

TO: James L. App, City Manager

FROM: Meg Williamson, Assistant to the City Manager

SUBJECT: Nacimiento Water Project Draft EIR comments

DATE: September 2, 2003

NEEDS: For the City Council to affirm the EIR comments that the City will forward to the County of San Luis Obispo.

FACTS:

1. The public comment period on the Draft Environmental Impact Report (DEIR) for the Nacimiento Water Project will close on September 5, 2003.
2. On July 29, 2003, the City Council held a public workshop to hear a presentation from County staff on the newly released Draft EIR document.
3. At the public workshop there were comments expressed from the public as well as questions and comments from the City Council.
4. The City's Community Development and Public Works staff have reviewed the draft EIR and generated brief comments to be considered by Council.
5. The EIR comments affirmed by the City Council are intended to reflect the City's "official" set of comments as it relates to the adequacy of technical and environmental analysis of the project options.
6. Members of the public are encouraged to independently submit their comments in writing to the County.
7. The City's comments on the Draft EIR are not indicative of the City's future decision regarding project participation.
8. At this phase of the process it is appropriate to focus on whether the EIR document adequately addresses the potential impacts of the project (not to consider project participation).
9. Attached is draft correspondence to be considered for submission to the County.
10. After the close of the public comment period, responses to comments will be prepared by the County who will, in turn, generate a Final EIR for consideration by the County Board of Supervisors as early as December 2003.
11. It is important to keep in mind that Board of Supervisor certification (approval) of the EIR will not necessarily indicate that the project will be built.
12. Certification of the EIR will enable the County to move ahead with project design, including both final physical and fiscal details.

13. The decision to participate in the project will be made by individual agencies after project cost and other participation information is made available.

ANALYSIS &

CONCLUSION: City staff has evaluated the Draft EIR in the context of technical and environmental issues of specific importance and/or concern to the City of Paso Robles. Staff found the document to be generally well written and appropriately inclusive in its scope.

The Community Development Department has recommended additional mitigation language that would tailor construction mitigation to the City's Oak Tree Preservation Ordinance (more stringent than outside City boundaries). Also, it is recommended that additional specific streets be added to the list of those where construction will be avoided during peak traffic times.

The Public Works Department has recommended that previously expressed concerns regarding the 1997 proposed alignment option on Vine Street be reiterated, since it is not the City's preferred option to be pursued (but is a remnant option within the document). Also, it is recommended that there be additional technical analysis and discussion of treatment and construction design options that would most likely be implemented by the City of Paso Robles if a decision is made to participate in the future.

With incorporation of responses to the suggested comments and mitigation measures, it is anticipated that the Final EIR would adequately identify and propose acceptable mitigation for the Nacimiento Water Project within the City limits.

POLICY

REFERENCE: California Environmental Quality Act (CEQA)

FISCAL

IMPACT: There is no identifiable fiscal impact created in review and comment of the Draft EIR. The City Council and community will be provided specific, local fiscal impacts when a project participation decision is considered.

- OPTIONS:**
- a. Authorize the Mayor to sign and forward the attached set of comments to the County of San Luis Obispo on the Draft EIR for the Nacimiento Water Project;
 - b. Amend, modify or reject above option.

Attachments:

1. Draft Correspondence to the County of San Luis Obispo on the Draft EIR
2. Impact Summary Tables of the Nacimiento Water Project Draft EIR

DRAFT

September 3, 2003

Nancy E. Orton
San Luis Obispo County
Department of Planning and Building, Room 310
County Government Center
San Luis Obispo, CA 93408-2040

Subject: Comments on the Nacimiento Water Project Draft EIR

Dear Ms. Orton,

The City of Paso Robles appreciates the opportunity to review and comment on the Draft EIR for the Nacimiento Water Project. The City Council held a public meeting on September 2, 2003 to discuss and affirm a set of comments to forward for the County's consideration and response.

These comments reflect the City Council's collective position as it relates to the technical and environmental issues of specific importance and/or concern to the City of Paso Robles. There may be additional comments forwarded independently from Paso Robles citizens.

In general, the Draft EIR appears well written and appropriately inclusive in its scope. We would, however, offer the following specific comments and request that these comments be addressed as part of the Final EIR.

IMPACT SUMMARY TABLES

1. Regarding oak trees, would recommend an additional mitigation measure (see page IS-20) calling for oak tree impacts within the City of Paso Robles to be evaluated by a certified Arborist and impacts within the Critical Root Zone (as defined by the City's Oak Tree Preservation Ordinance) be mitigated to the maximum feasible degree. Further, that oak tree replacement for any trees that need to be removed within the City of Paso Robles be species for species and at the ratio specified in the City's Oak Tree Preservation Ordinance.
2. Regarding traffic impacts (see page IS-35), Spring Street, 13th Street, and Creston Road need to be added to the list of corridors that are impacted and should be avoided during peak hour traffic periods.
3. Regarding traffic impacts (see page IS-35), suggest expanding mitigation measures to include that construction on Creston and/or Niblick Road should be avoided while school is in session (i.e., construction targeted during summer months).

PAGE 9 OF SECTION 2.0

DRAFT

4. Paragraph 2.3.1 summarizes comments from the 1997 EIR as, among other issues, pointing out the temporary negative impacts of placing the pipeline at Vine Street in Paso Robles, mainly impacting traffic. These issues remain, the City is supportive of the alternative pipeline routes being investigated in the revised EIR. However, the City reiterates the concern for the alternative that remains in the current EIR to route the pipeline on Vine Street.

PAGE 11 OF SECTION 2.0

5. Paragraph 2.3.2.2 indicates the City of Paso Robles water delivery system provides water to 20,000 people. The current population of Paso Robles is 26,900, and there are an additional 800 transient (hotel, etc.) accommodations. A minor comment, but the historical information here seems understated.
6. The EIR specifies that Paso Robles requires water delivery from the treated water alternative at a minimum hydraulic grade line (HGL) of 920 feet. Again, a relatively minor comment, that an HGL of 960 feet is more likely the City's need, however, this precise need will be more specific once turnout locations and trunk sizes are specified.

PAGE 26 OF SECTION 2.0

7. 2.5.1.2. The turnout locations are rather specific, without the City's recent review of needs and project design specifics on the water delivery (see other comments below regarding water delivery options) design specifications. The City asks for considerable flexibility in modifying turnout locations and specifics design considerations pending a more detailed project design.

PAGE 42 OF SECTION 2.0

8. 2.5.5.2. The EIR specifies Sodium Hypochlorite as the disinfectant for the treated water alternative. This is, currently, compatible with the City's disinfectant (it is the same) and therefore the City would be supportive of this disinfectant choice in the future, should this go unchanged. However, the City, along with other communities in the county, is responsible for controlling the delivery (in potable water) and discharge (in effluent) of trihalomethanes (THM). If chlorine is a catalyst in THM proliferation, the City and County may need to be looking at other disinfection alternatives, and the EIR needs to provide the flexibility for this foreseeable potential change.

PAGE 42-43 OF SECTION 2.0

9. Paragraph 2.5.6 introduces the alternative to deliver raw water to the participating agencies, with the specified and deliberately described means of using the raw water for recharging surface waters with the ultimate water resource advantage of increasing permitted yield. There is an alternative within the raw water alternative for the City to treat the water at a City treatment facility (similar to the County's "treated water alternative", but scaled down to the City's volume) before adding it to the City's conveyance network. This alternative needs to be allowed under the EIR as a potential sub-alternative for raw water delivery alternative.

D R A F T

PAGE 51 OF SECTION 2.0

10. Paragraph 2.7.1 does not mention the City's requirement to issue an encroachment permit for underground work on City streets.

PAGE 51 OF SECTION 2.0

11. Paragraph 2.7.4 does not specify the City's requirement for a General Plan consistency finding for the project within the City.

PAGES 16 OF SECTION 3.0

12. Paragraph 3.2.2.4, under "**Reach A...**" describes the 1997 primary alternative of the raw water delivery system installed at Lake Nacimiento Drive and Vine Streets, as previously noted, the City previously provided negative comments about this alignment. While the City understands the County is continuing the 1997 study and is not eliminating this as an option, the City needs to reiterate the concern for the negative impacts foreseeable from this alignment.

PAGE 35 OF SECTION 3.0

13. Paragraph 3.2.3. refers to an alternative to the raw water delivery alternative and the treated water delivery alternative by offering a hybrid "phased raw and treated water alternative" where deliveries are initially provided as raw water, and once the system water treatment facility is completed, treated water would be delivered. As brought up earlier, the City believes there is a foreseeable additional alternative where raw water delivered would be, instead of percolated into groundwater source(s), treated at a sub-regional or City specific water treatment facility, for the long term. The EIR should provide the flexibility for this option.

Please feel free to contact our Director of Public Works Joe Deakin, should you have any questions regarding this letter. The City of Paso Robles is very interested in seeing the EIR for the Nacimiento Water Project become a comprehensive and technically accurate document that addresses all potential aspects of the project.

Sincerely,

Frank R. Mecham
Mayor