



RESOLUTION NO. 2012-04

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT APPROVING THE FULL IMPLEMENTATION OF AQUIFER STORAGE AND RECOVERY WATER PROJECT 2

FINDINGS

Board of Directors of the Monterey Peninsula Water Management District (MPWMD or District) makes the following Findings of fact:

1. The MPWMD is a public agency, authorized in 1977 by the California Legislature (Chapter 527 of the Statutes of 1977, as amended, found at West's Water Law Appendix, Section 118-1, et seq.). The voters of the Monterey Peninsula ratified creation of the District in June 1978. The District holds comprehensive authority to integrate management of the ground and surface water resources in the Monterey Peninsula area.
2. The Monterey Peninsula has an insufficient supply of water available to it, and whereas this lack of water supply has been exacerbated by the effects of State Water Resources Control Board (SWRCB) Order 95-10, and the listing of the California red-legged frog and Central California Coast steelhead fish as threatened species under the federal Endangered Species Act.
3. The District and California-American Water Company ("CAW"), an investor owned, public utility providing water service to the Monterey Peninsula, jointly developed and are currently operating Water Project 1, a component of the Seaside Groundwater Basin ("SGB") Aquifer Storage and Recovery ("ASR") Project, which is comprised of two injection wells, a backflush pit to receive well water unsuitable for distribution, and appurtenant facilities at the Santa Margarita site, including facilities to treat, monitor, and convey/distribute water.
4. The District and CAW desire to further the environmental benefits and operational flexibility beyond those currently being achieved by the existing ASR facilities by fully implementing the recently planned, permitted, and designed Water Project 2, which would increase the injection and extraction capacity of the ASR Project without resulting in any significant adverse impacts.
5. The Final Environmental Impact Report/Environmental Assessment for the Phase 1 Aquifer Storage and Recovery Project ("Phase 1 EIR/EA") (State Clearinghouse #2004121065) was prepared pursuant to the California Environmental Quality Act (CEQA) to address the environmental effects, mitigation measures, and project

- alternatives associated with the implementation of Phase 1 of the ASR Project and actions related thereto.
6. The District/CAW ASR Project entails diverting groundwater from the Carmel River Alluvial Aquifer when there are excess winter flows in the Carmel River from December 1st through May 31st, conveying the water to the Seaside Basin via the existing CAW delivery system, and injecting the water into specially-constructed ASR wells for subsequent recovery and delivery to CAW customers during the dry season of the year (June 1st through November 30th).
 7. Development of ASR facilities at the Fitch School (now called the Seaside Middle School) site was described and analyzed as a "non-contiguous" alternative ASR site in the Phase 1 EIR/EA.
 8. The MPWMD Directors, by Resolution 2006-04, certified the Phase 1 EIR/EA as complete and adequate and fully in compliance with all requirements of CEQA on August 21, 2006.
 9. On August 30, 2006, the District's Notice of Determination was filed with the Clerk of the County of Monterey.
 10. The State of California Regional Water Quality Control Board (Central Coast Region) authorized ASR Project injections under the National Pollutant Discharge System: General Waiver of Specific Types of Discharges (Resolution R3-2008-0010) in June and July of 2007.
 11. The SWRCB approved Amended Permits 20808A and 20808B to allow some of the water rights from the 1995 New Los Padres Reservoir Project (Decision 1632) to be applied to ASR.
 12. In August 2008, MPMWD began negotiations with the Monterey Peninsula Unified School District (MPUSD) for potential use of the Seaside Middle School site as a future ASR facility site, and the District, in partnership with CAW, conducted exploratory drilling and monitoring well construction in October 2009, which confirmed the geology at the site as suitable for construction of new ASR wells.
 13. The District filed a Notice of Exemption in June 2010, in compliance with CEQA, for conducting an assessment of expansion of the ASR Project to include additional wells at the Seaside Middle School site and construction of the test well facilities that subsequently occurred in August 2010.
 14. On November 30, 2011, MPWMD and CAW received Amended Permit for Diversion and Use of Water (Permit #20808C) from the SWRCB for ASR Water Project 2, the subject of this Resolution.
 15. Full implementation of Water Project 2, the proposed project considered by an April 2012 Addendum to the Phase 1 EIR/EA, includes the conversion of a full-scale test well to a permanent, operational well (the 3rd ASR Well, or ASR-3), plus construction, testing and operation of a new ASR well (the 4th ASR Well, or ASR-4), a new backflush

percolation basin, new appurtenant pipelines and valves, and a new small building to house the well control equipment (replacing the current fenced area enclosing electrical equipment on the site) at the Seaside Middle School site. Figures 1 and 2 of the Addendum portray these facilities.

16. Amended SWRCB Permit #20808C authorized MPWMD and CAW to divert an additional maximum of approximately 2,900 acre-feet per year (AFY), depending upon rainfall and operational limitations from the Carmel Valley Alluvial Aquifer, for injection into the Seaside Groundwater Basin via proposed Water Project 2 facilities, if minimum instream flow requirements in the permit are met.
17. Full implementation of Water Project 2 is estimated to yield an average of 1,000 AFY, which is additive to the estimated average yield of 920 AFY currently occurring, to further reduce diversions from the Carmel Valley Alluvial Aquifer during the dry season (June 1 – November 30), as required by Amended Permit #20808C.
18. MPWMD has prepared an April 2012 Addendum to the Phase 1 EIR/EA supported by an Initial Study Checklist (hereinafter, "Addendum") to comply with CEQA, to support any and all future discretionary approvals for full implementation of ASR Water Project 2, and to provide the basis for the findings contained herein.
19. The Phase 1 EIR/EA found that Phase 1 ASR would not result in any significant and unavoidable impacts, and as outlined in the Addendum, full implementation of ASR Water Project 2 would also not result in any significant and unavoidable impacts.
20. CEQA Guidelines Section 15164 requires a lead agency or responsible agency to "prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 calling for preparation of a subsequent EIR have occurred."
21. As evidenced in the Addendum, full implementation of ASR Water Project 2 would involve some changes or additions to the project and alternatives previously analyzed in the Phase 1 EIR/EA, but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.
22. As evidenced in the Addendum, full implementation of the ASR Water Project 2 would have no significant adverse effects on the environment with implementation of mitigation measures presented in the Phase 1 EIR/EA.
23. As evidenced in the Addendum, the construction and operation of ASR facilities at the ASR Water Project 2 site have been described and previously evaluated in the Phase 1 EIR/EA, and the on-site, site-specific significant adverse effects of the full implementation of ASR Water Project 2 have been identified.
24. As evidenced in the Addendum, full implementation of ASR Water Project 2 would not result in any new significant adverse impacts.

25. As evidenced in the Addendum, full implementation of ASR Water Project 2 would not result in any increase in severity of previously identified significant impacts.
26. As evidenced in the Addendum, no circumstances have changed since the consideration of the Phase 1 EIR/EA that would trigger a new significant adverse impact or a worsening in severity of any previously identified significant impacts.
27. As evidenced in the Addendum, no new information of substantial importance has been identified or presented to the District such that full implementation of Water Project 2 would result in: 1) significant environmental effects not identified in the Phase 1 EIR/EA, or 2) more severe environmental effects than shown in the Phase 1 EIR/EA, or 3) require mitigation measures which were previously determined not to be feasible, or mitigation measures that are considerably different from those recommended in the Phase 1 EIR/EA.
28. The April 2012 Mitigation Monitoring Plan prepared for ASR Water Project 2 meets the requirements of the California Environmental Quality Act (Public Resource Code, Section 21081.6).
29. Section 21081 of the Public Resources Code and Section 15091 of the CEQA Guidelines require that the District Board make findings prior to approval of a project (along with statements of facts supporting each finding).
30. The Board of Directors has reviewed and considered the Phase 1 EIR/EA and the April 2012 Addendum in their entirety and find that the Phase 1 EIR/EA and Addendum are adequate for the purpose of approving full implementation of ASR Water Project 2. The District hereby relies upon the contents of those documents and the associated CEQA processes for its CEQA compliance on the action of approval of full implementation of ASR Water Project 2.
31. The District intends to conduct all future activities associated with ASR Water Project 2 in accordance with the Phase 1 EIR/EA and the Addendum; or alternatively, and if needed to comply with CEQA, the District would amend, supplement or otherwise conduct new environmental review prior to a discretionary approval of such action that would directly or indirectly commit them to undertake a project or action involving a physical change to the environment that differs from the ASR Water Project 2 as described in the Addendum.
32. This Resolution is adopted pursuant to the California Environmental Quality Act, codified at Sections 21000 and following of the Public Resources Code ("CEQA"), and the CEQA Guidelines codified at Title 14, Sections 15000 and following of the California Code of Regulations ("CEQA Guidelines").

NOW, THEREFORE, BE IT RESOLVED, that Board of Directors of the District determines each Finding set forth above to be true and correct, and by this reference incorporates each as an integral part of this Resolution. Based on these Findings, the Board of Directors hereby makes the following resolutions:

1. The Board of Directors of the District, pursuant to CEQA Guidelines Sections 15164(d), has reviewed and considered the information contained in the Phase 1 EIR/EA, April 16, 2012 District Staff Notes, the April 2012 Addendum and April 2012 Mitigation Monitoring Plan, and the previously adopted Findings (included as Exhibit 10-C of the August 21, 2006 MPWMD Board Agenda Packet), as well as the documents incorporated by reference into the Phase 1 ASR EIR/EA and the Addendum.
2. The Board of Directors of the District, hereby approves and adopts the April 2012 Addendum to the Phase 1 EIR/EA.
3. The Board of Directors of the District hereby adopts the April 2012 Mitigation Monitoring Plan for ASR Water Project 2.
4. The Board of Directors of the District hereby relies upon and adopts the CEQA Findings (Exhibit 10-C of the August 21, 2006 Board Packet), as modified by information in this resolution and the April 2012 Addendum.
5. The Board of Directors of the District hereby approves the full implementation of ASR Water Project 2 and authorizes the General Manager to execute all documents and to perform all other necessary acts to implement this Resolution.
6. The Secretary of the Board or his/her designee is directed under the authority granted by the Board to file the Notice of Determination for the approval of the full implementation of the ASR Water Project 2.
7. The record of the proceedings and evidence for approval of the full implementation of ASR Water Project 2 on April 16, 2012 which was considered by the District Board in their decision is comprised of the following:
 - A. The Phase 1 ASR EIR/EA (certified August 21, 2006).
 - B. Addendum to the Phase 1 ASR EIR/EA and supporting Initial Study Checklist (April 2012).
 - C. The Mitigation Monitoring Plan for the Full Implementation of ASR Water Project 2 (April 2012).
 - D. The proceedings before the District Board relating to the certification of the Phase 1 ASR EIR/EA, approval of the Phase 1 ASR Mitigation Monitoring Plan, and approval of the Phase 1 ASR Project on August 21, 2006, including Findings of Fact and Mitigation Monitoring Plan for the Phase 1 ASR Project, as well as testimony and documentary evidence introduced at the meeting.
 - E. All attachments, documents incorporated, and references made in the documents specified in items (A) through (D) above.
8. If any subdivision, paragraph, sentence, clause or phrase of this Resolution is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this Resolution. 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.

9. This Resolution shall become effective immediately following its passage and adoption.

On motion of Director Markey, and second by Director Lewis, the foregoing Resolution is duly adopted this 16th day of April, 2012, by the following vote:

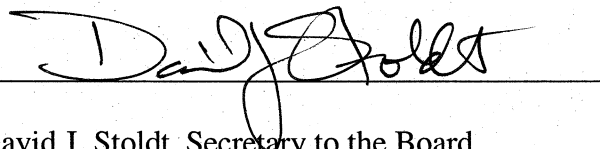
AYES: Directors Markey, Lewis, Lehman, Byrne and Pendergrass

NAYS: None

ABSENT: Directors Brower and Potter

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted on the 16th day of April 2012.

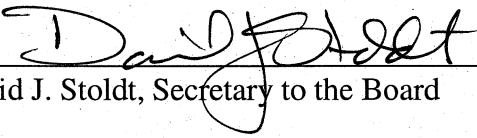
Witness my hand and seal of the Board of Directors this 23rd day of April 2012.

A handwritten signature in black ink, appearing to read "David J. Stoldt", is written over a horizontal line.

David J. Stoldt, Secretary to the Board

COPY CERTIFICATION

I, David J. Stoldt, 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 Resolution No. 2012-04 duly adopted on the 16th day of April 2012.



David J. Stoldt, Secretary to the Board

4.20.12
Date