

Nacimiento Water Project Final Environmental Impact Report

FINAL ADDENDUM #5 (300420/ED20-232); March 16, 2021



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS
ENVIRONMENTAL RESOURCES DIVISION

Notice of Determination

Appendix D

To:

Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814

County Clerk
County of: San Luis Obispo
Address: 1055 Monterey Street San Luis Obispo, CA 93408

From:

Public Agency: San Luis Obispo Flood Control & Water Conservation District, 976 Osos St, San Luis Obispo, CA 93408
Contact: Monica Stillman
Phone: 805-781-1046, mjstillman@co.slo.ca.us

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2001061022

Project Title: Nacimiento Water Project FEIR Addendum #5

Project Applicant: San Luis Obispo County Flood Control and Water Conservation District

Project Location (include county): Unincorporated San Luis Obispo County

Project Description:

The San Luis Obispo County Flood Control and Water Conservation District proposes to request that the State Water Resources Control Board license and permit for the Nacimiento Water Project be revised to eliminate the approved Place of Use net area limits so that only the gross area limit (the District boundary) applies to beneficial use of Nacimiento Water within the District.

This is to advise that the San Luis Obispo County Board of Supervisors has approved the above (Lead Agency or Responsible Agency)

described project on 03-16-2021 and has made the following determinations regarding the above described project.

- 1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

County of San Luis Obispo Department of Public Works at contact information above.

Signature (Public Agency): Monica Stillman Title: Environmental Specialist

Date: 03-16-2021 Date Received for filing at OPR:



State of California - Department of Fish and Wildlife
2021 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 01/01/21) Previously DFG 753.5a

RECEIPT NUMBER: 40-03162021-035
STATE CLEARINGHOUSE NUMBER (If applicable) 2001061022

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY SAN LUIS OBISPO FLOOD CONTROL AND WATER	LEAD AGENCY EMAIL mjstillman@co.slo.ca.us	DATE 03/16/2021
COUNTY/STATE AGENCY OF FILING COUNTY OF SAN LUIS OBISPO		DOCUMENT NUMBER

PROJECT TITLE
 NACIMIENTO WATER PROJECT FEIR ADDENDUM #5

PROJECT APPLICANT NAME SAN LUIS OBISPO FLOOD CONTROL AND WATER	PROJECT APPLICANT EMAIL mjstillman@co.slo.ca.us	PHONE NUMBER (805) 781-1046
PROJECT APPLICANT ADDRESS 976 OSOS STREET	CITY SAN LUIS OBISPO	STATE CA
		ZIP CODE 93408

PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,445.25 \$ _____
- Mitigated/Negative Declaration (MND)(ND) \$2,480.25 \$ _____
- Certified Regulatory Program (CRP) document - payment due directly to CDFW \$1,171.25 \$ _____

- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

- Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ _____
- County documentary handling fee \$ _____
- Other \$ _____

PAYMENT METHOD:

- Cash Credit Check Other

TOTAL RECEIVED \$ _____ \$0.00

SIGNATURE
 X *Sandy Currens*

AGENCY OF FILING PRINTED NAME AND TITLE
 Sandy Currens, Deputy County Clerk-Recorder

Filed in County Clerk's Office
 Tommy Gong
 San Luis Obispo - County Clerk-Recorder
40-03162021-035
 03/16/2021
 FISH
 Pages: 3
 Fee: \$ 0.00

By scurrens, Deputy



1.0 INTRODUCTION

The San Luis Obispo County Flood Control and Water Conservation District (District) has requested that the Monterey County Water Resources Agency (MCWRA) file petitions on its behalf to revise the State Water Resources Control Board (SWRCB) license and permit for the Nacimiento Water Project (NWP). The revision would eliminate the approved Place of Use (POU) net area limits so that only the gross area limit applies to beneficial use of Nacimiento Water within the District (the proposed action; project). The POU gross area limit is the District boundary (i.e., the San Luis Obispo County boundary, Figure 1).

The District completed a Final Environmental Impact Report (FEIR) for the NWP in 2003. This FEIR Addendum evaluates the proposed action and concludes that an addendum to the FEIR is appropriate given that the proposed action does not have potential for significant effects not previously evaluated in the FEIR and previous addendums.

2.0 BACKGROUND

The District was granted rights to Nacimiento Reservoir water through a settlement agreement executed in 1959 with the Monterey County Flood Control and Water Conservation District, the predecessor to MCWRA. The agreement grants the District the right to 17,500 acre feet per year (AFY) of Nacimiento Reservoir water.

The District subsequently adopted a policy of reserving specified amounts of the 17,500 AFY for lakeside use, with the remaining amount to be made available for beneficial uses elsewhere in the District. The current allocations were approved by the District in 2008 and consist of 1,750 AFY for lakeside use and 15,750 AFY for other beneficial uses in the District.

Water rights must be approved by the SWRCB through a two-phased approval process, permitting and licensing (California Water Boards, 2020). A permit authorizes the development of a water diversion project, providing the legal authorization to develop the project and divert water in accordance with conditions and within a time schedule. Licensing is the process by which the SWRCB reviews a permitted project that is complete to confirm the amount of water put to beneficial use and that the permit conditions were met. The SWRCB approvals include identifying Place of Use (POU) limits that establish how the water will be put to beneficial use, provided as a specified acreage for each beneficial use type.

The SWRCB approvals for the NWP include License 7543 and Permit 21089. A 2008 SWRCB license and permit amendment (SWRCB 2008) lists the District's POU *gross area limit* as the District boundary (Figure 1), and POU *net area limits* as: "500 acres of irrigated agriculture and 7,000 acres of urban and suburban lands within the San Luis Obispo County Flood Control and Water Conservation District as shown on a map dated June 8, 1967."

The District's NWP FEIR addresses the impacts of construction and operation of the NWP, including:

- how the water would be used;
- two water delivery alternatives (raw and treated water);
- the impacts of the NWP compared with other water supply alternatives (e.g., the State Water Project, increased groundwater pumping, desalination, reclamation, and conservation);
- the impacts of allocating water to 15 potential participants throughout the County that provided a preliminary estimate of NWP water need; the analyses considered impacts on existing surface water and groundwater quantity and quality; and

- impacts from construction of the distribution system (pipeline, storage, pumps, etc.).

There are four previous addendums to the FEIR:

- Addendum #1 (2007) revised the District's NWP participant list to five entities, established the current allocations of NWP water as 1,750 AFY for lakeside use and 15,750 AFY for participants, and addressed minor distribution pipeline modifications;
- Addendum #2 (2008) addressed additional minor construction details;
- Addendum #3 (2016) ~~added~~ addresses the addition of two new participants and an increased allocations ~~for three existing participants to CSA 10A~~, resulting in full allocation of the 15,750 AFY allowed for non-lakeside beneficial uses; and
- Addendum #4 (2020) addressed repairs to a leaking section of the NWP distribution pipeline.

3.0 PROPOSED ACTION

This addendum, FEIR Addendum #5, evaluates the District's proposal to petition the SWRCB to modify the District's POU net area limits so that they are consistent with the gross area limits - the District boundary (i.e., the San Luis Obispo County boundary, Figure 1). If the petitions were approved, the District would not be limited by the SWRCB in where existing Nacimiento water allocation could be put to beneficial use in the future. Under the proposed action, the District's two previously approved beneficial uses, urban/suburban and agricultural, would remain unchanged, although the acreages of each use could change over time.

The proposed action would not alter the NWP number of participants or their existing Nacimiento water allocations. The proposed action would not require new construction or any modification of the existing NWP operations or infrastructure. The proposed action would not modify existing participant service areas. Any such future changes would undergo a project-specific CEQA analysis by the District and/or the participant prior to project approval(s).

4.0 CEQA CONSIDERATIONS

Pursuant to State CEQA Guidelines (Guidelines) Section 15162(a), when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15164 of the Guidelines directs lead and responsible agencies to prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162(a) calling for preparation of a subsequent EIR have occurred.

Section 15164(c) of the Guidelines specifies that an addendum need not be circulated for public review but can be included in or attached to the FEIR.

4.1 SUBSTANTIAL CHANGES IN THE PROJECT – SECTION 15162(A)(1)

The proposed revisions will not require substantial changes to project construction or operation that will require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Construction. The proposed POU revisions will rely on the existing water distribution system and will not require any new construction or modification of existing NWP infrastructure. If changes to the NWP-related infrastructure are proposed, subsequent CEQA analyses would be required.

Operation. The “operation” of the NWP as described in the FEIR included delivery of approximately 13,575 AFY of raw or treated water to 15 water purveyors, 1,300 AFY for Lakeside Use, and an undefined “SLO County Contingency” of 2,625 AFY.

The project objective stated on Page 2-4 of the FEIR is “...to ensure better management of available water resources throughout the County.” Subsequent EIR addenda further clarified the number of NWP participants and respective allocations. The FEIR is silent on the existing net area and gross area places of use. The FEIR and subsequent addenda included analyses of potential impacts of the requested water allocations, including a cumulative and growth-inducing impact analysis.

The proposed revisions will not result in any substantial changes to the existing NWP operation. Specifically, the revisions do not change the District’s NWP water allocation, the number of existing NWP participants, each participant’s water allocation in AFY, the District’s NWP allocations for lakeside and non-lakeside use, or the approved beneficial uses – urban/suburban use and agricultural irrigation.

Eliminating the POU net area limits would allow the District, through subsequent approvals with existing and potential future participants to use its 17,500 AFY of Nacimiento water anywhere within the District boundaries. The District presumes this change would allow the District and participants greater flexibility in how they manage their NWP allocation and manage the respective water portfolios; however, no specific changes to the areas in which the existing NWP distribution

occur have been proposed.

When the District and/or a new or existing NWP participant proposes to use NWP water in a manner not previously considered in the FEIR and addenda (e.g., increasing an existing service area, constructing a new delivery pipeline, adding a new participant), a new CEQA determination would be prepared. It would be speculative and premature to identify any potential growth-inducing impacts of the proposed revisions given that no specific project or location has yet been identified.

4.2 SUBSTANTIAL CHANGE IN CIRCUMSTANCES – SECTION 15162(A)(2)

In the time since the FEIR was certified, new CEQA Guidelines (2019) have been implemented that change how some environmental resources are considered. These include adding separate sections of the CEQA document for consideration of mineral resources (formerly addressed under geology and soils), greenhouse gas emissions (formerly addressed under air quality), tribal cultural resources (formerly addressed under cultural resources), and utilities (formerly addressed under public services).

These changes affect the organization, not necessarily the substance, of the evaluation of these resources in CEQA documents and are therefore not considered a substantial change in circumstances since the FEIR was certified.

The new Guidelines also add consideration of three new resources to CEQA documents: forest lands and timberlands (included within Agricultural Resources), energy, and wildfire.

The proposed POU revisions will not require any new construction, will not have direct effects on development, and are not expected to have indirect growth-inducing effects that could impact forest land or timberlands, energy, or wildfire risk (see discussion of potential growth-inducing effects in Section 5).

4.3 NEW INFORMATION OF SUBSTANTIAL IMPORTANCE – SECTION 15162(A)(3)

The most recent NWP participant analyses are in the 2016 Addendum #3. No new information of substantial importance has been identified since the time the FEIR was certified and the relevant addendums prepared that shows that the proposed POU revisions will have one or more significant effects not discussed in the FEIR or will have significant effects that will be more severe than shown in the FEIR.

This is based on considering any changes in setting since the 2003 FEIR and previous addendums that might result in new significant environmental effects or an increase in the severity of any previously identified environmental effects.

The FEIR identified one unavoidable significant (Class I) impact, air quality during construction. The FEIR identified significant impacts that could be mitigated to a less than significant level (Class II) pertaining to hydrology and water quality and a range of construction-related issues (e.g., noise, transportation, biological resources).

The proposed action does not require any construction. Therefore, the proposed action does not have the potential for new significant impacts or an increase in severity of the impacts that would result from construction that were evaluated in the FEIR.

The FEIR and previous addendums evaluated impacts on hydrology and water quality from construction (not relevant for the proposed action) and operation, including:

- local alteration of the hydrologic balance,

- water rights,
- proposed Nacimiento River discharge, and
- changes in water quality.

The proposed action will not result in local alteration of the hydrologic balance because neither the District nor the NWP participants are proposing to use their full allocations of NWP in a different way; therefore, there is no change from the conditions evaluated in the FEIR and/or previous addendums.

The proposed action will be consistent with the District's NWP quantity previously approved by the SWRCB. The proposed action will not alter the approved beneficial uses of NWP water (urban/suburban/agricultural), or conflict with the water rights of other entities.

The proposed action will be consistent with the approved and existing operations at Nacimiento Reservoir and will not involve any new actions with the potential for adverse effects on water quality or natural resources (e.g., stream flow, drainage patterns, habitat conditions).

The proposed action will not alter NWP operations as considered in the FEIR and addendums, and therefore will not affect conditions, including water/flow levels or water quality, in Nacimiento Reservoir or the Nacimiento River previously considered. The FEIR mitigation measures pertaining to these issues will be implemented and no new mitigation measures are required.

5.0 OTHER ISSUE AREAS

While the FEIR acknowledged the potential for indirect growth-inducing effects of supplementing water supplies with NWP water, the proposed action will not increase the District's or individual NWP participants' water supply allocation evaluated in detail in the FEIR and/or previous addendums (refer to Table 2-1 in the FEIR, for example). Therefore, the potential for new, indirect growth-inducing effects will not result from the proposed action.

The proposed POU revisions is not expected to result in other potentially significant impacts not previously disclosed in the FEIR.

6.0 CONCLUSION

The proposed action will not result in substantial changes in the NWP. It will not result in an increase in District use of Nacimiento water, an increase in NWP participants, or a change in the beneficial uses of the water.

There are no substantial changes in circumstances that have occurred since the FEIR and previous addendums were certified. Changes to the CEQA guidelines that have been implemented since the FEIR was certified in 2003 have been considered and do not result in the identification of new or more significant impacts.

The District has not identified any new information of substantial importance that would result in the potential for significant effects not previously considered, or an increase in the severity of significant effects identified, in the FEIR and addendums.

The District has considered other issue areas, including the potential for indirect growth-inducing effects, and concludes that there are no other issues areas for which the proposed action would have the potential for significant effects not previously considered in the FEIR and previous addendums.

Therefore, an EIR addendum is the appropriate document to address the improvements and no further CEQA analysis is required. The proposed action does not have the potential for significant effects not previously considered in the FEIR and previous addendums.

7.0 REFERENCES

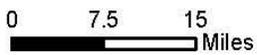
- County of San Luis Obispo, 2003. *Final Environmental Impact Report for the Nacimiento Water Project*. Prepared for Department of Planning and Building by Marine Research Specialists. December.
- County of San Luis Obispo, 2007. *Final Environmental Impact Report for the Nacimiento Water Project Addendum 1*.
- County of San Luis Obispo, 2008. *Final Environmental Impact Report for the Nacimiento Water Project Addendum 2*.
- County of San Luis Obispo, 2015. *Final Environmental Impact Report for the Nacimiento Water Project Addendum 3*.
- County of San Luis Obispo, 2020. *Final Environmental Impact Report for the Nacimiento Water Project Addendum 4*.
- State of California. California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 1500-15387 (CEQA Guidelines).
- State Water Resources Control Board, 2008. Amended License for Diversion and Use of Water, Application 16124, Permit 10137, License 7543. September 5.



VICINITY MAP

NACIMIENTO WATER PROJECT
Place of Use Revision
San Luis Obispo County
 COUNTY OF SAN LUIS OBISPO
 DEPARTMENT OF PUBLIC WORKS

1:875,000



Map by: BJclose

Printed: 12/10/2020

