

ATTACHMENT D

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Addendum No. 2 To Final Environmental Impact Report # 07-01, SCH #2007121001 Pursuant to California Environmental Quality Act Guidelines Article 11, Section 15164

2010 MONTEREY COUNTY GENERAL PLAN Planning File No. REF120078 Amendment of General Plan

1. Introduction

On October 26, 2010, by Resolution Nos. 10-290 and 10-291 the Monterey County Board of Supervisors certified Final Environmental Impact Report #07-01, SCH #2007121001 (“FEIR”), and adopted findings, a Statement of Overriding Considerations, a Mitigation, Monitoring and Reporting Program, and the 2010 Monterey County General Plan (“General Plan”). As part of a settlement of litigation regarding the adoption of the General Plan and certification of the FEIR, amendments to General Plan Policies PS-3.1 (relating to “Long Term Sustainable Water Supply”), PS-3.3 (relating to domestic wells), and PS-3.4 (relating to high-capacity wells) are being considered. The proposed amendments are set forth and discussed in Exhibits A and B to the staff report for this matter.

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines (“Guidelines”) to make minor technical changes to the project analyzed in the FEIR. None of the conditions described in Guidelines Section 15162 or 15163, calling for preparation of a subsequent EIR or supplement to an EIR, have occurred.

2. Scope and Purpose of this Addendum

This Addendum No. 2 describes whether any changes or additions are necessary to the FEIR as a result of the proposed amendments to the General Plan, or if any of the conditions described in Guidelines Section 15162 exist. Please see the attached memorandum from ICF International, incorporated herein by reference, that assesses the potential environmental impacts from the adoption of the proposed amendments, and whether any changes to the FEIR are required.

3. Conclusion

As the ICF memorandum discloses, the proposed changes to the General Plan Policies will not result in additional impacts or an increase in the severity of impacts; the identification of feasible mitigation measures or alternatives that were previously identified as infeasible; or the identification of considerably different mitigation measures or alternatives than those disclosed or discussed in the FEIR. Accordingly, none of the conditions described in Guidelines Section 15162, requiring a Subsequent EIR, exist. This Addendum No. 2 is considered sufficient because it discloses the proposed amendments to the General Plan Policies, and provides an analysis regarding the lack of environmental impacts.

FEIR #07-01 has been included as an attachment to the staff report and is available on the County's web site at

http://www.co.monterey.ca.us/planning/gpu/GPU_2007/FEIR_Information/FEIR_Information.htm.



TO: Mike Novo, Monterey County Planning Director

FROM: Rich Walter, ICF International

CC: Les Girard, Monterey County Counsel
Terry Rivasplata, ICF International

DATE: November 5, 2012

RE: Potential Changes to Monterey County General Plan Policy PS-3.1, PS-3.3 and PS-3.4

This memorandum presents ICF's review of the potential CEQA implications of potential changes to Monterey County 2010 General Plan policies concerning water supply. ICF also reviewed an Addendum (Addendum No. 1) to the 2010 GP EIR prepared by the County concerning the potential water supply policy changes.

Our review is limited to the potential for changes in environmental impacts due to policy changes relevant to the impacts disclosed in the certified EIR for the 2010 General Plan. Our review is based on our understanding of CEQA, the General Plan and the General Plan EIR. Our review does not constitute legal advice.

Policy 3.1 - Potential Changes

Revisions to PS-3.1c expand the existing exceptions for demonstrating a Long-Term Water Supply (LTWS) in Zone 2C from agricultural land development and development within a community area or rural center to all development within Zone 2C. Revisions to PS-3.1(c) also require the County to prepare a study by March 31, 2018 that will evaluate seawater intrusion and groundwater and determine whether or not: 1) total water demand exceeds that estimated in the GP EIR by 2030; 2) groundwater elevations will decline by 2030; and 3) whether the seawater intrusion boundary is likely to move inland by 2030. If the study concludes that either the first, or the second and third of the above three conditions will occur by 2030, then the exception to the requirement for demonstrating a LTWS for Zone 2C would no longer apply except for the development covered in PS-3.1a and PS-3.1b. Further, the Board of Supervisors would be required to adopt one or more measures, as appropriate, to address the identified conditions.

No changes are being proposed to the GP land use designations. Therefore, the expansion of existing exceptions will not change the long-term land use projections.

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The General Plan EIR found that there will be a LTWS for development within Zone 2C through 2030. As a result, the expansion of the exception to include all development in Zone 2C (and not just single-family dwellings, specified infrastructure, agricultural development, and development within Community Areas and Rural Centers) would not result in additional impacts to water supply through 2030.

Existing Policy PS-3.1 established an assurance mechanism requiring study of water supply conditions every 5 years to make sure that the General Plan EIR findings about water supply impacts for 2030 remained appropriate over time. However, this assurance mechanism in existing policy is only tied to agricultural land use development whereas the revisions would apply the assurance mechanism to all development in Zone 2C (except that development noted in PS-3.1a and PS-3.1b). The revisions would require the study to first be completed by early 2018 and then updated annually to evaluate groundwater elevations and seawater intrusion. The expansion of the assurance mechanism to all Zone 2C development would be more restrictive than the existing policy and thus would not result in new impacts to water supply not disclosed in the EIR. There is a possibility that if the study concludes that measures will be necessary in order to address the issue of total water demand exceeding that estimated in the GP EIR by 2030, or groundwater elevations declining by 2030 and inland movement of the seawater intrusion boundary, then the Board will adopt measures that may have some environmental impact of their own. However, whether this action will be necessary is unknown and the actual measures that may be proposed are unknown at this time. Therefore, any attempt at analyzing the impacts of such action would be purely speculative. In any case, should that Board action be necessary in the future, it would be discretionary and subject to its own CEQA analysis, disclosure, and mitigation, if necessary.

The proposed revisions would also delete any evaluation of adverse impacts to aquatic species or interference with existing wells for the PS-3.1c periodic study and would limit the study to water demand, groundwater drawdown and seawater intrusion only. The deletion of the exception language relative to aquatic species and well interference would narrow the study required in PS-3.1c. Policy PS-3.4 would still require analysis of well interference for high yield wells, so the deletion of reference to well interference in PS-3.1c, would not increase any environmental impact beyond that already disclosed in the 2010 GP EIR. In theory, the deletion of reference to aquatic resources in PS-3.1c could result in more impacts than with the existing PS-3.1c, when considered in isolation. However, groundwater drawdown and seawater intrusion are the vehicles by which increased water demand could affect aquatic resources in Zone 2C. The 2010 GP EIR concluded that through 2030, combined overall water demand in Zone 2C would not result in groundwater drawdown or seawater intrusion in Zone 2C, and thus any associated impacts to aquatic resources from drawdown or seawater intrusion were determined to be less than significant, regardless of the use or lack of use of an exception to the proof of LTWS, provided that the water demand was as estimated in the EIR. As such, the elimination of specific reference to aquatic species in PS-3.1c should not result in more impacts to water supply than disclosed in the 2010 GP EIR unless the 2010 GP EIR estimated water demand for 2030 were exceeded.

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Policy 3.3 - Potential Changes

Proposed changes include the describing PS-3.3a through PS-3.3g as “factors” for development of criteria instead of criteria subjects. The original policy clearly states that specific criteria shall be developed by ordinance following the adoption of the GP thus clearly indicating that PS-3.3a through PS-3.3g are not the criteria themselves. This change would not change potential environmental impacts compared to that disclosed in the 2010 GP EIR.

Proposed changes include adding the phrase “additional extractions or diversion of water” to PS-3.3g. The intent of this list is to identify the subjects to be addressed by criteria for evaluation and approval of adequacy of all domestic wells, but not to replacement wells. Since this policy does not apply to replacement wells, the policy is clearly limited to new wells which would have to involve additional extractions or diversion of water. As such, the addition of specific language would not change potential environmental impacts compared to that disclosed in the 2010 GP EIR.

Policy 3.4 - Potential Changes

Proposed changes include the describing PS-3.4a through PS-3.4b as “factors” instead of “criteria” for development of an ordinance for use in evaluation and approval of adequacy of high-capacity wells with an identified potential for well interference or in-stream flow effects. The change from “criteria” to “factors” does not appear to be a material change in intent as the policy will still require an ordinance to consider the issues in PS-3.4a and PS-3.4b. If anything, it simply clarifies the factors to be used in developing the ordinance. This change would not change potential environmental impacts compared to that disclosed in the 2010 GP EIR.

Proposed changes include adding the phrase “additional extractions or diversion of water” to PS-3.4b. The intent of this list is to identify the subjects to be addressed by criteria for evaluation and approval of high-capacity wells, but not to replacement wells. Since this policy does not apply to replacement wells, the policy is clearly limited to new wells which would have to involve additional extractions or diversion of water. As such, the addition of specific language would not change potential environmental impacts compared to that disclosed in the 2010 GP EIR.