

# NOTICE OF PREPARATION

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**To:**  
State Clearinghouse  
P.O Box 3044  
Sacramento CA 95812-3044

**From:**  
Mark Hutchinson  
San Luis Obispo County Dept of Public Works  
County Government Center Room 207  
San Luis Obispo, CA 93408

**Subject: Notice of Preparation of a Draft Environmental Impact Report**

The County of San Luis Obispo will be the Lead Agency and will prepare an environmental impact report 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 environmental impact report prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential 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 Mark Hutchinson at the address shown above. We will need the name for a contact person in your agency.

**Project Title:** Santa Margarita Drought Reliability Project

Date: July 6, 2010

Signature \_\_\_\_\_

Title: Environmental Programs Manager

Telephone: (805) 781-5252

## Background

Santa Margarita is an unincorporated community in north-central San Luis Obispo County. Santa Margarita has a population of approximately 1,400 and covers an area of approximately 265 acres. The water system supply and distribution facilities are organized as County Service Area 23 (CSA 23). CSA 23 is completely reliant on groundwater for its water supply, via two wells located within the boundaries of the community.

During extended periods of low seasonal rainfall, water levels in community wells typically drop, triggering various voluntary conservation methods. Although the community is approaching build-out according to the current general plan, there is concern that existing groundwater supplies may not be adequate to supply additional residents, and that they are inadequate during extended periods of less than normal rainfall for the existing population as well. There is concern that current residents may be forced to reduce water use below appropriate levels in years of drought, and further that the reliance on essentially a single supply source (groundwater) may be placing the community in a tenuous public health and safety position. Therefore, the purpose of this project is to provide existing and future residents of the community with a more reliable water supply in periods of significant drought.

## Project Proposal

The Project consists of a physical connection to the State Water Pipeline at Santa Margarita, the establishment of a five-acre foot annual allocation of State Water to CSA 23, and the implementation of a Program to exchange water between CSA 23 and other State Water participants.

The details of the Project components include:

- The construction of a turnout on the State Water Pipeline (SWP) and the construction of approximately 65 linear feet of pipeline at the northeast corner of the community, as illustrated in the attached Map#1. The pipeline will connect the existing CSA 23 community water system to the SWP.
- A Program with the San Luis Obispo County Flood Control and Water Conservation District (District) and/or one or more entities who acquire State Water from the District (Program Participants) pursuant to the District's contract with the California Department of Water Resources, that is intended to accomplish the following:
  - a) Establish an annual allocation of five acre feet per year for CSA 23 in the State Water Project,
  - b) Establish a drought buffer allocation of five acre feet per year in the State Water Project,
  - c) Establish an agreement or agreements whereby:

- i) CSA 23 will make water available pursuant to (a) and (b) above to the Program Participants in those years that the District has not declared a water supply emergency pursuant to California Water Code Section 100; and,
- ii) CSA 23 will, in exchange for water made available pursuant to “i”, have the ability to obtain up to 80 acre feet from Program Participants in years that the District has declared a water supply emergency pursuant to Water Code Section 100.
- iii) CSA 23 will, in consideration for water obtained from Program Participants, permanently surrender to the Program Participants an amount equal to 10% of the water it obtains from the Program Participants.
- iv) The Program will establish a “Water Ledger” which will maintain a record of the following:
  - (1) The quantities of water made available by CSA 23 to Program Participants
  - (2) The quantities of water obtained by CSA 23
  - (3) The balance of Program Water, which reflects that amount made available by CSA 23 less the quantity obtained by CSA 23 multiplied by 1.1

#### Alternatives

Alternatives to the proposal include:

**No Project.** Under this alternative no changes to the existing water supply efforts in Santa Margarita would occur. During periods of low rainfall leading to reduced groundwater supplies, the community would implement ever increasing levels of mandatory water conservation until such time as groundwater supplies had recovered. In the event existing groundwater supplies became unavailable due to a sudden event, such as a natural or man-made disaster, unspecified emergency measures would be required.

**Water Conservation.** Under this alternative the community would develop a comprehensive water conservation plan that would attempt to preserve sufficient water in the water bearing strata under the community to carry it through periods of lower than average rainfall. More restrictive requirements on water use in all areas could be implemented on a permanent basis with higher levels of conservation required in drier years. In the event existing groundwater supplies became unavailable due to a sudden event, such as a natural or man-made disaster, unspecified emergency measures would be required.

**Nacimiento Water.** Under this alternative the community would address its water supply needs during a drought through a connection to the Nacimiento Water Project (NWP). The allocation amount would remain the same (five acre feet). Participants in the exchange program would be limited to other existing or potential participants in the NWP. Because the Nacimiento Project provides un-treated water, unlike the State

Water Project which provides treated water, three options are listed under this alternative:

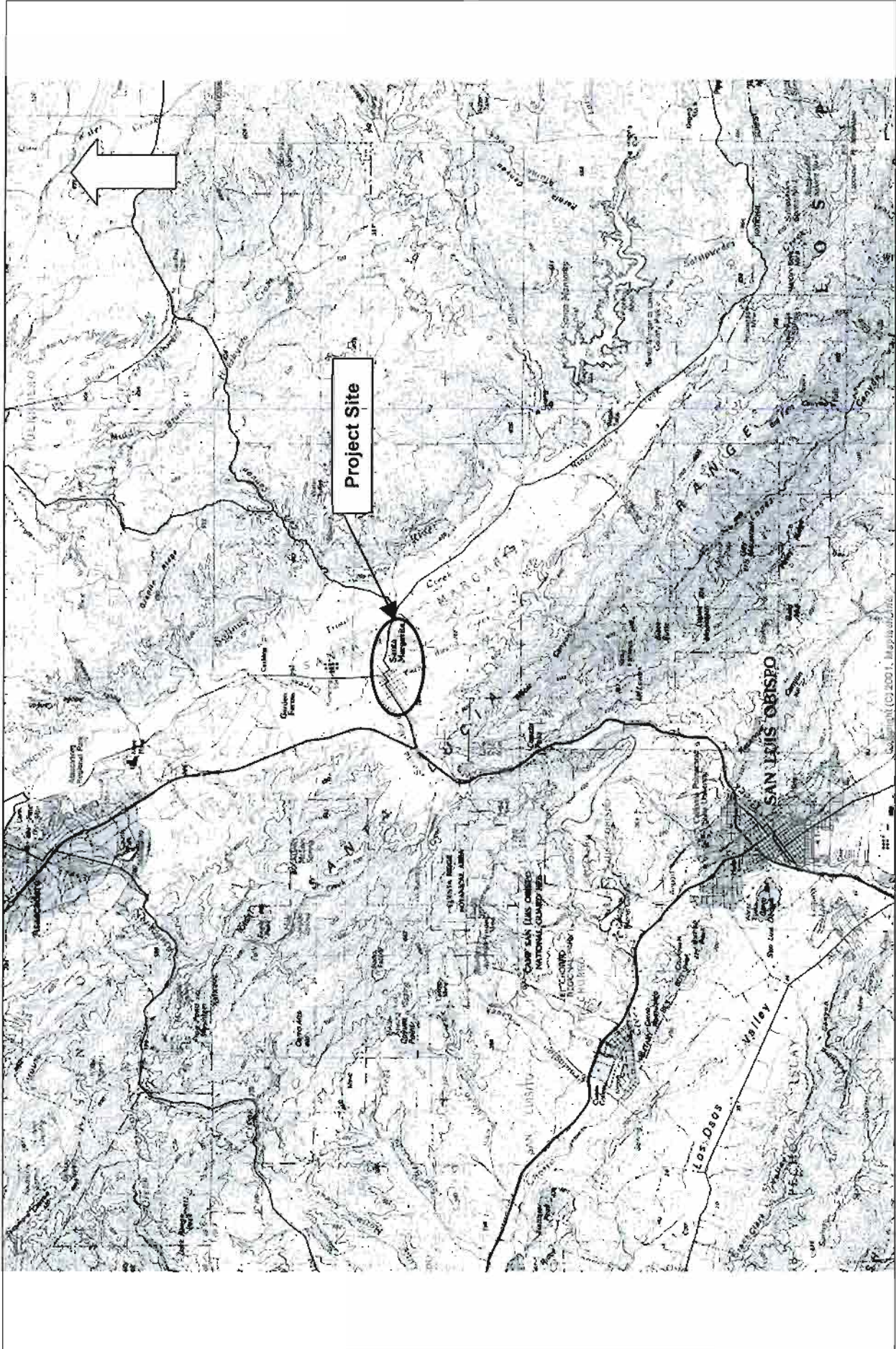
- a) Connect to the NWP via a pipeline connection to the Atascadero Mutual Water Company (AMWC). During water supply emergencies, as declared by the County Board of Supervisors, AMWC would, for some level of consideration, provide treated water to Santa Margarita through its existing system. During normal years, no water would flow through Atascadero's system.
- b) Establish an exchange program with the Santa Margarita Ranch using NWP supplies. During water supply emergencies, the Ranch would provide potable groundwater to CSA 23 through the Ranch's existing wells. During normal years, the Ranch would take NWP water and irrigate vineyards and other crops via a connection at Santa Margarita; while "banking" groundwater in the existing water bearing strata under the Ranch.
- c) Connect the NWP directly to the community's water system via a new water treatment plant that would be constructed somewhere within the boundaries of the town. Costs of this alternative are substantially greater due to the cost of the treatment plant.

***Additional Groundwater Wells.*** Under this alternative the community would develop and construct additional wells based on a siting study in an effort to ensure drought reliability by accessing additional groundwater outside of the areas currently utilized for ongoing municipal supplies, but within the boundaries of the community.

List of Attachments:

- A. Location Map
- B. State Water Project Existing Participants Information
- C. Nacimiento Water Project Existing Participants Information





LOCATION MAP

USGS 30x60 Minute San Luis Obispo Quadrangle



### Status of State Water in San Luis Obispo County

Contractor	Deliverable Entitlement	Drought Buffer	Total
City of Morro Bay	1,313	2,290	3,603
City of Pismo Beach	1,240	1,240	2,480
Oceano CSD	750	0	750
County Operation Center	425	425	850
California Men's Colony	400	400	800
San Miguelito Mutual Water Company	275	275	550
Cuesta College	200	200	400
Avila Beach CSD	100	0	100
Shandon	100	0	100
Avila Valley Mutual Water Company	20	60	80
San Luis Coastal Unified School District	7	7	14
Total Subscribed	4,830	4,897	9,727
San Luis Obispo County Unallocated			15,273
Total			25,000

### Status of State Water in Santa Barbara County

Contractor	Deliverable Entitlement	Drought Buffer	Total
Cal Cities Water Company	500	0	500
Carpinteria Valley Water District	2,000	0	2,000
City of Buellton	578	0	578
City of Guadalupe	550	0	550
City of Santa Barbara	3,000	0	3,000
City of Santa Maria	16,200	0	16,200
City of Solvang	1,500	0	1,500
Goleta Water District	4,500	2,950	7,450
La Cumbre Mutual Water Company	1,000	0	1,000
Montecito Water District	3,000	0	3,000
Morehart Land Company	200	0	200
Raytheon Infrared Operations	50	0	50
Santa Ynez River Water Cons. District	500	0	500
Vandenberg Air Force base	5,500	0	5,500
Total Subscribed	39,078	2,950	42,028
Santa Barbara County Unallocated			3,458
Total			45,486

**Status of Nacimiento Water**

<b>Contractor</b>	<b>Deliverable Entitlement</b>	<b>Drought Buffer (N/A)</b>	<b>Total</b>
City of Paso Robles	4,000	0	4,000
Templeton CSD	250	0	250
Atascadero Mutual Water Company	2,000	0	2,000
City of San Luis Obispo	3,380	0	3,380
County Service Area 10	25	0	25
Lakeside Users	1,750	0	1,750
Total Subscribed	11,405	0	11,405
Unallocated			6,095
Total			17,500

**Santa Margarita Drought Reliability Project  
Notice of Preparation  
Interoffice Mail List**

Air Pollution Control District

County Clerk

County Fire Department (CAL FIRE)

Dept of Gen. Services- Parks & Rec.

Department of Planning & Building

Division of Environmental Health

County Agricultural Commissioner

Supervisor, Dist. 5

County Planning Commissioner, Dist 5 (c/o Department of Planning & Building)



**Santa Margarita Drought Reliability Project  
Notice of Preparation  
Mail List**

Water Resources Advisory Committee  
ATTN: Mike Winn  
233 East Knotts St.  
Nipomo, CA 93444

SLO Council of Governments (SLOCOG)  
1150 Osos St., Ste. 202  
San Luis Obispo, CA 93401

Santa Margarita Area Advisory Council —  
ATTN: Chairperson  
P.O. Box 627  
Santa Margarita, CA 93453-0627

CA Department of Fish & Game  
1234 E. Shaw  
Fresno, CA 93710

CA Dept. of Transportation(Caltrans)  
50 Higuera St.  
San Luis Obispo, CA 93401-5415

CA Reg. Water Quality Control Brd  
Central Coast Region  
895 Aerovista Place, Ste 101  
San Luis Obispo, CA 93401-7906

CA Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236-0001

Native American Heritage Commission  
915 Capital Mall, Rm. 364  
Sacramento, CA 95814

Office of Historical Preservation  
P.O. Box 942896  
Sacramento, CA 94296-0001

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

Natural Resources Conservation. Serv.  
65 Main St., Ste 8 (CD)  
Templeton, CA 93465

U.S. Fish and Wildlife Service  
Ecological Services - Ventura  
2493 Portola Rd., Ste. B  
Ventura, CA 93003-7726

Atascadero Unified School District  
5601 W. Mall  
Atascadero, CA 93422

Santa Margarita Volunteer Fire Dept.  
P.O. Box 67  
Santa Margarita CA 93453-0067

County of Santa Barbara Water Agency  
123 E. Anapamu St.  
Santa Barbara, CA 93101

CCWA  
255 Industrial Way  
Buellton, CA 93427

Agriculture Task Force  
PO Box 14060  
San Luis Obispo, CA 93406-4060

CA Native Plant Society  
c/o David Chipping  
1530 Bayview Heights Drive  
Los Osos CA 93402

**Notice of Completion & Environmental Document Transmittal**

*Appendix C*

*Mail to:* State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0813  
*For Hand Delivery/Street Address:* 1400 Tenth Street, Sacramento, CA 95814

SCH # _____
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**Project Title:** Santa Margarita Drought Reliability Project

Lead Agency: <u>County of San Luis Obispo</u>	Contact Person: <u>Mark Hutchinson</u>
Mailing Address: <u>Co. Govt Center Rm 207</u>	Phone: <u>(805) 781-5252</u>
City: <u>San Luis Obispo</u> Zip: <u>93408</u>	County: <u>San Luis Obispo</u>

**Project Location:**

County: <u>San Luis Obispo</u>	City/Nearest Community: <u>Santa Margarita</u>
Cross Streets: <u>El Camino Real / State Highway 58</u>	Zip Code: <u>93453</u>
Assessor's Parcel No.: <u>N/A</u>	Section: <u>N/A</u> Twp.: <u>29S</u> Range: <u>13E</u> Base: <u> MDBM</u>
Within 2 Miles: State Hwy #: <u>101, 58</u>	Waterways: <u>Santa Margarita Creek, Yerba Buena Creek</u>
Airports: _____	Railways: <u>UPRR</u> Schools: <u>Santa Margarita Elementary School</u>

**Document Type:**

CEQA: <input checked="" type="checkbox"/> NOP	<input type="checkbox"/> Draft EIR	NEPA: <input type="checkbox"/> NOI	Other: <input type="checkbox"/> Joint Document
<input type="checkbox"/> Early Cons	<input type="checkbox"/> Supplement/Subsequent EIR	<input type="checkbox"/> EA	<input type="checkbox"/> Final Document
<input type="checkbox"/> Neg Dec	(Prior SCH No.) _____	<input type="checkbox"/> Draft EIS	<input type="checkbox"/> Other _____
<input type="checkbox"/> Mit Neg Dec	<input type="checkbox"/> Other _____	<input type="checkbox"/> FONSI	

**Local Action Type:**

<input type="checkbox"/> General Plan Update	<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Rezone	<input type="checkbox"/> Annexation
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Redevelopment
<input type="checkbox"/> General Plan Element	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Use Permit	<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> Community Plan	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Land Division (Subdivision, etc.)	<input checked="" type="checkbox"/> Other <u>Water Study Program</u>

**Development Type:**

<input type="checkbox"/> Residential: Units _____ Acres _____	<input type="checkbox"/> Water Facilities: Type _____ MGD _____
<input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Transportation: Type <u>Highway</u>
<input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Mining: Mineral _____
<input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Power: Type _____ MW _____
<input type="checkbox"/> Educational _____	<input type="checkbox"/> Waste Treatment: Type <u>Municipal Wastewater</u> MGD <u>14</u>
<input type="checkbox"/> Recreational _____	<input type="checkbox"/> Hazardous Waste: Type _____
Total Acres (approx.) _____	<input checked="" type="checkbox"/> Other <u>Public Works Project</u>

**Project Issues Discussed in Document:**

<input type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Fiscal	<input type="checkbox"/> Recreation/Parks	<input type="checkbox"/> Vegetation
<input type="checkbox"/> Agricultural Land	<input type="checkbox"/> Flood Plain/Flooding	<input type="checkbox"/> Schools/Universities	<input type="checkbox"/> Water Quality
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Water Supply/Groundwater
<input type="checkbox"/> Archeological/Historical	<input type="checkbox"/> Geologic/Seismic	<input type="checkbox"/> Sewer Capacity	<input type="checkbox"/> Wetland/Riparian
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Minerals	<input type="checkbox"/> Soil Erosion/Compaction/Grading	<input type="checkbox"/> Wildlife
<input type="checkbox"/> Coastal Zone	<input type="checkbox"/> Noise	<input type="checkbox"/> Solid Waste	<input checked="" type="checkbox"/> Growth Inducing
<input type="checkbox"/> Drainage/Abstraction	<input checked="" type="checkbox"/> Population/Housing Balance	<input type="checkbox"/> Toxic/Hazardous	<input type="checkbox"/> Land Use
<input type="checkbox"/> Economic/Job	<input checked="" type="checkbox"/> Public Services/Facilities	<input type="checkbox"/> Traffic/Circulation	<input checked="" type="checkbox"/> Cumulative Effects
			<input type="checkbox"/> Other _____

**Present Land Use/Zoning/General Plan Designation:**

Urban / Residential, Commercial, Industrial

**Project Description:** *(please use a separate page if necessary)*

The Project consists of a physical connection to the State Water Pipeline at Santa Margarita, the establishment of a five-acre foot annual allocation of State Water to County Service Area 23, and the implementation of a Program to exchange water between CSA 23 and other State Water participants.

*Note:* The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

**Reviewing Agencies Checklist**

*Appendix C, continued*

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".  
If you have already sent your document to the agency please denote that with an "S".

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Air Resources Board                | <input type="checkbox"/> Office of Historic Preservation                      |
| <input checked="" type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction                 |
| <input type="checkbox"/> California Highway Patrol                     | <input type="checkbox"/> Parks & Recreation                                   |
| <input checked="" type="checkbox"/> Caltrans District # <u>5</u>       | <input type="checkbox"/> Pesticide Regulation, Department of                  |
| <input type="checkbox"/> Caltrans Division of Aeronautics              | <input type="checkbox"/> Public Utilities Commission                          |
| <input type="checkbox"/> Caltrans Planning (Headquarters)              | <input type="checkbox"/> Reclamation Board                                    |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy        | <input checked="" type="checkbox"/> Regional WQCB # <u>3</u>                  |
| <input type="checkbox"/> Coastal Commission                            | <input checked="" type="checkbox"/> Resources Agency                          |
| <input type="checkbox"/> Colorado River Board                          | <input type="checkbox"/> S.F. Bay Conservation & Development Commission       |
| <input checked="" type="checkbox"/> Conservation, Department of        | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy |
| <input type="checkbox"/> Corrections, Department of                    | <input type="checkbox"/> San Joaquin River Conservancy                        |
| <input type="checkbox"/> Delta Protection Commission                   | <input type="checkbox"/> Santa Monica Mountains Conservancy                   |
| <input type="checkbox"/> Education, Department of                      | <input type="checkbox"/> State Lands Commission                               |
| <input type="checkbox"/> Energy Commission                             | <input type="checkbox"/> SWRCB: Clean Water Grants                            |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>4</u>      | <input type="checkbox"/> SWRCB: Water Quality                                 |
| <input checked="" type="checkbox"/> Food & Agriculture, Department of  | <input type="checkbox"/> SWRCB: Water Rights                                  |
| <input checked="" type="checkbox"/> Forestry & Fire Protection         | <input type="checkbox"/> Tahoe Regional Planning Agency                       |
| <input type="checkbox"/> General Services, Department of               | <input type="checkbox"/> Toxic Substances Control, Department of              |
| <input checked="" type="checkbox"/> Health Services, Department of     | <input checked="" type="checkbox"/> Water Resources, Department of            |
| <input type="checkbox"/> Housing & Community Development               | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Integrated Waste Management Board             | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Native American Heritage Commission           |   |
| <input type="checkbox"/> Office of Emergency Services                  |   |

**Local Public Review Period (to be filled in by lead agency)**

Starting Date July 6, 2010 Ending Date August 5, 2010

**Lead Agency (Complete if applicable):**

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

**Signature of Lead Agency Representative:** \_\_\_\_\_ **Date:** \_\_\_\_\_



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

Notice of Preparation

July 6, 2010

RECEIVED  
JUL - 9 2010  
STATE CLEARINGHOUSE

To: Reviewing Agencies  
Re: Santa Margarita Drought Reliability Project  
SCH# 2010071016

Attached for your review and comment is the Notice of Preparation (NOP) for the Santa Margarita Drought Reliability Project 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:

Mark Hutchinson  
San Luis Obispo County  
County Government Center, Room 207  
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  
Acting Director, State Clearinghouse

Attachments  
cc: Lead Agency



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010071016  
**Project Title** Santa Margarita Drought Reliability Project  
**Lead Agency** San Luis Obispo County

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**Type** NOP Notice of Preparation  
**Description** The Project consists of a physical connection to the State Water Pipeline at Santa Margarita, the establishment of a five-acre foot annual allocation of State Water to County Service Area 23, and the implementation of a Program to exchange water between CSA 23 and other State Water participants.

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**Lead Agency Contact**

**Name** Mark Hutchinson  
**Agency** San Luis Obispo County  
**Phone** 805-781-5252 **Fax**  
**email**  
**Address** County Government Center, Room 207  
**City** San Luis Obispo **State** CA **Zip** 93408-2040

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**Project Location**

**County** San Luis Obispo  
**City**  
**Region**  
**Cross Streets** El Cmaino Real/State Hwy 58  
**Lat / Long**  
**Parcel No.** N/A  
**Township** 29S **Range** 13E **Section** **Base** MDB&M

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**Proximity to:**

**Highways** 101, 58  
**Airports**  
**Railways** UPRR  
**Waterways** Santa Margarita Creek, Yerba Buena Creek  
**Schools** Santa Margarita Elem School  
**Land Use** Urban/ Residential, Commercial, Industrial

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**Project Issues** Population/Housing Balance; Public Services; Water Supply; Cumulative Effects; Growth Inducing

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**Reviewing Agencies** Resources Agency; Cal Fire; Department of Water Resources; Department of Fish and Game, Region 4; CA Department of Public Health; Caltrans, District 5; Native American Heritage Commission; Public Utilities Commission; State Water Resources Control Board, Division of Financial Assistance; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 3; Department of Parks and Recreation

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**Date Received** 07/06/2010 **Start of Review** 07/06/2010 **End of Review** 08/04/2010

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Resources Agency	County: <u>San Diego</u>	SUM#	Regional Water Quality Control Board (RWQCB)
<input type="checkbox"/> Fish & Game Region 1E Laurie Hamsberger	<input type="checkbox"/> Caltrans, District 8 Dan Kopulsky		<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)
<input type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Public Utilities Commission Leo Wong		<input type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
<input type="checkbox"/> Dept. of Boating & Waterways Mike Sotelo	<input type="checkbox"/> Santa Monica Bay Restoration Guangyu Wang		<input checked="" type="checkbox"/> RWQCB 3 Central Coast Region (3)
<input type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs	<input type="checkbox"/> State Lands Commission Marina Brand		<input type="checkbox"/> RWQCB 4 Teresa Rodgers Los Angeles Region (4)
<input type="checkbox"/> Colorado River Board Gerald R. Zimmerman	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques		<input type="checkbox"/> RWQCB 5S Central Valley Region (5)
<input type="checkbox"/> Dept. of Conservation Rebecca Salazar	<u>Business, Trans &amp; Housing</u>		<input type="checkbox"/> RWQCB 5F Central Valley Region (5) Fresno Branch Office
<input type="checkbox"/> California Energy Commission Eric Knight	<input type="checkbox"/> Caltrans - Division of Aeronautics Sandy Hesnard		<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Redding Branch Office
<input checked="" type="checkbox"/> Cal Fire Allen Robertson	<input type="checkbox"/> Caltrans - Planning Terri Pencovic		<input type="checkbox"/> RWQCB 6 Lahontan Region (6)
<input type="checkbox"/> Central Valley Flood Protection Board James Herota	<input type="checkbox"/> California Highway Patrol Scott Loetscher		<input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office
<input type="checkbox"/> Office of Historic Preservation Wayne Donaldson	<input type="checkbox"/> Office of Special Projects		<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)
<input type="checkbox"/> Dept of Parks & Recreation Environmental Stewardship Section	<input type="checkbox"/> Housing & Community Development CEQA Coordinator Housing Policy Division		<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)
<input type="checkbox"/> California Department of Resources, Recycling & Recovery Sue O'Leary	<u>Dept. of Transportation</u>		<input type="checkbox"/> RWQCB 9 San Diego Region (9)
<input type="checkbox"/> S.F. Bay Conservation & Dev't Comm. Steve McAdam	<input type="checkbox"/> Caltrans, District 1 Rex Jackman		<input type="checkbox"/> Other
<input type="checkbox"/> Dept. of Water Resources Resources Agency Nadell Gayou	<input type="checkbox"/> Caltrans, District 2 Marcelino Gonzalez		
<input type="checkbox"/> Conservancy	<input type="checkbox"/> Caltrans, District 3 Bruce de Terra		
<u>Fish and Game</u>	<input type="checkbox"/> Caltrans, District 4 Lisa Carboni		
<input type="checkbox"/> Dept. of Fish & Game Scott Flint Environmental Services Division	<input checked="" type="checkbox"/> Caltrans, District 5 David Murray		
<input type="checkbox"/> Fish & Game Region 1 Donald Koch	<input type="checkbox"/> Caltrans, District 6 Michael Navarro		
	<input type="checkbox"/> Caltrans, District 7 Elmer Alvarez		
	<input type="checkbox"/> Dept. of Toxic Substances Control CEQA Tracking Center		
	<input type="checkbox"/> Department of Pesticide Regulation CEQA Coordinator		
	<input type="checkbox"/> State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality		
	<input type="checkbox"/> State Water Resources Control Board Steven Herrera Division of Water Rights		

## NATIVE AMERICAN HERITAGE COMMISSION

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



July 13, 2010

RECEIVED

JUL 16 2010

STATE OF CALIFORNIA  
 DEPARTMENT OF CULTURAL HERITAGE

Mr. Mark Hutchinson  
 San Luis Obispo County  
 County Government Center, Room 207  
 San Luis Obispo, CA 93408-2040

RE: SCH#2010071016 Santa Margarita Drought Reliability Project; San Luis Obispo County.

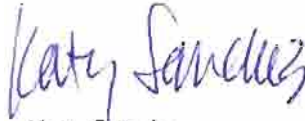
Dear Mr. Hutchinson:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) regarding the above project. To adequately assess and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the NAHC for a Sacred Lands File Check.
  - **Check Completed with negative results, 07/13/10**  
 The absence of specific site information in the Sacred Lands File does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites (see below).
- ✓ Contact the NAHC for a list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures.
  - **Native American Contacts List attached**  
 The NAHC makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend other with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received. If you receive notification of change of addresses and phone numbers from any these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. 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.

Sincerely,



Katy Sanchez  
Program Analyst  
(916) 653-4040

CC: State Clearinghouse

## Native American Contact List

San Luis Obispo County

July 13, 2010

Beverly Salazar Folkes  
1931 Shadybrook Drive  
Thousand Oaks, CA 91362  
805 492-7255  
(805) 558-1154 - cell  
folkes9@msn.com

Chumash  
Tataviam  
Fernandeño

San Luis Obispo County Chumash Council  
Chief Mark Steven Vigil  
1030 Ritchie Road  
Grover Beach CA 93433  
cheifmvgil@fix.net  
(805) 481-2461  
(805) 474-4729 - Fax

Chumash

Santa Ynez Band of Mission Indians  
Vincent Armenta, Chairperson  
P.O. Box 517  
Santa Ynez, CA 93460  
varmenta@santaynezchumash.  
(805) 688-7997  
(805) 686-9578 Fax

Chumash

Santa Ynez Tribal Elders Council  
Adelina Alva-Padilla, Chair Woman  
P.O. Box 365  
Santa Ynez, CA 93460  
elders@santaynezchumash.org  
(805) 688-8446  
(805) 693-1768 FAX

Chumash

Julie Lynn Tumamait  
365 North Poli Ave  
Ojai, CA 93023  
jtumamait@sbcglobal.net  
(805) 646-6214

Chumash

Randy Guzman - Folkes  
655 Los Angeles Avenue, Unit E  
Moorpark, CA 93021  
ndnRandy@yahoo.com  
(805) 905-1675 - cell

Chumash  
Fernandeño  
Tataviam  
Shoshone Paiute  
Yaqui

Lei Lynn Odom  
1339 24th Street  
Oceano, CA 93445  
(805) 489-5390

Chumash

Coastal Band of the Chumash Nation  
Vennise Miller, Chairperson  
P.O. Box 4464  
Santa Barbara CA 93140  
805-964-3447

Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2010071016 Santa Margarita Drought Reliability Project; San Luis Obispo County.



## Native American Contact List

San Luis Obispo County

July 13, 2010

Mona Olivas Tucker  
660 Camino Del Rey  
Arroyo Grande CA 93420  
(805) 489-1052 Home  
(805) 748-2121 Cell

Chumash

Northern Chumash Tribal Council  
Fred Collins, Spokesperson  
67 South Street  
San Luis Obispo CA 93401  
(805) 801-0347 (Cell)

Chumash

Matthew Darian Goldman  
495 Mentone  
Grover Beach CA 93433  
805-748-6913

Chumash

Frank Arredondo  
PO Box 161  
Santa Barbara Ca 93102  
805-617-6884  
ksen\_sku\_mu@yahoo.com

Chumash

Santa Ynez Band of Mission Indians  
Sam Cohen, Tribal Administrator

P.O. Box 517  
Santa Ynez , CA 93460

Chumash

(805) 688-7997  
(805) 686-9578 Fax

Salinan-Chumash Nation  
Xielolixii

3901 Q Street, Suite 31B  
Bakersfield , CA 93301  
xielolixii@yahoo.com

Salinan  
Chumash

408-966-8807 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2010071016 Santa Margarita Drought Reliability Project; San Luis Obispo County.

# County of Santa Barbara



Michael F. Brown  
County Executive Officer

105 East Anapamu Street, Suite 406  
Santa Barbara, California 93101  
805/568-3400 • Fax: 805/568-3414  
www.countyofsb.org

## Executive Office

August 2, 2010

Mark Hutchinson, Environmental Programs Manager  
San Luis Obispo County Department of Public Works  
County Government Center Room 207  
San Luis Obispo, CA 93408

Email: mhutchinson@co.slo.ca.us  
Fax: 805-788-2182


RE: Notice of Preparation of a Draft Environmental Impact Report-Santa Margarita Drought Reliability Project

Dear Mr. Hutchinson:

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Santa Margarita Drought Reliability Project. At this time, the County submits comments from the Public Works Department, Flood Control Water Agency.

The County looks forward to continued dialogue on the Santa Margarita Drought Reliability Project. If you should have further questions, please do not hesitate to contact my office directly, or Peter Imhof, Supervising Planner in the Long Range Planning Division at (805) 568-3543.

Sincerely,



Michael F. Brown

County Executive Officer

cc: Glenn Russell, Director, Planning and Development Department  
Scott McGolpin, Director, Public Works Department  
Vicki Parker, Deputy Director, Long Range Planning Division  
Jon Frye, Interim Deputy Director- Water Resources, Flood Control Water Agency

Enclosures: Public Works Department-letter dated July 20, 2010



Santa Barbara County Public Works Department  
Flood Control & Water Agency

July 20, 2010

Mark Hutchinson  
San Luis Obispo County Dept. of Public Works  
County Government Center Room 2007  
San Luis Obispo, CA93408

RE: Santa Margarita Drought Reliability Project

Mr. Hutchinson:

In response to your letter dated July 6, 2010, the Santa Barbara County Water Agency has the following comments:

- Is State Water to be used only in the event of a severe shortage or drought? Define conditions under which use will occur.
- EIR Document should address the effects of climate change and environmental constraints on the SWP.
- Evaluate what impact, if any, can be expected on existing contractors?
- Has there been consideration of banking excess water in the groundwater Basin via ASR well?
- C iii) Unclear as to how this would work.

Thank you for the opportunity to comment. Please feel free to contact me at (805) 568-3542 or [mnaftal@cosbpw.net](mailto:mnaftal@cosbpw.net) if you have any questions.

Matt Naftaly

A handwritten signature in black ink, appearing to read "Matt Naftaly", is written over a horizontal line.

Santa Barbara County Water Agency  
Water Agency Manager



COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Weights and Measures**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035  
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

**RECEIVED**

**DATE:** August 2, 2010

AUG - 2 2010

**TO:** Mark Hutchinson, Environmental Programs Manager

**FROM:** Lynda L. Auchinachie, Agriculture Department

COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PUBLIC WORKS

**SUBJECT:** Santa Margarita Drought Reliability Project Notice of Preparation (1529)

Thank you for the opportunity to review the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) required for the Santa Margarita Drought Reliability Project. The location and alignment of the proposed project is difficult to identify based on the map provided with the NOP and therefore the potential impact to agricultural resources is unclear. Since there are agricultural resources located in the vicinity, the Agriculture Department recommends the DEIR include analysis of potential impacts such as conversion of agricultural resources and impacts to groundwater resources with the proposed alternatives that would establish an exchange program with Santa Margarita Ranch or result in additional groundwater wells. Additionally, these alternatives should be evaluated for policy consistency with Agriculture Element Policy 11.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture Element and the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If we can be of further assistance, please call 781-5914.



**CAL FIRE**  
**San Luis Obispo**  
**County Fire Department**

635 N. Santa Rosa • San Luis Obispo, CA 93405  
Phone: 805.543.4244 • Fax: 805.543.4248  
www.cdfslo.org



*Matt Jenkins, Fire Chief*

**RECEIVED**

AUG - 2 2010

July 30, 2010

COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PUBLIC WORKS

Mark Hutchinson  
San Luis Obispo County  
County Government Center, Room 207  
San Luis Obispo, CA 93408-2040

**SHC Number: 2010071016**

Dear Mr. Hutchinson,

I have reviewed the proposed Santa Margarita Drought Reliability Project. This project is located approximately 10-12 minutes from the closest CAL FIRE/San Luis Obispo County Fire Station. Portions of the project area is located in a State Responsibility Area for wildland fires.

**IN ACCORDANCE WITH THE UNIFORM FIRE CODE, THE PUBLIC RESOURCES CODE AND THE HEALTH AND SAFETY CODE, THE FOLLOWING FIRE PREVENTION REQUIREMENTS MAY APPLY DURING THE CONSTRUCTION OR GRADING PHASES OF THIS PROJECT:**

- An emergency reporting system shall be in place.
- Emergency access must be maintained during construction activities.
- Water mains and hydrants shall be installed and operational.
- Fire extinguishers shall be provided for buildings under construction when required by the chief.
- Combustible debris shall not accumulate within buildings.
- Combustible and flammable liquids shall be stored in approved containers.
- Burning combustible debris is prohibited.
- Temporary heating devices shall be of an approved type, located away from combustibles.
- Smoking shall be prohibited, except in designated areas free of combustible materials.
- Open flame devices and other sources of ignition shall not be located in areas where combustible materials are being used.
- Temporary electrical wiring (extension cords) shall be approved and in safe working order. Such wiring shall be used for portable appliances and shall be in safe working order and shall not be overloaded.
- Operations involving flame producing equipment, cutting, welding or grinding (Hot Work Equipment and Activity) shall be conducted in a manner to prevent flames and/or sparks from igniting adjacent combustibles or exposed combustible construction.
- A fire watch may be necessary to prevent the ignition of combustibles.



**IF THE CONSTRUCTION OR GRADING PROJECT IS LOCATED ON OR ADJACENT TO GRASS-COVERED, BRUSH-COVERED OR FOREST-COVERED LANDS WHICH ARE PRONE TO WILDLAND FIRES, THE FOLLOWING ADDITIONAL FIRE PREVENTION REQUIREMENTS APPLY DURING CONSTRUCTION AND GRADING ACTIVITY:**

1. Grinding, welding, cutting, and any other Hot Work activity requires:
  - A. 10 feet radial clearance of all flammable vegetation from around such operation.
  - B. Maintain a shovel and one water type fire extinguisher available for use at the immediate area of the operation.
2. Spark arresters are required on all internal combustion engines (such as welders, chain saws, weed eaters, mowers, tractors, generators, portable engines, specialized equipment, quads, motorcycles, bobcats, trenchers, etc). Vehicles, such as cars and trucks, equipped with effective exhaust/muffler systems as defined by the Vehicle Code are exempt from the spark arrester requirement. Any equipment powered by a turbocharged engine is exempt from the spark arrester requirement.
3. A Burning Permit is required for the burning of any natural vegetation. Burning of any other material is prohibited.

**PROJECT SUPERVISORS AND EMPLOYEES SHOULD BE AWARE OF TYPICAL FIRE CAUSES AT CONSTRUCTION SITES:**

- Discarded cigarettes.
- Hot Work activity conducted too close to combustibles.
- Faulty and/or overloaded extension cords.
- Leaking fuel systems.
- Faulty exhaust systems or missing spark arrester.
- Metal blades/metal treads striking rocks/concrete.
- Exhaust systems contacting dry vegetation or combustibles.
- Spontaneous combustion of certain paint products.

If you need additional information or assistance on this matter, please feel free to contact me at (805) 543-4244.

Sincerely,



Alan Peters  
Unit Forester  
Pre-Fire Division



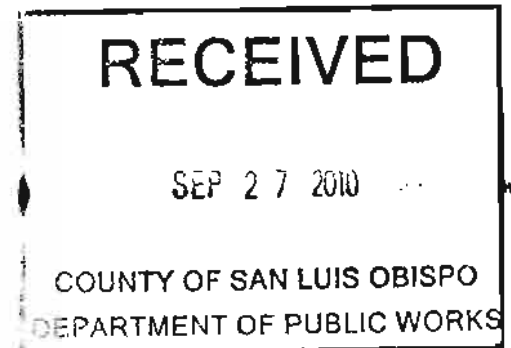
**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
777 Sonoma Ave., Room 325  
Santa Rosa, California 95404-4731

September 23, 2010

In response refer to:  
151416SWR2010SR00341

Mark Hutchinson  
San Luis Obispo County  
Department of Public Works  
County Government Center, Room 207  
San Luis Obispo, California 93408



Dear Mr. Hutchinson:

This letter is in response to the San Luis Obispo County Department of Public Works' (SLO Public Works) July 6, 2010, Notice of Preparation of the Draft Environmental Impact Report (DEIR) for the County Service Area 23 (CSA 23) proposal to provide more reliable water supply in periods of significant drought. The project consists of a physical connection to the State Water Pipeline (SWP) at Santa Margarita, the establishment of a five acre-foot annual allocation of State Water to CSA 23, and a Program to exchange water between CSA 23 and other users. This project is located in the town of Santa Margarita, San Luis Obispo County, California.

SLO Public Works has proposed four alternatives in addition to the proposal for the CSA 23 Draft Environmental Impact Report (DEIR) to connect to SWP. The first alternative is a "no action" alternative which will maintain current water operations. The other alternatives incorporate expansion of the water supply by constructing additional groundwater wells or by a connection with the Nacimiento Water Project (NWP), which includes an exchange program with other project participants. SLO Public Works has also proposed a water conservation measure plan that has more restrictive requirements on water uses with higher levels of conservation in drier years.

The proposed CSA 23 project is located adjacent to Santa Margarita, Trout, and Yerba Buena Creeks, tributaries to the Salinas River. The Salinas River supports threatened South-Central California Coast (S-CCC) Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss*) and their designated critical habitat. NOAA's National Marine Fisheries Service (NMFS) administers the Federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), for S-CCC steelhead which are present in the Salinas River. NMFS listed S-CCC steelhead as a species threatened with extinction on August 18, 1997, (62 FR 43937). The species' listing



status was reaffirmed by NMFS on June 28, 2005, (70 FR 37160) and it remains listed as a threatened species. The Salinas River was designated as critical habitat for S-CCC steelhead in September, 2006 (70 FR 52488).

The status of S-CCC steelhead has continued to decline across the S-CCC DPS in general and the population has fallen to exceedingly low levels (Boughton 2006; NMFS 2006). Though low in abundance, steelhead have been documented in the Salinas River adjacent to the proposed project (Titus *et al.* 2002; Franklin 2005; Good *et al.* 2005; NMFS 2006; Thompson 2008; Becker and Reining 2008). Steelhead sub-populations of the Salinas River basin play a significant role in the survival of the S-CCC DPS because: 1) they represent a large distributional component of the overall range of the DPS, 2) they inhabit ecologically distinct areas unique to the DPS, and 3) they exhibit unique life history traits. This population decline heightens our concern regarding adverse impacts to the fishery resulting from CSA 23 water operations. The DEIR should include an assessment of the affects of the current and future water operations of CSA 23 on S-CCC steelhead and their critical habitat (including, but not limited to, water quality and quantity).

We are concerned about the “no project” and “additional groundwater wells” alternatives not providing adequate aquifer recharge and overdrafting during drought conditions, reducing much needed surface water flows for supporting anadromous fish species. The “no project” alternative is not feasible. Currently, during drought periods, there is insufficient water supply for patrons of CSA 23, leading to emergency measures. The DEIR should include an assessment of additional groundwater wells on the hydraulic connectivity of groundwater to surfacewater and how additional wells may reduce or eliminate in-stream flows for juvenile steelhead in the area.

Anthropogenic extraction of groundwater for beneficial uses has a suite of adverse impacts to aquatic organisms. Some of the more direct impacts include: (1) passage impediments to juvenile and adult salmonids; (2) impaired water quality; (3) increased water temperature; and (4) a reduction of viable rearing habitat for juvenile fish (Smith and The California Water Policy Center 1980; Moyle and Baltz 1985; Ebersole, Liss *et al.* 2001). Overdraft of groundwater can delay surface flows by extending the length of time required to recharge depleted aquifers (Zektser, Loáiciga *et al.* 2005), thus, truncating the already narrow migration window in the Salinas River for smolt and adult steelhead. Adult steelhead migrating into the Upper Salinas basin will have traversed over 100 river miles to return to spawn in their natal streams; this is the longest migration in the S-CCC DPS. The recovery of steelhead is contingent on providing suitable habitat conditions, primarily in the form of in-stream flow restoration for adults, juveniles, and smolts.

The DEIR should evaluate opportunities to restore in-stream flow in all water year types (wet, normal, dry) and provide higher restrictions during drought conditions, when conditions for rearing fish are more severe and could result in “harm” or even “take” of the species. Under the ESA, it is unlawful for any person subject to the jurisdiction of the United States to “take” any species of fish or wildlife listed as endangered within the United States. 16 U.S.C. § 1538(a)(1)(B). The term “take” is defined by the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such activity. 16 U.S.C. § 1532(19). “Harm” has been defined by NMFS to mean:

... an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering. 50 C.F.R. § 222.102.

Expansion of the groundwater wells has many drawbacks for natural resources in the project area as well as for water users. The proposal to develop a connection with the SWP will alleviate the dependency on groundwater and ensure water operators a more reliable source of water. With a connection to SWP, the impacts to the local groundwater dynamics will be eliminated allowing restoration of the natural hydrograph. However, the alternative to connect to the NWP and develop an exchange program has several deficiencies. Most importantly, the exchange program with other participants is not a reasonable alternative. It is unclear, during drought conditions, how other operators in the basin, such as Atascadero Mutual Water Company or Santa Margarita Ranch (SMR), will have a surplus of water to be able to “bank” water. In the case of SMR, the connection with NWP or the State Water Project was not evaluated in SMR’s Environmental Impact Report for the Agricultural Residential Subdivision Project and Future Development Program.

“Additional water may be available for the Agricultural Residential Cluster Subdivision through the State Water Project and/or the Nacimiento Water Project...However, due to uncertainty regarding timing and availability of these sources, additional water supply cannot be assured at this time (Rincon Consultants 2007).”

State Water Resources Control Board, California Department of Fish and Game, and NMFS have not determined if SMR in fact has sufficient water supply to meet their own current or projected demand and has asked SMR for information to develop the analysis of the impacts of their operations on public trust resources.

Therefore, we feel that CSA 23 should develop a variety of measures to become self-reliant during emergency situations that will meet its water demands as well as ensure the project does not cause “take” or “harm” to threatened species. These measures would evaluate the future and projected supply needs for CSA 23, develop conservation recommendations to reduce the supply demands, and develop flow requirements for various life stages of threatened S-CCC steelhead in Santa Margarita, Yerba Buena, and Trout Creeks.

NMFS requests that San Luis Obispo County Department of Public Works keep us informed on the status of the DEIR. If you have any questions concerning this letter please contact Devin Best at (707) 578-8553 or via email at devin.best@noaa.gov.

Sincerely,



Dick Butler  
North Central Coast Office Supervisor  
Protected Resource Division

cc: Julie Means, DFG, Fresno  
John O'Hagan, SWRCB, Sacramento  
Diane Noda, USFWS, Ventura  
Roger Briggs, CCRWQCB, San Luis Obispo

#### Literature Cited

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NMFS 2006. Biennial Report to Congress on the Recovery Program for Threatened and Endangered Species, Department of Commerce: 176.

Smith, F. E. and The California Water Policy Center. 1980. The Public Trust Doctrine: Instream Flows and Resources. Sacramento, U.S. Fish and Wildlife Service: 36.

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Thompson, L.C., J.L. Voss, R.E. Larsen, W.D. Tietje, R.A. Cooper, and P.B. Moyle. 2008. Role of hardwood in forming habitat for southern California steelhead. pp. 307-319 in Merenlender, Adina; McCreary, Douglas; Purcell, Kathryn L. (tech. eds) Proceedings of the sixth California oak symposium: today's challenges, tomorrow's opportunities. Gen. Tech. Rep. PSW-GTR-217. Albany, CA: U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station. 677 p.