99 to present. This would help to get a handle on the proposal by the BOS #3 "Expand the Ordinance to include new subdivisions that result from adopted specific plans so that the resulting

number of new residences to be built under the specific plan can be accounted for and be reconciled with the allowed growth rate under the Growth Management Ordinance.”

2
cont.

It is important to track the number of proposed units from the point in time of their filing of any tentative vesting maps, so that we have an accurate accounting of the number of units and how they relate to Title 26. It would also appear to be rather important in terms of a definition of phased projects for Category 1 to define and determine the potential request from specific plans and phased plans for their 20% allocation. If the limit is 20% almost any project could claim phased status. Also, if any project could only claim 6% of an allocation, “However, no single applicant shall receive more than six (6) percent of the Maximum Annual Allocations.” then if there were 1,000 allocations that would be 60 homes and the projected Woodland’s build out is still 22 years under the proposed revisions.

3

As to the Woodland’s request to amend Title 26 there is a problem reconciling this request with their Specific Plan. The proposed amendment from the Growth Management Ordinance Amendment sets out “allow development of the potential 1,320 residential units envisioned in the adopted Woodlands Specific Plan to be built in accordance with the phasing schedule in the specific plan (10-15 years)...” In 5.1.1 of the Woodlands specific Plan it states “Where conflict occurs between the Land Use Ordinance or the Real Property Division Ordinance and the specific plan, the specific plan shall prevail.” Then at 5.2 “Development occurring within the Specific Plan area shall be subject to the San Luis Obispo County Framework for Planning, South County Area Plan policies and guidelines for growth and resource management.” Then at 5.3.2 “Provisions for the actual entitlement must be established through an approved land use permit pursuant to Section 5.1.” Obviously there is confusion here and it also runs into the proposed GM Ordinance amendments. It is unclear if the Woodlands exemption is part and parcel of the proposed Category 1 allocation of Number 2 or resides as its own exemption from the ordinance. This gets back to the problem of trying to track the allocations for the Nipomo Mesa.

4

If the specific plan prevails the Mitigation Measure 4.1-6d should be enforced. “Prior to approval of a tentative map or development plan or on an annual basis, whichever is shorter, the applicant shall conduct a complete survey of wells of overlying residential users based on Exhibit A (the

4
cont.

Woodlands Well Water Survey Area Map [November, 1998]). Since to my knowledge this has not been produced, it would appear the specific plan is not being amended and the ordinances are being dealt with. **Note: The proposed Specific Plan Draft SEIR has a different 4.1-6d. than has been stated in the SEIR.** It should be stated if this is a proposed amendment to the development plan. Also, see 4.1-6b the phrase "of each phase" is being changed or deleted. These changes are substantial and directly effect the requirements under the development plan. If this is processed, then those changes will have to be recirculated as the project discription would appear to be substantially amended.

5

What is troublesome to me is that when one says that in the case of the eight general plan amendments as a conclusion "Water level declines in the vicinity of the pumpage increases. These pumping water level declines are localized and would be less than five feet at a distance of 500 feet from each proposed project's well location. Mounding beneath the Southland wastewater ponds would rise by approximately 15 feet." This seems like an odd conclusion from a physical force point of view. If water pressure raises at 1/2 of a pound of force per foot of water, then there would be nine times the vector force holding up the treated water under the sewer ponds than would be exhibited by the water that is extracted from the basin.

6

One of the continuing comments about the DWR report is that it under calculates the build out on the Mesa a projected at 24,000 people in the year 2020. The census date has 23,000 people living on the Mesa in the year 2,000. If there is a water deficiency as projected in the year 2020 from the DWR report, that time is now. Also, we have at least 13,000 more residents predicted to come to live on the Mesa in the next 15 years. While the SEIR states that the DWR projects a demand increase of 2,100 AF the NCSD has increase their demand from 1700 AF in 1992 to 3500 AF in the year 2001. The NCSD is but 15% of the groundwater demand and they have increased their pumpage by 1800 AF.

7

The Summary of the General Plan Amendments list the total number of residences from all the General Plan Amendments at 191. Yet the grand jury estimates 531 unit and I estimate between 1,200 to over 2,000 units when one considers that the proposal for the Nipomo Oaks includes moving the URL to include the Canada property of approximately 240 acres. Staff estimates one to seven units per acre. Correct estimates of population

7
nt.

projects are crucial to an accurate analysis of water usage of the proposed GPAs. It appears to be quite understated especially if one uses .03 AF per child in a school. So, 600 students or a school would use 18 AF of water? I doubt it.

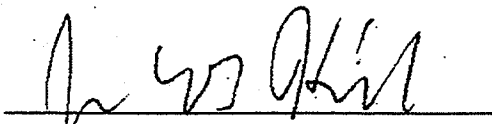
8

What is also interesting is that when ordinance 2847 was adopted on December 15, 1998 adopting the Woodlands Specific Plan the County considered that under 5 j. The Countywide Growth Management Ordinance and then adopted Overriding Considerations. It is hard to see that if the overriding considerations were adopted with the GMOs that a change in the GMOs would not then be in order. If that is the case then it would appear the standards articulated by the legal opinion from the state's legislative counsel that "Essentially, the opinion was that the California Environmental Quality Act supercedes local development agreements." From the LA Times Sunday August 26, 2001 would cast doubt upon the ability of the BOS to override CEQA. When the basis to the determination of CEQA in the Woodlands EIR is that they will use 1600 AF of water and turn the normal direction of water flow towards their project, if CEQA takes precedence it is hard figure out how to find overriding considerations.

9

Let me wrap up by saying that Figure 4.1-4 of the Woodlands specific plan was what appears to be the genesis of the Santa Maria Groundwater litigation. If 25 AF is considered a significant impact, we have at least an 800 AF water impact according to the Woodlands EIR. That is 32 time significant. Letting this project proceed with an exemption from Growth Management appears to be extremely problematic legally. I would suggest that this simple temptation be rejected to maintain some form of control if the DWR projections are correct. A longer term build out will potentially protect the current residents on the Mesa. An exemption from Growth Management will violate the specific plan and the settlement with Save Mesa. These other amendments if made will be significant and may need to be recirculated to comply with CEQA. It is also unclear what type of environmental review will be required to amend Title 26.

Very truly yours,



Jesse L.B. Hill

P4 Jesse L B. Hill

P4-1 The commentor suggests that the proposed exemptions to the GMO violate the Save the Mesa Settlement Agreement. Unlike the 180 projects in the South County area that were exempted entirely from the GMO, the Woodlands project proposes to amend, not exempt, the growth rate of the GMO as it relates to the previously-approved Woodlands Specific Plan. The number of residential units approved in the Specific Plan does not change. Therefore, the Woodlands GMO amendment is not considered an exemption as described in the Settlement Agreement.

Even if this project was considered an "exemption" from the GMO and subject to the Settlement Agreement, this proposed project has been subjected to the EIR process that was envisioned in the Settlement Agreement, and would therefore satisfy and meet the intent of the agreement as it relates to the Woodlands development.

P4-2 The commentor requests clarification on the number of units constructed and exempted from the GMO in the area over the last couple of years to be able to understand the impacts associated with one of the other proposed GMO amendments (which would expand the GMO to allow subdivisions of approved Specific Plans to develop at a different rate than the GMO). This comment does not directly relate to the SEIR and does not require further discussion. Currently, there are only two approved Specific Plans in the county, which are the Black Lake and Woodlands projects. Black Lake is almost fully built out and the Woodlands project has submitted a tract map to be processed for the entire development. The Woodlands project would be subject to its own specific GMO amendment and not to this more general countywide amendment.

P4-3 The commentor discusses another portion of the proposed GMO amendments (relating to allocating percentages of permits between single and multi-family residences) that would not relate to the proposed Woodlands GMO amendment. No further discussion is necessary.

P4-3a The commentor refers to sections of the Woodlands Specific Plan and asks whether the Woodlands Amendment to the GMO would be independent from other amendments. The Woodlands GMO would be independent and separate from the other proposed GMO amendments as listed on pages 7 and 8 of the SEIR.

- P4-4 The commentor states that the Mitigation Measure 4.1-6d has been changed since the Final 1998 EIR. As stated in the SEIR, this measure was slightly modified from what was in the EIR and what was approved by the Board of Supervisors as a part of the Specific Plan. The modifications have not changed the intent of the measure.
- P4-5 The commentor questions the results of the groundwater model of cumulative impacts to the groundwater basin. The modeling effort utilized MODFLOW software developed by the United States Geological Service. The model considers complex hydraulic conditions including soil permeability, flow gradients, and formation thickness. The model calculated that the wastewater recharge area would experience mounding groundwater levels as the basin is recharged in this area.
- P4-6 The commentor suggests that the population and water consumption estimates in the SEIR are understated. The DWR report utilizes Department of Financing population projections and concludes that water demand in the area will increase 2,100 afy by the year 2020. With the Nipomo Mesa area being subjected to a 2.3% annual growth cap, DWR's 3% annual growth rate assumption would be considered conservative. Based on the current 2.3% growth cap, about 125 new residences per year would be allowed. Using 2.5 persons per residence, that would equate to an annual population increase of about 313 persons. Projected over the next 15 years, assuming full usage of the 2.3% allotment, that would equal about 1,875 new residences or about a 4,700 population increase (this does not include any of the exemptions currently allowed under the GMO or the Woodlands development).
- P4-7 The commentor questions the difference of the South County GPAs totals of residential units in the SEIR and previous estimates provided (e.g. Grand Jury report). One of the GPA applicants (Mehlschau/Nipomo Oaks) has substantially revised its project to delete all of the residential zoning, which accounts for the difference between the 191 residences and the previous 531 residences. While being proposed to be included within the Nipomo URL as a part of the Mehlschau GPA, the Canada property referenced is not proposing any category change at this time.
- P4-8 The commentor describes his perspective on the actions taken as a part of approving the Specific Plan in 1998. Comments noted. The commentor goes on to talk about CEQA and "development agreements". No "development agreement" has been approved nor is one being considered at this time.

P4-9 The commentor mentions the amount of water to be used and the project changing the groundwater flow direction. The 1998 EIR shows that about ½ of the water used by the project will be recharged back into the groundwater basin. With regards to changing the direction of groundwater flows, the project would not be changing the direction of the flow as the existing depression has already caused this direction change.

P4-10 The commentor references the 25 AF significance threshold that has been established by the County of Santa Barbara for projects within its jurisdiction. The County of San Luis Obispo has not established such thresholds. The 1998 EIR fully discusses this issue.

7.0 REFERENCES

California Department of Water Resources, Southern District, *Water Resources of the Arroyo Grande- Nipomo Mesa Area*, Revised Final Draft/Subject to Revision, January 2000.

City of Santa Barbara, *City of Santa Barbara Water Demand Factor and Conservation Study 'User Guide'*, August 1989

Cleath and Associates, Technical Memoranda, "Assessment of New Factual Data for Proposed Supplemental Environmental Impact Report of the Woodlands Project, San Luis Obispo County, California," March 7, 2001

Cleath and Associates, Technical Memoranda, "Groundwater Impact of Cumulative Projects identified by the County of San Luis Obispo on Nipomo Mesa," March 15, 2001

Cleath and Associates, Technical Memoranda, "Groundwater Impact of the 180 units of development Projects identified by the County of San Luis Obispo on Nipomo Mesa," April 17, 2001.

County of San Luis Obispo, *Annual Resources Summary Report-2000*.

County of San Luis Obispo, *The Woodlands Specific Plan*, Resolution No. 98-494, December 2000

County of San Luis Obispo, Growth Management Advisory Committee, *Growth Management Strategies and Policies for the Future of San Luis Obispo County*, June 1989

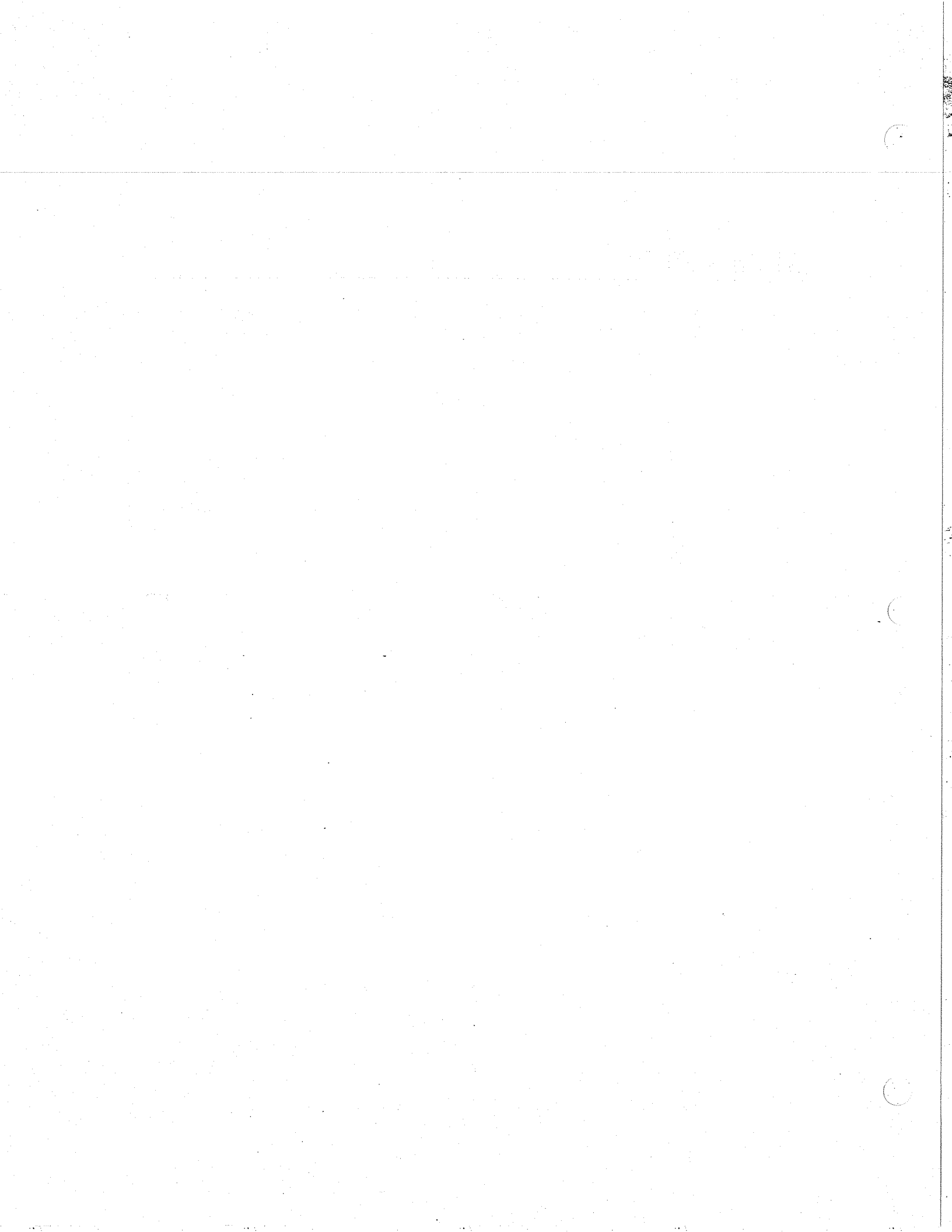
County of San Luis Obispo, Title 26 of the San Luis Obispo County Code, Growth Management Ordinance, as revised January 2001

Environmental Science Associates, *Woodlands Specific Plan Environmental Impact Report*, 1998

Luhdorff & Scalmanini, *Development of a Numerical Ground-Water Flow Model and Assessment of Ground-Water Yield, Santa Maria Valley Groundwater Basin*. Prepared for the Santa Maria Valley Water Conservation District, March 2000.

Santa Barbara County Water Agency, *Santa Barbara County 1999 Groundwater Report*. December 1999.

APPENDICES



APPENDIX A

NOTICE OF PREPARATION

The following information is provided for your information and is not intended to constitute an offer of insurance. It is intended to provide you with the information you need to make an informed decision about whether to purchase the insurance described herein. This information is provided to you for your information only and is not intended to constitute an offer of insurance. It is intended to provide you with the information you need to make an informed decision about whether to purchase the insurance described herein.

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

DATE: March 9, 2001

TO:

FROM: John McKenzie, Environmental Specialist
Environmental Division, Dept. of Planning & Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: Notice of Preparation of a Supplemental Environmental Impact Report for Woodlands Specific Plan; ED01-428

The County of San Luis Obispo will be the Lead Agency in preparing a Supplemental Environmental Impact Report (SEIR) for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the SEIR prepared by our agency when considering your permit or other approval for the project.

PLEASE provide us the following information at your earliest convenience, but not later than the 30 day comment period which began with your agency's receipt of the Notice of Preparation (NOP).

On December 20, 2000, a project "referral" may have been sent to your agency for initial comments on this project, as well as for several other county land use or ordinance changes in the nearby vicinity. Please refer to Exhibit B for a list of agencies responding to this initial referral. Even if you have no additional project-related comments than what was originally provided, please review and include any information not already provided for items #1 through #8 below.

1. **NAME OF CONTACT PERSON.** (Please include address and telephone number)
2. **PERMIT(S) or APPROVAL(S) AUTHORITY.** Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
3. **ENVIRONMENTAL INFORMATION.** What environmental information must be addressed in the Environmental Impact Report to enable your agency to use this documentation as a basis for your permit issuance or approval?
4. **PERMIT STIPULATIONS/CONDITIONS.** Please provide a list and description of standard stipulations (conditions) which your agency will apply to features of this project. Are there

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600 • 1-800-834-4636

EMAIL: ipcoplng@slonet.org • FAX: (805)781-1242 • WEBSITE: <http://www.slonet.org/vv/ipcoplng>

others that have a high likelihood of being applied to a permit or approval for this project? If so, please list and describe.

5. **ALTERNATIVES.** What alternatives does your agency recommend be analyzed in equivalent level of detail with those listed below?
6. **REASONABLY FORESEEABLE PROJECTS, PROGRAMS or PLANS.** Please name any future project, programs or plans that you think may have an overlapping influence with the project as proposed.
7. **RELEVANT INFORMATION.** Please provide references for any available, appropriate documentation you believe may be useful to the county in preparing the Environmental Impact Report.
8. **FURTHER COMMENTS.** Please provide any further comments or information which will help the county to scope the document and determine the appropriate level of environmental assessment.

The project description, location, and the probable environmental effects are contained in the attached materials.


Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than **30 days** after receipt of this notice.

Please send your response to **John McKenzie** at the address shown above.

PROJECT TITLE: Growth Management Ordinance Amendment for Woodlands Specific Plan; ED01-428

PROJECT APPLICANT: PH Properties, Inc.; Atlanta, Georgia (Agent contact: John Janneck (310)550-7590)

Responses due by: April 9, 2001

Signature 
Environmental Specialist
Telephone: (805) 781-5452

Reference: California Administrative Code, Title 14, Section 15082.
C:\MyFiles\PROJ\WOODLAND\Growth Ordinance\NOP.wpd

COUNTY OF SAN LUIS OBISPO
NOTICE OF PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT FOR THE Woodlands Specific Plan; ED01-428

PROJECT DESCRIPTION

A request to amend Title 26 (Growth Management Ordinance) to: allow development of the potential 1,320 residential units envisioned in the adopted Woodlands Specific Plan to be built in accordance with the phasing schedule in the specific plan (10-15 years), instead of being subject to the allowable build-out rate specified by the existing growth management limitations (in excess of 200 years at the currently allowed rate for the Nipomo Mesa area).

PROJECT LOCATION

The proposed project is within the Recreation land use category and is located on the Nipomo Mesa, bounded by Dawn Road to the north, Highway 1 to the west, Nipomo bluff to the south, and Viva Way to the east. The subject project is approximately two miles west of the community of Nipomo (see Exhibit A).

PROJECT BACKGROUND

A Specific Plan was approved by the Board of Supervisors which allowed the following uses on the 957 acre property: 22 acres of business park, 45 holes of golf, a 500-unit resort, a commercial center and 1,320 residential units. A Final EIR was certified by the Board that evaluated the impacts associated with this development. At the time of project approval and EIR certification, the Growth Management Ordinance in place would have allowed about 44 residential units be constructed a year, or would take about 30 years to reach the project's residential buildout. The current GMO, with recently approved changes, would push this residential buildout rate to over 200 years. The applicant is requesting the amendment to the GMO to allow the residential buildout to occur within a 15-year timeframe.

Since the time of Specific Plan approval, additional water information has become available (e.g., Revised Final Draft DWR report (2000), Ludhorf & Scalmini (2000)).

In addition, eight general plan amendments in and around the Nipomo Mesa area have been authorized for processing, which could increase the Area Plan's buildout density by about 531 residential units. Also, other amendments to the GMO are currently being considered including the approval of exemptions for 180 "pipeline applicants/projects" in the South County area from Title 26.

The County is also in the process of preparing an EIR (separate NOP forthcoming) to generally consider cumulative impacts on the Mesa from the GMO and General Plan Amendments currently being processed by the County.

ENVIRONMENTAL PROCESS

The environmental review process for this project is expected to proceed as follows:

- 1) A Supplemental Environmental Impact Report will be prepared for the Woodlands Specific Plan to analyze new water information/effects not previously considered in the certified Woodlands Specific Plan EIR.
- 2) This effort will include a cumulative water analysis that considers the pending eight GPAs and 180 GMO exemptions.

If you have questions or need more information, please contact John McKenzie ([805]781-5452) at the Environmental Division, Planning & Building Department, County Government Center, San Luis Obispo, 93408-2040.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Woodlands Specific Plan; ED01-428

Not Applicable
Insignificant Impact
Impact Can & Will be Mitigated
Potentially Significant Impact

I. BIOLOGICAL RESOURCES

- A. Wildlife () (S) () () ()
- B. Vegetation () (S) () () ()
- C. Habitat Area () (S) () () ()
- D. Rare and/or Endangered Species () (S) () () ()
- E. Unique or Fragile Biotic Community () (S) () () ()
- F. State Area of Special Biological Importance () () () (S) ()
- G. Riparian/Wetland Area () () (S) () ()
- H. Other: _____ () () () ()

II. DRAINAGE, EROSION AND SEDIMENTATION

- A. Increased Storm Water Runoff () (S) () () ()
- B. Erodible Soils/Erosion () (S) () () ()
- C. Poorly Drained Soils () () (S) () ()
- D. Sedimentation () (S) () () ()
- E. Contributes to Existing Drainage Problem () (S) () () ()
- F. Alters Existing Drainage Course or Waterway () (S) () () ()
- G. Other: _____ () () () ()

III. GEOLOGICAL HAZARDS/SITE ALTERATION

- A. Landslide Hazard () (S) () () ()
- B. Seismic Hazard () (S) () () ()
- C. Topographic Alteration; Grading for Building __, Driveways __, Roads __, Other ____ () (S) () () ()
- D. Soil Expansion () (S) () () ()
- E. Steep Slopes () (S) () () ()
- F. Other: _____ () () () ()

IV. WATER RESOURCES

- A. Groundwater Quantity (S) () () () ()
- B. Groundwater Quality (S) () () () ()
- C. Surface Water Quantity () (S) () () ()
- D. Surface Water Quality () (S) () () ()
- E. Stream Flow Change () (S) () () ()
- F. Change to Estuarine Environment () () (S) () ()
- G. Other: _____ () () () ()

Not Applicable
 Insignificant Impact
 Impact Can & Will be Mitigated
 Potentially Significant Impact

V. POLLUTION

- A. Hazardous Materials () (S) () ()
- B. Groundwater Pollution (S) () () ()
- C. Surface Water Pollution () (S) () ()
- D. Increase in Existing Noise Levels () (S) () ()
- E. Exposure of People to Severe Noise Levels () (S) () ()
- F. Substantial Air Emissions () (S) () ()
- G. Deterioration of Ambient Air Quality () (S) () ()
- H. Creation of Objectionable Odors () (S) () ()
- I. Other: _____ () () () ()

VI. TRAFFIC

- A. Increase in Vehicle Trips () (S) () ()
- B. Reduced Levels of Service on Existing Public Roadways () (S) () ()
- C. Limited or Unsafe Access () (S) () ()
- D. Creates Unsafe Conditions on Public Roadways () (S) () ()
- E. Areawide Traffic Circulation () (S) () ()
- F. Internal Traffic Circulation () (S) () ()
- G. Other: _____ () () () ()

VII. PUBLIC SERVICES

- A. Fire Protection Services () (S) () ()
- B. Police/Sheriff Services () (S) () ()
- C. Schools () (S) () ()
- D. Community Wastewater () (S) () ()
- E. Community Water Supply (S) () () ()
- F. Solid Waste Disposal () (S) () ()
- G. Onsite Wastewater () (S) () ()
- H. Onsite Water (S) () () ()
- I. Other: _____ () () () ()

VIII. AESTHETIC/CULTURAL RESOURCES

- A. Visual Impact from Public Roadway () (S) () ()
- B. Increased Light or Glare () (S) () ()
- C. Alters Important Scenic Vista () (S) () ()
- D. Archaeological Resources () (S) () ()
- E. Historic Resources () (S) () ()
- F. Other: _____ () () () ()

IX. HOUSING AND ENERGY

- A. Creates Substantial Demand for Housing () (S) () ()
- B. Uses Substantial Amount of Fuel or Energy () (S) () ()
- C. Encourages Growth Beyond Resource Capacities (S) () () ()
- D. Other: _____ () () () ()

Not Applicable
 Insignificant Impact
 Impact Can & Will be Mitigated
 Potentially Significant Impact

X. AGRICULTURAL/MINERAL RESOURCES

- A. Eliminates Valuable Mineral Resources () () () ()
- B. Prime Agricultural Soils () () () ()
- C. Conflicts with Existing Agricultural Area () () () ()
- D. Change from Agriculture to Other Uses () () () ()
- E. Other: _____ () () () ()

XI. GROWTH INDUCING/CUMULATIVE EFFECTS

- A. Growth Inducing Effects () () () ()
- B. Precedent for Change in Area Land Use () () () ()
- C. Cumulative Effects: Water () () () ()
- _____ () () () ()
- _____ () () () ()
- D. Other: _____ () () () ()

Specific Issues

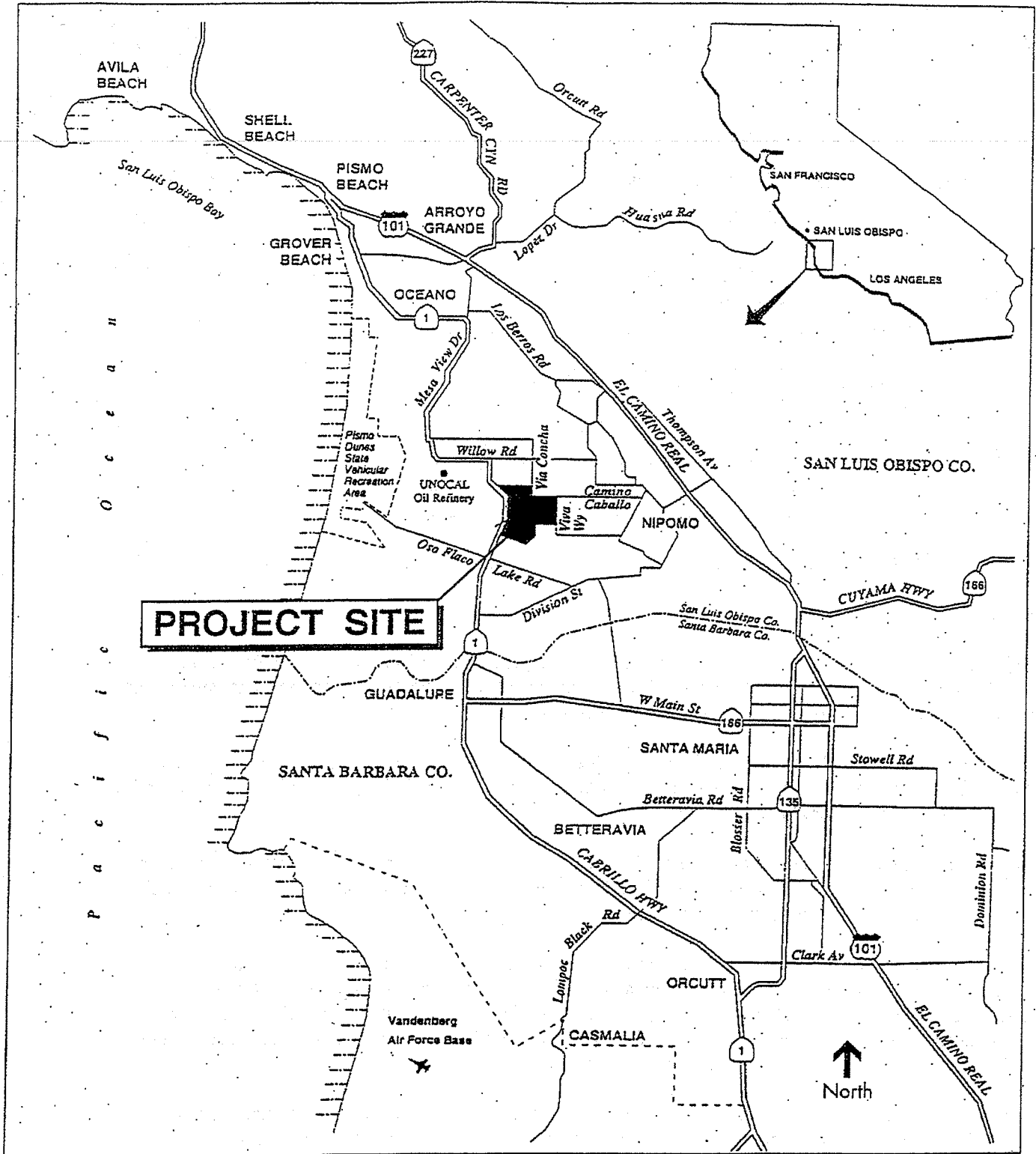
The following is an initial effort to identify those issues as potentially significant and how they might be addressed in the Supplemental EIR. As a part of your response, please indicate (in those areas of your expertise) where additional discussion is needed or where certain aspects may be unnecessary.

Based on new information, the county has determined that the proposed accelerated growth rate will have potentially significant effects on water resources. No other potentially significant impacts have been identified that were not already considered in the previously certified EIR.

New water reports prepared subsequent to the certified EIR (e.g. DWR, Ludhorf & Scalmini) will be evaluated and compared to the certified EIR to determine if additional significant impacts to water resources may exist and what, if any, additional mitigation measures are necessary.

A number of general plan amendments are currently being considered, which could increase residential buildout by up to 531 units. Growth Management Ordinance amendments are also being proposed, which includes exemptions of 180 residential applications. The Supplemental EIR will factor these potential changes into its cumulative assessment to determine what if any of these changes will result in potentially significant cumulative effects that were not previously considered in the certified EIR.

If additional significant impacts are identified, review for adequacy of the previous EIR alternatives would be completed. If determined inadequate, additional alternative(s) may be considered that would substantially reduce the impacts. If additional mitigation measures are determined appropriate, these measures would be incorporated into the existing EIR Mitigation Monitoring Plan.



SOURCE: San Luis Obispo Co.

Woodlands Specific Plan Supplemental EIR / P2012.45 ■

Figure 1
Site Location Map

EXHIBIT A

Exhibit B - Agencies Previously Responding to 12/20/00 GPA/GMO Referral

California Department of Fish and Game

City of Arroyo Grande

County of Santa Barbara

Lucia Mar Unified School District

Nipomo Community Advisory Council

Nipomo Community Service District

Santa Barbara County Flood Control & Water Conservation District & Water Agency

SLO Council of Governments

SLO County Public Works

SLO Co. Air Pollution Control District

SLO County Agricultural Commissioner's Office

SLO County Parks Division



Appendix B

COMMENTS RECEIVED ON THE NOTICE OF PREPARATION



Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse



Steve Nissen
DIRECTOR

Notice of Preparation

March 14, 2001

RECEIVED

MAR 19 2001

Planning & Bldg

To: Reviewing Agencies

Re: Woodlands Specific Plan Supplemental EIR (ED00-428)
SCH# 2001031063

Attached for your review and comment is the Notice of Preparation (NOP) for the Woodlands Specific Plan Supplemental EIR (ED00-428) draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

John McKenzie
San Luis Obispo County
County Government Center
Room 310
San Luis Obispo, CA 93408-2040

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Project Analyst, State Clearinghouse

Attachments

cc: Lead Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2001031063
Project Title Woodlands Specific Plan Supplemental EIR (ED00-428)
Lead Agency San Luis Obispo County

Type NOP Notice of Preparation
Description A request to amend Title 26 (Growth Management Ordinance) to: allow development of the potential 1,320 residential units envisioned in the adopted Woodlands Specific Plan to be built in accordance with the phasing schedule in the specific plan (10-15 years); instead of being subject to the allowable build-out rate specified by the existing growth management limitations (in excess of 200 years at the currently allowed for the Nipomo Mesa area).

Lead Agency Contact

Name John McKenzie
Agency San Luis Obispo County
Phone 805/781-5452
email
Address County Government Center.
Room 310
City San Luis Obispo
Fax
State CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City
Region
Cross Streets Highway 1/Dawn Road
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 1
Airports
Railways SPRR
Waterways Black Lake Canyon
Schools
Land Use Recreation

Project Issues Water Quality; Water Supply

Reviewing Agencies Resources Agency; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Health Services; Department of Fish and Game, Region 3; Native American Heritage Commission; State Lands Commission; Public Utilities Commission; Caltrans, District 5; Department of Housing and Community Development; California Highway Patrol; State Water Resources Control Board, Clean Water Program; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 3

Date Received 03/14/2001 **Start of Review** 03/14/2001 **End of Review** 04/12/2001

Resources Agency

Resources Agency
Nadell Gayou

Dept. of Boating & Waterways
Bill Curry

California Coastal Commission
Elizabeth A. Fuchs

Dept. of Conservation
Ken Trott

Dept. of Forestry & Fire Protection
Allen Robertson

Office of Historic Preservation
Hans Kreutzberg

Dept of Parks & Recreation Resource Mgmt. Division

Reclamation Board
Pam Bruner

S.F. Bay Conservation & Dev't Comm.
Steve McAdam

Resources Agency
Nadell Gayou
Dept. of Water Resources

Health & Welfare

Health & Welfare
Wayne Hubbard
Dept. of Health/Drinking Water

Food & Agriculture

Food & Agriculture
Tad Bell
Dept. of Food and Agriculture

Fish and Game

Dept. of Fish & Game
Joe Vincenty
Environmental Services Division

Dept. of Fish & Game
Donald Koch
Region 1

Dept. of Fish & Game
Banky Curtis
Region 2

Dept. of Fish & Game
Brian Hunter
Region 3

Dept. of Fish & Game
William Laudermilk
Region 4

Dept. of Fish & Game
Sandy Peterson
Region 5, Habitat Conservation Program

Dept. of Fish & Game
Gabrina Gatchel
Region 6, Habitat Conservation Program

Dept. of Fish & Game
Tammy Allen
Region 6, Inyo/Mono, Habitat Conservation Program

Dept. of Fish & Game
DeWayne Johnston
Marine Region

Independent Commissions

California Energy Commission
Environmental Office

Native American Heritage Comm.
Debbie Treadway

Public Utilities Commission
Andrew Barnsdale

State Lands Commission
Betty Silva

Colorado River Board
Gerald R. Zimmerman

Tahoe Regional Planning Agency (TRPA)
Lyn Barnett

Office of Emergency Services
John Rowden, Manager

Delta Protection Commission
Debbie Eddy

Santa Monica Mountains Conservancy
Paul Edelman

Dept. of Transportation

Dept. of Transportation IGR/Planning
District 1

Dept. of Transportation
Vicki Roe
Local, Development Review, District 2

Dept. of Transportation
Jeff Pulverman
District 3

Dept. of Transportation
Jean Finney
District 4

Dept. of Transportation
Lawrence Newland
District 5

Dept. of Transportation
Marc Blimbaum
District 6

Dept. of Transportation
Stephen J. Buswell
District 7

Dept. of Transportation
Mike Slim
District 8

Dept. of Transportation
Caroline Yee for Kate Walton
District 9

Dept. of Transportation
Chris Sayre
District 10

Dept. of Transportation
Lou Salazar
District 11

Dept. of Transportation
Aileen Kennedy
District 12

Business, Trans. & Housing

Housing & Community Development
Cathy Creswell
Housing Policy Division

Caltrans - Division of Aeronautics
Sandy Hesnard

California Highway Patrol
Lt. Dennis Brunette
Office of Special Projects

Dept. of Transportation
Ron Helgeson
Caltrans - Planning

Dept. of General Services
Robert Sleppy
Environmental Services Section

Air Resources Board
Airport Projects
Jim Lerner

Transportation Projects
Ann Geraghty

Industrial Projects
Mike Tollstrup

California Integrated Waste Management Board
Sue O'Leary

State Water Resources Control Board
Diane Edwards
Division of Clean Water Programs

State Water Resources Control Board
Greg Frantz
Division of Water Quality

State Water Resources Control Board
Mike Falkenstein
Division of Water Rights

Dept. of Toxic Substances Control
CEQA Tracking Center

Regional Water Quality Control Board (RWQCB)

RWQCB
Cathleen Hudson
North Coast Region (1)

RWQCB
Environmental Document Coordinator
San Francisco Bay Region (2)

RWQCB
Central Coast Region (3)

RWQCB
Jonathan Bishop
Los Angeles Region (4)

RWQCB
Central Valley Region (5)

RWQCB
Central Valley Region (6)
Fresno Branch Office

RWQCB
Central Valley Region (5)
Redding Branch Office

RWQCB
Lahontan Region (6)

RWQCB
Lahontan Region (6)
Victorville Branch Office

RWQCB
Colorado River Basin Region (7)

RWQCB
Santa Ana Region (8)

RWQCB
San Diego Region (9)

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax.



RECEIVED

MAR 23 2001

Planning & Bldg

March 21, 2001

John McKenzie
San Luis Obispo County
County Government Center
Room 310
San Luis Obispo, CA 93408-2040

RE: SCH# 2001031063 - Woodlands Specific Plan Supplemental EIR (ED00-428)

Dear Mr. McKenzie:

The Native American Heritage Commission has reviewed the above mentioned NOP. To adequately assess the project-related impact on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a records search. The record search will determine:
 - Whether a part or all of the project area has been previously surveyed for cultural resources.
 - Whether any known cultural resources have already been recorded on or adjacent to the project area.
 - Whether the probability is low, moderate, or high that cultural resources are located within the project area.
 - Whether a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage of is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The report containing site significance and mitigation measures should be submitted immediately to the planning department.
 - The site forms and final written report should be submitted within 3 months after work has been completed to the Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check.
 - A list of appropriate Native American Contacts for consultation concerning the project site and assist in the mitigation measures.
- ✓ Provisions for accidental discovery of archeological resources:
 - Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should include provisions for accidentally discovered archeological resources during construction per California Environmental Quality Act (CEQA) §15064.5 (f).
- ✓ Provisions for discovery of Native American human remains
 - Health and Safety Code §7050.5, CEQA §15064.5 (e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery and should be included in all environmental documents.

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

Sincerely,

Rob Wood
Associate Governmental Program Analyst

CC: State Clearinghouse

San Luis Obispo Council of Governments



Ronald L. DeCarli - Executive Director

Regional Transportation Planning Agency
Metropolitan Planning Organization
Census Data Affiliate

Service Authority for Freeways and Expressways

Arroyo Grande
Atascadero
Grover Beach
Morro Bay
Paso Robles
Pismo Beach
San Luis Obispo
San Luis Obispo County

April 4, 2001

Mr. John McKenzie
Environmental Specialist
San Luis Obispo County Department of Planning and Building
Environmental Division
Interoffice
990 Palm
San Luis Obispo, CA 93401

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APR 06 2001
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Re: Notice of Preparation of a SEIR for Woodlands Specific Plan: ED01-428

Mr. McKenzie,

Thank you for the opportunity to update your information regarding contact information and permitting authority as it relates to SLOCOG's role in evaluating the impacts (both environmental and on the transportation network) of the Woodlands Specific Plan.

1. Name of Contact Person: Joe Rye
2. Permits or Approvals Authority: none
3. Environmental Information: Traffic Study
4. Permit Stipulations/Conditions: no permitting authority
5. Alternatives: none
6. Reasonable Foreseeable Projects, Programs, Plans: no new projects. Please refer to SLOCOG comments submitted to you on February 2nd, 2001 as part of the call for initial comments on this and the aggregate of all south county general plan amendments.
7. Relevant Information: Our comments noted in #6 above
8. Further Comments: nothing at this time, thank you

Please feel free to contact me @ 788-2002 anytime to discuss these issues.

Sincerely,

Joe Rye
Associate Transportation Planner (South County)
SLOCOG

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



April 4, 2001

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APR 09 2001

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Mr. John McKenzie
San Luis Obispo County
County Government Center
Room 310
San Luis Obispo, California 93408-2040

Notice of Preparation of a Draft Supplemental Environmental Impact Report for the
Woodlands Specific Plan (ED00-428), SCH2001031063

Dear Mr. McKenzie:

Thank you for the opportunity to review and comment on the Notice of Preparation of a Draft Supplemental Environmental Impact Report for the proposed request to allow construction of up to 1,320 residential units in the Nipomo Mesa area east of State Highway 1 in the next 10-15 years. The proposed project would be located approximately two miles west of Mile Post 97 of the Coastal Branch of the State Water Project in San Luis Obispo County, California.

Based on the information provided to us, the proposed project appears to lie within the service area of the San Luis Obispo County Flood Control and Water Conservation District, which receives water from the State Water Project. Therefore, the California Department of Water Resources, Division of Operations and Maintenance, requests that the Draft Supplemental EIR discuss whether the proposed project might potentially lead to increased water needs, including cumulative or growth-inducing impacts, if such impacts were not addressed in the previous EIR.

Please provide us with a copy of the Draft Supplemental EIR when it becomes available for review and comment. If you have any questions, please call me at (916) 653-8583 or Dr. Eva Begley, Chief, License and Regulatory Compliance Section, at (916) 653-5951.

Sincerely,

A handwritten signature in cursive script that reads "David V. Starks for DVS".

David V. Starks, Acting Chief
Division of Operations and Maintenance

cc: State Clearing House
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814





COUNTY OF SAN LUIS OBISPO
Department of General Services

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5200
DUANE P. LEIB, DIRECTOR

TO: John McKenzie
FROM: Jan Di Leo
DATE: April 6, 2001
RE: Woodlands Specific Plan - Supplemental EIR (EDO1-428)

1. *Name of Contact Person:* Jeanette Di Leo, County Parks Division, Department of General Services, San Luis County, San Luis Obispo, CA 93408. Phone # 781-4089.
2. *Permits or Approval Authority:* Parks and recreation issues within San Luis Obispo County.
3. *Environmental Information:* The provision of trails consistent with the Trails Plan, the Draft Park and Recreation Element, and previous project conditions. In addition, the provision of a public park site (consistent with previous conditions).
4. *Permit Stipulations/Conditions:* Consistent with the project's previous conditions and new input from the community.
5. *Alternatives:* Public trails and public park areas should be developed and offered with the first phase of development.
6. *Reasonable Foreseeable Projects:* None at this time.
7. *Relevant Information:* County's Trails Plan, Draft Park and Recreation Element, and input from the Nipomo Trails Committee. The Nipomo Trails Committee should be contacted.
8. *Further Comments:* None at this time.

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APR 09 2001
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DEPARTMENT OF HEALTH SERVICES

DRINKING WATER FIELD OPERATIONS BRANCH
1180 EUGENIA PLACE, SUITE 200
PACIFIC PALISADES, CALIFORNIA 93013-2000
TEL (805) 566-1325
FAX (805) 566-4790

**RECEIVED**

APR 04 2001

April 2, 2001

Planning & Bldg

RRM Design Group
3701 South Higuera Street
San Luis Obispo, CA 93401

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

Attn: Mr. Victor Montgomery
Chief Executive Officer

Attn: Mr. John McKenzie

Gentlemen:

System No: 4090009 (701)

Ref: Woodlands Project (WP) Specific Plan Supplemental EIR
SCH# 2001031063

The State Department of Health Services, Drinking Water Field Operations Branch (SDHS-DWFOB) has reviewed the specific plan for The Woodlands Project (wastewater treatment facility, use of recycled water at the golf course and domestic water system). The WP is being developed by the RRM Design Group. The WP will be located near Nipomo in San Luis Obispo County. The use and the distribution of recycled water at WP must comply with the SDHS-DWFOB's Wastewater Reclamation Criteria, Title 22 Criteria and the Cross-Connection Control Requirements, Title 17. The WP will need to apply for a domestic water supply permit from this office. The SDHS – DWFOB offers the following comments:

I. Golf Course Access

1. WP will be utilizing recycled water at the golf course with homes, village center, etc. located adjacent to the fairways. The golf course will be considered as having unrestricted access for recycled water use. The Water Recycling Criteria defines, Unrestricted Access Golf Course as a golf course where public access is not controlled and areas that are irrigated with recycled water can be used as if they were part of a playground, park or school yard and where irrigation is conducted in areas and during periods when the golf course is being used by golfers. The WP is required to provide tertiary filtered and disinfected recycled water for golf course irrigation.

II. Treatment Comments

1. The SDHS's Criteria for the use of recycled water at a golf course with unrestricted access, requires that the effluent be treated to a tertiary filtered – disinfected level that complies with a coliform level of (2.2 MPN, 7 day median) and turbidity levels of (2.0 NTU daily average, < 5 NTU 95%, 10 NTU Max) for filtered wastewater at all times. The turbidity of the tertiary treated water shall be continuously monitored and recorded prior to and following filtration. The coliform analysis shall be performed daily. A minimum CT of 450 mg-min/l must be provided. WP indicated that UV disinfection will be provided for the recycled water. The UV operation dose shall insure at least 4 logs of virus inactivation at all times. The UV equipment shall be designed in accordance with the "Ultraviolet Disinfection Guidelines for Drinking Water and Water Reuse" provided by the National Water Research Institute and the AWWA Research Foundation. The effluent quality must meet the above requirements. A monitoring and reporting program which includes all monitoring required by the Recycled Water Criteria and the RWQCB with the frequency and location of the sampling needs to be included in the report. The recycled project will be required to conduct at a minimum daily turbidity, UV dosage or chlorine residual and CT conditions under worst case conditions. The report should list conditions that would require an immediate diversion to take place and a plan for alternative disposal or re-treatment of the diverted water. The monitoring data will need to be submitted to the RWQCB and the SDHS in a monthly report.
2. A detailed engineering report for WP shall be submitted to the SDHS for review and approval of the project. The engineering report shall also be submitted to the RWQCB. The engineering report shall be prepared by a qualified engineer, registered in California and experienced in the field of wastewater treatment. The engineering report shall include information on the project, producer and distributor of recycled water, raw wastewater characteristics, treatment process to produce recycled water, plant reliability features, supplemental water supply, monitoring and reporting, contingency plan, distribution system with maps and plans showing recycled water lines, potable water lines, backflow devices, well locations, etc.; recycled water use areas; groundwater recharge; dual plumbed areas (if any); operations plans for treatment optimization; and cross connection control. A copy of the Department's Guidelines for the Preparation of an Engineering Report for a Recycled Water Project and the Title 22 Regulations on Recycled Water are available on our web site at www.dhs.ca.gov/ps/ddwem/index.htm. You may also wish to purchase the SDHS Law book on recycled water.
3. The treatment facility will need to be operated by qualified certified reclamation treatment plant operators.

III. Distribution and Use Comments

1. WP shall ensure that there are no cross connections between domestic potable water lines and recycled water lines at all times. WP's specific plan indicates that well water will blend with recycled water effluent and used for irrigating the golf course. The well water will need to discharge through an approved air gap. WP should join the County of San Luis Obispo Environmental Health Department's Cross-Connection Control Program. The wells can never be used for domestic purposes unless the discharge is through an approved air gap. The irrigation wells and domestic wells shall not be connected at any time. A certified cross connection control specialist shall test all backflow devices annually. Air gaps shall be at least twice the pipe diameter and be located above ground.
2. WP shall describe the irrigation and flushing of the golf course greens for salt build-up (if any). If potable water is used for the flushing of the salt build-up, an air gap must be provided at the interconnection between the domestic water system and reclaimed water system. A summary report and engineering drawing will need to be submitted describing the arrangement of the domestic water lines and reclamation lines, and how the domestic water will be used for green flushing and its operation.
3. The American Water Works Association's Guidelines for the Distribution of Non-Potable water needs to be followed including purple pipe, adequate signs, etc. Adequate separation of the recycled water lines, the domestic water lines and sewer lines shall be provided at all times.
4. Plans and maps showing domestic water lines and recycled water lines at WP and the golf course shall be submitted. The lines must be marked clearly and labeled as domestic water lines and recycled water lines using separate colors for identification.

IV. Use Area Requirements

1. WP shall ensure that no recycled water irrigation areas and no effluent holding ponds are located within 100 feet of any domestic water supply well. Any reclaimed water spray, mist, or runoff shall be confined to the reclaimed water use area and shall not contact any drinking water fountains, food handling facilities or where public may be present. Drinking water fountains must be equipped with hoods or covers. Reclaimed water use should be limited to times when public is not present.
2. Warning signs shall be used informing the public that reclaimed water is used for irrigation.
3. All above ground irrigation appurtenances need to be marked appropriately.

4. Hose bibs, which the public could use, shall be eliminated and not used. Quick couplers may be used.
5. Supervisors must be appointed for the recycled water use areas and their staff must be trained on the hazards of working with recycled water and periodically retrained.
6. The areas irrigated by recycled water shall be inspected yearly by the reclaimed water provider. The recycled water system shall be evaluated for cross connections by a shutdown test at a minimum of every four years. A report of findings of the inspection and shutdown tests need to be submitted to the SDHS - DWFOB, County Health Department and the RWQCB.
7. If recycled water system lateral pipelines are located along the property lines of homeowners there could be a potential for cross connections. The SDHS-DWFOB has documented cases of homeowners illegally connecting to unpressurized recycled water laterals located near their property. The SDHS-DWFOB recommends a buffer zone between the recycled water lines and the property owners. If WP does not feel it can maintain adequate control of the recycled water system pipelines, the pipelines will need to be relocated or a physical barrier needs to be installed to prevent this type of potential problem. The homeowners need to be educated on the use of recycled water in the area. WP should specify a plan to interface with the homeowners as a part of the Rules of Service Agreement in an adjacent property awareness program.

V. Domestic Water Supply Permit

WP has plans to construct and operate a new water system with wells to serve the development. The system is expected to serve 1000 services. The SDHS-DWFOB will be the regulatory agency to issue the domestic water permit to the system. WP is required to submit a permit application for the proposed system and to add the wells as a source. Enclosed is the domestic water permit application form necessary for WP to establish a domestic water system using wells and operate the proposed water system. WP must submit the permit application form to the SDHS - DWFOB. An example of a completed permit application form is attached.

The 1996 Amendments to the federal Safe Drinking Water Act require new public water systems to be assessed for their Technical, Managerial and Financial (TMF) capability to operate a domestic water system. The TMF capacity assessment is required in order for a permit to be issued to the new water system. The TMF forms are available on our web site www.dhs.ca.gov/ps/ddwem/index.htm. Please complete the TMF capacity assessment form and return it along the required permit application submittals.

The 1996 Amendments to the federal Safe Drinking Water Act (SDWA) also established a program called the Drinking Water Source Assessment and Protection Program (DWSAP) to assess all sources of drinking water and establish protection programs. The USEPA is requiring that all sources in the state be assessed for vulnerability and meet the DWSAP requirements. The State Department of Health Services, Drinking Water Field Operations Branch (SDHS - DWFOB) is currently implementing the DWSAP requirements and now requires that all new drinking water sources must comply with the DWSAP requirements. WP must conduct and submit a source water assessment for the well sources along with the permit application. The assessment will be considered in the permitting of the new sources.

In addition to the TMF and DWSAP information, WP will need to submit the following information along with the completed permit application form in order for the SDHS - DWFOB to process the domestic water supply permit application.

- Permit Information -

1. Source information, distribution plans and specifications, sewer, water and recycled water line separation, cross connection control, location of wells or other sources of supply, etc.
2. Plans and specifications for the wells, including the annular seals. The wells should not be located in a pit. The wastelines must discharge through air gaps.
3. Plot plan of the well sites, including all possible sources of contamination, such as drainage channels, areas subject to flooding, sewers, and sewage disposal systems within 200 feet of the well location. If there is surface water within 150 feet of the well locations, the wells could be subject to surface water influence and therefore would need to comply with the Surface Water Treatment Rule.
4. Chlorination facility plans.
5. Information concerning the environmental impact of the proposed project as required for the California Environmental Quality Act Clearance.
6. An emergency notification plan for the system. A blank ENP form is enclosed.
7. Public water systems serving 1,000 services or more will pay an hourly rate times the direct hours needed to complete the permit.

After the wells are drilled, submit the following data:

1. Geologic well log.
2. State of California well numbers. Please contact Mr. Glenn Britton of San Luis Obispo, Engineering Department at (805)781-4474 for the numbers.

3. Raw well water coliform results and complete chemical analyses (title 22) results of the well water including general mineral, general physical, inorganics, radioactivity, volatile and synthetic organics (VOCs & SOCs) are required. An approved state lab must perform the bacteriological and chemical analyses. The chemical analyses shall be submitted to the Department on state approved forms.
4. If the water quality does not comply with California Domestic Water Quality and Monitoring Regulations, treatment, including iron and manganese removal filtration, hydrogen sulfide treatment, nitrate blending facilities, etc., shall be provided to bring the water quality into compliance.

- DWSAP Information -

1. Location of the Drinking Water Source

Please complete the attached "Drinking Water Source Location" form for each source. The location (latitude, longitude) of the source needs to be determined by a global positioning system (GPS) with an accuracy of 25 meters, or by another method with equivalent accuracy. For purpose of completing the assessments you may determine interim locations of the sources through the use of USGS quadrangle maps (7.5 minute series) and make use of other location data you may have.

2. Delineation of Source Areas and Protection Zones

Please complete the attached "Delineation of Ground Water Protection Zones" form for each source. You will need to identify the recharge boundaries (if any) and zones on the assessment map. The minimum acceptable method of determining zones is the Calculated Fixed Radius method. You may have to use Modified Calculated Fixed Radius method if the source area has sloping water table (most common situation) as it provides a better estimate.

3. Inventory of Possible Contaminating Activities (PCAs)

Please complete the attached "Possible Contaminating Activity (PCA) Inventory form" for each source. Also, please attach a list of the types of PCAs identified in the inventory and the area of zone(s) in which they occur. The list should be attached to the assessment map.

4. Physical Barrier Effectiveness Checklist

Please complete the attached "Physical Barrier Effectiveness Checklist and Well Data Sheet" for each source and make a determination of the effectiveness of the source's physical barriers to contamination based on geology and hydrogeologic consideration: Low, Moderate, or High.

5. Vulnerability Ranking – Prioritized Listing of PCAs

Please complete the attached "Vulnerability Analysis Procedures" form for each source. The WP needs to evaluate each PCA in terms of its risk ranking, location (zone), and the Physical Barrier Effectiveness of the source. The WP shall prioritize PCAs to identify those to which the source is most vulnerable. The WP shall prepare prioritized listing of PCAs and attach to the assessment map.

6. Assessment Map

Please submit an assessment map showing the location of the sources, source areas and protection zones. The map should be based on a USGS quadrangle 7.5 minute series topographic map. A prioritized listing of PCAs with the area or zone(s) in which they occur and indicating to which the source is most vulnerable needs to be attached.

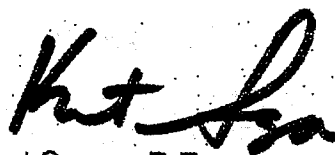
7. Drinking Water Source Assessment Checklist

Please complete the attached Checklist for Drinking Water Source Assessment.

We request that the well site, including test well sites which may later be developed as production wells, be reviewed by this office before the wells are drilled. This inspection can be scheduled before you submit the permit application. **The WP will need to submit the required source assessment information along with the permit information.** The required assessment forms along with an example are attached. The **Drinking Water Source Assessment and Protection Program's** information is available on our web site at [http://www.dhs.cahwnet.gov/ps/ddwem/dwsap/DWSAP document.HTM](http://www.dhs.cahwnet.gov/ps/ddwem/dwsap/DWSAP_document.HTM).

If you have any questions concerning this letter, please contact this office at (805) 566-1326.

Sincerely,



Kurt Souza, P.E.
District Sanitary Engineer
Santa Barbara District (DWFOB)

Enclosure

cc: San Luis Obispo County Environmental Health
Regional Water Quality Control Board

SDWSRF-Environmental Coordinator
601 North 7th Street, MS 92
P.O. Box 942732
Sacramento, CA 94234-7320

DEPARTMENT OF HEALTH SERVICES

DIVISION OF DRINKING WATER AND ENVIRONMENTAL MANAGEMENT

1180 Eugenia Place, Suite 200
 Carpinteria, CA 93013-2000
 (805) 566-1328
 FAX (805) 566-4780



System No. _____

WATER QUALITY EMERGENCY NOTIFICATION PLAN

Name of Utility: _____

System & Location: _____

The following persons have been designated to implement the plan upon notification by the State Department of Health Services that an imminent danger to the health of the water users exists:

	Name	Title	Day Telephone	Evening
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

The implementation of the plan will be carried out with the following State and County Health Department Personnel:

1.	John Curphey	District Engineer, Sanitary Engineering	(805) 566-1326	(805) 682-6859
2.	Curt Batson	Director, County Environmental Health	(805) 781-5544	(805) 782-2281 (p)

Notification Plan

Describe methods or combinations of methods to be used (radio, television, door-to-door, sound truck, etc.). For each section of your plan give an estimate of the time required, necessary personnel, estimated coverage, etc. Consideration must be given to special organizations, particularly non-English speaking groups, and outlying water uses. (Use the other side if necessary.)

Report prepared by
 Signature and Title: _____

Date: _____

STATE OF CALIFORNIA
DEPARTMENT OF HEALTH SERVICES

DOMESTIC WATER PERMIT APPLICATION

FROM: _____

TO: Department of Health Services
Drinking Water Field Operations Branch
1180 Eugenia Place, Suite 200
Carpinteria, CA 93013-2000

Pursuant and subject to all of the terms, conditions and provisions of Division 5, Part 1, Chapter 7, Water and Water Systems of the California Health and Safety Code and all amendments thereto, relating to domestic water supplies, application is hereby made for a domestic water permit to:

(Applicant must state specifically what is being applied for, whether to construct new works, to use existing works, to make alternations or additions in works or sources. Note: Section 4012, H&S Code regarding information to be submitted with application. Additional sheets may be attached.) I (We) declare under penalty or perjury that the statements on this application and on the accompanying attachments are correct to my (our) knowledge and that I (we) are acting under authority and direction of the responsible legal entity under whose name this application is made.

Date _____

Signed _____

By _____

Title _____

Address _____

Affix Official

Seal Here

