

EXHIBIT 5-A

**Scoping Report for the Monterey
Peninsula Water Management District
Aquifer Storage and Recovery Project
Environmental Impact Report**

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Scoping Report for the Monterey Peninsula Water Management District Aquifer Storage and Recovery Project Environmental Impact Report

Executive Summary

Purpose and Process of Scoping

The State CEQA Guidelines state that scoping is the process of determining the scope, focus, and content of an environmental impact report (EIR). Scoping helps to identify the range of actions, alternatives, environmental effects, and mitigation measures to be analyzed in depth, to select methods of assessment, and to eliminate from detailed study those issues that are not important to the decision at hand. Scoping is also an effective way to bring together and resolve the concerns of a project's proponents; interested federal, state, and local agencies; and other interested parties, including opponents of the project.

Summary of Issues

During the public scoping period for the Monterey Peninsula Water Management District's (MPWMD) proposed Aquifer Storage and Recovery (ASR) project, comments were expressed in the following areas.

- NEPA Compliance,
- Water Supply,
- Project Description and Alternatives,
- Surface and Groundwater Quality,
- Surface Water Hydrology,
- Biological Resources,
- Coordination and Consistency with Other Plans and Policies,
- Permitting and Regulatory Compliance,
- Air Quality,

- Public Health, and
- Growth.

Introduction

Scoping is the process of determining the coverage, focus, and content of an EIR. Scoping helps to identify the range of actions, alternatives, environmental effects, and mitigation measures to be analyzed in depth, to select methods of assessment, and to eliminate from detailed study those issues that are not important to the decision at hand. Scoping is also an effective way to bring together and resolve the concerns of a project's proponents; interested federal, state, and local agencies; and other interested parties, including opponents of the project.

This report briefly describes the scoping process, including public scoping meetings, conducted for the proposed MPWMD ASR Project (proposed project). It also summarizes the oral and written public comments received to date on the proposed project. These comments have been circulated among the EIR team members and will be used to structure the analysis of the potential environmental impacts associated with the proposed project.

Background

The MPWMD is proposing an aquifer storage and recovery project that would:

allow for changes in water supply operations in the Carmel River and Seaside Groundwater Basin that will benefit the natural resources of the Carmel River and the groundwater resources of the Seaside Groundwater Basin.

MPWMD is acting as lead agency under the California Environmental Quality Act (CEQA) and is preparing an EIR to evaluate the environmental effects of the ASR and other water sources. The major component of the proposed project is an ASR system that would divert excess winter flows from the Carmel River under specific conditions and store this water in the Seaside Groundwater Basin coastal subareas. This ASR system would be developed in three phases; the first phase is well defined and uses primarily existing facilities. Phase I is being analyzed in detail in an environmental impact report (EIR) prepared by MPWMD. Later phases (Phases II and III) are not as well defined and will be analyzed at a program level in the EIR. In addition to ASR, MPWMD will also evaluate other water supply options such as local desalination, wastewater reclamation, offstream storage, and stormwater reuse.

In 2001–2002, MPWMD submitted two Petitions for Change to the California State Water Resources Control Board (SWRCB) based on the 1995 water rights permits associated with the New Los Padres Project. The first petition requests

use of the Seaside Basin as a place of storage for some of the Carmel River water, rather than use of a dam on the Carmel River. Approval of this petition would enable a water source for the ASR project. The second petition requests year-round diversions from the Carmel River of up to 7,909 af/year, essentially recognizing the existing diversions of more than 3,376 af/year as lawful. This project and EIR relate to the first petition only. SWRCB will use the information in the EIR to help determine whether either of the first petition should be granted

The project is located in Monterey County, California, and is within the boundaries of the MPWMD. MPWMD manages and regulates the use, reuse, reclamation, and conservation of water within its boundaries. It conserves and augments water supplies by the integrated management of surface and groundwater resources. Approximately 80% of the water within MPWMD boundaries is collected, stored, and distributed by Cal-Am, which serves approximately 95% of peninsula residents and businesses. More than 70% of the water delivered by Cal-Am is diverted from the Carmel River Basin. Cal-Am owns two dams and a series of wells along the Carmel River.

Surface water diversions and pumping along the Carmel River have adversely affected the natural resources of the riparian corridor, especially in the dry season and in drought years. Simultaneously, increased groundwater pumping from the Seaside Groundwater Basin has caused water levels to drop from historic levels, threatening water quality and long-term viability of this domestic water source.

Scoping Process

As mentioned previously, the scoping process is the process of determining the scope, focus, and content of an EIR. MPWMD initiated the scoping process by filing a notice of preparation (NOP) with the State Clearinghouse on December 13, 2004. MPWMD also held two scoping meetings on January 12, 2005, in Monterey to allow the public and agencies an opportunity to offer input on project issues that should be addressed in the EIR.

Notice of Preparation

CEQA requires that an NOP be filed with the State Clearinghouse. The NOP is provided to all state agencies and invites them to offer comments during the scoping period (see Appendix A). The scoping period encompasses the 30 days following the filing of the NOP.

The document is currently structured to serve as an EIR in compliance with CEQA and is not intended to meet the National Environmental Policy Act (NEPA) requirements for an Environmental Impact Statement (EIS). Any federal action needed to implement this project would require NEPA compliance by the federal permitting or funding entity.

MPWMD proposes to evaluate a range of alternatives in the EIR that meet the project purpose. The EIR will include and evaluation of:

- a no-project alternative;
- alternative water sources (including recycled water) that could be obtained to allow for reduced dry season pumping along the Carmel River and restoration of groundwater levels in the Seaside Groundwater Basin;
- alternative locations for pipelines transporting water from former Fort Ord's southern boundary to the MPWMD Santa Margarita test well site; and
- alternative injection/extraction well sites.

Public Scoping Meetings

Two public scoping meetings were held on January 12, 2005, to solicit comment to help determine the scope of the EIR. Both meetings were held at the MPWMD offices, 5 Harris Court, Building G, Monterey, California. The first meeting was from 3:00 p.m. to 4:30 p.m. The second meeting was held from 6:30 to 8:00 pm.

Attendees were given an overview of the meeting's purpose, proposed project and alternatives, and potentially significant environmental issues. Henrietta Stern, MPWMD Project Manager, chaired the meeting. Michael Rushton of Jones & Stokes gave a Power Point presentation to review the aspects of the NOP, explain where MPWMD is in the environmental review process, and explain the next steps.

Attendees were given a copy of the NOP and the slide presentation. Following the presentation, attendees were invited to make oral comments on the scope of the EIR.

Participating Staff

The following representatives from the MPWMD and the environmental consultant team were available at the scoping meetings.

- Henrietta Stern, MPWMD Project Manager;
- Andy Bell, MPWMD District Engineer;
- Joe Oliver, MPWMD Water Resources Manager;
- Steve Tanner, Padre Associates Project Engineer; and
- Mike Rushton, Jones & Stokes Project Director.

Meeting Attendance

Approximately eight individuals attended the afternoon meeting and three individuals were present at the evening meeting. The sign-in sheets for both meetings are included in Appendix B; not all attendees signed in. Individuals who signed in will be added to the project mailing list and will be informed when this report and draft EIR are respectively available for public review.

Public Comments

All comments received at the scoping meetings, as well as written comments received in response to the NOP, will be considered during preparation of the draft EIR. MPWMD received 13 comment letters or e-mails by the end of the comment period (January 18, 2005). One additional comment letter was received in early February and has been reflected in this scoping report. Copies of these letters are included as Appendix C.

Notes were taken to record the comments of those providing oral testimony at the scoping meetings.

Summary of Written Comments Received

The following is a summary of all written comments received to date. All comments are organized by commenter.

Association of Monterey Bay Area Governments

- No comment at this time

California American Water

- Supportive of ASR project
- Describe relationships between MPWMD ASR project and Cal-Am Coastal Water Project (CWP)
- Include variations of the CWP as project alternatives
- Discuss relationship of project to growth
- MPWMD and Cal-Am CWP project teams should collaborate
- Will provide engineering comments under separate cover

California American Water

- Phase I project:
 - Existing system can convey 2500 gpm during winter
 - Existing system can handle only 6–7 mgd during peak summer day
 - Pressure reducing valve needed to return water from ASR wells to Cal-Am system
 - Use of 30-inch line along General Jim Moore Blvd would be compatible with CWP
 - CWP ASR component could be modified to include MPWMD Phase 1 ASR system

- Phase II project:
 - Segunda pump station not sized adequately to handle Seaside demand and proposed injection amounts
 - Combined existing Cal-Am Seaside system and MPWMD ASR could meet water demand on peak summer day; pressure reducing valve needed for return water
 - Constructing a second parallel water line along General Jim Moore Blvd would be costly; suggests initial installation of 30-inch line
 - MPWMD Phase II ASR could be included in CWP ASR
 - CWP studies indicate added ASR wells should be constructed parallel to and along General Jim Moore Blvd, not to the east of existing MPWMD well

- Phase III project:
 - Proposed treatment facilities in Carmel Valley may not be needed; they are not proposed in CWP
 - Construct a 30-inch pipeline along General Jim Moore Blvd as part of Phase I
 - Phase II Del Rey Oaks pump station not needed once Phase III 30-inch line is constructed north from Crest tank
 - The purpose of the pressure reduction station at the Segunda station is unclear
 - Will the ASR well pumps be designed to deliver water to the Crest tank?
 - If ASR wells designed to pump to the Crest tank, some ASR capacity could be used to meet demand in the Segunda gravity zone
 - Phase III ASR system is very similar to system proposed in CWP except for delivering flow to Crest tank

California Department of Health Services

- ASR project is subject to Department of Health Services (DHS) approval because it will be domestic source of supply
- Water injected through ASR must meet drinking water standards.
- Water extracted from ASR must meet drinking water standards before distribution
- Review possible water quality degradation due to geology of local soils
- MPWMD should conduct a Source Water Assessment and include results in EIR
- Co-mingling of reclaimed water and potable water in an ASR project that serves as domestic supply will not be approved
- Use of recycled water in lieu of potable water for irrigation is encouraged
- Engineering report must be submitted to RWQCB and DHS prior to implementing recycled water project

California Regional Water Quality Control Board

- Concerned about degradation of groundwater from injection of water with lower quality or water containing pollutants from disinfection
- Provides list of potential water quality effects to be considered, including but not limited to amount of water injected and extracted, quality of injected water, disinfection byproducts, size of mixing zone, monitoring requirements, well maintenance procedures, and discharge of purge water
- ASR project may require a RWQCB discharge permit

California Department of Transportation

- Consider impacts to near-shore marine habitat and sediment replenishment

Carmel Area Wastewater District

- Drawdown of Carmel River basin could be reduced by beneficially reusing reclaimed water from Carmel Area Wastewater District (CAWD) treatment plant that is now discharged to the ocean
- Water could be injected in Carmel River basin in wet periods and drawn out in dry periods; lack of storage constrains current level of reuse
- Consider using CAWD treated water as an alternative source

Kronick, Moskovitz, Tiedemann & Girard

- Commenting on behalf of Bishop, McIntosh and McIntosh
- Should consider an alternative that uses Carmel River water to benefit Laguna Seca sub-area of Seaside Groundwater Basin
- Water conveyance facilities already available to serve this area
- Cites recommendations of MPWMD 2002 Laguna Subarea Phase III Hydrogeologic Update to counteract overuse of this basin
- Phase III report recommendations should be analyzed in ASR EIR

Monterey Bay Unified Air Pollution Control District

- Quantify and assess direct and indirect source emissions from construction equipment
- Conduct dispersion modeling if traffic level of service declines
- Quantify construction- and operation-related PM-10 emissions
- Assess air contamination effects on sensitive receptors
- Identify mitigation measures and quantify emission reduction effectiveness
- Address population projection consistency with numbers contained in 2004 Monterey Bay Region Air Quality Plan (contact AMBAG)
- Identify MBUAPCD permit requirements
- Use MBUAPCD CEQA Air Quality Guidelines to prepare air quality analysis

Monterey County Department of Health

- EIR should address State DHS draft regulations
- Water needs to meet drinking water standards before injection into groundwater basin
- Installation of new wells requires a Monterey County Department of Health permit

Monterey County Planning and Building Inspection Department

- Clearly describe all three phases of the project, separating the phases in text and maps.

- Identify both existing and new infrastructure needed to support the project
- Consider the effects of the project on the pipeline and distribution system that services the Tehama subdivisions
- Differentiate between construction within roadways and construction on undeveloped land
- Indicate the boundaries of local jurisdictions on project maps
- List all roles and permit requirements of responsible agencies, including the Monterey County Planning and Building Inspection Department
- Indicate whether the project lies within the coastal zone; include the coastal zone boundary on project maps
- The project may require a coastal zone permit from the County
- Describe the project's consistency with all relevant County plans and policies, including Titles 16 and 21, and the Carmel River Management Plan
- Prepare a coastal consistency analysis
- Clearly explain how all water would be used during the three project phases
- Describe whether water will be made available to MPWMD member entities
- Analyze growth inducing effects if the project makes more water available
- Describe the effects of drought condition operations when no water is available for recharge; consider alternative sources of water during drought
- Reveal whether the Phase 1 infrastructure will eventually be used as part of another water project, such as a desalination facility; if it will be, consider the growth inducing effects
- Evaluate potential effects on Monterey pine and Yadon's piperia
- Include a mitigation and monitoring program in the EIR
- Clarify whether impacts are beneficial or adverse to Carmel River resources
- Consider cumulative effects of other water extraction proposals in the Carmel River basin.
- Clarify whether alternative pipelines will be considered in one or all of the project phases
- Identify impacts on historical and archeological resources

- Include mitigation that requires erosion control measures; monitor the effectiveness of these measures
- Evaluate potential adverse visual impacts and propose mitigation when needed

U.S. Department of Commerce, NOAA Fisheries

- Minimize adverse effects to steelhead
- EIR should incorporate NOAA Fisheries flow recommendations in analysis of steelhead impacts
- Clarify whether all three phases of project will divert water only during high flow periods
- Describe coordination of ASR project with larger water supply projects being considered for Monterey Peninsula
- Supports use of excess flow in Carmel River during high flow periods as a long-term source of water for the Monterey Peninsula

U.S. Army Garrison, Presidio of Monterey

- Address NEPA requirements if project is on Army property
- NEPA public comment period is 30 days, so Notice of Availability can be done simultaneously for NEPA and CEQA compliance
- Army will need to be a co-signer of document
- MPWMD must have close coordination with FORA, as this agency is proposing extensive construction along the General Jim Moore Blvd right-of-way
- Ensure the least number of impacts to Army land and families near project area

U.S. Army Corps of Engineers, San Francisco District

- Preliminarily identify jurisdictional waters of the United States
- If the project has work within jurisdiction, must apply for a Clean Water Act 404 permit
- If an individual 404 permit is required, must complete a 404(b)(1) alternatives analysis

Summary of Oral Comments Received

The following is a summary of oral comments received at the two scoping meetings held on January 12, 2005. The lists of attendees for these two meetings are included in Appendix B.

- Do not need to consider growth impacts if the project does not increase water supply
- Should consider desalination as an alternative water supply
- Should consider a new dam on the Carmel River as an alternative water supply
- Should address the relative costs of the water provided
- Cal-Am would need a change in its distribution system permit with Monterey County, or the MPWMD would have to apply for a permit as a water wholesaler
- Pipeline serving the Phase I project should be sized for ultimate project size, rather than replaced incrementally
- Consider impacts of reducing pumping or not reducing pumping along the Carmel River as a result of project
- Project should be considered as water supply provider just as a dam would
- Consider alternative location for injection and extraction wells, including the Ryan Ranch and Laguna Seca areas
- Consider reclaimed water from MRWPCA as a way to help Seaside Groundwater Basin
- Consider shallow dams on Fort Ord for catching and storing stormwater runoff
- Do not pursue ultimate pipe size in Phase I because it may cause project to be rejected
- Increase the length of Carmel River considered for location of new extraction wells
- Look at potential issues associated with presence of a local fault in the vicinity of the Segunda tank site
- Create an unlined reservoir on Fort Ord to store water prior to injection
- Consider treating Carmel River water after it is pumped over the ridge to the Fort Ord area
- Consider the possibility that in dry years there may be no excess water available from the Carmel River for the ASR project
- Injection wells should be designed to accept water from other locations, including desalination facilities, stormwater in the Fort Ord area, and agricultural water sources

- Consider alternative water collection schemes on the Carmel River, including collector wells and surface diversion
- Look at seasonality of Carmel River extractions
- Take Carmel River water from upstream locations in the winter because the quality is better
- Consider an alternative pipeline route across Fort Ord property, specifically the thoroughfare planned east of General Jim Moore Blvd
- Consider mining water from shallow aquifers at the beach as an alternative water supply
- Project should be viewed as partial compliance with SWRCB Order 95-10

- Well performance and longevity should be considered
- Consider worst-case Carmel River flow conditions in conducting the impact analysis