RESOLUTION No. 2006-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT CERTIFYING THE FINAL EIR/EA, ADOPTING THE MITIGATION MONITORING PLAN, AND APPROVING THE MPWMD PHASE 1 AQUIFER STORAGE AND RECOVERY PROJECT

WHEREAS, the Board of Directors of the Monterey Peninsula Water Management District (MPWMD) has directed that its staff pursue aquifer storage and recovery (ASR) as a means to facilitate conjunctive use of local water resources for the benefit of the environment and the community;

WHEREAS, MPWMD has carried out a successful testing program for ASR since 1996;

WHEREAS, the MPWMD Board of Directors in March 2005 directed that an Environmental Impact Report (EIR) be prepared on the MPWMD Phase 1 ASR Project;

WHEREAS, the Phase 1 ASR Project is comprised of a second injection well at the existing MPWMD Santa Margarita Test Injection Well (SMTIW) site along with a new pipeline section along General Jim Moore Boulevard to deliver water to the site, with a primary purpose to divert excess flows from the Carmel River Basin between December and May for injection into the Seaside Groundwater Basin, for later extraction in dry periods to help reduce pumping from the Carmel River and associated adverse environmental effects;

WHEREAS, in coordination with the U.S. Army at Fort Ord and California American Water (Cal-Am), the EIR document was revised to become a combined EIR and Environmental Assessment (EIR/EA) to include a temporary pipeline to be constructed by Cal-Am in 2006;

WHEREAS, the Draft EIR/EA was circulated for public review for at least 45 days from March 23 through May 8, 2006 with an extension provided until May 22, 2006, in compliance with the California Environmental Quality Act (CEQA);

WHEREAS, twelve comment letters and two oral comments (with some duplications) were received;

WHEREAS, the MPWMD staff and consultants responded to each comment submitted, including meetings and additional data exchanges with key federal and state commenting agencies, and revised the text and Mitigation Monitoring Plan in the Final EIR/EA based on the comments received;

WHEREAS, responses to comments and revised Final EIR/EA text have been provided in a timely manner to each commenting public agency in compliance with CEQA;

WHEREAS, CEQA Findings have been prepared to support the certification of the Final EIR/EA; and

WHEREAS, a Mitigation Monitoring Plan has been prepared to identify measures to reduce Project impacts to a less than significant level and identify responsibility for mitigation measure implementation, monitoring and reporting.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Monterey Peninsula Water Management District as follows:

1. The EIR has been prepared in compliance with the provisions of the California Environmental Quality Act and the State CEQA Guidelines.

2. The MPWMD Board of Directors, and each participating Director, have reviewed and considered the information contained in the Final EIR/EA for the MPWMD Phase 1 ASR Project prior to deciding whether or not to ratify its designation of the proposed project (i.e., second injection well at SMTIW site and associated facilities) as the project that should be constructed.

3. The Final EIR/EA reflects the independent judgment of the MPWMD Board of Directors.

4. The Final EIR/EA is adequate and may be used by MPWMD and other agencies for decision-making purposes.

5. The MPWMD Board of Directors adopts the accompanying *Findings Relating to Certification of the MPWMD Phase 1 Aquifer Storage and Recovery Project EIR and Determining Compliance with the California Environmental Quality Act* ("CEQA Findings"), provided as **Exhibit 10-C**.

6. The MPWMD Board of Directors adopts the accompanying Mitigation Monitoring Plan provided as **Exhibit 10-D**.

7. The MPWMD Board of Directors hereby certifies the Final EIR/EA, approves the Phase 1 ASR Project, and determines that the Phase 1 ASR Project it will not have a significant effect on the environment.

8. The MPWMD Board of Directors directs staff to post a Notice of Determination of this action in accordance with Section 15094 of the CEQA Guidelines.

On motion by Director Edwards and seconded by Director Potter, the foregoing Resolution is duly adopted this 21st day of August 2006 by the following votes:

AYES: Directors Edwards, Foy, Knight, Lehman, Markey, Pendergrass and Potter

NAYS: None

ABSENT: None

I, David A. Berger, 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 the Resolution duly adopted on the 21st day of August 2006.

Witness my hand and seal of the Board of Directors this 22nd day of August 2006.

David A. Berger
Secretary to the Board

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Final, HS 8/14/06

EXHIBIT 10-C

FINDINGS RELATING TO CERTIFICATION OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT PHASE 1 AQUIFER STORAGE AND RECOVERY PROJECT EIR AND DETERMINING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Board of Directors (Board) of the Monterey Peninsula Water Management District (MPWMD or District) makes the following findings in support of its determination to certify the Phase 1 Aquifer Storage and Recovery Project Environmental Impact Report/Environmental Assessment (EIR). By adopting these findings, the Board determines that it has complied with the requirements of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code section 21000, et seq.

I. INTRODUCTION

1. The MPWMD was created by the California Legislature in 1977 and ratified by local voters in 1978. In creating the MPWMD, the Legislature declared that "there is a need for conserving and augmenting the supplies of water by integrated management of ground and surface water supplies, for control and conservation of storm and wastewater, and for promotion of the reuse and reclamation of water." Water Code Appendix §118-2.

2. MPWMD has three primary responsibilities. The first is to manage the development of potable water supplies and the delivery of this water to users in the Monterey Peninsula area. The second is to protect the Monterey Peninsula area from drought impacts. The third is to protect the environmental quality of the Monterey Peninsula area's water resources, including the protection of instream fish and wildlife resources. The relationship among these three responsibilities is complex, and MPWMD must balance competing interests so as to satisfactorily, if not optimally, achieve each of its three primary responsibilities.

3. The Carmel River supports a variety of fish populations, including what the California Department of Fish and Game has described as the state's largest self-sustaining steelhead resource south of San Francisco and the second largest fishery for this species south of San Francisco. Of the fish resident in the Carmel River, the steelhead is considered the most important, and extensive investigations have been done to define its ecology in the river. The steelhead is the most sensitive species and, as such, the most vulnerable. Maintenance of conditions suitable for continuation of the steelhead run in the Carmel River will benefit other fish and habitat values as well.

4. While it continues to pursue development of new water resources, the MPWMD must carefully manage the Monterey Peninsula area's currently limited water supplies. The District does this principally by regulating the amount of water that can be produced and delivered by public and private water distribution systems within the boundaries of the MPWMD.

5. This EIR has been prepared to comply with CEQA. MPWMD is proposing to construct and operate an aquifer storage and recovery (ASR) project that would allow diversion of a limited amount of excess flow from the Carmel River for storage in, and later recovery from, the Seaside Groundwater Basin. The Phase 1 ASR Project (Project or Proposed Project) would divert up to 2,426 acre-feet (AF) per year from the Carmel River between December and May. Because the ASR project would include construction of an injection/extraction well and underground permanent pipeline on a portion of the former Fort Ord that is still under federal ownership, the U.S. Army (Army) has requested that an Environmental Assessment (EA) be prepared to disclose the environmental effects of the ASR Project. The EA has been prepared to comply with the National Environmental Policy Act (NEPA).

6. California American Water (Cal-Am) is also proposing to construct a temporary, aboveground water pipeline on former Fort Ord to connect the existing and new MPWMD ASR wells to the existing Cal-Am water delivery system. Although the City of Seaside has completed CEQA compliance for the temporary pipeline, there is no NEPA compliance documentation. Therefore, the Army has requested that the Project EIR also disclose the effects of the temporary pipeline. This has been done through preparation of a joint EIR/EA.

7. Therefore, this EIR serves two functions: (1) it serves as CEQA and NEPA compliance for MPWMD and the Army, respectively, for the ASR project and its alternatives, including a No Action/No Project (No Project) Alternative; and (2) it serves as NEPA compliance to support the Army's decision on the construction and removal of Cal-Am's temporary aboveground pipeline. The lead agency for CEQA compliance in this document is MPWMD; the lead agency for NEPA compliance is the Army.

8. These are the CEQA findings prepared by the MPWMD as lead agency for the Proposed Project. These findings pertain to the Project and the EIR prepared for that Project, SCH #20014121065. The Draft EIR, the Final EIR, and all the appendices comprise the "EIR" referenced in these findings.

9. These CEQA findings are attached as Exhibit 10-C and incorporated by reference into the MPWMD Board of Directors Resolution No. 2006-04 certifying the EIR. That resolution also incorporates an Exhibit 10-D, which contains the Mitigation Monitoring Plan (MMP), and which references the Project's impacts, mitigation measures, levels of significance before mitigation, and resulting levels of significance after mitigation. The MMP identifies the responsible parties for mitigation measure implementation, monitoring, and reporting.

Required CEQA Findings of Fact:

10. CEQA requires the lead agency (i.e., MPWMD) to make written findings whenever it decides to approve a project for which an EIR was certified (Public Resources Code Section 21081). The findings explain how the lead agency approached the significant impacts identified in the EIR. "Significant impacts" includes those adverse effects of the project that can be reduced to a less-than-significant level as a

result of the mitigation measures identified in the EIR. The State CEQA Guidelines (Title 14, California Code of Regulations) further explain the required findings.

11. Specifically, Section 15091 of the State CEQA Guidelines states that:

> "(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
>
> > "(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
> >
> > "(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
> >
> > "(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
>
> "(b) The findings required by subsection (a) shall be supported by substantial evidence in the record."

12. The "changes or alterations" referred to in the Guidelines may be mitigation measures, alternatives to the project, or changes to the project by the project proponent. "Substantial evidence" means factual evidence, including expert opinion supported by facts.

13. With respect to findings (a)(1) stated above, all measures contained in the final EIR that mitigate significant impacts associated with the Proposed Project are within the authority and jurisdiction of the MPWMD.

14. In addition to describing the disposition of the various significant effects identified in the EIR, the findings must also explain why the project alternatives described in the EIR are not being selected for implementation. In other words, the MPWMD is required to describe the specific economic, legal, social, technological, or other considerations that make each alternative "infeasible", as defined in Finding 50 below.

Required Statement of Overriding Considerations:

15. CEQA prohibits an agency from approving a project that will have significant, unavoidable environmental impacts unless the agency adopts a statement describing the specific benefits of the project that will outweigh its expected unavoidable impacts. If the project's specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable, notwithstanding the fact that they cannot be avoided. This "statement of overriding considerations" must be supported by substantial evidence (State CEQA Guidelines Section 15093).

16. Because the Project would not result in any significant and unavoidable impacts, these Findings do not include a Statement of Overriding Considerations.

II. THE PROJECT AND ALTERNATIVES

17. MPWMD is proposing to construct and operate an aquifer storage and recovery (ASR) project that would allow diversion of a limited amount of excess flow from the Carmel River for storage in, and later recovery from, the Seaside Groundwater Basin. The Project would divert up to 2,426 acre-feet (AF) per year from the Carmel River between December and May. The ASR project would utilize new and existing water delivery facilities. New MPWMD facilities would include:

- an injection/extraction well located on land owned and managed by the Army on the former Ford Ord military base or on land owned by the City of Seaside, and
- an enlarged pipeline connecting both the existing and proposed injection/extraction wells with the Cal-Am temporary pipeline that would be located west of General Jim Moore Boulevard.

The Project would allow MPWMD to divert water from the Carmel River during times of high flows and store it in the Seaside Groundwater Basin for use during drier times of the year.

18. The MPWMD has evaluated a full range of alternatives in the EIR that have the potential to meet the project purpose of protecting Carmel River natural resources and Seaside Groundwater Basin water resources through improved water management within MPWMD's boundaries. The EIR includes evaluation of the following alternatives:

- No Project Alternative. The No Project Alternative would leave Cal-Am's water supply management of the Carmel River and Seaside groundwater basin as it exists, including current diversions from the Carmel River. No new ASR facilities would be constructed. MPWMD would continue to operate its ASR test well until the temporary authority to divert water from the Carmel River for testing is ended by the State Water Board.
- Non-Contiguous New Injection/Extraction Well. This well would be located adjacent to Fitch Middle School on the west of General Jim Moore Boulevard. The pipeline that would connect this new well to the Cal-Am water supply system would extend approximately 500 feet to the new 16-inch line described above for the existing well.

This connection would occur west of General Jim Moore Boulevard. Approximately 0.7 acre of land would be cleared to accommodate the new well and its associated facilities.

- Local Desalination Plant. The desalination plant would be located at one of three sites in Sand City. Depending on the seawater collection and brine disposal methods used, the proposed desalination plant could produce up to 8,400 AFY. This would help Cal-Am meet the provisions of State Water Board Order WR 95-10, maintain its existing total system production of 15,285 AFA (maximum dry-year demand), and continue to provide a reliable supply of water to the Monterey Peninsula customers. The desalination plant would use the reverse osmosis (RO) process to remove salts from seawater. This process would be about 50% efficient; therefore, the desalination plant would require 15 mgd of feedwater to produce 7.5 mgd of potable water. At the same time, the plant would produce about 7.5 mgd of brine concentrate that would be returned to the ocean.

- Wastewater Reclamation. Reclaiming wastewater could supplement water supplies in the Cal-Am service area by replacing potable water used for irrigation or by recharging one of the groundwater basins used by Cal-Am. Three projects have been identified that would provide this water source. One is the Regional Urban Water Augmentation Project (RUWAP) being pursued jointly by the MRWPCA and the Marina Coast Water District (MCWD). A second is the Groundwater Replenishment Project (GRP) being pursued by the MRWPCA. The third is the expansion of the existing Carmel Area Wastewater District (CAWD)/Pebble Beach Community Services District (PBCSD) reclamation project.

- Off-stream Storage. Off-stream storage involves capturing and storing excess winter flows from the Carmel River at a surface water storage reservoir or groundwater basin for subsequent delivery to Cal-Am customers during summer months, or during drought years. Potential off-stream storage sites include surface water storage sites on Chupines Creek, Cachagua Creek, San Clemente Creek, and on the former Fort Ord. The potential groundwater storage site is the Tularcitos aquifer in the Carmel River watershed. Surface water storage includes capturing excess flows from the Carmel River and transporting this water to an off-stream storage reservoir. The use of groundwater storage in the Tularcitos Aquifer would require dual-purpose injection/extraction wells for storage and subsequent recovery of water. Water stored in an off-stream storage reservoir or groundwater basin in the Carmel River watershed would be conveyed by pump stations and pipelines to the Carmel Valley filter plant, or to a new water treatment plant located in the Carmel Valley, for treatment and delivery to Cal-Am customers.

- Stormwater Reuse. Stormwater reuse is the capture of runoff during storm events and the use of this runoff for irrigation or groundwater recharge. Required facilities for large-scale reuse projects would include collection and conveyance pipelines, storage reservoirs, treatment facilities, and distribution pipelines. Small-scale reuse options include cisterns at individual residences. Because of the large capital costs associated with large-scale facilities and the variability of storm events, this option is not being considered. The storage capacity of a cistern would range from 75 to 2,000 gallons. It is anticipated that use of cisterns in the Monterey area would yield approximately 60 to 120 AFA, assuming a 25% to 50% participation rate among customers (Camp, Dresser & McKee 2003).

III. ENVIRONMENTAL REVIEW OF THE PROJECT

19. Because the ASR project would include construction of an injection/extraction well and underground permanent pipeline on a portion of the former Fort Ord that is still under federal ownership, the Army has requested that an EA be prepared to disclose the environmental effects of the ASR project. Cal-Am is also proposing to construct a temporary, aboveground water pipeline on former Fort Ord to connect the existing and new MPWMD ASR wells to the existing Cal-Am water delivery system. Although the City of Seaside has completed CEQA compliance for the temporary pipeline, there is no NEPA compliance documentation. Therefore, the Army requested that the EA also disclose the effects of the temporary pipeline. The lead agency for CEQA compliance in this document is MPWMD; the lead agency for NEPA compliance is the Army.

20. Pursuant to CEQA, Public Resources Code section 21000 *et seq.*, the CEQA Guidelines, and the Code of California Regulations, Title XIV, Section 15000 *et seq.*, MPWMD determined that an EIR would be prepared for the Project. MPWMD issued a Notice of Preparation ("NOP") on December 14, 2004, which was circulated to responsible agencies and interested groups and individuals for review and comment. A public scoping meeting was held on January 12, 2005.

21. A Draft EIR was prepared for the Project to analyze its environmental effects. The Draft EIR was circulated for a 45-day public review period, from March 23, 2006 to May 8, 2006 with an extension to May 22, 2006 for agencies that requested it. A public hearing to receive oral comments was held on April 17, 2006.

22. MPWMD received written and oral comments on the Draft EIR during the public review period. MPWMD prepared responses to comments on environmental issues, and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR and additional information were published in the Final EIR and provided to commenting entities on or before August 11, 2006 in compliance with CEQA Guidelines section 15089.

23. At all public hearings, the MPWMD staff and its engineering and environmental consultants provided information about the Project, the potential environmental impacts, and the CEQA review process. At each meeting/hearing, members of the public had the opportunity to ask questions and express their concerns and interests for the Project.

24. CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The MPWMD finds that the Final

EIR does not contain significant new information as defined in the Guidelines and that recirculation of the Draft EIR therefore is not required.

IV. THE ADMINISTRATIVE RECORD

25. The administrative record upon which all findings and determinations related to the Project are based includes the following:

a. The joint EIR/EA and all documents referenced in or relied upon by the EIR.

b. All information (including written evidence and testimony) provided by MPWMD staff relating to the EIR, the proposed approvals, the Project or its alternatives.

c. All information (including written evidence and testimony) presented to the MPWMD Board of Directors by the environmental consultant who prepared the EIR, or incorporated into reports presented to the MPWMD Board of Directors.

d. All information (including written evidence and testimony) presented to the MPWMD from other public agencies relating to the Project or the EIR.

e. All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the EIR.

f. The Mitigation Monitoring Plan for the Project.

g. These Findings for the Project EIR.

h. All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

26. The custodian of the documents and other materials that constitute the record of proceedings upon which the MPWMD's decision is based is Henrietta Stern, Project Manager/Public Information Representative, MPWMD, or designee. Such documents and other materials are generally located at 5 Harris Court, Building G, Monterey, CA 93940 (Ryan Ranch).

27. These findings are based upon substantial evidence in the entire record before the Board. Any references to certain pages or sections of the EIR set forth in these findings are for ease of reference only and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

V. CERTIFICATION OF THE EIR

28. In accordance with CEQA as adopted by the MPWMD Board, MPWMD, as lead agency, certifies that the EIR has been completed in compliance with CEQA. MPWMD further certifies that it has reviewed and considered the information in the 2006 EIR for

the Aquifer Storage and Recovery Project (SCH #20014121065) prior to approving the Project. Similarly, MPWMD finds that it has reviewed the record prior to approving the Project. By making these findings, MPWMD confirms, ratifies and adopts the findings and conclusions of the EIR, as supplemented and modified by the findings contained herein. The EIR and these findings represent the independent judgment and analysis of the MPWMD staff and Board of Directors.

29. The MPWMD Board of Directors certifies that the EIR is adequate to support the approval of the Project. The EIR is adequate for each approval required for construction or operation of the Project.

VI. MITIGATION MEASURES AND MMP

30. Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097 require MPWMD to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The MMP is included in Exhibit 10-D, and is adopted by the MPWMD Board of Directors. The MMP satisfies CEQA's requirements.

31. The mitigation measures recommended by the EIR and incorporated into the Project are specific and enforceable. As appropriate, some mitigation measures define performance standards to ensure no significant environmental impacts occur. The MMP adequately describes conditions, implementation, verification, a compliance schedule and reporting requirements to ensure the Project complies with the adopted mitigation measures. The MMP ensures that the mitigation measures are in place, as appropriate, throughout the life of the Project. The mitigation measures described in Exhibit 10-D are incorporated into these findings as conditions of each of the approvals required for the Project.

32. The mitigation measures set forth in Exhibit 10-D reflect the mitigation measures set forth in the EIR. The MPWMD Board of Directors has modified the language of some of the mitigation measures for purposes of clarification and consistency, to enhance enforceability, to defer more to the expertise of other agencies with jurisdiction over the affected resources, to summarize or strengthen their provisions, and/or to make the mitigation measures more precise and effective, all without making any substantive changes to the mitigation measures.

33. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the MPWMD Board of Directors adopts the findings and conclusions regarding impacts and mitigation measures that are set forth in the EIR, and summarized in Exhibit 10-D. These findings do not repeat the full discussions of environmental impacts contained in the EIR. The MPWMD Board of Directors ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments and conclusions of the EIR. The MPWMD Board of Directors adopts the reasoning of the EIR, of District staff reports, and of District staff.

34. The MPWMD Board has, by its review of the evidence and analysis presented in the EIR and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Project. In turn, this understanding has enabled the MPWMD Board to make fully informed, thoroughly considered decisions on these important issues. These findings are based on a full appraisal of the EIR and the record, as well as other relevant information in the record of proceedings for the Project.

35. Under Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2) and 15092(b)(2)(A), the MPWMD Board recognizes that some mitigation measures require action by, or cooperation from, other agencies.

VII. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE AND POTENTIALLY SIGNIFICANT IMPACTS

36. The Project would not result in any significant and unavoidable impacts.

37. The findings described below are organized by resource issue, in the same order as the project impacts appear in the Draft EIR prepared for the project. The findings of "infeasibility", as defined in Finding 50 below, being made for the project alternatives follow the individual impact findings.

Vegetation and Wildlife

38. <u>Impact BIO-1: Disturbance of the Fort Ord Natural Resources Management Area</u>

Findings:
The MPWMD hereby makes finding (a)(1) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts supporting the findings:
(a) Mitigation Measure BIO-1 provides that 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 Best Management Practices 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 Natural Resources Management Area.

(b) Implementation of the measures identified above will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

39. Impact BIO-5: Potential Direct Mortality or Disturbance of Black Legless Lizards and Potential Permanent and Temporary Loss of Black Legless Lizard Habitat

Findings:
The MPWMD hereby makes findings (a)(1) and (a)(2) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts supporting the findings:
(a) Negative impacts on black legless lizard and black legless lizard habitat will be minimized through the Fort Ord Multispecies Habitat Management Plan (MSHMP). This MSHMP has been adopted for the purpose of directing activities within its boundaries toward minimizing impacts on a number of sensitive plant and wildlife species, including the black legless lizard. The MSHMP establishes specific practices and limitations with which the U.S. Army must comply as a signatory to the MSHMP.

(b) Implementation of the Fort Ord MSHMP by the U.S. Army will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

40. Impact BIO-6: Potential Direct Mortality or Disturbance of Monterey Dusky-Footed Woodrat and Potential Permanent and Temporary Loss of Monterey Dusky-Footed Woodrat Habitat

Findings:
The MPWMD hereby makes findings (a)(1) and (a)(2) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts supporting the findings:
(a) Negative impacts on Monterey dusky-footed woodrat and Monterey dusky-footed woodrat habitat shall be minimized through the Fort Ord MSHMP. This MSHMP has been adopted for the purpose of directing activities within its boundaries toward minimizing impacts on a number of sensitive plant and wildlife species, including the Monterey dusky-footed woodrat. The MSHMP establishes specific practices and limitations with which the U.S. Army must comply as a signatory to the MSHMP.

(b) Implementation of the Fort Ord MSHMP by the U.S. Army will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

Cultural Resources

41. Impact CR-1: Potential for Discovery of Buried Cultural Deposits and Human Remains during Construction of the Well and Pipelines

Findings:
The MPWMD hereby makes finding (a)(1) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts supporting the findings:
(a) Mitigation Measures CR-1 requires the construction contractor to stop work 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.

(b) Mitigation Measure CR-2 requires that if human skeletal remains are encountered, the construction contractor will notify MPWMD and the county coroner immediately. If the county coroner determines that the remains are Native American, the coroner will be required to contact the Native American Heritage Commission (NAHC) and the County Coordinator of Indian Affairs. A qualified Jones & Stokes archaeologist will also be contacted immediately. 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 has determined that no investigation of the cause of death is required; and, if the remains are of Native American origin, the descendants from 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.

(c) Implementation of the measures identified above will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

Noise

42. Impact NZ-1: Exposure of Noise-Sensitive Land Uses to Construction Noise in Excess of Applicable Standards

Findings: The MPWMD hereby makes finding (a)(1) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts Supporting Findings:
(a) Mitigation Measure NZ-1a prohibits ancillary and unnecessary equipment during nighttime well drilling activities. The project applicant will ensure that the construction contractor prohibits 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 equipment and well construction equipment; cleanup and other activities will occur only during daytime activities.

(b) Mitigation Measure NZ-1b employs noise-reducing construction practices to meet nighttime standards. The construction contractor will employ noise-reducing construction practices such that nighttime standards are not exceeded, including, but 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.

(c) Mitigation Measure NZ-1c requires the construction contractor to 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.

(d) Mitigation Measure NZ-1d requires the construction contractor to 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.

(e) Implementation of the measures identified above will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

43. <u>Impact NZ-2: Exposure of Sensitive Land Uses to Construction-Related Vibration Levels in Excess of Applicable Standards</u>

Findings:
The MPWMD hereby makes finding (a)(1) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts Supporting Findings:
The facts supporting the above findings are the same as *Facts Supporting Findings* for Impact NZ-1.

44. Impact NZ-3: Exposure of Sensitive Land Uses to Operational Noise in Excess of City Standards

Findings:
The MPWMD hereby makes finding (a)(1) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts Supporting Findings:
(a) Mitigation Measure NZ-2 requires the MPWMD to 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.

(b) Implementation of the measures identified above will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

Hazardous Materials

45. Impact HAZ-1: Exposure of Employees and Public to Hazardous Materials during Construction of a Well and Pipelines at the Former Fort Ord

Findings: The MPWMD hereby makes finding (a)(1) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts Supporting Findings
(a) Mitigation Measure HAZ-1 requires the implementation of MEC Safety Precautions during grading and construction activities at the project site. The requirements may be modified upon completion of the Munitions Response Remedial Investigation/ Feasibility Study (MR RI/FS) process for the munitions response sites.

(b) Implementation of the measure identified above will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

Pubic Services and Utilities

46. Impact PS-2: Temporary Disruption of Existing Underground Utilities and Utility Service during Construction of Well and Pipelines

Findings: The MPWMD hereby makes finding (a)(1) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts Supporting Findings:
(a) Mitigation Measure PS-1 would require that the construction contractor contact Underground Service Alert at least 48 hours before excavation work begins in order to verify the nature and location of underground utilities. In addition, the contractor would 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, and the service provider would be notified in advance of all service interruptions and would be given sufficient time to notify customers. The timing of interruptions would be coordinated with the providers to ensure that the frequency and duration of interruptions are minimized.

(b) Mitigation Measure PS-2 requires the construction contractor to protect all utilities slated to remain, and all buried lines would be tape-coated in accordance with the requirements of American Water Works Association C214. In addition, the contractor would 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.

(c) Implementation of the measures identified above will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

Visual Resources

47. Impact VIS-5: Creation of New Light and Glare at Well Site

Findings: The MPWMD hereby makes finding (a)(1) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts Supporting Findings:
(a) Mitigation Measure VIS-1 provides that MPWMD would incorporate the light-reduction measures into the lighting design specifications to reduce light and glare. The lighting design would also meet minimum safety and security standards. Light-reduction measures include downcast light mounting to reduce backscatter into the nighttime sky and incidental spillover of light onto adjacent properties and open space; pole height limitations; and lighting that minimizes

incidental light, has cutoff-type fixtures that cast low-angle illumination to minimize incidental spillover of light, is focused only where needed (such as building entrances), and provides good color rendering and natural light qualities.

(b) Implementation of the measures identified above will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

Cumulative Impacts

48. Impact: The Proposed Project could result in a considerable contribution to NOx and PM10 emissions when considered together with other projects that could be constructed in the same timeframe.

Findings: The MPWMD hereby makes finding (a)(1) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts Supporting Findings
(a) Mitigation Measure Cume-1 provides that MPWMD 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. The MPWMD (or their contractor) would coordinate with local agencies responsible for said projects to develop a phased construction plan that includes an evaluation of construction-related traffic impacts, the preparation of compatible traffic control plans, and phased construction activities to keep NOx and PM10 emissions below MPUAPCD thresholds.

(b) Implementation of the measures identified above will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

49. Impact: The Proposed Project could contribute considerably to construction noise and vibration, affecting sensitive receptors when considered together with other projects that could be constructed in the same timeframe in the same area and affecting the same sensitive noise receptors.

Findings:
The MPWMD hereby makes finding (a)(1) as described in Finding 11, as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect.

Facts Supporting Findings:
(a) Mitigation Measure Cume-1 as discussed above would be implemented for this impact. MPWMD would 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. The MPWMD (or their contractor) would coordinate with local agencies responsible for said projects to develop a phased construction plan that includes an evaluation of construction-related traffic impacts and phased construction activities to keep construction-related vibration under the ground-borne vibration standards established by the Federal Transit Administration, under noise thresholds established by the Federal Transit Administration, and outside of the construction hours specified in the City of Seaside's noise ordinance (with the exception of drilling and well construction equipment, which must be used 24 hours per day for a short period of time).

(b) Implementation of Mitigation Measure Cume-1 above will reduce this potentially significant impact to a less-than-significant level as defined by CEQA.

VIII. FINDINGS REGARDING ALTERNATIVES

50. The MPWMD Board of Directors finds that specific economic, social, technological, legal or other considerations make "infeasible" the alternatives to the Project examined in the EIR, and justify approval of the Project. For the purposes of these findings and in accordance with recent CEQA case law, the term "infeasible" refers to a range of economic, legal, social, technological or other considerations taken by the MPWMD Board of Directors in determining not to pursue alternatives to the Proposed Project. This broad definition of "infeasible" does not imply that some of the alternatives are incapable of being constructed or successfully pursued in some different circumstance, only that there are specific reasons why the alternatives do not allow MPWMD to achieve its intent with this project. Legal reasons for "infeasibility" include actions that would not show near-term progress toward compliance with State Water Resources Control Board Order 95-10. Technological reasons for determining "infeasibility" include actions that may not provide for the optimum operation and production of water being extracted from the Seaside Groundwater Basin. Other reasons for concluding that alternatives are "infeasible" include project time frames that do not provide for the near-term protection of the water supply for the Seaside area (one of the two principal objectives of the Proposed ASR Project) and actions that would show no near-term or long-term progress toward reducing pumping along the Carmel River during dry periods, or would have greater environmental effects than the Proposed Project.

51. The MPWMD Board adopts the EIR's analysis and conclusions regarding alternatives eliminated from further consideration, both during the scoping process and in response to comments.

52. The EIR evaluated a reasonable range of alternatives to the original project that was described in the Draft EIR. These alternatives include (1) a No Project Alternative; (2) a Non-Contiguous New Injection/Extraction Well Alternative; (3) a Local Desalination Plant Alternative; (4) a Wastewater Reclamation Alternative; (5) an Off-stream Storage Alternative; and (6) a Stormwater Reuse Alternative. The analysis examined the feasibility of each alternative, the environmental impacts of each alternative, and the ability of each alternative to meet the project objectives.

53. The MPWMD Board of Directors certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the MPWMD Board of Director's independent judgment as to alternatives. The MPWMD finds that the alternatives are not selected for the following reasons.

54. Under Alternative 1, the No Project Alternative, water supply management of the Carmel River and Seaside Groundwater Basin would remain as it exists. No new ASR facilities would be constructed. MPWMD would continue to operate its ASR test well until the temporary authority to divert water from the Carmel River for testing was ended by the State Water Board. The extractions for the Carmel River groundwater basin would continue to adversely affect the surface and subsurface flow in the lower Carmel River and the water levels in the Seaside Groundwater Basin could continue to decline. Although recent court action has established a Watermaster for the Seaside Groundwater Basin, which will likely positively affect future conditions in the Seaside Basin, the Watermaster would not address the current diversions from the Carmel River. Alternative 1 would avoid all adverse effects associated with constructing and operating the Proposed Project, but it would not in itself meet the Project objectives, nor result in the beneficial impacts that would occur under the Proposed Project. Also, Alternative 1 would not provide action toward legal compliance with SWRCB Order 95-10. Therefore, Alternative 1 is considered "infeasible" as defined in Finding 50, above.

55. Alternative 2 includes constructing and operating a new ASR well (the Seaside well) similar to the Proposed Project, except that the new well would be located adjacent to Fitch Middle School on the west side of General Jim Moore Boulevard. Many of the effects of Alternative 2, the Non-Contiguous New Injection/Extraction Well, would be the same or nearly the same as the Proposed Project because each is composed of the same primary elements (e.g., injection/extraction wells and pipelines) and would be operated in the same manner. Similar impacts include air emissions, seismic risk, exposure to hazardous materials, public services, and transportation and circulation. Operations would also be the same resulting in identical impacts on the aquatic resources found in and along the Carmel River. Alternative 2 would lessen the potential loss of special-status vegetation and wildlife on the former Fort Ord and change in the visual character of the well site. However, construction-related impacts to land use, noise, and cultural resources have the potential to be greater than the Proposed Project because of the proximity of the school to the site of the injection/extraction well and pipeline and, in the case of cultural resources impacts, because more ground disturbing activity would occur with the resulting greater potential to unearth buried resources. Construction of the 500-foot long connecting pipeline would also be an economic disadvantage to this alternative. While Alternative 2 meets the Project objectives, overall it would result in greater impacts. In addition, the location of the Proposed Project is hydrologically based. More northerly locations such as Alternative 2 would not be as hydrologically conducive for an aquifer storage and recovery site due to the site-specific hydrogeologic character of the aquifers that exist below the alternative site, thus making this alternative less desirable from a technical or operational perspective. Therefore, Alternative 2 is considered "infeasible" as defined in Finding 50, above.

56. Alternative 3, Local Desalination Plant, would include construction and operation of a desalination plant in Sand City. Nearly all of the construction-related effects of Alternative 3 would be greater when compared to the proposed Project because a much larger area would be disturbed and construction would last much longer. These impacts include air quality, noise, traffic and circulation, land use compatibility, cultural resources, soils, hazardous materials, public services, visual resources, vegetation, and wildlife. Construction-related impacts would be much greater because elements of the project would be constructed over a wider geographic area including the coastal zone, urban areas, and the portions of the former Fort Ord. Other operation-related effects expected to occur under Alternative 3, including noise, release of hazardous materials, transportation, and energy use, would be greater than the Proposed Project because of the larger size and the location of desalination plant, wells, and pipelines. Finally, Alternative 3 would not meet the objectives of reducing impacts to the Carmel River and improving the near-term reliability of the domestic water supply system in the Seaside area due to the 3 to 5 years needed for environmental review, permitting and implementation. Therefore, although Alternative 3 would benefit Carmel River aquatic resources more than the Proposed Project because much less water would be diverted from the Carmel River basin, this alternative is considered "infeasible" as defined in Finding 50 above.

57. Assuming the groundwater replenishment project or reclaimed wastewater system is extended, nearly all of the construction-related effects of Alternative 4, Wastewater Reclamation, would be greater when compared to the Proposed Project because a much larger area would be disturbed and construction is expected to last over a longer period. These adverse impacts include air quality, noise, traffic and circulation, land use compatibility, cultural resources, soils, hazardous materials, public services, visual resources, vegetation, and wildlife. Other operation-related effects expected to occur under Alternative 4, including noise, release of hazardous materials, and energy use would be greater than the Proposed Project. Finally, Alternative 4 would not meet the objectives of reducing impacts to the Carmel River and improving the near-term reliability of the domestic water supply system in the Seaside area due to the 3 to 5 years needed for environmental review, permitting and implementation. Therefore, although the reclamation projects could benefit Carmel River aquatic resources to a greater degree than the Proposed Project, Alternative 4 would result in greater construction- and operation-related impacts than the proposed Project and would not meet the project's near-term objective and is thus is considered "infeasible" as defined in Finding 50, above.

58. Off-stream storage involves capturing and storing excess winter flows from the Carmel River. Most of the construction-related effects of Alternative 5 would be greater when compared to the Proposed Project because a larger area would be disturbed during construction of the storage facilities, pipelines, and pumps. These impacts include air quality, noise, traffic and circulation, cultural resources, soils, hazardous materials, public services, visual resources, vegetation, and wildlife. Operation of Alternative 5 would affect Carmel River aquatic resources, including steelhead and riparian vegetation, in a fashion similar to the effects described for the Proposed Project. Additionally, because Alternative 5 would change the timing in which water is diverted from the river, benefits

to aquatic resources may be less than the Proposed Project because only 400 to 1,000 AFA would be diverted during high flow periods. Other operation-related effects expected to occur under Alternative 5, including damage to cultural resources, noise, release of hazardous materials, transportation, and energy use would be greater than the Proposed Project. Finally, Alternative 5 would not meet the objectives of reducing impacts to the Carmel River and improving the near-term reliability of the domestic water supply system in the Seaside area due to the uncertain timeframe needed for environmental review, permitting and implementation. Therefore, because Alternative 5 would not meet project objectives as well as the Proposed Project would, and would result in greater impacts, this Alternative is considered "infeasible" as defined in Finding 50 above.

59. All of the construction-related effects of the Proposed Project would be avoided or reduced under Alternative 6, Stormwater Reuse, which includes the collection, storage, and later use of water collected during storm events. These impacts would be avoided because the stormwater storage and distributing systems would be located adjacent to existing structures and would utilize roofs or other surfaces already constructed as a means to collect water. Construction of the storage systems would be of short duration and would not be expected to adversely affect native vegetation or wildlife and would avoid effects on special-status species. Operation of Alternative 6 would benefit Carmel River aquatic resources, because water collected and reused would offset diversions made from the Carmel River. However, these benefits would be small because when combined, the systems would only be expected to provide from 10 to 120 AFA. Operating the reuse systems would not be expected to result in measurable adverse impacts because they would be passive systems requiring little maintenance or use of power. Therefore, Alternative 6 would only partially meet the Proposed Project objectives of reducing impacts to the Carmel River and improving the near-term reliability of the domestic water supply system in the Seaside area due to the uncertain timeframe of project implementation. For these reasons, Alternative 6 is considered "infeasible" as defined in Finding 50 above.

IX. ULTIMATE FINDINGS AND CONCLUSIONS

60. The MPWMD Board of Directors therefore finds that:

(a) The Phase 1 ASR Project is consistent with the goals and objectives of MPWMD for the management and conservation of the water resources of the Monterey Peninsula.

(b) The EIR for the Phase 1 ASR Project adequately describes the Project impacts and mitigation measures that would reduce effects to a less-than-significant level, and can be relied upon by the MPWMD Board for decision-making purposes.

(c) The Phase 1 ASR Project best meets the objectives of the MPWMD Board when compared to the project alternatives. Therefore, the Phase 1 ASR Project should be approved by the MPWMD Board.

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.