EXHIBIT 10-D

Chapter 4
Revised Mitigation Monitoring Plan

CEQA requires that when a lead agency makes findings of significant effects identified in an EIR, it must also adopt a program for reporting and monitoring mitigation measures that were adopted or made conditions of project approval. NEPA requires that the lead agency must include a monitoring and enforcement program for each mitigation measure identified in an EA or Environmental Impact Statement. The objectives of the monitoring are to:

- ensure that mitigation measures are properly implemented,
- provide feedback to agency staff and decision makers about the effectiveness of their actions,
- provide learning opportunities for improving mitigation measures on future projects, and
- identify the need for enforcement action before irreversible environmental damage occurs.

This Mitigation Monitoring Plan (MMP) is designed to ensure that the mitigation measures identified in the EIR/EA are fully implemented. The MMP contains each mitigation measure found in the EIR/EA and is organized by topic in the same order as the contents of the EIR/EA. The agency responsible for monitoring is identified for each measure. The MMP will be considered by the MPWMD in conjunction with project review.

Vegetation and Wildlife

Mitigation Measure BIO-1: Minimize or Prevent Disturbance to Adjacent NRMA

To prevent disturbance of the adjacent NRMA, management measures will be carried out during project construction and operation to minimize construction effects and the potential for introducing invasive nonnative species. The construction contractor will implement BMPs to prevent the spread outside the construction area of construction materials, oil and fuel, sidecast soil, dust, or water runoff. All invasive nonnative plants, such as iceplant or pampas grass, will be removed from the construction area prior to site disturbance to avoid the spread of plant fragments or seeds. A firebreak consistent with the requirements of the Presidio of Monterey Fire Department and acceptable to the City of

Seaside Fire Department will be located and maintained by MPWMD between the well site and the adjacent NRMA.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during construction.

Mitigation Measure BIO-2: Remove Trees and Shrubs during the Nonbreeding Season for Most Birds (September 1 To February 15)

Clearing of the site for inspection, maintenance and cleaning, and construction of the well and associated facilities and the pipeline, and subsequent inspection and maintenance and cleaning activities will result in the removal of trees and shrubs that provide suitable nesting habitat for migratory birds. To avoid the loss of active migratory bird nests, tree and shrub removal will be conducted only during the nonbreeding season for migratory birds (generally September 1 to February 15). Removing woody vegetation during the nonbreeding season will ensure that active nests will not be destroyed by removal of trees supporting or adjacent to active nests.

Monitoring: Prior to initiation of construction activities, MPWMD will ensure that this mitigation measure is implemented. MPWMD is responsible for ensuring compliance for the duration of the project.

Aquatic Resources

Mitigation Measure AR-1: Conduct Annual Survey Below River Mile 5.5 and Monitor River Flow in January–June Period.

Even though the project impact is beneficial and no mitigation is required, the following mitigation is proposed to ensure adequate monitoring of the lower Carmel River. At the beginning of each diversion season and following each storm with a peak flow greater than 3,000 cfs, MPWMD shall conduct a survey of the river channel below RM 5.5 and identify five specific locations where low flows or the channel configuration could potentially block or impair upstream migration of adult steelhead.[1] During the period from December 1 through May 31 when water is being diverted from the Carmel River and injected into the Seaside Groundwater Basin, MPWMD shall monitor flow at the Highway One Bridge, and water currents, depths, and channel configuration at each of the five sites previously identified. If evidence of impairment or blockage is found, MPWMD shall cease diverting until flow increases or until the channel configuration is modified so as to alleviate the blockage or impairment. In the event that channel conditions improve or deteriorate for more than two seasons, the bypass flow criteria shall be reexamined and may be modified by among between NOAA Fisheries, CDFG, and the MPWMD.

[1] Potential impairment or blockage shall be monitored by measuring water depths at the shallowest points at 2-foot intervals along the crest of riffles. For the purpose of monitoring and assessing the need for channel modifications, the potential for impairment and/or blockage shall be based on the following criteria: **blockage**, if the width and depth of a continuous section is less than 5 feet wide and $\geq$ 0.6 feet deep; **impaired**, if the width and depth of a continuous section is five to ten feet wide and $\geq$ 0.6 feet deep, and **no impairment**, if the width and depth of a continuous section is $\geq$ 10 feet wide and $\geq$ 0.6 feet deep.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during project operation.

Mitigation Measure AR-2: Cooperate to Help Develop a Project to Maintain, Recover, or Increase Storage in Los Padres Reservoir and If Needed, Continue Funding Program to Rescue and Rear Isolated Juveniles

To ensure the continued benefit of the Proposed Project to the Carmel River and dependent resources during future low-flow periods, MPWMD will encourage and work with Cal-Am, CDFG, and NOAA Fisheries to investigate and develop a project to improve summer flows and the quality of releases by maintaining, recovering, or increasing storage capacity in the existing Los Padres Reservoir. MPWMD will provide staff expertise and data, as requested. Cal-Am, as owner and operator of Los Padres Dam and Reservoir, is responsible for maintenance of the dam and compliance with existing regulations, including water right conditions. MPWMD will request that Cal-Am develop an updated elevation-capacity curve for Los Padres Reservoir that provides current estimates of the amount of storage capacity available at various elevations in the reservoir area.

In the meantime, MPWMD will continue funding and operation of its program to rescue and rear juvenile steelhead that are stranded downstream of the USGS gaging station at Robles del Rio (RM 14.4). This program is part of MPWMD's mitigation program that was adopted in 1990 when the MPWMD Board certified the MPWMD Water Allocation Program EIR. Without significant progress in maintaining storage capacity in Los Padres Reservoir, the rescue program will be needed in most years.-

Monitoring: Cal-Am is responsible for ensuring that this mitigation measure is implemented. Cal-Am will conduct on-site monitoring of Los Padres Reservoir during project operation. MPWMD will provide staff expertise and data, as requested, and continue funding and operation of its program to rescue and rear juvenile steelhead.

Cultural Resources

Mitigation Measure CR-1: Stop Work If Buried Cultural Deposits Are Encountered during Construction Activities

If buried cultural resources such as chipped stone or groundstone, historic debris, building foundations, or human bone are inadvertently discovered during ground-disturbing activities, the construction contractor will stop work in that area and within a 100-foot radius of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. Treatment measures typically include avoidance strategies or mitigation of impacts through data recovery programs such as excavation or detailed documentation.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during construction.

Mitigation Measure CR-2: Stop Work If Human Remains Are Encountered during Construction Activities

If human skeletal remains are encountered, the construction contractor will notify MPWMD and the county coroner immediately. MPWMD will ensure the construction specifications include this order.

If the county coroner determines that the remains are Native American, the coroner will be required to contact the Native American Heritage Commission (pursuant to Section 7050.5 [c] of the California Health and Safety Code) and the County Coordinator of Indian Affairs. A qualified Jones & Stokes archaeologist will also be contacted immediately.

If human remains are discovered in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- the coroner of the county has been informed and has determined that no investigation of the cause of death is required; and
- if the remains are of Native American origin:
  - the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of with appropriate dignity the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or
  - the NAHC was unable to identify a descendent or the descendent failed to make a recommendation within 24 hours after being notified by the commission.

According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during construction.

Surface and Groundwater Hydrology and Water Quality

Mitigation Measure GWH-1: Comply with Performance Standards in NPDES Permits

All construction activities, vehicle storage, and discharges associated with project construction and operation, including well discharges, shall be accomplished in accordance with NPDES permits from the RWQCB to ensure no degradation of surface or groundwater quality. All performance standards contained in the permit will be met.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during construction.

Mitigation Measure GWH-2: Operate Project in Compliance with SWRCB and DHS Policies

MPWMD shall operate the Proposed Project in compliance with the SWRCB's Anti-Degradation Policy (Resolution 68-16), and applicable DHS regulations regarding drinking water quality.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during project operation.

Mitigation Measure GWH-3: Modify Project Operations as Required by Results of Monitoring

Groundwater conditions shall be tracked via the MPWMD's existing monthly monitoring program. In the event that any adverse impacts to groundwater conditions occur, MPWMD shall halt operations and consult with the RWQCB to determine appropriate operational changes.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during project operation.

Mitigation Measure GWH-4: Operate Project in Compliance With NOAA Fisheries Recommendations and to Reduce Unlawful Diversions

MPWMD shall operate the Proposed Project in accordance with all of the bypass terms recommended by NOAA Fisheries in its 2002 report, *Instream Flow Needs for Steelhead in the Carmel River, Bypass Flow Recommendations for Water Supply Projects Using Carmel River Waters.* In addition, Cal-Am shall, to the maximum extent feasible, be required to utilize water that is available from the Seaside Basin due to the Proposed Project during the low-flow season from June 1 through November 30 to help reduce unlawful diversions from the Carmel River.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during project operation.

Noise

Mitigation Measure NZ-1a: Prohibit Ancillary and Unnecessary Equipment During Nighttime Well Drilling Activities.

The project applicant shall ensure that the construction contractor prohibit the use of all ancillary and unnecessary equipment during nighttime hours. The only equipment that will be allowed to operate during nighttime activities would be the drilling and well construction equipment; cleanup and other activities will occur only during daytime activities.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during construction.

Mitigation Measure NZ-1b: Employ Noise-Reducing Construction Practices to Meet Nighttime Standards.

The construction contractor will employ noise-reducing construction practices such that nighttime standards (Table 10-3) are not exceeded. Measures that will be used to limit noise include, but are not limited to:

- using noise-reducing enclosures around noise-generating equipment;
- constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (terrain, structures) to block sound transmission; and
- enclosing equipment.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during construction.

Mitigation Measure NZ-1c: Prepare a Noise Control Plan.

The construction contractor will prepare a detailed noise control plan based on the construction methods proposed. This plan will identify specific measurement that will be taken to ensure compliance with the noise limits specified above. The noise control plan will be reviewed and approved by City of Seaside staff before any noise-generating construction activity begins.

Monitoring: Prior to initiation of construction activities, MPWMD will ensure that this mitigation measure is implemented. MPWMD is responsible for ensuring compliance for the duration of the project.

Mitigation Measure NZ-1d: Disseminate Essential Information to Residences and Implement a Complaint/Response Tracking Program.

The construction contractor will notify residences within 500 feet of the construction areas of the construction schedule in writing prior to construction.

The construction contractor will designate a noise disturbance coordinator who will be responsible for responding to complaints regarding construction noise. The coordinator will determine the cause of the complaint and will ensure that reasonable measures are implemented to correct the problem. A contact telephone number for the noise disturbance coordinator will be conspicuously posted on construction site fences and will be included in the written notification of the construction schedule sent to nearby residents.

Monitoring: Prior to initiation of construction activities, MPWMD will ensure that this mitigation measure is implemented. MPWMD is responsible for ensuring compliance for the duration of the project.

Mitigation Measure NZ-2: Design Pump Stations to Meet Local Noise Standards.

MPWMD will design the new pump station and chemical/electrical building so that noise levels do not exceed applicable City of Seaside noise standards and ordinances. Prior to field acceptance, MPWMD will retain an acoustical consultant to measure noise levels from the operating facility. If project-generated noise exceeds the noise ordinance performance standards, additional noise attenuation measures will be implemented to meet the standards. The proposed facility will not receive final acceptance until the required noise standards are met. This measure will be made a condition of the final design review.

Monitoring: Prior to initiation of construction activities, MPWMD will ensure that this mitigation measure is implemented. MPWMD is responsible for ensuring compliance for the duration of the project.

Hazards and Hazardous Materials

Mitigation Measure HAZ-1: Implement MEC Safety Precautions during Grading and Construction Activities at the Project Site.

Because of the proposed well site's location, the following safety precautions are required for on-site activities. The requirements may be modified upon completion of the Munitions Response Remedial Investigation/Feasibility Study (MR RI/FS) process for the munitions response sites.

- All personnel accessing the proposed well site will be trained in MEC recognition. This safety training is provided by the U.S. Army at no cost to the trainee. Training may be scheduled by contacting Fort Ord BRAC Office, Lyle Shurtleff at 831-242-7919.
- If an item is discovered that is or could be MEC, it shall not be disturbed. The item shall be reported immediately to the Presidio of Monterey Police Department at 831-242-7851 so that appropriate U.S. military explosive ordnance disposal personnel can be dispatched to address such MEC as required under applicable law and regulations at the expense of the army.

- Ground disturbing activities, including perimeter fence installation, will be coordinated with USACE Unexploded Ordnance Safety Specialist so that appropriate construction-related precautions may be provided (Fisbeck pers. comm.). The USACE Pamphlet EP 75-1-2 entitled *Munitions and Explosives of Concern (MEC) Support During Hazardous, Toxic and Radioactive Waste (HTRW) and Construction Activities,* dated August 1, 2004, which can be found at http://www.usace.army.mil/inet/usace-docs/eng-pamphlets/ep75-1-2/toc.htm shall be followed by the USACE Safety Specialist to determine the type of construction oversight that will be needed based on the type of construction activities to be performed.
- Construction activities at the project site are subject to Monterey County Code, Ordinance 5012, Subsection 1 dated 2005, Title 16 "Environment," Chapter 16.1 "Digging and Excavating on the Former Fort Ord," which can be found at http://municipalcodes.lexisnexis.com/codes/montereyco. This ordinance prohibits excavation, digging, development, or ground disturbance unless an excavation permit is obtained and the permit requirements are followed.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during construction.

Public Services and Utilities

Mitigation Measure PS-1: Coordinate Relocation and Interruptions of Service with Utility Providers during Construction

The construction contractor will contact Underground Service Alert (800/642-2444) at least 48 hours before excavation work begins in order to verify the nature and location of underground utilities. In addition, the contractor will notify and coordinate with public and private utility providers at least 48 hours before the commencement of work adjacent to any utility, unless the excavation permit specifies otherwise. In addition, the service provider will be notified in advance of all service interruptions and will be given sufficient time to notify customers. The timing of interruptions will be coordinated with the providers to ensure that the frequency and duration of interruptions are minimized.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during construction.

Mitigation Measure PS-2: Protect All Existing Utilities Slated to Remain

The construction contractor will be responsible for ensuring protection of all utilities slated to remain. All buried lines will be tape-coated in accordance with the requirements of American Water Works Association C214. All new water services, fire services, and water mains will be cathodically protected, in accordance with contract documents. In addition, the contractor will be required to comply with State Department of Health Services criteria for the separation of water mains and sanitary sewers, as set forth in Section 64630, Title 22, of the

California Administrative Code. MPWMD will ensure this measure is included in the contract specifications.

Monitoring: MPWMD is responsible for ensuring that this mitigation measure is implemented. MPWMD will conduct on-site monitoring during construction.

Visual Resources

Mitigation Measure VIS-1: Incorporate Light-Reduction Measures into the Plan and Design of Exterior Lighting at Well Site.
Where lighting is required or proposed, MPWMD will incorporate the following light-reduction measures into the lighting design specifications to reduce light and glare. The lighting design will also meet minimum safety and security standards.

- Luminaires will be the minimum required for property security to minimize incidental light.
- Luminaires will be cutoff-type fixtures that cast low-angle illumination to minimize incidental spillover of light onto adjacent properties and open space. Fixtures that project light upward or horizontally will not be used.
- Luminaires will be focused only where needed (such as building entrances) and should not provide a general "wash" of light on building surfaces.
- Luminaires will be directed away from habitat and open space areas adjacent to the project site.
- Luminaires will provide good color rendering and natural light qualities. Low-pressure sodium and high-pressure sodium fixtures that are not color-corrected will not be used.
- Luminaire mountings will be downcast and the height of poles minimized to reduce potential for backscatter into the nighttime sky and incidental spillover of light onto adjacent properties and open space. Light poles will be no higher than 20 feet. Luminaire mountings will have nonglare finishes.

Monitoring: Prior to initiation of construction activities, MPWMD will ensure that this mitigation measure is implemented. MPWMD is responsible for ensuring compliance for the duration of the project.

Cumulative Impacts

Mitigation Measure Cume-1: Coordinate with Relevant Local Agencies to Develop and Implement a Phased Construction Plan to Reduce Cumulative Traffic, Air Quality, and Noise Impacts
MPWMD will contact local agencies that have projects planned in the same area (i.e., project sites within 1 mile or projects that affect the same roadways) and that have construction schedules that overlap with construction of the Proposed

Project. MPWMD (or their contractor) will coordinate with local agencies responsible for said projects to develop a phased construction plan that includes the following components.

- Evaluate roadways affected by construction activities and minimize roadway and traffic disturbance (e.g., lane closures and detours) and the number of construction vehicles using the roadways. This may involve scheduling some construction activities simultaneously or phasing.
- Prepare compatible traffic control plans for construction projects. If one traffic control plan cannot be prepared, the construction contractor for the Proposed Project and the relevant local agencies (or their construction contractors) will ensure that the traffic control plans for projects affecting the same roadways are compatible. The traffic control plan can be modeled after that required for the Proposed Project in Chapter 2.
- Phase construction activities so NO_x and PM10 emissions remain below MPUAPCD thresholds. For medium and large projects (defined as projects that involve construction on a 1-acre site or larger because there is a reasonable likelihood it could contribute to exceeding the MBUAPCD NO_x and PM10 emissions thresholds) that will be constructed during the same timeframe, MPWMD and the agencies will develop a phased construction plan so the cumulative NO_x emissions remain below 137 pounds per day and the cumulative PM10 emissions remain below 82 pounds per day (or less than 2.2 acres per day is disturbed). The phased construction plan will identify planned construction activities and equipment, anticipated emissions, and a schedule that can be used to estimate daily emissions. The phased construction plan will be reviewed and approved by the MPUAPCD. It will likely be necessary for proponents of other projects to implement NO_x-reducing construction practices, as well as dust reduction measures, to ensure NO_x and PM10 emissions are at acceptable levels. The dust reduction measures should include all feasible measures contained in Table 8-2 of MBUAPCD's CEQA Air Quality Guidelines (Getchell pers. comm.), which include the following.
    - Limit grading to 8.1 acres per day and grading and excavation to 2.2 acres per day.
    - Water graded / excavated areas at least twice daily. Frequency should be based on the type of operations, soil and wind exposure.
    - Prohibit all grading activities during periods of high wind (over 15 mph).
    - Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
    - Apply nontoxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.
    - Haul trucks shall maintain at least 2'0" of freeboard.
    - Cover all trucks hauling dirt, sand, or loose materials.

- Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Pave all roads at construction sites.

Monitoring: Prior to initiation of construction activities, MPWMD will ensure that this mitigation measure is implemented. MPWMD is responsible for ensuring compliance for the duration of the project.

Temporary Pipeline Analysis

Mitigation Measure WLD-1. Comply with U.S. Fish and Wildlife Service Biological Opinion Terms and Conditions. The U.S. Army will require that any contracts let to construct the proposed temporary pipeline include the U.S. Fish and Wildlife Service BO terms and conditions for Reasonable and Prudent Measures numbers 5, 6, and 7 (U.S. Fish and Wildlife Service 2005, pages 63–65).

Monitoring: Prior to initiation of construction activities, Cal-Am will ensure that this mitigation measure is implemented. Cal-Am is responsible for ensuring compliance for the duration of the project.

Mitigation Measure WLD-2: Remove Trees and Shrubs during the Nonbreeding Season for Most Birds (September 1 To February 15)

The placement and removal of the temporary pipeline may result in the trimming of trees and shrubs that provide suitable nesting habitat for migratory birds. To avoid the loss of active migratory bird nests, tree and shrub removal, if necessary, will be conducted only during the nonbreeding season for migratory birds (generally September 1 to February 15). Removing woody vegetation during the nonbreeding season will ensure that active nests will not be destroyed by removal of trees supporting or adjacent to active nests.

If shrub and tree trimming cannot be accomplished before the breeding season, a qualified wildlife biologist will conduct focused nest surveys for active nests of migratory bird species. If active nests are found in the project area, and if construction activities must occur during the nesting period, an appropriate "no-disturbance" buffer around the nest sites will be implement until the young have fledged (as determined by a qualified biologist).

Monitoring: Prior to initiation of construction activities, Cal-Am will ensure that this mitigation measure is implemented. Cal-Am is responsible for ensuring compliance for the duration of the project.

Mitigation Measure CUL-1: Stop Work if Buried Cultural Deposits Are Encountered during Construction Activities

If buried cultural resources such as chipped or ground stone, quantities of bone or shell material, or historic debris or building foundations are inadvertently discovered during ground-disturbing activities, work will be stopped within a 100-foot radius of the find until a qualified archaeologist can assess the significance of the find. If, after evaluation by a qualified archaeologist, an archaeological site or other find is identified as meeting the criteria for inclusion in the NRHP or the CRHR, Cal-Am will retain a qualified archaeologist to develop and implement an adequate program for investigation, avoidance if feasible, and data recovery for the site, with Native American consultation, if appropriate.

If human skeletal remains are inadvertently encountered during construction of the temporary pipeline, the contractor will contact the Monterey County Coroner immediately. If the county coroner determines that the remains are Native American, the coroner will contact the NAHC, as required by Section 7050.5[c] of the California Health and Safety Code, and the County Coordinator of Indian Affairs. A qualified archaeologist will also be contacted immediately.

Monitoring: Cal-Am is responsible for ensuring that this mitigation measure is implemented. Cal-Am will conduct on-site monitoring during construction.

Mitigation Measure HAZ-1: Provide MEC Training to Construction Workers.

All construction workers that will enter the project site will receive training from qualified personnel on the identification and avoidance of MEC prior to beginning work.

Monitoring: Cal-Am is responsible for ensuring that this mitigation measure is implemented. Cal-Am will conduct on-site monitoring during construction.