



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

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Date: July 31, 2007

To: Interested Agencies

From: Stephanie Pintar, Project Manager, phone 831/658-5630, fax 831-644-9560
Email: steph@mpwmd.dst.ca.us

Subject: NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION FOR MPWMD
ORDINANCE NO. 130

Enclosed are an Initial Study and Notice of Intent to Adopt a Negative Declaration for proposed Ordinance No. 130 to be considered by the Monterey Peninsula Water Management District Board of Directors. Ordinance No. 130 would provide an incentive for replacing existing Non-Residential Potable water irrigation with Sub-potable Water. This ordinance adds the new definition "Sub-potable Water Use Credit" to the Rules and Regulations. The prerequisite for a Sub-Potable Water Use Credit is the permanent replacement of Non-Residential Potable irrigation water (originating from the Monterey Peninsula Water Resource System or Seaside Groundwater Basin) with: (1) Sub-potable Water originating from outside the Monterey Peninsula Water Resource System and the Seaside Groundwater Basin, or (2) Recycled or Reclaimed Water from the Carmel Area Wastewater District or Monterey Regional Water Pollution Control District wastewater treatment facilities. The first reading of this ordinance is scheduled for August 20, 2007 at 7:00 PM at the Monterey Peninsula Water Management District conference room, 5 Harris Court, Building G, Monterey, California.

Ordinance No. 130 applies within the boundaries of the Monterey Peninsula Water Management District (MPWMD), including the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, portions of Monterey County (primarily Carmel Valley, Carmel Highlands, Pebble Beach and the Highway 68 corridor), and the Monterey Peninsula Airport District.

The review period is Wednesday, August 1, 2007 through Monday, August 20, 2007. CEQA allows a 20-day review period for projects of local interest. The first reading of Ordinance No. 130 is scheduled before the MPWMD Board at a public hearing on August 20, 2007. The second reading and consideration of adoption of the Negative Declaration is scheduled for public hearing on September 17, 2007 at 7:00 PM at the Monterey Peninsula Water Management District conference room, 5 Harris Court, Building G, Monterey.

Please refer to the attached documents for more detailed information, or call me at 831/658-5630.

Enclosures:

Notice of Intent to Adopt a Negative Declaration

Initial Study Checklist/Discussion, with 4 attachments, including Ordinance No. 130

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NOTICE OF INTENT TO ADOPT AN INITIAL STUDY AND PROPOSED NEGATIVE DECLARATION For MPWMD Board review on August 20, 2007

- 1. PROJECT TITLE:** Adoption of Ordinance No. 130: "2007 Sub-potable Water Use Credit Ordinance of the Monterey Peninsula Water Management District."
- 2. DESCRIPTION AND LOCATION OF PROJECT:** Proposed Ordinance No. 130 (Attachment 3 of the Initial Study) provides an incentive for replacing existing non-residential potable water irrigation with sub-potable water. This ordinance adds the new phrase "Sub-potable Water Use Credit" to the District's Rules and Regulations. The prerequisite for a Sub-Potable Water Use Credit is the permanent replacement of non-residential potable irrigation water (originating from the Monterey Peninsula Water Resource System or Seaside Groundwater Basin) with: (1) sub-potable water originating from outside the Monterey Peninsula Water Resource System and the Seaside Groundwater Basin, or (2) recycled or reclaimed water from the Carmel Area Wastewater District or Monterey Regional Water Pollution Control District wastewater treatment facilities.

Ordinance No. 130 applies within the boundaries of the Monterey Peninsula Water Management District (MPWMD), including the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, portions of Monterey County (primarily Carmel Valley, Pebble Beach Carmel Highlands and the Highway 68 corridor), and the Monterey Peninsula Airport District. Each of these jurisdictions regulates land use within its individual boundaries and is responsible for CEQA review of individual projects that are proposed. The District does not regulate land use.

- 3. REVIEW PERIOD:** The Review Period is August 1, 2007 through August 20, 2007. CEQA allows a 20-day comment period for issues of local importance.

4. **PUBLIC MEETINGS:** The first reading of Ordinance No. 130 will be considered at the MPWMD Board meeting of August 20, 2007. The second reading and adoption of the Ordinance and Negative Declaration is scheduled for public hearing on September 17, 2007. Both meetings will be held at 7:00 PM at the Monterey Peninsula Water Management District (conference room), 5 Harris Court, Bldg. G, Monterey, California.
5. **LOCATION OF DOCUMENTS:** The proposed Negative Declaration and Initial Study, including supporting documentation and the administrative record upon which the Negative Declaration and Initial Study are based, and copies of proposed Ordinance No. 130, are available for review at the Monterey Peninsula Water Management District office located at 5 Harris Court, Bldg. G, Monterey, CA 93940 (Ryan Ranch). **The staff contact is Stephanie Pintar at 831/658-5630.**
6. **PROPOSED FINDING SUPPORTING NEGATIVE DECLARATION:** Based on the Initial Study and the analysis, documents and record supporting the Initial Study, the Monterey Peninsula Water Management District Board of Directors finds that adoption of Ordinance No. 130 does not have a significant effect on the environment.

PROPOSED NEGATIVE DECLARATION

Based on the finding that adoption of Ordinance No. 130, the 2007 Sub-potable Water Use Credit Ordinance of the Monterey Peninsula Water Management District, has no significant effect on the environment, the Monterey Peninsula Water Management District makes this Negative Declaration regarding MPWMD Ordinance No. 130 under the California Environmental Quality Act.

CEQA GUIDELINES APPENDIX G – Prepared July 26, 2007
MPWMD ENVIRONMENTAL CHECKLIST FOR ORDINANCE NO. 130

PROJECT INFORMATION	
1. Project Title:	Adoption of Ordinance No. 130: “2007 Sub-potable Water Use Credit Ordinance of the Monterey Peninsula Water Management District”
2. Lead Agency Name and Address:	Monterey Peninsula Water Management District, PO Box 85, Monterey, CA 93942-0085 [Street address: 5 Harris Court, Bldg. G, Monterey, CA 93940]
3. Contact Person and Phone:	Stephanie Pintar, 831/658-5630
4. Project Location:	District-wide, see Attachment 1 , map
5. Project Sponsor's Name/Address:	MPWMD, see #2 above
6. General Plan Designation:	Varies throughout District
7. Zoning:	Varies throughout District
8. Description of Project:	Proposed Ordinance No. 130 (Attachment 3) provides an incentive for replacing existing non-residential potable water irrigation with sub-potable water. This ordinance adds the new phrase “Sub-potable Water Use Credit” to the District’s Rules and Regulations. The prerequisite for a Sub-Potable Water Use Credit is the permanent replacement of non-residential potable irrigation water (originating from the Monterey Peninsula Water Resource System or Seaside Groundwater Basin) with: (1) sub-potable water originating from outside the Monterey Peninsula Water Resource System and the Seaside Groundwater Basin, or (2) recycled or reclaimed water from the Carmel Area Wastewater District or Monterey Regional Water Pollution Control District wastewater treatment facilities.
9. Surrounding Land Uses and Setting:	<p>Land uses within the District range from urban and suburban residential and commercial areas to open space/wilderness. The District encompasses the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, portions of Monterey County (primarily Carmel Valley, Pebble Beach and the Highway 68 corridor), and the Monterey Peninsula Airport District (Attachment 1). Each of these jurisdictions regulates land uses within its boundaries. The District does not regulate land uses.</p> <p>The Monterey Peninsula is dependent on local sources of water supply, which (directly or indirectly) are dependent on local rainfall and runoff. The primary sources of supply include surface and groundwater in the Carmel River basin, and groundwater in the Seaside Basin (Attachment 2).</p> <p>Vegetation communities on the Monterey Peninsula include marine, estuarine, and riverine habitats; fresh emergent and saline emergent (coastal salt marsh) wetland communities; riparian communities, particularly along the Carmel River; a wetland community at the Carmel River lagoon; and upland vegetation communities such as coastal scrub, mixed chaparral, mixed hardwood forest, valley oak</p>

woodland, and annual grassland. These communities provide habitat for a diverse group of wildlife. The Carmel River supports various fish resources, including federally threatened steelhead fish and California red-legged frog.

10: Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency)

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or is "potentially significant unless mitigated." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because all potentially significant effects:

- 1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards; and
- 2) have been avoided or mitigated pursuant to an earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project.

Signature:

Date:



8-1-07

Printed Name: David A. Berger

Title: MPWMD General Manager

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section XVIII, EARLIER ANALYSES, may be cross-referenced).
5. The explanation of each issue should identify:
 - a. The significance threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [Section 15063(c)(3)(D)]. In this case, a brief discussion should identify the following:
 - a. **Earlier Analysis used.** Identify and state where they are available for review.
 - b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analyses.
 - c. **Mitigation Measures.** For effects that are "less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used, or individuals contacted, should be cited in the discussion.
8. This checklist has been adapted from the form in Appendix G of the State CEQA Guidelines, as amended effective October 26, 1998 (from website).
9. Information sources cited in the checklist and the references used in support of this evaluation are listed in attachments to this document.

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS Would the project:					
a)	Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Create adverse light or glare effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURAL RESOURCES Would the project:					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Note: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agricultural and farmland.</p>					
III. AIR QUALITY Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations.					
IV. BIOLOGICAL RESOURCES. Would the project:					
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish & Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish & Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES. Would the proposal:					
a)	Cause substantial adverse change in the significance of a historical resource as defined in Sec. 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Cause substantial adverse change in the significance of an archaeological resource pursuant to Sec. 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. GEOLOGIC AND SOILS. Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HYDROLOGY AND WATER QUALITY Would the project:					
a)	Violate any water quality standards or waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
discharge requirements?					
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a property to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:					
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. MINERAL RESOURCES. Would the project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NOISE. Would the project result in:					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. POPULATION AND HOUSING. Would the project:					
a)	Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The project could induce growth by making water available that would otherwise not be available under the District's rules.					
XIII. PUBLIC SERVICES. Would the project result in:					
a)	Substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the following public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. RECREATION. Would the project:					
a)	Increase the use of existing neighborhood and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p align="center">ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i></p>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</p>				■
<p>b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</p>	□	□	■	□
<p>There is the possibility that existing irrigated recreational facilities may be removed to construct or expand non-residential uses on the site. This activity could result in construction or expansion of replacement recreational facilities on-site or on other sites. In this scenario, the new or expanded use would require water from a jurisdiction's previously approved water allocation or sub-potable water, thereby limiting the effect to less than significant.</p>				
<p align="center">XV. TRANSPORTATION/TRAFFIC: Would the project</p>				
<p>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</p>	□	□	□	■
<p>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads and highways?</p>	□	□	□	■
<p>c) Result in a change to air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</p>	□	□	□	■
<p>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p>	□	□	□	■
<p>e) Result in inadequate emergency access?</p>	□	□	□	■
<p>f) Result in inadequate parking capacity?</p>	□	□	□	■
<p>g) Conflict with adopted policies, plans or programs</p>	□	□	□	■

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
supporting alternative transportation (e.g., bus turnouts, bicycle racks)?					
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
There are potential impacts associated with construction from pipelines and new facilities at reclamation facilities. These projects will be subject to separate environmental review by the appropriate Lead Agency.					
c)	Require or result in construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has an adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. MANDATORY FINDINGS OF SIGNIFICANCE					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p align="center">ENVIRONMENTAL ISSUES (See attachments for discussion and information sources)</p>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</p> <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The project may have a less than significant impact on humans as the result of the reuse of saved potable water for non-residential uses during times of water rationing.</p>				
<p align="center">XVIII. EARLIER ANALYSES</p>				
<p>Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration [State CEQA guidelines Section 15063(c)(3)(D)]. In this case a discussion should identify the following on attached sheets.</p> <p>a) Earlier analyses used. <i>Identify earlier analyses and state where they are available for review.</i></p> <p>b) Impacts adequately addressed. <i>Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.</i></p> <p>c) Mitigation measures. <i>For effects that are checked as "Potentially Significant Unless Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.</i></p> <p>Not applicable.</p>				

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Authority: Public Resources Code Sections 21083 and 21087. Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 31083.3, 21093, 21094, 21151; <i>Sundstrom v. County of Mendocino</i> , 202 Cal. App. 3d 296 (1988); <i>Leonoff v. Monterey Board of Supervisors</i> , 222 Cal. App. 3d 1337 (1990).				

DISCUSSION OF CHECKLIST ITEMS:

Based on this Initial Study, the MPWMD believes that adoption of Ordinance No. 130 would have no actual or potentially significant adverse environmental impacts; in fact, the ordinance could result in beneficial effects by the reduction of potable water for irrigation. The MPWMD is aware that CEQA requires preparation of a Negative Declaration if there is no substantial evidence to support a fair argument that the project may cause a significant effect on the environment pursuant to CEQA Guidelines 15063(b)(2). For these reasons, the MPWMD intends to adopt a Negative Declaration regarding adoption of Ordinance No. 130.

“No Impact” Discussion

For the checklist items, the Initial Study conclusion is that Ordinance No. 130 would have “No Significant Impact” on most items. A “Less than Significant Impact” was identified in the following areas: Potential to induce substantial growth (Section XIIa); possible construction or expansion of recreational facilities (Section XIVb); possible construction of new water or wastewater treatment facilities or expansion of existing facilities (Section XVIb); and potential impact to human beings resulting from the reinvestment of a portion of the water saved through this project (Section XVIIc).

A number of checks are put into place in this ordinance to ensure that any use of a Sub-potable Water Use Credit from this project could not exceed the prior potable use and would result in water savings. The project provides an incentive in the form of an on-site water credit for private and public property owners when all potable water irrigation is replaced with sub-potable water. The ordinance limits the source of sub-potable water to (1) either an on-site well or other water distribution system with a source of supply outside the Monterey Peninsula Water Resource System and the Seaside Groundwater Basin, or (2) reclaimed or recycled water from the Carmel Area Wastewater District (CAWD) or Monterey Regional Water Pollution Control Agency (MRWPCA). The ordinance further limits the amount of credit to 75 percent of the original potable use as determined using the landscape water budget (Estimated Applied Water) developed for the existing landscaping and verified with both on-site inspection and review of orthophotography of the site. The remaining 25 percent of the saved water is permanently reserved as conservation savings to reduce overall local water consumption.

Potential for Sub-Potable Water Use Credit

The potential for Sub-Potable Water Use Credits is somewhat limited. There are two tertiary treatment facilities that have existing recycled water distribution systems that serve or will serve a

portion of the general Monterey Peninsula. CAWD supplies reclaimed water to the golf courses and open space in Del Monte Forest via a distribution system and Forest Lake Reservoir owned by the Pebble Beach Community Services District, with limited potential for future use of surplus recycled water elsewhere on the Peninsula¹. The Carmel Area Wastewater District/Pebble Beach Community Services District (CAWD/PBCSD) Wastewater Reclamation Project has limited potential for expansion and has no current plan to expand the project beyond the existing users. Currently, golf courses and irrigated open space in the Del Monte Forest area of Pebble Beach utilize this recycled water for irrigation. To date, due to water quality issues, the project has not been able to replace 100 percent of the pre-project irrigation water needs of the users. This shortfall is in the process of being eliminated by improvements to the CAWD treatment facility and by storage of treated recycled water in the recently rehabilitated Forest Lake Reservoir, which facilities are expected to be complete by mid-2008. Under specified conditions, up to 20 AFY or possibly more of "surplus" recycled water is expected to be available for other beneficial uses on the Monterey Peninsula.

MRWPCA has proposed the Regional Urban Recycled Water Distribution Project which would provide recycled water to replace current potable and sub-potable uses within the Marina Coast Water District, former Fort Ord, and the California American Water Monterey Division service area. According to RBF Consulting in the July 2003 document Regional Urban Recycled Water Distribution Project², the project would provide 300 acre-feet of recycled water to customers on the Monterey Peninsula.

MRWPCA has identified a number of potential sites that could convert to recycled water from the Regional Urban Recycled Water Distribution Project (Attachment 4). The approximate total existing water use of these irrigated areas subject to District regulation is 440 AFY. Assuming the maximum 300 AFY is converted from potable to sub-potable use as a result of this project (Ordinance No. 130), 225 AFY could be documented as "Sub-potable Water Use Credit" and reused on the same sites. Most of the sites identified in the Regional Urban Recycled Water Distribution Project report are unlikely to have major development as their current uses include parks, golf course (Del Monte), etc. On these sites, there is some potential for reuse of saved water for negligible uses such as restrooms, drinking fountains, etc. Other sites such as Monterey Peninsula College (approximately 29 AFY of current irrigation) and several public schools in Seaside (identified in the RBF Consulting document) could reuse 75 percent of the saved water capacity for expansion of the campus facilities.

Small water distribution systems (water wells) are located throughout the District that pump water from water sources not connected to either the Monterey Peninsula Water Resource System or the Seaside Groundwater Basin, both of which are under legal pumping constraints. Conversion of non-residential potable water irrigation to small water distribution system sources of supply outside the regulated systems would qualify for credit under the proposed ordinance. As the project limits credit to non-residential uses, the number of sites that could potentially qualify is limited.

¹ Per Amended and Restated Reclamation Project Construction and Operation Agreement (2005), between CAWD, PBCSD, MPWMD and Pebble Beach Company.

² Regional Urban Recycled Water Distribution Project, prepared by RBF Consulting for Marina Coast Water District and the Monterey Regional Water Pollution Control Agency, July 2003

Restricting the Sub-potable Water Use Credit to 75 percent of the converted demand, and limiting qualification for a Sub-potable Water Use Credit to non-residential use, reduces the potential for consumption above the base to a negligible level. Furthermore, as discussed above, the potential for on-site reuse is limited. The ordinance does not allow transferring Sub-potable Water Use Credits to another site, thereby eliminating any possibility for relocation of the former use.

District Regulation XIII

District staff has identified two scenarios where reduced water savings within the District may occur as the result of this project.

Currently, District Regulation XIII controls the use of sub-potable water. Under Rule 131, the MPWMD Board can declare the availability of sub-potable water as an alternative to irrigating greenbelt areas with Potable water. Rule 11 defines greenbelt to include cemeteries, golf courses, parks, and highway landscaping. Rule 132 describes the process by which the Board declares that potable irrigation is water waste.

Rule 131 is patterned after California Water Code Section 13550, which declares the use of potable domestic water for nonpotable uses as water waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution, if recycled water is available that meets certain conditions.

Creation of Sub-potable Water Use Credits saves about 25% of the Potable irrigation whereas implementation of Rules 131 and 132, as well as Water Code Section 13550, would save 100 percent.

Similarly, State Water Resources Control Board Order No. WR 95-10 ordered California American Water to "obtain water from other sources of supply and make one-for-one reductions in unlawful diversions from the Carmel River." Creation of Sub-Potable Water Use Credits by the District helps address this as a replacement supply.

An argument for adoption of this project (Ordinance No. 130) as it relates to the potential substitution of 300 AFY of potable water with recycled water from MRWPCA without District Board action to implement Rules 131 and 132 is the cost of moving recycled water from MRWPCA into the District could be as high as \$3000 per acre-foot³. In conversations with staff from the City of Monterey, District staff was informed that the high cost of installing infrastructure to facilitate a recycled water distribution system on the Monterey Peninsula was an obstacle to its participation in the project. Prior to consideration of Rules 131 and 132, the ability to obtain a Sub-potable Water Use Credit could provide motivation for Jurisdictions to participate in the recycled water project.

The second scenario identifies the project as impacting community water use due to the potential for non-residential water use that could otherwise be stopped during water rationing or emergencies by

³ Presentation by MRWPCA, April 16, 2007, titled "Interest in Providing Recycled Water to the Monterey Peninsula."

prohibitions on water use for irrigation. Stages 6 and 7 Water Rationing of the District's Expanded Water Conservation and Standby Rationing Plan contain a provision whereby Non-Residential outdoor water use and operation and maintenance of ornamental water uses could be prohibited⁴. Allowing reuse of 75 percent of the water saved for new or expanded non-residential uses on the site reduces the water savings associated with these rules and could potentially impact the amount of water available to other non-residential water users and affect public health. Using the MRWPCA capacity (300 AFY) as an example, the maximum potential loss in water savings is 225 AFY during Stages 6 and 7. The loss of this savings could impact non-residential water users who would be rationed together as a group.

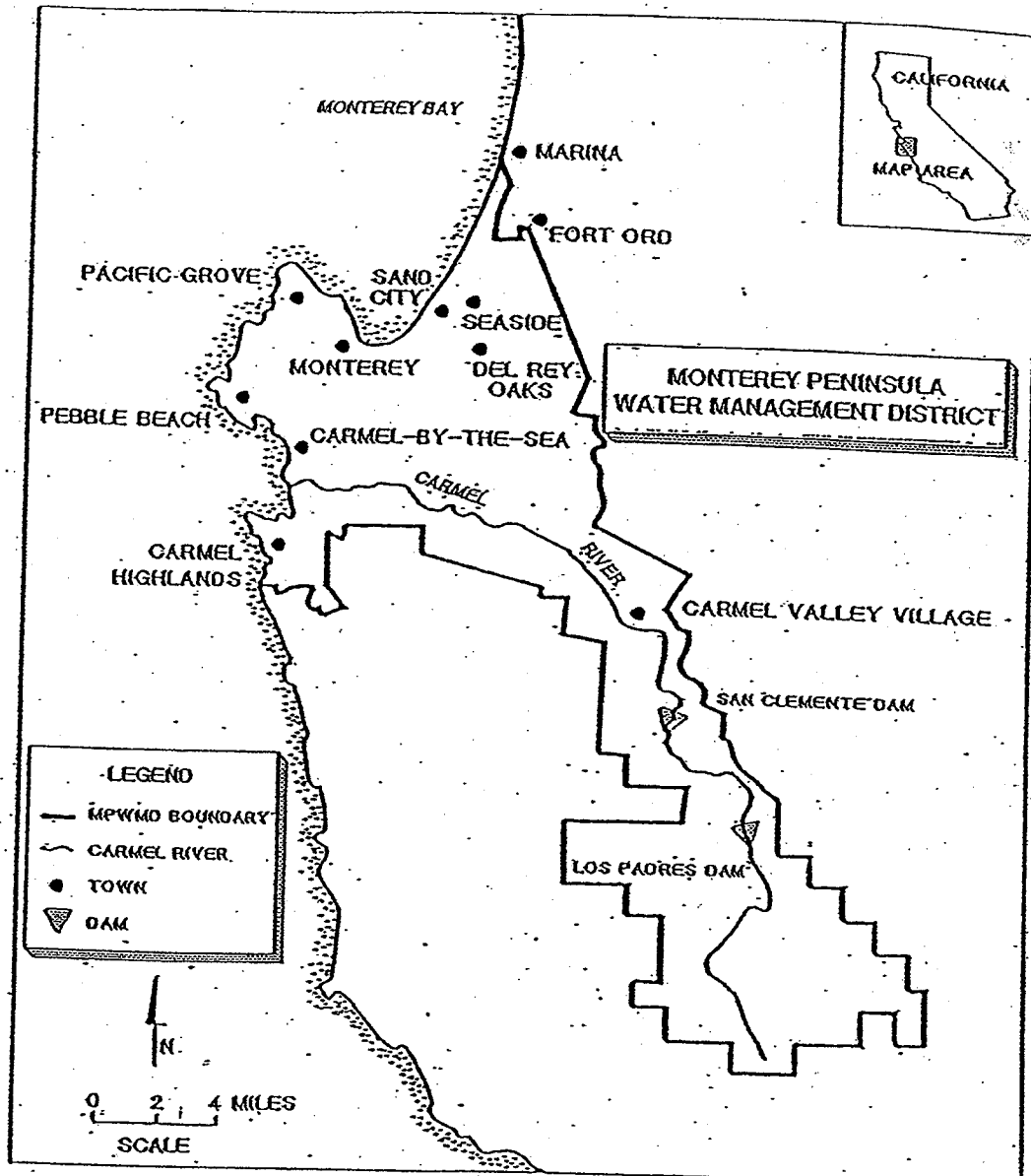
Conclusions

Based on this Initial Study, the Board believes that adoption of Ordinance No. 130 would have no significant environmental impacts. The Board is aware that CEQA requires preparation of a negative declaration if there is no substantial evidence that the project may cause a significant effect on the environment. (CEQA Guidelines §15063(b)(2)). For these reasons, the Board intends to adopt a negative declaration regarding adoption of Ordinance No. 130.

Ordinance No. 130, as well as supporting materials and documents may be reviewed at the MPWMD offices, at the address and phone number listed above. These materials include (a) MPWMD Rules and Regulations; and (b) Regional Urban Recycled Water Distribution Project report, prepared by RBF Consulting for Marina Coast Water District and the Monterey Regional Water Pollution Control Agency, July 2003; and (c) Amended and Restated Reclamation Project Construction and Operation Agreement (2005), between CAWD, PBCSD, MPWMD and Pebble Beach Company. Initial Study conclusions are also based on District staff professional assessments, knowledge and experiences.

U:\demand\CEQA Docs\Ord 130-SubPotable\CEQA GUIDELINES APPENDIX G_Ord 130.doc

⁴ District Rule 166-M, Rule 166-O, and Rule 167-L, found in the Rules and Regulations of the MPWMD.



Attachment 1

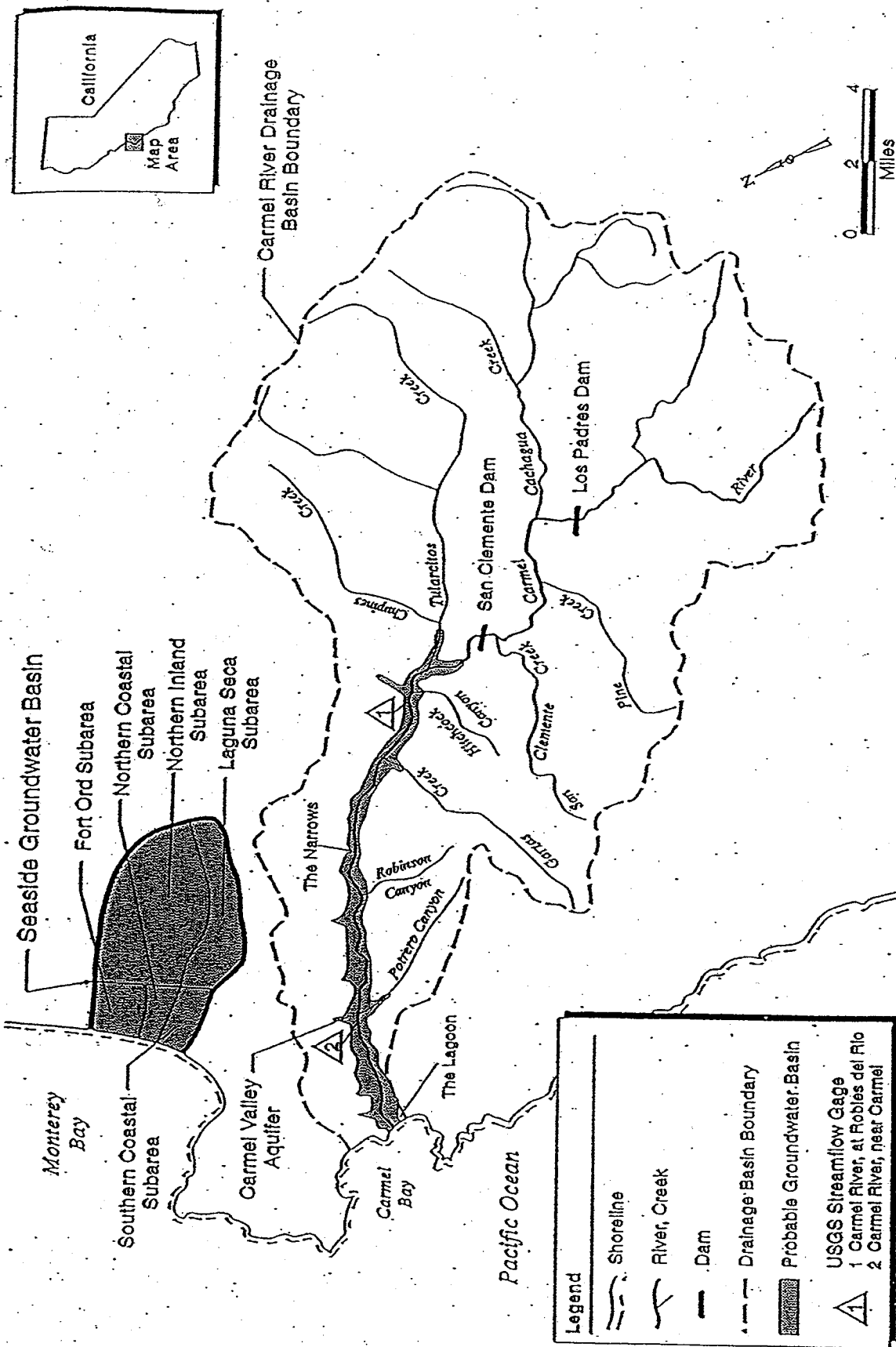


Figure C.1
Carmel River and Tributaries

Source: MPWMD 1994a.



Jones & Stokes Associates, Inc.

1st Reading Draft
ORDINANCE NO. 130

**AN ORDINANCE OF
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
ADDING A PROCESS FOR SUB-POTABLE WATER USE CREDITS
TO THE RULES AND REGULATIONS OF THE DISTRICT**

FINDINGS

1. The Water Management District is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.
2. The Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
3. California State Water Resource Control Board (SWRCB) Order No. WR 95-10, issued in July 1995, ruled that California American Water did not have a legal right to take approximately 69 percent of the water supplied to California American Water users at that time. The SWRCB has set specific goals to reduce water diversions from the Carmel River Basin.
4. Under SWRCB Order No. WR 95-10, California American Water was ordered to reduce its historical diversion from the Carmel River Basin by 20 percent beginning with Water Year 1997 and in each subsequent year.
5. *California American Water v. City of Seaside, et al*, Case No. M66343, resulted in a decision which determined the initial Operating Safe Yield for the Seaside Basin is 5,600 Acre-Feet (Coastal Subarea is 4,611 Acre-Feet and 989 Acre-Feet for the Laguna Seca Subarea). "Operating Safe Yield" is the maximum amount of Groundwater resulting from Natural Replenishment which can be produced from each Subarea for a finite period of years as these terms are defined in the decision. Water conservation is a component to achieving Operating Safe Yield.

6. Sub-potable Water substituted for Potable water from the Monterey Peninsula Water Resource System or Seaside Groundwater Basin sources contributes to water savings through the Water Management District and reduces overpumping of Groundwater that leads to environmental degradation by permanently setting aside 25 percent of the former irrigation use as permanent conservation savings and by setting aside any remaining Sub-Potable Water Use Credit as permanent conservation savings at such time as the credit expires.
7. Providing an incentive for substitution of Sub-potable irrigation water for Potable water in Non-Residential settings encourages conversions, thereby reducing dependence on Potable supplies.
8. Providing incentives to substitute Sub-potable Water for Potable water supports the MPWMD Mission: To Manage, Augment and Protect Water Resources for the Benefit of the Community and the Environment.
9. Substituting Sub-potable Water for Potable water supports the District's legislative function to conserve water.
10. Sub-potable Water is a viable substitute for Potable water used for Landscape and agricultural irrigation, fire protection, urban waterscape, in-building uses, and industrial reuse.
11. A valid Sub-potable Water Use Credit may provide the basis for the General Manager to issue a Water Permit for new, modified, or intensified Non-Residential water use on that Site using the Source of Supply from which the credit originated.
12. This ordinance shall amend District Rule 11, Definitions, to add the definition for Sub-potable Water Use Credit.
13. This ordinance shall amend District Rule 25.5, Water Use Credits and On-Site Water Credits, to refer to Sub-potable Water Use Credits and Rule 134.
14. This ordinance shall add Rule 134, Sub-potable Water Use Credits, to the Rules and Regulations of the MPWMD to allow a Sub-potable Water Use Credit when all Potable irrigation is replaced with Sub-potable Water.

15. This ordinance shall revise, amend and republish Rules 11 and Rule 25.5 of the Rules and Regulations of the Water Management District.

16. Based on the Initial Study and the analysis, documents and record supporting the Initial Study, the Monterey Peninsula Water Management District Board of Directors finds that adoption of Ordinance No. 130 does not have a significant effect on the environment.

NOW THEREFORE be it ordained as follows:

First Reading Draft

ORDINANCE

Section One: **Short Title**

This ordinance shall be known as the **2007 Sub-potable Water Use Credit Ordinance** of the Monterey Peninsula Water Management District.

Section Two: **Statement of Purpose**

The Monterey Peninsula Water Management District enacts this ordinance to provide an incentive for replacing existing Non-Residential Potable water irrigation with Sub-potable Water. This ordinance adds the new definition "Sub-potable Water Use Credit" to the Rules and Regulations. The prerequisite for a Sub-Potable Water Use Credit is the permanent replacement of Non-Residential Potable irrigation water (originating from the Monterey Peninsula Water Resource System or Seaside Groundwater Basin) with: (1) Sub-potable Water originating from outside the Monterey Peninsula Water Resource System and the Seaside Groundwater Basin, or (2) Recycled or Reclaimed Water from the Carmel Area Wastewater District or Monterey Regional Water Pollution Control District wastewater treatment facilities.

Section Three: **Amendment of Rule 11 (Definitions)**

- A. Unless the context specifically indicates otherwise, the following term shall be given the definition set forth below and shall be permanently added to Rule 11, Definitions, of the Rules and Regulations of the District.

SUB-POTABLE WATER USE CREDIT – ***"Sub-potable Water Use Credit" shall mean a Water Use Credit established according to Rule 134 whereby all Potable water irrigation has been permanently replaced with Sub-potable Water.***

Section Four: **Amendment of Rule 25.5 – Water Use Credits and On-Site Water Credits**

- A. Rule 25.5-E shall be revised as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~):

- E. The following types of Permanent Abandonment of Capacity shall qualify for

a Water Use Credit under this Rule:

1. Demolition of a building or use that has been recognized by the District as being a lawful water use;
2. Permanent disconnection of a lawful water use from a Water Distribution System;
3. Residential removal of water fixtures;
4. Permanent installation of non-Mandated water fixtures or appliances.
5. *Permanent replacement of all Potable water irrigation with Sub-potable Water (see Rule 134—Sub-potable Water Use Credit).*

Section Five: Addition of Rule 134 – Sub-potable Water Use Credits

The following text shall be added as Rule 134:

RULE 134 – SUB-POTABLE WATER USE CREDITS

- A. *A Person may receive a Sub-potable Water Use Credit for the replacement of Non-Residential Potable irrigation water (originating from the Monterey Peninsula Water Resource System or Seaside Groundwater Basin) with: (1) Sub-potable Water originating from outside the Monterey Peninsula Water Resource System and the Seaside Groundwater Basin, or (2) Recycled or Reclaimed Water from the Carmel Area Wastewater District or Monterey Regional Water Pollution Control District wastewater treatment facilities.*
- B. *Sub-potable Water Use Credits shall be documented by written correspondence between the District and the property owner.*
- C. *Sub-potable Water Use Credits shall not be documented by notice recorded on a property title.*
- D. *Sub-potable Water Use Credits shall not be transferable to any other Site.*

E. *A Sub-potable Water Use Credit may be applied to and shall allow future water use on that Site at any time within a period of 60 months. After the 60th month, the General Manager shall allow renewal of this Sub-potable Water Use Credit only upon verification that some or all water savings represented by that credit are current (i.e. no Water Permit or other use of the Water Use Credit has occurred). If all savings are not current, a pro-rata reduction shall occur. A single renewal period of 60 months shall be allowed; thereafter any remaining unused Sub-potable Water Use Credit shall expire.*

F. *A Sub-potable Water Use Credit on a Redevelopment Project site may, in addition to the time limits and in the manner set forth above, have its expiration date extended for two (2) additional periods of sixty (60) months each, to afford any such Redevelopment Project a maximum period of two hundred forty (240) months to use that credit.*

G *Sub-potable Water Use Credit shall be calculated as follows:*

1. *The Applicant shall provide the District with a Landscape plan and calculation of the Landscape Water Budget completed by a Landscape Irrigation Auditor for the existing irrigated Landscaping.*

2. *The General Manager shall:*

a. *Conduct an inspection of the Site to document the existing Landscaping and Irrigation System components;*

b. *Verify the Landscape plan matches the existing Landscaping;*

c. *Verify that all Landscaping was properly permitted or pre-dated any District Water Permit requirement. This shall be done by reviewing the District's file(s) for the Site and by comparing the Landscape plan against available orthoimagery. Any unpermitted Landscaping that required a Water Permit shall result in a reduction of the Sub-potable Water Use Credit to coincide with the quantity of water needed for the unpermitted area.*

- d. Review the Landscape Water Budget for accuracy.*
- 3. The General Manager shall reduce the quantity of water estimated in the Landscape Water Budget by 25 percent (25%). The reduced amount shall be permanently set aside to reduce overall community water demand and to ensure that any future Expansion of Use on the Site has no negative impact on the environment.*
- 4. The General Manager shall further reduce the quantity of water estimated in the Landscape Water Budget for any unpermitted Landscaped areas. The reduced amount shall be permanently set aside to reduce overall community water demand.*
- H. A Notice and Deed Restriction Regarding Limitation on Use of Water on a Property and Notice and Deed Restriction to Provide Public Access to Water Use Data shall be recorded prior to documentation of a Sub-potable Water Use Credit.*
- I. Written notification of the quantity and expiration of a Sub-potable Water Use Credit shall be provided to the Applicant and to the property owner.*
- J. A valid Sub-potable Water Use Credit may provide the basis for the General Manager to issue a Water Permit for new, modified, or intensified Non-Residential water use on that Site using the Source of Supply from which the credit originated.*
- 1. There shall be no Connection Charge assessed for any Sub-potable Water Use Credit. Connection Charges, however, shall apply to the Capacity for water use which exceeds the Sub-potable Water Use Credit, or for any Expansion of Use following the expiration of the Sub-potable Water Use Credit.*
- 2. Use of a documented Sub-potable Water Use Credit to offset an Expansion of Use shall cause recordation of an amended Notice and Deed Restriction Regarding Limitation on Use of Water on a Property.*

3. *No Connection Charge refund shall accrue by reason of a water use reduction or abandonment of Capacity, whether or not reflected by a Sub-potable Water Use Credit.*
 4. *Issuance of a Sub-potable Water Use Credit shall not result in any change to a Jurisdiction's Allocation or to any Water Entitlement. Use of any Sub-potable Water Use Credit shall similarly not result in a change to a Jurisdiction's Allocation or any Water Entitlement.*
- K.** *A Sub-potable Water Use Credit shall enable reuse of saved water on the Site and may be moved between one or more structures on the same Site or used to construct new uses on the same Site, subject to the provisions of this Rule.*

Section Six: **Publication and Application**

The provisions of this ordinance shall cause the amendment and republication of Rule 11 and the addition of Rule 134 to the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

Section Seven: **Effective Date**

This ordinance shall be given effect at 12:01 a.m. on October 18, 2007.

Section Eight: **Sunset**

This ordinance shall not have a sunset date.

Section Nine: **Severability**

If any subdivision, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect

the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director _____, and second by Director _____, the foregoing ordinance is adopted upon this _____ day of _____, 2007, by the following vote:

AYES:

NAYS:

ABSENT:

I, David A. Berger, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true, and correct copy of an ordinance duly adopted on the _____ day of _____, 2007.

Witness my hand and seal of the Board of Directors this _____ day of _____, 2007.

David A. Berger, Secretary to the Board

Sub-potable Water Use Credit/Water Savings Projection
 Compiled by Robert Cline, Conservation Representative, MPWMD,
 July 2007

The following calculations are based on the Regional Urban Recycled Water Distribution Project (RBF Report), prepared by RBF Consulting for the Marina Coast Water District and the Monterey Regional Water Pollution Control Agency, dated July 2003. These estimates use only the "Conservation Irrigation Practices" shown in the RBF Report, rather than the "Existing Irrigation Practices". As stated in the RBF Report, "...the Water Conservation Demand Scenario is developed by adjusting the Application Efficiencies and Water Management Efficiencies based on future improvements in applying and managing irrigation water that are anticipated through proactive and aggressive water conservation programs...The Conservation Scenario presents the anticipated least amount of irrigation demand that results in a healthy, vigorous landscape, achievable using available technologies and active site management practices..." Therefore, the Conservation Scenario, in the context of a Sub-potable Water Use Credit Program, would be the conservative approach, as it does not reward for over-irrigation or water waste.

Sites Identified as Potential Recycled Water Recipients Located Within MPWMD and Served by Water Distribution Systems Regulated by MPWMD					
Site No.	Location	Customer	Use	Area (acre)	Conservation Irrigation Practices (AFY)
133	Monterey	Jack's Park	landscape	3.7	7
134	Monterey	San Carlos Catholic Cemetery	landscape	10.0	19
135	Monterey	Recreation Trail	landscape	4.0	8
136	Monterey	Monterey Bay Park	landscape	12.0	23
150	Monterey/ MoCo	Del Monte Golf Course	golf course	75.0	188
101	Seaside	Ord Terrace School	play field	2.0	5
102	Seaside	Havana Soliz Park	park area	0.5	1
103	Seaside	Cunningham Park	park area	1.0	2
104	Seaside	Manzanita School	play field	1.5	4
105	Seaside	Martin Luther King School	play field	1.5	4
106	Seaside	Portola Leslie Park	park area	1.0	2
107	Seaside	Mescal Neil Park	park area	0.5	1
108	Seaside	Housing Area & Misc Parks	park area	3.0	7
109	Seaside	Highland School	play field	1.0	3

110	Seaside	Del Rey Woods School	play field	2.0	5
111	Seaside	Laguna Grande Park (Seaside Portion)	park area	3.0	7
120	Sand City	Granite Rock Concrete	industrial	?	7
130	Monterey	Laguna Grande Park (Monterey Portion)	park area	1.5	4
131	Monterey	Monterey County Fairgrounds	landscape	3.0	6
132	Monterey	MPC - Main Campus	landscape	15.0	29
137	Monterey	Ryan Ranch Park	landscape	60.0	114
Total Estimated Irrigation Demand					446

Of the above sites, it appears that numbers 102-109 are within the Seaside Municipal Water Distribution System service area. Number 131 (Monterey County Fairgrounds) has an on-site well in addition to a California American Water connection. California American Water usage records, compared to the well production reports, seem to indicate that the private well on this site is used for landscape irrigation and that California American Water is used for interior uses only. Therefore, this site will not be included in the estimates below.

The projected total conservation irrigation in acre-feet per year (AFY) of the above sites (excluding the Monterey County Fairgrounds) is approximately 440 AFY. All of the above sites are within the MPWMD jurisdiction/boundary, and served by California American Water (CAW) or Seaside Municipal. The sites currently served by Seaside Municipal (shaded) would use approximately 29 AFY (of the total 440 AFY) by using conservation irrigation practices.

As stated in the RBF Report, "This project proposes to provide 300 AFY to recycled water customers on the Monterey Peninsula." The total amount of water needed for irrigation at the above sites exceeds the planned, available reclaimed supply by 140 AFY. Even after subtracting the Seaside Municipal sites from the total, the demand exceeds the recycled supply by 111 AFY for those properties currently served by CAW. Based on the RBF Report calculations, not all of the above sites will be completely accommodated or served with recycled water. Therefore, the remaining calculations will only use the actual, available 300 AFY in estimating the total water savings potential.

If the full 300 AFY were to permanently replace CAW service for irrigation purposes on many of the above sites, the District would withhold 25 percent of this amount as permanent water savings. Therefore, the actual Sub-potable Water Use Credit given to these properties for future CAW use could be 225 AFY. Most of the above sites are not likely have major development or build-out occur, as their current uses include parks, golf course, cemetery, recreation areas, etc.

Assuming that 75 percent of the saved water (i.e. Sub-potable Water Use Credit) will be reused on the site, approximately 225 AFY of potable water use would continue. Given this scenario, the proposed Sub-potable Water Use Credit program has the potential to save 75 AFY for projects converting from potable supply to recycled water from MRWPCA.