

ADMINISTRATIVE HEARING

ITEM: ACTION ITEM

1. CONSIDER APPROVAL OF A WATER DISTRIBUTION SYSTEM PERMIT FOR A REPLACEMENT WELL FOR IRRIGATION AT THE CARMEL MIDDLE SCHOOL (MPWMD PERMIT #22-01-L3)

Meeting Date:	April 6, 2022	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Stephanie Locke Stephanie Kister Campbell	Cost Estimate:	N/A

General Counsel Review: Completed.

Committee Recommendation: N/A

CEQA Compliance: Negative Declaration

SUMMARY: The MPWMD Administrative Hearing Officer will consider Application #WDS-20220119CAR (**Exhibit 1-A**) submitted on January 19, 2022, and revised on February 10, 2022, by the Carmel Unified School District. Approval will authorize issuance of a Water Distribution System Permit (WDS) to the Carmel Middle School to allow a Replacement Well to irrigate landscaping and recreation fields located on four Parcels (APN's 015-162-014-000, 015-162-015-000, 015-162-028-000 (Well Site), and 015-162-029-000). The Production Limit will be set at 37 Acre-Feet Annually (AFA) which reflects the historical average. The original Well had been used since 1962 and failed in 2015. The Replacement Well was approved by Monterey County Environmental Health Bureau in 2021. Water Rights for the four Parcels were reviewed and determined to be intact with no severance or subordination.

For non-controversial WDS matters, District Rule 22 allows the General Manager, in consultation with the Board Chairperson, to direct that a hearing be scheduled before the General Manager (or his/her designee) as the sole hearing officer. Notice of the staff action shall be provided to the public via the "Appealable Decisions" section of the District's website. The staff determination may be appealed to the MPWMD Board pursuant to Rule 70, "Appeals." This hearing was noticed for at least ten days around the project site as well as in the District office's window and website and on the State Clearinghouse at the Governor's Office of Planning and Research where it was posted for 30 days.

DISCUSSION: The following paragraphs describe the proposed Findings and Conditions of Approval as required by MPWMD Rule 22.

Findings of Approval: The Findings of Approval for Application #WDS-20220119CAR (**Exhibit 1-B**) are based on evidence provided in the application materials, including supporting documents on file at the District's office. With the Findings of Approval, District staff believes a finding can be made that the application meets the criteria and minimum standards for approval set by the

District Rules 22-B and C. Specifically, this action would “not create an Overdraft or increase an existing Overdraft” (Rule 22-C-4).

Conditions of Approval: Permit M22-01-L3 results in Conditions of Approval for the Carmel Middle School WDS Permit shown as (**Exhibit 1-C**). Key Conditions of Approval are to provide Non-Potable Water for irrigation use on four Parcels identified as Assessor’s Parcel Numbers (APNs) 015-162-014-000, 015-162-015-000, 015-162-028-000 (Well Site), and 015-162-029-000. The Production Limit shall be set at 37 AFA, and no new Connections are permitted.

CEQA Compliance: In the review of this application, MPWMD has followed those guidelines adopted by the State of California and published in the California Administrative Code, Title 14, Section 15000, et seq. Specifically, the MPWMD as a lead agency under CEQA for the approval of a Water Distribution System Permit for a Replacement Well for irrigation at the Carmel Middle School, determined that a Negative Declaration is applicable as the Initial Study showed that there is no substantial evidence that the project may have significant effect on the environment. In accordance with CEQA Guidelines 15070 et seq., MPWMD will file a Notice of Determination after approval of the permit.

RECOMMENDATIONS: District staff recommends that the staff hearing officer take the following actions:

1. Adopt the MPWMD Findings of Approval for Application #WDS-20220119CAR for the Carmel Middle School WDS Permit.
2. Approve the Carmel Middle School WDS Permit (Permit #M22-01-L3) to allow a Replacement Well to irrigate the landscaping and recreation fields on four Parcels (015-162-028-000 (Well Site), 015-162-029-000, 015-162-014-000, and 015-162-015-000), including setting the Production Limit on the Well at 37 AFA.
3. Direct staff to file a Notice of Determination with the County Clerk. (**Exhibit 1-D**).

EXHIBITS

- 1-A Application #WDS-20220119CAR submitted on January 19, 2022
- 1-B MPWMD Draft Findings of Approval
- 1-C MPWMD Draft Conditions of Approval
- 1-D Notice of Determination