

# Attachment B

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**ATTACHMENT B  
DRAFT RESOLUTION**

**Before the Board of Supervisors of the  
County of Monterey, State of California**

In the matter of the application of:

**CALIFORNIA AMERICAN WATER COMPANY (PLN150889)**

**(Desalination Component of the Monterey  
Peninsula Water Supply Project)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Board of  
Supervisors:

- 1) Certifying that the County considered the Environmental Impact Report/Environmental Impact Statement (SCH #2006101004) previously certified by the California Public Utilities Commission for the Monterey Peninsula Water Supply Project ;
- 2) Denying the appeal by the Marina Coast Water District from the April 24, 2019 Planning Commission's decision approving a Combined Development Permit (PLN150889)
- 3) Denying the appeal by Public Water Now from the April 24, 2019 Planning Commission's decision approving a Combined Development Permit (PLN150889)
- 4) Approving a Combined Development Permit consisting of:
  - a. A Use Permit to allow construction and operation of a 6.4 MGD desalination plant; and
  - b. An Administrative Permit and Design Approval to allow construction of the following buildings/facilities associated with the desalination plant, with approximate square footage: 3299 square foot Filter Building, a 26,002 square foot Reverse Osmosis Building, a 6,276 square foot Administration Building, 7 filter vessels totaling 540 square feet, 2 filtered water tanks totaling 1,963 square feet, a 7080 square foot pump pad, 2 treated water tanks totaling 8,012 square feet, a 1269 square foot Cal-Flo containment basin, a CO<sub>2</sub> tank and solution water pumps, 2 Backwash

Reclamation basins totaling 17,000 square feet, a 344 square foot recycle pump station, a 61,000 square foot Brine EQ Basin, a 560 square foot Brine Pump Station. Infrastructure and facilities necessary to the construction and operation of the facilities are also included (e.g., pump pad, transformers, switchgear, standby generator, powerhouse/remote mcc building, hydropneumatic surge tanks, permeate/flush water tank and pumps, conveyance pipelines, raw water intake/flow meter/flash mix, saline sump pump station, sanitary sewer lift station, leak detection sumps, groundwater monitoring wells, stormwater bioretention ponds, trash enclosure, brine aeration system, access and driveway improvements, security fencing and gates, parking areas, bicycle racks/lockers, and associated landscaping/features)

5) Adopting a Mitigation Monitoring and Reporting Plan

[PLN150889, California-American Water Company  
14175 Del Monte Blvd; Greater Monterey Peninsula  
Area Plan (APN: 229-011-021-000)]

**The appeals by the Marina Coast Water District and Public Water Now from the decision of the Monterey County Planning Commission to approve a Combined Development Permit (PLN150889/ California-American Water Company) came on for a public hearing before the Monterey County Board of Supervisors on July 15, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **PROCESS** – The County has processed the subject Combined Development Permit application (RMA-Planning File No. PLN150889 – CALIFORNIA AMERICAN WATER COMPANY) (“Project”) in compliance with all applicable procedural requirements.
  - a) On September 2, 2016, the California-American Water Company (“CalAm” or “Applicant”) filed an application for a Combined Development Permit consisting of:
    1. A Use Permit to allow construction and operation of a 6.4 MGD desalination plant; and
    2. An Administrative Permit and Design Approval to allow construction of the following buildings/facilities associated

with the desalination plant, with approximate square footage: 3299 square foot Filter Building, a 26,002 square foot Reverse Osmosis Building, a 6,276 square foot Administration Building, 7 filter vessels totaling 540 square feet, 2 filtered water tanks totaling 1,963 square feet, a 7080 square foot pump pad, 2 treated water tanks totaling 8,012 square feet, a 1269 square foot Cal-Flo containment basin, a CO2 tank and solution water pumps, 2 Backwash Reclamation basins totaling 17,000 square feet, a 344 square foot recycle pump station, a 61,000 square foot Brine EQ Basin, a 560 square foot Brine Pump Station. Infrastructure and facilities necessary to the construction and operation of the facilities are also included (e.g., pump pad, transformers, switchgear, standby generator, powerhouse/remote mcc building, hydropneumatic surge tanks, permeate/flush water tank and pumps, conveyance pipelines, raw water intake/flow meter/flash mix, saline sump pump station, sanitary sewer lift station, leak detection sumps, groundwater monitoring wells, stormwater bioretention ponds, trash enclosure, brine aeration system, access and driveway improvements, security fencing and gates, parking areas, bicycle racks/lockers, and associated landscaping/features.)

- b) The project was set for a public hearing before the Monterey County Planning Commission on April 24, 2019. Notices of the public hearing were published in the *Monterey County Weekly* on April 11, 2019, posted near the project site on April 12, 2019, and mailed to property owners and interested parties on April 10, 2019.
- c) On April 24, 2019, the Monterey County Planning Commission held a duly noticed public hearing and approved the Combined Development Permit by a vote of 6-4 (Monterey County Planning Comm'n Resol. No. 19-008.)
- d) Pursuant to Section 21.80.050 of Title 21 (inland zoning ordinance) of the Monterey County Code, Melodie Chrislock, on behalf of Public Water Now (PWN), timely filed an appeal from the April 24, 2019 decision of the Planning Commission. The appeal challenges the Planning Commission's approval and contends that there was a lack of fair or impartial hearing, that the findings or conditions are not supported by the evidence, and the decision was contrary to law. See finding No. 18 (PWN Appeal) for the summary of PWN's specific contentions and the County responses to those contentions.
- e) A complete copy of the appeal is on file with the Clerk of the Board of Supervisors as Attachment H to the staff report to the Board of Supervisors for the July 15, 2019 hearing.
- f) Pursuant to Section 21.80.050 of Title 21, the Marina Coast Water District, represented by attorney Howard F. Wilkins III of Remy Moose Manley, timely filed an appeal from the April 24, 2019 decision of the Planning Commission. The appeal challenged the Planning Commission's approval and contends that the findings and decision are not supported by evidence and the decision was contrary to law. See finding No.17 (MCWD Appeal) for the summary of MCWD's specific

contentions and the County responses to those contentions. A complete copy of the appeal is on file with the Clerk of the Board of Supervisors as Attachment G to the staff report to the Board of Supervisors for the July 15, 2019 hearing.

- g) Pursuant to Section 21.80.050 of Title 21, an appeal shall be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority has been mailed to the Applicant. The Monterey County Planning Commission resolution was mailed to the Applicant on May 9, 2019. PWN filed its appeal with the Clerk of the Board of Supervisors on May 16, 2016 and filed a “Supplemental Addendum” to its appeal on May 20, 2016. MCWD filed its appeal with the Clerk of the Board of Supervisors on May 20, 2019. Both appeals were filed within the 10-day timeframe prescribed by Section 21.80.050 of Title 21 and brought to hearing within 60 days of receipt of the appeals. The appeal hearing is de novo.
- h) The Board of Supervisors conducted a duly noticed public hearing on the appeals and the project on July 15, 2019. The hearing is de novo. Notice of the hearing on the matter before the Board of Supervisors was published on July 4, 2019 in the *Monterey County Weekly*; notices were mailed and emailed on June 28, 2019 to all property owners and occupants within 300 feet of the project site, and to all persons who requested notice; and at least (3) notices were posted at and near the project site by June 29, 2019.

2.           **FINDING:**           **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development

**EVIDENCE:**   a)   During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- The 2010 Monterey County General Plan;
- Greater Monterey Peninsula Area Plan
- Monterey County Zoning Ordinance (Title 21 of the Monterey County Code (MCC));

No conflicts were found to exist. Although the appellants allege that the Project is inconsistent with certain County plans and regulations, the County’s determination is that these allegations do not have merit, as set forth below and in the responses to appeal contentions below.

- b) The Project consists of a Combined Development Permit, including a Use Permit, Administrative Permit, and Design Approval, for a 6.4mgd (million gallons per day) desalination plant and associated infrastructure as a component of the California- American Water Company Monterey Peninsula Water Supply Project (MPWSP). The Combined Development Permit consists of the following: A Use Permit to allow construction and operation of a 6.4 MGD desalination plant; and an Administrative Permit and Design Approval to allow construction the following buildings/facilities associated with the desalination plant, with approximate square footage as follows: 3299 square foot Filter Building, a 26,002 square foot Reverse Osmosis Building, a 6,276 square foot Administration Building, 7 filter vessels totaling 540 square feet, 2 filtered water tanks totaling 1,963 square feet, a 7080 square foot

pump pad, 2 treated water tanks totaling 8,012 square feet, a 1269 square foot Cal-Flo containment basin, a CO<sub>2</sub> tank and solution water pumps, 2 Backwash Reclamation basins totaling 17,000 square feet, a 344 square foot recycle pump station, a 61,000 square foot Brine EQ Basin, a 560 square foot Brine Pump Station. Infrastructure and facilities necessary to the construction and operation of the facilities are also included (e.g., pump pad, transformers, switchgear, standby generator, powerhouse/remote mcc building, hydropneumatic surge tanks, permeate/flush water tank and pumps, conveyance pipelines, raw water intake/flow meter/flash mix, saline sump pump station, sanitary sewer lift station, leak detection sumps, groundwater monitoring wells, stormwater bioretention ponds, trash enclosure, brine aeration system, access and driveway improvements, security fencing and gates, parking areas, bicycle racks/lockers, and associated landscaping/features.) The MPWSP is a project by CalAm, a privately owned public utility, to develop a new water supply for CalAm's Monterey District service area. The desalination plant is one component of the MPWSP, and it requires discretionary approval by the County of Monterey because it is located in the unincorporated area of the County and therefore is within County's land use permitting jurisdiction. This Combined Development Permit, consisting of a Use Permit, Administrative Permit, and Design Approval, pertains only to construction of the desalination plant component of the MPWSP.

- c) One additional component of the MPWSP, the Carmel Valley Pump Station, is also located in unincorporated Monterey County and also requires discretionary land use entitlement from the County. The Carmel Valley Pump Station is in a different location within unincorporated Monterey County, and is being processed separately under a separate application under PLN150653. The Monterey County Planning Commission approved the entitlement for the Carmel Valley Pump Station on April 24, 2019, and the Marina Coast Water District appealed that Planning Commission decision to the Board of Supervisors. The hearing on that appeal will be held separately.
- d) The desalination plant has associated infrastructure components that are part of the whole desalination plant project although they do not require County discretionary permits, including: a source water pipeline, a brine discharge pipeline, a new desalinated water pipeline, a Castroville pipeline, and the pipeline to the Castroville Seawater Intrusion Pond. These portions of the project are not included in the entitlements of this resolution; however, their environmental impacts have been considered in the CEQA analysis.
- e) The property is a 46 acre parcel (Assessor's Parcel Number APN: 229-011-021-000), located off of the private Charlie Benson Lane, which is accessed by Del Monte Blvd, within the Greater Monterey Peninsula Area Plan area north of the City of Marina. The parcel is zoned Permanent Grazing/40-acres per unit, Design Control and Site Plan overlays (PG/40-D-S) and Farmland/40-acres per unit with Design Control and Site Plan overlays (F/40-D-S). The portion of the parcel proposed for this development is zoned PG/40-D-S, which allows water system facilities including wells and storage tanks serving fifteen (15)

or more service connections with a Use Permit; therefore, this project is an allowed land use for this site.

- f) The parcel zoning includes a Design Control (“D”) overlay, which provides a district for the regulation of the location, size, configuration, materials, and colors of structures and fences in those areas of the County of Monterey where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property. The proposed desalination plant site is bordered by other industrial facilities, including the Monterey Regional Environmental Park, and the Monterey Regional Water Pollution Control Agency’s (Monterey One Water) Regional Wastewater Treatment Plant and drying beds. Structures are proposed to be constructed of metal, and colors will be varying shades of green to complement the agricultural/industrial surroundings.
- g) The parcel’s zoning includes a Site Plan Review (“S”) overlay, which is intended to provide district regulations for review of development in those areas of the County of Monterey where development, by reason of its location, has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property. The development has been sited on a flat portion of the site close to other adjacent industrial activities. This location allows direct access to the site from the existing Charlie Benson Ln, a private road. Siting the development on the upper terrace of the 46-acre parcel avoids the 1.7 acre portion of the parcel containing prime farmland. Additionally, siting the development on this portion of the parcel avoids environmentally sensitive habitat located on the lower terrace.
- h) The project meets all development criteria for the PG zoning district. The maximum allowable height per zoning is 35 feet. The tallest structure, the treated water tanks, will be 33.5 feet tall. Required minimum setbacks in the PG zoning district are:  
Front: 30 feet; side: 20 feet; and rear: 20 feet.  
The proposed setbacks from the property lines to the nearest structures are:  
Front: 177 feet; side (east): 459 feet; side (west): 528 feet; rear: over 481 feet.  
Allowed coverage is 25 percent. Proposed coverage of the 46 acre parcel is 1.22 acres, or .03 percent.
- i) The project planner conducted a site inspection on May 10, 2018 to verify that the project on the subject parcel conforms to the plans listed above.
- j) Monterey County GIS does not identify the parcel as containing potentially significant habitat; however, biological surveys conducted for the EIR identified Monterey Spineflower, and the potential for sensitive plant species to occur, including Congdon’s tarplant. No sensitive species were identified within the proposed area of disturbance. Monterey Spineflower was identified northeast of the area of disturbance, on the opposite side of the access road, with the closest occurrence approximately 50 feet. Additionally, the EIR found that



several animal species could possibly be impacted due to the site's proximity to the Salinas River, including: California red-legged frog, California tiger salamander, Coast Range newt, and American Badger. The site could provide nesting habitat and foraging areas for bird species such as red-tailed hawk, red-shouldered hawk, and American kestrel, special status bat species, short-eared owl, northern harrier, white-tailed kite, American peregrine falcon, California horned lark and loggerhead shrike and common passerines. Implementation of mitigation measures identified in the EIR will reduce impacts to a less than significant level (See Finding 9), so the project is consistent with the standards for environmentally sensitive habitat areas (ESHA) in Section 21.66.020 of Title 21 (inland zoning ordinance) of the Monterey County Code. Section 21.66.020(C) provides:

*C. Regulations: Biological Survey Requirement.*

*1. A biological survey shall be required for all proposed development meeting one or more of the following criteria:*

- a. The development is proposed within a known environmentally sensitive habitat, based on the most current resource maps, other reliable other available resource information, or through the planner's on-site investigation;*
- b. The development is located within one hundred (100) feet of an environmentally sensitive habitat, and has potential negative impact on the long-term maintenance of the habitat.*

*2. The survey shall be required, submitted, and meet approval of the Director of Planning prior to the project application being determined complete.*

*3. The survey shall be prepared by a qualified biologist, as selected from the County's list of consulting biologists maintained by the Planning Department. Report preparation shall be at the applicant's expense.*

*4. The biological survey shall contain the following elements:*

- a. Identify the property surveyed, with accompanying location map and site plan showing topography and all existing and proposed structures and roads, and the proposed project site or sites;*
- b. Describe the method of survey;*
- c. Identify the environmentally sensitive habitat found on the site and within one hundred (100) feet of the site with an accompanying map delineating the habitat location or locations.*
- d. Describe and assess potential impacts of the development on the environmentally sensitive habitat(s) identified in the survey found on the site or on neighboring properties;*
- e. Recommend mitigation measures which will reduce impacts;*
- f. Assess whether the mitigation measures will reduce the development's impact to an insignificant level.*

*The FEIR states (pg 4.6-6) that multiple surveys were conducted by Environmental Science Associates (ESA), and AECOM, between 2012 and 2016. The applicant submitted a map of the Desal Plant Biological Survey to the County, which identifies habitat types and occurrences of Monterey Spineflower.*

The development is not proposed within ESHA, but is proposed within 100 feet of ESHA. Consistent with the above requirements, the surveys conducted for the FEIR, on which the County relied, fulfill this requirement. The FEIR described potential impacts of the development on the environmentally sensitive habitat and recommended mitigation measures which will reduce impacts to a less than significant level.

Section 21.66.020(D) provides:

*D. General Development Standards.*

*1. Development, including vegetation removal, excavation, grading, filling, and construction of roads and structures be prohibited in environmentally sensitive habitats. exception, resource dependent uses, including nature education and research, hunting, fishing and aquiculture, may be allowed within environmentally sensitive habitats if it has been determined through the biological survey that impacts of such uses will not harm the habitat's long-term maintenance.*

*2. Development on parcels containing or within one hundred (100) feet of environmentally sensitive habitats, shall be permitted only they will not have a significant adverse impact on the habitat's long-term maintenance, either on a development or cumulative basis. Development shall only be approved where conditions of approval are available which will mitigate adverse impacts to and allow for the long-term maintenance of the habitat, as determined through the biological survey.*

*3. Removal of indigenous vegetation and land disturbance, such as grading, excavation, paving, and fill, in or within one hundred (100) feet of environmentally sensitive habitats shall be limited to that necessary for the structural improvements and driveway access. Modifications to the proposal shall be made for siting, location, design, bulk, vegetation removal, and grading where such modifications will reduce impacts to the habitat.*

*4. The use of native species consistent with and found in the project area shall be required in landscaping required as a condition of project approval.*

*5. Development activities which would adversely affect the breeding habitat of rare, threatened and endangered birds shall be regulated by conditions of project approval to avoid significant impacts during their breeding and nesting seasons.*

The project is not proposed within environmentally sensitive habitat (ESHA). It is proposed within 100 feet of ESHA, and consistent with D.2 above, will not have a significant adverse impact on the habitat's long term maintenance. The FEIR included mitigation measures which will mitigate adverse impacts to allow for the long-term maintenance of the habitat. The County has required implementation of the mitigation measures relevant to the desalination plant through Condition 5. Proposed development is limited to the structural improvements and access for the desalination plant and has been sited to avoid ESHA. Landscaping with native species is required by Condition No. 4. Mitigations to avoid significant impacts to Western Burrowing Owl (Mitigation Measure 4.6-1h) and to nesting birds (Mitigation Measure 4.6-1i) are also included in the Mitigation Monitoring and Reporting Program. (See Finding 15.)

- k) The project is in a moderate archeological sensitivity zone. A records search and a field survey were conducted in preparation for the EIR, which fulfills the requirement for a Phase 1 report as required by Section 21.66.050. No prehistoric archaeological resources have been previously identified in the direct area of the MPWSP Desalination Plant. No prehistoric archaeological resources were identified in the project area during the 2010-2016 survey effort. One historic-era

resource, a railroad grade, was previously identified in the project area in 1998; however, there were no remains of this resource present on-site during the 2010 survey effort. The reports concluded that the site does not contain archaeological resources, so no additional review is necessary. Mitigation Measures 4.15-2b and 4.15-4 require work to stop and proper notification and procedures to occur in the event that resources or human remains are inadvertently discovered. (See Finding 16.)

- l) Chapter 10.72 of the Monterey County Code, pertaining to County permits for construction and operation of desalination facilities, does not apply to this project. Pursuant to the Settlement Agreement and Mutual Release dated December 4, 2012 among Cal Am, the County of Monterey, and the Monterey County Water Resources Agency, the County agreed not to apply Chapter 10.72 to the project. Additionally, the California Public Utilities Commission decision granting the Certificate of Public Convenience and Necessity for the Monterey Peninsula Water Supply Project found that Chapter 10.72 was preempted as to the MPWSP and therefore not applicable to the MPWSP. (Order Modifying Decision (D) 18-09-017 and Denying Rehearing of Decision, as Modified (CPUC, dated Feb. 5, 2019), at pp. 17-18.)
- m) The project is exempt from Policy PS-3.1 of the Public Services Element of the General Plan. PS-3.1 requires proof of a long-term, sustainable water supply to serve new development but exempts certain categories of development. PS-3.1(b) provides that this requirement “shall not apply to ... specified development... designed to provide a) public infrastructure or b) private infrastructure that provides critical or necessary services to the public, and that will have a minor or insubstantial net use of water (e.g. water facilities, wastewater treatment facilities, road construction projects, recycling or solid waste transfer facilities).” The proposed project is within this exception because a desalination plant proposed by Cal Am will provide water for Cal Am’s Monterey District service area and is necessary because Cal Am must replace its existing diversions of water from the Carmel River in excess of Cal Am’s legal entitlement in accordance with State Water Resources Control Board Orders 95-10 and 2016-0016. (See Decision Approving a Modified Monterey Peninsula Water Supply Project, Adopting Settlement Agreements, Issuing Certificate of Public Convenience and Necessity and Certifying Combined Environmental Report, CPUC Decision No. 18-09-017, dated September 13, 2018 (“D. 18-09-017” or “CPUC Decision”), at pp. 11, 65-70, modified on other grounds by Order Modifying Decision 18-09-017 and Denying Rehearing of Decision, as Modified.) The project proposes an insubstantial new use of water by desalinating sea water and returning groundwater component that is used to agricultural users in the Salinas Valley Groundwater Basin in lieu of an equal amount of groundwater pumping.. (See FEIR pg 3-38.)
- n) The project is consistent with Monterey County General Plan Policy S-7.8, which requires a pre-construction vibration study for all discretionary projects that propose to use heavy construction equipment

with the potential to create vibrations that could cause structural damage to adjacent structures within 100 feet. There are no structures within 100 feet of the proposed construction.

- o) The project is consistent with Monterey County General Plan Policy S-7.10, which applies standard noise protection measures including:
  - Construction shall only occur during times allowed by ordinance/code unless such limits are waived for public convenience
  - All equipment shall have properly operating mufflers,
  - Lay-down yards and semi-stationary equipment such as pumps or generators shall be located as far from noise-sensitive land uses as practical.

Construction is proposed to occur only during daytime hours (7 a.m. to 7 p.m., Monday through Saturday). (See Condition No. 20 and draft Construction Management Plan, dated April 11, 2019.) Mitigation Measure 4.12-1b requires construction equipment to have sound control devices, and staging areas to be located as far as possible from sensitive receptors.

- p) The project is consistent with Monterey County Code Section 10.60.030 (Operation of Noise-producing Devices Restricted), which prohibits operation of any machine which produces a noise level exceeding 85dBA measured 50 feet therefrom, and Section 10.60.040 (Regulation of Nighttime Noise), which prohibits any unreasonable sound between 10pm and 7am. The nearest sensitive receptors are two rural residences on Neponset Road, 2,200 feet and 3,900 feet from the project area. The EIR found that construction-related noise increases at sensitive receptors would not exceed the speech interference threshold of 70dBA and would not exceed the sleep threshold of 60dBA. Construction is not proposed to take place during nighttime hours. The adopted Mitigation Monitoring and Reporting Plan includes measures applicable to all MPWSP components to further protect against noise impacts, including designation of a construction disturbance contractor (MM 4.12-1a).
- q) The EIR identified a potential inconsistency with Monterey County General Plan Policy OS-10.6, which states that the Monterey Bay Air Resources District's Air Pollution control strategies, air quality monitoring, and enforcement activities shall be supported. Cumulative project construction activities would generate short-term NO<sub>x</sub> emissions in quantities that would exceed MBARD's threshold. The cumulative impact of MPWSP construction emissions associated with the potential to contribute to a violation of an ambient air quality standard and conflict with implementation of the applicable air quality plan. The EIR identified mitigation measures to lessen this impact, and a statement of overriding considerations was adopted.
- r) The project was not referred to a Land Use Advisory Committee (LUAC) for review because the site does not fall within the jurisdiction of any LUAC.
- s) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150889; Decision Approving a Modified Monterey Peninsula Water Supply Project,

Adopting Settlement Agreements, Issuing Certificate of Public Convenience and Necessity and Certifying Combined Environmental Report, CPUC Decision No. 18-09-017, dated September 13, 2018; Order Modifying Decision 18-09-017 and Denying Rehearing of Decision, as Modified.

3.           **FINDING:**           **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**   a)   The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, North County Fire Protection District, RMA-Public Works, RMA-Environmental Services, and Monterey County Health Department-Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b)   A Final Environmental Impact Report/Environmental Impact Statement (“EIR/EIS” or “EIR”) for the Monterey Peninsula Water Supply Project (SCH #2006101004) was prepared by the California Public Utilities Commission (CPUC) as lead agency under the California Environmental Quality Act (CEQA) and by the National Oceanic and Atmospheric Administration (NOAA) as lead agency under the National Environmental Policy Act (NEPA). The CPUC certified the EIR/EIS on September 13, 2018. The EIR identified potential impacts to geologic resources, biological resources, hazards and hazardous materials, traffic and transportation, air quality, greenhouse gas emissions, noise and vibration, public services, aesthetic resources, cultural and paleontological resources, energy conservation, socioeconomics and environmental justice. Mitigation measures identified in the EIR will reduce all impacts, except for air quality impacts to a less than significant level. The County, as a responsible agency, has required through Condition No. 5, proof that mitigation measures related to the desalination plant have been carried out. The CPUC adopted a statement of overriding considerations for cumulative impacts related to traffic and transportation and cumulative Air Quality Impacts resulting from construction, and the County is also adopting a statement of overriding considerations. (See below.)
- c)   Staff conducted a site inspection on May 10, 2018 to verify that the site is suitable for this use.
- d)   The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN150889; Final Environmental Impact Report/Environmental Impact Statement for the Monterey Peninsula Water Supply Project (SCH #2006101004); D. 18-09-017, Appendix C (CEQA/NEPA Findings).
4.           **FINDING:**           **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to

property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning, North County Fire Protection District, Public Works, Environmental Health Bureau, and RMA-Environmental Services. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Necessary public facilities are available. The property will receive domestic sewer service from Monterey One Water. The property will receive domestic water service by connecting to the desalination plant's treated water pipeline.
  - c) Construction noise is not anticipated to exceed noise standards of Monterey County Code Sections 10.60.030 or 10.60.040 at the nearest sensitive receptors, which are two rural residences on Neponset Road that are located 2,200 feet and 3,900 feet to the west. The EIR identified mitigation measures, which are consistent with Policy S-7.10 of the Safety Element of the General Plan, to ensure construction noise is minimized, including advance notice to residents (Mitigation Measure 4.12-1A) and sound control devices for construction equipment (Mitigation Measure 4.12-1B). All applicable Mitigation Measures have been carried forward through Condition 5, which requires verification of implementation of all measures identified as applying to the "desalination plant site" in the CalAm Monterey Peninsula Water Supply Project Mitigation Monitoring and Reporting Program (attached to this resolution as Exhibit C and incorporated herein by reference).
  - d) The EIR found that construction of the MPWSP elements would have significant and unavoidable impacts to traffic and transportation and air quality. (See finding 11.) The Mitigation Monitoring and Reporting Program (Exhibit C) includes mitigation measures to reduce these impacts to the extent feasible, which have been carried forward by Condition 5, but the measures do not reduce these impacts to less than significant. The CPUC adopted a statement of overriding considerations based on project benefits, and the County is also adopting a statement of overriding considerations (see below).
  - e) Staff conducted a site inspection on May 10, 2018 to verify that the site is suitable for this use.
  - f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN150889; Final Environmental Impact Report/Environmental Impact Statement for the Monterey Peninsula Water Supply Project (SCH #2006101004); Final CPUC Decision, Appendix C (CEQA/NEPA Findings)..

5. **FINDING:** **AGRICULTURAL RESOURCES** – The project is consistent with the agricultural protection policies of the Agriculture Element of the General Plan.

- EVIDENCE:**
- a) Consistent with Policy AG-1.1 of the General Plan, the project does not propose development on viable farmlands designated as Prime, of Statewide Importance, Unique, or of Local Importance. The proposed

development has been sited to avoid 1.7 acre Farmland-zoned portion of the parcel that contains Prime Farmland.

- b) Consistent with Policy AG-1.2 of the Monterey County General Plan, the project provides a 200-foot buffer between the desalination plant facilities and the adjacent farmland west of the site. Existing agricultural activities would not be impacted by the project because no agricultural activity is currently present on the site. The site has not been used for grazing or any other agricultural purpose since 1956.

6. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on May 10, 2018 and researched County records to assess if any violations exists on the subject property.
  - c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN150889.

7. **FINDING:** **CEQA (Previously Adopted EIR)** – The Board of Supervisors has considered the Environmental Impact Report/Environmental Impact Statement (SCH #2006101004) for the Monterey Peninsula Water Supply Project (MPWSP) that was previously certified by the California Public Utilities Commission (CPUC) (hereinafter referred to as “the EIR” or the “EIR/EIS”).

- EVIDENCE:**
- a) A Final EIR/ Final EIS (hereafter referred to as EIR) for the project was prepared by the CPUC as lead agency under the California Environmental Quality Act (CEQA) and by the National Oceanic and Atmospheric Administration (NOAA) as lead agency under the National Environmental Policy Act (NEPA). The CPUC certified the EIR/EIS on September 13, 2018. (See Draft Environmental Impact Report/Environmental Impact Statement (“DEIR”) for Monterey Peninsula Water Supply Project, which was circulated for public review from January 13, 2017 to March 29, 2017, and Final EIR/EIS (“FEIR”) for the Monterey Peninsula Water Supply project (SCH#2006101004), dated March 2018, certified by the CPUC on September 13, 2018.) The EIR assessed the current environmental conditions and evaluated the environmental effects associated with the construction and operation of all project components, including the desalination plant. The CPUC EIR analyzed a 9.6 mgd desalination plant as the project and, as an alternative, a smaller 6.4 mgd desalination plant (Alternative 5a in the EIR). The CPUC approved the smaller 6.4 mgd desalination plant, and it is that smaller desalination plant which is the project before the County and the subject of the CEQA findings herein.
  - b) The County is a responsible agency under CEQA due to the County's permitting authority for some of the project elements that are within the

unincorporated area of the County, including the desalination plant. As a responsible agency, the County's role is more limited than a lead agency. The County has responsibility for mitigating or avoiding only the direct and indirect environmental effects of those parts of the project which it decides to "... approve." (California Code of Regulations, Title 14 (CEQA Guidelines) sec. 15097(g).) The County has considered the environmental effects of the desalination project as analyzed in the EIR and has required all feasible mitigation measures within the County's powers for the component of the MPWSP within the County's jurisdiction and found no feasible alternative (See findings below). To the extent there is pending litigation challenging the CPUC certification of the EIR and compliance with CEQA, the County as responsible agency must assume that the EIR for the project does comply with CEQA, and that the approval of the project herein constitutes permission to proceed with the project at the applicant's risk pending final determination of such litigation. (Pub. Res. Code sec. 21167.3.)

- c) The EIR includes mitigation measures that will reduce all impacts to a less than significant level, with the exception of cumulative impacts related to Traffic and Transportation and Air Quality impacts. (See findings below.) The CPUC adopted a Mitigation Monitoring and Reporting Plan with its decision on September 13, 2018. As a responsible agency, the County is adopting a Mitigation Monitoring and Reporting Program that requires Cal Am to verify that all mitigation measures identified by the CPUC pertaining to the desalination plant site are implemented. Pursuant to CEQA Guidelines section 15097(g), the County has also required any additional feasible mitigation measures applicable to the desalination plant site as identified in the EIR. (See Condition 5.)
- d) Issues that were analyzed in the EIR include: geology/soils, hydrology/water quality, groundwater resources, marine resources, biological resources, hazards and hazardous materials, land use/land use planning/recreation, traffic/transportation, air quality, greenhouse gas emissions, noise/vibration, public services/utilities, aesthetic resources, cultural/paleontological resources, agriculture/forestry resources, mineral resources, energy conservation, population/housing, socioeconomics/environmental justice. Findings with respect to each of the identified significant effects are set forth below pursuant to CEQA Guidelines sections 15091 and 15093.

- 8. **FINDING: CEQA (NO SUPPLEMENTAL OR SUBSEQUENT EIR IS NEEDED).** The Board of Supervisors finds that no Supplemental or Subsequent EIR is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines, Sections 15162 or 15163 since adoption of the Final EIR. Pursuant to Public Resources Code section 21166, "no subsequent or supplemental environmental impact report shall be required by the lead agency or by the responsible agency" unless major revisions of the EIR are required due to substantial changes in the project or substantial changes in circumstances or "new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available."



- a) There have not been any substantial changes to the project which require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects. The EIR analyzed the same project for which the applicant is seeking the Use Permit, Administrative Permit and Design Approval.
- b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effect.
- c) No new information of substantial importance has been presented, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, that shows any of the following: that “the project will have one or more significant effects not discussed in the previous EIR”; that significant effects previously examined in the EIR “will be substantially more severe than previously shown in the previous EIR”; that “mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative”; or that “mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.” (CEQA Guidelines section 15162.) A Final EIR was adopted by the CPUC on September 13, 2018. Appellants contend that significant new information has been presented since certification of the EIR that meets the standard for supplemental environmental review. For the reasons set forth in the response to the appeal contentions below, the County finds appellant’s contentions on this point without merit and finds that supplemental environmental review is not required under CEQA for the desalination plant project which is the subject of the discretionary entitlement issued herein by the County.

9. **FINDING: CEQA: EFFECTS WITH NO IMPACT OR LESS THAN SIGNIFICANT IMPACT** – The FEIR found that construction of the desalination plant will have no impact or less than significant impacts on the areas listed below and fully detailed in the FEIR.
- a) The following impacts, fully detailed in the FEIR, would have no impact: 4.2-2, 4.2-5, 4.2-6, 4.2-8, 4.2-9, 4.2-10, 4.2-11, 4.3-3, 4.3-6, 4.3-9, 4.3-10, 4.3-10, 4.4-4, 4.5-1, 4.5-2, 4.5-3, 4.6-7, 4.6-8, 4.6-9, 4.6-10, 4.7-3, 4.7-4, 4.8-2, 4.9-5, 4.9-7, 4.12-4, 4.15-1, 4.16-2, 4.16-3,
  - b) The following impacts, fully detailed in the FEIR, would be less than significant: 4.2-1, 4.2-3, 4.2-4, 4.2-7, 4.3-1, 4.3-7, 4.3-8, 4.3-11, 4.4-1, 4.4-2, 4.4-3, 4.4-C, 4.5-4, 4.5-5, 4.5-6, 4.5-C, 4.6-3, 4.7-1, 4.7-5, 4.7-6, 4.8-1, 4.8-C, 4.9-1, 4.9-2, 4.9-4, 4.9-8, 4.10-3, 4.10-4, 4.10-5, 4.12-1, 4.12-2, 4.12-3, 4.12-5, 4.12-6, 4.13-3, 4.14-1, 4.14-2, 4.14-3, 4.14-4, 4.15-3, 4.15-C, 4.16-1, 4.17-1, 4.17-C, 4.18-2, 4.18-3, 4.19-1, 4.19-2

4.19-C, 4.20-2. As described below, with respect to Impacts 4.2-1 4.12-1, 4.12-2, 4.12-3, 4.12-5, 4.14-1, 4.14-2, 4.14-3, 4.14-4, although the EIR identified these as less than significant, the following measures are required in the MMRP as adopted by the CPUC and made applicable by this approval.

Impact 4.2-1: Mitigation Measures 4.6-2b and 4.16-1

Impact 4.12-1: Mitigation Measures 4.12-1a, 4.12-1b, 4.12-1c, and 4.12-1e.

Impact 4.12-2: Mitigation Measures 4.12-1b and 4.12-1c.

Impact 4.12-3: Mitigation Measure 4.12-3.

Impact 4.12-5: Mitigation Measure 4.12-5.

Impact 4.14-1: Mitigation Measure 4.14-1.

Impact 4.14-2: Mitigation Measure 4.14-2.

Impact 4.14-3: Mitigation Measures 4.13-3a and 4.14-3b.

Impact 4.14-4: Mitigation Measure 4.14-2.

- c) Final EIR/EIS (“FEIR”) for the Monterey Peninsula Water Supply project (SCH#2006101004), dated March 2018, certified by the CPUC on September 13, 2018.

10. **FINDING:** **EIR-ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** - The EIR identified potentially significant impacts to Geology, Soils, and Seismicity, Surface Water Hydrology and Water Quality, Terrestrial and Biological Resources, Hazards and Hazardous Materials, Land Use, Planning and Recreation, Traffic and Transportation, Greenhouse Gas Emissions, Noise and Vibration, Public Services and Utilities, Aesthetic Resources, Cultural and Paleontological Resources, Agricultural Resources, Energy Conservation, and Socioeconomics and Environmental Justice, which could result from the project as originally submitted. Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the potentially significant environmental effects of the desalination plant construction and operation as identified in the Final EIR. For each potential impact summarized below, the mitigation measures are identified that reduce that potential impact to less than significant. (For full text of the referenced mitigation measure, see the MMRP, attached hereto as Exhibit C.)
- EVIDENCE:** a) Geology, Soils, and Seismicity. The proposed project would potentially have an adverse effect on Geology, Soils, and Seismicity.
- IMPACT 4.2-1: The proposed Project could cause substantial soil erosion or loss of topsoil during construction.
- Mitigation Measure 4.6-2b from the EIR includes requirements to return impacted areas to pre-project conditions or greater, restore native vegetation, and provisions for salvaging topsoil. Mitigation measure 4.16-1 from the EIR includes measures for preserving topsoil and subsoil layers, avoiding over-compaction, and ripping following construction activities to allow the uppermost 3 feet of soil to achieve appropriate soil density, inspecting existing agricultural drainage systems, and restoring disturbed areas to pre-construction conditions.

- b) Surface Water Hydrology and Water Quality. The proposed project would potentially have an adverse effect on Surface Water Hydrology and Water Quality.

IMPACT: 4.3-2: Degradation of water quality could occur from construction-related discharges or dewatering effluent from open excavations and water produced during well drilling and development. Mitigation Measure 4.7-2b from the EIR requires a groundwater dewatering control and disposal plan to specify how contaminated groundwater (if encountered) will be handled and disposed of in a safe, appropriate, and lawful manner. Contaminated groundwater can be disposed of at a permitted waste management facility or discharged, under permit, to a publicly owned treatment works.

IMPACT: 4.3-4;4.3-5: The project would potentially violate water quality standards or waste discharge requirements or degrade water quality from increased salinity as a result of brine discharge from the operation of the desalination plant. Although the analysis of salinity levels indicates that for all scenarios modeled the MPWSP brine-only discharges and discharges of brine combined with varying amounts of wastewater will meet 2016 California Ocean Plan salinity and dissolved oxygen standards and will not result in hypoxia on the ocean floor, the Ocean Plan requires a Monitoring and Reporting Plan be submitted to the Regional Water Quality Control Board for Approval. Mitigation Measure 4.3-4 requires CalAm to implement a comprehensive Monitoring and Reporting Plan following review and approval by RWQCB and MBNMS that is consistent with the requirements and monitoring guidelines for the Ocean Plan and MBNMS Guidelines for desalination plants. Mitigation Measure 4.3-5 requires CalAm to conduct a water quality assessment and waste disposal study to ensure that operational discharges meet the NPDES water quality requirements, and to take specified operational actions if the discharges do not meet those requirements.

- c) Terrestrial Biological Resources. The project would potentially result in significant impacts to terrestrial biological resources.

IMPACT 4.6-1: The project could result in substantial adverse effects on species identified as candidate, sensitive, or special status, either directly, indirectly, or through habitat modification, during construction. Mitigation Measure 4.6-1a requires Cal Am to retain a lead biologist to oversee compliance with and implementation of avoidance and mitigation measures.

Mitigation Measure 4.6-1b requires training for all construction workers to ensure they are aware of special status species and measures to avoid, minimize, and/or mitigate impacts.

Mitigation Measure 4.6-1c requires the construction contractor to implement avoidance and minimization measures to protect special-status species and sensitive natural communities.

Mitigation Measure 4.6-1e requires focused botanical surveys to be conducted for special status plants in all potentially suitable habitat during the appropriate blooming period for each species and in

accordance with guidelines established by the CDFW and to implement avoidance measures as appropriate.

Mitigation Measure 4.6-1i requires a biologist to conduct pre-construction nesting surveys for all nesting birds protected by the federal Migratory Bird Treaty Act and Section 3503 of the California Fish and Game Code. If nests are found, continuous monitoring shall occur and appropriate avoidance and minimization measures shall be applied.

Mitigation Measure 4.6-1j requires biologist conducted preconstruction surveys for American badger dens, excavation of potential dens to prevent use during construction, and avoidance and minimization measures for active dens.

Mitigation Measure 4.6-1l requires a preconstruction habitat assessment by a qualified biologist within 100 feet of construction activities for bat species and avoidance and minimization measures if appropriate.

Mitigation Measure 4.6-1n requires development and submittal of a Habitat Mitigation and Monitoring Plan to appropriate resource agencies.

Mitigation Measure 4.6-1o requires preconstruction surveys for California red-legged frog and California tiger salamander, and if necessary, relocation plans, and avoidance buffers. Habitat restoration must be completed upon completion of construction activities.

Compensatory mitigation in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation for permanent impacts shall be provided at a minimum ratio of 2:1.

Mitigation Measure 4.6-1p requires Best Management Practices in construction areas within or adjacent to native plant communities that may be susceptible to non-native plant species invasion.

Mitigation Measure 4.14-2 requires measures to protect nighttime views from exterior lighting, including lot intensity fixtures and downward and shielded fixtures.

Mitigation Measures 4.6-1f, 4.6-1g, and 4.6-1h require avoidance and minimization measures to protect Smith's Blue Butterfly, protected lizard species, and Western Burrowing Owl, respectively.

IMPACT 4.6-2: Although there is no critical habitat at the 25-acre MPWSP Desalination Plant Site, critical habitat for south/central California coast steelhead and tidewater goby occurs along the Salinas River, approximately 670 feet north of the proposed MPWSP Desalination Plant development area. Construction would not directly impact these species; however, soil-disturbing activities at the site could result in soil erosion and the migration of eroded soil and sediment downgradient towards the Salinas River.

Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1n, and 4.6-1p, described above, also address this impact.

Mitigation Measure 4.6-2b requires avoidance, minimization, and compensation measures for sensitive natural communities, the special status species that utilize these sensitive communities and ESHA as defined by the California Coastal Commission.

IMPACT 4.6-4: The proposed project could be inconsistent with local policies for biological resources, such as with local tree ordinances.

Mitigation Measure 4.6-4 requires CalAm to identify measure and map trees subject to local tree removal ordinances and to comply with applicable ordinances or permit requirements. Current plans for the desalination plant indicate that only Monterey Cypress trees will be removed, which is not a protected species within the Greater Monterey Peninsula Area Plan area.

IMPACT 4.6-5: The project could introduce or spread invasive non-native species during construction.

Mitigation Measures 4.6-1a, and 4.6-1p, described above, require oversight by a lead biologist, and implementation of special status species and sensitive natural community protective measures such as cleaning tools and equipment, to reduce the introduction or spread of invasive species.

IMPACT 4.6-6: The salinity of the brine in the MPWSP brine storage basin could impacts waterfowl using the basin over long periods of time, who could become sick from salt toxicosis.

Mitigation Measure 4.6-6 requires the use of bird deterrents such as reflective flagging, whistles, or a falconer to discourage migratory waterfowl from using the Brine Storage Basin.

- d) Hazards and Hazardous Materials. The EIR identified potentially significant impacts related to hazards and hazardous materials.

IMPACT 4.7-2: The project could encounter hazardous materials from other hazardous materials release sites during construction.

Mitigation Measure 4.7-2a requires a site-specific Health and Safety Plan including designation of a site safety and health supervisor and procedures for safety, protection, and decontamination.

Mitigation Measure 4.7-2b requires a groundwater control and disposal plan specifying procedures for handling contaminated groundwater.

- e) Traffic and Transportation. The project would potentially result in significant impacts to traffic and transportation.

IMPACT 4.9-3: The project could result in increased traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways during construction.

Mitigation Measure 4.9-1 requires CalAm to obtain all necessary encroachment permits, and to develop a traffic control and safety assurance plan with measures to ensure safe and convenient access through circulation and detour plans, traffic control devices, scheduling truck trips around peak commute hours and heavy recreational use periods. Encroachment permits are required for work performed in the County right-of-way. Additionally, the County has required submittal of a Construction Management Plan (Condition No. 20) coordinated with the plans and information required by this Mitigation Measure.

IMPACT 4.9-6: The project could result in increased wear and tear on designated haul routes used by construction vehicles.

Mitigation Measure 4.9-6 requires CalAm to enter into an agreement with the affected jurisdictions to document the pre-construction condition of roads and agree to a rehabilitation agreement to return all roads to pre-construction condition. The County has required submittal of a Construction Management Plan (Condition No. 20) coordinated with the plans and information required by this Mitigation Measure.

- f) Greenhouse Gas Emissions. The project would potentially result in significant impacts related to Greenhouse Gas Emissions.
- IMPACT 4.11-1: Total construction and operation emissions from the project would exceed the 2,000 metric tons per year significance threshold, which could constitute a significant impact without mitigation.
- Mitigation Measure 4.11-1 Requires a GHG Emissions Reduction Plan that details the carbon footprint of all operational components, and a summary of recovery and conservation technologies available. CalAm is required to ensure that operational electricity use results in net zero GHG emissions through renewable energy, Renewable Energy Certificates, and Carbon Offsets.
- See Mitigation Measure 4.18-1 in Impact 4.18 below.
- IMPACT 4.11-2: The project could conflict with Executive Order B-30-15 due to exceeding emissions significance thresholds.
- See Mitigation Measure 4.11-1, described above.
- See Mitigation Measure 4.18-1 below.
- IMPACT 4.11-3: The project could conflict with AB 32 Climate Change Scoping Plan.
- See Mitigation Measure 4.11-1.
- g) Public Services and Utilities. The project would potentially result in significant impacts to Public Services and Utilities.
- IMPACT 4.13-1: Construction of the desalination plant could damage or interfere with existing water, sewer, stormwater drainage, natural gas, electric, or communication utility service lines, potentially interrupting service.
- Mitigation Measure 4.13-1a requires location of all utility lines that could be encountered during excavation.
- Mitigation Measure 4.13-1b requires coordination with affected utilities and notification of residents and businesses of any interruption in service.
- Mitigation Measure 4.13-1c requires measures to safeguard employees.
- Mitigation Measure 4.13-1d requires CalAm to prepare an emergency response plan with procedures to follow in the event of a leak or explosion.
- Mitigation Measure 4.13-1e requires notification of the fire department in advance of any work that is to be performed within or adjacent to any gas lines.

Mitigation Measure 4.13-1f requires CalAm to contact utility providers to reconnect any disconnected utility lines as soon as it is safe to do so.  
IMPACT 4.13-2 The project could exceed landfill capacity or be out of compliance with federal, state, and local statutes and regulations related to solid waste during construction.

Mitigation Measure 4.13-2 requires a Construction Waste Reduction and Recycling Plan.

IMPACT 4.13-4 The project could exceed wastewater treatment requirements of the Central Coast RWQCB, or result in a determination by the wastewater treatment provider that it has inadequate treatment or outfall capacity to serve the project.

See Mitigation Measures 4.3-4 and 4.3-5.

IMPACT 4.13-5 The project could result in increased corrosion of the MRWPCA outfall and diffuser as a result of brine discharge associated with project operations.

Mitigation Measure 4.13-5a requires CalAm to protect the offshore segment of the MRWPCA ocean outfall from corrosion by replacing existing clamps in the nearshore portion of the ocean outfall with new corrosion-resistant clamps, and to perform ongoing inspections.

Mitigation Measure 4.13-5b requires CalAm to line the land segment of the outfall with a protective liner system.

- h) Energy Conservation. The project would potentially result in significant impacts to energy conservation.

IMPACT 4.18-1: The project could use large amounts of fuel and energy in an unnecessary, wasteful, or inefficient manner during construction.

Mitigation Measure 4.18-1 requires a Construction Equipment Efficiency Plan to identify measures and standards to maximize efficiency of construction equipment and vehicles, to provide opportunities for worker carpooling, and to use existing electricity over portable generators when feasible.

- i) Noise and Vibration. The project would potentially result in significant impacts concerning noise and vibration.

IMPACT 4.12-1: The project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity during construction. Although the nearest residence is located over 2,200 feet from the project site, mitigation measures are included to reduce any potential noise impacts due to the length and scale of construction activities.

Mitigation Measure 4.12-1a requires neighborhood notice and designation of a Construction Disturbance Coordinator who is responsible for responding to complaints about construction disturbances.

Mitigation Measure 4.12-1b requires sound control devices for construction equipment.

Mitigation Measure 4.12-1c requires a Noise Control Plan for Pipeline Construction.

IMPACT 4.12-5: The project could result in a substantial permanent increase in ambient noise levels in the project vicinity during project operations.

Mitigation Measure 4.12-5 requires that an acoustical engineer design stationary-source noise controls and ensure applicable noise standards are met.

- j) Cultural and Paleontological Resources. The project would potentially result in significant impacts to Cultural and Paleontological Resources. IMPACT 4.15-2: The project could cause a substantial adverse change during construction in the significance of an archaeological resource. Although no known archaeological resources have been identified on the project site and the field survey did not indicate any potential for archaeological resources, unknown resources could be disturbed during construction.

Mitigation Measure 4.15-2b identifies procedures that must be followed in the event of inadvertent discovery of cultural resources, including stopping work within 100 feet and notifying lead agencies, a qualified archaeologist, and the appropriate Native American representative.

IMPACT 4.15-4: While no known human remains have been documented within the project area, there is a possibility of potential discovery of human remains.

Mitigation Measure 4.15-4 identifies procedures that must be followed in the event of inadvertent discovery of Human Remains, including stopping work within 100 feet and notifying the Monterey County Coroner, and the Native American Heritage Commission, which will make recommendations on how to proceed if the remains are determined to be Native American.

- k) Socioeconomics and Environmental Justice. The project could result in impacts concerning socioeconomics and environmental justice. IMPACT 4.20-1: Pipeline construction could affect access to businesses, streets, parking spaces, and trails, which could result in impacts to individual impacts in affected locations.

See Mitigation Measure 4.9-1, which requires CalAm to obtain all necessary encroachment permits, and to develop a traffic control and safety assurance plan with measures to ensure safe and convenient access through circulation and detour plans, traffic control devices, scheduling truck trips around peak commute hours and heavy recreational use periods. The County has required submittal of a Construction Management Plan (Condition No. 20) coordinated with the plans and information required by this Mitigation Measure.

- l) Final EIR/EIS for the Monterey Peninsula Water Supply project (SCH#2006101004), dated March 2018, certified by the CPUC on September 13, 2018.
- m) CPUC Decision Approving a Modified Monterey Peninsula Water Supply Project, Adopting Settlement Agreements, Issuing Certificate of Public Convenience and Necessity and Certifying Combined Environmental Report, Dated 9/20/2018.



- n) Condition 5 has been added to require implementation of Mitigation Measures applicable to the Desalination Plant.

11. **FINDING: EIR-CUMULATIVE IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** – The EIR identified cumulative impacts to Geology, Soils, and Seismicity, Surface Water Hydrology and Water Quality, Agricultural Resources, Energy Resources, Agricultural Resources, Energy Resources, Aesthetic Resources, Socioeconomics and Environmental Justice, Greenhouse Gas Emissions, Public Services and Utilities, Public Services and Utilities Terrestrial Biological Resources, and Hazards and Hazardous Materials, Noise and Vibration. Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the potentially significant cumulative environmental effects of the desalination plant construction and operation as identified in the Final EIR. For each potential impact summarized below, the mitigation measures are identified that reduce that potential impact to less than significant. (For full text of the referenced mitigation measure, see the MMRP, attached hereto as Exhibit C.)
- a) Cumulative Impacts to Geology, Soils and Seismicity. The project could contribute to cumulative impacts on Geology, Soils, and Seismicity.  
IMPACT 4.2-C: The MPWSP project could contribute to a cumulative loss of topsoil.  
See Mitigation Measures 4.6-2a, which includes measures to avoid impacts to Sensitive Species and Environmentally Sensitive Habitat Areas, including preserving native vegetation and topsoil, and 4.16-1, minimizing disturbance to Farmland.
  - b) Cumulative Impacts to Surface Water Hydrology and Water Quality. The project could have cumulative impacts on Surface Water Hydrology and Water Quality.  
IMPACT 4.3-C: Nearly all cumulative projects involve excavation and use of heavy equipment during construction and have the potential to degrade surface water quality. During construction, if the MPWSP's dewatering effluent from open excavations were to contain materials from previous spills or leaks, discharges or contaminated dewatering effluent to vegetated upland areas or the local storm drain system could result in a significant impact. During project operations, operational discharges from implementation of the MPWSP could exceed Ocean Plan water quality objectives for certain constituents, which would result in a significant impact.  
See Mitigation measure 4.7-2b, which requires a groundwater dewatering control and disposal plan to specify how contaminated groundwater (if encountered) will be handled and disposed of in a safe, appropriate, and lawful manner. Contaminated groundwater can be disposed of at a permitted waste management facility or discharged, under permit, to a publicly owned treatment works; 4.3-4, which requires water quality monitoring; and 4.3-5, which requires implementation of protocols to avoid exceeding water quality objectives.

- c) Cumulative Impacts to Agricultural Resources. The project could contribute to cumulative impacts on agricultural resources.  
 IMPACT 4.16-C: The project would temporarily disrupt agricultural uses along the north side of Charlie Benson Lane, and construction activities of the MPWSP as a whole could result in the loss of topsoil and soil compaction that could reduce agricultural productivity. Other projects in the vicinity would also have short-term construction-related effects that could result in the conversion of agricultural land to non-agricultural uses.  
 Mitigation Measure 4.16-1 requires CalAm to incorporate measures to minimize impacts to farmland areas, including notifying property owners 90 days prior to initiating construction activities, stockpiling surface and subsurface soil layers separately during trenching activities, using the separated soil horizons as backfill in the appropriate location in the soil profile, backfilling with 5 percent of the original density; ripping the uppermost 3 feet of soil to avoid compaction, inspecting agricultural drainage systems before and after construction, and restoring disturbed areas to preconstruction conditions following construction. This is a cumulative impact related to the MPWSP as a whole and other projects in the vicinity of all MPWSP project components. The desalination plant site itself has not been in agricultural use since 1956, and the site plans include agricultural buffers to avoid impacts to surrounding agricultural properties.
- d) Cumulative Impacts Related to Energy Resources. The project could result in cumulative impacts to energy resources.  
 IMPACT 4.18-C: Construction of the desalination plant could use large amounts of fuel or energy in a wasteful or inefficient manner, which in the context of local regional energy supplies, in combination with the energy demands of other projects, could result in a significant cumulative impact.  
 See Mitigation measures 4.10-1b, which requires idling restrictions, and 4.18-1, which requires a Construction Equipment Efficiency Plan to identify measures and standards to maximize efficiency of construction equipment and vehicles, to provide opportunities for worker carpooling, and to use existing electricity over portable generators when feasible.
- e) Cumulative Impacts related to Socioeconomics and/or Environmental Justice. The project, combined with other project in the area, could result in cumulative impacts to socioeconomics and/or environmental justice.  
 IMPACT 4.20-C Access to businesses and recreational opportunities may be temporarily impacted by pipeline construction. This impact, combined with impacts to access from cumulative projects, could result in a significant impact on some individual businesses in the affected locations.  
 See Mitigation measure 4.9-1.
- f) Cumulative Impacts related to Greenhouse Gas emissions. The project may have cumulative impacts related to greenhouse gas emissions.

IMPACT 4.11-C: Construction and operation of the MPWSP could result in GHG emissions greater than 2,000 metric tons per year, conflict with Executive Order B-30-15 Emissions Reduction Goal, and conflict with AB 32 scoping plan measures.

See Mitigation measures 4.11-1 and 4.18-1.

- g) Cumulative Impacts to Public Services and Utilities. The project may have cumulative impacts to greenhouse gas emissions.
- IMPACT 4.13-C: Construction of the desalination plant could damage or interfere with existing utility lines. Other MPWSP construction activities could involve accidental damage, temporary disconnection, or relocation of utility lines, which could interrupt service. All cumulative projects involving future construction could cause utility impacts similar to those described for the MPWSP. Construction could be inconsistent with the Monterey County Integrated Waste Management Plan. If all cumulative projects dispose of solid waste at the Monterey Peninsula Landfill, a cumulatively considerable contribution to this impact could occur if cumulative projects generating solid waste do not adhere to State requirements for diversion of solid waste from landfills.
- Operation of the MPWSP's brine stream, when combined with the Regional Urban Water Augmentation Project Desalination Element (RUWAP) brine stream, could have the potential to contribute a considerable cumulative impact regarding exceedances of Ocean Plan water quality objectives.
- Secondary impacts from implementation of Mitigation Measure 4.13-5a, which would involve replacing the WEKO seal clamps in the ocean outfall, could cause substantial impacts on special-status species and habitat. The Beach Junction Structure Replacement Project would begin directly after the WEKO seal clamps are installed, which has the potential to adversely impact special-status species and habitats similar to those potentially disturbed for implementation of Mitigation Measure 4.13-5a.
- See Mitigation Measures 4.13-a through 4.13-f, 4.13-2, 4.3-4, 4.3-5, 4.13-5a and 4.13-5b.
- h) Cumulative Impacts to Aesthetic Resources. The project could result in cumulative impacts to aesthetic resources.
- IMPACT 4.14-C: The MPWSP could result in a cumulatively significant nighttime lighting impact if construction overlaps with other cumulative projects.
- Mitigation Measure 4.14-2 requires low-intensity exterior lighting, downcast fixtures, and placement to minimize glare. Additionally, nighttime lighting impacts at the desalination plant during construction will not be an issue since construction at the desalination plant is not proposed to occur after 7pm pursuant to the Construction Management Plan.
- i) Cumulative impacts related to Terrestrial Biological Resources. The project could have cumulative impacts to terrestrial biological resources.
- IMPACT: 4.6-C: Construction and operation of the MPWSP, including the desalination plant and other MPWSP facilities, combined

with other concurrent projects identified in the EIR, could result in a significant cumulative impact on sensitive natural communities through vegetation trimming or removal, elevated noise and dust levels, and increased human presence.

Construction and operation of the MPWSP could temporarily impact wetlands and other waters. Cumulative projects identified in the EIR could also cause temporary or permanent impacts on wetlands or other waters. Concurrent construction and/or operation of these projects could result in significant cumulative impacts on these resources through wetlands fill or draining and increased human presence, to which the MPWSP could have a significant contribution. Construction of the desalination plant is not expected to contribute to any impacts on wetlands or other waters.

See Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1i, 4.6-1m, 4.6-1n, 4.6-1o, 4.6-2b, 4.6-4, 4.6-6, 4.2-2a, 4.6-1d, 4.6-1e, 4.6-1f, 4.6-1g, 4.6-1h, 4.6-1j, 4.6-1k, 4.6-1l, and 4.6-1p.

Mitigation Measure 4.6-3 requires a jurisdictional wetland delineation to determine the extent of waters of the U.S. and waters of the state within the project area. The project must be designed to avoid and/or minimize impacts to wetlands. Horizontal Directional Drilling or other trenchless or above water methods will be used at all pipeline crossings of wetlands or other waters of the U.S. and of the state. See also Mitigation Measures 4.14-2, 4.12-b, and 4.12-5.

- j) Cumulative Impacts related to Hazards and Hazardous Materials. The project could result in cumulative impacts related to hazards and hazardous materials.

IMPACT 4.7-C: The MPWSP could result in the release or exposure to hazardous materials in soil or groundwater that could have a significant contribution to a potentially significant cumulative impact resulting from such releases from more than one project.

See Mitigation Measures 4.7-2a and 7.7-2b.

- k) Cumulative Impacts related to Noise and Vibration. The project could result in cumulative impacts to noise and vibration.

IMPACT 4.12-C: Construction -related vibration could cause construction related damages to any sensitive structures within 120 feet of the construction site. Although there are no sensitive structures in this vicinity at risk of damage, combined with cumulative projects, this construction-related vibration could have a potentially significant cumulative effect.

Mitigation Measure 4.12-3 requires construction practices that do not generate vibration levels above the standard that could cause damage when work is conducted close to sensitive receptors. Additionally, in the case of this project, there are no sensitive structures within 120 feet of the construction site.

12. **FINDING: EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** –The desalination plant would result in significant and unavoidable impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures, as further described in the evidence below. Specific

economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures that would reduce these impacts to less than significant. The County makes the following findings with respect to the following significant and unavoidable impacts of the desalination plant project.

**EVIDENCE:** a)

IMPACT 4.9-C Traffic and Transportation. The FEIR found that cumulative impacts related to traffic and transportation could result from concurrent construction of the MPWSP and other cumulative projects impacting a short-term increase in vehicle traffic, reductions in the number or the available width of travel lanes on roads where construction would occur, increased wear and tear on the designated haul routes used by construction vehicles, and increases in demand for parking spaces to accommodate construction worker vehicles. Concurrent construction of these projects could create traffic safety hazards for vehicles, bicycles, and pedestrians on public roadways. Access to adjacent land uses and streets for both general traffic and emergency vehicles could be disrupted.

Mitigation Measures 4.9-1 and 4.9-7 apply to all project components to reduce traffic impacts of the entire MPWSP. Mitigation Measure 4.9-C requires CalAm to coordinate with the appropriate planning agency within each affected jurisdiction to develop and implement a Construction Traffic Coordination Plan. The purpose of the plan shall be to lessen the cumulative effects of the MPWSP and local development project construction-related traffic delays and congestion. The plan shall address construction-related traffic associated with all project sites in the vicinity of Project components (i.e., within 1 mile or would use the same roads) and whose construction schedules overlap that of the MPWSP. In accordance with these mitigation measures, Cal Am has submitted a Preliminary Draft Construction Management Plan, dated April 11, 2019, and as a condition of approval, County is requiring Cal Am to submit to the County a Construction Management Plan in substantial conformance with the draft plan. (Condition 20.)

The Mitigation Measures would reduce the MPWSP's incremental contribution to congestion and traffic delays on area roadways, safety hazards, emergency access, alternative transportation facilities, wear and tear, and parking impacts. However, given the size of the MPWSP, along with the number of cumulative projects and uncertainty regarding cumulative project construction timing, the residual MPWSP transportation impacts could still contribute substantially to cumulative local and regional traffic and roadway capacity disruptions, which is a cumulatively considerable significant impact.

b)

Air Quality. The project could result in cumulative impacts to Air Quality which cannot be mitigated below a level of significance.

IMPACT 4.10-1: Short-term emissions associated with construction of the MPWSP could contribute to an exceedance of a state and/or federal standard for ozone, NO<sub>2</sub>, and, PM<sub>10</sub> based on estimated maximum daily mass emissions levels. This would be a significant impact.

Mitigation Measure 4.10-1a requires CalAm and/or its

construction contractor to make a good faith effort to use available construction equipment that meets the highest USEPA-certified tiered emission standards or is alternatively powered (e.g., with electricity, natural gas, propane, methanol and ethanol blends, or gasoline). For all pieces of equipment that would neither meet Tier 4 emission standards nor be alternatively powered, CalAm or its construction contractor shall provide to the CPUC documentation from two local heavy construction equipment rental companies that indicate that the companies do not have access to higher-tiered equipment or alternatively powered equipment for the given class of equipment. Mitigation Measure 4.10-1b, requires CalAm and/or its construction contractor(s) to prepare and implement a written idling policy and distribute it to all equipment operators. The idling policy shall extend the 5-minute idling limit to cover all on-road vehicles (regardless of gross vehicular weight rating) and shall further require that for all diesel-powered off-road engines, the idling limit is reduced to 2 minutes, while maintaining the exceptions specified in Title 13 CCR Section 2449(d)(3). Clear signage of these requirements shall be provided for construction workers at all access points to construction areas.

Mitigation Measure 4.10-1c, requires CalAm to require its construction contractor(s) to implement a dust control plan that includes measures to water active construction areas at least three times per day; cover haul trucks; use water sweepers at construction sites and/or adjacent roads; apply soil stabilizers to inactive construction areas; cover exposed stockpiles; limit speeds on unpaved roads to 15 mph; install erosion control measures; replant native vegetation; wash wheels before exiting certain construction areas; and post publicly-available signs for dust complaint contacts.

Mitigation Measure 4.10-1e, requires CalAm to work with the Monterey Bay Air Resources District ("MBARD") and put forth a good faith effort to fund an off-site mitigation program that would be contemporaneous with construction of the MPWSP to offset construction-related NO<sub>x</sub>.

Exceedances of ozone and NO<sub>2</sub> standards would remain a significant and unavoidable impact even with implementation of Mitigation Measures 4.10-1a, 4.10-1b, and 4.10-1e. Implementation of Mitigation Measures 4.10-1a through 4.10-1c would reduce the impact of PM<sub>10</sub> standard exceedances to a less-than-significant level by requiring equipment to meet the highest tiered emission standards, by imposing idling restrictions, and by requiring the implementation of a dust control plan.

IMPACT 4.10-2: The project could conflict with the 2012 AQMP. Any project that could conflict with the MBARD's goal of attaining the state 8-hour ozone standard would be considered to conflict with the intent of the 2012 AQMP. MPWSP project-related short-term construction emissions with mitigation measures incorporated would exceed the significance threshold for NO<sub>x</sub>; therefore, the MPWSP would not support the primary goal of the 2012 AQMP, and the impact

associated with conflicting or obstructing implementation of the applicable air quality plan would be significant.

Mitigation Measures 4.10- 1a, 4.10-1b, and 4.10-1e, described above also address impact 4.10-2; however, implementation of these measures would not reduce MPWSP project-related NO<sub>x</sub> emissions to below the significance threshold. Therefore; this impact is significant and unavoidable even with implementation of mitigation.

**IMPACT 4.10-C:** The projects construction activities would generate short-term NO<sub>x</sub> emissions in quantities that would exceed MBARD's threshold. The cumulative impact of MPWSP construction emissions associated with the potential to contribute to a violation of an ambient air quality standard and conflict with implementation of the applicable air quality plan and would be significant when combined with the emissions associated with cumulative projects, and the MPWSP's incremental contribution to the cumulative impact would be cumulatively significant.

Implementation of Mitigation Measures 4.10-1a through 4.10-1e would reduce emissions of PM<sub>10</sub> during MPWSP construction activities to a level that would be below the MBARD threshold. Conformance with the MBARD threshold ensures that an individual project would not have a cumulative impact with respect to overall air quality within the air basin; therefore, the MPWSP's incremental contribution of construction-related PM<sup>10</sup> emissions would result in a less than significant cumulative impact. Even with implementation of Mitigation Measures 4.10-1a, 4.10-1b, and 4.10-1e, the MPWSP's cumulatively considerable contribution to the significant cumulative impact associated with NO<sub>x</sub> emissions would remain significant and unavoidable.

13. **FINDING:**

**EIR-CEQA ALTERNATIVES TO THE PROPOSED PROJECT -**

The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines Section 15126.6. Alternative 5a, which is the project approved by the CPUC and the project that is the subject of this approval, was identified as the Environmentally Superior Alternative. The EIR considered alternatives described below and as more fully described in the FEIR. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible other alternatives that would reduce the significant and unavoidable impacts to less than significant, as explained further below.

**EVIDENCE:** a)

No Project Alternative. The no project alternative involves not constructing the desalination plant. CalAm would continue to operate its Monterey District facilities in compliance with the Cease and Desist Orders and the Seaside Groundwater Basin Adjudication. Pursuant to the State Water Resources Control Board Order WR 2016-0016 ("Revised CDO"), amending State Water Board Order WR 2009-0060, Cal Am must cease its unlawful diversions from the Carmel River by December 31, 2021. This is an extension from the December 31, 2016 deadline established by Order WR 2009-0060. At the end of the

Revised CDO extension period, CalAm would have an estimated 6,380 afy of potable water available for delivery within its service area from existing sources, and would not “payback” any water to the Seaside Groundwater Basin. The No Project/No Action alternative would have the least significant environmental impacts; however, it would not meet the project objective to develop a water supply for the Cal am Monterey District to replace existing Carmel River diversions in excess of Cal Am’s legal entitlement. It would not provide a replacement water supply for CalAm customers, it would not provide water supply reliability and it would not provide supply to allow for replenishment of water that CalAm previously pumped from the Seaside Basin in excess of CalAm’s adjudicated right. In addition, it would not provide supply for the development of vacant legal lots of record or supply to meet other demand. The limited available water supply could trigger rationing measures and could lead to water shortages throughout the Monterey District service area. Further, the Project benefit served by the return water for the community of Castroville would not come to fruition. Additionally, although the No Project Alternative may involve the least amount of direct impact on the physical environment, there would be different impacts given the failure to supply sufficient water for customers within the CalAm service area. The No Project Alternative does not meet the Project goals and objectives and is not a feasible alternative.

- b) Alternative Locations: The FEIR evaluated two alternative locations for the desalination plant: the East Tank Farm Road Parcel, and the Moss Landing Green Commercial Park. The FEIR determined that the East Tank Farm Road Parcel would have a similar level of environmental effects for most topic areas compared to the proposed site, but would result in increased impacts on terrestrial biology, noise and vibration, and aesthetics. The Moss Landing Green Commercial Park site would have a similar level of environmental effects for most of the topic areas, but would result in increased impacts on surface water hydrology, due to its location in the 100-year flood zone, and on terrestrial biology. Therefore, the FEIR found that there are no potential impacts associated with development of the project at the proposed site that would be avoided or minimized by either of the two alternative sites. The County finds these alternatives are infeasible because they do not avoid or minimize the potential impacts of the project, but rather move them to another area.
- c) Expanded Pure Water Monterey Project. Monterey One Water (M1W) is considering the potential expansion of the Pure Water Monterey Project from the approved 5mgd size to 7.6 mgd (PWM Expansion). This alternative was not included in the FEIR, but has been suggested as a possibility to replace the Desalination Project or to allow for a reduced size desalination plant and was addressed by the CPUC Decision. This alternative is not legally feasible at this time due to factors beyond County’s control. Monterey One Water has yet to approve an expansion of the Pure Water Monterey Project, and that expansion would require permits from agencies other than the County. While M1W and the Monterey Peninsula Water Management District



(MPWMD) have recently allocated money for supplemental environmental review and planning, taking steps to evaluate and process the expansion project is not approval of the expansion, which remains uncertain and unknown. (See response to MCWD contention #2 in Finding 17 below.)

Additionally, CalAm and Monterey County Water Resources Agency have expressed uncertainty in the PWM project's long term water supply since reliable source water to support the expansion has not been clearly identified. While the expansion can be assumed to provide additional water, it may not be a consistently reliable supply at the scale needed to meet demand. The CPUC determined that even under a maximum expansion scenario, the Pure Water Monterey Project would be insufficient to satisfy the Peninsula's water demand (See D.18-09-017, at p. 40; and Appx. C, at pp. C-70 to C-71). This project would require the project owner to complete environmental review and obtain necessary permits, all of which has not yet occurred and is not within the County's control. Thus, at this time, it is not a legally feasible alternative.

- d) Monterey County Water District Sale of Water to CalAm. During the CPUC's proceeding, the Marina Coast Water District indicated that it may be willing to sell to CalAm approximately 774 afy of water from the PWM Project for use in lieu of Seaside Basin groundwater pumping during the Seaside Basin replenishment period. This alternative was not in the EIR. However, the CPUC found that this option is unable to meet the basic MPWSP objectives and infeasible on the following independent bases: (a) the MCWD proposal involves only a relatively small amount of water insufficient to substitute for the MPWSP or to make the MPWSP smaller in size, (b) the water would be available to CalAm only on a short-term basis and thus does not provide a permanent and reliable water source, and (c) there is no proposed agreement for such sale before the CPUC. In addition, there is no evidence that this option would eliminate or reduce any significant effects of the MPWSP, or would eliminate the need for the desalination plant now or in the future. Further, the approval of a water purchase agreement is outside the scope of the County's jurisdiction. Therefore, the County finds that the sale of MCWD water to Cal-Am is not a feasible alternative to construction and operation of the desalination plant.
- e) Smaller Reduced Capacity Alternative. Some parties to the CPUC's proceeding requested consideration of a further reduced capacity desalination alternative, smaller than 6.4 mgd. The CPUC found that a smaller desalination plant would fail to meet the basic MPWSP objectives and thus is not feasible. Given that each desalination unit is 1.6 mgd in size, the next reduced desalination plant size would be 4.8 mgd. Even when considered in conjunction with water expected to be supplied by the PWM project currently under construction, a 4.8 mgd desalination alternative would not provide water supply sufficient to meet demand consistent with the MPWSP objectives. For these reasons, a smaller capacity desalination plant would not meet the basic project objectives and thus was not analyzed in detail in the EIR/EIS

or considered by the CPUC. In addition, a smaller capacity desalination plant does not appear to avoid or substantially lessen any significant impacts of the desalination plant. The desalination plant would be on the same site and construction methods would remain the same. While operation of a 4.8 mgd desalination plant would require less energy and therefore generate fewer greenhouse gas emissions, the change may not result in a substantial reduction in impacts and the MPWSP would not have unavoidable adverse impacts in these areas in any event. As stated on page 8.5-663 of the FEIR/EIS: "The magnitude of any potential adverse impacts resulting from the implementation of a desalination plant that is reduced in size from Alternative 5a and 5b would be reduced from what was evaluated for Alternatives 5a and 5b in EIR/EIS Section 5.5. However, it is expected that the classifications of all such impacts would remain the same as set forth in the EIR/EIS, as would the suggested mitigation measures." Therefore, the County finds that a further reduced capacity desalination alternative is not a feasible alternative to the project. (See also response to MCWD contention, below.)

14. **FINDING:**

**EIR-STATEMENT OF OVERRIDING CONSIDERATIONS -**

In accordance with Section 15093 of the CEQA Guidelines, the County has evaluated the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable significant environmental impacts in determining whether to approve the proposed project, and has determined that the benefits of the project outweigh its unavoidable adverse environmental effects so that the adverse environmental effects may be considered "acceptable." The proposed project will result in development that will provide benefits described herein to the surrounding community and the County as a whole.

**EVIDENCE:**

- a) Pursuant to the State Water Resources Control Board Order WR 2016-0016 ("Revised CDO"), amending State Water Board Order WR 2009-0060, Cal Am must cease its unlawful diversions from the Carmel River by December 31, 2021. Although Cal Am has lowered its diversions from the Carmel River since the adoption of State Water Board WR 2009-0060, the State Board noted that Cal Am's "diversions still remain thousands of acre feet per annum above the amount available under Cal Am's lawful water rights." (Revised CDO, at p. 1.)  
The MPWSP project, of which the desalination plant is a critical component, would cease CalAm's illegal diversions from the Carmel River and meet its obligations under the State Water Board's Cease and Desist Orders.
- b) The project would ensure that CalAm has alternative sources of water to supply its service area and will no longer need to over extract from the Seaside Groundwater Basin to meet demand.
- c) The project will provide local and regional economic benefits to the Monterey Peninsula area. Construction will boost temporary new local employment opportunities, increased spending on construction materials, equipment, and services.

- d) The project will improve long-term water supply in the Monterey Peninsula area and substantially enhance the reliability of water resources and water infrastructure.
- e) The project will result in reduced pumping of river subflows from the Carmel River by as much as 7,354 afy, which will benefit habitat and wildlife and marine species by allowing this water to remain in the river.
- f) In fulfilling the Salinas Valley Groundwater Basin return water obligation, CalAm would make return water available for other water suppliers, including Castroville Community Services District, which currently relies on 780 afy of groundwater from the Salinas Valley Groundwater Basin and has experienced water supply challenges. The Castroville Community Services District supplies water to Castroville, a disadvantaged community.

15. **FINDING:** **ENVIRONMENTALLY SENSITIVE HABITAT AREAS** –The project is consistent with Section 21.66.020 (Standards for Environmentally Sensitive Habitats) of the Monterey County Code, which requires that development on parcels containing Environmentally Sensitive Habitats (ESHA) be permitted only if it will not have a significant adverse impact on the habitat’s long-term maintenance.
- EVIDENCE:** a) The project site has been regularly mowed or disked and consists mostly of non-native grassland. Biological surveys were conducted for the area of disturbance and the surrounding area for the EIR, and fulfill the requirement of Section 21.66.020(C), which provides:
- Regulations: Biological Survey Requirement.*
- 1. A biological survey shall be required for all proposed development meeting one or more of the following criteria:
    - a. The development is proposed within a known environmentally sensitive habitat, based on the most current resource maps, other reliable other available resource information, or through the planner's on-site investigation;
    - b. The development is located within one hundred (100) feet of an environmentally sensitive habitat, and has potential negative impact on the long-term maintenance of the habitat.
  - 2. The survey shall be required, submitted, and meet approval of the Director of Planning prior to the project application being determined complete.
  - 3. The survey shall be prepared by a qualified biologist, as selected from the County's list of consulting biologists maintained by the Planning Department. Report preparation shall be at the applicant's expense.
  - 4. The biological survey shall contain the following elements:
    - a. Identify the property surveyed, with accompanying location map and site plan showing topography and all existing and proposed structures and roads, and the proposed project site or sites;
    - b. Describe the method of survey;
    - c. Identify the environmentally sensitive habitat found on the site and within one hundred (100) feet of the site with an accompanying map delineating the habitat location or locations.
    - d. Describe and assess potential impacts of the development on the environmentally sensitive habitat(s) identified in the survey found on the site or on neighboring properties;
    - e. Recommend mitigation measures which will reduce impacts;
    - f. Assess whether the mitigation measures will reduce the development's

*impact to an insignificant level.*

*The FEIR states (pg 4.6-6) that multiple surveys were conducted by Environmental Science Associates (ESA), and AECOM, between 2012 and 2016. The applicant submitted a map of the Desal Plant Biological Survey to the County, which identifies habitat types and occurrences of Monterey Spineflower.*

The development is not proposed within ESHA, but is proposed within 100 feet of ESHA. Consistent with the above requirements, the surveys conducted for the FEIR, on which the County relied, fulfill this requirement. The FEIR described potential impacts of the development on the environmentally sensitive habitat and recommended mitigation measures which will reduce impacts to a less than significant level.

Surveys identified Monterey spineflower on the parcel, on the opposite side of the access road, with the closest location approximately 50 feet from the edge of the area of disturbance, as well as the potential for sensitive plant species to occur, including Congdon's tarplant.

Additionally, the EIR found that several animal species could possibly be impacted due to the site's proximity to the Salinas River, including: California Red-legged frog, California tiger salamander, Coast Range newt, and American Badger. The site could also provide nesting habitat and foraging areas for bird species such as red-tailed hawk, red-shouldered hawk, and American kestrel, special status bat species, short-eared owl, northern harrier, white-tailed kite, American peregrine falcon, California horned lark and loggerhead shrike and common passerines.

- b) The EIR recommended mitigation measures which, when implemented, will reduce impacts to a less than significant level, making the project consistent with Section 21.66.020(D), which provides:

*General Development Standards.*

*1. Development, including vegetation removal, excavation, grading, filling, and construction of roads and structures be prohibited in environmentally sensitive habitats. exception, resource dependent uses, including nature education and research, hunting, fishing and aquiculture, may be allowed within environmentally sensitive habitats if it has been determined through the biological survey that impacts of such uses will not harm the habitat's long-term maintenance.*

*2. Development on parcels containing or within one hundred (100) feet of environmentally sensitive habitats, shall be permitted only they will not have a significant adverse impact on the habitat's long-term maintenance, either on a development or cumulative basis. Development shall only be approved where conditions of approval are available which will mitigate adverse impacts to and allow for the long-term maintenance of the habitat, as determined through the biological survey.*

*3. Removal of indigenous vegetation and land disturbance, such as grading, excavation, paving, and fill, in or within one hundred (100) feet of environmentally sensitive habitats shall be limited to that necessary for the structural improvements and driveway access. Modifications to the proposal shall be made for siting, location, design, bulk, vegetation removal, and grading where such modifications will reduce impacts to the habitat.*

*4. The use of native species consistent with and found in the project area shall be required in landscaping required as a condition of project approval.*

*5. Development activities which would adversely affect the breeding habitat of rare, threatened and endangered birds shall be regulated by conditions of project approval to avoid significant impacts during their breeding and nesting seasons.*

The project is not proposed within environmentally sensitive habitat (ESHA). It is proposed within 100 feet of ESHA, and consistent with D.2 above, will not have a significant adverse impact on the habitat's long term maintenance. The FEIR included mitigation measures which will mitigate adverse impacts to allow for the long-term maintenance of the habitat. Mitigation measures include: designating a lead biologist to oversee and ensure implementation of special-status species protective measures; requiring worker training to ensure that workers are aware of the special-status species and the measures necessary to avoid, minimize, or mitigate impacts; general measures such as installation of exclusion fencing, trash abatement program to ensure special-status species predators are not attracted to the site, limiting construction to non-nesting season when feasible or requiring a no-disturbance buffer around active nests; a Habitat Mitigation and Monitoring Plan to describe all restoration and compensatory requirements; avoidance and minimization measures for the California tiger salamander and red-legged frog (including pre-construction surveys, relocation procedures, exclusion fencing, and monitoring of vegetation removal and grading); measures to avoid impacts to wetlands; compliance with tree removal requirements if applicable (no tree removal is proposed); and requiring low-intensity exterior lighting. The County has required implementation of the mitigation measures relevant to the desalination plant through Condition 5.

Proposed development is limited to the structural improvements and access for the desalination plant and has been sited to avoid ESHA.

Landscaping with native species is required by Condition No. 4.

Mitigations to avoid significant impacts to Western Burrowing Owl (Mitigation Measure 4.6-1h) and to nesting birds (Mitigation Measure 4.6-1i) are also included in the Mitigation Monitoring and Reporting Program. (See Finding 15.)

- c) The County, as a responsible agency, has required verification that mitigation measures pertaining to the desalination plant are implemented according to the Mitigation Monitoring and Reporting Plan (Condition 5).

16. **FINDING:** **ARCHAEOLOGICAL RESOURCES** – The project, as conditioned, is consistent with County standards for archeological resources.

**EVIDENCE:** a) The project site is in an area designated as having medium archaeological sensitivity. A records search and a field survey was conducted in preparation for the EIR, which fulfilled the requirement for a Phase 1 report as required by Section 21.66.050. No prehistoric archaeological resources have been previously identified in the direct area. No prehistoric archaeological resources were identified in the project area during the 2010-2016 survey effort. One historic-era

resource, a railroad grade, was previously identified in the project area in 1998; however, there were no remains of this resource present on-site during the 2010 survey effort. The reports concluded that the site does not contain archaeological resources, so no additional review is necessary.

- b) Mitigation Measures 4.15-2b and 4.15-4 require work to stop and proper notification and procedures to occur in the event that resources or human remains are inadvertently discovered.

17. **FINDING:**

**Response to MCWD Appeal** – Pursuant to Section 21.80.050 of Title 21, the Appellant Marina Coast Water District timely filed an appeal from the April 24, 2019, decision of the Planning Commission. Upon consideration of the written and documentary evidence, the staff report, oral testimony, other evidence presented, and the administrative record as a whole, the Board responds as follows to the Appellant’s contentions:

**EVIDENCE:**

- a) A summary of the Appellant’s contentions and the County’s responses to those contentions are set forth in Evidences b, c, d, e, f, g, h, i, j, k, and l below.
- b) **Appellant’s Contention No. 1:** *Supplemental CEQA review is required due to new information presented after the CPUC’s adoption of the Final EIR. The Planning Commission Resolution found that no new information had been presented; however, the Marina Coast Water District as well as other agencies, submitted new information prior to the Planning Commission hearing. Significant new information of substantial importance includes information showing that alternatives found not to be feasible would be feasible and would substantially reduce one or more significant effects of the MPWSP.*

**County Response No. 1:** MCWD submitted a comment letter, with hundreds of pages of attachments, at 5:58 p.m. on April 23 for the Planning Commission hearing on the project scheduled for 9 a.m. on the following morning, April 24. MCWD has attached the same letter to its appeal, which permits County to provide a more detailed response to MCWD’s contention that supplemental environmental review is needed. MCWD argues that new information of substantial importance since certification of the EIR has been presented that requires supplemental environmental review; MCWD contends, in sum, that new information shows: expansion of Pure Water Monterey is a feasible alternative; the Seaside Basin has opportunities for storage and banking of groundwater which, together with PWM expansion, is a feasible alternative; and there is new information about MPWSP’s potential groundwater impacts. County addresses each of these points below and concludes that the information is not new information that would require supplemental review under CEQA. As explained in the following findings, information submitted by the appellant and other agencies does not require additional environmental review because it does not show significant effects that were not addressed in the previous EIR or effects that would be substantially more severe than those addressed, or show that alternatives deemed feasible are in fact feasible .

- c) **Appellant's Contention No. 2:** *The Planning Commission Resolution found that Expanding the Pure Water Monterey Project was not a legally feasible alternative, but this finding is not supported by evidence in light of new information from Monterey One Water (MIW) and Cal Am's decision not to pursue the expansion alternative at this time. MIW's letter states that "MIW and other parties have moved forward to stand ready to provide viable water supply."*

**County Response No. 2:** . The CPUC considered the expansion of the Pure Water Monterey Project – this is not new. The CPUC concluded that it “cannot rely upon the concept of potential expansion of the PWM project absent more concrete and specific information to find that additional supply is available to Cal Am.” (D. 18-09-017, at p. 18.) The CPUC ordered Cal Am to file a Tier 2 advice letter within 180 days of the Decision to provide Cal Am's assessment of pursuing additional water supply to be provided by a PWM expansion. (D. 18-09-017 at p. 214, para. 37.) The information submitted by MCWD to the County since the CPUC Decision does not change the conclusion that the PWM expansion is infeasible at this time as an alternative to the desalination plant. The documents submitted by MCWD with its appeal show that the expansion is only in the planning phase, and there is still uncertainty as to whether it would be approved and even if approved, whether it would serve only as a back up if the desalination plant is delayed. Cal Am's March 2019 advice letter states that Cal Am does not have the necessary information to determine if the potential expansion of Pure Water Monterey can be used to supply its Monterey District. (Cal Am Advice Letter No. 1231, attached to MCWD appeal.) On March 18, 2019, the Monterey Peninsula Water Management District (MPWMD) approved expenditure of up to \$750,000 for supplemental environmental review and design and permitting work for the proposed expansion of Pure Water Monterey project so it could be closer to ready, but MPWMD acknowledges that “It is possible that an expansion of Pure Water Monterey will be deemed unnecessary or infeasible and the costs will be stranded.” For this reason, the staff recommended that the MPWMD Board consider reimbursing Monterey One Water “if the expansion does not move forward.” (March 18, 2019 staff report for MPWMD, attached to MCWD appeal.) M1W stated in response to Cal Am's advice letter that it had allocated \$250,000 toward the cost of environmental review and design work while acknowledging MPWMD's decision to reimburse M1W if “the PWM project is deemed unnecessary or infeasible.” (April 8, 2019 letter of Perkins Coie on behalf of Monterey One Water to CPUC, attached to MCWD appeal.) A Notice of Preparation has been issued for the Supplemental Environmental Impact Report for the Pure Water Monterey expansion (Attachment Q). The evidence shows that it is premature and pre-decisional to make conclusions about whether the PWM expansion would be approved and what the content of that approval would be, which can only be known after the appropriate decision makers evaluate the environmental review M1W is conducting and render a decision. M1W's letter also characterizes the PWM expansion as a solution if the Cal Am desalination

plant is delayed, not as an alternative to prevent approval of the desalination plant in the first instance. Accordingly, the evidence shows that study and environmental review of the potential PWM expansion is occurring, but what that study and review will show and what will be approved are not yet known and are not within County's control. Therefore, this information is not new information showing that the PWM alternative is a feasible alternative to the desalination plant, and therefore the information does not trigger the requirement for County to conduct supplemental environmental review.

- d) **Appellant's Contention No. 3:** *The Planning Commission Resolution found, without supporting evidence, that a reduced size alternative (less than 6.4mgd) may not be a substantial reduction in impacts and the MPWSP would not have unavoidable adverse impacts in these areas in any event. CalAm's most recent demand numbers show that demand has remained flat and has not increased as a result of the fully recovered economy as the FEIR assumed. Since the CPUC determined that reducing the size of the facility from 9.6 to 6.4mgd would substantially reduce environmental impacts due to smaller slant wells and less volume of groundwater pumping, logic and common sense dictate that a further reduction in size would further reduce the same impacts.*

**County Response No. 3:** MCWD has not presented substantial evidence of new information that would change the conclusion reached by the CPUC that a smaller 4.8 mgd plant is not a feasible alternative. The CPUC analyzed and rejected a 4.8 mgd desalination plant alternative because it would not satisfy project objectives since it would not supply enough water to meet demand even with the PWM project currently under construction. D.18-09-017, at pp. 69-70, Appendix C (CPUC CEQA Findings), at pp. 72-73; Appendix J (Sept. 12, 2018 responses to comments received after publication of FEIR/EIS, at pp. 30-31.). Demand numbers were determined through the CPUC approval process, which heard considerable testimony on water demand in the FEIR approval process and determined that projections of future demand were reasonable based on growth of population, development, and tourism. The CPUC's decision explained that a further reduced capacity alternative would result in little to no cost differential, fail to provide a buffer for contingencies, and would not avoid or lessen any significant impacts of the project (D.18-09-017, pp. 69-70.).

- e) **Appellant's Contention No. 4:** *New information of substantial importance shows that there are new alternatives which are considerably different from those analyzed in the previous EIR that would substantially reduce one or more significant effects on the environment. Specifically, the 2018 Seaside Groundwater Basin Management Action Plan revealed that the Basin has lost 43,500 Acre-Feet of groundwater storage over the last 30 years. This new information reveals that there are opportunities for storage and banking of groundwater in the Seaside basin, which could provide an alternative water supply that was not considered in the CPUC's EIR. CalAm could meet its supply and demand needs without a*



*desalination component through an expansion of the Pure Water Monterey in conjunction with banking excess supply in the Seaside Groundwater Basin.*

**County Response No. 4:** MCWD cites to a 2018 Seaside Groundwater Basin Management Plan as new information, and contends “it would appear that” Cal Am can meet demand by storage and banking together with expansion of the PWM project. This plan is not substantial evidence of new information of a feasible alternative. Groundwater levels in the Seaside Groundwater Basin have been steadily declining for decades, so this does not represent new information. The 2018 Seaside Basin Plan Presentation does not advocate for banking of groundwater. It identifies the MPWSP as a supplemental water supply option to help with groundwater management and to protect against further decline of groundwater levels. Additionally, this alternative relies on storage and banking together with expansion of the PWM project, and the PWM expansion is a not feasible alternative to the desalination plant, as explained above.

- f) **Appellant’s Contention No. 5:** *New information of substantial importance shows that the MPWSP will have new or substantially more severe adverse impacts to groundwater resources compared to what was disclosed and analyzed in the CPUC’s Final EIR, including impacts related to water quality and water supply. Most notably, this information includes evidence provided by multiple hydrogeologists and Dr. Rosemary Knight of Stanford University. In particular, the Final EIR dismissed the potential for groundwater impacts to occur based on inaccurate assumptions regarding groundwater gradients in the Dune Sand and 180-Foot Aquifers. The CPUC’s Findings and Final EIR concluded that groundwater impacts would be less than significant based on the assumption that a landward (i.e., inland) hydraulic gradient was present in both aquifers and would not change over the life of the Project. New information first made available in the MPWPS’s recent Monitoring Report No. 154, however, shows that gradients in the Dune Sand Aquifer have changed and were actually seaward in the fall of 2018. Thus, the gradient in the aquifers is the opposite of what was assumed in the Final EIR. As a result of the seaward gradient that currently exists in the Dune Sand Aquifer, the MPWSP will capture much of the freshwater that is presently recharging the underlying aquifers, and will result in significant groundwater impacts that were not analyzed in the Final EIR due to the assumptions used at that time.*

**County Response No. 5:**

This contention concerns the slant wells, but approval of the slant wells is not before the County. The project before the County is the desalination plant. The County, as a responsible agency, “has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to .... approve.” (CEQA Guidelines sec. 15096 (g)(1)..) Moreover, substantial evidence available

within the administrative record of the MPWSP approval process and staff's discussions with the Monterey County Water Resources Agency confirm that MCWD's above contentions are incorrect. The model work for the EIR did not require the assumption of a gradient direction, landward or seaward. (See FEIR Section 4.4 Groundwater Resources and Responses to comments Section 8.2-79 to 8.2-98 and Appendices E1-E3, the Hydrologic Working Group (HWG) Investigation Technical Report (October 2, 2017). The statement that gradients were seaward in Fall of 2018 is an incomplete picture. The Dune Sand Aquifer gradient is landward between the CEMEX monitoring well and Monitoring Well-8S (shallow aquifer) (located further inland) and is locally seaward between the CCEMED monitoring wells and Monitoring Well-7S (shallow aquifer). This is not unique to Fall 2018 and is not new information.

Cal Am correspondence from June 14, 2019 in response to the appeals of the Planning Commission's decision addressed this contention on page A-2 of their letter, explaining that the FEIR included a Master Response confirming that, based on extensive monitoring well data in the area "groundwater in both the Dune Sand Aquifer and 180/180-FTE Aquifer flows inland beneath the project area" (FEIR/EIS, p. 8.2-44). Prior to its decision, in responses to late comments on the MPWSP Final EIR/EIS, the CPUC addressed the issue, explaining that analyses presented in MCWD's comments "misrepresent the (existing) conditions because they disregard or understate the presence and influence of the ocean, a substantial recharge boundary, and overestimate the extent that groundwater would be captured from inland sources." (D.18-09-017, Appx. J. p. 16.) "The comments overstate the conditions under which the gradient would reverse and begin to flow seaward." (D., p. 17.) The new information that the appellant cites is additional monitoring data made available after the CPUC's decision; however, these data are not significantly different from monitoring data available prior to the CPUC decision and do not constitute new information requiring supplemental environmental review.

The Hydrogeologic Working Group "HWG", a team of hydrogeologists and groundwater modeling experts representing rate payers, environmental groups, business groups, local governments and government agencies, and key stakeholders on the Monterey Peninsula, also addressed the appellant's arguments. The HWG noted that the higher groundwater levels in 2018 were the result of an unusually wet 2016-2017 water year, and that an examination of the entire test well monitoring network from 2015 through 2018 shows there is no clear seaward gradient. (HWG Technical Response January 25, 2019, pg 2, 5, attached to June 14, 2019 letter from Cal Am to Board of Supervisors.).

The information from Dr. Knight is not new information requiring supplemental environmental review. The FEIR addressed airborne electromagnetic "AEM" technology and Dr. Rosemary Knight's findings in detail, including the limitations of AEM technology compared to groundwater monitoring well data. The AEM study did not change the

fact that the MPWSP will only draw source water from the identified capture zone, and that any groundwater in that zone is already heavily intruded by seawater. The final AEM study was submitted to the CPUC after publication of the FEIR, and was evaluated by the HWG and the CPUC (see HWG Technical Response (Aug. 15, 2018)), and the CPUC evaluated the final AEM study and HWG's report in the memorandum responding to late comments. (Appendix J to D.18-09-017). The CPUC found that the final AEM study did not change the FEIR's conclusion that the project would result in less-than-significant impacts to groundwater resources, as mitigated. Most of the source water will be drawn from the ocean and not from inland groundwater sources. The CPUC decision found that the AEM studies do not change the facts that the Project 1) will not capture fresh water that could be beneficially used without treatment; and 2) will result in less than significant impacts to groundwater resources as mitigated. (See pg A-5 of June 14, 2019 letter from Cal Am to Board of Supervisors).

- g) **Appellant's Contention No. 6:** *Additional new information shows that the gradient in the aquifers will continue to shift seaward during the life of the project, further improving groundwater conditions in the SVGB. Most notably, the Salinas Valley Groundwater Basin Sustainability Agency (SVBGSA) is implementing a basin-wide approach to achieve sustainability within the SVB under the Sustainable Groundwater Management Act (SGMA). SVBGSA's articulation of its basin-wide approach in recent documents demonstrates the CPUC's finding that seaward gradients will not be achieved under SGMA during the Project's lifetime because basin-wide efforts are not being employed is no longer accurate.*

**County Response No. 6:** SVBGSA's approach under SGMA is not new information that triggers the requirement for supplemental environmental review. During the CPUC proceedings, CPUC addressed a similar contention that the EIR/EIS failed to consider that plans under SGMA could result in restoring groundwater levels and raise groundwater levels enough to flatten the gradient. (D. D.18-09-017, Appendix J., at 18.) The CPUC concluded that future actions and projects resulting from SGMA were too speculative to "opine about" in the EIR/EIS. (id. at p. 19.) That situation has not changed. Thus far, SVBGSA has only released draft chapters of various sustainability plans for public comment. The public release of some draft chapters of a larger plan that is not yet fully written and not adopted is not significant new information requiring supplemental review under CEQA.

- h) **Appellant's Contention No. 7:** *The City of Marina Planning Commission, the first responsible agency to consider an approval for the MPWSP, has already found that there is significant new information of substantial importance that triggers subsequent CEQA review under Public Resources Code section 21166 and CEQA Guidelines Section 15162. Although the City denied the CDP on non-CEQA grounds, it*

*concluded that "any responsible agency that approves a Permit for the Project is first required to conduct this subsequent CEQA review under these provisions." (Id. at p. 3.)*  
*As explained in the City Planning Commission Staff Report, there is ample substantial evidence requiring supplemental environmental review under CEQA.*

**County Response No. 7:** The documents which MCWD cites for this contention are MCWD's own letter to the County Planning Commission and a City of Marina staff report. Neither are decisions of the City of Marina, and neither compel the County to conduct supplemental review. Notwithstanding the city staff report, the City of Marina Planning Commission did not require supplemental environmental review and instead chose to deny the project. The fact that MCWD advocated for supplemental review, as it does here, or that city staff made a recommendation not followed by the decision-making body, does not constitute a finding that supplemental review is required.

- i) **Appellant's Contention No. 8:** *The Planning Commission resolution's finding that the MPWSP is exempt from Chapter 10.72 runs contrary to law. The County's Settlement Agreement is ultra vires and does not provide a basis for exempting the project from Chapter 10.72 because an agreement to circumvent applicable zoning laws is invalid and unenforceable. The County's reliance on the CPUC's advisory opinion is misplaced. The CPUC cannot preempt a local action where the local entity is acting pursuant to statewide, or general, as opposed to local authority. The CPUC's prior advisory opinion does not pre-empt the Sustainable Groundwater Management Act (a subsequently enacted state law)*

**County Response No. 8:**

Chapter 10.72 of the Monterey County Code sets out procedures and requirements for "desalinization facilities" to obtain a construction permit and operation permit from the Director of Environmental Health of the County of Monterey. (See copy of Ch. 10.72, attached to staff report to Board of Supervisors dated May 15, 2018, attached as Attachment [J] to the July 15, 2019 staff report to the Board.) It is settled that Chapter 10.72 does not apply to Cal Am's desalination plant project application currently before the County. By that certain Settlement Agreement and Mutual Release dated December 4, 2012 by and between Cal Am, the County of Monterey, and the Monterey County Water Resources Agency, the County agreed that Chapter 10.72 shall not apply to Cal Am or the Monterey Peninsula Water Supply Project. (Settlement Agreement, para. 7.) That settlement agreement was not challenged and is final. The County's decision to abide by an administrative decision issued by the CPUC is legally valid and binding and not the same as circumventing zoning regulations.

By way of background, in 2012, the County of Monterey filed suit in San Francisco Superior Court to obtain declaratory relief regarding the

issue of preemption of Chapter 10.72 as applied to Cal Am's MPWSP application before the CPUC. Also in 2012, as the CPUC explained in its February 2019 decision denying MCWD's petition for rehearing of the CPUC's approval of the MPWSP, the CPUC issued an administrative decision in 2012 -- D.12-10-30 -- finding that the Commission's authority preempted Chapter 10.72. (See description of this history in D. 19-01-051, Order Modifying Decision (D.) 18-09-017 and Denying Rehearing of Decision, dated February 5, 2019, at p. 17.) In the settlement agreement, entered in December 2012 after the CPUC had issued the 2012 preemption decision described above, the parties agreed to abide by the CPUC decision in this case and not to apply Chapter 10.72 to Cal Am or its MPWSP application, and the County agreed to dismiss its declaratory relief lawsuit with prejudice. In 2013, following application for rehearing by MCWD among others of the CPUC's 2012 decision, the CPUC issued D.13-07-048, modifying the 2012 decision (D.12-10-30) and clarifying that Chapter 10.72 is preempted "when it impacted the Commission's exclusive jurisdiction and regulation of public utilities, including a water utility such as Cal-Am." (D. 19-01-051, at p. 17.) Although MCWD was one of the applicants for rehearing that precipitated the CPUC's 2013 decision, neither MCWD or other rehearing applicants brought suit challenging D.12-10-30, as modified by D.13-07-048. (D. 19-01-051 at p. 18.).

Although the CPUC determined that Chapter 10.72 does not apply to this project application, additional information is that, pursuant to a Board referral unrelated to Cal Am's application (Board referral No. 2018.09 to consider amendment of Ch. 10.72 to include desalination facilities that operate under a public private partnership model), the Board of Supervisors has directed County staff to initiate amendments to Chapter 10.72 for several reasons, including: the "public entity" provisions of Chapter 10.72 are ambiguous and subject to interpretation as to whether desalinization permits are restricted to public entities; desire to consider public/private partnerships as eligible for permits; concerns with duplication of or preemption by state law in that state law has evolved since 1989 when Chapter 10.72 was first adopted and state law now addresses many of the same issues; and staff recommendation to refocus the ordinance on the technical, managerial and financial requirements for desalination facilities that are not regulated by the CPUC. (Staff report to Board of Supervisors dated May 15, 2018, attached as Attachment J to the July 15, 2019 staff report to the Board.)

- j) **Appellant's Contention No. 9:** *The County's approval of the proposed MPWSP violates Ordinances 5302 and 5303 that enacted moratorium on drilling new wells within the project area to "address seawater intrusion" in the coastal areas of the SVGB. Any claim that Cal Am's slant wells could be exempt from the moratorium is contradicted by the plain language of the County ordinance that enacted the moratorium, which exempts a well only if it "supplies potable water for the domestic needs"*

*of a public supply system. The MPWSP slant wells are intended to supply water for industrial use in desalination. The desalination plant, not the wells, would later supply potable water for domestic needs but also for agricultural uses and injection.*

**County Response No. 9:**

The County's approval of Cal Am's desalination plant does not violate nor is it prohibited by Ordinance No. 5302 or 5303. Ordinance No. 5302 is an interim urgency ordinance adopted pursuant to Government Code section 65858 to prohibit, on a temporary basis and pending development of new regulations, new wells within a defined Area of Impact where seawater intrusion is evident and in the Deep Aquifers in the Salinas Valley Groundwater Basin. Ordinance No. 5302, adopted by the Board of Supervisors on May 22, 2018, was an urgency measure of 45 day duration. Ordinance No. 5303, adopted by the Board of Supervisors on June 26, 2018, extended the temporary ban on new wells through May 21, 2020. (These ordinances are attached as Attachment O to the July 15, 2019 staff report to the Board of Supervisors.)

First, by the plain language of these ordinances, these ordinances do not apply to the project application under consideration because the application is for a desalination plant, not for new wells. Ordinance No. 5302, as extended by Ordinance No. 5303, specifically governs applications to construct a new well. (Section 4 of Ordinance No. 5302.) The County is not deciding on the wells for the MPWSP, and no well application for this project is before the County. The slant wells which are part of the MPWSP are not within the jurisdiction of the County; they are located in the City of Marina and under the jurisdiction of Marina and the California Coastal Commission. This point entirely disposes of MCWD's contention, without need of examination of the meaning of the exemptions in the ordinance. That said, it is worth pointing out that the ordinance exempts "municipal water supply wells," in "due regard for exigencies that may arise in respect to domestic water supply ..." (Section 1.C.9 and Section 5.A.4 of Ordinance No. 5302.) The clear intent is not to prevent the drilling of wells needed for provision of domestic water supply during the temporary period during which the interim ordinance is in effect.

- k) **Appellant's Contention No. 10:** *The County's findings regarding environmentally sensitive habitat are inadequate. Section 21.66.020 prohibits development, including vegetation removal, excavation, grading, filling, and construction of roads and structures, located in environmentally sensitive habitats unless the proposed development is resource dependent and the biological survey has shown that impacts of such uses will not harm the habitat's long-term maintenance. The proposed development is not resource dependent. The staff report must disclose the extent and location of environmentally sensitive habitat at the project sites and on neighboring parcels. County code requires that a biological survey be completed prior to the application being deemed complete. The County must disclose whether other portions of the project that are not part of the current approvals (e.g. pipelines) are consistent*

*with and can be approved under the County's standards for environmentally sensitive habitats.*

**County Response No. 10:** As a responsible agency, the County was provided the opportunity to provide input on the preparation of the environmental document. The County reviewed the Draft EIR and provided comments during the public review period. The County accepted and agreed with the approach and analysis conducted to evaluate potential impacts to environmentally sensitive habitat areas, and accepted the proposed mitigation measures as sufficient to reduce potential impacts to a less than significant level. No additional surveys beyond those conducted for the Environmental Impact Report were required to be prepared. Habitat maps prepared for the project site show sensitive habitats on the lower terrace of the 46-acre parcel. Specifically, Monterey Spineflower was identified northeast of the project site on the opposite side of the access road. (See finding 14.) Sensitive habitat was not mapped within the area of disturbance, so the development is not located within ESHA; however, since there is potential for impacts to occur, mitigation measures were included in the FEIR. The County adopted the mitigation measures with Condition No 5.

Portions of the MPWSP within the Coastal Zone, including conveyance pipelines, will be processed as part of Consolidated Coastal Development Permit processing by the Coastal Commission per an agreement between the County of Monterey and the California Coastal Commission per Section 30601.3 of the California Coastal Act (Attachment N). Within the inland unincorporated area of the County, encroachment permits not requiring discretionary review are issued by Monterey County, through the Public Works division of the County Resource Management Agency. Most pipeline facilities are within road or railroad right-of-ways and are not near sensitive species. The EIR evaluated biological species that could be affected by pipeline construction. Although no impacts are expected to result from these areas, biological surveys show potentially sensitive species present within the study area, though not within the area of disturbance, of a few pipeline areas within County jurisdiction. Specifically, Figure 4.6-1b shows a small amount of Coyote Brush scrub in the pipeline area that extends southeast of the project site. Figure 4.6-1m identified areas of Coast Live Oak Woodland adjacent to the pipeline route. Figure 4.6-1n identified Coast Live Oak Woodland and Monterey Pine Woodland adjacent to the project area. Mitigation Measures, intended to reduce impacts to biological resources to less than significant levels, are identified as applying to pipeline construction in the Mitigation Monitoring and Reporting Plan. The County adopted the Mitigation Measures through Condition No. 5.

- 1) **Appellant's Contention No. 11:** *The County cannot approve the project because Cal-Am does not have and cannot legally obtain, water rights. Monterey County General Plan (Policies PS-3.1 and PS-3.2) requires proof of a Long Term Sustainable Water Supply and an Adequate Water*

*Supply System—including water rights—for any project requiring a discretionary permit.*

**County Response No. 11:** The desalination project is exempt from Policy PS-3.1 and PS-3.2 (See Finding 2.m). As discussed in Finding 2.m, the project is exempt from PS 3.1. Policy PS 3.2 provides the criteria for the determination of the Long Term Sustainable Water Supply required by PS 3.1, but since the project is exempt, PS 3.2 does not apply. Accordingly, the General Plan does not require proof of water rights as a necessary prerequisite for County to grant a permit for a desalination plant. The project before the County is the desalination plant, not the slant wells. The County is not the appropriate agency to make a determination of water rights and is not making a determination as to water rights as part of this permit.

- m) **Appellant Contention No. 12:** *The appellant contends that numerous findings in the Planning Commission Resolution are not supported by evidence or are otherwise erroneous, as evidenced by their contentions summarized above.*

**County Response No. 12:** This contention summarizes appellant's prior contentions. The County's response to these contentions have been detailed in the above responses.

18. **FINDING:** **Response to PWN Appeal:** Pursuant to Section 21.80.050 of Title 21, the Appellant Public Water Now timely filed an appeal from the April 24, 2019, decision of the Planning Commission. Upon consideration of the written and documentary evidence, the staff report, oral testimony, other evidence presented, and the administrative record as a whole, the Board responds as follows to the Appellant's contentions:

- EVIDENCE:** a) A summary of the appellant's contentions and the County's response to those contentions are set forth in evidences a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, and u below.
- b) **Appellant's Contention No. 1:** *The Planning Commission resolution, in the consistency, evidence "a" section, omitted review of the North County Local Coastal Plan, which declares that new water produced in that area shall be used for agriculture, as the highest priority.*

**County Response No. 1:** There is no "North County Local Coastal Plan."

The County has a certified Local Coastal Program (LCP) which governs in the coastal zone of the unincorporated County, and the North County Land Use Plan is one component of the LCP. The desalination plant (proposed project) is not located within the North County Land Use Plan area or within the coastal zone. Accordingly, the desalination plant, which is the subject of this permit, is not subject to the North County Land Use Plan.. The North County Land Use Plan policies do not apply to the desalination plant.



- c) **Appellant's Contention No. 2:** The Planning Commission resolution consistency finding states that no conflicts were found. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents. This statement misrepresents numerous public letters and comments calling attention to numerous conflicts and inconsistencies.

**County Response No 2:** The Planning Commission resolution was prepared prior to receipt of the letters, and much of the correspondence was received the night before or day of the hearing. Letters received were distributed to the Planning Commission for consideration at the hearing.. Moreover, the point of this standard sentence was that County did not find inconsistency, which is different than saying that none were alleged. In any event, the sentence has been clarified in this resolution.

- d) **Appellant's Contention No. 3:** *Staff refers to the "Settlement Agreement and Mutual Release dated December 4, 2012 among Cal Am, the County of Monterey, and the Monterey County Water Resources Agency, the County agreed not to apply Chapter 10.72 to the project." Staff omitted the portion of the statement "The Agency and the County do not support the use of the 180-foot aquifer as a source of water for use in MPWSP." This indicates that staff is intentionally omitting it or negligently omitting it. The Planning Commission was deprived of key information.*

**County Response No 3:** The contention correctly quotes the settlement, and the Agency's and the County's position remain the same. The slant wells do not draw directly from the 180 foot aquifer; however, according to the Monterey County Water Resources Agency (MCWRA) staff with whom County has consulted, data from the model and test slant well have determined the quantity of feedwater needed cannot be met by pumping solely from the Dune Sands Aquifer and that the slant wells extract some water from the 180-foot aquifer. MCWRA is implementing an expanded monitoring program in the coastal area that will focus on identifying any impacts to the subbasin from the MPWSP. Additionally, the amount of fresh water extracted by the slant wells is proposed to be returned to the basin.

- e) **Appellant Contention No. 4:** *Staff stated that the project is exempt from General Plan Policy PS-3.1, whereby proof of water supply is not required. Staff then ignores any reference to other policy that addresses the prevention of seawater intrusion.*

**County Response No. 4:** This contention does not cite a specific policy. If the reference is to Policy PS 3.5, Policy 3.5 applies, by its terms, to "construction of new wells in known areas of saltwater intrusion." This policy does not apply to the project which is for a desalination plant, not new wells; County is not deciding upon or authorizing construction of new wells. Second, Policy PS 3.5 explicitly states that "this policy shall not apply to ... wells used in conjunction with a desalination project."

- f) **Appellant Contention No. 5:** *Staff mischaracterized the status of the expansion of Pure Water Monterey as prescribed in the CPUC approval of the CPCN for CalAm's desal. The CPUC held evidentiary hearings on this alternative, and left it an open question. It required CalAm to file an update as of March 30<sup>th</sup>. Neither Cal Am nor the County staff reported the fact that Monterey Peninsula Water Management District, in partnership with Monterey One Water, committed \$1 million to complete an EIR for the expanded project. Staff only reported Cal Am's opinion, and not the facts.*

**County Response No. 5:** See County response to MCWD contention #2 above in Finding 17.

- g) **Appellant Contention No. 6:** *Staff stated that the project would provide local and regional benefits to the Monterey Peninsula area. Staff did not include that Peninsula ratepayers are already paying for the most expensive water in the USA and ignored the cost that will be added paying for the most expensive desal water in the world. If "economic benefits" are a relevant issue, the staff has omitted key and important facts to consider. The staff has shown bias, omission, or negligence.*

**County Response No. 6:** The Planning Commission adopted findings for overriding considerations, including that the desalination plant would provide local and regional economic benefits to the Monterey Peninsula area and stated that "construction will boost temporary new local employment opportunities, increased spending on construction materials, and services". This was only one of several benefits found in the statement of overriding considerations. Staff did not include a discussion of water rates because this is outside the scope of review. The County's review is limited to the portion of the project within its jurisdiction, the desalination plant, and does not have any authority over the setting of water rates.

- h) **Appellant Contention No. 7:** *CalAm's proposal to sell water from its proposed plant to the Castroville Community Services District (CCSD) is illegal because CalAm has no rights to the groundwater that it intends to sell to Castroville for new developments. Any potential benefit to CCSD must be identified as resultant from illegal actions and an illegal conspiracy to effect the wrongful taking of innocent third parties' private property rights by both Cal Am and CCSD. CCSD's claim that it will stop pumping its wells is both unenforceable and, because CCSD is a junior appropriator, would result in CCSD's loss of its water rights because "the basin is in overdraft" and other senior water rights holders are "first in line" for any groundwater appropriations that are abandoned by junior, non-overlying appropriators (like CCSD).*

**County Response No. 7:** The County does not have authority to regulate the sale of water from one entity to another, nor to determine water rights. Proof of water rights is not a necessary prerequisite for County to grant a land use permit for a desalination plant, which is the project before the

County and within the County's land use authority. The County is not the appropriate agency to make a determination of water rights and is not making a determination as to water rights as part of this permit. The County does not have evidence of an illegal conspiracy nor did PWN provide evidence to support its allegation.

- i) **Appellant Contention No. 8:** Policies PS-3.1 and 3.2 of the 2010 General Plan mandates proof of groundwater rights. Staff has failed to identify these legal prohibitions to the processing of the Cal Am application, has failed to demand evidentiary proof of required groundwater rights from Cal AM, and has failed to identify mandatory mitigations for the resultant significant adverse environmental impacts, if any such mitigation could be conceptualized.

**County Response No. 8:** The project is exempt from policy PS 3.1 and PS 3.2. (See Finding 2, Evidence m.; and Finding 17, response to MCWD contention 11.) The County is not making a determination of water rights with the granting of the Combined Development Permit.

- j) **Appellant Contention No. 9:** *The property is located on three sides by cultivated farmland. CalAm's mapping of the farmland in the area is incomplete and intentionally deceptive. The project results in the permanent loss of over half of the property for a completely non-agriculturally related, industrial land use that will decimate the potable drinking water and irrigation groundwater supplies upon which farmland owners adjacent to the site rely. This is a solely heavy industrial use that is not allowed under the existing agricultural zoning ordinance. CalAm has offered no replacement irrigation or drinking water as mitigation to the overlying farmland owners or the MCWD. All of the adjacent farmlands are dependent upon the existing potable groundwater aquifers and their senior overlying groundwater rights (to which Cal Am has NO rights or entitlements), which CalAm intends to wrongfully exploit with its desalination plant and the profits resulting therefrom.*

**County Response No. 9:** The portion of the parcel proposed for this development is zoned PG/40-D-S, which allows water system facilities including wells and storage tanks serving fifteen (15) or more service connections with a Use Permit; therefore, this project is an allowed land use for this site. The property has not been in agricultural use since 1956, so the desalination plant will not impact current agricultural activities on the site. Maximum coverage allowed in the PG zoning designation is 5 percent. Title 21 defines coverage as "any area covered by a structure, structures, or structure protrusions..." The area covered by structures is 1.22 acres, or .03 percent of the 46 acre parcel. The total area of disturbance is 25 acres. The remainder of the parcel, including the area containing farmland zoning, will remain undisturbed. (See also finding 5, above.)

PWN's appeal includes includes three maps depicting the North Monterey County LCP area and Ag Land Trust farm with the CalAm

test well site and the Ag Land Trust well identified (Exh. 2 of PWN appeal). Exhibit 2 states that the Cal Am map misrepresents the location the Test Well and the drawdown contours of the cone of depression from the Test Well. The appellant states that the adjusted cone of depression covers 75% of the Ag Land Trust property and shows seawater intrusion into the Big Well.

The intake wells for the MPWSP are located within the City of Marina. The County does not have jurisdiction over this area. The submitted map references the Ag Land Trust property within the North Monterey County LCP; however, no portion of the MPWSP under the permitting authority of the County is located within this area, so the County's LCP does not apply. For informational purposes in evaluating the whole of the MPWSP, the FEIR found that the MPWSP will not deplete existing potable water supplies in the SVGB, but Cal-Am will fund the expansion of the existing regional groundwater monitoring program to include any areas where the Project may impact nearby production wells to ensure that owners of existing supply wells suffer no harm during the life of the Project. (FEIR pp. 4.4-80, 4.4-87 to 4.4-89.) As part of this applicant-proposed mitigation measure, Cal-Am will coordinate with well owners to repair or replace damaged wells or compensate the owner for increased pumping costs.

- k) **Appellant Contention No. 10:** *Staff did not address the legislative mandate of the Sustainable Groundwater Management Act, which prohibits “significant and unreasonable seawater intrusion as an “Undesirable Result” that must be avoided in the management of potable groundwater basins, and Specifically in the Salinas Valley.*

**County Response No. 10:** The project before the County is the desalination plant, not wells and not the entire MPWSP project. SGMA directs the preparation of Groundwater Sustainability Plans (GSP), which are currently under preparation. In the case of the MPWSP, the FEIR concluded that “the MPWSP would not exacerbate seawater intrusion, and groundwater extraction from the coast, as part of project operations, would be expected to retard future inland migration of the seawater intrusion front (p. 4.4-92).

- l) **Appellant Contention No. 11:** *Data from the test slant well Hydrogeologic Working Group is informative. Monitoring Well 4 middle, located about a half mile from the test well site, is the threshold inland data point for tracking impacts of extraction. The final reading in January 2018 shows the highest levels of total dissolved solids (tds) for the entire long-term test (about 30 months). Ocean water percentage rose from 53%, before the test well began operation in early 2015, to 70% at its conclusion. This fact is contrary to the claim by CalAm that the test well has had an insignificant impact on seawater intrusion. Cal Am’s wells are polluting the 180 foot aquifer with salt, yet no mitigation or compensation of any kind has been identified for this previously anticipated significant*

*adverse environmental impact that is resulting in the wrongful taking of the property rights of innocent overlying rights holders and senior appropriators. Cal Am's project will cause massive risk to the health and safety, and to the sole source potable water supply of thousands of residents of the City of Marina. This massive environmental threat, and the permanent loss of a public groundwater supply due to wrongfully induced seawater pollution, has not been quantified nor have mitigations been identified to provide a replacement source of water at no cost to the residents of Marina.*

**County Response No. 11:** This contention relates to the entire MPWSP, but the project before the County is only the desalination plant, not the entire project. As a responsible agency, the County has responsibility for mitigating or avoiding only those parts of the project over which the County has permitting authority. (CEQA Guidelines sec. 15097). Although not germane to the specific decision before the County, the Monterey County Water Resources Agency has reviewed this contention and the monitoring data. The ocean water percentages reported by PWN are incorrect. The test slant well began pumping on April 22, 2015 with an ocean water percentage of 73%. The test slant well evaluation was completed on February 28, 2018, and the ocean water percentage was 87%. Percentage of ocean water varies seasonally and climatically depending on rainfall, droughts and wet years, among other factors. The highest ocean water percentage reached during the period of test slant well operation was 93%, during the most recent drought cycle. This increase in ocean water percentage is both to be expected and ideal. Water will flow into the slant wells through the "shortest and least resistant" pathway, which will be mostly ocean water flowing through the sandy seafloor instead of groundwater flowing through comparatively tighter packed material of the Salinas Valley Basin geology.

Additionally, the salinity levels remained in compliance with the conditions imposed by the Coastal Commission in the Coastal Development Permits for the test slant well and did not indicate worsening seawater intrusion as a result of test slant well pumping. (FEIR p. 8.2-71.) Furthermore, one of Marina's municipal supply wells is located in the aquifers from which the MPWSP will draw its source water. (FEIR p. 4.4-69.) The FEIR concluded that the MPWSP is not expected to exacerbate seawater intrusion, so no mitigations were required.

- m) **Appellant Contention No. 12:** *Planning staff omitted issues of groundwater rights law, specifically that voluntary water conservation (by landowners who intentionally reduce groundwater pumping) of groundwater supplies, as an intended consequence of the payment for and development of supplemental water supplies, does not result in forfeiture, or loss of groundwater rights by those overlying landowners or senior appropriators who have been paying for the supplemental water.*

**County Response No. 13:** Determination of groundwater rights is not within the County's purview. As a responsible agency, the County is granting permits for only those portions of the MPWSP that lie within the boundaries of the County's jurisdiction, including the desalination plant. The County is not the appropriate agency to make a determination of water rights and is not making a determination as to water rights as part of this permit.

- n) **Appellant Contention No. 14:** *Cal Am has not contributed to any of the assessments for the dams at Lake Nacimiento, Lake San Antonio, the "purple valve" reclamation system, or the "rubber dam". Cal Am intends to knowingly compromise the intent and goals of these publicly paid for, comprehensive, decades-long water development, conservation and protection programs by intentionally inducing seawater pollution into protected groundwater aquifers.*

**County Response No. 14:** This comment reflects the appellant's opinion of Cal Am's intentions. See also responses to contentions above.

- o) **Appellant Contention No. 15:** *Cal Am intends to wrongfully export groundwater out of the Salinas Valley groundwater basin in violation of the express prohibition of such exports memorialized in the authorizing statute of the Monterey County Water Resources Agency. The water sold to the CCSD will go into the CCSD sewer lines and be discharged from the regional sewer plant into the ocean.*

**County Response No. 15:** The Monterey County Water Resources Agency and Cal-Am have entered into the Return Water Settlement Agreement to ensure MPWSP's compliance with the Agency Act. The Agency has stated that the Return Water Agreement satisfies the requirements of the Monterey County Water Resources Agency Act (Water Code Appendix, Ch. 52.). The MPWSP will extract mostly seawater and a small amount of seawater-intruded brackish groundwater. Any source water pumped from the slant wells that is not 100% ocean water will be required to be returned to the Salinas Valley Basin (Basin). The quantity to be returned will be calculated and offered to the Castroville Community Service District (District), which is a disadvantaged community (DAC) and will allow the District to reduce pumping in the Basin, in an area that is currently intruded by seawater. The County does not consider discharging water through sewer lines exportation of groundwater. It is typical practice for water to enter sewer lines after it has been put to beneficial use. Additionally, in the greater Monterey Bay and surrounding areas this sewer water is recycled and used in the Castroville Seawater Intrusion Project or will be used in an aquifer storage and recovery (ASR) project and injected into the adjudicated Seaside Groundwater Basin.

- p) **Appellant's Contention No. 16:** *Cal Am's claims that they can prove they are "salvaging water" is not valid. Cal Am has no water rights. Cal Am's representative deceived the Agriculture Advisory Board by stating that the issue of water rights was already litigated.*

**County Response No. 16:** The County is not the appropriate agency to make a determination of water rights and is not making a determination as to water rights as part of this permit. The meeting of the County's Agricultural Advisory Committee was an open meeting noticed and held in accordance with the Brown Act, at which all members of the public had the opportunity to testify as to the matters before the Committee and to contest any information presented to the Committee.

- q) **Appellant's Contention No 17:** *County staff failed to identify the massive and permanent extractions of groundwater that the Cal Am project proposes. Cal Am is using its violation of state laws to push for an oversized plant that is massively growth inducing and is not currently needed by Monterey Peninsula residents. It is unfair to burden current ratepayers with the \$329 million cost of a project from which they will receive no benefit.*

**County Response No. 17:** The CPUC approved the 6.4 mgd reduced size desalination plant based on evaluation of water demand and other factors. (D. 18-09-017, at pp. 126-27.) The CPUC rejected the larger proposed 9.6 mgd plant as well as the smaller 4.8 mgd plant size and concluded that "[T]he 6.4 mgd desalination plant combined with the water purchase agreement for GWR water will meet the demands of Cal Am's customers." (Id. at p. 127.) Water produced by the project is intended to meet current demand and to serve existing legal lots of record. The EIR evaluated Growth Inducing Impacts and determined that the project would indirectly support growth by removing some water supply limitations as an obstacle to growth, thereby enabling a degree of growth under the approved general plans within the area served by the MPWSP. The proposed project, the reduced size (6.4mgd) desalination plant, was found to reduce growth-inducing impacts to a less than significant level, although significant and unavoidable cumulative indirect growth-inducing impact remains. The County does not have authority over the setting of rates.

- r) **Appellant's Contention No. 18:** *No input from the Monterey County Water Resources Agency was included in the staff report or the decision document. This agency has a decades-long concern and has financed a comprehensive government program to fight against and reverse seawater intrusion. These ongoing government programs and capital projects are funded by assessments levied by the County of Monterey on property owners whose water rights are being stolen by Cal Am. Cal Am's project specifically draws from the 180-foot aquifer, where seawater intrusion is most severe. There are hydrogeologic opinions that differ, but there is massive data that indicates seawater intrusion may be aggravated*

*by Cal Am's project. By not even mentioning this issue, the staff has structured the information to keep the Planning Commission away from its consideration.*

**County Response No. 18:** The County's permitting authority for this project only concerns the desalination plant. This comment concerns potential impacts of the slant wells. Nevertheless, RMA-Planning consulted with Monterey County Water Resources Agency (MCWRA) staff prior to the hearing and verbally confirmed their agreement with the findings of the CPUC and the conclusions of the FEIR. MCWRA testified at the Planning Commission hearing on April 24, 2019 to explain that the SVGB is seawater intruded and that the water within the Project's capture zone is saline, not freshwater. RMA-Planning staff conferred with MCWRA staff again following receipt of the appeal documents to discuss the contentions. MCWRA provided input to inform the responses included in this resolution, in particular those pertaining to contentions regarding the potential impacts on the basin. MCWRA staff have reported that they remain in agreement with the findings of the CPUC and the FEIR that the project is not expected to contribute to seawater intrusion of the Salinas Valley Groundwater Basin.

- s) **Appellant's Contention No. 19:** *The Cal Am Combined Development Permit application is an illegal piecemeal application of a much larger project wherein the true significant adverse environmental consequences and the adverse legal impacts upon senior property (percolated groundwater) rights holders were not disclosed to the Monterey County Planning Commission nor to the Agricultural Advisory Committee*

**County Response No. 19:** The CPUC evaluated all components of the Monterey Peninsula Water Supply Project in the EIR/EIS and certified the EIR/EIS as lead agency under CEQA. The County is a responsible agency under CEQA. As a responsible agency, the County "is more limited than a Lead Agency. A Responsible Agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve." (CEQA Guidelines sec. 15096(g)(1).) The desalination plant, the subject of this application, and the Carmel Valley Pump Station (PLN150653), are the only two elements of the project requiring discretionary approval within County jurisdiction. The County does not have permitting authority over the slant wells and is not making a water rights determination. The County is complying with CEQA by reviewing that part of the project within its permitting authority.

- t) **Appellant's Contention No. 20:** *The project violates Article X, Section 2 of the California Constitution. The intentional inducement of salt pollution into a potable aquifer wherein the polluter (Cal-Am) holds no water rights is not a "reasonable use of water".*

**County Response No. 20:** The project before the County in this permit is only the desalination plant component. Per the responses above, the



County is not the appropriate agency to make a determination of water rights and is not making a determination as to water rights as part of this permit. Factually, as discussed in the responses above, the FEIR found and the administrative record supports, that the MPWSP will not exacerbate seawater intrusion or induce saltwater pollution of the SVGB.

- u) **Appellant's Contention No. 21:** *The project intends to intentionally violate the State Water Resources Control Board's (SWRCB) Statewide 1968 Non-Degradation Policy as adopted in the Basin Plan by intentionally contaminating potable groundwater supplies. Potable and statutorily protected groundwater resources have been identified by independent researchers from Stanford university, yet this required environmental data and information has not been in the FEIR, or in staff's presentations.*

**County Response No. 21:** The project before the County in this permit is only the desalination plant component. Factually, as discussed in the responses above, the FEIR found and the administrative record supports, that the MPWSP will not exacerbate seawater intrusion or induce saltwater pollution of the SVGB. A non-specific reference to research from Stanford University does not constitute substantial evidence. See also response to MCWD's contention #5 in Finding 17 above.

19. **FINDING:** **APPEALABILITY** - The decision on this project is final.  
**EVIDENCE:** a) Section 21.80.090(I) states that the decision of the appeal authority shall be final.

### **DECISION**

**NOW, THEREFORE,** based on the above findings and evidence, the Planning Commission does hereby:

1. Certify that foregoing findings are true and correct and incorporated herein by reference;
2. Certify that the County has considered the Final Environmental Impact Report/Environmental Impact Statement for the Monterey Peninsula Water Supply project (SCH#2006101004), , certified by the California Public Utilities Commission on September 13, 2018;
3. Deny the appeal by the Marina Coast Water District from the April 24, 2019 Planning Commission's decision approving a Combined Development Permit (PLN150889)
4. Deny the appeal by Public Water Now from the April 24, 2019 Planning Commission's decision approving a Combined Development Permit (PLN150889)
5. Approve a Combined Development Permit consisting of:
  - a. A Use Permit for construction and operation of a 6.4 MGD desalination plant ; and
  - b. An Administrative Permit and Design Approval to allow construction of the following buildings/facilities associated the desalination plant, within the Site Plan zoning district, with approximate square footage as follows:
    - i. A 3299 square foot Filter Building,
    - ii. A 26,002 square foot Reverse Osmosis Building

- iii. A 6,276 square foot Administration Building,
- iv. 7 filter vessels totaling 540 square feet,
- v. 2 filtered water tanks totaling 1,963 square feet,
- vi. 2 treated water tanks totaling 8,012 square feet,
- vii. A Co2 tank and solution water pumps,
- viii. 2 Backwash Reclamation basins totaling 17,000 square feet,
- ix. A 344 square foot recycle pump station,
- x. A 61,000 square foot Brine EQ Basin,
- xi. A 560 square foot Brine Pump Station; and
- xii. Additional infrastructure and facilities necessary to the construction and operation of the facilities are also included (e.g., pump pad, transformers, switchgear, standby generator, powerhouse/remote mcc building, hydropneumatic surge tanks, permeate/flush water tank and pumps, conveyance pipelines, raw water intake/flow meter/flash mix, saline sump pump station, sanitary sewer lift station, leak detection sumps, groundwater monitoring wells, stormwater bioretention ponds, trash enclosure, brine aeration system, access and driveway improvements, security fencing and gates, parking areas, bicycle racks/lockers, and associated landscaping/features); and

in general conformance with the attached plan set and subject to the Conditions of Approval, including Mitigation Measures, all being attached hereto, and incorporated herein by reference

6. Adopt the attached Mitigation Monitoring and Reporting Program.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of July, 2019 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy

COPY OF THIS DECISION MAILED TO APPLICANT ON\_\_\_\_\_.

THIS APPLICATION IS NOT APPEALABLE.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

## NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

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# Monterey County RMA Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN150889

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

This Combined Development Permit (PLN150889) allows the construction and operation of a 6.4 million gallon per day desalination plant including construction of the following buildings and facilities with approximate square footage: 3299 square foot Filter Building, a 26,002 square foot Reverse Osmosis Building, a 6,276 square foot Administration Building, 7 filter vessels totaling 540 square feet, 2 filtered water tanks totaling 1,963 square feet, a 7080 square foot pump pad, 2 treated water tanks totaling 8,012 square feet, a 1269 square foot Cal-Flo containment basin, a CO2 tank and solution water pumps, 2 Backwash Reclamation basins totaling 17,000 square feet, a 344 square foot recycle pump station, a 61,000 square foot Brine EQ Basin, a 560 square foot Brine Pump Station. Infrastructure and facilities necessary to the construction and operation of the facilities are also included (e.g., pump pad, transformers, switchgear, standby generator, powerhouse/remote mcc building, hydropneumatic surge tanks, permeate/flush water tank and pumps, conveyance pipelines, raw water intake/flow meter/flash mix, saline sump pump station, sanitary sewer lift station, leak detection sumps, groundwater monitoring wells, stormwater bioretention ponds, trash enclosure, brine aeration system, access and driveway improvements, security fencing and gates, parking areas, bicycle racks/lockers, and associated landscaping/features . The property is located at 14175 Del Monte Blvd, Marina CA 93933 (Assessor's Parcel Number 299-011-021-000), Greater Monterey Peninsula Area Plan/Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

**Compliance or  
Monitoring  
Action to be Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:**

"A Use Permit, Administrative Permit, and Design Approval (Resolution Number 19-008) was approved by the Board of Supervisors for Assessor's Parcel Number 299-011-021-000 on July 15, 2019. The permit was granted subject to 22 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

**Compliance or  
Monitoring  
Action to be Performed:**

Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

## 3. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

**Compliance or  
Monitoring  
Action to be Performed:**

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

#### 4. PD012(G) - LANDSCAPE PLAN & MAINTENANCE (OTHER)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The site shall be landscaped with native species consistent with and found in the project area. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of RMA - Planning. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be installed and inspected.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

#### 5. PDNS001\_IMPLEMENTATION OF MITIGATION MEASURES (NON-STANDARD)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant and/or owner shall implement all mitigation measures identified as applying to the Desalination Plant on the CalAm Monterey Peninsula Water Supply Project Mitigation Monitoring and Reporting Program (Attached as Exhibit C). Additionally, the applicant shall comply with the following mitigation measures: 4.6-1 and 4.12-4 relating to construction of conveyance pipelines.

The applicant shall provide evidence to RMA-Planning that the mitigation measures adopted as part of the Mitigation Monitoring and Reporting Plan for the Monterey Peninsula Water Supply Project (SCH#2006101004) applicable to the desalination plant have been implemented.

**Compliance or Monitoring Action to be Performed:** On an ongoing basis in accordance with the timing identified on the CalAm Monterey Peninsula Water Supply Project Mitigation Monitoring and Reporting Program, the applicant/owner shall send verification that mitigation measures identified as applying to the Desalination plant are being implemented in accordance with the Program.

## 6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

## 7. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

## 8. PW0045 – COUNTYWIDE TRAFFIC FEE

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to the DPW.



#### 9. EHSP01 - WELL CONSTRUCTION PERMIT (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Obtain a water well construction permit for monitoring wells from the Environmental Health Bureau pursuant to Monterey County Code Chapter 15.08, Water Wells.

**Compliance or Monitoring Action to be Performed:** Prior to drilling each monitoring well, a CA-licensed well drilling contractor shall obtain a water well construction permit from the Environmental Health Bureau on behalf of the property owner.

#### 10. EHSP02 – WELL(S) NOT IN SERVICE (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Pursuant to State of California Bulletin 74-90, and Chapter 15.08 of the Monterey County Code, a well is considered abandoned if it has not been used for one year, unless the owner demonstrate intention to use the well again. The well owner shall properly maintain an inactive well as evidence of intention for future use in accordance with the standards of Bulletin 74-90.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of operations, the applicant shall submit to the Environmental Health Bureau ("EHB") a log of all existing wells on the desalination plant site, including but not limited to monitoring wells, and a long-term operational plan for the wells.

The EHB will determine if any well(s) is considered abandoned and in need of destruction. As determined necessary by the EHB, a CA licensed well drilling contractor shall obtain a well destruction permit from the Environmental Health Bureau on behalf of the property owner and destroy the well.

#### 11. EHSP03 - HAZARDOUS MATERIALS: BUSINESS RESPONSE PLAN (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory), and the Monterey County Code Chapter 10.65.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permit, submit a signed Business Response Plan – Memorandum of Understanding (form available from EHB) that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services prior to bringing hazardous materials on site and/or commencement of operations.

## 12. EHSP04 - HAZARDOUS WASTE CONTROL (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The facility shall comply with the standards found in the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Division 20, Chapter 6.5, and the Monterey County Code Chapter 10.65 for the proper handling, storage and disposal of Hazardous Waste as approved by the Environmental Health Bureau (EHB).

**Compliance or Monitoring Action to be Performed:** Prior to commencement of operation, the applicant shall submit to the Hazardous Materials Management Services of the Environmental Health Bureau (EHB) an inventory of any hazardous waste expected to be generated on site for review and acceptance. If no hazardous waste is expected to be generated, applicant shall submit attestation to the satisfaction of EHB.

## 13. EHSP05 – NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The NPDES Permit shall comply with the State Water Resources Control Board (SWRCB) 2015 California Ocean Plan with Desalination Amendment, or current equivalent regulation adopted by the SWRCB.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of operations, the applicant shall provide to the Environmental Health Bureau evidence of the NPDES Permit approved by the Central Coast Regional Water Quality Control Board (Central Coast Water Board)

## 14. EHSP06 – WATER SYSTEM PERMIT AMENDMENT (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The State Water Resources Control Board, Division of Drinking Water (Division of Drinking Water) will require that the applicant apply an amendment to the Cal Am Water Company – Monterey water system permit and obtain interim approval to operate from DDW prior to bringing the desalination project online.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of operation, the applicant shall provide documentation to the satisfaction of the Environmental Health Bureau that the Division of Drinking Water has issued an interim approval to operate or an amendment to the Cal Am Water Company – Monterey water system permit.

## 15. EHSP07 – WATER SYSTEM IMPROVEMENTS (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The proposed project includes expansion of the existing Cal Am Water Company - Monterey water system. Water system improvements shall comply with all pertinent sections of the California Code of Regulations including but not limited to the sections of Chapter 17 on cross-connection control and the California Waterworks Standards and the Surface Water Treatment Rule in Chapter 22 Safe Drinking Water Act.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits related to the new desalination plant, the applicant shall provide documentation to the satisfaction of the Environmental Health Bureau that water system plans have been reviewed by the State Water Resources Control Board, Division of Drinking Water (DDW) for compliance with all pertinent sections of Chapters 17 and 22 of the California Code of Regulations. Documentation shall consist of a letter from the DDW that confirms the design has been reviewed and is consistent with applicable codes, and/or the DDW is considering alternative means (or waivers) to address issues not fully resolved prior to initiating construction under design-build project delivery. Review and conditional approval for the design shall be separate from conditional approval to operate the proposed system (described in EHSP06).

## 16. EROSION CONTROL PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an erosion control plan in conformance with the requirements of Monterey County Code Chapter 16.12. The erosion control plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. The plan shall also include RMA-Environmental Services standard inspection notes 1, 2, & 3. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit an erosion control plan to RMA-Environmental Services for review and approval. Standard inspection notes are available on the RMA-Environmental Services website.

## 17. GEOTECHNICAL CERTIFICATION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geotechnical Baseline Report. (RMA- Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

## 18. GRADING PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a grading plan, prepared by a registered engineer, incorporating the recommendations from the project Geotechnical Baseline Report prepared by Pacific Crest Engineering Geotech. The grading plan shall include contour intervals and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The grading plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. The applicant shall also provide certification from the licensed practitioner that the grading plan incorporates their geotechnical recommendations.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a grading plan to RMA-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed the grading plan for conformance with the geotechnical recommendations.

## 19. CALIFORNIA CONSTRUCTION GENERAL PERMIT

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Waste Discharger Identification (WDID) number certifying the project is covered under the California Construction General Permit. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a WDID number certifying the project is covered under the California Construction General Permit or a letter of exemption from the Central Coast Regional Water Quality Control Board.

## 20. PWSP001 - CONSTRUCTION MANAGMENT PLAN

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and RMA - Public Works for review and approval. The CMP shall be in substantial conformance with the draft CMP submitted to the RMA dated April 11, 2019 and shall include measures to minimize traffic impacts during the construction/grading phase of the project.

The CMP shall be coordinated with the plans and information required pursuant to Mitigation Measures 4.9-1, 4.9-6, 4.9-7, and 4.9-C. The approved measures included in the CMP and CCP shall be implemented by the applicant/contractor during the construction/grading phase of the project. (Public Works)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits, the applicant shall submit a construction management plan to RMA- Public Works for review and approval.

Ongoing during grading and construction activities, the owner/applicant/contractor shall ensure that approved measures are implemented and shall document efforts associated with implementation.

Prior final of building permits the applicant/owner/contractor shall submit documentation to the satisfaction for the Director of RMA- Public Works that the plan has been monitored and implemented.

## 21. PDNS0001-DEED NOTICE RIGHT TO FARM

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to final of construction permits, the applicant/owners shall record a deed restriction to notify potential purchasers of the property of the Monterey County Right-to-Farm Ordinance (Chapter 16.40). The notice shall be in substantially the following form:

### NOTICE TO PURCHASERS OF REAL PROPERTY:

Notice is hereby provided that the Monterey County Board of Supervisors has adopted an ordinance (codified at Chapter 16.40 (Protection of Agricultural Activities) of the Monterey County Code) to protect agricultural resources and agricultural operations from nuisance claims. It is the policy of the County of Monterey to promote the long-term protection, conservation, and enhancement of productive and potentially productive agricultural land and to minimize potential conflict between agricultural and non-agricultural land uses within the County. Where non-agricultural land uses, especially residential development, extend into agricultural lands or are located in the vicinity of agricultural lands, agricultural operations may be subject to nuisance complaints which may be the result of lack of information about such operations. Such complaints may cause the curtailment of agricultural operations and discourage investment for improvement of agricultural land to the detriment of the economic viability of the agricultural industry of the County. Therefore, it is the intent of Chapter 16.40 of the Monterey County Code to promote a good neighbor policy by advising property owners, potential purchasers of real property located near agricultural operations, residents of the County, and the general public of the potential inconveniences or discomforts associated with living and/or visiting a county with a strong rural character and healthy agricultural sector, so long as the agricultural operations are conducted in a manner consistent with proper and accepted customs and standards. These potential inconveniences or discomforts may include, but are not limited to, noises, odors, lights, reflective surfaces, fumes, insects, dust, chemicals, smoke, the operation of machinery (including aircraft), agricultural truck traffic, and crop rotation, and impacts associated with the presence of a large labor force.

Thus, as a resident or visitor of Monterey County, you are hereby notified that you must be prepared to accept certain inconveniences or discomforts that are caused by agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. The Board of Supervisors has also established a voluntary dispute resolution process to assist in resolving complaints about agricultural operations without litigation.

For further information regarding County policies in respect to agriculture or the voluntary dispute resolution process, you are invited to contact the Monterey County Office of the Agricultural Commissioner.

**Compliance or Monitoring Action to be Performed:** Prior to final of construction permits, submit verification to RMA-Planning that the notice has been recorded.

## 22. PDNS0002\_RESTORATION REQUIRED

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Should operation of the desalination plant become permanently infeasible due to a lack of water supply source, or should plant construction cease for a period of at least five consecutive years ("Idle Period") due to any factors beyond or within the applicant or owner's control (excluding a delay or lapse in construction related to pending administrative proceedings or litigation relating to or affecting the Monterey Peninsula Water Supply Project), the applicant or owner shall apply to the County to (1) extend the Idle Period; (2) obtain a new Use Permit that would allow adaptive re-use of the site; (3) implement a site restoration plan to return the site to as close to its predevelopment state as is feasible; and/or (4) implement a feasible alternative for site use and/or restoration.

**Compliance or Monitoring Action to be Performed:** Within sixty days following the applicant's or owner's determination that the desalination plant has become permanently infeasible due to a lack of water supply source, or within sixty days following expiration of the Idle Period, the owner or applicant shall notify the County in writing of its intention to implement one or more of the following actions:

- 1.) Seek approval from the Planning Commission for an extension of the Idle Period for another five (5) year period or other applicable period as may be determined by the County, which approval shall not be unreasonably withheld;
- 2.) Apply for a new Use Permit that would allow for adaptive re-use as allowed within the zoning designation and the site constraints of the property;
- 3.) Provide notice of the applicant or owner's intent to undertake site restoration. Following such notice of intent, the applicant or owner shall prepare and submit a restoration plan to return the site as close to its predevelopment state as is feasible, or to such other site condition as may be approved by the Planning Commission. Site restoration pursuant to the restoration plan shall not be required until all necessary regulatory and environmental approvals are obtained, including, but not limited to, approvals from the California Public Utilities Commission and the County.
- 4.) If, due to unforeseen circumstances, a feasible alternative for site use and/or restoration, other than those identified above, becomes available, applicant or owner shall within the sixty day period described above provide a detailed description of such alternative compliance measure for approval by the Planning Commission.

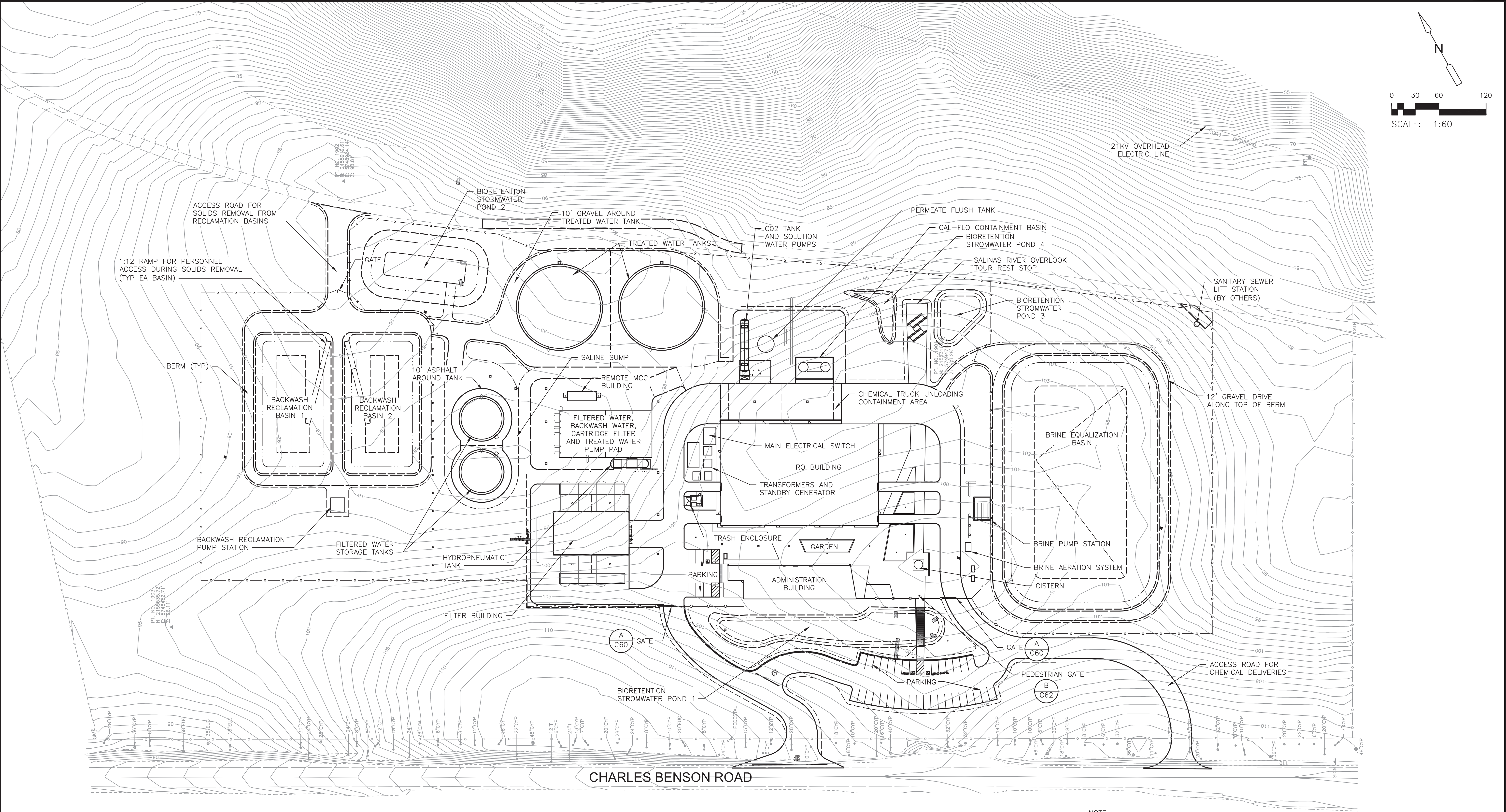
If the applicant or owner seeks approval of actions (1) and/or (2) above but neither actions (1) or (2) are approved, the applicant or owner must seek approval of actions (3) or (4) within ninety days following the County's denial of a request for actions (1) and (2).

Any Planning Commission decision denying a request for actions (1), (3), or (4) shall be appealable to the Board of Supervisors.

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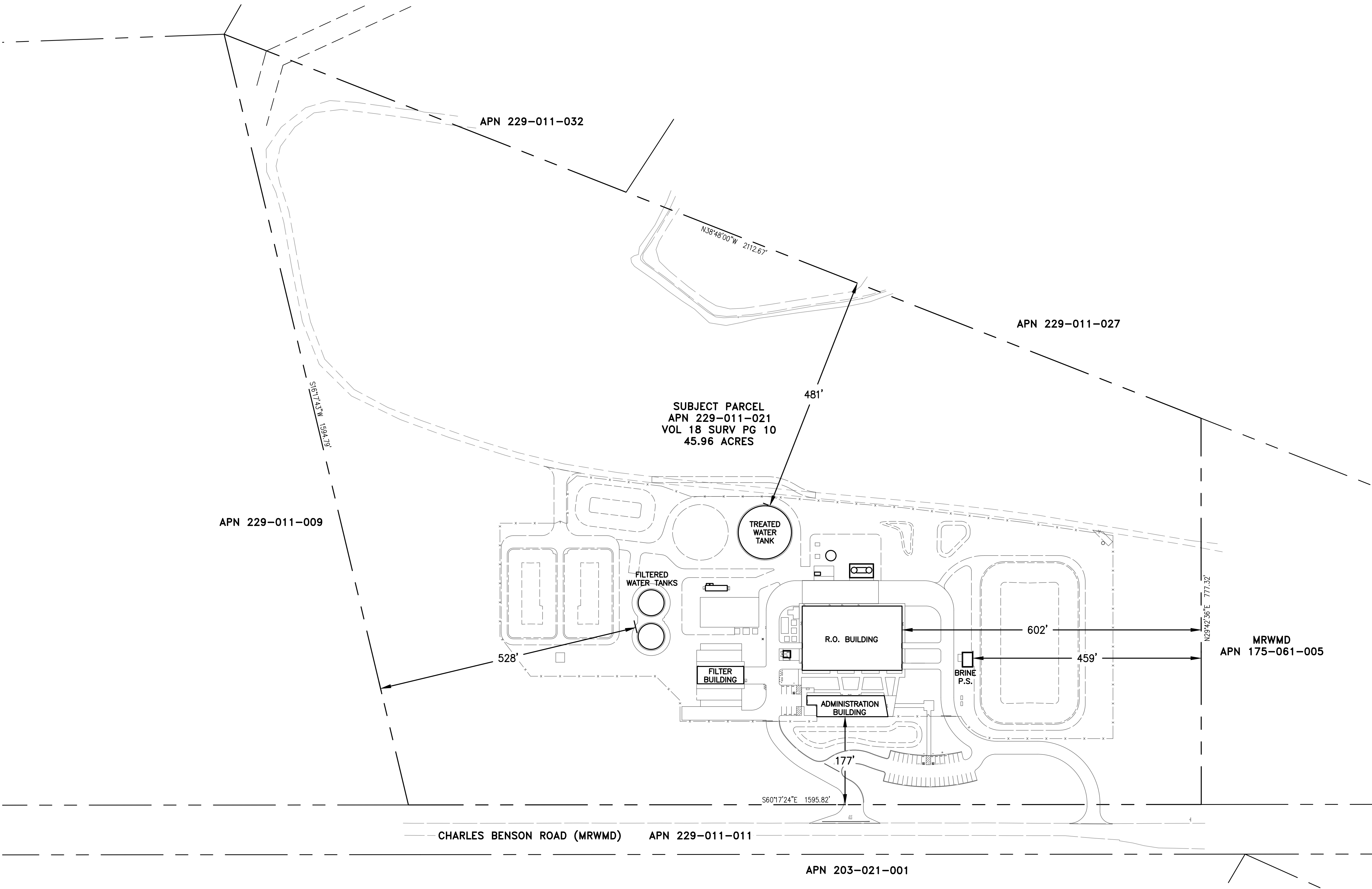


NOTE:  
1. SEE C12 FOR SITE FEATURE ELEVATION DATA.

 <b>CALIFORNIA</b> <b>AMERICAN WATER</b>	REVISIONS		REVISIONS		 2300 Clayton Road, Suite 950 Concord, CA 94520 Tel: (925) 933-2900	 LEONEL I. ALMANZAR 2300 CLAYTON ROAD, SUITE 950 CONCORD, CA  <b>CDM Smith</b> DRAWN BY G. RODRIGUEZ PROJECT ENG'R D. BROWN  DATE MARCH 2019  PROJECT 154001-0191	MPWSP DESALINATION INFRASTRUCTURE PROJECT CIVIL SITE PLAN				
											
											
											
											
											
						CALIFORNIA AMERICAN WATER CO.		COASTAL DIVISION	USE DIMENSIONS ONLY SCALE AS NOTED		
						USE APPROVED DRAWINGS ONLY FOR CONSTRUCTION PURPOSES		90% SUBMITTAL		154001-0191-C7	



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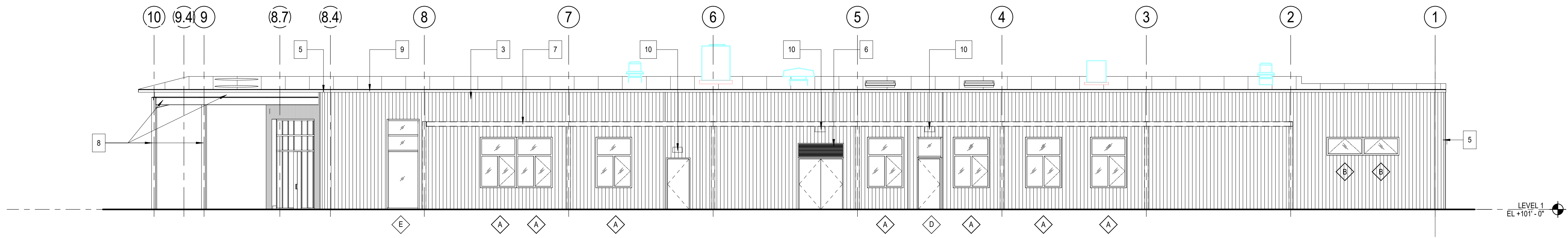
DATE JUNE 2019

PROJECT 154001-0191

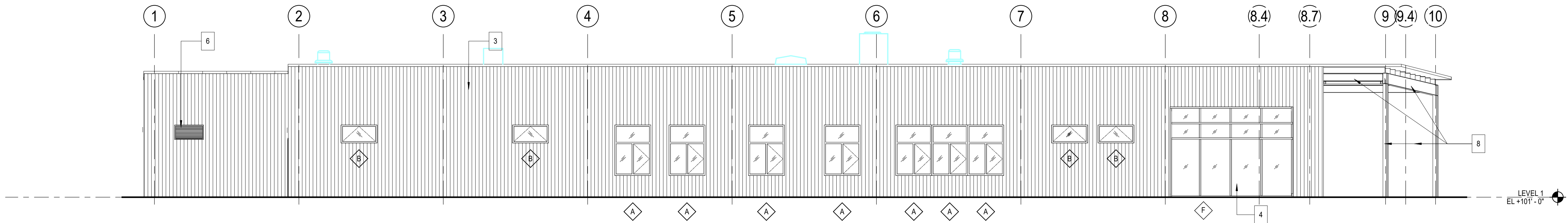


MPWSP DESALINATION INFRASTRUCTURE PROJECT  
CIVIL  
OVERALL SITE DIMENSION PLAN

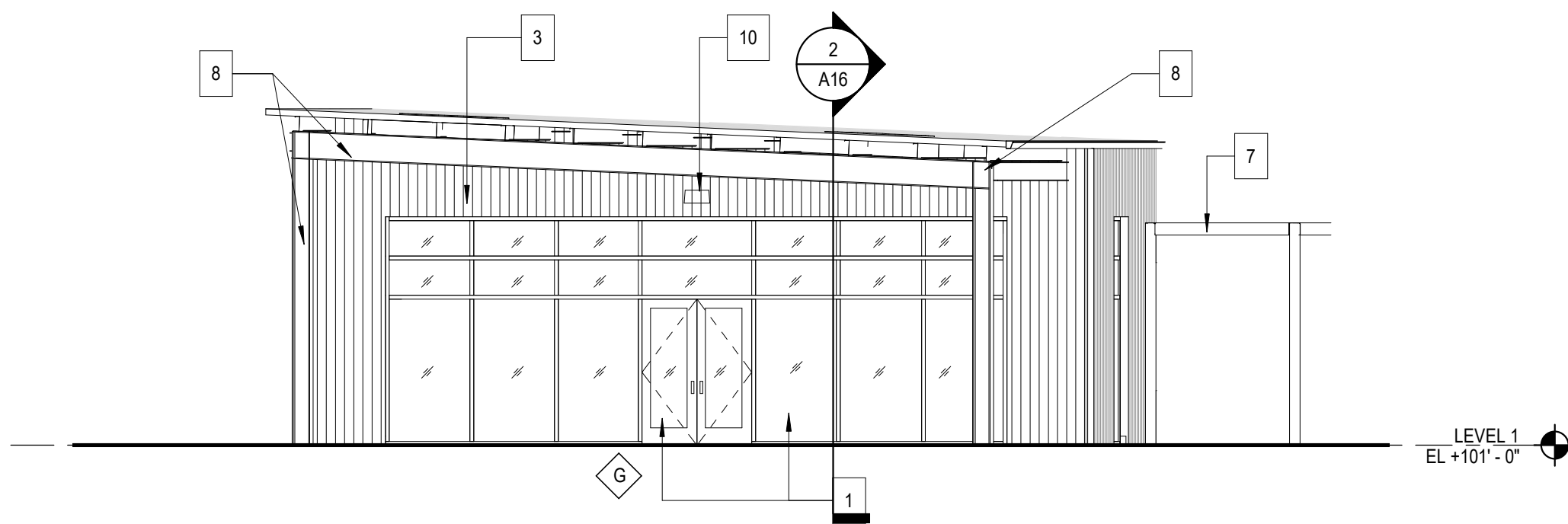
CALIFORNIA AMERICAN WATER CO.	COASTAL DIVISION	USE DIMENSIONS ONLY SCALE 1" = 50'
USE APPROVED DRAWINGS ONLY FOR CONSTRUCTION PURPOSES	100% SUBMITTAL	154001-0191-



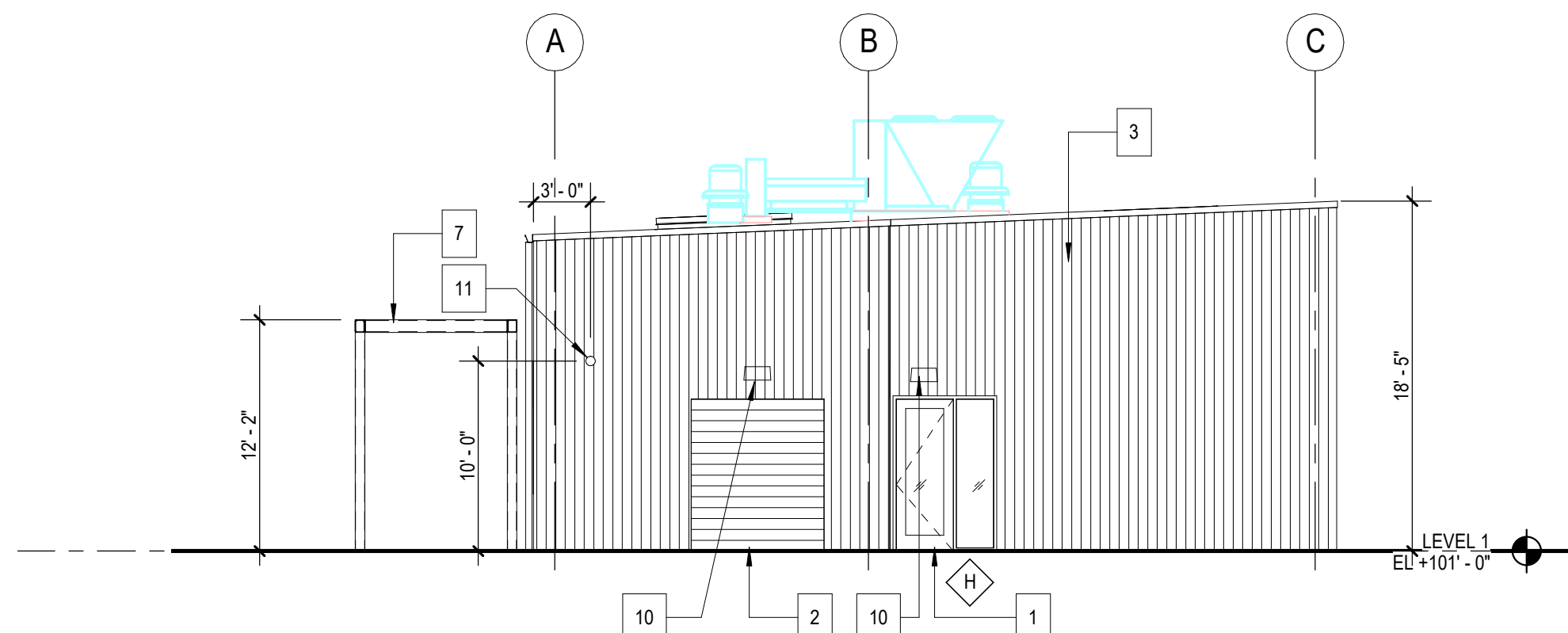
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A14 SCALE: 1/8" = 1'-0"



2 ADMINISTRATION BUILDING SOUTH  
A14 SCALE: 1/8" = 1'-0"



3 ADMINISTRATION BUILDING EAST  
A14 SCALE: 1/8" = 1'-0"



4 ADMINISTRATION BUILDING WEST  
A14 SCALE: 1/8" = 1'-0"

#### SHEET NOTES

1. STOP WORK WITHIN 50 METERS (165 FEET) OF UNCOVERED RESOURCE AND CONTACT MONTEREY COUNTY RMA - PLANNING AND A QUALIFIED ARCHAEOLOGIST IMMEDIATELY IF CULTURAL, ARCHAEOLOGICAL, HISTORICAL OR PALEONTOLOGICAL RESOURCES ARE UNCOVERED.  
2. REFER TO SHEET A10 FOR GLAZING SYSTEM TYPES AND GLASS TYPE.

#### KEY NOTES

1. ALUMINUM STOREFRONT & ENTRY DOOR  
2. OVERHEAD COILING DOOR  
3. EXTERIOR METAL PANEL - PRELIMINARY COLOR: GREEN  
4. ALUMINUM STOREFRONT  
5. RAINWATER LEADER  
6. LOUVER  
7. TRELLIS  
8. GALVANIZED AND PAINTED STRUCTURAL FRAMING  
9. CONTINUOUS METAL GUTTER  
10. LIGHT FIXTURE, SED  
11. FIRE BELL



#### REVISIONS

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DUNCAN B. BALLASH

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Drawn by JB

DATE MARCH 2019

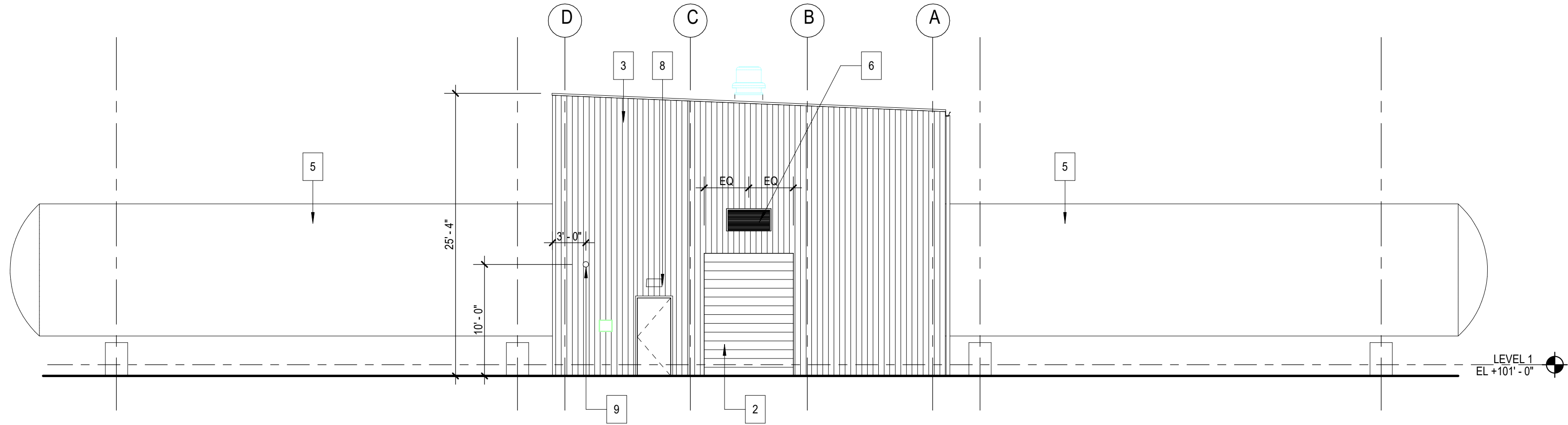
PROJECT 154001-0191

#### MPWSP DESALINATION INFRASTRUCTURE PROJECT ARCHITECTURAL

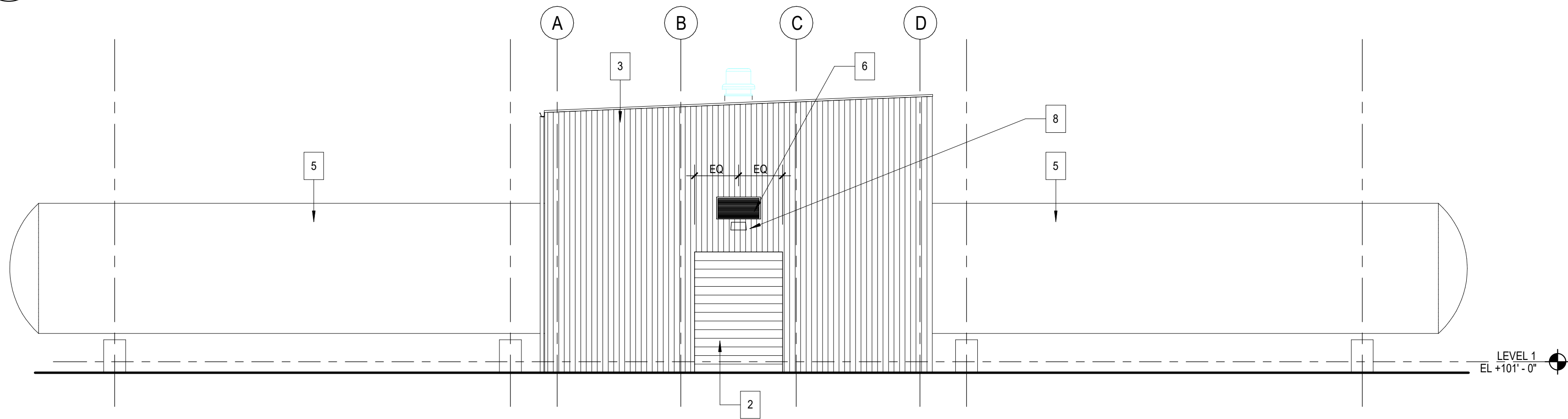
#### ADMINISTRATION BUILDING EXTERIOR ELEVATIONS

CALIFORNIA AMERICAN WATER CO.	COASTAL DIVISION	USE DIMENSIONS ONLY SCALE AS NOTED
USE APPROVED DRAWINGS ONLY FOR CONSTRUCTION PURPOSES	90% SUBMITTAL	154001-0191-A14

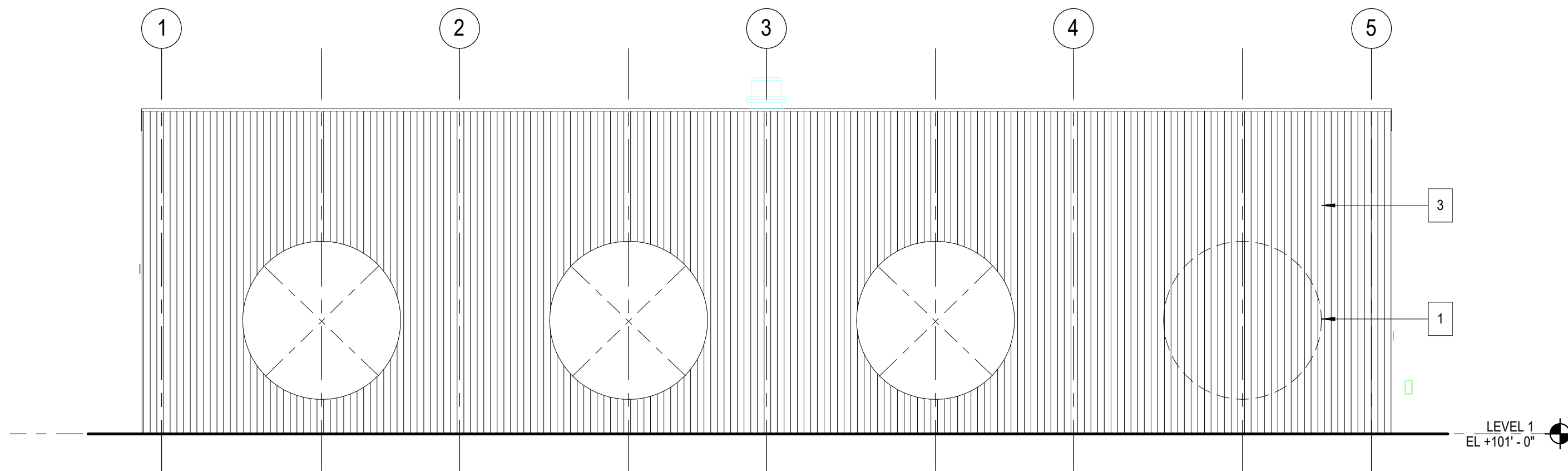
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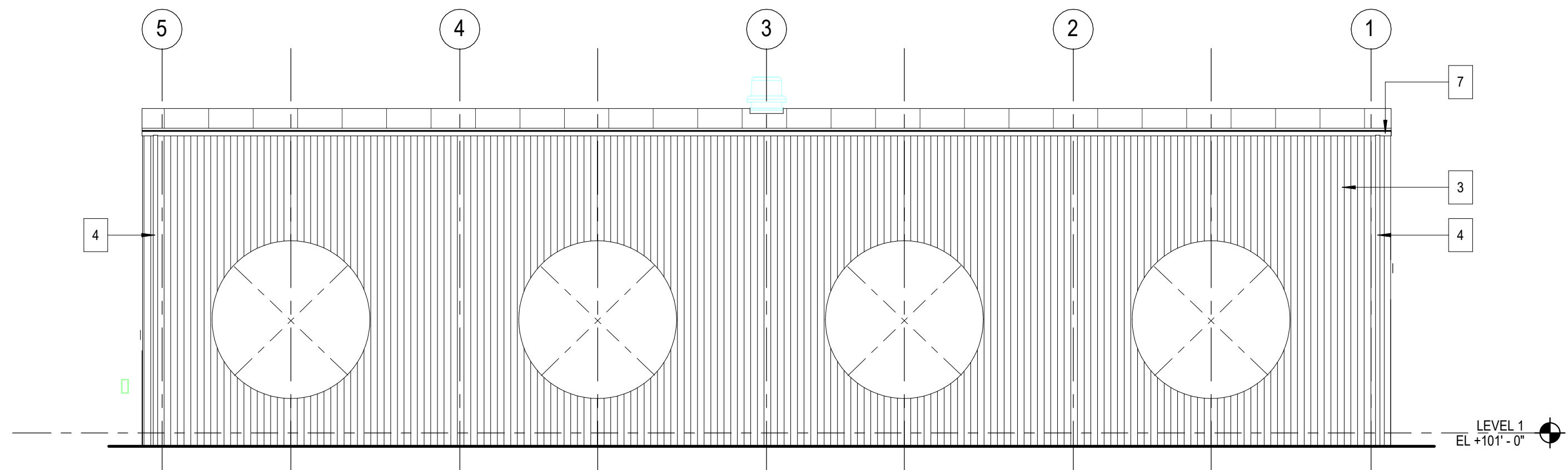
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A30  
FILTER BUILDING EAST  
SCALE: 1/8" = 1'-0"



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FILTER BUILDING WEST  
SCALE: 1/8" = 1'-0"



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FILTER BUILDING SOUTH  
SCALE: 1/8" = 1'-0"



4  
A30  
FILTER BUILDING NORTH  
SCALE: 1/8" = 1'-0"

SHEET NOTES

1. STOP WORK WITHIN 50 METERS (165 FEET) OF UNCOVERED RESOURCE AND CONTACT MONTEREY COUNTY RMA - PLANNING AND A QUALIFIED ARCHAEOLOGIST IMMEDIATELY IF CULTURAL, ARCHAEOLOGICAL, HISTORICAL OR PALEONTOLOGICAL RESOURCES ARE UNCOVERED.


KEY NOTES

1. FUTURE TANK OPENING
2. OVERHEAD COILING DOOR
3. EXTERIOR METAL PANEL - PRELIMINARY COLOR: GREEN
4. RAINWATER LEADER
5. FILTER TANK - PRELIMINARY COLOR: GREEN
6. LOUVER
7. CONTINUOUS METAL GUTTER
8. LIGHT FIXTURE, SED
9. FIRE BELL



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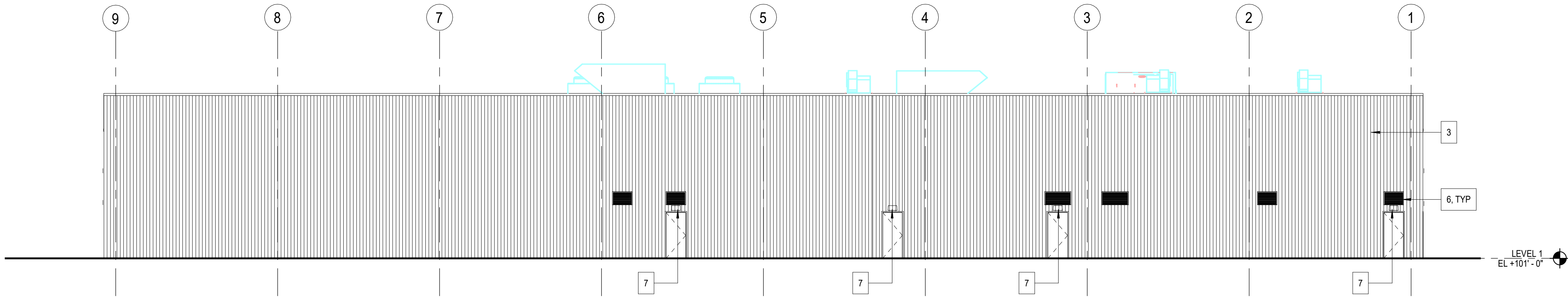


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	Drawn by JB		
	DATE MARCH 2019		
	PROJECT 154001-0191		

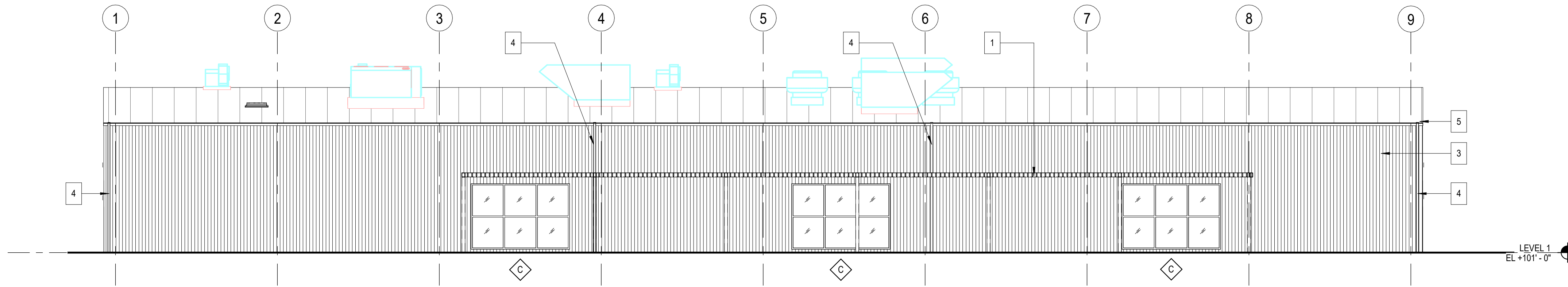
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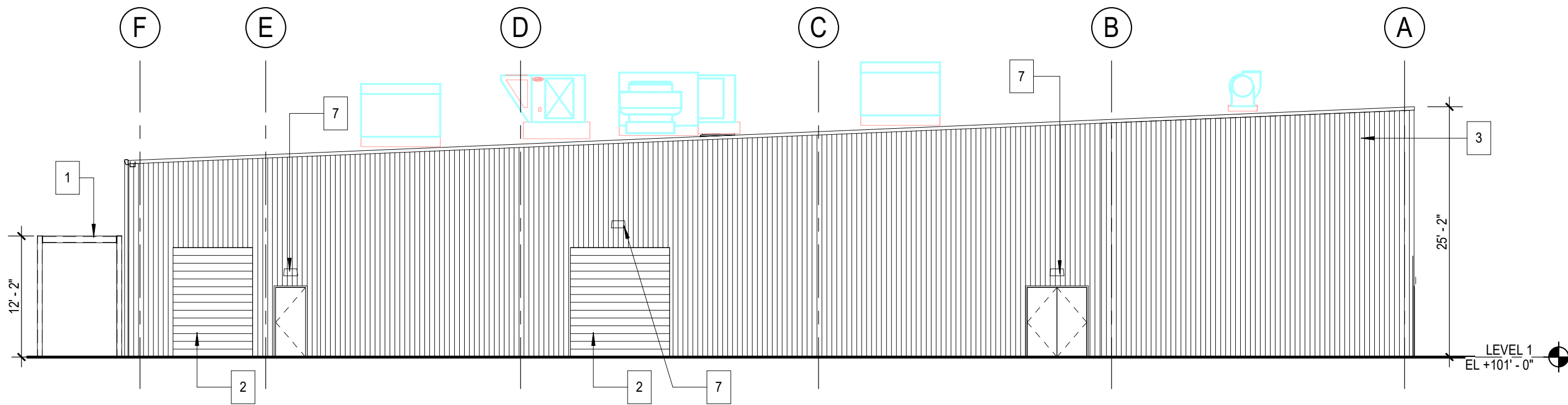
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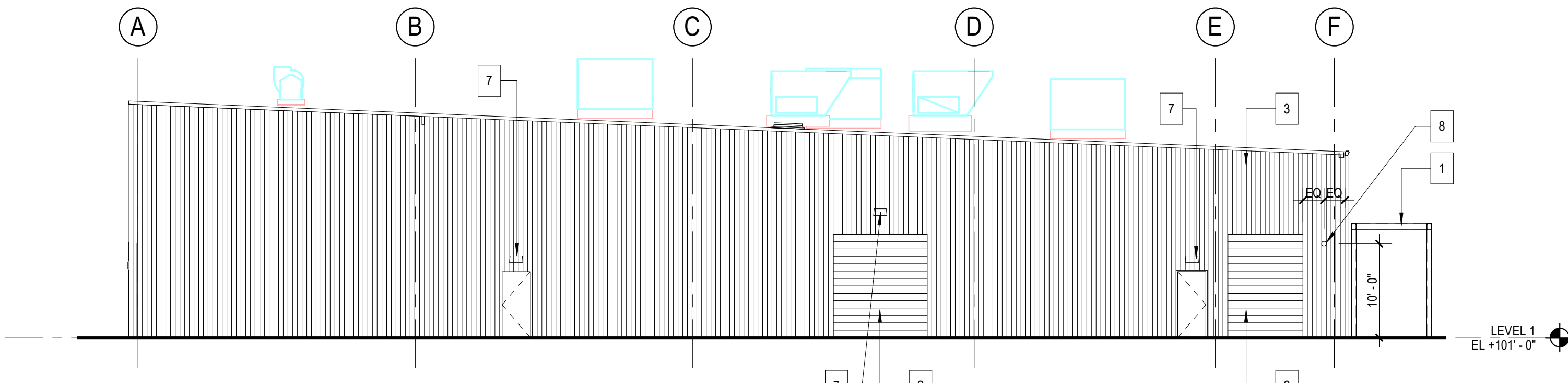
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2 RO BUILDING SOUTH  
SCALE: 3/32" = 1'-0"



3 RO BUILDING EAST  
SCALE: 3/32" = 1'-0"



4 RO BUILDING WEST  
SCALE: 3/32" = 1'-0"

SHEET NOTES

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2. REFER TO SHEET A10 FOR GLAZING SYSTEM TYPES AND GLASS TYPE.

KEY NOTES

1. TRELLIS
2. OVERHEAD COILING DOOR
3. EXTERIOR METAL PANEL - PRELIMINARY COLOR: GREEN
4. RAINWATER LEADER
5. CONTINUOUS METAL GUTTER
6. LOUVER
7. LIGHT FIXTURE, SED
8. FIRE BELL



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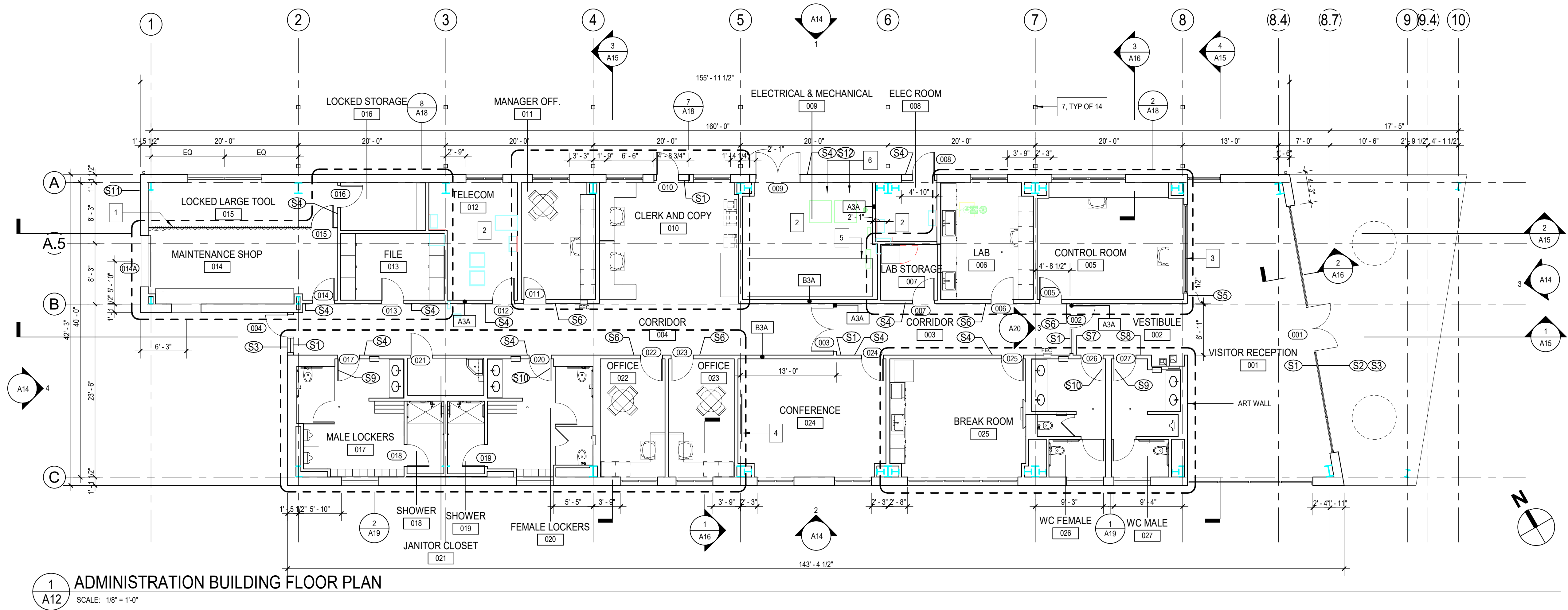
DATE MARCH 2019

PROJECT 154001-0191

MPWSP DESALINATION INFRASTRUCTURE PROJECT  
ARCHITECTURAL

REVERSE OSMOSIS BUILDING EXTERIOR ELEVATIONS

CALIFORNIA AMERICAN WATER CO.	COASTAL DIVISION	USE DIMENSIONS ONLY SCALE AS NOTED
USE APPROVED DRAWINGS ONLY FOR CONSTRUCTION PURPOSES	90% SUBMITTAL	154001-0191-A24



1 ADMINISTRATION BUILDING FLOOR PLAN  
SCALE: 1/8" = 1'-0"

LEGEND

	FIRE EXTINGUISHER CABINET		SIGNAGE TYPE S6: SEE 3/A7
	FIRE EXTINGUISHER		SIGNAGE TYPE S7: SEE 13B/A7
	SIGNAGE TYPE S1: SEE 18A/A8		SIGNAGE TYPE S8: SEE 13A/A7
	SIGNAGE TYPE S2: SEE 8/A7		SIGNAGE TYPE S9: SEE 14A/A8
	SIGNAGE TYPE S3: SEE 5/A7		SIGNAGE TYPE S10: SEE 14B/A8
	SIGNAGE TYPE S4: SEE 1/A7		SIGNAGE TYPE S11: SEE 7/A7
	SIGNAGE TYPE S5: SEE 15/A8		SIGNAGE TYPE S12: SEE 12/A7

SHEET NOTES

1. STOP WORK WITHIN 50 METERS (165 FEET) OF UNCOVERED RESOURCE AND CONTACT MONTEREY COUNTY RMA - PLANNING AND A QUALIFIED ARCHAEOLOGIST IMMEDIATELY IF CULTURAL, ARCHAEOLOGICAL, HISTORICAL OR PALEONTOLOGICAL RESOURCES ARE UNCOVERED.
2. REFER TO EXTERIOR ELEVATIONS FOR GLAZING SYSTEM TYPES
3. EXPOSED STEEL FRAMING TO BE GALVANIZED AND PAINTED
4. REFER TO ENLARGED FLOOR PLANS FOR ADDITIONAL DIMENSIONAL INFORMATION

KEY NOTES

1. FULL HEIGHT CHAIN LINK FENCE
2. PROVIDE 3/4" FIRE TREATED PLYWOOD BACKING ON INTERIOR WALLS WITHIN THIS ROOM
3. INTERIOR ALUMINUM WINDOW
4. 46" FLAT SCREEN
5. CONCRETE EQUIPMENT PAD.
6. CONCRETE PAD FOR WATER HEATER
7. TRELLIS COLUMN - HSS 6X6



REVISIONS




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Drawn by JB

DATE MARCH 2019

PROJECT 154001-0191

MPWSP DESALINATION INFRASTRUCTURE PROJECT  
ARCHITECTURAL

ADMINISTRATION BUILDING FLOOR PLAN

CALIFORNIA AMERICAN WATER CO.

COASTAL DIVISION

USE DIMENSIONS ONLY  
SCALE AS NOTED

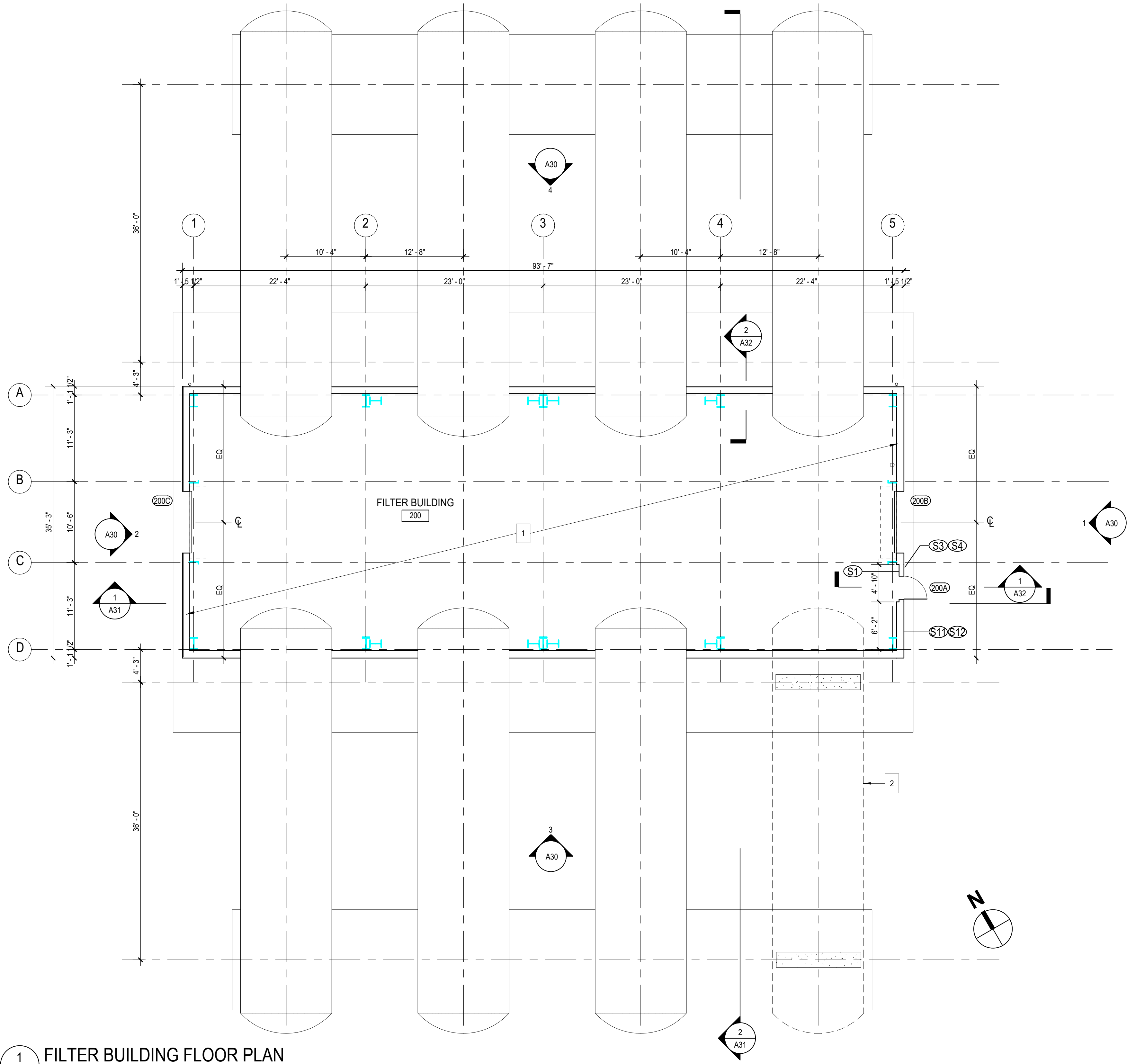
USE APPROVED DRAWINGS ONLY FOR  
CONSTRUCTION PURPOSES

90% SUBMITTAL

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FILTER BUILDING FLOOR PLAN



1  
A28  
FILTER BUILDING FLOOR PLAN  
SCALE: 1/8" = 1'-0"

SHEET NOTES

1. STOP WORK WITHIN 50 METERS (165 FEET) OF UNCOVERED RESOURCE AND CONTACT MONTEREY COUNTY RMA - PLANNING AND A QUALIFIED ARCHAEOLOGIST IMMEDIATELY IF CULTURAL, ARCHAEOLOGICAL, HISTORICAL OR PALEONTOLOGICAL RESOURCES ARE UNCOVERED.
2. EXPOSED STEEL FRAMING TO BE GALVANIZED AND PAINTED

KEY NOTES

1. NO INTERIOR FINISHES AT EXTERIOR WALL, TYP
2. FUTURE FILTER TANK

LEGEND

- FEC  
FIRE EXTINGUISHER CABINET
- EQ  
FIRE EXTINGUISHER
- S1  
SIGNAGE TYPE S1: SEE 18A/A8
- S3  
SIGNAGE TYPE S3: SEE 5/A7
- S4  
SIGNAGE TYPE S4: SEE 1/A7
- S11  
SIGNAGE TYPE S11: SEE 7/A7
- S12  
SIGNAGE TYPE S12: SEE 12/A7



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CA LICENSED PROFESSIONAL ARCHITECT  
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PIER 1, BAY 2  
THE EMBARCADERO  
SAN FRANCISCO, CA 94111

INFO@EHDD.COM  
+1 415-285-9193



Drawn by JB

DATE MARCH 2019

PROJECT 154001-0191

MPWSP DESALINATION INFRASTRUCTURE PROJECT  
ARCHITECTURAL

FILTER BUILDING FLOOR PLAN

CALIFORNIA AMERICAN WATER CO.

USE APPROVED DRAWINGS ONLY FOR  
CONSTRUCTION PURPOSES

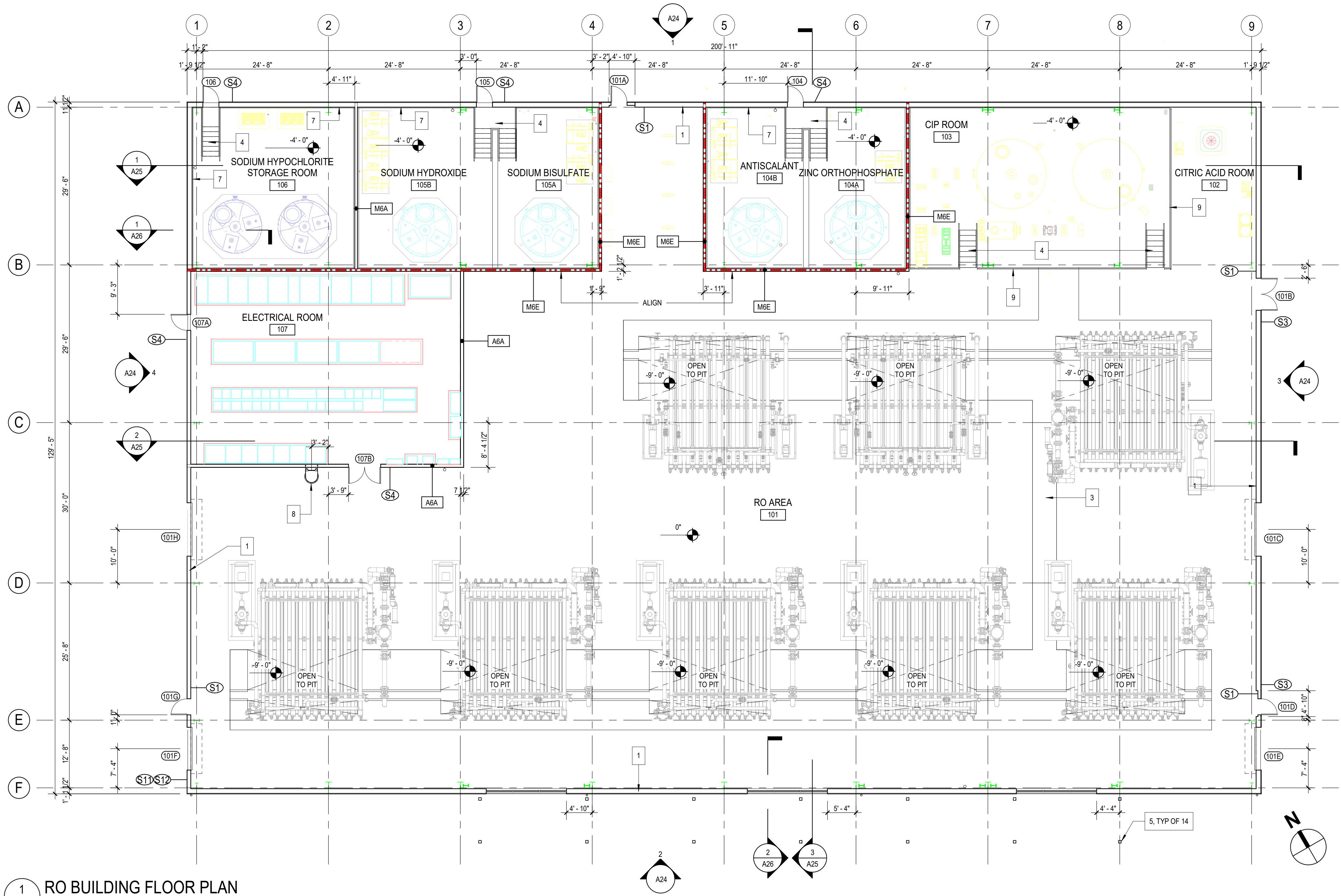
COASTAL DIVISION

90% SUBMITTAL

USE DIMENSIONS ONLY  
SCALE AS NOTED

154001-0191-A28





1 RO BUILDING FLOOR PLAN  
A22 SCALE: 3/32" = 1'-0"

SHEET NOTES

1. STOP WORK WITHIN 50 METERS (165 FEET) OF UNCOVERED RESOURCE AND CONTACT MONTEREY COUNTY RMA - PLANNING AND A QUALIFIED ARCHAEOLOGIST IMMEDIATELY IF CULTURAL, ARCHAEOLOGICAL, HISTORICAL OR PALEONTOLOGICAL RESOURCES ARE UNCOVERED.
2. REFER TO EXTERIOR ELEVATIONS FOR GLAZING SYSTEM TYPES
3. EXPOSED STEEL FRAMING TO BE GALVANIZED AND PAINTED

KEY NOTES

1. NO INTERIOR FINISHES AT EXTERIOR WALL, TYP UON
2. FRP GUARDRAIL
3. METAL GRATE, SEE SHEET S-16
4. FRP STAIRS & LANDING W/O, SSD
5. TRELLIS COLUMN - HSS 6X6
6. CONCRETE EQUIPMENT PAD
7. PROVIDE POLYCARBONATE PANEL INTERIOR FINISH AT EXTERIOR WALL
8. ALUMINUM LADDER W/ CAGE, SSD
9. FRP GUARDRAIL, SSD

LEGEND

2 HOUR FIRE RATED PARTITION

FEC FIRE EXTINGUISHER CABINET

FIRE EXTINGUISHER

S1 SIGNAGE TYPE S1: SEE 18A/A8

S3 SIGNAGE TYPE S3: SEE 5/A7

S4 SIGNAGE TYPE S4: SEE 1/A7

S11 SIGNAGE TYPE S11: SEE 7/A7

S12 SIGNAGE TYPE S12: SEE 12/A7



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**CDM  
Smith**  
2300 Clayton Road, Suite 950  
Concord, CA 94520  
Tel: (925) 933-2900

DUNCAN B. BALLASH

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**ehdd.**

Drawn by JB

DATE MARCH 2019

PROJECT 154001-0191

MPWSP DESALINATION INFRASTRUCTURE PROJECT  
ARCHITECTURAL

REVERSE OSMOSIS BUILDING FLOOR PLAN

CALIFORNIA AMERICAN WATER CO.

USE APPROVED DRAWINGS ONLY FOR  
CONSTRUCTION PURPOSES

COASTAL DIVISION

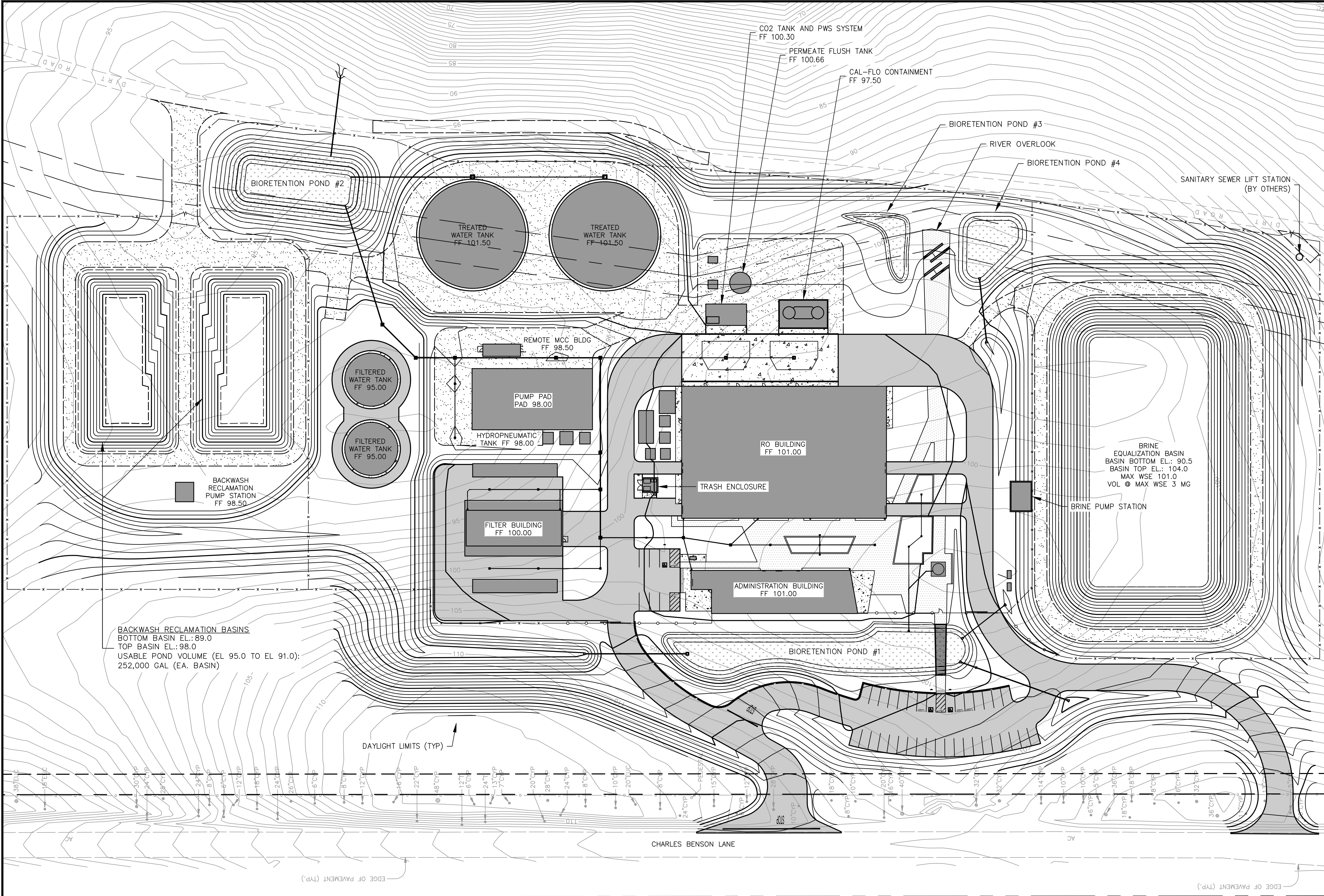
90% SUBMITTAL

USE DIMENSIONS ONLY  
SCALE AS NOTED

154001-0191-A22



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- NOTES:
- SEE SHEETS C13 - C15 FOR OVER-EXCAVATION REQUIREMENTS.
  - SEE SHEET C19 FOR PAVING, SIGNAGE, STRIPING AND FENCING
  - SEE SHEETS C21 - C27 FOR DETAILED GRADING, DRAINAGE AND PAVING.




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WHITSON ENGINEERS  
6 HARRIS COURT  
MONTEREY, CA 93940



DRAWN BY N. MILAM  
PROJECT ENG'R N. MILAM

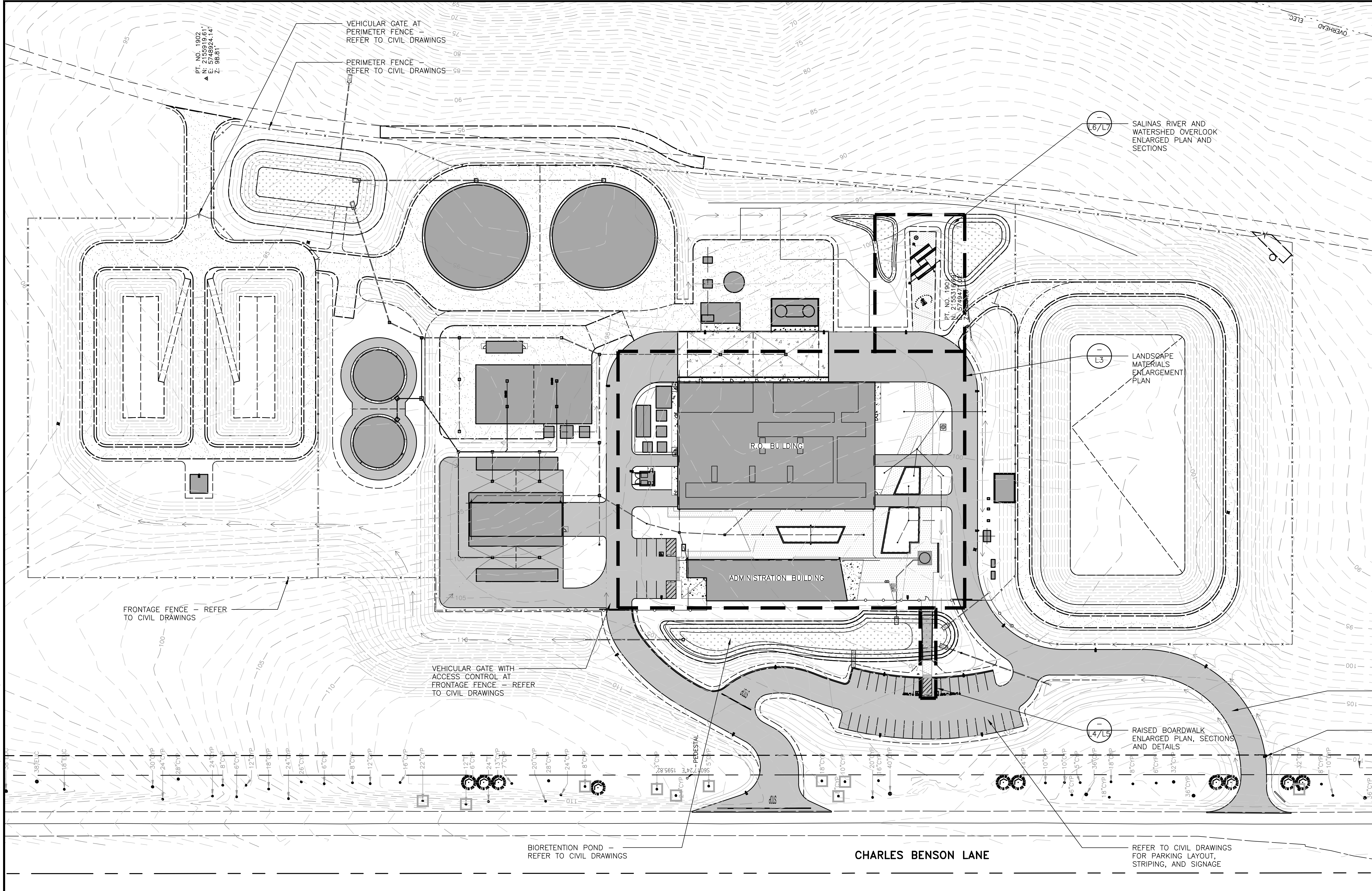
DATE MARCH 2019

PROJECT 154001-0191

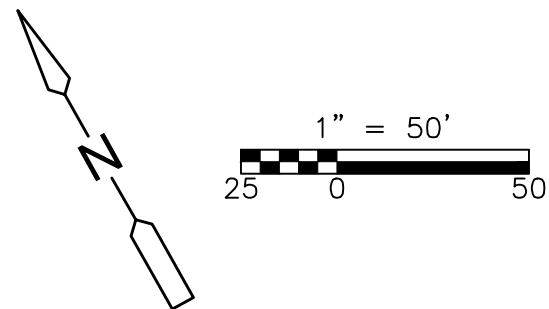
MPWSP DESALINATION INFRASTRUCTURE PROJECT  
CIVIL  
GRADING, DRAINAGE AND PAVING  
OVERALL SITE PLAN

CALIFORNIA AMERICAN WATER CO.	COASTAL DIVISION	USE DIMENSIONS ONLY SCALE 1" = 50'
USE APPROVED DRAWINGS ONLY FOR CONSTRUCTION PURPOSES	90% SUBMITTAL	154001-0191-C12





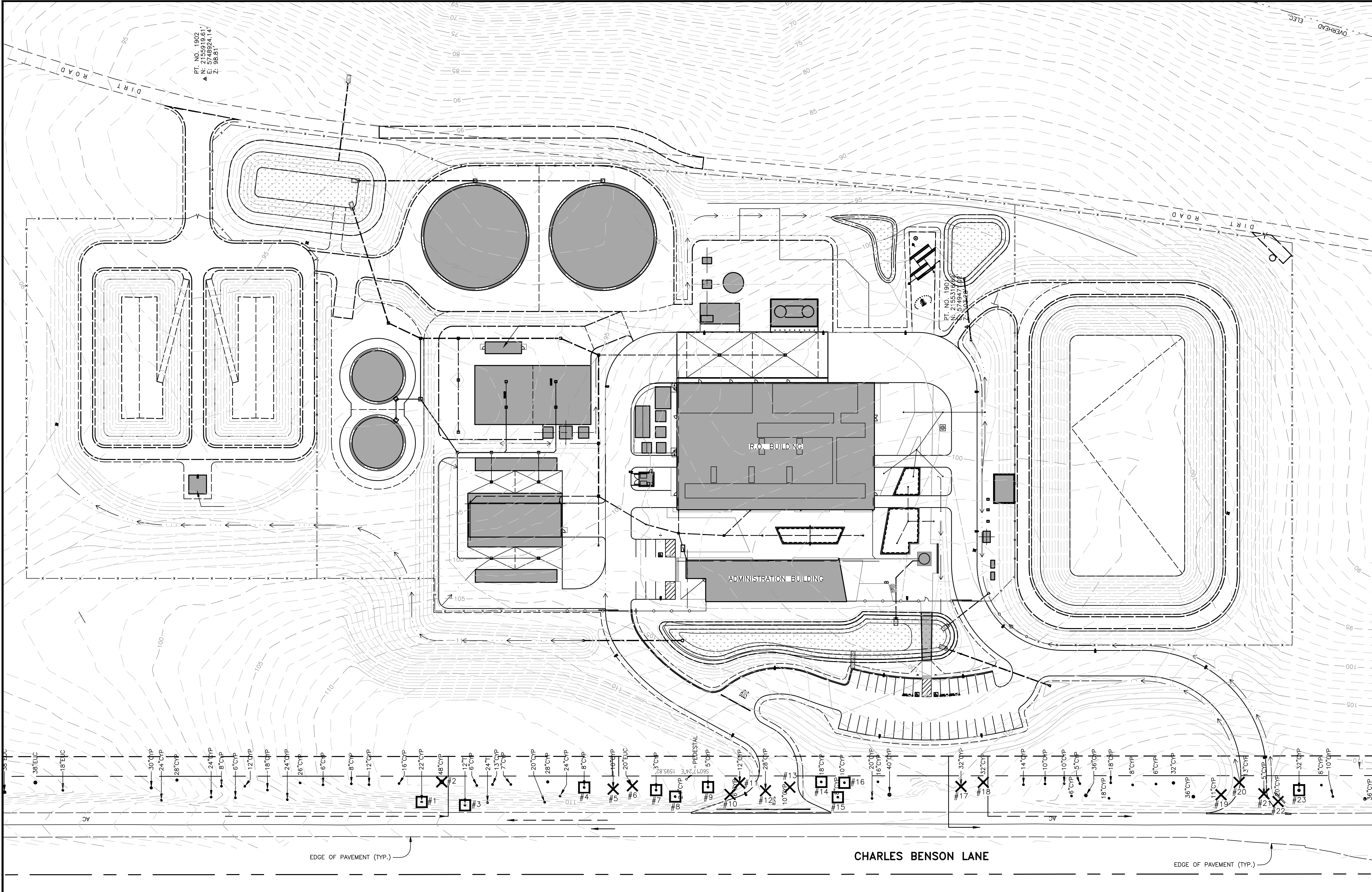
SYMBOL LEGEND	
	WATER STORAGE CISTERN – REFER TO CIVIL DRAWINGS
	FRONTAGE FENCE – REFER TO CIVIL DRAWINGS
	PERIMETER FENCE – REFER TO CIVIL DRAWINGS
	STABILIZED AGGREGATE PAVING
	CONCRETE PAVING – REFER TO CIVIL DRAWINGS
	AGGREGATE BASE SURFACING – REFER TO CIVIL DRAWINGS
	ASPHALT ACCESS ROAD – REFER TO CIVIL DRAWINGS
	BOARDWALK
	EQUIPMENT/BUILDINGS – REFER TO ENGINEERING PLANS



	REVISIONS	REVISIONS	 100 Pringle Avenue, Suite 300 Walnut Creek, CA 94596 Tel: (925) 933-2900	JONI L. JANECKI JONI L. JANECKI & ASSOCIATES, INC. 515 SWIFT STREET SANTA CRUZ, CA 95060  DRAWN BY M. ONNAGAWA PROJECT ENG'R E. DREW DATE MARCH 2019 PROJECT 154001-0191	MPWSP DESALINATION INFRASTRUCTURE PROJECT LANDSCAPE ARCHITECTURAL LANDSCAPE MATERIALS PLAN			
					CALIFORNIA AMERICAN WATER CO.	COASTAL DIVISION	USE DIMENSIONS ONLY SCALE AS NOTED	
					USE APPROVED DRAWINGS ONLY FOR CONSTRUCTION PURPOSES		90% SUBMITTAL	154001-0191-L2



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**SYMBOL LEGEND**

#21

5" CYP

EXISTING TREE NUMBER

EXISTING TREE DESCRIPTION

X

EXISTING TREE TO BE REMOVED

EXISTING TREE MAY NEED TO BE REMOVED\* (TO BE DETERMINED)

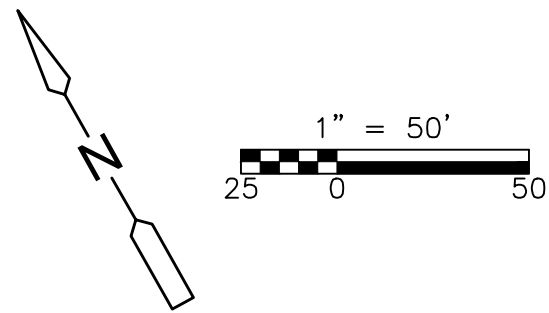
UNDERGROUND PIPING

\* EXISTING TREES THAT MAY NEED TO BE REMOVED INCLUDE TREES IN CLOSE PROXIMITY OF TRENCHING OR GRADING. UPON ARBORISTS' ON-SITE REVIEW OF EXISTING CONDITIONS AND EXTENT OF TRENCHING AND GRADING LIMITS, REMOVAL OF TREE MAY BE RECOMMENDED. PRUNE AND PROTECT AS POSSIBLE.

LIST OF TREES TO BE REMOVED OR MAY NEED TO BE REMOVED

TREE #	TREE DESCRIPTION	REMOVAL	POTENTIAL REMOVAL
1	22" CYP		X
2	48" CYP	X	
3	12" T		X
4	8" CYP		X
5	10" CYP	X	
6	20" EUC	X	
7	8" CYP		X
8	24" CYP		X
9	5" CYP		X
10	6" CYP	X	
11	12" CYP	X	
12	28" CYP	X	
13	10" CYP	X	
14	18" CYP		X
15	8" CYP		X
16	10" CYP		X
17	32" CYP	X	
18	32" CYP	X	
19	11" CYP	X	
20	13" CYP	X	
21	5" CYP	X	
22	20" CYP	X	
23	32" CYP		X
TOTAL		13	10

- NOTES:
1. TOTAL NUMBER OF EXISTING TREES TO BE REMOVED IS 13.
2. TOTAL NUMBER OF EXISTING TREES THAT MAY NEED TO BE REMOVED IS 10.



REVISIONS	REVISIONS
△	△
△	△
△	△
△	△
△	△



JONI L. JANECKI

JONI L. JANECKI & ASSOCIATES, INC.  
515 SWIFT STREET  
SANTA CRUZ, CA 95060

JONI L. JANECKI & ASSOCIATES

DRAWN BY M. ONNAGAWA  
PROJECT ENG'R E. DREW

DATE MARCH 2019

PROJECT 154001-0191

## LICENSED PROFESSIONAL ENGINEER  
NO. 3163

MPWSP DESALINATION INFRASTRUCTURE PROJECT  
LANDSCAPE ARCHITECTURAL

TREE REMOVAL PLAN

CALIFORNIA AMERICAN WATER CO.	COASTAL DIVISION	USE DIMENSIONS ONLY SCALE AS NOTED
USE APPROVED DRAWINGS ONLY FOR CONSTRUCTION PURPOSES	90% SUBMITTAL	154001-0191-L35



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# MITIGATION MONITORING AND REPORTING PROGRAM

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## CalAm Monterey Peninsula Water Supply Project

As the CEQA and NEPA Lead Agencies, the CPUC and MBNMS, respectively, are responsible for ensuring the required mitigation measures are implemented appropriately and effectively. This Mitigation Monitoring and Reporting Program (MMRP) for the Project establishes the approach to successful implementation of the mitigation measures that were identified in the EIR/EIS and that have been required as conditions of Project approval. CalAm, as the Applicant and project proponent, will be responsible for implementing all mitigation measures, as well as any additional conditions imposed by any permits or regulations administered by other responsible or trustee agencies and for reporting the implementation to the Lead Agencies. Following project approval, a detailed Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) will be developed, as described in Section 5: MMCRP, to set forth additional details concerning how the CPUC will ensure appropriate implementation of the MMRP by CalAm.

**Table 1** of this MMRP is organized first by environmental topic/impact statements in the order they are presented in the EIR/EIS, with the mitigation measures identified for such impacts.

Table 1 includes:

- Mitigation measures that CalAm must implement as part of the approved project;
- Monitoring and reporting requirements;
- Effectiveness criteria in order to judge whether the mitigation measure achieves its intended results. If the mitigation measure does not achieve the intended results, then the CPUC and MBNMS may adjust the mitigation measure in consultation with the applicable responsible or trustee agency, as described in more detail in Section 3, Roles and Responsibilities; and
- Timing and location of implementation for each measure so as to clearly specify which element(s) of the Project trigger each mitigation measure.

## 1. Authority for the Mitigation Monitoring and Reporting Program

The California Public Utilities Code confers authority upon the CPUC to regulate the terms of service and the safety, practices, and equipment of utilities subject to its jurisdiction. It is CPUC practice, pursuant to its statutory responsibility, to protect the environment and to require that mitigation measures imposed as conditions of approval be properly implemented, monitored, and reported. This requirement is codified statewide in Public Resources Code (PRC) §21081.6, which requires a public agency to adopt a mitigation monitoring or reporting program when it approves a project that is subject to preparation of an EIR and where the EIR for the project identifies significant adverse environmental effects. CEQA Guidelines Section 15097 describes agency requirements for mitigation monitoring or reporting. This MMRP implements the CPUC's responsibilities under PRC §21081.6. This MMRP will also be used by MBNMS to track implementation of required mitigation measures within the sanctuary, in compliance with 32 CFR 651.15, which addresses mitigation and monitoring.

The purpose of the MMRP is to ensure the measures adopted to mitigate or avoid significant impacts of a project are implemented, and to report on their implementation. The MMRP can be a working guide to facilitate not only the implementation of mitigation measures by the project proponent, but also the monitoring, compliance, and reporting activities of the CPUC and MBNMS and any monitors they may designate.

## 2. Roles and Responsibilities

Responsibility for implementing the adopted mitigation measures rests with CalAm, unless otherwise specified in the mitigation measure.

As the Lead Agency under CEQA, the CPUC is responsible for monitoring an approved project to ensure that required mitigation measures are implemented. CPUC will be tracking the implementation of the mitigation measures and associated monitoring on behalf of MBNMS and the two Lead Agencies will coordinate on any issues relating to the monitoring reports. MBNMS will also plan to conduct random inspections for compliance of mitigation measures required of activities that may affect sanctuary resources. The purpose of the MMRP is to document that the mitigation measures required by the CPUC are implemented and that mitigated environmental impacts are reduced to the level identified in the EIR/EIS and the CEQA findings adopted by the CPUC. The CPUC may delegate duties and responsibilities for monitoring implementation to environmental monitors or consultants working on behalf of the CPUC (referred to as Third-Party Monitors).

While the implementation by CalAm of some of the mitigation measures will also require reporting to responsible or trustee agencies where areas or resources under their jurisdiction are potentially affected or involved, CalAm must ultimately demonstrate to the Lead Agencies that the mitigation measures have been appropriately implemented.

CalAm will deploy its monitors to ensure implementation of its commitments and execution of its responsibilities as detailed in the MMRP. The number of CalAm construction monitors assigned to the Project to meet the requirements of the MMRP will be determined by CalAm and will depend on the number of concurrent construction activities underway, their locations, and the types of resources potentially affected. Per this MMRP, CalAm is required to demonstrate to the Lead Agencies that all persons assigned monitoring duties and responsibilities are qualified to undertake those duties.

When a mitigation measure requires that a study or plan be developed during the design or pre-construction phase of the Project, CalAm must submit the final study or plan to CPUC and MBNMS for review and approval. Any study or plan that requires approval of the CPUC and MBNMS must allow at least 60 days for adequate review unless noted otherwise in the mitigation measure or the MMRP. Other agencies and jurisdictions with authority over aspects of the Project or particular resources may require additional review time. CalAm will be responsible for confirming to the Lead Agencies that appropriate agency reviews have occurred and required approvals were obtained.

## 2.1 Project Changes

This section describes the CPUC's process for staff approval of Project changes that may be necessary due to changes needed after the Applicant's final engineering of elements of the Project or if circumstances arise during the course of construction that require deviations from the Project as approved, including changes to mitigation measures listed herein. The CPUC's designated Project Manager, along with MBNMS and the Third-Party Monitors, will evaluate any proposed deviations from the approved Project to ensure they are consistent with CEQA and NEPA requirements. Depending on its nature, a requested deviation would be processed as a Minor Project Change (MPC) or a Petition for Modification (PFM). MPCs would be strictly limited to minor project changes that do not trigger additional permit requirements, do not increase the severity of an impact or create a new impact, and are within the geographic scope of the EIR/EIS. If a project change would create or have the potential to create a new significant impact, increase the severity of an impact, or occur outside the geographic area evaluated in the EIR/EIS, CalAm would be required to submit to the CPUC a PFM. The CPUC would evaluate the PFM under CEQA, as appropriate, to determine what form of supplemental environmental review, if any, would be required.

- Requests for CPUC Project Manager approval of a change must be made in writing and should include the following:
- A detailed description of the proposed change(s), including an explanation of why the deviation is necessary;
- Identification of the mitigation measure, project parameter, or other project attribute for which the change is being requested, and citations for associated approved documents;

- Photographs, maps, and other supporting documentation illustrating the difference between the existing conditions in the project area, the approved project, and the proposed change;
- The potential impacts of the proposed change, including a discussion of each environmental issue area that could be affected by the deviation with accompanying verification, and whether there would be an increase in significant impacts on resources affected by the Project and/or any new significant impacts, after application of previously adopted mitigation measure(s);
- Whether the change conflicts with any mitigation measures;
- Whether the change conflicts with any applicable guideline, ordinance, code, rule, regulation, order, decision, statute, or policy; and
- The date of expected construction at the location of the change.

The CPUC Project Manager may request additional information, agency consultations, or a site visit in order to determine the appropriate vehicle for approval and to process the request.

## 2.2 Enforcement Responsibility

The CPUC will be responsible for monitoring implementation of the MMRP and for enforcing the procedures adopted herein. Generally, this would be accomplished through the CPUC Energy Division CEQA Unit. The CPUC will also employ Third-Party Monitors to assist in certain efforts.

CalAm monitors will be required in some instances to coordinate the implementation of mitigation with the responsible or trustee agencies for situations falling within the purview of those agencies. In such instances, CalAm is required to demonstrate coordination with those agencies to the CPUC. The Third-Party Monitors will also coordinate with the appropriate responsible and trustee agencies or individuals to confirm compliance and effectiveness, or to coordinate on the need for further corrective actions.

As the State's regulator of investor-owned utilities, the CPUC has the authority to halt any construction, operation, or maintenance activity associated with the Project if the activity is determined to be a deviation from the approved project or from the adopted mitigation measures. As such, any member of the CPUC environmental monitoring team has the authority to issue a Stop Work Order that requires the contractors to temporarily halt or redirect Project activities if a sensitive resource is put in undue risk beyond previously authorized or permitted levels, and if mitigation measure(s) are not meeting the effectiveness criteria identified in the MMRP. In addition, a Stop Work Order may be issued if unauthorized Project activities are observed, such as the use of a work area that was not approved or if significant compliance risks remain unresolved. The CPUC will make any final determinations regarding Stop Work Orders for the Project.



## 2.3 Compliance Responsibility

CalAm will be responsible for successfully implementing all of the adopted mitigation measures, based on the criteria that define whether mitigation is successful, as provided in the table of mitigation measures below. Standards for successful mitigation also are implicit in many mitigation measures that include such requirements as obtaining permits or avoiding a specific impact entirely.

Additional mitigation success thresholds may be established through the review and approval of specific plans required under mitigation measures. Other requirements may be stipulated by another agency with applicable jurisdiction during that agency's permitting process.

CalAm will inform the CPUC and the Third-Party Monitors in writing of any mitigation measures that are not being, or cannot be, successfully implemented and provide alternative approaches for successful mitigation implementation. The CPUC, in coordination with its Third-Party Monitors, will review the alternative approach to determine if it is adequate and whether an MPC or PFM would apply (see Section 2.1).

In cases where CalAm is found to be in non-compliance, the CPUC may exercise the CEQA Citation Program, adopted by the Commission in Resolution E-4550, which authorizes Commission staff to efficiently issue citations and levy fines when needed to quickly address non-compliance incidents occurring on the Project site.

## 3. Dispute Resolution

Even with the best preparation, disputes may occur. In such an event, the following procedure will be observed for dispute resolution between CPUC staff and the applicant:

- Disputes and complaints should be directed to the CPUC Project Manager for resolution
- Should this informal process fail, the CPUC Project Manager may initiate enforcement or compliance actions as described in Section 2.3 to address deviations from the approved project.

Parties may also seek review by the CPUC through existing procedures specified in the CPUC's Rules of Practice and Procedure for formal and expedited dispute resolution, although a good faith effort should be made to use the foregoing procedure first.

## 4. General Monitoring Procedures

### 4.1 Environmental Monitors

Many of the monitoring procedures will be conducted during the construction phase of the project. CalAm is responsible for appointing appropriately qualified on-site monitors as defined in the mitigation measures and MMRP, and for integrating mitigation monitoring activities into

the construction process. Qualified monitors are to be on-site during all fencing and ground disturbance activities, or as defined in the specific mitigation measures. The CPUC Project Manager and Third-Party Monitors will coordinate with MBNMS and with CalAm's on-site monitors to verify compliance with the MMRP, and the effectiveness of the mitigation.

The number of on-site construction monitors assigned to the Project will depend on the number of concurrent construction activities and their locations. The CPUC, MBNMS, or their designee(s), however, will ensure that each person delegated any duties or responsibilities is qualified to monitor compliance.

## 4.2 Construction Personnel

A key element in the success of mitigation implementation and mitigation monitoring is the full cooperation of construction personnel and supervisors. Successful implementation of many of the mitigation measures requires specific actions and behaviors on the part of the construction supervisors or crews. To ensure success, the following actions, detailed in specific mitigation measures, will be taken:

- Procedures to be followed by construction companies engaged to do the work will be written into their contracts with CalAm. Procedures to be followed by construction crews will be written into a separate agreement that all construction personnel will be asked to sign, denoting consent to the procedures.
- As specified by the MMRP, a Worker Environmental Awareness Training and Education Program will be conducted to inform and train construction personnel about the requirements of the monitoring program. The CPUC Third-Party Monitors will verify that each crew member receives the required training.
- A written summary of mitigation monitoring procedures will be provided to construction supervisors for all mitigation measures requiring their attention.

## 4.3 Reporting Procedures

CalAm is required to prepare and maintain daily monitoring reports that are entered into a field record environmental database (FRED) or similar system, and made available to the CPUC and MBNMS. CalAm will also provide the CPUC and MBNMS (or their Third-Party Monitors) with written weekly, monthly and quarterly summary reports of the Project construction activities, which shall include a chronological log including the progress of construction, and all monitoring activities conducted during the reporting period including the identification of any impacts on resources, mitigation measures implemented, and all other noteworthy elements of the Project.

Construction is not allowed to start in a particular area until the required pre-construction surveys and flagging/staking are completed, and the CPUC Third-Party Monitor has validated compliance and the CPUC has issued a Notice to Proceed to CalAm to start that construction.

## 4.4 Public Access to Records

The public is allowed access to records and reports used to track the monitoring program. Monitoring records and reports will be made available for public inspection by the CPUC upon request. The CPUC and CalAm will develop a filing and tracking system. For additional information on mitigation monitoring and reporting for the project, the CPUC Energy Division CEQA Unit will maintain an Internet website. To facilitate the public's awareness of and access to this information, the CPUC will make monthly reports available on the website.

## 5. Mitigation Monitoring, Compliance, and Reporting Program

The CPUC will prepare the Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) in cooperation with MBNMS in order to meet both agencies' mitigation monitoring and reporting needs. The MMCRP will incorporate and will be based on this MMRP. The MMCRP will serve as a self-contained guide for implementing the MMRP throughout Project construction. The MMCRP will include more detailed content than is required for compliance with PRC §21081.6, it will incorporate the mitigation monitoring and reporting needs of other agencies that have yet to take action on the Project, and it will include agency, applicant, and third-party contact information that cannot be known with specificity at this time. The CPUC Project Manager, in coordination with MBNMS, will approve the completed MMCRP prior to the start of Project construction.

The MMCRP will contain a concise overview and description of the approved Project, outline its physical locations and geographic limits, and, to the extent known, provide the Project construction schedule. It will include all adopted mitigation measures and will specify the master reference document(s) that the monitors and CalAm will use in carrying out the MMRP (e.g., the Final EIR/EIS, detailed working maps and plans, issued permits, etc.).

The MMCRP will include a list of the agencies having jurisdiction over various aspects of the Project, and a description of where these respective jurisdictions occur. For example, the MMCRP will state which CDFW regional office has jurisdiction and will provide contact information, including the designated representative's name, address, email, and telephone numbers.

The MMCRP will also define the manner in which CalAm's monitoring team will interact with the CPUC staff and consultants. In addition, the MMCRP will define CalAm's required submittals to the agencies, and protocol for interactions among agency and CalAm team members.

The MMCRP must address the following topics, and others as deemed appropriate:

1. Introduction
  - a. Authority and Purpose of the MMCRP
  - b. Jurisdictional Agencies

- c. Project Description
  - d. Organization of the MMCRP
- 2. Roles and Responsibilities
  - a. Monitoring Responsibility
  - b. Enforcement Responsibility
  - c. Mitigation Compliance Responsibility
  - d. Communications
  - e. Dispute Resolution
  - f. CalAm Roles
    - i. Identification of the qualified CalAm team members who would verify that all adopted measures and conditions have been successfully implemented.
    - ii. Organization of the CalAm team, including specifying duties, roles, and responsibilities.
    - iii. Identification of primary CalAm contacts for CPUC environmental monitoring staff liaison.
- 3. General Monitoring and Compliance Procedures
  - a. Environmental Monitors
  - b. Construction Personnel
  - c. General Reporting Requirements
    - i. CalAm Daily Incident Summary format and protocol
    - ii. CalAm Weekly Monitoring Report format and content
    - iii. CalAm Annual Monitoring Report format and content
  - d. Records Management and Public Access to Records
- 4. Mitigation Measure Tables

**TABLE 1  
CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.2: Geology, Soils, and Seismicity									
Impact 4.2-1: Substantial soil erosion or loss of topsoil during construction. Mitigation Measures 4.6-2b and 4.16-1	X		X	X	X	X	See below under Mitigation Measures 4.6-2b and 4.16-1		
Impact 4.2-10: Accelerate and/or exacerbate natural rates of coastal erosion, scour, or dune retreat, resulting in damage to adjoining properties or a substantial change in the natural coastal environment. Mitigation Measure 4.2-10: Slant Well Abandonment Plan. CalAm shall monitor and report the rate of coastal retreat and implement the following corrective measure: 1. CalAm shall conduct annual monitoring of the rate of coastal retreat relative to the slant wells at the CEMEX site by measuring the distance from the wellhead to the western dune face. The data shall be reported no later than June 30 each year to the agencies issuing and authorizing the Coastal Development Permit and shall establish an annual erosion rate to be used to estimate the year at which the wells and associated pipelines have 5 years before exposure, assuming that at least one 100-year storm event will have occurred within that exposure timeframe. 2. Beginning at least 5 years prior to the anticipated exposure of the slant wells, CalAm shall implement the planning and permitting necessary to decommission the slant wells in accordance with state well destruction standards. An application to destroy the slant well would be submitted to the Monterey County Environmental Health Bureau, Drinking Water Protection Services Unit, for approval. The decommissioning plans shall be prepared in coordination with the property owner and permit authorizing agencies. 3. Once an estimated exposure window is established through annual monitoring and a removal date is identified, CalAm shall remove the slant wells from service prior to their exposure. Slant well decommissioning activities would be restricted to the snowy plover non-nesting season (October 1 through February 28) to avoid impacts on nesting plovers and other sensitive species. The wellhead vault, electrical panel, buried electrical conduit, and discharge piping would all be excavated and removed, followed by backfilling and compaction of the excavated vault location and trenches. The well decommissioning shall be conducted in coordination with the property owner. 4. The slant well casing shall be pressure grouted such that the screened section is sealed, pursuant to the requirements of State of California Well Standards Bulletin 74-81 and 74-90, Part III Section 23. The section of well casing and pipelines at risk of exposure shall be cut and removed to a depth of five feet below the 2060, 100-year lower profile envelope as determined by the 2014 Coastal Erosion Study (ESA, 2014) or as directed by any permit condition.	X						CalAm shall conduct annual monitoring of coastal erosion and provide monitoring data to the CPUC and the agencies issuing and authorizing the Coastal Development Permit no later than June 30 each year of the rate of coastal retreat relative to the slant wells at the CEMEX site and establish an annual erosion rate (to be recalculated each year) to estimate the year at which the wells have 5 years before exposure. At least five years prior to the estimated exposure of the slant wells, CalAm shall notify CPUC of planned slant well decommissioning and shall obtain all required permit(s) for decommissioning of slant well(s) from Monterey County and other applicable responsible and trustee agencies. CalAm shall provide the CPUC and agencies issuing and authorizing the CDP with all approved permit(s) for recordation and coordination for monitoring during slant well decommissioning.	During operation	Monitor and report annual erosion rate and to provide adequate time of at least five years for CalAm to plan for, apply for/receive all permits required to decommission the slant wells before coastal erosion exposes the wells and/or their associated pipelines.
Impact 4.2-C: Cumulative impacts related to geology, soils, and seismicity. Mitigation Measure 4.2-10	X						See above under Mitigation Measure 4.2-10		
Section 4.3: Surface Water Hydrology and Water Quality									
Impact 4.3-2: Degradation of water quality from construction-related discharges of dewatering effluent from open excavations and water produced during well drilling and development. Mitigation Measure 4.7-2b	X			X			See below under Mitigation Measure 4.7-2b		

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.3: Surface Water Hydrology and Water Quality (cont.)</b>									
<b>Impact 4.3-4: Violate water quality standards or waste discharge requirements or degrade water quality from increased salinity as a result of brine discharge from the operation of the MPWSP Desalination Plant.</b>		X					CalAm shall prepare and submit the required water quality monitoring and reporting plan to RWQCB and MBNMS for approval, and provide a copy of the approved plan to the CPUC. Upon receiving the approvals and providing the CPUC with copies of the same, CalAm shall install monitoring equipment and begin water quality monitoring pursuant to the approved plan at least 1 year before the commencement of project operations. CalAm shall only use qualified professionals approved by RWQCB, CPUC and MBNMS for all required monitoring and analysis and shall promptly submit the required monitoring data and analysis to the RWQCB, CPUC, and MBNMS simultaneously. Review of the monitoring data and reports will identify the need for and details concerning any corrective measures, unless and until it is determined that it is no longer required, per the mitigation measure.	Prior to and during operation at intervals specified in the mitigation measure.	Establish and incorporate comprehensive biological resources baseline data into the approved water quality monitoring and reporting plan and implement the plan, and revise it as deemed necessary by RWQCB and MBNMS, to ensure compliance with the 2 ppt receiving water quality limitation at the BMZ.
<b>Mitigation Measure 4.3-4: Operational Discharge Monitoring, Analysis, Reporting, and Compliance.</b>									
<p>To ensure that the operational discharges from the MPWSP are in compliance with the 2 ppt receiving water salinity limitation at the Brine Mixing Zone (BMZ) compliance point required by the California Ocean Plan, the discharger(s) shall implement a Monitoring and Reporting Plan (Plan). The Plan shall, at a minimum, include protocols for monitoring of effluent and receiving water salinity characteristics as well as protocols for determining statistically significant changes in benthic community composition within the maximum extent of the Zone of Initial Dilution (ZID) as compared to baseline conditions (established a minimum of one year prior to operations) that is directly associated with changes in salinity resulting from operational discharges (with consideration given to natural and seasonal variations and long-term regional trends). Such protocols shall include, but not be limited to, monitoring for benthic community health, aquatic life toxicity, and hypoxia, within the ZID. The Plan shall be consistent with the standard monitoring procedures detailed in Appendix III of the Ocean Plan. Such monitoring protocols specify monitoring plan framework, scope, and methodological design for determining compliance with the Ocean Plan defined receiving water limitations relating to salinity. Prior to implementation, the Plan shall be approved by the RWQCB and MBNMS. Following implementation, the Plan shall be reviewed by the RWQCB, and revised if necessary, as part of the NPDES permit renewal process.</p> <p>As part of the Plan, receiving water monitoring for salinity shall be conducted at times when the monitoring locations are most likely to be potentially adversely affected by the discharge. The Plan shall establish protocols to establish baseline biological conditions at the discharge location as well as at a reference location outside the influence of the discharge for at least one year prior to commencement of project construction. To determine impacts on marine biological resources against baseline biological conditions, the discharger(s) shall conduct biological surveys (e.g., Before-After Control-Impact studies), that evaluate and quantify the differences between biological communities at a reference site and at the discharge location before and after the discharge(s) commence. All monitoring data, results, and analyses shall be compiled and submitted to the RWQCB and MBNMS for review. Such monitoring shall continue until the RWQCB and MBNMS determines that a regional monitoring program is adequate to ensure compliance with the receiving water limitation.</p> <p><b>Water Quality Monitoring.</b> At a minimum, the Plan shall include the following water quality monitoring protocols and monitoring frequencies to assess baseline conditions and to track the compliance of the Project with the performance standard of ensuring operational discharges do not exceed ambient salinity by more than 2 ppt at the edge of the BMZ, as well as to assess the efficacy of any operational or design features implemented:</p> <p>A. At least one year prior to implementing operational discharges, the discharger(s) shall install continuously recording automated water quality monitoring equipment, such as automatically recording water quality data sondes (water quality monitoring instrument), to monitor salinity and dissolved oxygen levels at one hour intervals in the receiving waters of Monterey Bay. The discharger(s) shall install water quality monitoring equipment at a minimum of four locations within 3 meters of the ocean floor as follows:</p> <ol style="list-style-type: none"> <li>1 monitoring station at the edge of the Zone of Initial Dilution, but not more than 10 meters from the outfall diffuser.</li> <li>1 monitoring station at the edge of the Brine Mixing Zone, representing the point of compliance with the Ocean Plan salinity standard (not more than 100 meters from the outfall diffuser).</li> <li>A representative reference location at least 1000 meters from the outfall diffuser, situated on the same elevation contour as that of the outfall diffuser, in an area outside the influence of operational discharges or other inputs to Monterey Bay, such as operational discharges from other facilities or fresh water inputs in the form of major surface water inputs.</li> </ol> <p>B. Monitoring will be conducted for one year prior to the commencement of operational discharges to confirm baseline conditions.</p>							For the required biological surveys, survey protocols and qualifications for professionals conducting the surveys shall be submitted to MBNMS for approval. Survey reports shall be submitted to MBNMS in a format approved by MBNMS.		

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

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Section 4.3: Surface Water Hydrology and Water Quality (cont.)									
<p>C. Once operational discharges commence, the discharger(s) shall continue monitoring (for a minimum of five years, as described below) to confirm compliance of operational discharges with the Ocean Plan receiving water salinity limitation, which specifies discharges shall not exceed a daily maximum of 2 parts per thousand (ppt) above natural background salinity, as measured no further than 100 meters (328 ft) horizontally from the discharge point.</p> <p>The discharger(s) shall retrieve all data from deployed water quality monitoring instrumentation at least four times a year at quarterly annual intervals during both the one-year period of baseline monitoring and during the salinity standard compliance monitoring associated with operations. Following data collection, data shall be analyzed for compliance with the receiving water salinity standard defined in the Ocean Plan. Additionally, the salinity and dissolved oxygen data retrieved shall be used, in conjunction with biological survey data, to assess changes to benthic community composition within the ZID. The analyses and monitoring data shall be summarized and submitted to the RWQCB and MBNMS as annual reports as well as made publicly available via the project website. Reports shall include summary graphs of all quality assured/quality controlled data as well as statistical analyses of the data relative to historic baselines. Reports shall assess water quality data within the context of relevant water quality standards. The reports shall describe any measured adverse water quality related changes, such as high salinity or low dissolved oxygen levels that potentially impact marine habitat quality or benthic communities. The reports shall include assessment of the extent to which any measured changes were attributable to controllable factors, such as the variation of combined flows as part of operational discharges.</p> <p>The analysis and reporting conducted as part of the Plan shall determine the need for corrective actions to be implemented in the form of the design features and operational measures prescribed in <b>Mitigation Measure 4.3-5</b> to reduce identified impacts to less-than-significant levels. As part of such a determination for implementation of corrective actions, a schedule for implementation shall be provided, as well as rationale for how such design features and/or operational measures were selected and the expected results following implementation. All analysis and reporting, including determinations for the need for corrective actions to be implemented, the schedule for implementation, and the rationale for selected corrective actions shall be approved by the RWQCB and MBNMS. If at the end of five complete years of monitoring operational discharges, the 24-hour average salinity measured at the edge of the BMZ is less than 75% of the salinity performance standard for 45 days without interruption under all discharge scenarios representative of typical operations (i.e. irrigation season and non-irrigation season operations), and with approval by the RWQCB and MBNMS, the discharger(s) may terminate the monitoring and reporting specified as part of this mitigation measure (but not terminate monitoring and reporting required as part of compliance with NPDES permit conditions or Ocean Plan monitoring and reporting requirements for discharges into California ocean waters).</p>									
<p><b>Impact 4.3-5: Violate water quality standards or waste discharge requirements or degrade water quality as a result of brine discharge from the operation of the MPWSP Desalination Plant.</b></p> <p><b>Mitigation Measure 4.3-5: Implement Protocols to Avoid Exceeding Water Quality Objectives.</b></p> <p><b>Compliance with Water Quality Objectives.</b> Prior to MPWSP operations, and as part of the Monterey One Water (M1W, formerly MRWPCA) NPDES Permit amendment process (Order No. R3-2014-0013, NPDES Permit No. CA0048551), the permittee shall complete a water quality assessment. As part of the water quality assessment, the permittee shall:</p> <ul style="list-style-type: none"><li>Quantify the projected final design discharge volume(s) by month based on project design and historic and projected monthly wastewater discharge volumes.</li><li>Collect samples of the source waters and operational discharges and analyze them in a certified laboratory for the constituents listed in Table 1 of the California Ocean Plan (Ocean Plan Water Quality Objectives). Sampling must be completed in accordance with protocols approved by the US EPA and RWQCB.</li></ul>	X	X					RWQCB to review and enforce NPDES permit for brine discharge. CalAm's water quality assessment shall be reported to and reviewed by RWQCB, CPUC, and MBNMS to demonstrate compliance with the NPDES permit conditions and related Ocean Plan requirements.	Prior to and during operation	Compliance with NPDES permit and related Ocean Plan requirements.



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
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<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.3: Surface Water Hydrology and Water Quality (cont.)</b>									
<ul style="list-style-type: none"> <li>Demonstrate compliance for the full range of regulated water quality constituents specified in the Ocean Plan and NPDES water quality requirements in the context of minimum initial dilution values at the edge of the Zone of Initial Dilution (ZID) for the point of discharge.</li> </ul> <p>If the results of the water quality assessment and waste disposal study find that operational discharges will not meet the NPDES water quality requirements, including the Ocean Plan receiving water limitation for salinity, at the edge of the zone of initial dilution (ZID) and the Brine Mixing Zone (BMZ), respectively (incorporated here as performance standards), then the MPWSP operational discharges shall not be released as proposed. Such operational discharges shall be subject to additional design features, engineering solutions, and/or operational measures to reduce the concentration of water quality constituents to be in conformance with the Ocean Plan water quality objectives and NPDES permit requirements at the edge of the ZID or BMZ, as applicable. Such necessary design features and operational measures shall either be implemented individually or in combination to achieve compliance (unless the RWQCB determines that different but equally effective measures be employed).</p> <p>Such possible additional design features and operational measures include:</p> <p>(1) <i>Retrofitting the existing outfall to increase dilution:</i> If this operational measure is implemented, the dischargers shall retrofit the outfall diffuser to include inclined diffuser jets positioned at the optimum angle to achieve maximum dilution.</p> <p>(2) <i>Additional pre-treatment of source water to the Desalination Plant:</i> Feasible methods to remove polychlorinated biphenyls (PCBs) and other organic compounds from the source water include additional filtration or use of granular activated carbon (GAC) - a U.S. Environmental Protection Agency-approved method.</p> <p>(3) <i>Treatment of discharge:</i> The dischargers must consider one or more of the alternative feasible methods that remove residual compounds from the discharge to meet water quality objectives at the edge of the ZID. These methods include the following:</p> <p>(a) Use of GAC (similar to that under the additional pre-treatment of source water described above, but here such treatment would be applied to the effluent following processing at the desalination facility instead of to the source water from the slant wells); or</p> <p>(b) Advanced oxidation with ultraviolet light with concurrent addition of hydrogen peroxide.</p> <p>(4) <i>Flow Augmentation:</i> If this operational measure is implemented, the dischargers shall decrease the density difference of the discharge and the receiving water through the addition of up to 5 mgd of flows with densities close to freshwater to increase the minimum dilution of dense discharges.</p> <p>(5) <i>End gate modification:</i> If this operational measure is implemented, the dischargers shall retrofit the outfall diffuser end gate to replace the existing opening with a minimum of one 6-inch Tideflex (or similar) check valve (Hydraulic Code 355) installed at an inclined (upward) angle greater than 20°, with an optimum angle of 60° to maximize dilution.</p>									
<b>Impact 4.3-C: Cumulative impacts related to surface water hydrology and water quality.</b> <b>Mitigation Measures 4.3-4, 4.3-5, and 4.7-2b</b>		X					See above under Mitigation Measures 4.3-4 and 4.3-5, and below under Mitigation Measure 4.7-2b		



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
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Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
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Section 4.4: Groundwater Resources									
<p><b>Impact 4.4-3: Deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level during operations.</b></p> <p><b>Applicant Proposed Measure 4.4-3: Groundwater Monitoring and Avoidance of Well Damage.</b></p> <p>Prior to the start of MPWSP slant well construction, CalAm, working with MCWRA, shall develop a groundwater monitoring and reporting program (the "Program") to the satisfaction of MCWRA. All costs of Program development and implementation shall be borne by CalAm either directly or through funding of MCWRA's staff, consultants and Program activities. The Program shall augment the MCWRA's existing regional groundwater monitoring network to focus on the area that could be affected by the proposed slant wells. The geographic area of the Program shall be within the model domain of the North Marina Groundwater Model, also referred to as NMGWM<sup>2016</sup> and include the Dune Sand Aquifer, the 180-Foot Aquifer, the 400-Foot Aquifer and the Deeper Aquifer (i.e., the 900-Foot Aquifer) of the Salinas Valley Groundwater Basin (the "Monitoring Area"). The purpose of the Program is to ensure that owners of existing public or private groundwater supply wells within the Monitoring Area on the date the MPWSP commences slant well pumping ("Active Supply Wells") suffer no harm as a result of MPWSP slant well pumping. The elements of the Program proposed under this measure are described below.</p> <p>1. A network of monitoring wells has been completed on and near the CEMEX property as part of the CalAm test slant well project. These well clusters monitor water elevation and quality at various depth intervals within the Dune Sand Aquifer, the 180-Foot Aquifer, and the 400-Foot Aquifer and shall be included in the Program's monitoring network. These existing monitoring wells are subject to relocation, replacement, or substitution by new or other monitoring wells developed as part of the Program as determined by MCWRA.</p> <p>2. In addition, using information from the Groundwater Extraction Management System (GEMS) maintained by MCWRA and from the State Water Resources Control Board's Division of Drinking Water, CalAm, in coordination with MCWRA, shall identify Active Supply Wells in the Monitoring Area and offer to owners of identified Active Supply Wells the opportunity to participate in the Program for groundwater elevation and water quality monitoring. The owners of Active Supply Wells in the Monitoring Area will receive at least 60 days' notice (via email, if available, and via certified mail) of the opportunity to participate in the Program, and may elect in writing to participate in the Program as to their Active Supply Wells ("Participating Active Supply Wells"). This opt-in process must occur sufficiently in advance of MPWSP slant well pumping so that information on pre-MPWSP conditions can be obtained for each Participating Active Supply Well. Prior to the start of MPWSP slant well pumping, an independent California-certified hydrogeologist retained and directed by MCWRA (the "Hydrogeologist") shall evaluate the conditions and characteristics (e.g., well depth, well screen interval, pump depth and condition, flow rates, and drawdown) of each Participating Active Supply Well to develop pre-pumping data for each well. Water elevation and quality monitoring pursuant to the Program shall begin following initial groundwater well assessment, and shall continue at intervals specified in the Program (e.g., more frequently at the beginning of MPWSP slant well pumping and less often after stabilization of groundwater levels) until the well owner ceases pumping from the monitored well, or until the well owner agrees that monitoring is no longer required.</p> <p>3. Prior to the start of MPWSP slant well pumping, CalAm and MCWRA shall review the current (as updated if needed) inventory of monitoring wells within the Monitoring Area, and identify locations within the Monitoring Area lacking monitoring coverage and that warrant monitoring in order to evaluate potential effects on Participating Active Supply Wells from MPWSP slant well pumping. Based upon that review, MCWRA may require that CalAm fund the installation of new monitoring wells in the Monitoring Area to be installed before MPWSP slant well pumping begins. The number of new monitoring well sites in the Monitoring Area and the location of those new monitoring well sites shall be determined by MCWRA. The area of groundwater monitoring under the Program may be extended outside of the Monitoring Area if warranted to evaluate potential MPWSP slant well pumping effects on Participating Active Supply Wells and recommended by the Hydrogeologist.</p>	X						CalAm shall prepare the Program to be reviewed and approved by MCWRA. The MCWRA-approved Program will be sent to CPUC for confirmation prior to operation of the slant wells. CPUC will monitor and review procedures to prevent harm to local groundwater supply well owners and ensure their receipt of replacement water, as directed in the mitigation measure.	Prior to and during operation	No harm or injury to existing active groundwater supply wells.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
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<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.4: Groundwater Resources (cont.)</b>									
<p>4. The groundwater data developed through the Program shall be collected by or provided to MCWRA at intervals identified in the Program, but in no event longer than 45 days from such data being obtained, to evaluate whether MPWSP slant well pumping is causing consistent and measurable drawdown of local groundwater levels that is distinguishable from seasonal or multi-year groundwater level fluctuations. In the event that MCWRA identifies a consistent and measurable drawdown in groundwater levels and determines that such drawdown is potentially attributable to MPWSP slant well pumping and independent of seasonal or multi-year groundwater level fluctuations or any regional trends, the Hydrogeologist shall then determine if the observed degree of drawdown would damage or otherwise adversely affect any existing Participating Active Supply Wells. Adverse effects from lowered groundwater levels in Participating Active Supply Wells may include water elevation acute and long-term declines that draw water below pump intakes, causing cavitation due to exposure of the well screen, reduced well yields and pumping rates, increased energy costs to power the well, or changes in groundwater quality indicating that MPWSP slant well pumping is drawing lower quality water toward the well. Active Supply Wells that are not Participating Active Supply Wells will be considered for a determination by the Hydrogeologist of potential damage or adverse effects reasonably attributable to MPWSP slant well pumping (as described above) if substantial, credible evidence is submitted by the owners of such Active Supply Wells concerning damage or adverse effects at such wells, and such effects are verified by CalAm and the Hydrogeologist.</p> <p>If the Hydrogeologist determines that a Participating Active Supply Well or an Active Supply Well that CalAm and the Hydrogeologist have verified for damage or adverse effects pursuant to Section 4 above, has been damaged or otherwise negatively affected by MPWSP slant well pumping, CalAm and the Hydrogeologist shall coordinate with the well owner to develop and implement a mutually agreed upon course of action. Such course of action may include but not be limited to repairing or deepening the existing well, restoring groundwater yield by improving well efficiency, facilitating an interim or long-term replacement of water supply, constructing a new well, or compensating the owner for increased pumping costs. Any interim or long-term replacement water supply shall be of the same or better quality (i.e., potable or non-potable) and predicted quantity as the existing supply of the Active Supply Well and shall be suitable for the purposes served by the existing Active Supply Well. Before CalAm undertakes any course of action to remedy the MPWSP slant well pumping effects on an Active Supply Well, the Hydrogeologist shall authorize such action and provide notice of such action to MCWRA. <b>Applicant Proposed Measure 4.4-3</b> would monitor changes in the groundwater surface elevations caused by the proposed pumping at the slant wells through a voluntary program and use of new groundwater monitoring wells. If it is determined that the project is causing groundwater levels to damage local active wells within the Dune Sand, 180-Foot/FTE, 400-Foot Aquifer or Deeper Aquifer, this measure would ensure that active wells are repaired or replaced. Implementation of <b>Applicant Proposed Measure 4.4-3</b> is not necessary to address any significant project effect.</p>									
<p><b>Impact 4.4-4: Violate any groundwater quality standards or otherwise degrade groundwater quality during operations.</b></p> <p><b>Mitigation Measure 4.4-4: Groundwater Monitoring and Avoidance of Impacts on Groundwater Remediation Plumes.</b></p> <p>Prior to the start of MPWSP construction, CalAm shall incorporate the future quarterly groundwater elevation monitoring results for the OUCTP A-Aquifer and 180-Foot Aquifer (upper and lower) plumes into the well monitoring program described above in <b>Applicant Proposed Measure 4.4-3</b> until the two OUCTP plumes have been appropriately remediated and the RWQCB no longer requires remediation activities. Groundwater elevation data shall be obtained from the periodic monitoring reports developed by the U.S. Army and its contractors. The elements of the additions to the groundwater monitoring program proposed under this mitigation measure are described below.</p> <ul style="list-style-type: none"> <li>CalAm shall incorporate into its well monitoring program (described above for <b>Applicant Proposed Measure 4.4-3</b>), the most recent monitoring reports available through the U.S. Army and its contractors for the monitoring wells that are necessary to characterize the flow direction and water quality of the three OUCTP plumes located in the A-Aquifer, the Upper 180-Foot Aquifer and the Lower 180-Foot Aquifer.</li> </ul>	X						CalAm will conduct quarterly groundwater monitoring program to monitor the potential effect of drawdown on the OUCTP plumes prior to their remediation. Results of the monitoring program will be incorporated in the MCWRA-approved Program and sent to CPUC for review. CalAm will coordinate with the U.S. Army on the monitoring program results. CalAm will inform U.S. Army, RWQCB, DTSC, and U.S. EPA, and CPUC simultaneously if the monitoring program results show the 1-foot contour approaching the OUCTP plumes. CalAm, in coordination with the U.S. Army, RWQCB, DTSC, and U.S. EPA are responsible for developing a plan if drawdown affects remediation of the plumes.	Prior to and during operation	No intersection with or impact on the OUCTP plumes by slant well pumping.

**TABLE 1 (Continued)**  
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Section 4.4: Groundwater Resources (cont.)									
<ul style="list-style-type: none"><li>The groundwater elevation results shall be evaluated by CalAm and its consultants on a quarterly basis to assess whether the -1-foot drawdown contour from the proposed subsurface intake system is approaching the edge of the OUCTP plumes. CalAm shall continuously coordinate with and include the U.S. Army in all pertinent correspondence during the groundwater data evaluation stages. If the analysis concludes that the slant well pumping could intersect or could influence the flow direction of the OUCTP plumes, then CalAm shall contact the U.S. Army, the Regional Water Quality Control Board – Central Coast Region, the California Department of Toxic Substance Control, and the U.S. EPA to initiate communications and develop and implement a plan to either stop or decrease the pumping to prevent any impact on the OUCTP plumes. In the unlikely event that an impact does occur, CalAm shall bear the necessary additional costs to address changes in the plume flow direction, arrest migration of the plumes, and/or to remediate areas of new contamination created by slant well pumping. CalAm shall consider using existing groundwater remediation and monitoring wells that remain on the site to expand the existing treatment systems.</li><li>When the ongoing remediation of the OUCTP plumes has been completed and the RWQCB authorizes closure of the two OUCTP plumes remediation activities, this mitigation measure shall no longer apply.</li></ul>									
Section 4.5: Marine Biological Resources									
Impact 4.5-C1: Cumulative impacts on marine biological resources.		X					See above under Mitigation Measure 4.3-4		
Mitigation Measure 4.3-4									
Section 4.6: Terrestrial Biological Resources									
Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.	X		X	X	X	X	CalAm will secure approvals from all resource agencies, with jurisdiction of special-status species with potential to occur on the Project site, of the qualifications and the retention of a Lead Biologist. In addition, CalAm will secure approvals for any qualified biologists and qualified monitors from the same resource agencies. CalAm will provide CPUC with copies of the approvals for the Lead Biologist, qualified biologists, and qualified monitors to CPUC prior to project construction. CalAm will provide daily and monthly compliance summary monitoring reports containing all information required by the mitigation measure to the resources agencies and CPUC.	Prior to and during construction activities and during maintenance activities at the slant well sites.	No violation of prescribed special-status species and habitat protection measures, and if work is stopped to prevent any such violation, work shall proceed only after the construction-related hazards to special-status species and habitats are removed (i.e., the species is no longer at risk of injury or death).
Mitigation Measure 4.6-1a: Retain a Lead Biologist to Oversee Implementation of Protective Measures.  Prior to initiation of construction, CalAm and/or representatives of CalAm shall retain a qualified Lead Biologist to oversee compliance with avoidance and minimization measures for all special-status species and sensitive habitats. The Lead Biologist shall be onsite, or shall appoint qualified biologists and/or qualified biological monitors to be onsite, during all fencing and ground disturbance activities. The Lead Biologist, qualified biologists, and qualified biological monitors shall be subject to approval by resource agencies with jurisdiction over the special-status species with potential to occur at the project site (and local agencies, if required). Only the Lead Biologist and/or qualified biologists may lead protocol surveys and relocate special-status species, as authorized by the resource agencies with jurisdiction over these species.  In the event that construction-related activities have the potential to violate the prescribed special-status species and habitat protection measures, the project Lead Biologist, or other appointed qualified biological monitors shall report to construction or operational site supervisors with authority to stop work to prevent any violations. Work shall proceed only after the construction-related hazards to special-status species and habitats are removed. If a special-status wildlife species is present, work shall proceed only if the species is no longer at risk of injury or death. Violations shall be thoroughly documented as part of compliance monitoring activities.  The Lead Biologist shall ensure that all compliance monitoring activities are documented on a daily basis, and shall prepare a summary monitoring report on a monthly basis to be submitted to regulatory agencies upon their request. The monthly summary monitoring report shall provide information regarding the worker awareness training (see Mitigation Measure 4.6-1b below), surveys, and any observed special-status species, including any accidental injuries or fatalities. The monthly report shall also document the effectiveness and practicality of the prescribed avoidance and minimization measures and recommend modifications to the measures if needed. The Lead Biologist shall supply agency staff with copies of compliance records, including any reports of non-compliance, upon request.									

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
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<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.6: Terrestrial Biological Resources (cont.)</b>									
The Lead Biologist shall have in her/his possession a copy of all compliance measures while work is being conducted onsite, and shall ensure that CalAm's onsite representatives and contractors also maintain copies of the compliance measures on the site. To facilitate the Lead Biologist's role, CalAm shall ensure that the Lead Biologist is fully apprised of all decisions that change or materially affect the schedule, methods, and location of work that is subject to the protective measures for biological resources. This measure also applies to periodic maintenance of the subsurface slant wells.									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b>  <b>Mitigation Measure 4.6-1b: Construction Worker Environmental Awareness Training and Education Program.</b> Prior to starting work, all construction workers at the project areas shall attend a Construction Worker Environmental Awareness Training and Education Program developed and presented by the Lead Biologist, appointed qualified biologist, and/or qualified biological monitor. The program shall include information on each federal and state-listed species, as well as other special-status wildlife and plant species and sensitive natural communities that may be encountered during construction activities. The training shall include: information on special-status species' life history and legal protections; the definition of "take" under the Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA); the measures CalAm and/or its contractors have committed to implementing to protect special-status species and sensitive natural communities; reporting requirements and communication protocols; specific measures that each worker shall employ to avoid "take" of special-status species; and penalties for violation of FESA and/or CESA. Training shall be documented as follows: 1. An acknowledgement form shall be signed by each worker indicating that environmental training has been completed. 2. A sticker shall be placed on hard hats indicating that the workers have completed the environmental training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker. 3. A copy of the training transcript/training video and/or DVD, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms, shall be submitted to the CPUC. This measure also applies to periodic maintenance of the subsurface slant wells.	X		X	X	X	X	CalAm will incorporate contract conditions requiring their contractors' employees to attend the required Construction Worker Environmental Training and Education Program and provide CalAm with signed copies of the contracts prior to construction. CalAm will provide a copy of the transcript and/or DVD developed and presented by CalAm's Lead Biologist containing all components of the required Construction Worker Environmental Training and Education Program and the names and signed acknowledgement forms of all construction workers that completed the Program to CPUC prior to construction.	Prior to construction activities and subsequent maintenance activities at the slant well sites.	All construction workers complete Construction Worker Environmental Training and Education Program and only those workers with a sticker on their hard hat so indicating are permitted to operate equipment within the construction area.
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b>  <b>Mitigation Measure 4.6-1c: General Avoidance and Minimization Measures.</b> CalAm's construction contractor(s) shall implement the following general avoidance and minimization measures to protect special-status species and sensitive natural communities at the facility sites during construction: 1. The construction footprint, staging areas, equipment access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and flagging prior to construction to avoid natural resources outside of the project area. Any construction-related disturbance outside of these boundaries, including driving, parking, temporary access, sampling or testing, or storage of materials, shall be prohibited without explicit approval of the Lead Biologist. 2. New access driveways shall not extend beyond the delineated construction work area boundary. Construction vehicles shall pass and turn around only within the delineated construction work area boundary or local road network. Where new access is required outside of existing roads or the construction work area, the route shall be clearly marked (i.e., flagged and/or staked) prior to being used, subject to review and approval of the Lead Biologist. 3. Vehicle speeds within the project area shall not exceed 15 miles per hour on roads within the sites.	X		X	X	X	X	A Lead Biologist hired by CalAm will oversee compliance with avoidance and minimization measures for special-status species and sensitive natural communities and as directed in permit conditions approved and monitored by USFWS and CDFW. CalAm will include contract specifications that include the general avoidance and minimization measures from the mitigation measure and provide CPUC with copies of the signed contracts prior to construction. Documentation of these measures, including species found on-site and additional avoidance, minimization, or mitigation measures necessary, will be sent to CPUC, USFWS, and CDFW for monitoring of effectiveness.	Prior to and during construction activities and during maintenance activities at the slant well sites.	Implementation of avoidance and minimization measures prior to the start of construction, during construction, and during maintenance of the slant wells. Halting construction work if special-status species are found present during construction activities or maintenance of the slant wells. Consultation by the Lead Biologist, along with CPUC and MBNMS, with resource agencies to apply additional measures necessary to move or mitigate for on-site special status species.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
4. Excavated soils shall be stockpiled in disturbed areas lacking native vegetation. Stockpile areas shall be marked by the Lead Biologist to define the limits where stockpiling can occur.									
5. Standard best management practices (such as setbacks and use of silt fences and fiber rolls) shall be employed to prevent loss of habitat due to erosion caused by project related impacts (i.e., grading or clearing for new roads). All detected erosion shall be remedied immediately upon discovery.									
6. Fueling of construction equipment shall take place within existing paved areas, and at least 50 feet from drainages (including streams, creeks, ditches, culverts, or storm drain inlets) and native habitats. Contractor equipment shall be checked for leaks prior to operation and repaired when leaks are detected. Fuel containers shall be stored within appropriately-sized secondary containment barriers.									
7. The introduction of exotic plant species shall be avoided through physical or chemical removal and prevention. Measures to prevent the introduction of exotic plants into the construction site via vehicular sources shall include implementing Track clean or other method of vehicle cleaning for vehicles coming to the site and leaving the site. Earthmoving equipment shall be cleaned prior to transport to the project area. Weed-free rice straw or other certified weed-free straw shall be used for erosion control. Weed populations introduced into the site during construction shall be eliminated by chemical and/or mechanical means approved by California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS).									
8. Use of herbicides as vegetation control measures shall be used only when mechanical means have been deemed ineffective. All uses of such herbicidal compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and state and federal legislation as well as additional project-related restrictions deemed necessary by the CDFW and/or USFWS. No rodenticides shall be used.									
9. Prior to the start of construction at any proposed facility site where special-status amphibians, reptiles and mammals have a moderate or high potential to occur, the construction work area boundary shall be fenced with a temporary exclusion fence to prevent special-status wildlife from entering the site during construction (see <b>Table 4.6-6</b> for the list of special-status species that could be significantly impacted at each project facility site). The exclusion fencing shall be constructed of metal flashing, plastic sheeting, or other materials that will prohibit California horned lizards, Monterey shrews, and other special-status reptiles, amphibians, and rodents from climbing the fence. If meshing is used it shall be of a size that would not catch wildlife. The fencing shall be buried a minimum of 6 inches below grade to secure the fence and extend a minimum of 30 inches above grade. The fencing shall be inspected by the Lead Biologist or qualified biological monitor on a daily basis during construction activities to ensure fence integrity. Any needed repairs to the fence shall be performed on the day of their discovery. Fencing shall be installed and maintained during all phases of construction. Final fence design and location shall be determined in consultation with USFWS and CDFW. Exclusion fencing shall be removed once construction activities are complete.									
10. If special-status wildlife species are found on the site immediately prior to construction or during project construction, construction activities shall cease in the vicinity of the animal until the animal moves on its own (if possible, as determined by the Lead Biologist or biological monitor) outside of the project area. Additional mitigation measures specific to special-status plants; Smith's blue butterfly; black legless lizard, silvery legless lizard, and coast horned lizard; western burrowing; American badger; Monterey dusky-footed woodrat, California red-legged frog and California tiger salamander are described in Mitigation Measure 4.6-1f, 4.6-1g, 4.6-1h, 4.6-1j, 4.6-1k, and 4.6-1o. The Lead Biologist and Lead Agencies shall consult with wildlife resource agency(ies) with jurisdiction over the species regarding any additional avoidance, minimization, or mitigation measures that may be necessary if the animal does not move on its own. A report shall be prepared by the Lead Biologist to document the activities of the animal within the site; all fence construction, modification, and repair efforts; and movements of the animal once again outside the exclusion fence. This report shall be submitted to the CPUC and pertinent wildlife agencies with jurisdiction over the wildlife species.									

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.6: Terrestrial Biological Resources (cont.)</b>									
11. Vegetation removal and grading activities shall be conducted during daylight hours. Immediately prior to conducting vegetation removal or grading activities inside fenced exclusion areas, the Lead Biologist or a qualified biologist shall survey within the exclusion area to ensure that no special-status species are present. The Lead Biologist or a qualified biologist shall also monitor vegetation removal or grading activities inside fenced exclusion areas for the presence of special-status species. If special-status species are present, then measure 10 above shall be implemented.									
12. To prevent the inadvertent entrapment of special-status wildlife during construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered with plywood or similar materials at the close of each working day, or escape ramps constructed of earth fill or wooden planks shall be positioned within the excavations to allow special-status wildlife to escape on their own. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If listed species are trapped, they shall only be relocated with authorization from USFWS and/or CDFW, as appropriate.									
13. All construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods and with a diameter of 4 inches or more shall be inspected for special-status wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a special-status animal is discovered inside a pipe, that section of pipe shall not be moved until the appropriate resource agency, with jurisdiction over that species, has been consulted to determine the appropriate method for relocation. If necessary, under the direct supervision of the qualified biologist, the pipe may be moved once to remove it from the path of construction activity until the animal has escaped.									
14. All vertical tubes used in project construction, such as chain link fencing poles or signage mounts, shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.									
15. Water used for dust abatement shall be minimized in an effort to avoid the formation of puddles that could attract common ravens and other predators to the construction work areas.									
16. No vehicle or equipment parked in the project area shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of wildlife. If present, the animal shall be left to move on its own.									
17. All vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Lead Biologist shall be informed of any hazardous spills within 24 hours of the incident. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly disposed of at a licensed facility.									
18. A trash abatement program shall be implemented during construction. Trash and food items shall be contained in closed containers and removed from the construction site daily to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.									
19. Workers shall be prohibited from feeding wildlife and bringing pets and firearms to the construction work areas.									
20. Intentional killing or collection of wildlife species, including special-status species in the project area and surrounding areas shall be strictly prohibited.									
21. All temporarily disturbed areas shall be returned to pre-project conditions or better. Existing access roads within the CEMEX site shall be returned to their existing use.									
This measure also applies to periodic maintenance of the subsurface slant wells.									



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b> <b>Mitigation Measure 4.6-1d: Protective Measures for Western Snowy Plover.</b> Construction contractors shall be required to implement the following measures to protect western snowy plover: 1. CalAm shall require that its construction contractor(s) implement all avoidance and minimization measures required by USFWS as part of the FESA Section 7 consultation between the ONMS and USFWS. 2. Construction work at the slant well heads and along the segment of the Source Water Pipeline located west of the CEMEX processing plant shall occur during the western snowy plover non-breeding season (defined as October 1 through February 28) unless otherwise approved by the USFWS. 3. For work that cannot be completed during the non-nesting season, the following steps to obtaining USFWS approval shall be implemented: a. CalAm shall include in final design submittals to the Lead Agencies and USFWS proposed feasible methods of avoidance and minimization of impacts on nesting western snowy plovers. Such measures may include, but are not limited to, installation of visual or noise barriers, limiting the type of construction, installation of noise controls on equipment, and other measures that achieve visual separation and/or noise reduction. CalAm shall obtain concurrence from Lead Agencies and USFWS on this proposed suite of avoidance and minimization measures prior to start of construction of the subsurface slant wells and Source Water Pipeline. Measures shall be implemented as necessary as described in item d, below. b. CalAm shall engage the services of Point Blue or other qualified western snowy plover biologist (subject to approval by USFWS) to perform one year of surveys during the nesting season preceding construction to determine whether nesting is occurring within sight or audible range of the slant well head locations or Source Water Pipeline. c. If findings from the nesting season survey are negative, then the qualified western snowy plover biologist shall conduct additional pre-construction nesting surveys within 24 hours of initiation of construction activities within 300 feet of all construction work areas to determine if any snowy plover nests are present. If there is a break of 3 days or more in construction activities, a survey shall be conducted before construction begins again. d. If nests are observed within 300 feet of construction activities, the qualified biologist shall notify and consult with USFWS to determine whether construction may proceed, based on detailed information on location of nest(s), proximity to construction, topography, and noise environment. Additional avoidance or minimization measures shall be implemented prior to initiating construction activities. Construction may proceed if, with the incorporation of such avoidance or minimization measures, the work would not cause an adult to abandon an active nest or young, change an adult's behavior so it could not care for an active nest or young, or directly impact an adult or young, or as allowed within the take provisions authorized by USFWS. e. The biologist shall conduct periodic monitoring during construction to determine if there are any nest starts. Nest starts shall be reported to USFWS to determine whether construction on all or portions of the slant wells or Source Water Pipeline need to be suspended for the duration of nesting and fledging. The biologist will inform the decision with detailed information on location of nest(s), proximity to construction, topography, and noise environment. Construction may continue, subject to USFWS approval, if, with the incorporation of avoidance or minimization measures identified under item a, above, and deemed necessary by USFWS, the work would not cause an adult to abandon an active nest or young, change an adult's behavior so it could not care for an active nest or young, or directly impact an adult or young, or as allowed within the take provisions authorized by USFWS.	X						CalAm shall provide and obtain approval from CPUC and USFWS of final design submittals and provide a copy of all permits and approvals issued by USFWS as well as any subsequent modifications approved and related avoidance and minimization measures required by USFWS. The Lead Biologist hired by CalAm will oversee compliance with avoidance and minimization measures for Western Snowy Plover and their habitat and as directed in permit conditions approved and monitored by USFWS. Documentation of these measures, including species found on-site, will be sent to ONMS, CPUC, and USFWS for monitoring of effectiveness.	Prior to and during construction activities and during maintenance activities at the slant well sites.	Implementation of all avoidance and minimization measures required by USFWS for Western Snowy Plover, including those in this mitigation measure, prior to the start of construction, during construction, and during maintenance of the slant wells to ensure that impacts on Western Snowy Plovers and their nests are avoided or that all conditions of any take permits/authorizations are successfully implemented.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact Mitigation Measure</b>									
<b>Section 4.6: Terrestrial Biological Resources (cont.)</b>									
4. For construction during the breeding season that is approved by USFWS, visual barriers shall be installed around any work area located within line of sight of potential nesting habitat. Visual barriers shall be constructed at an adequate height and width to visually block construction equipment and construction crews from snowy plover nesting habitat. Final designs of the visual barriers shall be coordinated with USFWS. Existing sand dunes may serve as visual barriers.									
5. For work conducted during the non-nesting season, a qualified biologist will evaluate the nature and extent of wintering plover activity in the project area no more than 3 days prior to construction and inform CalAm so they can implement avoidance and minimization measures, such as those listed in subsection 3a, that avoid or minimize disturbance to plovers. The biologist shall conduct periodic monitoring during construction to ensure that minimization measures are implemented to avoid or minimize disturbance to plovers. The measures shall ensure that wintering plovers are not directly impacted by construction activities.									
6. CalAm shall restore all temporarily impacted potential snowy plover habitat following construction. At a minimum the restored site shall meet the following performance standards by the fifth year following restoration: <ul style="list-style-type: none"> <li>a. Temporarily impacted areas are returned to pre-project conditions or greater</li> <li>b. Native vegetation cover shall be at least 70 percent of baseline native vegetation cover</li> <li>c. The restoration area shall have no more cover by invasives than the baseline</li> </ul> Restoration and performance standards shall be described in a Habitat Mitigation and Monitoring Plan consistent with <b>Mitigation Measure 4.6-1n (Habitat Mitigation and Monitoring Plan)</b> .									
7. Anti-perching devices, such as bird spikes or wire strips, shall be installed and maintained on the top of the proposed electrical control cabinets to discourage potential plover predators.									
8. Permanent loss of western snowy plover habitat, to be determined based on final design and construction specifications, will be compensated at a minimum ratio of 3:1. Compensation may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat for western snowy plover. <p>Prior to project implementation, CalAm shall prepare a Habitat Mitigation and Monitoring Plan, as described in Mitigation Measure 4.6-1n (Habitat Mitigation and Monitoring Plan), which will describe either onsite or offsite creation, restoration, enhancement, or preservation. The plan will include actions to benefit western snowy plover, in conjunction with providing mitigation for special-status plants, as described in Mitigation Measure 4.6-1e, below. The plan will be subject to USFWS input and approval. It will describe creation, restoration, and/or enhancement methods that may include, but not be limited to removal of ice plant, stabilization of dune sand, planting, seeding or other means of re-establishing native plant species. It will describe measures to manage recreational activities to benefit western snowy plover. Measures may include requiring that dogs are on leash, fencing is installed around breeding areas, and kite flying is restricted in the breeding season.</p> <p>CalAm will identify and secure access rights and other approvals to implement the plan, and will execute the plan. CalAm will conduct, or will support a qualified third party monitor to conduct annual monitoring of performance measures for a minimum of five years, such as cover, density and diversity of native plant species, thresholds of non-native plant abundance, and stability of dune sands. At a minimum, the compensation areas shall meet the following performance standards by the fifth monitoring year:</p> <ul style="list-style-type: none"> <li>a. Native vegetation cover shall be at least 70 percent of the native vegetation cover in the impact area.</li> <li>b. The compensation areas shall not be heavily vegetated.</li> <li>c. Invasive species cover shall be less than or equal to the invasive species cover in the impact area.</li> <li>d. No barrier between the compensation site and the water.</li> <li>e. No significant erosion.</li> </ul>									



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
This measure also applies to periodic maintenance of the subsurface slant wells, which would result in a permanent loss of western snowy plover habitat. Compensatory mitigation for permanent loss from periodic maintenance of the subsurface slant wells would only be applied once and would not be applied for each five-year maintenance event.									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b>  <b>Mitigation Measure 4.6-1e: Avoidance and Minimization Measures for Special-status Plants.</b>  Prior to construction, CalAm or its contractor shall conduct focused botanical survey(s) for special-status plants in all potentially suitable habitat during the appropriate blooming period for each species and in accordance with the guidelines established by California Department of Fish and Game in <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFG, 2009). Maps depicting the results of these surveys shall be prepared for use in final design. If more than two years elapse between the focused botanical surveys and commencement of ground disturbance activities, a final set of appropriately-timed focused botanical surveys shall be conducted and populations mapped. The results of these final surveys shall be combined with previous survey results to produce habitat maps showing habitat where the special-status plants have been observed during either of the focused botanical surveys conducted for each facility site.  Special-status plant species are widespread throughout the project area, and could occur at the following facility locations: subsurface slant well site, MPWSP Desalination Plant site, ASR-5 and ASR-6 Wells sites, and along the Source Water Pipeline, new Desalinated Water Pipeline and new Desalinated Water Pipeline Optional Alignment, the Castroville Pipeline and Castroville Pipeline Optional Alignments, new Transmission Main and new Transmission Main Optional Alignment, ASR Conveyance Pipeline, ASR Pump-to-Waste Pipeline, and ASR Recirculation Pipeline, Ryan Ranch-Bishop Interconnection Improvements, and Main System-Hidden Hills Interconnection Improvements, and at proposed staging areas.  1. To the extent feasible, project facilities shall be sited to avoid permanent and temporary impacts on special-status plants and their required constituent habitat elements.  2. Special-status plants located within temporary construction areas shall be fenced or flagged for avoidance (if feasible) prior to construction. The Lead Biologist or the appointed biological monitor shall ensure compliance with off-limits areas. If avoidance is not feasible, seasonal avoidance measures (i.e., limited operating periods based on timing of annual plant dormancy), or temporarily placing heavy fabric or wooden mats over the affected habitat shall be applied as appropriate. Topsoil salvage and site restoration may also be implemented, to be determined by the Lead Biologist and USFWS and CDFW, as appropriate, to ensure the site is returned to pre-construction conditions.  3. For potential impacts on listed plant species, such as Menzies' wallflower, sand gilia, Monterey spineflower, and Yadon's rein orchid, CalAm shall comply with the FESA CESA by implementing any requirements from USFWS and CDFW consultation. For state listed rare plants, a state Incidental Take Permit (ITP) may be required which would provide conditions for allowable take and measures to compensate impacts on rare plants.  4. For HMP plant species on former Fort Ord lands, plants shall be salvaged, under the direction of a qualified biologist, as necessary, per the requirements of the HMP, and in accordance with any requirements from USFWS and CDFW.  5. If avoidance is not feasible, compensation for temporary or permanent loss of special-status plant occurrences, in the form of land purchase or restoration, shall be provided at a minimum 1:1 ratio for temporary impacts and 2:1 ratio for permanent impacts. Compensation for loss of special-status plant populations may include the restoration or enhancement of temporarily impacted areas, purchase and permanent stewardship of known occupied habitat or the restoration and reintroduction of populations in degraded, unoccupied habitat. Restoration or reintroduction may	X		X	X	X	X	CalAm shall provide and obtain approval from CPUC and USFWS/CDFW of final design submittals which incorporate the required botanical surveys and habitat maps and demonstrate either that facilities are sited to avoid impacts on special-status plants/habitat elements or that required restoration will be achieved by way of a Habitat Mitigation and Monitoring Plan or compensatory credits approved by all required resource and local agencies consistent with the requirements of this MM. A Lead Biologist hired by CalAm will oversee compliance with avoidance and minimization measures for special-status plant species and sensitive natural communities and as directed in permit conditions approved and monitored by USFWS and CDFW.	Prior to construction activities and subsequent maintenance activities at the slant well sites.	Use of maps prepared with location of special-status plants in final design drawings and documented evidence that permanent and temporary impacts on special-status plants and their required constituent habitat elements are avoided. Compensation, by restoration or credits, shall be provided as approved by all required resource and local agencies when avoidance is not possible.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
<p>be located on- or offsite. At a minimum, the compensation areas shall meet the following performance standards by the fifth year following initiation of compensation efforts:</p> <p>a. The compensation area shall be at least the same size as the impact area.</p> <p>b. Native vegetation cover shall be at least 70 percent of the native vegetation cover in the impact area</p> <p>c. Population of the impacted special-status species shall have either:</p> <p>i. at least 60 percent cover of the impact area, or</p> <p>ii. at least 70 percent survival of installed plants</p> <p>d. Invasive species cover shall be less than or equal to the invasive species cover in the impact area</p> <p>Additionally, restored populations shall have greater than the number of individuals of the impacted population, in an area greater than or equal to the size of the impacted population, for at least 3 consecutive years without irrigation, weeding, or other manipulation of the restoration site.</p> <p>6. CalAm shall prepare a <b>Habitat Mitigation and Monitoring Plan, as described in Mitigation Measure 4.6-1n</b> (Habitat Mitigation and Monitoring Plan), which will describe either onsite or offsite restoration.</p> <p>Alternatively, compensatory credits may be purchased through a USFWS- and/or CDFW-approved mitigation bank, or USFWS-approved Habitat Conservation Plan.</p> <p>This measure also applies to periodic maintenance of the subsurface slant wells, which would result in a permanent loss of special-status plants occurring at that site. Compensatory mitigation for permanent loss from periodic maintenance of the subsurface slant wells would only be applied once and would not be applied for each five-year maintenance event.</p>									
<p><b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b></p> <p><b>Mitigation Measure 4.6-1f: Avoidance and Minimization Measures for Smith's Blue Butterfly.</b></p> <p>CalAm or its construction contractor(s) shall implement the following measures to reduce impacts on Smith's blue butterfly during construction:</p> <p>1. CalAm shall require that its construction contractor(s) implement all avoidance and minimization measures required by USFWS as part of the FESA Section 7 consultation between ONMS and USFWS.</p> <p>2. Floristic botanical surveys of all suitable habitat for coast buckwheat and seacliff buckwheat, both of which are host plants to Smith's blue butterfly, shall be conducted by a qualified biologist during project design and prior to project implementation. Maps depicting the results of these surveys shall be prepared to document the location of the host plants within or adjacent to the project area.</p> <p>3. Construction of project elements shall be planned to avoid mapped host plants for Smith's blue butterfly whenever feasible.</p> <p>4. If it is not feasible to avoid disturbance to host plants during project construction, the following shall be implemented:</p> <p>a. Prior to the start of construction activities and before conducting preconstruction surveys for Smith's blue butterfly, the Lead Biologist or an appointed qualified biologist shall prepare a protect-in-place and relocation plan for Smith's blue butterfly and its host plants. If either is found in areas subject to permanent habitat or plant loss, then plants would be salvaged and relocated in accordance with the plan. The relocation plan shall be submitted to USFWS for approval. The relocation plan shall define the study area, describe appropriate handling and relocation methods (such as digging up and removing individual plants, duff, and/or soil and</p>	X		X	X	X	X	CalAm shall obtain approval from USFWS/ONMS, and shall provide copies thereof to CPUC, along with final design submittals and a protect in place and relocation plan which incorporates the required botanical surveys and habitat maps and demonstrate either that facilities are sited to avoid impacts on Smith's blue butterfly and its host plants or that required restoration will be achieved by way of a Habitat Mitigation and Monitoring Plan or compensatory credits approved by all required resource and local agencies consistent with the requirements of this MM. A Lead Biologist hired by CalAm will oversee compliance with avoidance and minimization measures for Smith's blue butterfly and sensitive natural communities and as directed in permit conditions approved and monitored by USFWS and CDFW. Documentation of these measures, including species found on-site, will be sent to CPUC, USFWS, and CDFW for monitoring of effectiveness and for compensatory mitigation.	Prior to and during construction activities and during maintenance activities at the slant well sites.	Use of maps prepared with location of Smith's blue butterfly and its habitat in final design drawings and documented evidence that permanent and temporary impacts on special-status plants and their required constituent habitat elements are avoided. Compensation, by restoration or credits, shall be provided as approved by all required resource and local agencies when avoidance is not possible.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
<p>moving them to a new location), and identify appropriate relocation sites. Surveys shall be conducted at relocation sites to determine the existing Smith’s blue butterfly population size and ensure that the relocation sites will not become overpopulated. Only relocation sites that are not overpopulated and have suitable habitat conditions (e.g. soils, vegetation, etc.) shall be used.</p> <p>b. If preconstruction surveys identify butterflies or host plants in areas subject only to temporary disturbance that do not require plant removal, then the plants, and leaf litter and soil which may hold dormant butterfly pupae, would be protected in place with heavy fabric, plywood or other mats (depending on the stability of the underlying soil) to allow construction vehicles to pass over. Following construction, the fabric or mats would be carefully removed and the area allowed to recover. Short-term damage to buckwheat populations is expected to be low.</p> <p>c. A qualified biologist shall survey the work area no more than 30 days before the onset of ground disturbance. If any life stage of the Smith’s blue butterfly or its host plants is found within the project area boundary, the Lead Biologist or qualified biologist shall relocate plants, duff, and/or soil, from the site before construction begins per the relocation plan described above.</p> <p>5. Upon completion of construction activities, CalAm shall restore Smith’s blue butterfly habitat temporarily impacted during construction. Compensatory mitigation for permanent impacts shall be provided either onsite or offsite at a minimum ratio of 2:1. Compensation for loss of host plant populations may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. At a minimum the restoration or compensation sites shall meet the following performance standards by the fifth year following restoration:</p> <p>a. Temporarily impacted areas are returned to pre-project conditions or greater</p> <p>b. Native vegetation cover shall be at least 70 percent of baseline/impact area native vegetation cover</p> <p>c. The population of coast buckwheat and/or seacliff buckwheat shall have either:</p> <p>i. at least 60 percent cover of the baseline/impact area, or</p> <p>ii. at least 70 percent survival of installed plants</p> <p>d. No more cover by invasives than the baseline/impact area</p> <p>Restoration and mitigation activities shall be described in the Habitat Mitigation and Monitoring Plan prescribed by <b>Mitigation Measure 4.6-1n (Habitat Mitigation and Monitoring Plan)</b>.</p> <p>Alternatively, compensatory credits may be purchased through an approved mitigation bank, or approved Habitat Conservation Plan.</p> <p>This measure also applies to periodic maintenance of the subsurface slant wells, which would result in a permanent loss of Smith’s blue butterfly habitat. Compensatory mitigation for permanent loss from periodic maintenance of the subsurface slant wells would only be applied once and would not be applied for each five-year maintenance event.</p>									

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b>  <b>Mitigation Measure 4.6-1g: Avoidance and Minimization Measures for Black Legless Lizard, Silvery Legless Lizard, and Coast Horned Lizard.</b>  The Lead Biologist shall appoint a qualified biologist possessing a Scientific Collecting Permit issued by CDFW for black legless lizard, silvery legless lizard, and coast horned lizard to conduct preconstruction surveys for legless lizards and coast horned lizards within 24 hours prior to the initiation of ground disturbing activities or vegetation clearing in suitable habitats such as central dune scrub, coast sage scrub, and central maritime chaparral.  1. Prior to conducting the surveys, the qualified biologist shall prepare a relocation plan that describes the appropriate survey and handling methods for the lizards, and identifies nearby relocation sites where the lizards would be relocated if found during the preconstruction surveys. Surveys shall be conducted at relocation sites to determine the existing lizard population size and ensure that the relocation sites will not become overpopulated. Only relocation sites that are not overpopulated and have suitable habitat conditions (e.g., soils, moisture content, vegetation, aspect) shall be used. The relocation plan shall be submitted to CDFW for approval prior to the start of construction activities.  2. Legless lizard surveys shall be conducted by hand raking soil and leaf litter beneath brush. If Legless lizards are encountered, they shall be salvaged and relocated per the relocation plan.  3. Coast horned lizard surveys shall be conducted by walking transects spaced appropriately to allow for 100 percent visual coverage in search of lizards under shrubs, along gravelly-sandy areas, or any other suitable habitat. Any lizard encountered shall be relocated per the relocation plan.  This measure also applies to periodic maintenance of the subsurface slant wells.	X		X	X	X	X	CalAm shall provide the CPUC with the name of the biologist to conduct preconstruction lizard surveys, a copy of his/her valid Scientific Collecting Permit and the CDFW-approved relocation plan. A Lead Biologist hired by CalAm will oversee compliance with avoidance and minimization measures for black legless lizard, silvery legless lizard, and coast horned lizard and as directed in conditions approved and monitored by CDFW. Documentation of these measures, including species found on-site and collected, will be sent to CPUC and CDFW for monitoring of effectiveness and for compensatory mitigation.	Prior to construction activities and subsequent maintenance activities at the slant well sites.	Preconstruction surveys demonstrate absence of lizards or if present lizards are relocated to CDFW-approved relocation site.
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b>  <b>Mitigation Measure 4.6-1h: Avoidance and Minimization Measures for Western Burrowing Owl.</b>  The following measures shall be implemented to avoid and minimize impact on western burrowing owl:  1. Prior to the start of construction activities in or around suitable burrowing owl habitat, the Lead Biologist shall appoint a qualified biologist to conduct protocol surveys for burrowing owl. The survey methodology shall be consistent with the methods outlined in the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG, 2012). The surveys shall consist of walking parallel transects spaced 7 to 20 meters (23 to 65 feet) apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls. A copy of the protocol survey results shall be submitted to the CPUC and CDFW upon request. Protocol surveys shall be conducted within both the breeding and non-breeding seasons to determine the presence/absence of burrowing owls.  2. A qualified biologist shall conduct preconstruction surveys of the permanent and temporary impact areas in or around suitable burrowing owl habitat to locate active breeding or wintering burrowing owl burrows less than 14 days prior to construction and/or prior to exclusion fencing installation. The methodology for the preconstruction surveys shall be consistent with the methods outlined in the <i>Staff Report on Burrowing Owl Mitigation</i> .  3. If no burrowing owls are detected, no additional action is necessary.  4. In areas positive for burrowing owl presence, the Lead Biologist or qualified biological monitor shall be onsite during all construction activities in areas where burrowing owls are determined to be present.	X		X	X	X	X	CalAm shall provide the CPUC with the name of the biologist(s) to conduct protocol and preconstruction owl surveys, copies of all survey results and copies of all CDFW-approved owl buffers and related plans (e.g., Burrowing Owl Exclusion Plan, Burrowing Owl Habitat Mitigation Plan, and any other related buffer coordination/authorizations).	Prior to and during construction activities and during subsequent maintenance activities at the slant well sites.	Protocol and preconstruction surveys demonstrate absence of burrowing owls or if present that all applicable CDFW-approved buffers, Exclusion and Mitigation Plans are fully implemented and/or compensatory mitigation provided.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria																																
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: CalAm Reports On, and the CPUC Monitors all Mitigation Measures	Implementation Schedule																																	
Section 4.6: Terrestrial Biological Resources (cont.)																																									
5. If burrowing owls are detected during the nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively), no ground-disturbing activities shall be permitted within the distances specified in <b>Table 4.6-8</b> from an active burrow, unless otherwise authorized by CDFW. The specified buffer distance ranges from 656 feet to 1,640 feet, according to the time of year and the level of disturbance. Buffers shall be established in accordance with <b>Table 4.6-8</b> and occupied burrows shall not be disturbed during the nesting season unless a qualified biologist approved by CDFW verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls shall not be moved or excluded from burrows during the breeding season (April 1 to October 15). The buffer distance can be reduced with authorization from CDFW if construction activities would not cause an adult to abandon an active nest or young or change an adult's behavior so it could not care for an active nest or young.																																									
6. During the non-breeding (winter) season (October 16 to March 31), consistent with <b>Table 4.6-8</b> , ground-disturbing work shall maintain a distance ranging from 164 to 1,640 feet from any active burrows, depending on the level of disturbance, to be determined through coordination with CDFW. The buffer distance can be reduced with authorization from CDFW if construction activities would not cause the owl to abandon its winter burrow. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the <i>Staff Report on Burrowing Owl Mitigation</i> .																																									
<p style="text-align: center;"><b>TABLE 4.6-8</b> <b>BURROWING OWL BURROW BUFFERS</b></p> <table><tr><th rowspan="2">Location</th><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance</th></tr><tr><th>Low</th><th>Medium</th><th>High</th></tr><tr><td>Nesting sites</td><td>April 1–August 15</td><td>656 feet</td><td>1,640 feet</td><td>1,640 feet</td></tr><tr><td>Nesting sites</td><td>August 16–October 15</td><td>656 feet</td><td>656 feet</td><td>1,640 feet</td></tr><tr><td>Any occupied burrow</td><td>October 16–March 31</td><td>164 feet</td><td>328 feet</td><td>1,640 feet</td></tr></table> <p>SOURCE: CDFG, 2012.</p>										Location	Time of Year	Level of Disturbance			Low	Medium	High	Nesting sites	April 1–August 15	656 feet	1,640 feet	1,640 feet	Nesting sites	August 16–October 15	656 feet	656 feet	1,640 feet	Any occupied burrow	October 16–March 31	164 feet	328 feet	1,640 feet									
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Any occupied burrow	October 16–March 31	164 feet	328 feet	1,640 feet																																					
7. Burrowing owls shall not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the Lead Biologist, approved by CDFW, and submitted to the CPUC. At a minimum, the plan shall include the following:  a. Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding the use of a scope to visually inspect the burrow;  b. Specifications regarding the type of scope to be used and the appropriate timing of using a scope to visually inspect burrows to avoid disturbance of individual owls;  c. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing;  d. Methods for burrow excavation. Excavation using hand tools with refilling to prevent reoccupation is preferable;  e. Removal of other potential owl burrow surrogates or refugia onsite;  f. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;																																									

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.6: Terrestrial Biological Resources (cont.)</b>									
<p>g. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use and to avoid take;</p> <p>h. Methods to ensure the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.</p> <p>8. Site monitoring shall be conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Prior to exclusion activities, daily monitoring shall be conducted for one week to confirm young owls have fledged if the exclusion occurs immediately after the end of the breeding season.</p> <p>9. If burrowing owls are found on-site, compensatory mitigation for loss of breeding and/or wintering habitat shall be implemented onsite or offsite in accordance with burrowing owl <i>Staff Report on Burrowing Owl Mitigation</i> guidance and in consultation with CDFW. If compensatory mitigation is necessary, CalAm shall detail the compensatory mitigation in a Burrowing Owl Habitat Mitigation Plan (which shall be incorporated into the Habitat Mitigation and Monitoring Plan described in <b>Mitigation Measure 4.6-1n</b>). At a minimum, the following measures shall be implemented:</p> <p>a. Temporarily disturbed habitat shall be restored to pre-construction conditions, including soil decompaction and revegetation.</p> <p>b. Permanent impacts on nesting, occupied and satellite burrows, and any other burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows, and number of burrowing owls impacted are replaced. Compensatory mitigation may include the permanent conservation of lands with similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) as those lands where the permanent loss of habitat would occur. Conservation lands shall provide habitat for burrowing owl nesting, foraging, wintering, and/or dispersal (i.e., during breeding and nonbreeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.</p> <p>Alternatively, compensatory credits may be purchased through an approved mitigation bank, or approved Habitat Conservation Plan.</p>									
<p><b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b></p> <p><b>Mitigation Measure 4.6-1i: Avoidance and Minimization Measures for Nesting Birds.</b></p> <p>This measure applies to all nesting birds protected by the federal Migratory Bird Treaty Act and Section 3503 of the California Fish and Game Code, except for western snowy plover and western burrowing owl, which are addressed in Mitigation Measure 4.6-1d and 4.6-1h, respectively.</p> <p>Nesting birds may be present at all of the proposed facility sites. A qualified biologist shall conduct preconstruction avian nesting surveys prior to initiation of construction activities at all facility sites, unless otherwise indicated below.</p> <p>1. No preconstruction surveys or avoidance measures are required for construction activities that would be completed entirely during the non-nesting season (September 16 to January 31).</p> <p>2. For all construction activities scheduled to occur during the nesting season (February 1 to September 15), the qualified biologist shall conduct a preconstruction avian nesting survey no more than 10 days prior to the start of staging, site clearing, and/or ground disturbance. Copies of the survey results shall be submitted to the CPUC.</p> <p>3. If construction activities at any given facility site begins in the non-breeding season and proceeds continuously into the breeding season, no surveys are required as long as a similar type of construction continues.</p> <p>4. If there is a break of 10 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before reinitiating construction.</p>	X		X	X	X	X	CalAm shall provide to the CPUC the name of the biologist(s) to conduct required preconstruction nesting surveys and construction monitoring, copies of all surveys and monitoring reports prepared by the biologist(s) and copies of all related CDFW buffer and mitigation consultations, approvals and/or authorizations.	Prior to and during construction activities and during subsequent maintenance activities at the slant well sites.	Preconstruction surveys demonstrate absence of active nests or if present that all applicable CDFW-approved buffers and avoidance/minimization measures are fully implemented.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
5. The surveying biologist shall be capable of determining the species and nesting stage without causing intrusive disturbance. The surveys shall cover all potential nesting sites within 500 feet of the project area for raptors and within 300 feet for other birds.  If active nests are found in the project area or vicinity (500 feet for raptors and 300 feet for other birds), the nests shall be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline and, once work commences, all nests shall be continuously monitored to detect any behavioral changes as a result of the project, if feasible. If behavioral changes are observed, work causing the change shall cease and CDFW shall be consulted for additional avoidance and minimization measures. The avoidance and minimization measures shall ensure that the construction activities do not cause the adult to abandon an active nest or young or change an adult's behavior so it could not care for an active nest or young.  If continuous monitoring is not feasible, a no-disturbance buffer (at least 500 feet for raptors and 250 feet for other birds [or as otherwise determined in consultation with CDFW and USFWS] shall be created around the active nests). The buffer distance can be reduced with authorization from CDFW if construction activities would not cause an adult to abandon an active nest or young or change an adult's behavior so it could not care for an active nest or young. If the nest(s) are found in an area where ground disturbance is scheduled to occur, the project operator shall require that ground disturbance be delayed until after the birds have fledged.  This measure also applies to periodic maintenance of the subsurface slant wells.									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b>  <b>Mitigation Measure 4.6-1j: Avoidance and Minimization Measures for American Badger.</b>  The following measures shall be implemented to avoid and minimize impacts on American badger:  1. A qualified biologist shall conduct preconstruction surveys for American badger dens prior to the start of construction at potentially affected sites. The survey results shall be submitted to the CPUC.  2. Areas of suitable habitat for American badger in the project area include fallow agricultural and grazing land and non-native grasslands. Surveys shall be conducted wherever these vegetation communities exist within 100 feet of the project area boundary. Along pipeline alignments surveys shall be phased to occur within 14 days prior to disturbance along that portion of the alignment. Game cameras shall be used to record any movements at potentially active dens for no less than three (3) nights.  3. Areas of suitable habitat for American badger in the project area include fallow agricultural and grazing land and non-native grasslands. Surveys shall be conducted wherever these vegetation communities exist within 100 feet of the project area boundary. Along pipeline alignments surveys shall be phased to occur within 14 days prior to disturbance along that portion of the alignment.  4. If no potential American badger dens are found during the preconstruction surveys, no further action is required.  5. If the biologist determines that any potential dens identified during the preconstruction surveys are inactive, the biologist shall excavate the dens by hand with a shovel to prevent use by badgers during construction.  6. If active badger dens are found during the course of preconstruction surveys, the following measures shall be taken to avoid and minimize adverse effects on American badger:  a. Relocation shall be prohibited during the badger pupping season (typically February 15 to June 1).  b. Construction activities shall not occur within 50 feet of active badger dens observed outside of the project area.  c. The Lead Biologist shall contact CDFW immediately if natal badger dens are detected. Construction activities shall not occur within 200 feet of an active natal badger den. This buffer may be reduced, if approved by CDFW, and if construction would not alter the behavior of the adult or young in a way that would cause injury or death to those individuals.	X		X	X	X	X	CalAm shall provide the name and qualifications of the biologist(s) to conduct required preconstruction badger surveys to the CPUC for approval. CalAm shall also provide to the CPUC construction monitoring reports, copies of all surveys prepared by the biologist(s), copies of all related CDFW-approved buffers, den excavations and/or badger relocations and documentary evidence of compliance therewith.	Prior to and during construction activities.	Preconstruction surveys demonstrate absence of badgers and active dens or if present that all applicable CDFW-approved buffers, den excavations and/or badger relocations are fully implemented.



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
If the biologist determines that potential dens within the project area, and outside the breeding season, may be active, the biologist shall notify the CDFW. Badgers shall be passively relocated from active dens during the nonbreeding season. Passive relocation may include incrementally blocking the den entrance with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. After the qualified biologist determines that badgers have abandoned any active dens found within the project area, the dens shall be hand-excavated with a shovel to prevent re-use during construction.									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b> <b>Mitigation Measure 4.6-1k: Avoidance and Minimization Measures for Monterey Dusky-Footed Woodrat.</b> The following measures shall be implemented to avoid and minimize impacts on Monterey dusky-footed woodrat: 1. A qualified wildlife biologist shall conduct preconstruction surveys for Monterey dusky-footed woodrat. The surveys shall be conducted within 14 days prior to the start of construction in suitable habitat and shall identify any woodrat nests located within 50 feet of anticipated construction disturbance areas. 2. If woodrat nests are found during the preconstruction surveys, the wildlife biologist shall conduct additional surveys throughout the duration of construction activities at the potentially affected facility site to identify any newly constructed woodrat nests. 3. If nests are observed outside of the construction area, the qualified biologist shall demarcate a minimum 50-foot buffer area with orange construction fencing and require that all construction activities and disturbance remain outside of the fencing. 4. Active woodrat nests located within the anticipated construction disturbance areas shall be relocated. Nests shall be relocated outside of the peak breeding season, (peak breeding season is typically February through November) to minimize disturbance to young woodrats. Relocation of woodrats and/or their nests shall be conducted by the Lead Biologist or qualified wildlife biologist as follows: a. Clear understory vegetation from around the nest using hand tools. b. After all vegetative cover has been cleared around the nest, the biologist shall gently disturb the nest to encourage the woodrat(s) to abandon the nest and seek cover in adjacent habitat. c. Once the woodrats have left the nest, the biologist shall carefully relocate the nest sticks to suitable habitat outside of the construction disturbance area, piling the sticks at the base of trees or large shrubs if available. If multiple nests are relocated, the stick piles shall be placed at least 25 feet from one another. d. The Lead Biologist shall ensure potential health hazards to the biologists moving nests are addressed to minimize the risk of contracting diseases associated with woodrats and woodrat nests. These include hantavirus, Lyme disease, and plague. The biologists that relocate nests shall take the following precautionary safety measures: i. Wear a Cal/OSHA-certified facial respirator to reduce inhalation of potential disease causing organisms. ii. Wear a white Tyvec protective suit to provide a barrier for ticks and fleas and facilitate their detection and removal and use gloves. e. If young are encountered during dismantling of the nest, nest material shall be replaced and a 50-foot no-disturbance buffer shall be established around the active nest. The buffer shall remain in place until young have matured enough to disperse on their own accord and the nest is no longer active. Nesting substrate shall then be collected and relocated to suitable oak woodland habitat outside of the project area.	X		X	X	X	X	CalAm shall provide the name and qualifications of the biologist(s) to conduct required preconstruction dusky-footed woodrat surveys to the CPUC for approval. CalAm shall also provide to the CPUC construction monitoring reports, copies of all surveys prepared by the biologist(s) and copies of all related CDFW-approved buffers, active nest relocations and documentary evidence of compliance therewith.	Prior to and during construction.	Surveys demonstrate absence of dusky-footed woodrats and active nests or if present that all applicable CDFW-approved buffers, nest relocations and related biologist safety measures are fully implemented.



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b>  <b>Mitigation Measure 4.6-1I: Avoidance and Minimization Measures for Special-status Bats.</b>  A qualified biologist who is experienced with bat surveying techniques (including auditory sampling methods), behavior, roosting habitat, and identification of local bat species shall be consulted prior to initiation of construction activities to conduct a preconstruction habitat assessment to characterize potential bat habitat and identify active roost sites. The preconstruction habitat assessment shall be conducted within 100 feet of construction activities.  Should potential roosting habitat or potentially active bat roosts be identified during the habitat assessment in trees and/or structures to be disturbed under the project, the following measures shall be implemented:  1. Removal or disturbance of trees or structures identified as potential bat roosting habitat or active roosts shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These dates avoid bat maternity roosting season (approximately April 15 – August 31) and periods of winter torpor (approximately October 15 – February 28).  2. If removal or disturbance of trees and structures identified as potential bat roosting habitat or active roosts during the periods when bats are active is not feasible, a qualified biologist will conduct pre-construction surveys within 14 days prior to disturbance to further evaluate bat activity within the potential habitat or roost site.  a. If active bat roosts are not identified in potential habitat during preconstruction surveys, no further action is required prior to removal of- or disturbance to trees and structures within the preconstruction survey area.  b. If active bat roosts or evidence of roosting is identified during pre-construction surveys, the qualified biologist shall determine, if possible, the type of roost and species.  i. If special-status bat species or maternity or hibernation roosts are detected during these surveys, appropriate species- and roost-specific avoidance and protection measures shall be developed by the qualified biologist in coordination with CDFW. Such measures may include postponing the removal of structures or trees, or establishing exclusionary work buffers while the roost is active. A minimum 100-foot no disturbance buffer shall be established around special-status species, maternity, or hibernation roosts until the qualified biologist determines they are no longer active. The size of the no-disturbance buffer may be adjusted by the qualified biologist, in coordination with CDFW, depending on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site, and if construction would not alter the behavior of the adult or young in a way that would cause injury or death to those individuals.  Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.  ii. If a non-maternity or hibernation roost (e.g., bachelor daytime roost) is identified, disturbance to- or removal of trees or structures may occur under the supervision of a qualified biologist as described under 3).  3. The qualified biologist shall be present during tree and structure disturbance or removal if active non-maternity or hibernation bat roosts or potential roosting habitat are present. Trees and structures with active non-maternity or hibernation roosts or potential habitat shall be disturbed or removed only under clear weather conditions when precipitation is not forecast for three days and when nighttime temperatures are at least 50°F, and when wind speeds are less than 15 mph.  a. Trimming or removal of trees with active (non-maternity or hibernation) or potentially active roost sites shall follow a two-step removal process:	X		X	X	X	X	CalAm shall provide the name and qualifications of the biologist(s) to conduct required preconstruction bat habitat assessment and surveys to the CPUC for approval. CalAm shall also provide to the CPUC copies of all assessments/surveys and construction monitoring prepared by the biologist(s) and copies of all related CDFW-approved buffers, avoidance and protection measures and documentary evidence of compliance therewith.	Prior to and during construction activities and during maintenance activities at the slant well sites.	Surveys demonstrate absence of bat habitat and active roost sites or if present that all applicable CDFW-approved buffers and avoidance and protection measures are fully implemented.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.6: Terrestrial Biological Resources (cont.)</b>									
i. On the first day of tree removal and under supervision of the qualified biologist, branches and limbs not containing cavities or fissures in which bats could roost, shall be cut only using hand tools (e.g., chainsaws). ii. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be removed, either using hand tools or other equipment (e.g. excavator or backhoe). iii. All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches. b. Disturbance to or removal of structures containing or suspected to contain active bat (non-maternity or hibernation) or potentially active bat roosts shall be done in the evening and after bats have emerged from the roost to forage. Structures shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost. Removal will be completed the subsequent day. 4. Bat roosts that begin during construction are presumed to be unaffected as long as a similar type of construction continues, and no buffer would be necessary. Direct impacts on bat roosts or take of individual bats will be avoided.									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b>  <b>Mitigation Measure 4.6-1m: Avoidance and Minimization Measures for Native Stands of Monterey Pine.</b> A qualified botanist or arborist shall conduct surveys for native stands of Monterey pine prior to completion of final project design documents. Individual Monterey pine trees existing within the construction work area shall be evaluated to determine if they are native occurrences, relics, or otherwise naturally-occurring remnants of the past historic range. Maps depicting the results of these surveys shall be prepared for consideration during final facility design. Native stands of Monterey pine could occur at the identified facility sites and pipeline alignments based on the historical extent of native Monterey pines and biological reconnaissance surveys. To the extent feasible, project facilities shall be sited and construction activities planned to avoid impacts on native stands of Monterey pine. Any native stands of Monterey pines located within the anticipated construction disturbance area shall be fenced or flagged for avoidance prior to construction, and a biological monitor shall be present to ensure compliance with off-limits areas. If removal of native stands of Monterey pine cannot be avoided, trees shall be replaced at a 2:1 ratio for trees removed or directly impacted by construction activities. Only local Monterey pine genetic stock shall be used for replanting at the project site. Replacement plantings shall be planted contiguous with other individuals of the same species in areas that are determined to have suitable site conditions. Protective fencing shall be installed around the seedlings to protect against disturbance. Replacement trees shall be maintained and monitored for a period of five years and have a minimum of 70 percent survival in the fifth monitoring year to ensure success. The Habitat Mitigation and Monitoring Plan to be prepared in accordance with <b>Mitigation Measure 4.6-1n (Habitat Mitigation and Monitoring Plan)</b> shall detail the monitoring requirements and success criteria. This mitigation measures applies to native stands of Monterey pines. Independent of whether Monterey pines in the project area are considered native stands, individual trees may be subject to local tree ordinances; see <b>Mitigation Measure 4.6-5 (Compliance with Local Tree Policies and Ordinances)</b> .	X		X	X	X	X	CalAm shall provide the name and qualifications of the botanist(s) to conduct required preconstruction surveys to the CPUC for approval. CalAm shall also provide to the CPUC copies of all assessments/surveys and construction monitoring prepared by the botanist(s) and copies, and avoidance and protection measures and documentary evidence of compliance therewith. CalAm shall also provide and obtain approval from CPUC and all other required regulatory and local agencies of final design submittals which incorporate the required surveys and demonstrate either that facilities are sited to avoid impacts on native stands of Monterey pine or that required replacement will be achieved by way of a Habitat Mitigation and Monitoring Plan approved by all required resource and local agencies consistent with the requirements of this mitigation measure.	Prior to construction activities and subsequent maintenance activities at the slant well sites.	Surveys and final design plans demonstrate avoidance of all native stands of Monterey pine or compensatory mitigation by replanting at a 2:1 replacement ratio and monitoring of success to ensure a minimum of 70 percent survival in the fifth monitoring year if avoidance is not possible.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b> <b>Mitigation Measure 4.6-1n: Habitat Mitigation and Monitoring Plan.</b> CalAm shall develop and submit a Habitat Mitigation and Monitoring Plan (HMMP) to the appropriate resource agencies (CCC, CDFW, CCRWQCB, USACE, USFWS, and local agencies that require a habitat mitigation and monitoring plan) for approval prior to project construction. The HMMP will be a comprehensive document that will describe all of restoration and compensatory mitigation requirements, including the required performance standards, identified in <b>Mitigation Measure 4.6-1d: Protective Measures for Western Snowy Plover, Mitigation Measure 4.6-1e: Avoidance and Minimization Measures for Special-status Plants, Mitigation Measure 4.6-1f: Avoidance and Minimization Measures for Smith's Blue Butterfly, Mitigation Measure 4.6-1h: Avoidance and Minimization Measures for Western Burrowing Owl, Mitigation Measure 4.6-1m: Avoidance and Minimization Measures for Native Stands of Monterey Pine, Mitigation Measure 4.6-1o: Avoidance and Minimization Measures for California Red-legged Frog and California Tiger Salamander and Mitigation Measure 4.6-2b: Avoid, Minimize, and Compensate for Construction Impacts to Sensitive Communities and Environmentally Sensitive Habitat Areas.</b> The HMMP shall be implemented at all areas where special-status species habitat or sensitive natural communities will be restored, created, or enhanced to mitigate for project impacts either prior to, concurrently with, or following project construction, as specified in the HMMP. The HMMP shall outline measures to be implemented to, depending on the mitigation requirements, restore, improve, or re-establish special-status species habitat, sensitive natural communities, and critical habitat on the site, and shall include the following elements:  1. Name and contact information for the property owner of the land on which the mitigation will take place 2. Identification of the water source for supplemental irrigation 3. Identification of depth to groundwater 4. Site preparation guidelines to prepare for planting, including coarse and fine grading 5. Plant material procurement, including assessment of risk of introduction of plant pathogens through use of nursery-grown container stock vs. collection and propagation of site-specific plant materials, or use of seeds 6. Planting plan outlining species selection, planting locations and spacing, for each vegetation type to be restored 7. Planting methods, including containers, hydroseed or hydromulch, weed barriers and cages, as needed 8. Soil amendment recommendations 9. Irrigation plan, with proposed rates (in gallons per minute), schedule (i.e. recurrence interval), and seasonal guidelines for watering 10. Site protection plan to prevent unauthorized access, accidental damage and vandalism 11. Weeding and other vegetation maintenance tasks and schedule, with specific thresholds for acceptance of invasive species 12. Performance standards by which successful completion of mitigation can be assessed in comparison to a relevant baseline or reference site, and by which remedial actions will be triggered; success criteria shall include the minimum performance standards described in <b>Mitigation Measure 4.6-1d: Protective Measures for Western Snowy Plover, Mitigation Measure 4.6-1e: Avoidance and Minimization Measures for Special-status Plants, Mitigation Measure 4.6-1f: Avoidance and Minimization Measures for Smith's Blue Butterfly, Mitigation Measure 4.6-1h: Avoidance and Minimization Measures for Western Burrowing Owl, Mitigation Measure 4.6-1m: Avoidance and Minimization Measures for Native Stands of Monterey Pine, Mitigation Measure 4.6-1o: Avoidance and Minimization Measures for California Red-legged Frog and California Tiger Salamander and Mitigation Measure 4.6-2b: Avoid, Minimize, and Compensate for Construction Impacts to Sensitive Communities and Environmentally Sensitive Habitat Areas.</b>	X		X	X	X	X	CalAm shall provide the CPUC with the required HMMP and all approvals thereof issued by the resource and local agencies.	Prior to construction.	Approved HMMP fully implemented and all compensatory mitigation achieved.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
13. Monitoring methods and schedule									
14. Reporting requirements and schedule									
15. Adaptive management and corrective actions to achieve the established success criteria									
16. Educational outreach program to inform operations and maintenance departments of local land management and utility agencies of the mitigation purpose of restored areas to prevent accidental damages									
17. Description of any other compensatory mitigation in the form of land purchase, establishment of conservation easements or deed restrictions, contribution of funds in lieu of active restoration, or purchase of mitigation bank credits, or other means by which the mitigation site will be preserved in perpetuity.									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b>	X		X	X	X	X	CalAm shall provide the name and qualifications of the biologist(s) to conduct required preconstruction to the CPUC for approval. CalAm shall also provide to the CPUC copies of all frog/salamander surveys and relocation plans, copies of all such surveys and plans, and copies of all related USFWS/CDFW-approved plans and related consultations with and authorizations provided by USFWS/CDFW, and avoidance and protection measures and documentary evidence of compliance therewith.	Prior to, during, and after construction activities.	Surveys demonstrate absence of frogs/salamanders/habitat or if present that all applicable USFWS/CDFW-approved permits, avoidance and minimization measures, mitigation plans and compensatory mitigation are fully implemented/achieved.
<b>Mitigation Measure 4.6-1o: Avoidance and Minimization Measures for California Red-legged Frog and California Tiger Salamander.</b>									
A preconstruction survey for California red-legged frog and California tiger salamander shall be conducted by a qualified biologist in suitable habitat where there is a moderate to high potential for these species to occur prior to vegetation removal or grading, as specified below:									
1. Prior to conducting the surveys, the qualified biologist shall prepare a relocation plan that describes the appropriate survey and handling methods for California red-legged frog and California tiger salamander, and identifies nearby relocation sites where individuals would be relocated if found during the preconstruction surveys. The relocation plan shall be submitted to USFWS and CDFW for approval prior to the start of construction activities. The animal shall be relocated to a similar type of habitat or better from where it was relocated and shall only be relocated with authorization from USFWS and CDFW, as appropriate.									
2. Preconstruction surveys shall be conducted within 5 days prior to, and immediately prior to, vegetation removal, grading, or installation of exclusion fence to identify any California red-legged frog, California tiger salamander, and any small mammal burrows.									
3. Small mammal burrows identified during preconstruction surveys shall be surveyed (through hand-excavation, scoping, or other suitable methods to be determined in consultation with USFWS and CDFW) to identify any California red-legged frog or California tiger salamander. Once the burrow is confirmed to be vacant, the burrow shall be collapsed.									
4. If California red-legged frog or California tiger salamander are observed within the construction area, a qualified biologist shall relocate the individual according to the relocation plan above and only with authorization from USFWS and CDFW, as appropriate.									
5. Exclusion fencing shall be installed around construction areas where there is a moderate to high potential for these species to occur as specified in <b>Mitigation Measure 4.6-1c (General Avoidance and Minimization Measures)</b> and only with authorization from USFWS and CDFW.									
6. The qualified biologist shall monitor vegetation removal and grading inside the exclusion fence as specified in <b>Mitigation Measure 4.6-1c (General Avoidance and Minimization Measures)</b> .									
7. If take authorization is not obtained from CDFW and USFWS for California tiger salamander, then all small mammal burrows within dispersal distance of a known or potential breeding pond shall be avoided by a minimum buffer of 50 feet.									

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
Upon completion of construction activities, CalAm shall restore California tiger salamander and California red-legged frog habitat temporarily impacted during construction. Compensatory mitigation for permanent impacts shall be provided either onsite or offsite at a minimum ratio of 2:1. Compensation for permanent impacts may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. At a minimum, the restoration or compensation sites shall meet the following performance standards by the fifth year following restoration: a. Temporarily impacted areas are returned to pre-project or improved conditions; b. Vegetation cover shall be at least 80 percent of baseline vegetation cover in the impact area; and c. No more cover by invasive plants than in the baseline conditions of the impact area. <b>Restoration and mitigation activities shall be described in the Habitat Mitigation and Monitoring Plan prescribed by Mitigation Measure 4.6-1n (Habitat Mitigation and Monitoring Plan). Alternatively, compensatory credits may be purchased through an approved mitigation bank, or approved Habitat Conservation Plan.</b>									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b> <b>Mitigation Measure 4.6-1p: Control Measures for Spread of Invasive Plants.</b> Construction best management practices shall be implemented in construction areas within or adjacent to lands with native plant communities that may be susceptible to non-native plant species invasion to prevent the spread of invasive plants, seed, propagules, and pathogens through the following actions: 1) Avoid driving in or operating equipment in weed-infested areas outside of fenced work areas and restrict travel to established roads. 2) Avoid leaving exposed soil or construction materials in areas with the potential for invasive plants (e.g., in staging areas). Non-active stockpiles shall be covered with plastic or a comparable material. 3) Clean tools, equipment, and vehicles before transporting materials and before entering and leaving worksites (e.g., wheel washing stations at Project site access points). Inspect vehicles and equipment for weed seeds and/or propagules stuck in tire treads or mud on the vehicle to minimize the risk of carrying them to unaffected areas. Designate areas within active construction sites for cleaning and inspections. 4) An environmental inspector, under direction of the Lead Biologist or appointed qualified biologist (see <b>Mitigation Measure 4.6-1a</b> ) shall inspect vehicles and equipment prior to project initiation at applicable work areas (listed above) for weed seeds and plant fragments that could colonize within the site or be transported to other sites. At project initiation, all construction vehicles must be cleaned to remove soil and plant fragments at designated locations, and vehicles or equipment that are not clean shall be rejected until clear of weed seed and plant fragments. Wheel washing stations or other methods to remove and contain seeds or other plant fragments from vehicles, equipment, boots, and tools shall be established in designated areas. 5) All equipment and tools involved in soil disturbance at applicable work areas shall be disinfected using a 10% bleach or 70% isopropyl alcohol solution prior to initial use or prior to returning to applicable work areas if used on another project site. 6) Only certified, weed-free, plastic-free imported erosion control materials (or rice straw in upland areas) shall be used for the project. 7) Within U.S. Army-owned land, control measures for invasive species also shall conform to guidelines in the Integrated Natural Resource Management Plan (INRMP) Presidio of Monterey and Ord Military Community (e.g., Section 9.2.4, Undesirable Plant Pests). This measure also applies to periodic maintenance of the subsurface slant wells.	X		X	X	X	X	CalAm’s environmental monitor shall provide monthly documentation demonstrating oversight and implementation of best management practices for the prevention of spreading of invasive plants.	During construction activities and subsequent maintenance activities at the slant well sites.	Compliance with and implementation of all applicable construction best management practices and documentation that doing so prevented spreading of invasive plants during construction and maintenance activities.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b> <b>Mitigation Measure 4.6-1q: Frac-out Contingency Plan.</b> CalAm shall retain a licensed geotechnical engineer to develop a Frac-out Contingency Plan (Plan). CalAm will submit the plan to the appropriate resource agencies (CDFW, CCRWQCB, USACE, USFWS, NMFS, and local agencies with land use jurisdiction) for approval prior to the start of construction of any pipeline that will use HDD installation. The Plan shall be implemented at all areas where HDD installation under a waterway would occur to avoid, minimize, or mitigate for project impacts either prior to, concurrently with, or following HDD installation, as specified in the Plan. The plan shall include, at a minimum: 1) Measures describing training of construction personnel about monitoring procedures, equipment, materials and procedures in place for the prevention, containment, clean-up (such as creating a containment area and using a pump, using a vacuum truck, etc.), and disposal of released bentonite slurry, and agency notification protocols; 2) Methods for preventing frac-out including maintaining pressure in the borehole to avoid exceeding the strength of the overlying soil. 3) Methods for detecting an accidental release of bentonite slurry that include: (a) monitoring by a minimum of one biological monitor throughout drilling operations to ensure swift response if a frac-out occurs; (b) continuous monitoring of drilling pressures to ensure they do not exceed those needed to penetrate the formation; (c) continuous monitoring of slurry returns at the exit and entry pits to determine if slurry circulation has been lost; and (d) continuous monitoring by spotters to follow the progress of the drill bit during the pilot hole operation, and reaming and pull back operations. 4) Protocols CalAm and/or its contractors will follow if there is a loss of circulation or other indicator of a release of slurry. 5) Cleanup and disposal procedures and equipment CalAm and/or its contractors will use if a frac-out occurs. 6) If a frac-out occurs, CalAm and/or its contractors shall immediately halt work, implement the measures outlined in Item 5 of the Plan to contain, clean-up, and dispose of the bentonite slurry, and notify and consult with the staffs of the agencies listed above before HDD activities can begin again. CalAm shall implement this plan to ensure that measures are implemented to prevent frac-out and if a frac-out occurs, then CalAm and/or its contractor shall implement measures to contain, clean-up, and dispose of the bentonite slurry.						X	CalAm shall provide to CPUC prior to construction a copy of the required Frac-out Contingency Plan and all approvals thereof issued by the appropriate resource and local agencies. A licensed geotechnical engineer hired by CalAm will prepare the Plan for submission and approval by the resources agencies. CalAm will implement the plan through contract specifications with the HDD contractors. Reporting of implementation and any frac-out incidents will be reported to the resources agencies.	Prior to and during construction.	Compliance with all components of the approved Frac-out Contingency Plan and documentation that doing so avoided injury to or loss of special status plants.
<b>Impact 4.6-1: Result in substantial adverse effects on species identified as candidate, sensitive, or special-status, either directly, indirectly or through habitat modification, during construction.</b> <b>Mitigation Measures 4.12-1b and 4.14-2</b>	X		X	X	X	X	See below in Mitigation Measures 4.12-1b and 4.14-2		
<b>Impact 4.6-2: Result in substantial adverse effects on riparian habitat, critical habitat, or other sensitive natural communities during construction.</b> <b>Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1d, 4.6-1n, 4.6-1o, 4.6-1p, and 4.6-1q</b>	X		X	X	X	X	See above in Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1d, 4.6-1n, 4.6-1o, 4.6-1p, and 4.6-1q		
<b>Impact 4.6-2: Result in substantial adverse effects on riparian habitat, critical habitat, or other sensitive natural communities during construction.</b> <b>Mitigation Measure 4.6-2a: Consultation with Local Agencies and the California Coastal Commission regarding Environmentally Sensitive Habitat Areas.</b> Some parts of the project area occur within the Coastal Zone and development within the Coastal Zone would require a Coastal Development Permit.	X		X	X		X	CalAm shall provide the CPUC with copies of all approved Coastal Development Permits issued by the CCC and applicable local agencies prior to initiation of ground disturbing activities.	Prior to construction.	Compliance with all components of all Coastal Development Permits approved for the MPWSP for protection of ESHA.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
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Section 4.6: Terrestrial Biological Resources (cont.)									
Prior to the initiation of ground-disturbing activities CalAm shall consult with the CCC or local jurisdiction and obtain the necessary permit(s) in order to proceed with the MPWSP. The CCC or local agency would authorize the project if it conforms to ESHA policies or other policies of the Coastal Act.									
<b>Impact 4.6-2: Result in substantial adverse effects on riparian habitat, critical habitat, or other sensitive natural communities during construction.</b>  <b>Mitigation Measure 4.6-2b: Avoid, Minimize, and Compensate for Construction Impacts to Sensitive Communities and Environmentally Sensitive Habitat Areas.</b>  CalAm and/or its construction contractor(s) shall implement the following avoidance, minimization, and compensation measures for sensitive natural communities, the special-status species that utilize these sensitive communities, environmentally sensitive habitat areas (ESHA) as defined by the California Coastal Commission (CCC) or in a local coastal plan (LCP), and primary habitat as defined in the City of Marina's Local Coastal Land Use Plan (LCLUP). Compensatory mitigation for permanent loss from periodic maintenance of the subsurface slant wells shall only be applied once and would not be applied for each five-year maintenance event.  a) Project facilities shall be sited and designed to avoid disturbance of central maritime chaparral, central dune scrub, coast live oak woodland, and riparian woodland and scrub, any areas defined as ESHA by the CCC or in a LCP, primary habitat as defined in the LCLUP, any sensitive communities defined by local jurisdictions, and any other sensitive natural communities, including critical habitat, identified within the project area.  b) Where direct impacts on sensitive natural communities, ESHA, primary habitat, or critical habitat cannot feasibly be avoided, CalAm shall implement the following measures:  i. Any temporarily impacted sensitive natural communities, ESHA, primary habitat, and critical habitat, shall be restored to previous conditions or better at the end of construction. Compensatory mitigation for permanent impacts on sensitive natural communities shall occur at a ratio of 2:1 or greater. Compensation for loss of sensitive natural communities may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. At a minimum the restoration or compensation sites shall meet the following performance standards by the fifth year following restoration:  a. Temporarily impacted areas are returned to pre-project conditions or greater  b. Native vegetation cover shall be at least 70 percent of baseline/impact area native vegetation cover  c. No more cover by invasives than the baseline/impact area  Restoration and mitigation activities shall be described in the Habitat Mitigation and Monitoring Plan prescribed by Mitigation Measure 4.6-1n (Habitat Mitigation and Monitoring Plan).  Alternatively, credits purchased through an approved mitigation bank, or approved Habitat Conservation Plan.  ii. Topsoil shall be salvaged during grading and earthmoving activities, stockpiled separately from subsoil, and protected from erosion (e.g., covered or watered). Composting additives shall be used to amend the soil, if needed, and compacted topsoil shall be properly prepared prior to reuse for post-construction restoration of temporarily disturbed areas. A minimum of 12 inches of topsoil shall be salvaged (or if there is less than 12 inches of topsoil initially, as much as is available practicable).  iii. For HMP sensitive natural communities on former Fort Ord lands, plants shall be salvaged, under the direction of a qualified biologist, as necessary per the requirements of the HMP, and in accordance with any requirements from USFWS and CDFW.	X		X	X	X	X	CalAm shall provide and obtain approval from CPUC of final design submittals demonstrating avoidance of sensitive natural communities and species that utilize them, ESHA and primary/secondary habitat or provide the CPUC with copies of all approved Coastal Development Permits issued by the CCC and applicable local agencies prior to initiation of ground disturbing activities. CalAm's environmental monitor shall provide CPUC with monthly reports demonstrating oversight and successful implementation of the required avoidance, minimization and compensation measures to ensure construction is limited to the design footprint and avoids sensitive communities/species/habitat or that compensatory mitigation was provided.	Prior to and during construction.	Compliance with all components of all Coastal Development Permits approved for the MPWSP and their conditions for the protection for sensitive natural communities, the special-status species that utilize these sensitive communities, ESHA as defined by the CCC or in a LCP, and primary habitat.



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
<p>c) Any areas used for staging, laydown, material storage, equipment storage, job trailers, employee parking, or other project-related support activities that do not need to be located adjacent to the active construction area shall be located away from jurisdictional areas, sensitive communities, and shall be protected from stormwater runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers.</p> <p>d) All potential contaminants shall be stored on impervious surfaces, plastic ground covers, or in secondary containment to prevent any spills or leakage from contaminating the ground, and shall be located at least 100 feet from adjacent habitat, unless required for construction activities to be located adjacent to the active construction area.</p> <p>e) Any spillage of pollutants or construction material shall be contained immediately in accordance with the project SWPPP. The contaminated area shall be cleaned and any contaminated materials properly disposed of. The Lead Biologist shall be notified of all spills.</p> <p>Further, CalAm and/or its construction contractor(s) shall implement the following avoidance, minimization, and compensation measures for any areas that are identified as secondary habitat as defined in the City of Marina's LCLUP (and not within ESHA as defined by the CCC) through the coastal permitting process:</p> <p>a) Development shall be designed to prevent significant adverse impacts on primary habitat areas. Adverse impacts that shall be avoided may include indirect impacts such as operational noise impacts on wildlife, introduction of the spread of invasive plant and wildlife species, increased erosion, introduction of trash that would invite predators, increased human disturbance, and decreased water quality.</p> <p>b) All temporarily impacted areas shall be restored to pre-construction conditions or better at the end of construction. Compensatory mitigation for permanent impacts on sensitive natural communities shall occur at a ratio of 1:1 or greater. Compensation for loss of sensitive natural communities may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. At a minimum the restoration or compensation sites shall meet the following performance standards by the fifth year following restoration:</p> <p>i. Temporarily impacted areas are returned to pre-project conditions or greater</p> <p>ii. Native vegetation cover shall be at least 70 percent of baseline/impact area native vegetation cover</p> <p>iii. No more cover by invasives than the baseline/impact area</p> <p>Restoration and mitigation activities shall be described in the Habitat Mitigation and Monitoring Plan prescribed by Mitigation Measure 4.6-1n (Habitat Mitigation and Monitoring Plan).</p> <p>Alternatively, credits purchased through an approved mitigation bank, or approved Habitat Conservation Plan.</p>									
Impact 4.6-3: Result in substantial adverse effects on federal wetlands, federal other waters, and/or waters of the state during construction.  Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, and 4.6-1q	X		X	X	X	X	See above in Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, and 4.6-1q		
Impact 4.6-3: Result in substantial adverse effects on federal wetlands, federal other waters, and/or waters of the state during construction.  Mitigation Measure 4.6-3: Avoid, Minimize, and or Mitigate Impacts to Wetlands.	X		X	X	X	X	CalAm shall provide a copy of the required jurisdictional wetland delineation and all concurrences, approvals and/or related permits issued by the U.S. Army Corps of Engineers, RWQCB, CDFW, and/or the California Coastal Commission. CalAm's environmental monitor shall provide CPUC with monthly reports demonstrating avoidance and/or minimization of impacts on wetlands and/or waters of the U.S. or that compensatory mitigation was provided.	Prior to, during, and after construction.	Documented avoidance, minimization, and/or mitigation of impacts on wetlands consistent with the required jurisdictional wetland delineation and all concurrences, approvals and/or related permits issued by the U.S. Army Corps of Engineers, RWQCB, CDFW, and/or the California Coastal Commission
1. A jurisdictional wetland delineation shall be conducted to determine the extent of waters of the U.S. and waters of the state within the project component footprints and anticipated construction disturbance area.									
2. The proposed project shall be designed to avoid and/or minimize direct impacts on wetlands and/or waters under the jurisdiction of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, and/or the California Coastal Commission to the extent feasible. Horizontal Directional Drilling or other trenchless or above water methods will be used at all pipeline crossings of wetlands and other waters of the U.S. and of the state except some small order seasonal or ephemeral drainages which do not support riparian									



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: CalAm Reports On, and the CPUC Monitors all Mitigation Measures	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
woodland, riparian scrub, marsh or other wetland vegetation, and which would be crossed during the dry season in the absence of flow or standing water.  3. Where disturbance to jurisdictional waters cannot be avoided, any temporarily impacted jurisdictional water shall be restored to pre-construction conditions or better at the end of construction. Compensation for permanent impacts shall be provided at a 2:1 or greater ratio. Compensation for loss of jurisdictional waters may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. At a minimum the restoration or compensation sites shall meet the following performance standards by the fifth year following restoration:  a. Temporarily impacted areas are returned to pre-project conditions or greater  b. Wetlands restored or constructed as federal wetlands meet the federal criteria for jurisdictional wetlands and wetlands restored or constructed as state wetlands meet the state criteria for jurisdictional wetlands  c. No more cover by invasives than the baseline/impact area  Compensation shall be detailed on a project-specific basis and shall include development of a Wetland Mitigation and Monitoring Plan (WMMP), which shall be developed prior to the start of construction and in coordination with permit applications and/or conditions. At a minimum, the WMMP shall include:  a. Name and contact information for the property owner of the land on which the mitigation will take place;  b. Identification of the source for supplemental irrigation;  c. Identification of depth to groundwater;  d. Baseline information, including a summary of the findings in any other recent wetland delineations applicable to the project disturbance area;  e. Anticipated habitat enhancements to be achieved through compensatory actions;  f. Monitoring methods and schedule;  g. Performance and success criteria for wetland creation and/or enhancement, with success criteria in tabular form.  h. Roles and responsibilities for mitigation funding, implementation, maintenance, monitoring, and reporting.  i. Identification of the mechanism that will preserve the mitigation site in perpetuity, if necessary.  Alternatively, offsite mitigation credits may be purchased at an approved mitigation bank; if no banks are available, then alternative mitigation may be achieved through payment of in-lieu fees.									
Impact 4.6-4: Be inconsistent with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.  Mitigation Measure 4.6-1d, 4.6-1e, 4.6-1f, 4.6-1n, and 4.6-2b	X		X	X	X	X	See above in Mitigation Measures 4.6-1d, 4.6-1e, 4.6-1f, 4.6-1n, and 4.6-2b		

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
<b>Impact 4.6-4: Be inconsistent with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</b> <b>Mitigation Measure 4.6-4: Compliance with Local Tree Ordinances.</b> 1. The project applicant shall perform a comprehensive survey within the project footprint to identify, measure, and map trees subject to local tree removal ordinances (as specified in Table 4.6-10) at least 30 days prior to start of planned ground disturbance or tree removal. 2. Any trees that are subject to local tree removal ordinances shall be avoided to the extent practicable. 3. If tree removal cannot be avoided by project construction, then the applicant shall comply with the applicable local tree policies or ordinances, obtain appropriate tree removal permits from applicable local agencies, and comply with those permits. 4. Tree removal, preservation, or mitigation on Army property would be done in accordance with the Integrated Natural Resource Management Plan Presidio of Monterey and Ord Military Community (November, 2008).	X		X	X	X	X	CalAm shall provide the name and qualifications of the biologist(s) to conduct the comprehensive tree survey to the CPUC for approval. CalAm shall also provide to the CPUC a copy of the survey and related maps and copies of all required tree removal permits issued by applicable local agencies prior to construction.	Prior to and during construction.	Final design plans demonstrate that all trees subject to local tree removal ordinances will be avoided and if not compliance with all tree removal permits and related conditions issued by applicable local agencies shall be implemented.
<b>Impact 4.6-5: Introduce or spread an invasive non-native species during construction.</b> <b>Mitigation Measures 4.6-1a and 4.6-1p</b>	X		X	X	X	X	See above in Mitigation Measures 4.6-1a and 4.6-1p		
<b>Impact 4.6-6: Result in substantial adverse effects on candidate, sensitive, or special-status species during project operations.</b> <b>Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1d, 4.6-1e, 4.6-1f, 4.6-1g, 4.6-1i, 4.6-1n, 4.6-1p, 4.12-1b, 4.12-5, and 4.14-2</b>	X		X	X	X	X	See above in Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1d, 4.6-1e, 4.6-1f, 4.6-1g, 4.6-1i, 4.6-1n, 4.6-1p, 4.12-1b, 4.12-5, and 4.14-2		
<b>Impact 4.6-6: Result in substantial adverse effects on candidate, sensitive, or special-status species during project operations.</b> <b>Mitigation Measure 4.6-6: Installation and Monitoring of Bird Deterrents at the Brine Storage Basin.</b> Bird deterrents (such as reflective flagging, whistles, or a falconer) shall be utilized at the Brine Storage Basin. The type of bird deterrent shall be determined by the lead biologist and shall be modified if, through monitoring (as described below), the bird deterrents are either not sufficient at deterring birds from the Brine Storage Basin or pose a risk to wildlife. Monitoring of the Brine Storage Basin shall include the following: <ul style="list-style-type: none"><li><b>Daily Monitoring:</b> CalAm operational staff will monitor the brine pond on a daily basis as part of their regular routine. If staff see regular use of the pond by birds, any dead animals, or any unusual siting, USFWS will be notified within one working day.</li><li><b>Monthly Monitoring:</b> A qualified biologist and/or qualified biological monitor shall regularly survey the Brine Storage Basin at least once per month starting with the first month of operation of the Brine Storage Basin. The purpose of the surveys shall be to determine if the bird deterrents are effective in excluding birds and to assess whether the deterrents serve as a hazard to birds or wildlife. The monthly surveys shall be conducted in one day for a minimum of two hours following sunrise (i.e., dawn), a minimum of one hour mid-day (i.e., 1100 to 1300), and a minimum of two hours preceding sunset (i.e., dusk) in order to provide an accurate assessment of bird and wildlife use of the ponds during all seasons. Operations staff at the MPWSP Desalination Plant shall also report finding any dead birds or other wildlife at the Brine Storage Basin to the Lead Biologist within one day of the detection of the carcass. The Lead Biologists shall report any bird or other wildlife deaths or entanglements within two days of the discovery to CalAm, CDFW, and USFWS.</li></ul>			X				CalAm shall provide to the CPUC information regarding all bird deterrents utilized, copies of all staff monitoring reports, biologist/biological monitor survey reports and any related correspondence to or additional bird deterrent conditions required or authorizations provided by USFWS/CDFW. A Lead Biologist hired by CalAm will oversee the installation and monitoring of bird deterrents at the Brine Storage Basin. The Lead Biologist will report deaths or entanglements of any birds or wildlife to CPUC, CalAm, CDFW, and USFWS. The Lead Biologist will review deterrent monitoring reports and modify the bird deterrent program through adaptive management measures.	During the operation of the Brine Storage Basin.	Successful deterrent of birds documented in monitoring reports.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.6: Terrestrial Biological Resources (cont.)									
<ul style="list-style-type: none"><li>• <b>Quarterly Monitoring:</b> If after 12 consecutive monthly site visits (described above) no bird or wildlife deaths are detected at the Brine Storage Basin by or reported to the Lead Biologist, monitoring can be reduced to quarterly visits.</li><li>• <b>Biannual Monitoring:</b> If after 12 consecutive quarterly site visits (described above) no bird or wildlife deaths are detected by or reported to the Lead Biologist, future surveys may be reduced to two surveys per year, during the spring nesting season and during fall migration.</li><li>• <b>Modification of Monitoring Program:</b> The Lead Biologist shall modify the monitoring program based on information acquired during monitoring if any changes are needed, and determine adaptive management measures to remedy any problems that are detected during monitoring or modifications if bird impacts are observed.</li></ul>									
<b>Impact 4.6-7: Result in substantial adverse effects on riparian habitat, critical habitat, or other sensitive natural communities during project operations.</b> <b>Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1d, 4.6-1n, 4.6-1p, 4.6-2a, and 4.6-2b</b>	X		X	X	X	X	See above in Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1d, 4.6-1n, 4.6-1p, 4.6-2a, and 4.6-2b		
<b>Impact 4.6-8: Result in substantial adverse effects on federal wetlands, federal other waters, and waters of the state during project operations.</b> <b>Mitigation Measures 4.6-1a, 4.6-1b, and 4.6-1c</b>	X		X	X	X	X	See above in Mitigation Measures 4.6-1a, 4.6-1b, and 4.6-1c		
<b>Impact 4.6-9: Introduce or spread an invasive non-native species during project operations.</b> <b>Mitigation Measures 4.6-1a and 4.6-1p</b>	X		X	X	X	X	See above in Mitigation Measures 4.6-1a and 4.6-1p		
<b>Impact 4.6-10: Be inconsistent with the provisions of an adopted Habitat Conservation Plan, natural community conservation plan or other approved local, regional, or state habitat conservation plan.</b> <b>Mitigation Measures 4.6-1a, 4.6-1n, and 4.6-2b</b>	X		X	X	X	X	See above in Mitigation Measures 4.6-1a, 4.6-1n, and 4.6-2b		
<b>Impact 4.6-C: Cumulative impacts related to terrestrial biological resources.</b> <b>Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1d, 4.6-1e, 4.6-1f, 4.6-1g, 4.6-1h, 4.6-1i, 4.6-1j, 4.6-1k, 4.6-1l, 4.6-1m, 4.6-1n, 4.6-1o, 4.6-1p, 4.6-2a, 4.6-2b, 4.6-3, 4.6-4, 4.6-6, 4.12-1b, 4.12-5, and 4.14-2</b>	X		X	X	X	X	See above in Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1d, 4.6-1e, 4.6-1f, 4.6-1g, 4.6-1h, 4.6-1i, 4.6-1j, 4.6-1k, 4.6-1l, 4.6-1m, 4.6-1n, 4.6-1o, 4.6-1p, 4.6-2a, 4.6-2b, 4.6-3, 4.6-4, and 4.6-6, and below in Mitigation Measures 4.12-1b, 4.12-5, and 4.14-2		
Section 4.7: Hazards and Hazardous Materials									
<b>Impact 4.7-2: Encountering hazardous materials from other hazardous materials release sites during construction.</b> <b>Mitigation Measure 4.7-2a: Health and Safety Plan.</b> The construction contractor(s) shall prepare and implement a site-specific Health and Safety Plan as required by and in accordance with 29 CFR 1910.120 to protect construction workers and the public during all excavation and grading activities. This plan shall be submitted to the California Public Utilities Commission for review prior to commencement of construction. The Health and Safety Plan shall include, but is not limited to, the following elements: <ul style="list-style-type: none"><li>• Designation of a trained, experienced site safety and health supervisor who has the responsibility and authority to develop and implement the site health and safety plan;</li><li>• A summary of all potential risks to construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals;</li></ul>	X		X	X	X	X	Through contract specifications, CalAm's contractors will prepare Health and Safety Plans, as reviewed and approved by CPUC prior to construction.	Prior to and during construction.	Compliance with all components of the approved Health and Safety Plan.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact Mitigation Measure</b>									
<b>Section 4.7: Hazards and Hazardous Materials (cont.)</b>									
<ul style="list-style-type: none"><li>Specified personal protective equipment and decontamination procedures, if needed;</li><li>Emergency procedures, including route to the nearest hospital; and</li><li>Procedures to be followed in the event that evidence of potential soil or groundwater contamination (such as soil staining, noxious odors, debris or buried storage containers) is encountered. These procedures shall be in accordance with hazardous waste operations regulations and specifically include, but are not limited to, the following: immediately stopping work in the vicinity of the unknown hazardous materials release, notifying Monterey County Department of Environmental Health, and retaining a qualified environmental firm to perform sampling and remediation.</li></ul>									
<b>Impact 4.7-2: Encountering hazardous materials from other hazardous materials release sites during construction.</b> <b>Mitigation Measure 4.7-2b: Soil and Groundwater Management Plan.</b> In support of the Health and Safety Plan described above, CalAm or its contractor shall develop and implement a Soil and Groundwater Management Plan that includes a materials disposal plan specifying how the construction contractor will remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner. The plan must identify protocols for soil testing and disposal, identify the approved disposal site, and include written documentation that the disposal site will accept the waste. Contract specifications shall mandate full compliance with all applicable local, state, and federal regulations related to the identification, transportation, and disposal of hazardous materials, including those encountered in excavated soil or dewatering effluent.  As part of the Soil and Groundwater Management Plan, CalAm or its contractor shall develop a groundwater dewatering control and disposal plan specifying how contaminated groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate and lawful manner. The plan must identify the locations at which groundwater dewatering is likely to be required, the method to analyze groundwater for hazardous materials, and the appropriate treatment and/or disposal methods. If the dewatering effluent contains contaminants that exceed the requirements of the <i>General WDRs for Discharges with a Low Threat to Water Quality</i> (Order No. R3-2011-0223, NPDES Permit No. CAG993001), the construction contractor shall contain the dewatering effluent in a portable holding tank for appropriate offsite disposal or discharge (see Section 4.5.3 in Section 4.3, Surface Water Hydrology and Water Quality, for more information regarding this NPDES permit). The contractor can either dispose of the contaminated effluent at a permitted waste management facility or discharge the effluent, under permit, to a publicly owned treatment works such as the M1W Regional Wastewater Treatment Plant. This plan shall be submitted to the California Public Utilities Commission and Monterey Bay National Marine Sanctuary for review and approval prior to commencement of construction.	X		X	X	X	X	CalAm, or its contractor through contract specifications, shall prepare and provide a Soil and Groundwater Management Plan for review and approval by CPUC and MBNMS prior to commencement of construction.	Prior to and during construction.	Compliance with all components of the approved Soil and Groundwater Management Plan.
<b>Impact 4.7-C: Cumulative impacts related to hazards and hazardous materials.</b> <b>Mitigation Measures 4.7-2a and 4.7-2b</b>	X		X	X	X	X	See above in Mitigation Measures 4.7-1a and 4.7-1b		
<b>Section 4.8: Land Use, Land Use Planning, and Recreation</b>									
<b>Impact 4.8-2: Disrupt or preclude public access to or along the coast during construction.</b> <b>Mitigation Measure 4.9-1</b>	X		X			X	See below in Mitigation Measure 4.9-1		
<b>Impact 4.8-C: Cumulative impacts related to land use and recreation.</b> <b>Mitigation Measure 4.9-1</b>							See below in Mitigation Measure 4.9-1		

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
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Section 4.9: Traffic and Transportation									
<b>Impact 4.9-1: Temporary traffic increases on regional and local roadways due to construction-related vehicle trips.</b>  <b>Mitigation Measure 4.9-1: Traffic Control and Safety Assurance Plan.</b>  CalAm and/or the construction contractor(s) shall obtain any necessary road encroachment permits (e.g., from Caltrans and/or the U.S. Army) prior to constructing each project component and shall comply with the conditions of approval attached to all project permits and approvals. As part of the road encroachment permit process, a qualified traffic engineer shall prepare a traffic control and safety assurance plan in accordance with professional engineering standards and submit the plan to the agencies with jurisdiction over the affected roads and recreational trails, as well as to the California Public Utilities Commission, for review and approval. For all project construction activities that could affect the public right-of-way (e.g., roadways, sidewalks, and walkways), the plan shall include measures that would provide for continuity of vehicular, pedestrian, and bicyclist traffic; reduce the potential for traffic accidents; and ensure worker safety in construction zones. Where project construction activities could disrupt mobility and access for bicyclists and pedestrians, the plan shall include measures to ensure safe and convenient access, including recreation and coastal, would be maintained.  The traffic control and safety assurance plan shall be developed on the basis of detailed design plans for the approved project. The plan shall include, but not necessarily be limited to, the elements listed below: <ul style="list-style-type: none"><li>• Develop circulation and detour plans to minimize impacts on local streets. Haul routes that minimize truck traffic on local roadways and residential streets shall be used. As necessary, signage and/or flaggers shall be used to guide vehicles through the construction work areas.</li><li>• Control and monitor construction vehicle movements by enforcing standard construction specifications through periodic onsite inspections.</li><li>• Install traffic control devices where traffic conditions warrant, as specified in the applicable jurisdiction's standards (e.g., the <i>California Manual of Uniform Traffic Controls for Construction and Maintenance Work Zones</i>).</li><li>• Schedule truck trips outside of peak morning and evening commute hours to minimize adverse impacts on traffic flow (i.e., if agencies with jurisdiction over the affected roads identify highly congested roadway segments during their review of the encroachment permit applications).</li><li>• Post detour signs along affected roadways to notify motorists of alternative routes.</li><li>• Perform construction that crosses on-street and off-street bikeways, sidewalks, and other walkways in a manner that allows for safe access for bicyclists and pedestrians. Alternatively, provide safe detours to reroute affected bicycle/pedestrian traffic.</li><li>• At least two weeks prior to construction, post signage along all potentially affected recreational trails and coastal access point; Class I, II, and II bicycle routes; and pedestrian pathways, including the Monterey Peninsula Recreational Trail, to warn bicyclists and pedestrians of construction activities. The signs shall include information regarding the nature of construction activities, duration, and detour routes. Signage shall be composed of or encased in weatherproof material and posted in conspicuous locations, including on park message boards, and existing wayfinding signage and kiosks, for the duration of the closure period. At the end of the closure period, CalAm or its contractors shall retrieve all notice materials.</li><li>• CalAm and its contractors shall schedule construction activities to minimize impacts during heavy recreational use periods (e.g., weekends and holidays).</li></ul>	X		X	X	X	X	CalAm, or its contractor through contract specifications, shall prepare the required Traffic Control and Safety Assurance Plan based on final detailed project design plans and provide it to the CPUC for review and approval, together with copies of all road encroachment permits approved/issued by Caltrans, the U.S. Army and/or local agencies, prior to construction.	Prior to and during construction.	Compliance with all components of the CPUC-approved Traffic Control and Safety Assurance Plan and all road encroachment permits (and conditions thereto) required and approved/issued for the MPWSP.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.9: Traffic and Transportation (cont.)</b>									
<ul style="list-style-type: none"> <li>Implement a public information program to notify motorists, bicyclists, nearby residents, and adjacent businesses of the impending construction activities (e.g., media coverage, email notices, websites, etc.). Notices of the location(s) and timing of road closures shall be published in local newspapers and on available websites to allow motorists to select alternative routes. This provision shall be implemented in conjunction with <b>Mitigation Measure 4.12-1a (Neighborhood Notice)</b>.</li> <li>Consult with non-jurisdictional parties (e.g., CEMEX), as appropriate, regarding strategies for reducing increased traffic on roads that would provide access to construction work areas.</li> <li>Store all equipment and materials in designated contractor staging areas.</li> <li>Maintain alternate one-way traffic flow past the construction zone where possible.</li> <li>Install detour signs to direct traffic to alternative routes around the closed road segment if alternate one-way traffic flow cannot be maintained past the construction zone.</li> <li>Limit lane closures during peak hours.</li> <li>Restore roads and streets to normal operation by covering trenches with steel plates outside of normal work hours or when work is not in progress.</li> <li>Comply with roadside safety protocols to reduce the risk of accidents. Provide "Road Work Ahead" warning signs and speed control (including signs informing drivers of state-legislated double fines for speed infractions in a construction zone) to achieve required speed reductions for safe traffic flow through the work zone. Train construction personnel to apply appropriate safety measures as described in the traffic control and safety assurance plan.</li> <li>Maintain access for emergency vehicles at all times. Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, transit stations, hospitals, and schools. Provide advance notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.</li> <li>• Develop a school traffic and pedestrian safety plan to minimize adverse impacts associated with truck trips and lane closures (e.g., in the vicinity of the Marshall Elementary School east of the General Jim Moore Boulevard / Normandy Road intersection).</li> <li>Avoid truck trips through designated school zones during the school drop-off and pickup hours to the extent feasible.</li> <li>Provide flaggers in school areas at street crossings to manage traffic flow and maintain traffic safety during the school drop-off and pickup hours on days when pipeline installation would occur in designated school zones.</li> <li>Coordinate with Monterey-Salinas Transit so the transit provider can temporarily relocate bus routes or bus stops in work zones as deemed necessary.</li> </ul>									
<b>Impact 4.9-2: Temporary reduction in roadway capacities and increased traffic delays during construction.</b> <b>Mitigation Measure 4.9-1</b>	X		X	X	X	X	See above in Mitigation Measure 4.9-1		
<b>Impact 4.9-3: Increased traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways during construction.</b> <b>Mitigation Measure 4.9-1</b>	X		X	X	X	X	See above in Mitigation Measure 4.9-1		
<b>Impact 4.9-4: Impaired emergency access during construction.</b> <b>Mitigation Measure 4.9-1</b>	X		X	X	X	X	See above in Mitigation Measure 4.9-1		

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.9: Traffic and Transportation (cont.)									
Impact 4.9-5: Temporary disruptions to public transportation, bicycle, and pedestrian facilities during construction.	X		X	X	X	X	See above in Mitigation Measure 4.9-1		
Mitigation Measure 4.9-1									
Impact 4.9-6: Increased wear-and-tear on the designated haul routes used by construction vehicles.	X		X	X	X	X	CalAm shall provide a fully-executed copy of the agreement it enters into with affected jurisdictions to the CPUC, to document pre- and post-construction road conditions and identify road segments for post-construction rehabilitation measures. CPUC and affected jurisdictions will monitor the documentation procedures and rehabilitation measures.	Prior to and after construction.	Rehabilitation of roads and road segments affected by project construction to pre-construction or better conditions, as identified by required agreement between CalAm and affected jurisdictions.
Mitigation Measure 4.9-6: Roadway Rehabilitation Program. Prior to commencing project construction, CalAm and the affected jurisdiction(s) shall enter into an agreement detailing the preconstruction condition of all major project-related construction access and haul routes, in addition to any appropriate post-construction roadway rehabilitation requirements (e.g., who would make the roadway repair, and by when). Temporary detour routes may also be included in the inventory of preconstruction road conditions, if appropriate. The construction routes identified in the rehabilitation program must be consistent with those identified in the construction traffic control and safety assurance plan developed under Mitigation Measure 4.9-1. Roads damaged by project-related construction vehicles shall be repaired to a structural condition equal to that which existed prior to construction activities. CalAm shall be responsible for paying for all repairs needed to fix the damage caused by project-related construction vehicles.									
Impact 4.9-7: Parking interference during construction.	X		X	X	X	X	CalAm shall provide the CPUC with copies of its construction contracts and related documentation demonstrating that CalAm's contractor(s) satisfactorily coordinated with affected jurisdictions and parties to avoid or minimize construction staging area parking impacts in public parking lots. CPUC and local jurisdictions will monitor the parking coordination.	Prior to and during construction.	Coordination of contractors with affected jurisdictions and parties that avoids or minimizes parking impacts in public parking lots.
Mitigation Measure 4.9-7: Construction Parking Requirements. Prior to commencing project construction, the construction contractor(s) shall coordinate with the affected jurisdictions (i.e., Monterey County, Cal State Monterey, and the cities of Marina and Seaside), and affected parties (i.e., the Walmart Superstore at 150 Beach Road), to design the staging areas to avoid or minimize parking impacts in the publicly used parking lots.									
Impact 4.9-C: Cumulative impacts related to traffic and transportation.	X		X	X	X	X	See above in Mitigation Measures 4.9-1, 4.9-6, and 4.9-7		
Mitigation Measures 4.9-1, 4.9-6, and 4.9-7									
Impact 4.9-C: Cumulative impacts related to traffic and transportation.	X		X	X	X	X	CalAm will coordinate with affected jurisdictions to develop and implement the required Construction Traffic Coordination Plan and provide the CPUC with a copy of said Plan and related documentation demonstrating CalAm satisfactorily coordinated with the planning agencies of each affected jurisdiction. CPUC and affected local jurisdictions will monitor the implementation of the Plan.	Prior to and during construction.	Implementation of a Construction Traffic Coordination plan by CalAm that reduces cumulative effect of overlapping construction traffic in the affected jurisdictions. Continuous coordination between CalAm and affected jurisdictions that result in adjustments and refinements reducing traffic impacts.
Mitigation Measure 4.9-C: Construction Traffic Coordination Plan. CalAm shall coordinate with the appropriate planning agency within each affected jurisdiction to develop and implement a Construction Traffic Coordination Plan. The purpose of the plan shall be to lessen the cumulative effects of MPWSP and local development project construction-related traffic delays and congestion. The plan shall address construction-related traffic associated with all project sites in the vicinity of MPWSP project components (i.e., within 1 mile or would use the same roads) and whose construction schedules overlap that of the MPWSP. The construction traffic coordination plan shall, at a minimum, include the following components: <ul style="list-style-type: none"><li>• Identification of all projects located in the vicinity of MPWSP project components (within 1 mile or would use the same roads) and whose construction schedules overlap that of the MPWSP.</li><li>• Consideration for the types of construction-related vehicles and corresponding numbers and timing of trips associated with each said project.</li><li>• An evaluation of roadways affected by construction activities and measures to minimize roadway and traffic disturbances (e.g., lane closures and detours). Impact minimization measures shall include, but not necessarily be limited to, elements that are part of the MPWSP's Traffic Control and Safety Assurance Plan (Mitigation Measure 4.9-1).</li><li>• Phasing of construction activities, as necessary to prevent degradation of levels of service on affected roadways.</li></ul>									



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions:  CalAm Reports On, and the CPUC Monitors all Mitigation Measures	Implementation Schedule	
Section 4.9: Traffic and Transportation (cont.)									
<ul style="list-style-type: none"><li>A program that provides for continual coordination with the affected agencies to allow for adjustments and refinements to the plan once construction is underway.</li></ul> The construction traffic plan may be modeled after or included within the plan described in <b>Mitigation Measure 4.9-1 (Traffic Control and Safety Assurance Plan)</b> . If necessary, separate construction traffic coordination plans (i.e., one for each affected jurisdiction) may be prepared, provided each is compatible.									
Section 4.10: Air Quality									
<b>Impact 4.10-1: Generate emissions of criteria air pollutants and contribute to a violation of an ambient air quality standard during construction.</b>  <b>Mitigation Measure 4.10-1a: Equipment with High-Tiered Engine Standards.</b>  For diesel-fueled off-road construction equipment of more than 50 horsepower, CalAm and/or its construction contractor shall make a good faith effort to use available construction equipment that meets the highest USEPA-certified tiered emission standards or is alternatively powered (e.g., with electricity, natural gas, propane, methanol and ethanol blends, or gasoline) construction equipment. For all pieces of equipment that would neither meet Tier 4 emission standards nor be alternatively powered, CalAm or its construction contractor shall provide to the CPUC documentation from two local heavy construction equipment rental companies that indicate that the companies do not have access to higher-tiered equipment or alternatively powered equipment for the given class of equipment. Such documentation shall be provided to the CPUC at least two weeks prior to the anticipated use of those pieces of equipment.	X	X	X	X	X	X	CalAm shall provide the CPUC with documentation demonstrating that its construction contractor(s) successfully procured non-diesel-fueled construction equipment or diesel-fueled equipment that meets U.S. EPA Tier 4 emission standards or, in the alternative, documentation from two local heavy construction equipment rental companies indicating that the companies do not have access to such Tier 4 compliant or nondiesel-fueled equipment prior to commencement of construction. CPUC will monitor the efforts of CalAm and its contractors use of high-tiered construction equipment.	Prior to and during construction.	Documented use of available Tier 4 compliant or non-diesel-fueled construction equipment.
<b>Impact 4.10-1: Generate emissions of criteria air pollutants and contribute to a violation of an ambient air quality standard during construction.</b>  <b>Mitigation Measure 4.10-1b: Idling Restrictions.</b>  In order to ensure that idling time for on road vehicles with a gross vehicular weight rating of 10,000 pounds or greater does not exceed the 5-minute limit established in Section 2485 of Title 13 CCR Section 2485, and that idling time for off-road engines does not exceed the 5 minute limit established in Title 13 CCR Section 2449(d)(3), CalAm and/or its construction contractor(s) shall prepare and implement a written idling policy and distribute it to all equipment operators. The idling policy shall extend the 5-minute idling limit to cover all on road vehicles (regardless of gross vehicular weight rating) and shall further require that for all diesel-powered off-road engines, the idling limit is reduced to 2 minutes, while maintaining the exceptions specified in Title 13 CCR Section 2449(d)(3). Clear signage of these requirements shall be provided for construction workers at all access points to construction areas.	X	X	X	X	X	X	CalAm shall provide the CPUC and all of its construction equipment operators with a copy of the required written idling policy and evidence of signs containing the requirements of the policy provided/placed at all access points to construction areas prior to the use of any such area. or its contractors through contract specifications, will prepare and implement a written idling policy and distribute to all equipment operators with idling time restrictions for all vehicles. Signage of the idling requirements will be posted at all construction sites. CPUC will review and monitor idling policy implementation.	Prior to and during construction.	Compliance with all components of the required idling policy.
<b>Impact 4.10-1: Generate emissions of criteria air pollutants and contribute to a violation of an ambient air quality standard during construction.</b>  <b>Mitigation Measure 4.10-1c: Construction Fugitive Dust Control Plan.</b>  CalAm shall require its construction contractor(s) to implement a dust control plan that includes, at minimum, the following dust control measures: <ul style="list-style-type: none"><li>Water all active construction areas at least three times daily;</li><li>Cover all trucks hauling soil, sand, and other loose materials and require trucks to maintain at least 2 feet of freeboard;</li><li>Apply water three times daily, or apply (non-toxic) soil stabilizers, on unpaved access roads, parking areas, and staging areas at construction sites;</li><li>Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites;</li></ul>	X	X	X	X	X	X	CalAm shall provide the CPUC with evidence, via copies of its construction contracts, signage or otherwise, demonstrating the measures included in and methods of implementing the required Fugitive Dust Control Plan (including its dust complaint requirements) prior to the commencement of construction. CPUC will monitor the efforts of CalAm and its contractors implementation of the dust plan.	Prior to and during construction.	Compliance with all components of the required Fugitive Dust Control Plan.



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.10: Air Quality (cont.)									
<ul style="list-style-type: none"><li>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;</li><li>Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more);</li><li>Enclose, cover, or water twice daily exposed stockpiles (dirt, sand, etc.);</li><li>Limit traffic speeds on unpaved roads to 15 miles per hour;</li><li>Install sandbags or other erosion control measures to prevent silt runoff to public roadways;</li><li>Replant native, drought-tolerant vegetation in disturbed areas as quickly as possible;</li><li>Wheel washers shall be installed and used by truck operators at the exits of the construction sites to the MPWSP Desalination Plant, the slant wells, and the ASR well facilities; and</li><li>Post a publicly visible sign that specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall also be visible to ensure compliance with MBUAPCD rules.</li></ul>									
<b>Impact 4.10-1: Generate emissions of criteria air pollutants and contribute to a violation of an ambient air quality standard during construction.</b> <b>Mitigation Measure 4.10-1e: Off-site Mitigation Program.</b> CalAm shall work with the Monterey Bay Air Resources District (MBARD) and put forth a good faith effort to fund an off-site mitigation program that would be contemporaneous with project construction to offset construction-related NOx. CalAm shall provide to the lead agencies documentation showing that it has reached an agreement with MBARD to fund an off-site emissions mitigation program that shall include offsets to be executed during construction of the project. If such a program is determined by CalAm and MBARD to be infeasible given the construction schedule of the project, CalAm shall provide documentation to the Lead Agencies that substantiates such a determination. All documentation shall be provided to the Lead Agencies at least two weeks prior to the commencement of construction.	X	X	X	X	X	X	CalAm shall provide the CPUC at least two weeks prior to commencement of construction with a fully-executed copy of the agreement entered into with MBARD to fund the required off-site mitigation program, or documentation demonstrating that CalAm and MBARD determined such a program was infeasible given the MPWSP construction schedule.	At least two weeks prior to and during construction.	Fund and implement off-site mitigation for NOx emissions at the same time as construction activities in compliance with CalAm’s agreement, if any, with MBARD.
<b>Impact 4.10-2: Construction activities could conflict with implementation of the applicable air quality plan.</b> <b>Mitigation Measures 4.10-1a, 4.10-1b, and 4.10-1e</b>	X	X	X	X	X	X	See above under Mitigation Measures 4.10-1a, 4.10-1b, and 4.10-1e		
<b>Impact 4.10-C: Cumulative impacts related to air quality.</b> <b>Mitigation Measures 4.10-1a through 4.10-1e</b>	X	X	X	X	X	X	See above under Mitigation Measures 4.10-1a through 4.10-1e		
Section 4.11: Greenhouse Gas Emissions									
<b>Impact 4.11-1: Incremental contribution to climate change from GHG emissions associated with the proposed project.</b> <b>Mitigation Measure 4.11-1: GHG Emissions Reductions Plan.</b> (a) <b>Energy Conservation Technologies.</b> CalAm shall have a qualified professional (a licensed mechanical engineer or other appropriately certified professional approved by the CPUC) prepare and submit a GHG Emissions Reduction Plan (Plan) to the CPUC for approval prior to the start of project construction activities. Once approved by the CPUC, the Plan shall be implemented. The Plan shall include a detailed description of the carbon footprint for all operational components of the approved project (e.g., slant well pumping, the MPWSP Desalination Plant, transmission of source and product water, ASR system) based on manufacturer energy usage specification data for each piece of equipment and the most current power system emissions factor for GHG emissions based on the energy portfolio of PG&E, the applicable Electric Service Provider under Direct Access service, or Monterey Bay Community Power and its successors and assigns, as applicable.	X	X	X	X	X	X	CalAm shall submit to the CPUC for review and approval the name and credentials of the qualified professional proposed to prepare the required GHG Emissions Reductions Plan; The Plan shall be submitted to CPUC for approval prior to commencement of construction. CPUC will monitor the progress and effectiveness of the Plan.	Prior to project construction and during project operation.	Implementation of and compliance with the required GHG Emissions Reduction Plan to achieve the required net zero emissions standard.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.11: Greenhouse Gas Emissions (cont.)</b>									
<p>The Plan shall include a summary of state-of-the-art energy recovery and conservation technologies available for utility scale desalination facilities and shall include a commitment by CalAm to incorporate all available feasible energy recovery and conservation technologies; or, if CalAm finds that any of the technologies will not be feasible for the project, the Plan shall clearly explain why such technology is considered to be infeasible. The carbon footprint estimate for the project shall include consideration of all proposed energy recovery and conservation technologies that will be employed by the project, and shall describe the approximate GHG emissions reductions that will be associated with each technology.</p> <p>(b) <b>Renewable Energy.</b> CalAm shall ensure that the approved project's operational electricity use results in net zero GHG emissions. In meeting this net zero GHG emissions requirement, subject to the procedures below, CalAm shall adhere to the following loading order:</p> <p>(1) Obtain renewable energy from on-site solar photovoltaic (PV) panels and/or the adjacent Monterey Regional Waste Management District (MRWMD) landfill-gas-to-energy (LFGTE) facility.</p> <p>(2) Procure renewable energy from off-site sources within California via purchases from one or more of the following: (a) PG&amp;E, (b) an Electric Service Provider under Direct Access service, or (c) Monterey Bay Community Power and its successors and assigns.</p> <p>(3) Procure and retire Renewable Energy Certificates (also known as RECs, green tags, Renewable Energy Credits, Renewable Electricity Certificates, or Tradable Renewable Certificates) for projects or activities in California.</p> <p>(4) Procure and retire Carbon Offsets, in a quantity equal to the GHG emissions attributable to the project's operational electricity use. "Carbon Offset" means an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of one metric ton of CO<sub>2</sub>e achieved by any GHG emission reduction project or activity within California. "Approved Registry" means: (i) the Climate Action Reserve, the American Carbon Registry, the Verified Carbon Standard, or the Clean Development Mechanism; or (ii) any other entity approved by the California Air Resources Board to act as an "offset project registry" under the state's Cap-and-Trade Program.</p> <p>CalAm may meet this net zero GHG emissions requirement via any of the options, or their future equivalents, or any combination of options, or their future equivalents, included in the aforementioned loading order.</p> <p>Further, CalAm shall progress through the loading order on the basis of the options' physical and economic feasibility, as reasonably determined by CalAm, with low-cost options preferred over high-cost options. In the event that options have equivalent costs, options enumerated earlier in the loading order shall be selected by CalAm over options enumerated later in the loading order. On or before June 1 of each year the approved project is in operation, CalAm shall submit documentation to the CPUC demonstrating that the project's operational electricity use in the immediately preceding calendar year resulted in net zero GHG emissions. Calculation of the GHG emissions attributable to the project's operational electricity use (if any) shall be calculated by CalAm on an annual basis using the most up-to-date emissions coefficient for purchased electricity (if any), as compiled or published by PG&amp;E, the applicable Electric Service Provider under Direct Access service, or Monterey Bay Community Power and its successors and assigns, as applicable. If the CPUC determines that CalAm failed to achieve net zero GHG emissions for the approved project's operational electricity use for a particular year, then the CPUC shall notify CalAm in writing of the exceedance within 45 days of receipt of the documentation submitted by CalAm under this mitigation measure. The notice shall specify the metric tons of GHG emissions that exceeded the net zero obligation. Within 45 days of receipt of this notice, CalAm shall procure and retire Carbon Offsets in an amount at least equivalent to the exceedance, and will submit documentation to the CPUC demonstrating this procurement and retirement.</p>									

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.11: Greenhouse Gas Emissions (cont.)									
<i>Impact 4.11-1: Incremental contribution to climate change from GHG emissions associated with the proposed project.</i> Mitigation Measure 4.18-1	X	X	X	X	X	X	See below under Mitigation Measure 4.18-1		
<i>Impact 4.11-2: Conflict with the Executive Order B-30-15 Emissions Reduction Goal.</i> Mitigation Measures 4.11-1 and 4.18-1	X	X	X	X	X	X	See above under Mitigation Measure 4.11-1 and below under Mitigation Measure 4.18-1		
<i>Impact 4.11-3: Conflict with AB 32 Climate Change Scoping Plan.</i> Mitigation Measure 4.11-1	X	X	X	X	X	X	See above under Mitigation Measure 4.11-1		
<i>Impact 4.11-C: Cumulative impacts related to greenhouse gas emissions</i> Mitigation Measures 4.11-1 and 4.18-1	X	X	X	X	X	X	See above under Mitigation Measure 4.11-1 and below under Mitigation Measure 4.18-1		
Section 4.12: Noise and Vibration									
<i>Impact 4.12-1: Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity during construction.</i>  Mitigation Measure 4.12-1a: Neighborhood Notice and Construction Disturbance Coordinator  The combination of public notice and the establishment of a construction disturbance coordinator can result in a lessening of the adversity of the impact at a given receptor by allowing them to prepare for pending construction activities and providing a contact to report any disturbances or violations to CalAm for appropriate response actions, including additional mitigation. Residents and other sensitive receptors within 300 feet of a daytime construction area and within 900 feet of a nighttime construction area shall be notified of the construction location, nature of activities, and schedule, in writing, at least 14 days prior to the commencement of construction activities. The notice shall also be posted along the proposed pipeline alignments, near the proposed facility sites, and at nearby recreational facilities. CalAm or the contractor(s) shall designate a construction disturbance coordinator who would be responsible for responding to construction complaints. The coordinator shall determine the cause of the complaint and ensure that reasonable measures are implemented to correct the problem. CalAm and/or its contractor shall return all calls within 24 hours to answer noise questions and handle complaints. Documentation of the complaint and resolution shall be submitted to the CPUC weekly. A contact number for the construction disturbance coordinator shall be conspicuously placed on construction site fences and included in the notice. Prior to distributing the notice to nearby residences, CalAm or the contractor(s) shall first submit the notice to the respective city planning and services manager for review and approval. This measure shall be implemented in conjunction with the noticing provisions in Mitigation Measure 4.9-1 (Traffic Control and Safety Assurance Plan).	X	X	X	X	X	X	CalAm shall provide the CPUC with the name of CalAm's Construction Disturbance Coordinator and copies of the required notice(s) and evidence of all approvals thereof by city planning managers before commencement of construction; CalAm shall also provide documentation and evidence demonstrating the timely provision and posting of required notices as well as weekly documentation of all complaints and resolution efforts during project construction.	Prior to and during construction.	Implementation of neighborhood notices prior to construction activities and timely response to inquiries and resolution of complaints by residents.
<i>Impact 4.12-1: Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity during construction.</i>  Mitigation Measure 4.12-1b: General Noise Controls for Construction Equipment and Activities.  The construction contractor(s) shall assure that construction equipment with internal combustion engines have sound control devices at least as effective as those provided by the original equipment manufacturer. No equipment shall be permitted to have an unmuffled exhaust.	X	X	X	X	X	X	CalAm shall provide the CPUC and all of its construction equipment operators with a copy of the required noise controls directed by CalAm's Construction Disturbance Coordinator. CalAm shall also provide documentation and evidence demonstrating the required noise controls on construction equipment as documented in weekly reports prepared the environmental monitor(s). CPUC will monitor the efforts of CalAm and its contractors implementation of noise controls.	Prior to and during construction.	Implementation of noise controls on construction equipment.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.12: Noise and Vibration (cont.)									
Impact tools (i.e., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler shall be placed on the compressed air exhaust to lower noise levels by up to approximately 10 dBA. External jackets shall be used on impact tools, where feasible, in order to achieve a further reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.  The construction contractor(s) shall locate staging areas and stationary noise sources as far from nearby receptors as possible, and shall muffle and enclose them in temporary sheds, incorporate noise barriers, or implement other noise control measures to the extent feasible. The noise controls shall be sufficient to reduce noise levels during drilling and development of ASR-5 and ASR-6 Wells, and pump station construction activities below the threshold of 70 dBA L <sub>eq</sub> .									
<b>Impact 4.12-1: Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity during construction.</b>  <b>Mitigation Measure 4.12-1c: Noise Control Plan for Nighttime Pipeline Construction.</b> CalAm or a representative of CalAm shall submit a Noise Control Plan for all nighttime pipeline work to the California Public Utilities Commission for review and approval prior to the commencement of project construction activities. The Noise Control Plan shall identify all feasible noise control procedures to be implemented during nighttime pipeline installation in order to reduce noise levels to the extent practicable at the nearest residential or noise sensitive receptor. At a minimum, the Noise Control Plan shall require use of moveable noise screens, noise blankets, or other suitable sound attenuation devices be used to reduce noise levels during nighttime pipeline installation activities below 60 dBA L <sub>eq</sub> .	X	X	X	X	X	X	CalAm shall prepare and provide the required Noise Control Plan for nighttime pipeline construction to the CPUC for approval prior to the commencement of any such nighttime pipeline construction. CPUC will monitor the efforts of CalAm and its contractors' implementation of the noise control plan.	Prior to and during nighttime pipeline construction.	Compliance with the approved Noise Control Plan and achievement of its less than 60 dBA L <sub>eq</sub> performance standard.
<b>Impact 4.12-1: Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity during construction.</b>  <b>Mitigation Measure 4.12-1d: Additional Noise Controls for ASR-5 and ASR-6 Wells.</b> In addition to the general noise controls that will be implemented as part of Mitigation Measure 4.12-1b (General Noise Controls for Construction Equipment), CalAm or its construction contractor(s) for the ASR-5 and ASR-6 Wells shall identify feasible noise controls for implementation during well drilling development activities at the Fitch Park military housing community. The construction contractor(s) shall locate all stationary noise-generating equipment as far as possible from nearby noise-sensitive receptors. Drill rigs within 500 feet of noise-sensitive receptors shall be equipped with noise-reducing engine housings or other noise-reducing technology. Additionally, acoustic barriers and/or enclosures shall be used with a goal of reducing noise from well drilling activities to 60 dBA, L <sub>eq</sub> or less at a distance of 50 feet from the construction work area. There are a number of options available to achieve this performance standard. Barrier blankets are available with a sound transmission class rating of 32, which can provide 16 to 40 dBA of sound transmission loss, depending on the frequency of the noise source (ENC, 2014). The realized sound transmission reduction of barrier blankets needs to be sufficient to achieve the performance standard of 60 dBA, L <sub>eq</sub> or less at a distance of 50 feet from the construction work area.				X			CalAm shall provide the CPUC with the required additional noise controls proposed to be implemented for the ASR-5 and ASR-6 Wells for approval before commencement of any such well drilling activities, through contract specifications, will ensure contractors use noise controls on construction equipment at the ASR-5 and -6 wells. CPUC will monitor the efforts of CalAm and its contractors' implementation of noise controls.	Prior to and during ASR-5 and ASR-6 Well construction.	Compliance with the approved additional noise controls on construction equipment at the ASR-5 and -6 wells and achievement of the required less than 60 dBA L <sub>eq</sub> performance standard.
<b>Impact 4.12-1: Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity during construction.</b>  <b>Mitigation Measure 4.12-1e: Offsite Accommodations for Substantially Affected Nighttime Receptors.</b> CalAm shall provide temporary hotel accommodations for all residences and any other nighttime sensitive: 1. That would be exposed to 24-hour project construction activities and 2. Where nighttime construction noise would exceed 60 dBA with windows closed or 35 dBA with windows open, even with implementation of acoustic barriers and/or shielding measures.		X	X	X	X	X	CalAm shall provide the CPUC with documentation demonstrating that it provided the required temporary hotel accommodations and per diem allowances prior to the commencement of any such 24-hour project construction activities capable of exceeding the mitigation measure's windows closed/open thresholds. CPUC will monitor CalAm's nighttime construction noise monitoring and provision of accommodations.	Prior to and during construction.	Provision of temporary accommodations and per diem allowances to affected receptors.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.12: Noise and Vibration (cont.)									
The accommodations shall be provided for the duration of 24-hour construction activities. CalAm shall provide accommodations reasonably similar to those of the impacted residents in terms of number of beds and amenities. If identified accommodations do not include typical residential kitchen facilities (e.g., cooktop, oven, full size refrigerator), then CalAm shall provide displaced individuals with a per diem allowance to offset costs of meals for the period of relocation.									
<b>Impact 4.12-2: Expose people to or generate noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies during construction.</b> <b>Mitigation Measures 4.12-1b and 4.12-1c</b>	X	X	X	X	X	X	See above under Mitigation Program Measures 4.12-1b and 4.12-1c		
<b>Impact 4.12-3: Expose people to or generate excessive groundborne vibration during construction.</b> <b>Mitigation Measure 4.12-3: Vibration Reduction Measures.</b> Construction practices shall be utilized that do not generate vibration levels at the closest sensitive land uses above 0.1 in/sec PPV. The following measures, at a minimum, shall be employed to ensure this threshold is met: a. Vibration monitoring shall be conducted for the first 500 feet of pipeline construction for each segment to confirm vibration levels do not exceed the above vibration threshold. If vibration levels exceed the limits of this mitigation measure, construction practices shall be modified to use smaller types of construction equipment or excavator-mounted compaction wheels, operate the equipment in a manner to reduce vibration, or use alternate construction methods, (such as use of manual shoring jacks), and monitoring shall continue for an additional 200 feet or until construction practices meet the required vibration levels. The monitoring in this mitigation measure shall be repeated if the construction methods change in a manner that would increase vibration levels, or when structures are closer to the limits of construction than previous vibration monitoring have confirmed is below the vibration thresholds. b. Smaller vibratory rollers shall be used to minimize vibration levels during repaving activities where needed to meet vibration limits. c. Sheet pile driving for trenchless pipeline installation shall be conducted during daytime hours and access pits shall be located greater than 45 feet from standard structures and 80 feet from historic resources.	X	X	X	X	X	X	CalAm shall provide the CPUC with vibration monitoring reports/documentation demonstrating the construction practices used to achieve compliance with the 0.1 in/sec PPV standard. CPUC will monitor the effectiveness of construction vibration suppression measures.	During construction.	Vibration at the closest sensitive land use not exceeding the 0.1 in/sec PPV threshold.
<b>Impact 4.12-4: Conflict with the construction time limits established by the local jurisdictions.</b> <b>Mitigation Measure 4.12-1c</b>	X	X	X	X	X	X	See above under Mitigation Measure 4.12-1c		
<b>Impact 4.12-4: Conflict with the construction time limits established by the local jurisdictions.</b> <b>Mitigation Measure 4.12-4: Nighttime Construction Restrictions in Marina</b> Open trench pipeline construction work within 500 feet to residential uses or transient lodging shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. (standard time) Monday through Saturday, and 10:00 a.m. to 7:00 p.m. (standard time) on Sundays and holidays. During daylight savings time, construction hours may be extended to 8:00 p.m.						X	CalAm shall provide the CPUC with documentation demonstrating compliance with the required open trench pipeline construction restrictions. CPUC will monitor construction activities in Marina.	Prior to and during construction.	Compliance with the nighttime open trench pipeline construction restrictions in Marina.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Section 4.12: Noise and Vibration (cont.)</b>									
<b>Impact 4.12-5: Result in a substantial permanent increase in ambient noise levels in the project vicinity during project operations.</b>  <b>Mitigation Measure 4.12-5: Stationary-Source Noise Controls.</b> CalAm shall retain an acoustical engineer to design stationary-source noise controls and ensure the applicable noise standards are met. At a minimum, all stationary noise sources (e.g., pump station, emergency generators, variable-frequency-drive motors, well heads with motors) shall be located within enclosed structures and with adequate noise screening, as needed, to maintain noise levels to no greater than 5 dBA above the existing monitored ambient values and 60 CNEL, at the property lines of nearby residences and other noise-sensitive receptors. Once the stationary noise sources have been installed, the contractor(s) shall conduct a single long-term (24-hour) monitoring of noise levels to ensure compliance with local noise standards. CalAm shall submit a compliance monitoring report to the CPUC.	X		X	X	X		CalAm shall provide the CPUC with the name and credentials of the acoustical engineer for approval and documentation showing the stationary-source noise controls the engineer designed as well as demonstrating that implementation of those controls achieved the required noise standards. CPUC will monitor the effectiveness of noise controls.	Prior to project operations.	Compliance with stationary-source noise standard (e.g., no greater than 5 dBA above the existing monitored ambient values and 60 CNEL, at the property lines of nearby residences and other noise-sensitive receptors).
<b>Impact 4.12-C: Cumulative impacts related to noise and vibration.</b>  <b>Mitigation Measures 4.12-1a, 4.12-1b, 4.12-1c, 4.12-1d, 4.12-1e, and 4.12-3</b>	X	X	X	X	X	X	See above under Mitigation Measures 4.12-1a, 4.12-1b, 4.12-1c, 4.12-1d, 4.12-1e, and 4.12-3		
<b>Section 4.13: Public Services and Utilities</b>									
<b>Impact 4.13-1: Disrupt or relocate regional or local utilities during construction.</b>  <b>Mitigation Measure 4.13-1a: Locate and Confirm Utility Lines.</b> Before excavation begins, CalAm or its contractor(s) shall locate all overhead and underground utility lines (such as natural gas, electricity, sewage, telephone, fuel, and water lines) that are reasonably expected to be encountered during excavation. When a project excavation is within the approximate location of a subsurface utility, CalAm or its contractor shall determine the exact location of the underground utility by safe and acceptable means, including the use of hand tools and modern techniques. Information regarding the size, color, and location of existing utilities shall be confirmed before construction activities begin. These utilities shall be highlighted on all construction drawings.	X	X	X	X	X	X	CalAm shall provide to the CPUC final design drawings which highlight all utilities expected to be encountered during excavation for approval before commencement of any excavation and provide documentation demonstrating that the exact location, size and color of all such utilities were confirmed when excavation is within the approximate location of such utilities shown on the design drawings. CPUC and local utilities will review locations identified by the contractors.	Prior to and during construction.	Map utilities on design drawings prior to and confirm and report on exact location, size and color of utilities during excavation.
<b>Impact 4.13-1: Disrupt or relocate regional or local utilities during construction.</b>  <b>Mitigation Measure 4.13-1b: Coordinate Final Construction Plans with Affected Utilities.</b> CalAm or its contractor(s) shall coordinate final construction plans, schedule, and specifications with affected utilities. Arrangements shall be made with these entities regarding the appropriate protection, relocation, or temporary disconnection of services. If any interruption of service is required, CalAm or its contractor(s) shall notify residents and businesses in the project corridor of any planned utility service disruption at least 2 working days and up to 14 calendar days in advance, in conformance with county and state standards.	X	X	X	X	X	X	CalAm shall provide to the CPUC documentation demonstrating that it coordinated final construction plans, schedule and specifications with all affected utilities and reporting on all arrangements required by the utilities and timely notices provided to residents/business concerning any related utility service disruptions. CPUC and local utilities will monitor the arrangements and notifications.	Prior to and during construction.	Compliance with arrangements made in advance with local utilities for the protection, relocation, or temporary disruption in service and timely provision of utility service disruptions to affected customers (i.e., at least 2 working but not more than 14 calendar days in advance of disruption in service).

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.13: Public Services and Utilities (cont.)									
<b>Impact 4.13-1: Disrupt or relocate regional or local utilities during construction.</b> <b>Mitigation Measure 4.13-1c: Safeguard Employees from Potential Accidents Related to Underground Utilities.</b> When any excavation is open, the construction contractor(s) shall protect, support, or remove underground utilities as necessary to safeguard employees. The contractor(s) shall be required to provide weekly updates to CalAm and construction workers regarding the planned excavations for the upcoming week, and to specify when construction will occur near a high-priority utility (i.e., pipelines carrying petroleum products, oxygen, chlorine, or toxic or flammable gases; natural gas pipelines greater than 6 inches in diameter or with normal operating pressures greater than 60 pounds per square inch gauge; and underground electric supply lines, conductors, or cables that have a potential to ground more than 300 volts that do not have effectively grounded sheaths). Construction managers shall hold regular tailgate meetings with construction staff on days when work near high-priority utilities will occur to review all safety measures regarding such excavations, including measures identified in the Mitigation Monitoring and Reporting Program and in construction specifications. The contractor shall designate a qualified Health and Safety Officer who shall specify a safe distance to work near high-priority utilities. Excavation near such utility lines shall not be authorized until the designated Health and Safety Officer confirms and documents in the construction records that: (1) the line was appropriately located in the field by the utility owner using as-built drawings and a pipeline-locating device; and (2) the location was verified by hand by the construction contractor.	X	X	X	X	X	X	CalAm shall provide the CPUC with copies of construction contracts containing the requirements of this mitigation, the required weekly updates in advance of construction near high-priority utilities, and evidence that construction managers held safety meetings before work near these utilities occurs. CPUC and local utilities will monitor the safety practices of contractors for work near high-priority utilities.	Prior to and during construction.	Compliance with required safety procedures for work near high-priority utilities.
<b>Impact 4.13-1: Disrupt or relocate regional or local utilities during construction.</b> <b>Mitigation Measure 4.13-1d: Emergency Response Plan.</b> Before commencement of construction, CalAm or its contractor(s) shall develop an emergency response plan that outlines procedures to follow in the event of a leak or explosion and submit a copy to the CPUC and MBNMS. The emergency response plan shall identify the names and phone numbers of staff at the potentially affected utilities that would be available 24 hours per day in the event that construction activities cause damage to or rupture of a high-risk utility. The plan shall also detail emergency response protocols, including notification, inspection, and evacuation procedures; any equipment and vendors necessary to respond to an emergency (such as an alarm system); and routine inspection guidelines.	X	X	X	X	X	X	CalAm shall prepare and provide the required Emergency Response Plan to the CPUC for approval prior to commencement of construction and provide documentation demonstrating that the approved Plan is posted at all job sites. CPUC and MBNMS will review the plan and monitor its implementation by contractors.	Prior to and during construction.	Compliance with all components of the approved Emergency Response Plan and post a copy of the Plan at all job sites.
<b>Impact 4.13-1: Disrupt or relocate regional or local utilities during construction.</b> <b>Mitigation Measure 4.13-1e: Notify Local Fire Departments.</b> CalAm or its contractor(s) shall notify local fire departments in advance of any work that is to be performed within or adjacent to a right-of-way that contains a gas utility line, or any time damage to a gas utility line results in a leak or suspected leak, or whenever damage to any utility results in a threat to public safety.	X	X	X	X	X	X	CalAm shall provide copies of all construction contracts demonstrating contractors are required to notify local fire departments in advance of any work in or adjacent to gas utility lines or any time a gas leak occurs/is suspected or damage to a utility results in a public safety threat as well as copies of all such notifications provided to local fire departments. CPUC and MBNMS will monitor notifications.	Prior to and during construction.	Notification of local fire departments in advance of any work in or adjacent to gas utility lines.
<b>Impact 4.13-1: Disrupt or relocate regional or local utilities during construction.</b> <b>Mitigation Measure 4.13-1f: Ensure Prompt Reconnection of Utilities.</b> CalAm or its contractor(s) shall promptly contact utility providers to reconnect any disconnected utility lines as soon as it is safe to do so.	X	X	X	X	X	X	CalAm shall provide the CPUC with documentation demonstrating that prompt contact with utility providers requesting the reconnection of any disconnected utility lines was made. CPUC and MBNMS will monitor notifications.	During construction.	Notification of local utilities to reconnect service lines when it is safe to do so.



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.13: Public Services and Utilities (cont.)</b>									
<b>Impact 4.13-2: Exceed landfill capacity or be out of compliance with federal, state, and local statutes and regulations related to solid waste during construction.</b>  <b>Mitigation Measure 4.13-2: Construction Waste Reduction and Recycling Plan.</b>  The construction contractor(s) shall prepare and implement a construction waste reduction and recycling plan identifying the types of debris the project will generate and the manner in which those waste streams will be handled. In accordance with the California Integrated Waste Management Act of 1989, the plan shall emphasize source reduction measures, followed by recycling and composting methods, to ensure that construction and demolition waste generated by the project is managed consistent with applicable statutes and regulations. In accordance with the California Green Building Standards Code and local regulations, the plan shall specify that all trees, stumps, rocks, and associated vegetation and soils, and 50 percent of all other nonhazardous construction and demolition waste, be diverted from landfill disposal. The plan shall be prepared in coordination with the Monterey Regional Waste Management District and be consistent with Monterey County's Integrated Waste Management Plan. Upon project completion, CalAm shall collect the receipts from the contractor(s) and submit them to the CPUC as documentation that the waste reduction, recycling, and diversion goals have been met.	X	X	X	X	X	X	CalAm shall coordinate with the Monterey Regional Waste Management District in preparing and provide the CPUC with the required Construction Waste Reduction and Recycling Plan for approval prior to the commencement of construction. CalAm shall also collect and provide the CPUC with all receipts and other documentation demonstrating that the Plan's waste reduction, recycling and diversion goals were achieved. CPUC and MBNMS will review the plan and monitor its implementation.	Prior to and during construction.	Compliance with all components of the Construction Waste Reduction and Recycling Plan and document achievement of the Plan's waste reduction, recycling and diversion goals.
<b>Impact 4.13-4: Exceed wastewater treatment requirements of the Central Coast RWQCB, or result in a determination by the wastewater treatment provider that it has inadequate treatment or outfall capacity to serve the project.</b>  <b>Mitigation Measures 4.3-4 and 4.3-5</b>	X	X	X	X	X	X	See above in Mitigation Measures 4.3-4 and 4.3-5		
<b>Impact 4.13-5: Increased corrosion of the M1W outfall as a result of brine discharges associated with project operations.</b>  <b>Mitigation Measure 4.13-5a: Replacement of WEKO seal clamps, Periodic Inspections, and As-Needed Repairs for Offshore Segment of M1W Ocean Outfall.</b>  Prior to operation of the MPWSP Desalination Plant, and as part of an agreement with M1W to use the outfall for brine discharge, CalAm shall protect the offshore segment of the M1W ocean outfall from corrosion, by replacing the existing WEKO seal clamps in the nearshore portion of the ocean outfall with new corrosion-resistant clamps.  Installation of the WEKO seal clamps shall occur prior to relocation of the existing beach junction box to allow for optimal access to the outfall. Construction shall occur in late summer/early fall, during the irrigation season, when flows in the outfall would typically be de minimis; this timing would also be late in the snowy plover nesting season when eggs would have hatched. Access to the offshore portion of the outfall shall be through the existing beach junction box and de minimus flows will continue to be released through the outfall during the installation process. Any emergency high effluent flows resulting from process upsets at the treatment plant or rainfall events, shall be stored and then released through the outfall after the divers have safely exited the outfall.  Construction access shall follow along the existing outfall access road. The staging and work area shall be created on already disturbed ground at the western end of the access road and consist of no larger than a 50 square foot area for divers and diving equipment, a 20-foot container for equipment storage and a 5kw generator (in a sound enclosure) to be used if power is not available onsite. If the beach junction box and discharge pipeline are covered by sand, or if sand needs to be removed for staging, excavation would be accomplished using a backhoe or excavator. Up to one-half acre around the junction structure may be disturbed. Three working shifts per day may be required, and the installation would take approximately 6-8 weeks.  During construction, beach access shall remain open, with the potential exception of extreme high tide events. The contractor shall install temporary fencing around the construction site and construction shall be prohibited outside of the defined construction, staging, and storage areas. Construction work shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas. Construction vehicles operating on		X					Prior to the operation of the MPWSP Desalination Plant, CalAm shall enter into the required agreement with the M1W and provide a copy of that agreement and documentation to the CPUC demonstrating that the existing WEKO seal clamps were replaced in compliance with the MM's timing requirements. CalAm shall also enter into an agreement with M1W to perform the required periodic inspections of the offshore portion of the M1W outfall and diffuser and provide a copy of that agreement to the CPUC as well as documentation and photographs demonstrating compliance with the required inspections and condition of the outfall and diffuser. CPUC, MBNMS, and M1W will monitor the protection of the outfall.	Prior to and during operation of the MPWSP Desalination Plant.	Installation of new corrosion-resistant clamps prior to operations. Periodic inspections of the offshore portion of the M1W outfall and diffuser and any necessary replacement or maintenance required.



**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.13: Public Services and Utilities (cont.)									
the beach shall be rubber-tired, and while in operation shall remain as high on the upper beach as possible to avoid contact with ocean waters and intertidal areas. Any construction materials and equipment placed on the beach shall be stored beyond the reach of tidal waters. Materials intended to be left on the beach overnight must be approved by the Coastal Development Permit issuing and authorizing agencies and shall be subject to a contingency plan for moving materials in the event of a tidal wave/surge. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within 3 days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove construction debris. Construction areas shall maintain good construction site housekeeping controls and procedures (leak/spill clean-up; cover equipment in rain; cover exposed piles of soil/waste; dispose of waste properly; remove construction debris from beach). All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. All exposed slopes and soil surface in and/or adjacent to the construction area shall be stabilized with erosion control best management practices.  CalAm shall enter into an agreement with M1W to perform periodic inspections of the offshore portion of the M1W outfall and diffuser. Annual inspections shall occur for the first three years after the MPWSP Desalination Plant is brought online. Thereafter, the offshore portion of the outfall shall be inspected every five years. During each inspection, photo documentation shall be provided for all areas of inspections, regardless of findings, to provide for photographic comparison over time. All inspections shall include documentation of the thickness of scaling, any exposure or corrosion of reinforcing steel, significant cracking or spalling of concrete, and any pitting of metals. Any necessary repairs to the outfall and/or diffuser shall be identified and performed.									
<b>Impact 4.13-5: Increased corrosion of the M1W outfall and diffuser as a result of brine discharges associated with project operations.</b>  <b>Mitigation Measure 4.13-5b: Install Protective Lining in Land Segment of M1W Ocean Outfall.</b>  Prior to operation of the MPWSP Desalination Plant, and as part of an agreement with M1W to use the outfall for brine discharge, CalAm shall line the land segment of the outfall with a protective liner system.  Installation of the liner shall occur only during the irrigation season (April through September), when flows in the outfall would be minimal. Installation of the liner in any given portion of the land segment is not expected to exceed 7 to 10 days. M1W has identified 10 locations within the M1W right-of-way (see Figure 4.13-1) from which  CalAm or its contractor can access the land segment for installation of the liner; only these locations shall be used. Contractors shall install temporary fencing to denote the access limits for construction crews. The excavation pit at each access point shall be located directly above the outfall pipe and shall not exceed a size of 12 feet by 25 feet. Soils shall be stockpiled within the existing outfall right-of-way, and topsoil shall be stored in a separate pile for use in restoration following installation. Erosion and dust control measures shall comply with the applicable Stormwater Pollution Prevention Plan (SWPPP). After liner installation, the contractor shall restore soil in the pits to nearly pre-construction compaction levels and shall replace stockpiled topsoil to match pre-construction elevations.  To address the small amount of effluent flowing through the portion of the land segment to be lined between April and September, the contractor shall plug and dewater the outfall segment being lined, if needed, and use a 24-inch diameter bypass pipe to divert flows around the affected portion of the outfall.		X					Prior to operation of the MPWSP Desalination Plan CalAm shall provide the CPUC with documentation demonstrating that it lined the land segment of the outfall with a protective liner system during the irrigation season and information on the type and specifications of the protective lining system used.	Prior to operation of the MPWSP Desalination Plant.	Installation of liner system during irrigation season prior to operation of the MPWSP Desalination Plant.
<b>Impact 4.13-C: Cumulative impacts related to public services and utilities.</b>  <b>Mitigation Measures 4.3-4, 4.3-5, 4.13-1a, 4.13-1b, 4.13-1c, 4.13-1d, 4.13-1e, 4.13-1f, 4.13-2, 4.13-5a, and 4.13-5b</b>	X	X	X	X	X	X	See above in Mitigation Measures 4.3-4, 4.3-5, 4.13-1a, 4.13-1b, 4.13-1c, 4.13-1d, 4.13-1e, 4.13-1f, 4.13-2, 4.13-5a, and 4.13-5b		

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact</b> <b>Mitigation Measure</b>									
<b>Section 4.14: Aesthetic Resources</b>									
<b>Impact 4.14-1: Construction-related impacts on scenic resources (vistas, roadways, and designated scenic areas) or the visual character of the project area and its surroundings.</b>  <b>Mitigation Measure 4.14-1: Maintain Clean and Orderly Construction Sites.</b>  As part of contract specifications, CalAm shall include a requirement that the construction contractor(s) keep staging and construction areas as clean and inconspicuous as practicable by storing construction materials and equipment at the proposed construction staging areas or in areas that are generally away from public view when not in use, and by removing construction debris promptly at regular intervals. If necessary, additional appropriate screening (e.g., temporary opaque fencing) shall be used at construction sites to buffer views of construction equipment and material, where the use of such screening materials would not further degrade the visual character or further obstruct views of scenic resources or vistas in the area. Screening is not required for pipeline construction areas.	X		X	X	X	X	CalAm shall provide the CPUC with copies of all construction contracts demonstrating inclusion of the required clean and orderly construction site provisions prior to the commencement of construction, CPUC will monitor the maintenance of construction sites.	Prior to and during construction.	Maintain clean and orderly construction site.
<b>Impact 4.14-2: Temporary sources of substantial light or glare during construction.</b>  <b>Mitigation Measure 4.14-2: Site-Specific Nighttime Lighting Measures.</b>  To prevent exterior lighting from affecting nighttime views, the design, construction, and operation of lighting at MPWSP facilities, shall adhere to the following requirements: <ul style="list-style-type: none"> <li>• Use of low-intensity street lighting and low-intensity exterior lighting shall be required.</li> <li>• Lighting fixtures shall be cast downward and shielded to prevent light from spilling onto adjacent offsite uses.</li> <li>• Lighting fixtures shall be designed and placed to minimize glare that could affect users of adjacent properties, buildings, and roadways.</li> <li>• Fixtures and standards shall conform to state and local safety and illumination requirements.</li> </ul> CalAm shall ensure these measures are implemented at all times during nighttime construction and for the duration of all required nighttime construction activity.	X	X	X	X	X	X	CalAm shall provide the CPUC with documentation demonstrating that all planned construction lighting complies with this measure's requirements prior to the commencement of construction. CPUC will monitor the nighttime lighting measures.	Prior to and during construction.	Prevention of nighttime lighting from affecting nighttime views.
<b>Impact 4.14-3: Permanent impacts on scenic resources (vistas, roadways, and designated scenic areas) or the visual character of the project area and its surroundings.</b>  <b>Mitigation Measure 4.14-3a: Facility Design.</b>  CalAm shall avoid reflective exterior finishes and treat visible structures with earth-tone finishes to reduce contrast with the ground surface and increase compatibility with the visual setting. Primary structures shall be treated with complementary colors in the brown, tan, gray, or green color spectrum, or with other natural colors. Choose paint and exterior finishes to ensure that structures blend into the surrounding landscape.	X		X	X	X	X	CalAm shall provide the CPUC with documentation and photos/colors of the proposed finishes/colors for all exterior finishes and visible structures for approval to ensure all such finishes/structures will be treated with non-reflective, earth-tone finishes as required by this MM. CPUC will review and approve the choice of finishes prior to application.	After construction and during operations.	Application of approved finishes/colors that are compatible with surrounding visual settings.
<b>Impact 4.14-3: Permanent impacts on scenic resources (vistas, roadways, and designated scenic areas) or the visual character of the project area and its surroundings.</b>  <b>Mitigation Measure 4.14-3b: Facility Screening.</b>  CalAm shall ensure that fencing is designed to be minimally intrusive and to complement the architectural character of the proposed facility and the community. Fencing design shall be coordinated with nearby landscaping and MPWSP facility design to ensure all project components blend with the surrounding community and/or natural setting. Native plants, trees, or shrubs shall be used whenever practicable to screen views of the proposed aboveground facilities. Facility screening shall be in keeping with the character of the site and setting, and walled perimeters shall be avoided in natural settings to minimize the dominance of structures.	X		X	X	X	X	CalAm shall provide the CPUC with documentation demonstrating proposed fencing, landscaping and other proposed facility screening methods for approval prior to operation of the facilities.	After construction and during operations.	Installation of approved fencing, landscaping and other facility screening methods to ensure project facilities blend in with surrounding community and/or natural settings.
<b>Impact 4.14-4: Permanent new sources of light or glare.</b>  <b>Mitigation Measure 4.14-2</b>	X	X	X	X	X	X	See above under Mitigation Measure 4.14-2		

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Impact Mitigation Measure</b>									
Section 4.14: Aesthetic Resources (cont.)									
<b>Impact 4.14-C: Cumulative impacts related to aesthetic resources.</b>									
Mitigation Measure 4.14-2									
Section 4.15: Cultural and Paleontological Resources									
<b>Impact 4.15-2: Cause a substantial adverse change during construction in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines or historic properties pursuant to 36 CFR 800.5.</b>									
<b>Mitigation Measure 4.15-2a: Establish Archaeologically Sensitive Areas.</b>									
CalAm shall contract with a qualified archaeologist meeting the Secretary of the Interior’s Qualification Standard (Lead Archaeologist) to prepare and implement an Archaeological Monitoring Plan, and oversee and direct all archaeological monitoring activities during project construction. Archaeological monitoring shall be conducted for all subsurface excavation work within 100 feet of the Castroville Pipeline at Tembladero Slough and the Salinas River; and the Source Water Pipeline in the Lapis Sand Mining Plant Historic District. At a minimum, the Archaeological Monitoring Plan shall:									
<ul style="list-style-type: none"><li>• Detail the cultural resources training program that shall be completed by all construction and field workers involved in ground disturbance;</li><li>• Designate the person(s) responsible for conducting monitoring activities, including Native American monitor(s), if deemed necessary;</li><li>• Establish monitoring protocols to ensure monitoring is conducted in accordance with current professional standards provided by the California Office of Historic Preservation;</li><li>• Establish the template and content requirements for monitoring reports;</li><li>• Establish a schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;</li><li>• Establish protocols for notifications in case of encountering cultural resources, as well as methods for evaluating significance, developing and implementing plan to avoid or mitigate significant resource impacts, Native American participation and consultation, collection and curation plan, and consistency with applicable laws including Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code;</li><li>• Establish methods to ensure security of cultural resources sites;</li><li>• Describe the appropriate protocols for notifying the County, Native Americans, and local authorities (i.e. Sheriff, Police) should site looting and other illegal activities occur during construction with reference to Public Resources Code 5097.99.</li></ul>									
During the course of the monitoring, the Lead Archaeologist may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to encounter resources.									
If archaeological materials are encountered, all soil disturbing activities within 100 feet of the find shall cease until the resource is evaluated. The Lead Archaeologist shall immediately notify the CPUC and MBNMS of the encountered archaeological resource. The Lead Archaeologist shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological resource, present the findings of this assessment to the Lead Agencies. In the event archaeological resources qualifying as either historical resources pursuant to CEQA Section 15064.5 or as unique archaeological resources as defined by Public Resources Code 21083.2 are encountered, preservation in place shall be the preferred manner of mitigation.									
X	X	X	X	X	X	X	CalAm shall provide the CPUC with the name and qualifications of its archaeologist and a copy of the required Archaeological Monitoring Plan (including a proposed Archaeological Research Design and Treatment Plan) for approval prior to commencement of construction. CPUC and MBNMS will monitor the implementation of the plan.	Prior to and during construction.	Compliance with all components of the approved Plan and protecting archaeologically sensitive areas. Implementation of the ARDTP.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
<b>Section 4.15: Cultural and Paleontological Resources (cont.)</b>									
If preservation in place is not feasible, the applicant shall implement an Archaeological Research Design and Treatment Plan (ARDTP). The Lead Archaeologist, Native American representatives, MBNMS and the CPUC shall meet to determine the scope of the ARDTP. The ARDTP will identify a program for the treatment and recovery of important scientific data contained within the portions of the archaeological resources located within the project Area of Potential Effects (APE); would preserve any significant historical information obtained and will identify the scientific/historic research questions applicable to the resources, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The results of the investigation shall be documented in a technical report that provides a full artifact catalog, analysis of items collected, results of any special studies conducted, and interpretations of the resource within a regional and local context. All technical documents shall be placed on file at the Northwest Information Center of the California Historical Resources Information System.									
<b>Impact 4.15-2: Cause a substantial adverse change during construction in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines or historic properties pursuant to 36 CFR 800.5.</b>  <b>Mitigation Measure 4.15-2b: Inadvertent Discovery of Cultural Resources.</b> Following implementation of Mitigation Measure 4.15-2a, if prehistoric or historic-era cultural materials are encountered, all construction activities within 100 feet shall halt and the Lead Agencies shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.  For discoveries on lands other than Army-owned lands, a Secretary of the Interior-qualified archaeologist shall inspect the find within 24 hours of discovery. If the find is determined to be potentially significant, the archaeologist, in consultation with MBNMS, the CPUC and the appropriate Native American representative shall determine whether preservation in place is feasible. Consistent with CEQA Guidelines Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist, in consultation with the Lead Agency and the appropriate Native American representative, shall prepare and implement a detailed Archaeological Research Design and Treatment Plan (ARDTP). Treatment of unique archaeological resources shall follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The ARDTP shall include provisions for analysis of data in a regional context, reporting of results within a timely manner and subject to review and comments by the appropriate Native American representative before being finalized, curation of artifacts and data at a local facility acceptable to the appropriate Native American representative, and dissemination of final confidential reports to the appropriate Native American representative, the Northwest Information Center of the California Historical Resources Information System, the CPUC, MBNMS and interested professionals.  If cultural resources are inadvertently discovered during construction on Army-owned property, work shall immediately cease within a 100-foot radius of the find and the Army, Presidio of Monterey, Cultural Resources Manager (CRM) will be contacted to assess the discovery. For discoveries on Army lands, the CRM will implement procedures set forth in the Presidio's Integrated Cultural Resources Management Plan (ICRMP) and Army Regulation (AR 200-1), which may include completion of consultation under Section 106 of the National Historic Preservation Act (NHPA) prior to resuming construction in the vicinity of the find. CalAm shall be responsible for completing any additional archaeological work required to comply with federal regulations.	X	X	X	X	X	X	The archaeologist hired by CalAm will notify MBNMS and CPUC if prehistoric or historic-era cultural materials are encountered and will halt construction activities within 100 feet of the found materials. If the find is determined to be potentially significant, the archaeologist, in consultation with MBNMS, the CPUC and the appropriate Native American representative shall determine whether preservation in place is feasible. If avoidance is not feasible, the archaeologist will prepare implement an ARDTP. CPUC, MBNMS, the U.S. Army, and Native American representatives will monitor the implementation of protocols and the ARDTP in the event of a find.	Prior to and during construction.	Implementation of construction protocols to protect cultural resources found during construction. Halting construction and implementation of the ARDTP.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.15: Cultural and Paleontological Resources (cont.)									
<b>Impact 4.15-4: Disturbance of any human remains, including those interred outside of formal cemeteries, during construction.</b> <b>Mitigation Measure 4.15-4: Inadvertent Discovery of Human Remains.</b>  In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease. For discoveries on lands other than Army-owned lands, the Monterey County Coroner shall be contacted immediately. The Coroner then has two working days to determine if the remains are Native American. If the remains are determined to be Native American, and no investigation of the cause of death is required, the Native American Heritage Commission (NAHC) shall be contacted within 24 hours. The NAHC shall then identify and contact the person or persons it believes to be the Most Likely Descendant (MLD)* of the deceased Native American(s), who in turn would make recommendations to the project applicant, MBNMS and the CPUC for the appropriate means of treating the human remains and any grave goods.  If human remains are encountered during construction on Army-owned property, work shall cease within a 100-foot radius of the discovery and the CRM shall be notified immediately. The CRM shall initially evaluate the site to determine if the remains are either Native American in origin or associated with a recent crime scene (i.e. 50 years old or less). If the remains appear recent, the CRM shall notify the Army’s Criminal Investigation Command who shall assume control of the crime scene and custody of the remains. If the remains appear to be Native American in origin, the CRM shall notify the Presidio Garrison Commander and implement procedures set forth in Section 3 of the Native American Graves Protection and Repatriation Act.	X	X	X	X	X	X	In the event human remains are found during construction, all work shall stop and the archaeologist will contact either the Monterey County Coroner or the Army CRM for their assessment. If the remains are determined to be Native American, the archaeologist will contact the NAHC for further identification and notification of Native American representatives. CPUC, MBNMS, the U.S. Army, and Native American representatives will monitor the implementation of protocols.	During construction.	Implementing protocols of identification and notification in the event human remains are encountered.
Section 4.16: Agricultural Resources									
<b>Impact 4.16-1: Result in changes in the existing environment that, due to their location or nature, could temporarily disrupt agricultural activities or result in the permanent conversion of farmland to non-agricultural use.</b> <b>Mitigation Measure 4.16-1: Minimize Disturbance to Farmland.</b>  CalAm and its construction contractor(s) shall incorporate the following measures into construction plans and specifications for all construction activities located in farmland areas to minimize adverse impacts on farmland: <ul style="list-style-type: none"><li>CalAm shall notify affected property owners at least 90 days prior to initiating construction activities that have the potential to interfere with agricultural operations.</li><li>Construction contractor(s) shall minimize the extent of the construction disturbance, including construction access, in agricultural areas to the maximum extent feasible. Minimization efforts shall include, but not be limited to, consulting with affected property owners to schedule construction activities to minimize impacts during planting, growing, and/or harvest seasons.</li><li>During excavation and other earthmoving activities in designated farmland areas, the surface and subsurface soil layers shall be stockpiled separately when trenches are excavated. Segregated topsoil and subsoil shall be maintained and kept separated throughout all construction activities, and these soils shall subsequently be used to backfill excavations and shall be returned to its appropriate location in the soil profile.</li><li>To avoid over-compaction of the top layers of soil, soil densities shall be measured prior to the start of construction activities, and surface soil (roughly the upper 3 feet of soil) shall be backfilled to within 5 percent of the original density.</li><li>If necessary, following construction activities, the uppermost 3 feet of soil shall be ripped to achieve the appropriate soil density (within 5 percent of the original). Ripping may also be used in areas where vehicle and equipment traffic has compacted the topsoil layers.</li></ul>			X			X	CalAm shall provide the CPUC with documentation that the required farmland disturbance minimization measures are incorporated into all construction plans and specifications for construction activities located in farmland areas prior to the commencement of construction and provide the CPUC copies of all required notices provided to affected property owners. CPUC and MBNMS will monitor implementation of measures to minimize disturbance to farmlands.	Prior to and during construction.	Implementation of measures to minimize disturbance to farmland.

**TABLE 1 (Continued)**  
**CALAM MONTEREY PENINSULA WATER SUPPLY PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact Mitigation Measure	Applicable Site(s)						Monitoring and Reporting Program		Effectiveness Criteria
	Intake Site	Offshore Brine Discharge Site	Desalination Plant Site	ASR	Carmel Valley Pump Station	Conveyance Pipelines	Monitoring and Reporting Actions: <i>CalAm Reports On, and the CPUC Monitors all Mitigation Measures</i>	Implementation Schedule	
Section 4.16: Agricultural Resources (cont.)									
<ul style="list-style-type: none"><li>Existing agricultural drainage systems shall be inspected before and after construction to ensure they function as needed.</li><li>Disturbed areas shall be restored to pre-construction conditions following construction.</li></ul>									
Impact 4.16-C: Cumulative impacts related to agricultural resources.			X			X	See above under Mitigation Measure 4.16-1		
Mitigation Measure 4.16-1									
Section 4.18: Energy Conservation									
Impact 4.18-1: Use large amounts of fuel and energy in an unnecessary, wasteful, or inefficient manner during construction and decommissioning.	X	X	X	X	X	X	See above under Mitigation Measure 4.10-1b		
Mitigation Measure 4.10-1b									
Impact 4.18-1: Use large amounts of fuel and energy in an unnecessary, wasteful, or inefficient manner during construction and decommissioning.	X	X	X	X	X	X	CalAm shall provide the CPUC with the name and qualifications of the professional who prepared as well as a copy of the required Construction Equipment Efficiency Plan for approval at least 30 days prior to commencement of construction and at least 30 days prior to subsequent decommissioning activities. CPUC and MBNMS will review and approve the plan and monitor its implementation.	Prior to and during construction.	Compliance with all components of the approved Construction Equipment Efficiency Plan to ensure increased energy efficiency during construction and decommissioning.
Mitigation Measure 4.18-1: Construction Equipment and Vehicle Efficiency Plan. CalAm shall contract a qualified professional (i.e., construction planner/energy efficiency expert) to prepare a Construction Equipment Efficiency Plan that identifies the specific measures and performance standards that CalAm (and its construction contractors) will implement as part of project construction and decommissioning to increase the efficient use of construction equipment and vehicles to the maximum extent feasible. Such measures shall include, but not necessarily be limited to: procedures to ensure that all construction equipment is properly tuned and maintained at all times; requirement to provide options for worker carpooling; a commitment to utilize existing electricity sources where feasible rather than portable diesel-powered generators; and identification of procedures (including the routing of haul trips) that will be followed to ensure that all materials and debris hauling is conducted in a fuel-efficient manner. The plan shall be submitted to CPUC and the Sanctuary for review and approval at least 30 days prior to the beginning of construction activities and at least 30 days prior to the beginning of decommissioning activities.									
Impact 4.18-3: Constrain local or regional energy supplies, require additional capacity, or affect peak and base periods of electrical demand during operations.	X	X	X	X	X	X	See above under Mitigation Measure 4.11-1		
Mitigation Measure 4.11-1									
Impact 4.18-C: Cumulative impacts related to energy conservation.	X	X	X	X	X	X	See above under Mitigation Measures 4.10-1b and 4.18-1		
Mitigation Measures 4.10-1b and 4.18-1									
Section 4.20: Socioeconomics and Environmental Justice									
Impact 4.20-1: Reductions in the rate of employment, total income, or business activity in Monterey County.	X	X	X	X	X	X	See above under Mitigation Measure 4.9-1		
Mitigation Measure 4.9-1									
Impact 4.20-2: Disproportionately high and adverse effects on low-income or minority populations.	X	X	X	X	X	X	See above under Mitigation Measures 4.10-1a through 4.10-1e		
Mitigation Measures 4.10-1a through 4.10-1e									
Impact 4.20-C: Cumulative impacts related to socioeconomics and environmental justice.	X	X	X	X	X	X	See above under Mitigation Measures 4.9-1 and 4.10-1a through 4.10-1e		