FINDINGS FOR MARINA COAST WATER DISTRICT FACILITIES OF THE REGIONAL DESALINATION PROJECT ELEMENT OF PHASE I OF THE REGIONAL PROJECT ALTERNATIVE OF THE COASTAL WATER PROJECT

I. INTRODUCTION

On September 20, 2004, California-American Water Company ("CAW") filed Application No. 04-09-019 seeking approval of a project designated the "Coastal Water Project" from the California Public Utilities Commission ("CPUC"). Application No. 04-09-019 remains pending before the CPUC. Marina Coast Water District ("MCWD") and Monterey County Water Resources Agency ("MCWRA") have been active parties in the CPUC proceedings for Application No. 04-09-019, although the CPUC does not have jurisdiction over either MCWD or MCWRA.

On January 30, 2009, the CPUC, acting as Lead Agency under California Environmental Quality Act ("CEQA"), issued a Draft Environmental Impact Report ("Draft EIR," State Clearinghouse No. 200610104) analyzing the potential environmental impacts of the Coastal Water Project, which consists of three alternative project proposals. The CPUC duly received and analyzed extensive public comment on the Draft EIR, including comments from MCWD, MCWRA, and CAW. On December 17, 2009, in CPUC Decision No. 09-12-017, the CPUC, as the lead agency under CEQA, certified a Final Environmental Impact Report ("Final EIR"), which describes an alternative project variously referred to as the "Regional Alternative" and "Regional Project" and "Phase I of the Regional Project." On March 24, 2010, an addendum to the Final EIR ("Addendum") was released, which responds to comment letters that had been inadvertently omitted from the Final EIR and includes an errata list to the Final EIR. The term "Final EIR" as used in these findings includes the addendum. Other minor errata to the Final EIR that may be brought forward are hereby considered corrected as well; these include certain inconsistencies between the Executive Summary of the Final EIR and the text of Section 6.

As described in the Final EIR, Phase I of the Regional Project contemplates the development, construction, and operation of a regional desalination water supply project. The Final EIR envisions that MCWD, MCWRA, and CAW would own and operate various project components. MCWD, MCWRA and CAW have negotiated terms and conditions, as set forth in a proposed "Water Purchase Agreement," to implement the regional desalination project element of the project described and analyzed as Phase I of the Regional Project in the Final EIR. The other elements of Phase 1, including recycled water and aquifer storage and recovery, will be coordinated with the desalination element but are not part of the Water Purchase Agreement. The project which is the subject of the Water Purchase Agreement and the focus of these findings is referred to as the "Regional Desalination Project." Under the Water Purchase Agreement, MCWRA would design, construct, own and operate, in consultation with CAW and

MCWD, a series of wells ("Source Water Wells") that would extract brackish source water for conveyance to the desalination plant and a portion of the pipeline and appurtenant facilities (collectively, "Intake Facilities") that would convey the brackish water to a desalination plant that would be owned and operated by MCWD. MCWD would own and operate the Brackish Source Water Receipt Point Meter and a portion of the Brackish Source Water Pipeline, the Desalination Plant, the MCWD Meter, the CAW Meter, the MCWD Pipeline, the MCWD Product Water Pipeline, the MCWD Outfall Facilities (facilities to connect to the regional outfall facilities owned and operated by the Monterey Regional Water Pollution Control Agency ("MRWPCA"))[1], and any related facilities. The components of the Regional Desalination Project that would be owned and operated by MCWD are herein after referred to as the "MCWD Facilities". The remainder of the project components would be constructed, owned, and operated by CAW.

MCWD's connection to the MRWPCA Outfall Facilities would be in accordance with an Outfall Agreement dated January 20, 2010, between MCWD and MRWPCA. The Outfall Agreement provides terms and conditions for planning, designing, conducting environmental review, permitting, financing, operation and maintenance, scheduling, quality requirements, term, priorities, and fair compensation to MRWPCA for MCWD's connection to and use of the MRWPCA's regional treatment plant outfall to transport desalination brine for ocean discharge, in accordance with the Final EIR and subsequent, discretionary approvals by appropriate agencies for a project to discharge an amount and strength of saline water (brine) not exceeding that analyzed in the FEIR.

MCWD, MCWRA, and CAW, as a part of a comprehensive settlement of the issues pending before the CPUC in Application A.04-09-019, have negotiated a Settlement Agreement and certain other agreements contemplated by the Settlement Agreement, including the Water Purchase Agreement. The Water Purchase Agreement would allow for the development, construction, and operation of the Regional Desalination Project to occur in accordance with the Final EIR. The Water Purchase Agreement also provides that MCWD and MCWRA would act as responsible agencies in accordance with CEQA to implement the Regional Desalination Project. Execution of the Settlement Agreement and Water Purchase Agreement by MCWD, MCWRA, and CAW would be conditioned on final approval by the CPUC and all other conditions precedent set forth in Article 25 of the Water Purchase Agreement.

MCWD, in coordination with MCWRA and CAW, determines and finds that Phase I of the Regional Project is the least costly of the proposed alternatives, the most feasible of the alternatives, and is in the best interests of the customers served by MCWD and CAW. MCWD also determines and finds, in coordination with MCWRA and CAW, that Phase I of the Regional Project serves the public interest and is consistent with the Monterey County Water Resources Agency Act, California Water Code Appendix sections 52-3 *et seq.* ("Agency Act"), and all other applicable legal requirements. MCWD further determines and finds, in coordination with MCWRA and CAW, that time is of the essence and that Phase I of the Regional Project, including and primarily because of the Regional Desalination Project, provides the most expeditious and efficient alternative to satisfy the project objectives set forth below and in further detail in the Final EIR.

[1] The MRWPCA's facilities are referred to in these findings as "MRWPCA's Outfall Facilities."

These Findings address the environmental effects of MCWD implementing components of Phase I of the Regional Project that are under MCWD's review authority as a responsible agency (specifically, those components that MCWD will own and operate) in accordance with the Final EIR and as set forth in the Settlement Agreement and Water Purchase Agreement. These findings do not address facilities that would be owned and operated by other entities. MCWD hereby acknowledges that there are implementation requirements of the mitigation measures for significant impacts of Phase I of the Regional Project which are outside the control and authority of MCWD. For those requirements, implementation is the responsibility of other Parties, such as CAW or MCWRA. Although not anticipated based on the provisions and terms of the Settlement Agreement and Water Purchase Agreement, to the extent that those agencies do not implement the mitigation measures as prescribed in the EIR to reduce impacts to a less-than-significant level as identified in the Final EIR, significant and unavoidable impacts would remain. For those impacts that may be considered significant and unavoidable due to lack of, or inadequate, implementation by the other Parties, the statement of overriding considerations in (Section XI) would apply. Should changes to the MCWD facilities or elimination of mitigation measures occur during design, supplemental CEQA documentation would be prepared, as needed.

II. PROJECT DESCRIPTION

As described in the Final EIR, the Coastal Water Project alternatives are the result of a multi-year public involvement and planning effort that included the analysis and consideration of several alternatives. The project objectives are as follows:

1. Satisfy CAW's obligations to meet the requirement of SWRCB Order 95-10 to find alternative water sources in order to reduce diversions from the Carmel River;

2. Diversify and create a reliable drought-proof water supply;

3. Protect the Seaside basin for long-term reliability;

4. Protect listed species in the riparian and aquatic habitat below San Clemente Dam;

5. Protect the local economy from the effects of an uncertain water supply;

6. Minimize water rate increases by creating a diversified water supply portfolio;

7. Minimize energy requirements and greenhouse gas emissions per unit of water delivered to the extent possible;

8. Explore opportunities for regional partnerships, consistent with the CPUC's direction in Decision No. 03-09-0222; and

9. Avoid duplicative facilities and infrastructure.[2]

[2] The final three objectives were developed by the CPUC during preparation of the EIR and were not part of the CAW's proposed project submittal.

The Final EIR sets forth three water supply project alternatives that have been analyzed at a project level of detail, each of which can satisfy the objectives described above. The three project alternatives are (1) the Moss Landing Power Plant, (2) the North Marina Alternative, and (3) Phase I of the Regional Project.

A. Moss Landing Power Plant

The Moss Landing Power Plant would be sited on 16 acres at the Moss Landing Power Plant and would be owned and operated by CAW. The Moss Landing Power Plant would include a desalination plant sized to produce 10 million gallons per day (mgd) of desalinated water. The Moss Landing Power Plant would also include a seawater intake system using source water supplied from the existing Moss Landing Power Plant once-through cooling water return system, an open-water brine discharge system through the Moss Landing Power Plant, and a variety of conveyance and storage facilities, including approximately 28 miles of pipeline and an aquifer storage and recovery system. The aquifer storage and recovery system would consist of two existing and two proposed injection / extraction wells. The Moss Landing Power Plant would produce 8,800 afy of desalinated water in non-drought years (and 10,900 afy in drought years) that would be delivered to CAW's Terminal Reservoir for distribution to its customers. The Moss Landing Power Plant also would include certain storage, delivery and distribution components that would be owned and operated by CAW.

B. North Marina Alternative

The North Marina Alternative consists of much of the same infrastructure as the Moss Landing Power Plant. The North Marina Alternative would also be owned and operated by CAW, but the desalination plan would be sited on 10 acres at the Armstrong Ranch (near the Monterey Regional Water Pollution Control Agency's wastewater treatment plant site) and sized to produce 11 mgd of desalinated water. The North Marina Alternative would utilize a seawater intake system consisting of six new subsurface beach slant wells, an open-water brine discharge system through the existing Monterey Regional Water Pollution Control Agency ("MRWPCA") outfall, project water conveyance and storage infrastructure, including several miles of pipeline and an aquifer storage and recovery system. The main differences between the Moss Landing Power Plant and the North Marina Alternative are the location and size of the desalination plant, the intake technology, and the outfall.

The North Marina Alternative is anticipated to produce 8,800 afy of desalinated water in non-drought years (and 10,900 afy in drought years) that would be delivered to CAW customers. Any source water that originated from the Salinas Valley Groundwater Basin (as measured by salinity) would be returned to the Basin through deliveries to the Castroville Seawater Intrusion Project ("CSIP"). Because modeling indicates that source water pumped from the slant wells over the long term could include a small amount of intruded groundwater from the Salinas Valley Groundwater Basin, the North Marina Alternative includes a provision for excess desalinated water to be returned to the Salinas Valley Groundwater Basin via the CSIP's storage pond and distribution to CSIP agricultural users. Thus, desalinated water would be delivered to the CAW Terminal Reservoir for distribution to its customers and to the CSIP pond for distribution to the Salinas Valley Groundwater Basin.

C. The Regional Desalination Project

The Regional Desalination Project will provide 10,500 AFY and include the facilities described in the Final Environmental Impact Report (FEIR) for the California American Water Company Coastal Water Project (CPUC, dated October 30, 2009, and certified by the CPUC on December 17, 2009). The water will go towards meeting the following needs:

- Meet the requirements of the State Water Resources Control Board (SWRCB) Order 95-10 and offset the reduced diversion from the Carmel River;
- Respond to the adjudication of the Seaside Groundwater Basin and provide additional supply necessary to offset reductions in allowable pumping from the Seaside Groundwater Basin; and
- Meet the approved redevelopment needs of the former Fort Ord as documented in the Fort Ord Reuse Plan.

Of the 10,500 AFY produced by the Regional Desalination Project, CAW will receive 8,800 AFY for use on the Monterey Peninsula and in the Cities of Seaside and Sand City, and MCWD will receive 1,700 AFY of water for use in the City of Marina and the former Fort Ord Redevelopment Area.

The Project Facilities include components owned by three public agencies; MCWD, MCWRA, and MRWPCA. In addition to the Project Facilities, the CAW facilities shall serve as distribution facilities to serve the CAW Service Area and are owned by CAW.

The Project Facilities are described in more detail in the following paragraphs. The descriptions shown are based on the Regional Project Facilities as described in the FEIR for the California American Company Coastal Water Project. It should be noted that facility and pipeline sizing, alignment, and location are based on preliminary information developed for the FEIR and some details of the Regional Desalination Project will change as a result of detailed engineering that will be completed during development of the Preliminary Design Documents. Appropriate supplemental CEQA documentation for any changes in project design would be prepared, if necessary.

1. MCWRA-Owned Facilities. The MCWRA-Owned Facilities include six Brackish Source Water Wells and Brackish Source Water Well Meter, a portion of the Brackish Source Water Pipeline, the Inland Water Monitoring Wells, and any related facilities.

   a. Brackish Source Water Wells and Brackish Source Water Well Meter: The feed water to the Desalination Plant will be from six Brackish Source Water Wells, which will be drilled and perforated in the 180-Foot Aquifer of the Salinas Basin. The Brackish Source Water Wells will be located within a band along the eastern edge of the beach dunes and west of Highway 1, between the Salinas River and Reservation Road. The final location and configuration of the Brackish Source Water Wells will be determined during development of the Preliminary Design Documents. Each Brackish

Source Water Well location will consist of an approximately 50-foot by 50-foot fenced area that contains the wellhead facilities including pump, motor, meter, electrical, and related facilities.

b. Brackish Source Water Pipeline: Brackish water from the Brackish Source Water Wells will be conveyed in a 42-inch diameter pipeline to the Brackish Source Water Receipt Point Meter located near the intersection of Charlie Benson Road and Del Monte Boulevard. The MCWRA portion of the Brackish Source Water Pipeline is approximately 10,000 feet long (final pipeline alignment and location of metering structure to be determined during development of the Preliminary Design Documents). The Brackish Source Water Pipeline would also include appurtenances to facilitate operations and maintenance including air valves, blowoffs, and isolation valves.

c. Inland Water Monitoring Wells: The MCWRA will implement a groundwater monitoring program to verify that the Regional Desalination Project supports the Salinas Basin objectives. To assess the potential effects related to this Regional Desalination Project, the MCWRA will utilize its existing network of monitoring wells and may expand that network in the future, if necessary and subject to compliance with CEQA at that time. The well placement and measurement frequency will provide information to accurately represent the groundwater elevations in the 180-Foot Aquifer and correlative strata near Marina and in the North County area.

2. MCWD-Owned Facilities. The MCWD-Owned Facilities include the Brackish Source Water Receipt Point Meter and a portion of the Brackish Source Water Pipeline, the Desalination Plant, the MCWD Meter, the CAW Meter, the MCWD Product Water Pipeline, the MCWD Outfall Facilities, and any related facilities.

a. Brackish Source Water Receipt Point Meter and Pipeline: The MCWD Brackish Source Water pipeline includes the Brackish Source Water Receipt Point Meter located near the intersection of Charlie Benson Road and Del Monte Boulevard, and approximately 10,000 feet of 42-inch diameter pipeline to convey brackish water from the meter to the Desalination Plant (final pipeline alignment and location of metering structure to be determined during development of Preliminary Design Documents). The MCWD Brackish Source Water Pipeline would also include appurtenances to facilitate operations and maintenance including air valves, blowoffs, and isolation valves.

b. Desalination Plant: The Desalination Plant would be located in the northwest portion of a 220-acre parcel being purchased by MCWD from Armstrong Ranch. The proposed Desalination Plant would occupy approximately 10 acres and would include the following facilities:

- Pretreatment System
- Reverse Osmosis System
- Post Treatment Conditioning
- Residuals Management System
- Chemical Feed and Storage Facilities
- Non-Process Facilities

(i) Pretreatment System: Pretreatment processes at the site include horizontal multi-media pressure filters, anti-scalant chemical addition, pH adjustment, and potential ultraviolet (UV) pre-treatment for biofouling control. Pretreatment facilities will receive flow directly from the inlet pipeline at a pressure supplied by the intake wells. The filters are included as a precaution to potential iron and manganese levels in the intake water.

(ii) Reverse Osmosis System: The design criteria for the Desalination Plant are shown below in Table 1. The Desalination Plant would utilize membranes and vessels mounted in modules (arrays) with each array having a peak capacity of 2.0 MGD. Six arrays would be installed to provide a firm capacity of 10 MGD even with one train out of service for maintenance. The technologies proposed for the Desalination Plant are proven technologies and include high pressure feed pumps, RO membrane units, an intermediate break tank, as well as all components for RO system maintenance, such as pumps and tanks used for membrane flushing and chemical cleaning. The selection of membranes and overall plant treatment process for the Desalination Plant is dictated by the Brackish Source Water and by the disinfection limits and water quality goals. The treatment goals for the Desalination Plant have been developed consistent with CDPH requirements, with the exception of boron, chloride and sodium. A more stringent water quality goal will be used for boron (0.5 m/l), chloride (100 mg/l) and sodium (80 mg/l) to provide protection against horticultural toxicity. A partial second-pass system

is included so that appropriate Product Water quality for boron, chloride, and sodium can be achieved.

Table 1 Overall Plant Design Criteria

Item	Units	Value
Feed Water Quality[a]		
Maximum TDS-design basis	mg/L	35,000
Average TDS[b]	mg/L	29,000
Plant Design Criteria		
Percent Recovery - 1st pass	%	45%
Percent Recovery - 2nd pass	%	90%
Percent of First Pass Permeate Flow to Second Pass	%	40%
Overall Plant Recovery	%	44%
Plant Treatment Capacity	MGD	10.0
Product Water (Permeate) Annual Production	AFY	10,500

[a] Predicted Total Dissolved Solids (TDS) concentration from GEOSCIENCE Support Services, Inc. (2008).
[b] The minimum TDS concentration is to be determined from ongoing water quality testing. The RO design is to be evaluated for treating raw water of lower TDS than the maximum TDS concentration.

(iii) Post-Treatment Conditioning: The post-treatment processes for water produced at the treatment facility include re-mineralization with lime, re-carbonation with CO2, pH adjustment with sodium hydroxide, and disinfection with sodium hypochlorite. The product water will subsequently be stored in two 1.5 million gallon (MG) clearwells prior to distribution.

(iv) Residuals Management System: The brine stream from the reverse osmosis process will be discharged through the MRWPCA Outfall Facilities via the MCWD Outfall Facilities, consisting of a 2,500-foot-long, 36-inch diameter brine return pipeline extending from the Desalination Plant to the MRWPCA Outfall Facilities. A storage tank/reservoir located at the Desalination Plant will be used to equalize brine before it is conveyed to the MRWPCA Outfall Facilities. Backwash from the horizontal multi-media pressure filters will be discharged along with the plant's brine flow or will be recycled back to MRWPCA's headworks, pending additional analysis during development of the Preliminary Design Documents. The regenerating chemicals used to clean the RO membranes will be discharged into a separate collection sump. Depending on the strength and nature of these waste chemical solutions, they would either be neutralized and discharged along with the plant's brine flow, or they would

be pumped into tank trucks and transported to an appropriate offsite disposal site.

(v) Chemical Feed and Storage Facilities: Various chemicals to be used during treatment would be stored and processed onsite. The chemicals include sodium hypochlorite, sodium bisulfite, antiscalant, carbon dioxide, citric acid, sodium hydroxide, and EDTA.

(vi) Non-Process Facilities: The Desalination Plant would include non-process facilities, including an administration and operations building, laboratory facilities, chemical buildings, pump housing, parking lot, access roads, and an electrical building.

c. MCWD Product Water Pipeline and the Meters: A pump station located at the Desalination Plant site will pump the treated water approximately 37,000 feet through a 36-inch diameter force main to the Delivery Point located near First Street and Beach Range Road. The Delivery Point facilities include the CAW Meter, a metering structure to measure the flow delivered to CAW, and the MCWD Meter, a metering structure to measure the flow delivered to MCWD. Both pipelines would also include appurtenances to facilitate operations and maintenance including air valves, blowoffs, and isolation valves. The final pipeline alignments and location of metering structures will be determined during development of Preliminary Design Documents, and will be subject to CEQA compliance, if necessary.

3. MRWPCA-Owned Facilities. The MRWPCA owns the existing MRWPCA Outfall Facilities which consists of 12,742 lineal feet of buried land pipeline, and 11,286 lineal feet of underwater ocean pipeline. The diameter varies between 48 inches and 60 inches. The capacity of the MRWPCA Outfall Facilities as currently configured is 65 mgd. MCWD will purchase capacity in the MRWPCA Outfall Facilities for disposal of brine in accordance with the Outfall Agreement between MCWD and MRWPCA dated January 20, 2010. In addition to the outfall, MRWPCA will construct a Brine Receiving Facility (as defined in the Outfall Agreement) which will include facilities for holding, mixing, dilution, sampling, neutralization, aeration, treatment, and metering of influent Brine. The Brine Receiving Facility will be owned by the MRWPCA, but shall be partially funded in accordance with the terms of the Outfall Agreement by MCWD as part of the Initial Capital Outfall Expenses for the Project Facilities.

4. CAW-Owned Facilities. The CAW Facilities include the distribution system needed to convey the Product Water from the Delivery Point

downstream of the CAW Meter to the CAW distribution system, plus other in-system improvements. None of the facilities owned by CAW and downstream of the CAW Meter are part of the Project Facilities.

The remainder of this document refers to the Regional Desalination Project as the "Project."

III. ENVIRONMENTAL REVIEW OF THE PROJECT

Pursuant to the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* and the CEQA Guidelines, California Code Regulations, Title 14 sections 15000 *et seq.* (collectively "CEQA") the CPUC prepared an EIR that analyzes the environmental effects of the Project. For the purposes of CEQA, the CPUC is the lead agency for the EIR and MCWD is a responsible agency. Pursuant to CEQA Guidelines section 15096, MCWD responded to consultation from the CPUC, attended meetings to discuss the scope and content of the EIR, and commented on the Draft EIR.

The CPUC prepared a Notice of Preparation (NOP), which was circulated to local, state, and federal agencies on September 29, 2006. Comments were requested by November 9, 2006. During the scoping period, the CPUC held a series of four scoping meetings in Castroville, Monterey, and Seaside to discuss the Project and to solicit public input as to the scope and content of an EIR. On December 22, 2006, the CPUC issued a scoping report, summarizing issues and concerns identified by the public and various agencies during the scoping project. The scoping report was available for review on the internet and was mailed to agencies and individuals who requested copies.

The Draft EIR was circulated for public review and comment in accordance with CEQA. The Draft EIR was released on January 30, 2009 with a 75-day review period that ended on April 1, 2009. During the review period the CPUC conducted four public participation meetings: on March 2, 2009 in Seaside (in both the afternoon and evening), on March 3, 2009 in Castroville, and on March 4, 2009 in Carmel.

Following circulation of the Draft EIR and incorporation of public comments and responses to comments, the CPUC published a Final Environmental Impact Report ("Final EIR") on October 30, 2009. The Final EIR was then review by a CPUC administrative law judge, who submitted a proposed decision to the CPUC concerning certification of the Final EIR. On December 17, 2009, the CPUC issued Decision D.09-12-108, certifying the Final EIR. On March 24, 2010, an addendum to the Final EIR ("Addendum") was released, which responds to comment letters that had been inadvertently omitted from the Final EIR and includes an errata list to the Final EIR. The term "Final EIR" as used in these findings includes the addendum.

As a responsible agency under the Coastal Water Project Final EIR, MCWD intends to rely upon the Final EIR in its decision whether or not to approve a Settlement Agreement and certain other agreements from the proceedings of the CPUC consideration of Application A.04-09-019. Pursuant to Section 15096 of the CEQA Guidelines, the process for a responsible agency does not require certification of the Final EIR. MCWD has chosen to rely on the Final EIR as the basis of the findings, herein.

IV. DESCRIPTION OF THE RECORD

For purposes of CEQA and these Findings, the record before the Board of Directors is composed of all non-privileged documents relating to the Project in MCWD's files on this matter, including without limitation:

- The Notice of Preparation for the Coastal Water Project;
- The Draft EIR for the Coastal Water Project;
- The Final EIR for the Coastal Water Project;
- The Mitigation Monitoring and Reporting Plan ("MMRP") attached to these Findings;
- All staff reports and presentation materials related to the Project, including internal reports and analyses prepared by consultants for MCWD, MCWRA, and/or CAW;
- All studies conducted for the Project and contained in, or referenced by, staff reports, the Draft EIR, the Final EIR, or the MMRP;
- All public reports and documents related to the Project prepared for MCWD, MCWRA, other agencies, or CAW;
- All documentary and oral evidence received and reviewed at public hearings, meetings, and workshops related to the Project, the Draft EIR, the Final EIR, or the MMRP;
- All other documents, not otherwise included above, required by CEQA.

V. GENERAL FINDINGS

A. Review and Consideration of the Final EIR

In accordance with CEQA, MCWD has considered the effects of the Project on the environment, as shown in the Final EIR and the whole of the administrative record prior to taking any action on the Project.

B. Evidentiary Basis for Findings

These Findings are based upon substantial evidence in the entire record before the MCWD Board of Directors. The references to the Final EIR set forth in the Findings are for ease of reference and are not intended to provide an exhaustive list of evidence relied upon for these Findings.

C. Findings Regarding Mitigation Measures

1. Mitigation Measures Adopted. The mitigation measures herein referenced are those applicable measures identified in the Final EIR and adopted by the Board of Directors as set forth in the MMRP. Minor modifications were made in the Final EIR mitigation measures to ensure that they clearly relate to MCWD facilities and proposed procedures. Portions of some mitigation measures that are not applicable to MCWD facilities have been

deleted. However, no substantive changes were made to applicable mitigation measures and no supplemental environmental review is necessary.

2. Impact After Implementation of Mitigation Measures. In accordance with CEQA Guidelines sections 15091 and 15092, the Board of Directors finds that most of the environmental effects of the Project will not be significant or will be mitigated to a less than significant level by the adopted mitigation measures. MCWD has substantially lessened or eliminated all significant environmental effects where feasible. The Board of Directors finds that the mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not analyzed in the Final EIR. Three impacts remain significant even with the implementation of all feasible mitigation measures: 1) emissions of PM_{10} during construction, 2) cumulative emissions of $PM_{10,}$ and 3) conflict with the State goal of reducing greenhouse gas emissions.

D. Location and Custodian of Records

Pursuant to CEQA Guidelines section 15091, the CPUC is the custodian of documents and other materials that constitute the record of proceedings relating to the entire Project and CEQA review process. Such documents and other materials are located at the CPUC's offices, 505 Van Ness Avenue, San Francisco, California 94102.

In addition, MCWD maintains documents and other materials that relate to its Project approval as a responsible agency. Such documents and other materials are located at MCWD's offices, 11 Reservation Road, Marina, California 93933.

E. No Supplemental or Subsequent EIR Required

MCWD has evaluated minor changes in the project that occurred since preparation of the Final EIR, and finds that no supplemental or subsequent EIR is required, based on the whole of the record. An addendum to the Final EIR was prepared by the CPUC, acknowledging additional comment letters submitted on the EIR and providing an errata list. MCWD thus finds that no supplemental or subsequent EIR is required.

VI. FINDINGS REGARDING IMPACTS THAT ARE LESS THAN SIGNIFICANT

The Final EIR identified the following potential impacts on the environment that are deemed to not be significant and require no mitigation measures.

A. Surface Water Resources

1. 6.1-3: The product water generated at the desalination facilities would be used as potable water that would be compliant with the drinking water standards and would be compatible with the existing water supply quality.

a. Potential Impact. The desalination facility would employ treatment processes that comply with water supply permit requirements. The potential impacts of the Project from provision of a new water supply are discussed in the Final EIR at page 6.1-10.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because the desalination facility would comply with applicable water supply permit requirements.

d. Findings. Source water would undergo pre-treatment, reverse osmosis, and post-treatment to generate drinking water. Treatment processes comply with the Safe Drinking Water Act and the federal primary and secondary drinking water standards, including disinfection limits set by the California Department of Public Health. Therefore, the impact from the Project on the quality of the water supply would be less than significant.

e. Conclusion. The potential impact of the MCWD Facilities on the drinking water supply quality is less than significant.

2. 6.1-5: The proposed project would add impervious surfaces that could alter the drainage pattern and increase storm runoff that could exceed the storm drainage system. The increased runoff flow could cause downstream erosion, siltation, and/or flooding.

a. Potential Impact. The MCWD Facilities could add impervious surfaces that alter the drainage pattern and increase runoff, exceeding the drainage system capacity and causing downstream erosion, siltation, and/or flooding. The potential impacts of the Project from altered drainage patterns and increased runoff flows are discussed in the Final EIR at page 6.1-16.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because the MCWD Facilities' effect on drainage patterns and stormwater runoff will be minor, and appropriate stormwater control measures are incorporated into the design of the Project.

d. Findings. Apparent increases in impervious surfaces would occur for components of the Project that involve new structures, such as desalination facilities and associated buildings, however, storm runoff would not be substantial enough to affect the storm system or nearby water bodies. The Project design would incorporate any measures and practices to comply with local regulations for

minimizing paved surfaces and reducing long-term stormwater impacts. Therefore, the impact of runoff from the Project would be less than significant.

e. Conclusion. The potential impact of the MCWD Facilities on the drainage system and on downstream erosion, siltation, and/or flooding is less than significant.

3. 6.1-7: Portions of the proposed project would be located within a 100-year flood hazard area and could impede or redirect flood flows.

a. Potential Impact. The MCWD Facilities could impede or redirect flood flows within the 100-year floodplain. The potential impact of the Project to impede or redirect flood flows is discussed in the Final EIR at page 6.1-18.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because the MCWD Facilities would comply with all applicable regulations such as the Monterey General Plan Policy S-2.3 and Monterey Code Chapter 16.16, and would therefore not impede or redirect flood flows.

d. Findings. The MCWD Facilities would comply with all applicable regulations such as the Monterey County General Plan Policy S-2.3 (requiring compliance with FEMA guidelines and county ordinances) and Monterey County Code Chapter 16.16 (establishing methods and design measures for reducing flood losses). These regulations are described in the Final EIR at page 4.1-21 (Policy S-2.3 is described under its former policy number 16.2.5). Accordingly, the MCWD Facilities would not impede or redirect flood flows, and this impact would be less than significant.

e. Conclusion. The potential impact of the MCWD Facilities on flood flows is less than significant.

4. 6.1-8: The proposed project facilities could expose people or structures to risk from flooding due to a tsunami.

a. Potential Impact. The MCWD Facilities could expose people or structures to a risk of flooding from a tsunami. The potential for the Project to expose people or structures to a risk of flooding from a tsunami is discussed in the Final EIR at pages 6.1-19 to 6.1-20.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because there is no significant risk of exposing people or structures to a risk of flooding from a tsunami, and the MCWD Facilities' design would account for potential hazards from building a facility in the 100-year floodplain.

d. Findings. Damage caused by tsunamis is typically confined to low-lying coastal areas, and Monterey County suggests evacuation of areas less than 17 feet above mean sea level. The MCWD Facilities would be located above this predicted tsunami elevation level, and behind extensive sand dunes. If applicable, the design of the MCWD Facilities would be required to account for any potential hazards from building a facility in the 100-year floodplain (see potential impact 6.1-7). The MCWD pipelines will be underground, and would not likely be damaged by a tsunami. Therefore, impact on exposure of people or structures to a risk of flooding from a tsunami would be less than significant.

e. Conclusion. The MCWD Facilities will have a less than significant impact on exposure of people or structures to a risk of flooding from a tsunami.

5. 6.1-9: The proposed project could be subject to flooding due to the sea level rise from global warming.

a. Potential Impact. The MCWD Facilities could be subject to flooding due to sea level rise from global warming. The potential for the Project to be subject to flooding due to sea level rise is discussed in the Final EIR at page 6.1-20.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because there is no significant risk that the MCWD Facilities could be subject to flooding due to sea level rise from global warming, and the design of the MCWD Facilities would account for potential hazards from building a facility in the 100-year floodplain.

d. Findings. Studies suggest that sea levels on the Monterey coast could increase from between 7 inches to as many as 55 inches during the upcoming 100 years. The MCWD Facilities would be located at a much higher elevation than this. If applicable, the design of the MCWD Facilities would be required to account for any potential hazards from building a facility in the 100-year floodplain. Thus, the impact on the MCWD Facilities from flooding due to sea level rise would be less than significant.

e. Conclusion. The potential for the MCWD Facilities to be subject to flooding due to sea level rise from global warming is a less than significant impact.

6. 6.1-10: The proposed project could expose people or structures to risk from flooding resulting from failure of a dam or levee.

a. Potential Impact. The MCWD Facilities could expose people or structures to a risk of flooding from the failure of a dam or levee. The potential for the Project to expose people or structures to a risk of flooding from the failure of a dam or levee is discussed in the Final EIR at page 6.1-21.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because there are no levees adjacent to the MCWD Facilities and the MCWD Facilities would not expose people or structures to flooding from the failure of a dam.

d. Findings. No levees are located near the MCWD Facilities site. Two dams, the Los Padres and San Clemente Dams, are located in the Salinas River Watershed, but there would be no impact associated with potential flooding from the failure of these dams due to their location more than 30 miles south and the topography of the site, which is well above the river floodplain. If applicable, the design of the MCWD Facilities would be required to account for any potential hazards from building a facility in the 100-year floodplain. Therefore, the MCWD Facilities' impact on exposure of people or structures to a risk of flooding from the failure of a dam or levee would be less than significant.

e. Conclusion. The MCWD Facilities will have a less than significant impact on the exposure of people or structures to a risk of flooding from the failure of a dam or levee.

B. Groundwater Resources

1. 6.2-1: Projects under the Regional Project may violate water quality standards or waste discharge requirements.

a. Potential Impact. Operation of the Source Water Wells could violate water quality standards or waste discharge requirements. The potential impacts of the Source Water Wells on water quality standards and waste discharge requirements are discussed in the Final EIR at pages 6.2-4 to 6.2-5.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because the Source Water Wells would not cause violations of water quality standards or waste discharge requirements, and this impact would be less than significant.

d. Findings. Operation of the Source Water Wells would involve a series of extraction wells pumping continuously from the 180-Foot Aquifer, and would create an "extraction trough" parallel to the coast that could act as a barrier to seaward or landward flow. The Source Water Wells would pump both seawater flowing inland and brackish water flowing seaward. The groundwater model prepared for the Final EIR compared Project conditions to non-project (baseline) conditions, and showed that throughout the 56-year model period, under Project conditions the seawater intrusion boundary would migrate west toward the ocean in much the same way as it would under no-project (baseline) conditions. Therefore the Source Water Wells would not violate water quality standards or waste discharge requirements, and the impacts of the Source Water Wells on seawater intrusion would be less than significant.

e. Conclusion. The impacts of operating the Source Water Wells on potential violations of water quality standards or waste discharge requirements are less than significant.

2. 6.2-3: Groundwater extraction for desalination water supply could lower groundwater levels and damage neighboring water supply wells within the vicinity of the proposed seawater intake wells.

a. Potential Impact. Operation of the Source Water Wells could lower groundwater levels and damage neighboring water supply wells. The potential impacts of the Source Water Wells on neighboring water supply wells are discussed in the Final EIR at pages 6.2-13 to 6.2-15.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because the drawdown of groundwater levels from operation of the Source Water Wells will be minor, the area is already contaminated with seawater, and there is no record of any existing well near the proposed Source Water Wells.

d. Findings. Operation of the Source Water Wells would involve a series of extraction wells pumping continuously from the 180-Foot Aquifer. The groundwater model prepared for the Final EIR compared Project conditions to non-project (baseline) conditions, and showed that throughout the 56-year model period,

groundwater elevations in the 180-Foot Aquifer would only be slightly lower under Project conditions than under baseline conditions. Within the "pumping trough" that would be created around the extraction wells, greater localized drawdown would occur, of less than 10 feet within a 1.5 mile radius of the wells. Based on well records there are no agricultural, domestic, or municipal supply wells within this 1.5 mile radius of the proposed Source Water Wells. Because this area of the 180-Foot Aquifer has been intruded with seawater for many decades, it is very likely that any wells screened within this 1.5 mile radius have become contaminated with seawater and are no longer in service. In addition, since 1995 new construction of groundwater wells in the 180-Foot Aquifer has been prohibited by ordinance. Even if a well is in operation within 1.5 mile miles of the Source Water Wells, the anticipated decline in groundwater levels of less than 10 feet is typical of seasonal variation, and so would likely not damage or lower the yield of a well. Therefore, the impact of the Source Water Wells on the drawdown of neighboring wells would be less than significant.

e. Conclusion. The potential impact of operating the Source Water Wells on neighboring water supply wells is less than significant.

3. 6.2-4: Groundwater extraction for desalination water supply could deplete or decrease groundwater supplies/resources within the Salinas Valley Groundwater Basin (SVGB), export groundwater from the SVGB, or could change groundwater storage and water levels throughout the Pressure Subarea.

a. Potential Impact. Operation of the Source Water Wells could decrease groundwater supplies within the SVGB, export groundwater from the SVGB, or change groundwater storage and water levels throughout the Pressure Subarea. The potential impacts of the Source Water Wells on groundwater supplies and resources within the SVGB are discussed in the Final EIR at pages 6.2-16 to 6.2-17, and similar impacts from another component of the Project are discussed on pages 4.2-47 to 4.2-51 of the Final EIR.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because, if any groundwater were extracted, the fraction of groundwater extracted from the SVGB by the Source Water Wells would be minor and of low quality, and the annual volume of water extracted from the SVGB would be served and used within the SVGB.

d. Findings. The Source Water Wells will be screened within the 180-Foot Aquifer, which has boundaries that overlap the SVGB and specifically the Pressure Subarea. The Source Water Wells could extract a fraction of water from the SVGB, but it would be a small amount of brackish, low-quality water and would not likely contribute to an imbalance of recharge and extraction in the SVGB. The Regional desalination plant would be operated such that it would deliver desalinated water to a service area within the SVGB in an amount equal to the volume of any SVGB groundwater extracted from the Source Water Wells, so that the portion of potable water that originated as SVGB groundwater would be used on lands overlying the SVGB. In sum, impacts to groundwater supplies in the SVGB, on the export of groundwater supplies from the SVGB, and on groundwater storage and water levels throughout the Pressure Subarea, would be less than significant.

e. Conclusion. The impacts of operating the Source Water Wells on groundwater supplies and resources within the SVGB, export of groundwater from the SVGB, and groundwater storage and water levels in the Pressure Subarea are less than significant.

4. 6.2-5: The proposed desalination plant water supply wells may be completed within a portion of the 180-Foot Aquifer in an area where well installation and groundwater extraction are prohibited.

a. Potential Impact. The Source Water Wells could be completed in the 180-Foot Aquifer where well installation is prohibited. The potential impacts of the Source Water Wells with regard to existing prohibitions on new wells within the 180-Foot Aquifer are discussed in the Final EIR at pages 6.2-18 to 6.2-21.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because it does not represent a potential physical, adverse change to the physical environment.

d. Findings. To protect against further seawater intrusion, MCWRA Ordinance No. 3709 prohibits construction of new groundwater extraction facilities (with certain perforation depths) in "Territory B" of the Pressure Subarea, and many of the Source Water Wells would be located in Territory B and perforated at depths prohibited by Ordinance No. 3709. Therefore the Source Water Wells could not be constructed without a variance from the Monterey County Health Department and the MCWRA. Obtaining a variance from Ordinance No. 3709 would not represent a physical, adverse

change to the physical environment, and therefore would not represent a significant impact. As described under potential impact 6.2-3, a reversal of seawater intrusion would occur if the MCWD Facilities are constructed and operated as proposed. Therefore, the potential impact of constructing the Source Water Wells in relation to the prohibitions of Ordinance No. 3709 is less than significant.

e. Conclusion. The impact from constructing the Source Water Wells in relation to the prohibition against well installation in the 180-Foot Aquifer is less than significant.

C. Biological Resources

1. 6.4-3: Construction and operation of the new facilities association with the Project may adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act.

   a. Potential Impact. Construction of the MCWD Facilities would not affect wetlands. The potential impact of construction and operation of the MCWD Facilities on wetlands is discussed on page 6.4-12 of the Final EIR.

   b. Impact Prior to Mitigation. Less than significant.

   c. Mitigation Measure. No mitigation is required for this potential impact because the MCWD Facilities will not affect wetlands.

   d. Findings. No jurisdictional wetlands have been identified on the sites for the MCWD facilities, thus there would be no effects on federally protected wetlands.

   e. Conclusion. The potential impact of construction and operation of the MCWD Facilities on federally protected wetlands is less than significant.

2. 6.4-4: Construction and operation of the new facilities associated with the Project could adversely affect the movement of native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors.

   a. Potential Impact. The MCWD Facilities could adversely affect established native wildlife corridors or the movement of native fish or wildlife species. The potential impacts of the Project on native wildlife corridors and the movement of native fish and wildlife species are discussed in the Final EIR at page 6.4-13.

   b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because the MCWD Facilities will not cause a significant obstruction of fish or wildlife movement.

d. Findings. Habitat in the area of the MCWD Facilities is fragmented, the MCWD Facilities will only cover a very small area, and the MCWD pipelines will be underground. The MCWD Facilities will not present any significant obstruction of fish or wildlife movement, and therefore the impact of the MCWD Facilities would be less than significant.

e. Conclusion. The impact of the MCWD Facilities on established native wildlife corridors or the movement of native fish or wildlife species is less than significant.

D. Hazards and Hazardous Materials

1. 6.6-2: Potential for accidental release of hazardous materials from construction activities.

a. Potential Impact. Construction of the MCWD Facilities could involve an accidental release of hazardous materials. The potential impacts of construction of the MCWD Facilities related to accidental releases of hazardous materials are discussed in the Final EIR at page 6.6-8.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because construction of the MCWD Facilities will require construction performance standards such as best management practices under NPDES stormwater permits, and the potential for release of construction-related hazardous materials is less than significant.

d. Findings. Construction of the MCWD Facilities requires petroleum products such as gasoline, diesel fuel, lubricants and cleaning solvents, which would be used to fuel and maintain construction vehicles and equipment. Inadvertent release of large quantities of these materials into the environment could adversely impact soil, surface waters, or groundwater quality. However, compliance with construction performance standards such as best management practices required by NPDES stormwater permits, as described on page 4.1-15 of the Final EIR, would reduce the small potential for release of construction-related fuels and other hazardous materials. Therefore, this is a less than significant impact.

e. Conclusion. The impact of constructing the MCWD Facilities with regard to the accidental release of hazardous materials from construction activities is less than significant.

2. 6.6-3: Handling and use of hazardous materials within ¼-mile of a school during construction.

a. Potential Impact. Construction of the MCWD Facilities could result in the inadvertent release of hazardous materials during construction, and exposure at nearby schools. The potential impacts of constructing the MCWD Facilities with regard to the release of hazardous materials near schools are discussed in the Final EIR at pages 6.6-8 to 6.6-9.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because construction of the MCWD Facilities will require construction performance standards such as best management practices under NPDES stormwater permits, and the potential for release of construction-related hazardous materials within ¼-mile of a school is less than significant.

d. Findings. As discussed above in potential impact 4.6-2, construction of the MCWD Facilities may result in the inadvertent release of fuels, solvents, or lubricants, and these releases could occur within ¼-mile of a school. However, compliance with construction performance standards such as best management practices required by NPDES stormwater permits, as described on page 4.1-15 of the Final EIR, would reduce the potential for release of construction-related hazardous materials. Furthermore, the potential for a hazardous materials release during construction to result in exposures at nearby schools is remote. Therefore, this is a less than significant impact.

e. Conclusion. The impacts of constructing the MCWD Facilities with regard to the handling and use of hazardous materials within ¼ mile of a school are less than significant.

3. 6.6-4: Increased risk of wildland fires during construction in high fire hazards areas.

a. Potential Impact. Construction of the MCWD Facilities could create an increased risk of wildland fires in high fire hazard areas during construction. The potential for construction of the MCWD Facilities to increase the risk of wildland fires during construction is discussed in the Final EIR at page 6.6-9.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because contractors are required to comply with regulations governing the use of construction equipment in fire prone areas, as well as any additional requirements imposed by CAL FIRE or local fire protection departments, all of which are designed to minimize the risk of wildland fires during construction activity.

d. Findings. Some of the Project facilities are located in "High" or "Very High" Fire Hazard Severity Zones classified by CAL FIRE, and use of construction equipment and temporary onsite storage of diesel fuel could pose a wildland fire risk in these zones. Contractors must comply with regulations governing the use of construction equipment in fire prone areas, as well as any additional requirements imposed by CAL FIRE or local fire protection departments, all of which are designed to minimize the risk of wildland fires during construction activity. Therefore the potential impact of constructing the MCWD Facilities on the risk of wildland fire is less than significant.

e. Conclusion. The impact of constructing the MCWD Facilities on the risk of wildland fires in high fire hazard areas during construction is less than significant.

4. 6.6-5: Potential for accidental release of chemicals or petroleum products.

a. Potential Impact. Operation of the MCWD Facilities could involve an accidental release of hazardous materials. The potential impacts of operation of the MCWD Facilities related to accidental releases of hazardous materials are discussed in the Final EIR at pages 6.6-9 to 6.6-11.

b. Impact Prior to Mitigation. Less than significant.

a. Mitigation Measure. No mitigation is required for this potential impact because with compliance with existing state and federal regulations regarding hazardous materials storage and management, the potential for environmental impacts due to the accidental release of hazardous materials associated with project operations is less than significant.

b. Findings. Operation of the desalination plant will require use and storage of chemicals. Inadvertent release of large quantities of these materials into the environment could cause adverse environmental effects and human health effects to plant personnel. However, compliance with existing state and federal regulations regarding hazardous materials storage and management, as

described on page 6.6-10 of the Final EIR, would reduce the potential for impacts to the accidental release of hazardous materials. Therefore, this is a less than significant impact.

c. Conclusion. The impact of constructing the MCWD Facilities with regard to the accidental release of hazardous materials from operational activities is less than significant.

5. 6.6-6: Handling and use of hazardous materials within ¼-mile of a school.

a. Potential Impact. MCWD Facilities within ¼ mile of existing schools would be predominantly subsurface water pipelines that do not involve any hazardous materials usage. The potential impacts of operating the MCWD Facilities with regard to the release of hazardous materials near schools are discussed in the Final EIR at pages 6.6-11 to 6.6-12.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because operation of the MCWD Facilities will require compliance with existing state and federal regulations regarding hazardous materials storage and management, and the potential for release of operations-related hazardous materials within ¼-mile of a school is less than significant.

d. Findings. Operation of the MCWD Facilities is not expected to result in the inadvertent release of hazardous materials within ¼-mile of a school. Compliance with existing state and federal regulations regarding hazardous materials storage and management, as described on page 6.6-11 of the Final EIR, would reduce the potential for release of operations-related hazardous materials. Furthermore, the potential for a hazardous materials release during operations to result in exposures at nearby schools is remote. Therefore, this is a less than significant impact.

e. Conclusion. The impacts of operating the MCWD Facilities with regard to the handling and use of hazardous materials within ¼ mile of a school are less than significant.

E. Traffic and Circulation

1. 6.7-8: Long-term Project operations and maintenance.

a. Potential Impact. Long-term operation and maintenance of the MCWD Facilities could increase traffic and parking demand. The potential impacts of such operation and maintenance on traffic and parking are discussed in the Final EIR at page 6.7-8.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because operational and maintenance activities for the MCWD Facilities would not generate a significant increase in traffic to the existing circulation system, would not result in a level of service degradation over the long-term, and would at most result in a minor and occasional increase in parking demand.

d. Findings. Over the long-term, operation and routine maintenance procedures will be required for the MCWD Facilities, generating a minor number of trips, but such operation and maintenance procedures would not generate a significant increase in traffic to the existing circulation system, and would not result in a level of service degradation over the long-term. Parking would be provided at the MCWD Facilities, or within roadway shoulders or rights-of-way for maintenance purposes. Therefore, the impacts of the long-term operation and maintenance of the MCWD Facilities on traffic and parking would be less than significant.

e. Conclusion. The impacts of long-term operation and maintenance of the MCWD Facilities on traffic and parking demand is less than significant.

F. Air Quality

1. 6.8-2: Project operations would result in emissions, including diesel particulates, from testing and emergency use of standby generators, as well as from material haul trips and employee trips related to inspections and maintenance.

a. Potential Impact. Air emissions from generators, material haul trips, and employee trips during long-term operation of the MCWD Facilities could result in air quality impacts. The potential air quality impacts from the long-term operation of the Project are discussed in the Final EIR at pages 6.8-4 to 6.8-5, and also on pages 4.8-30 to 4.8-32.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because increases in criteria pollutant emissions from operation of the MCWD Facilities would be negligible and impacts would be less than significant.

d. Findings. Operation of the MCWD Facilities would result in minimal long-term air quality emissions attributable to increased electrical consumption. MCWD Facilities would be negligible,

increases in mobile source emissions due to trips for 10 desalination plant workers and for periodic inspections, maintenance, and repairs of pipelines would be minor. Diesel generators used at the MCWD Facilities must comply with specific operating requirements and diesel particulate emission standards. Overall, operation of the MCWD Facilities would result in less than significant impacts to air emissions and air quality.

e. Conclusion. The impacts on air emissions and air quality due to long-term operation of the MCWD Facilities are less than significant.

2. 6.8-4: Construction activities associated with the Regional Project would generate emissions of diesel particulate matter (DPM), potentially exposing local sensitive receptors to pollutant concentrations.

a. Potential Impact. The Monterey Bay Unified Air Pollution Control District recommends that a health risk assessment be conducted for all construction sites that would be active for more than one year. Construction of the desalination facility would take more than one year. The potential air quality impacts from the long-term operation of the Project are discussed in the Final EIR at pages 6.8-6 to 6.8-7.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because health risk associated with construction and operations of the MCWD Facilities would be less than 10 in one million and impacts would be less than significant.

d. Findings. A health risk assessment was conducted for the Moss Landing Project, where one of the residence locations is as close as 350 feet from the plant's perimeter. Based on the results of the Moss Landing Plant health risk assessment, the health risk to the nearest sensitive receptors to any of the Phase 1 Regional Project component sites would also be less than significant.

e. Conclusion. The impacts of exposure to emissions of DPM due to construction and long-term operation of the MCWD Facilities are less than significant.

3. 6.8-6: Project construction and operations would result in odors.

a. Potential Impact. The Project could result in odors. The potential impacts of the Project on odors are discussed in the Final EIR at pages 6.8-9 to 6.8-10.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because odors produced during construction of the MCWD Facilities will be temporary and minor, and odors produced during operations will be insignificant.

d. Findings. Construction of the MCWD Facilities could result in temporary odors from the use of diesel fueled equipment, but these odors would be temporary and unlikely to result in nuisance to nearby receptors. Operation of the MCWD Facilities will involve enclosed tanks, pumps and pipes that would not be open to the atmosphere. Vents on storage tanks would be connected to scrubbing systems that would not be open to the atmosphere. Therefore, odor impacts during construction and operation of the MCWD Facilities would be less than significant.

e. Conclusion. Impacts from odors during construction and operation of the MCWD Facilities are less than significant.

G. Land Use, Recreation, and Agriculture

1. 6.10-2: Components of the proposed project may conflict with applicable land use plans, policies, or regulations of agencies with jurisdiction over the project, including, but not limited to general plans, specific plans, local coastal plans, or zoning ordinances adopted for the purpose of avoiding or mitigating an environmental effect.

   a. Potential Impact. The MCWD Facilities could conflict with applicable land use plans, policies, or regulations. The potential for the MCWD Facilities to conflict with land use plans, policies, or regulations is discussed in the Final EIR at pages 6.10-15 to 6.10-16.

   b. Impact Prior to Mitigation. Less than significant.

   c. Mitigation Measure. No mitigation is required for this potential impact because the MCWD Facilities would be consistent with the California Coastal Act and with plans and policies of the Monterey County General Plan.

   d. Findings. The MCWD Facilities would be consistent with the goals and policies identified in the Monterey County General Plan related to community development, resource conservation, and agriculture, and the General Plan encourages long-term, sustainable solutions for augmenting water supply, which the MCWD Facilities would provide. Consistency with specific plans and policies in the General Plan would be incorporated into the

project design. Therefore, the impacts of the MCWD Facilities with regard to potential conflicts with applicable land use plans, policies, or regulations, would be less than significant.

e. Conclusion. The potential that the MCWD Facilities will conflict with applicable land use plans, policies, or regulations is a less than significant impact.

2. 6.10-4: Project facilities could conflict with agricultural zoning or Williamson Act contracts.

a. Potential Impact. The desalination facility is located on Armstrong Ranch, which does not contain Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The site is designated as grazing land by the FMMP, and is not under Williamson Act Contract.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because the MCWD Facilities would not be located on Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Sites for project facilities are not under Williamson Act Contract.

d. Findings. The MCWD Facilities would not conflict with agricultural zoning or Williamson Act contracts. This impact is less than significant.

e. Conclusion. The potential impact of the MCWD Facilities conflicting with agricultural zoning of Williamson Act contracts is less than significant.

3. 6.10-5: The proposed project could potentially increase the use of existing parks or recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

a. Potential Impact. The MCWD Facilities could increase the use of existing parks or recreation facilities and contribute to their physical deterioration. The potential impacts of the MCWD Facilities related to the occurrence or acceleration of substantial physical deterioration of parks and recreational facilities are discussed in the Final EIR at pages 6.10-21 to 6.10-22.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because any increased use of parks or recreational facilities

as a result of construction of the MCWD Facilities would be temporary and minor, and the likelihood that the MCWD Facilities would accelerate the physical deterioration of parks or recreational facilities is insignificant.

d. Findings. The nature of the MCWD Facilities would not directly increase the use of existing parks or recreational facilities. Construction-related noise, dust and traffic may cause a shift in the use of one park or recreational facility to another, but this potential impact would be very temporary, and recreational use is anticipated to revert to normal use patterns immediately following construction. Therefore, physical deterioration of parks and recreational facilities would not be accelerated, and this impact would be less than significant.

e. Conclusion. The potential impact of the Project on the use and associated physical deterioration of parks or recreation facilities is less than significant.

H. Aesthetic Resources

1. 6.12-1: Construction associated with proposed pipelines and facilities could temporarily degrade the existing visual character of a site or surroundings.

a. Potential Impact. Construction of the MCWD Facilities could temporarily degrade the visual character of the Project site or surroundings. The potential impacts of construction on the visual character of the site or surroundings are discussed in the Final EIR at pages 6.12-6 to 6.12-7.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because the aesthetic impact caused by construction of the MCWD Facilities would be short-lived and less than significant.

d. Findings. Equipment spoils, machinery and dust associated with construction of the MCWD Facilities would be temporarily visible to motorists and sensitive observers. While the visual effect of construction activity would be adverse, the impact would be temporary and therefore the visual impact severity is considered low. Because the visual effect of construction activity would be short-lived, the resulting aesthetic impact would be less than significant.

e. Conclusion. The impacts of construction of the MCWD Facilities on the existing visual character of the site or surroundings are less than significant.

2. 6.12-2: Permanent facilities could have an adverse effect on scenic vistas, damage scenic resources, or degrade the existing visual character or quality of the site and its surroundings.

a. Potential Impact. The MCWD facilities could degrade the existing character of the site and its surroundings. The potential impact of the MCWD facilities on scenic vistas, scenic resources, of existing visual character or quality of the site and its surroundings is discussed on pages 6.12-6 and 6.12-8 to 6.12-11 of the Final EIR.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. No mitigation is required for this potential impact because the aesthetic impact caused by the MCWD Facilities would be less than significant.

d. Findings. The pipeline portion of the MCWD facilities would be underground and would have no long-term visual impacts. The desalination facility will be at the boundary between open rangeland on rolling hills and the existing MRWPCA wastewater facilities. The area has a low aesthetic resource value. Because the proposed facility would be located directly south of a site with industrial-type development, it would result in very little visual contrast with its surrounding setting, and therefore, would have low impact severity. This impact would be less than significant.

e. Conclusion. The potential impact of permanent facilities on scenic vistas, scenic resources, and the existing visual character or quality of the site and its surroundings is less than significant.

I. Energy

1. 6.14-1: Construction of the Project could result in the substantial consumption of energy such that existing supplies would be constrained and could result in the wasteful use of energy resources that are not renewable.

a. Potential Impact. Construction energy expenditures would include both direct and indirect uses of energy in the form of fuel and electricity. Direct energy use would include the consumption of petroleum for operation of construction vehicles and the use of electricity for construction equipment, such as welding machines and power tools. Indirect energy use would include the consumption of energy for extraction of raw materials

manufacturing, and transportation to make materials used during construction. The potential impact of Project construction resulting in substantial energy consumption such that existing energy supplies would be constrained and could result in the wasteful use of energy resources is discussed on pages 6.14-2 – 6.14-3 of the Final EIR.

b. Impact Prior to Mitigation. Less than significant.

c. Mitigation Measure. Although no mitigation is required for this potential impact because the use of energy during construction would be less than significant, the following air quality mitigation would also serve to reduce energy consumption.

(i) Mitigation Measure 4.8-1c. *Idling Restrictions.* On road vehicle idling time shall be minimized and shall not exceed a five minute maximum. Additionally, off road engines will not idle for longer than five minutes per Section 2449(d)(3) of Title 13, Article 4.8, Chapter 9 of the California Code of Regulations. Page 4.8-25 of the Final EIR discusses Mitigation Measure 4.8-1c.

d. Findings. The potential impact of consumption of energy would be less than significant because construction energy demands would not have significant effects on PG&E's energy resources. Implementation of Mitigation Measure 4.8-1c will further reduce potential energy consumption during construction.

e. Conclusion. The potential impact of Project construction resulting in consumption of energy such that existing supplies would be constrained and could result in the wasteful use of energy resources that are not renewable is less than significant.

VII. FINDINGS REGARDING IMPACTS THAT ARE SIGNIFICANT, BUT CAN BE MITIGATED

The Final EIR identified the following potential impacts of the Project on the environment as significant, but explained that the implementation of appropriate mitigation measures will reduce the potential impacts to a less-than-significant level. The Board of Directors finds, pursuant to Public Resources Code section 21081 and CEQA Guidelines sections 15091 through 15093, that changes or alterations have been required in or incorporated into the Project as needed to avoid or lessen these potentially significant impacts identified in the Final EIR to levels below the thresholds of significance identified in the Final EIR.

The following subsections outline the potential impacts on the environment and summarize the mitigation measures that will be taken to reduce the impacts to a less-than-significant level. Further information regarding the mitigation measures is available in the Final EIR and the attached Mitigation Monitoring and Reporting Plan.

A. Surface Water Resources

1. 6.1-1: Project construction activities would cause erosion and increase stormwater runoff resulting in an adverse water quality impact.

   a. Potential Impact. Construction of the MCWD Facilities would involve earthmoving activities such as excavation, grading, soil stockpiling, and backfilling. The construction activities would generate loose, erodible soils that, if not properly managed, could be washed into surface water by rain or by water used during grading operations. Soil erosion could cause excess sediment loads and affect the water quality of any nearby ditch or water body. Construction activities would involve use of fuel and other chemicals that, if not managed properly, could be washed off into the stormwater, resulting in a significant water quality impact. The potential impact of construction causing erosion and stormwater runoff resulting in an adverse water quality impact is discussed on pages 4.1-27 – 4.1-32, and 6.1-5 - 6.1-7.

   b. Impact Prior to Mitigation. Potentially significant.

   c. Mitigation Measure 4.1-1: Additional Erosion Control Measures and Monitoring Program. The Project is subject to the SWRCB General Construction Permit requirements, which require development and implementation of a monitoring program. The program will require the contractor to conduct inspections of the construction site prior to anticipated storm events and after actual storm events. The inspections will be conducted to identify areas contributing to stormwater discharge, to evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly installed and functioning in accordance with the General Construction Permit, and to determine whether additional control practices or corrective maintenance activities are needed. Page 4.1-32 of the Final EIR discusses Mitigation Measure 4.1-1 in further detail.

   d. Findings. Implementation of Mitigation Measure 4.1-1 will reduce water quality impacts related to erosion and stormwater runoff to a less-than-significant level.

   e. Conclusion. The potential impact on water quality related to erosion and stormwater runoff from construction activities is less than significant.

2. 6.1-2: Excavation during construction could require dewatering or shallow groundwater. The water discharge, if contaminated, could adversely affect surface water.

a. Potential Impact. Excavation during project construction may intercept shallow or perched groundwater, requiring temporary localized dewatering to facilitate construction. Groundwater encountered during excavation would be pumped and discharged to the local drainage system. Water from dewatering operations could contain materials used during typical construction activities such as silt, fuel, grease or other chemicals or contaminants present in local soil and/or groundwater. The discharge from construction dewatering could thus contaminate downstream surface water. This could be a significant impact; however it would be localized and temporary. The discharge would be subject to the NPDES permit requirements. The potential impact of excavation during construction on surface water is discussed on pages 4.1-32 – 4.1-33 and 6.1-8 – 6.1-9 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.1-2: Extracted Groundwater Measures. The Regional Water Quality Control Board ("RWQCB") shall be notified prior to discharge of the extracted groundwater and provide the results of the tests performed; and extracted groundwater shall be treated as required under the permit issued by the RWQCB. Page 4.1-33 of the Final EIR discusses Mitigation Measure 4.1-33.

d. Findings. Implementation of Mitigation Measure 4.1-2 will reduce the potential impact on surface water related to excavation activities to a less-than-significant level.

e. Conclusion. The potential impact of surface water contamination related to excavation activities is less than significant.

3. 6.1-4: The project discharge associated with the proposed Regional Desalination Facility could adversely affect water quality in Monterey Bay.

a. Potential Impact. Because groundwater has low dissolved oxygen levels, the source water for the desalination facility could have low levels of dissolved oxygen. Discharge of brine could thus result in low dissolved oxygen levels in the vicinity of the MRWPCA Outfall. The potential impact of low dissolved oxygen concentrations is discussed on pages 4.1-43 – 4.1-49 and 6.1-10 – 6.1-11 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.1-4c: The project sponsor shall develop and implement an aeration system (e.g. that would provide dissolved

oxygen in the discharge of 5.0 mg/L or higher). The project sponsor shall review the aeration system prior to implementation. Page 4.1-49 of the Final EIR discusses Mitigation Measure 4.1-4c.

d. Findings. Implementation of Mitigation Measure 4.1-4c will reduce the potential impact of low dissolved oxygen concentrations to a less-than-significant level.

e. Conclusion. The potential impact of low dissolved oxygen concentrations on Monterey Bay is less than significant.

B. Biological Resources

1. 6.4-1: Construction and operation of the new facilities associated with the Project may adversely affect species identified as rare, threatened, endangered, candidate, sensitive, or other special status by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

a. Potential Impact. Construction of the MCWD Facilities could affect species identified as rare, threatened, endangered, candidate, sensitive or other special status by the California Department of Fish and Game ("CDFG") or the U.S. Fish and Wildlife Service ("USFWS"). The construction site for the desalination facility would lie in heavily grazed annual grassland habitat with potential presence of Cogdon's tarplant, burrowing owl, California tiger salamander, and loggerhead shrike. Pipeline construction would cross habitat for Smith's blue butterfly. The potential impacts of construction and operation of the facilities on rare, threatened, endangered, candidate, sensitive, or other special status species are discussed on pages 6.4-2, 6.4-8 – 6.4-10 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. MCWD will implement all of the applicable mitigation measures identified under Mitigation Measure 4.4-1, below.

Mitigation Measure 4.4-1. The following measures shall be carried out (either directly or through provisions incorporated into the contract specifications for the Project), for those facilities and pipeline reaches identified as potentially supporting special-status species. Pages 4.4-69 – 4.4-74 of the Final EIR discuss Mitigation Measures 4.4-1a and 4.4-1c – 4.4-1f in further detail.

(i) Mitigation Measure 4.4-1a: *Avoid harm or harassment of special-status invertebrates (Smith's Blue Butterfly).* Focused surveys for Host Buckwheat Plants shall be conducted prior to the permitting phase of the project and maps shall be prepared. Construction of project elements

should be planned to avoid mapped habitat for Smith's blue butterfly. If impacts to host plants are unavoidable, surveys should be conducted to determine if Smith's blue butterflies are present, following USFWS's guidelines. If no butterflies are found, no further mitigation is required. If Smith's blue butterflies are found, consultation will be required with the USFWS to determine the necessary level of compensatory mitigation. Compensatory mitigation may include removal and safe relocation of host plants.

(ii) Mitigation Measure 4.4-1c: *Avoid harm or harassment of California red-legged frogs, California tiger salamanders, and Santa Cruz long-toed salamanders.* To determine whether any special-status aquatic species would be affected by any given Project element, surveys shall be conducted at the specific Project site. If it determined that any of these federally listed species is present, formal consultation with the USFWS would be necessary. Construction of Project elements shall be planned to avoid habitat for special-status aquatic species such as the California red-legged frog. If construction will occur adjacent to potential habitat, impacts would be avoided or minimized as follows:

- Prior to any construction activities, the boundaries of construction areas will be clearly delineated with orange plastic construction fencing to prevent workers or equipment from inadvertently straying from the construction area. All construction personnel, equipment, and vehicle movement shall be confined to designated construction areas and connecting roadways.

- Prior to the onset of any ground-disturbing activities, exclusion fencing will be established around areas of potentially occupied habitat, as determined by a qualified biologist. Exclusion fencing shall consist of silt-fencing or similar material at least 36 inches in height that is buried at least six inches in the ground to prevent incursion under the fence. This fence shall be surveyed each morning before construction to verify that no frogs or other special status aquatic species have entered the construction site.

- Before any construction activities begin, a biologist approved by the USFWS shall conduct a training session with construction personnel to describe the red-legged frog and its habitat, the specific measures being implemented to minimize effects on the species, and the boundaries of the

construction area.

- All food-related trash items shall be enclosed in sealed containers and removed daily from the Project site.

(iii) Mitigation Measure 4.4-1d: *Avoid direct mortality and/or disturbance of special-status plant populations*. Floristic surveys of all suitable habitats for special-status plants shall be conducted prior to the permitting phase of the Project. Maps depicting the results of these surveys shall be prepared for use in final siting design. Project facilities shall be sited to avoid impacts on special-status plants and their required habitat constituent elements, when reasonably feasible. Unavoidable impacts on listed plants species require formal consultation with the USFWS and the CDFG. Impacts on non-listed species would likely involve informal consultation.

(iv) Mitigation Measure 4.4-1e: *Avoid Construction Impacts on Burrowing Owls*. Preconstruction surveys for burrowing owls shall be completed in potential habitat in conformance with CDFG protocols, and no more than thirty days prior to the start of construction. If no burrowing owls are located during these surveys, no additional action would be warranted. If breeding or resident owls are located on or immediately adjacent to the site, the following mitigation measures shall be implemented. A 250-foot buffer, within with no new activity is permissible shall be maintained between Project activities and nesting burrowing owls. This protected area shall remain in effect until August 31 or, at the discretion of the CDFG and based upon monitoring evidence, until the young owls are foraging independently. If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction. No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31).

(v) Mitigation Measure 4.4-1f: *Avoid Construction Impacts on Other Special-Status Birds.* Special status birds typically nest in California between March 1 and September 1. If construction-related work is scheduled outside of this nesting season, nesting birds will not be impacted and no mitigation is necessary. If construction must occur during the breeding season (March 1 to September 1), a qualified

ornithologist shall conduct preconstruction surveys no more than fifteen days prior to the initiation of disturbance wherever suitable habitat occurs for special-status birds. If active nests are found to be present within or adjacent to work sites during the breeding season, a construction-free buffer around the active nests shall be established.

d. Findings. Implementation of Mitigation Measure 4.4-1 will reduce the potential impact of construction and operation of the MCWD Facilities on rare, threatened, endangered, candidate, sensitive, or other special status species to a less-than-significant level.

e. Conclusion. The potential impact of construction and operation of facilities on rare, threatened, endangered, candidate, sensitive, or other special status species is less than significant.

2. 6.4-2: Construction and operation of the new facilities associated with the Project may adversely affect riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

a. Potential Impact. Construction of the MCWD Facilities would not affect riparian habitat, but could affect sensitive natural upland communities. The potential impacts of the MCWD Facilities on riparian habitat or other sensitive natural communities are discussed on page 6.4-11 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.4-2. The following measures shall be carried out (either directly or through provisions to be incorporated into contract specifications for the project), for those facilities identified as potentially supporting sensitive habitats. Pages 4.4-74 – 4.4-76 of the Final EIR discuss Mitigation Measure 4.4-2b in further detail.

(i) Mitigation Measure 4.4-2b: *Avoid construction impacts on sensitive upland habitats.* Construction activities, facilities, and conveyance systems shall be sited in a manner that avoids upland habitats to the maximum extent feasible. Sensitive upland habitats shall be preserved where possible through facility siting within degraded or non-native vegetation. Sensitive areas shall be flagged for avoidance to minimize the possibility of inadvertent encroachment during construction. Construction staff shall be educated on the sensitive habitats located within and adjacent to the

Project's footprint, and biological monitor shall be present to ensure compliance with off-limits areas. When avoidance is not feasible during construction activities, sensitive upland habitats temporarily disturbed during construction activities shall be quantified and appropriate restoration strategies shall be set forth in a Habitat Restoration Plan which shall be developed in consultation with the USFWS and the CDFG and submitted to the resource agencies.

d. Findings. Implementation of Mitigation Measure 4.4-2b will reduce the potential impact of construction and operation of the MCWD Facilities on sensitive natural upland communities to a less-than-significant level

e. Conclusion. The potential impact of construction and operation of the MCWD Facilities on riparian habitat or other sensitive natural community is less than significant.

3. 6.4-5: Construction and operation of the new facilities associated with the Project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

a. Potential Impact. Tree removal may be required as a part of construction of the MCWD Facilities, either for the MCWD Facilities themselves of as part of access needs. The potential impact of construction of the MCWD Facilities on implementation of local policies or ordinances protecting biological resources is discussed on page 6.4-14 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.4-5. A comprehensive survey shall be performed to identify, measure, and map trees subject to County tree removal ordinances (oak trees greater than 6 inches in diameter) and North County Area Plan and Carmel Valley Master Plan ordinances (all native trees greater than 6 inches in diameter), as well as landmark trees. Prior to the removal of protected trees, tree removal permits or approvals shall be obtained for lost native and landmark trees and mitigation shall be arranged with appropriate public and resource agencies. The standards for tree replacement shall be stipulated in the tree permit review and approved by the local agency.

Pages 4.4-78 – 4.4-79 of the Final EIR discuss Mitigation Measure 4.4-5 in further detail.

d. Findings. Implementation of Mitigation Measure 4.4-5 will reduce the potential impact of construction and operation of the MCWD Facilities on the implementation of local policies and ordinances protecting biological resources, such as a tree preservation policy or ordinance, to a less-than-significant level

e. Conclusion. The potential impact of construction and operation of the MCWD Facilities on implementation of local policies and ordinances protecting biological resources, such as a tree preservation policy or ordinance, is less than significant.

C. Geology, Soils, and Seismicity

1. 6.5-1: Large earthquakes would be expected to damage the proposed facilities, impairing and/or disrupting their intended operations if not engineered to withstand such ground shaking.

a. Potential Impact. The potential exists for large magnitude earthquakes to result in high intensity ground shaking that would affect the entire Regional Project area, including the MCWD Facilities site. The primary and secondary effects of ground shaking could damage structural foundations, distort pipelines and other water conveyance structures, and cause failure of concrete. Damage to these features would cause temporary service disruption and possibly loss of water due to leakage and pipe rupture. Pumps could be rendered inoperable. The most severe impacts of this type would result from liquefaction of the soil, which could induce both vertical and lateral displacement of the soil that would bend, weaken and break conveyance structures and structural foundations. Broken pipelines could result in soil washout and sinkholes. Locating and repairing damaged pipelines and the pumps could require a temporary cessation of operation of the facilities for a significant period of time. The potential impact of large earthquakes on the MCWD Facilities is discussed on page 6.5-4 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.5-1. A California licensed geotechnical engineer or engineering geologist will conduct geotechnical investigations of all Project facilities and pipeline alignments prior to the final design and prepare recommendations applicable to foundation design, earthwork, backfill and site preparation prior to or during the project design phase. The investigations will specify seismic and geologic hazards including potential ground movements and co-seismic effects (including liquefaction). The recommendations of the geotechnical engineer will be incorporated

into the design and specifications in accordance with California Geological Survey Special Publication 117 and shall be implemented by the construction contractor. The construction manager will conduct inspections and certify that all design criteria have been met in accordance with the California Building Code as well as applicable City and County ordinances. Page 4.5-29 of the Final EIR discusses Mitigation Measure 4.5-1.

d. Findings. Implementation of Mitigation Measure 4.5-1 will reduce the potential impact of large earthquakes on the MCWD Facilities and operation of the MCWD Facilities to a less-than-significant level.

e. Conclusion. The potential impact of large earthquakes on the MCWD Facilities and operation of the MCWD Facilities is less than significant.

2. 6.5-2: Proposed pipelines and facilities could incur damage as a result of underlying soil properties (high shrink-swell potential, and corrosivity).

a. Potential Impact. There are soils that likely possess characteristics that could limit development of the MCWD Facilities. The limitations include compressibility, shrink-swell capability (expansive behavior) and corrosivity. Unless properly mitigated, shrink-swell soil could exert additional pressures on buried pipelines, producing shrinkage cracks that allow water infiltration and compromise the integrity of backfill material. Depending of the depth of the buried pipeline, soil in expansion or contraction could lead to undue lateral pipeline stress and stress of structural joints. Lateral stresses could, over time, lead to pipeline rupture or leaks in the coupling joints. Shrinkage cracks could form in native soils adjacent to the pipeline trench or in backfill material if expansive soils are used. If shrinkage cracks extend to sufficient depths, groundwater can infiltrate into the trench, causing piping or settlement failure of the backfill and undergo continued expansion and contraction. Over time these soils could settle, resulting in misalignment or damage to buried pipelines. The effects of shrink-swell soils could damage foundations of aboveground structures, paved service roads, and concrete slabs. Surface structures with foundations constructed in expansive soils would experience expansion and contraction depending on the season and the amount of surface water infiltration. The expansion and contraction could exert enough pressure on the structures to result in cracking, settlement, and uplift. The conductivity of soils may be high enough to corrode underground metal pipes and electrical conduits. Over time, pipe corrosion could lead to pipeline failure, resulting in localized surface flooding of water or localized settlement of

surface soils in the location of the failure. Failed subsurface electrical conduits could result in electrical short-circuiting. This would temporarily reduce power to the facility and possibly result in temporary operations shutdown. The potential impact of underlying soil properties on the MCWD Facilities is discussed at pages 4.5-29 – 4.5-30 and 6.5-4 – 6.5-5.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.5-2. All project elements and pipeline facilities will comply with applicable policies and appropriate engineering investigation practices necessary to reduce the potential detrimental effects of expansive soils, and corrosivity. Appropriate geotechnical studies will be conducted by California licensed geotechnical engineers or engineering geologists using generally accepted and appropriate engineering techniques for determining the susceptibility of the sites to unstable, weak or corrosive soils in accordance with the most recent version of the California Building Code. A licensed geotechnical engineer or engineering geologist will prepare recommendations applicable to foundation design, earthwork, and site preparation prior to or during the project design phase. Recommendations will address mitigation of site-specific, adverse soil and bedrock conditions that could hinder development. Project engineers will implement the recommendations and incorporate them into project specifications. Geotechnical design and design criteria will comply with the most recent version of the California Building Code and applicable local construction and grading ordinances. Once appropriately designed and subsequently constructed, in accordance with local and state building code requirements, the resultant improvements will have the structural fortitude to withstand the potential hazards of expansive soils or corrosivity without significant damage. Pages 4.5-30 – 4.5-31 discuss Mitigation Measure 4.5-2.

d. Findings. Implementation of Mitigation Measure 4.5-2 will reduce the potential impact of underlying soil properties on the MCWD Facilities to a less-than-significant level.

e. Conclusion. The potential impact of underlying soil properties on the MCWD Facilities is less than significant.

3. 6.5-4: Potential injury and/or damage resulting from landslides including earthquake induced landslides.

a. Potential Impact. The majority of the Project components are located in low lying coastal dune, Salinas River Valley, and rolling inland hill areas with a low susceptibility to earthquake-induced

landsliding. The potential impact of injury and/or damage resulting from landslides, including earthquake induced landslides, is discussed on pages 4.5-32 – 4.5-35 and 6.5-6 and Revised Figure 4.5-3 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.5-4. During the design phase, site-specific design-level geotechnical evaluations shall be performed which will include slope stability conditions and provide recommendations to reduce and eliminate any potential slope hazards in the final design and if necessary, throughout construction. For all pipelines located in landslide hazard areas, appropriate piping material with the ability to deform without rupture (e.g., ductile steel) will be used. For all other facilities a geotechnical evaluation will be conducted and the geotechnical evaluations will include detailed slope stability evaluations, which could include a review of aerial photographs, field reconnaissance, soil testing, and slope stability modeling. Facilities design and construction will incorporate the slope stability recommendations contained in the geotechnical analysis conducted by California licensed geotechnical engineers or engineering geologists.

Mitigation measures included in the geotechnical report will be incorporated into the project construction specifications and become part of the project. Pages 4.5-35 – 4.5-36 of the Final EIR discuss Mitigation Measure 4.5-4 in further detail.

d. Findings. Implementation of Mitigation Measure 4.5-4 will reduce the potential impact of injury and/or damage resulting from landslides to a less-than-significant level.

e. Conclusion. The potential impact of injury and/or damage resulting from landslides is less than significant.

4. 6.5-5: Potential facility damage resulting from a major earthquake in areas susceptible to liquefaction.

a. Potential Impact. The majority of the Project components are located in low lying coastal dune, Salinas River Valley, and rolling inland hill areas with a low to moderate liquefaction potential. The potential impact of damage to the MCWD Facilities resulting from a major earthquake in areas susceptible to liquefaction is discussed on page 6.5-7 and addressed in Revised Figure 4.5-2 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.5-1. A California licensed geotechnical engineer or engineering geologist will conduct geotechnical investigations of all Project facilities and pipeline alignments prior to the final design and prepare recommendations applicable to foundation design, earthwork, backfill and site preparation prior to or during the project design phase. The investigations will specify seismic and geologic hazards including potential ground movements and co-seismic effects (including liquefaction). The recommendations of the geotechnical engineer will be incorporated into the design and specifications in accordance with California Geological Survey Special Publication 117 and shall be implemented by the construction contractor. The construction manager will conduct inspections and certify that all design criteria have been met in accordance with the California Building Code as well as applicable City and County ordinances. Page 4.5-29 of the Final EIR discusses Mitigation Measure 4.5-1.

d. Findings. Implementation of Mitigation Measure 4.5-1 will reduce the potential impact of damage to the MCWD Facilities resulting from a major earthquake in areas susceptible to liquefaction to a less-than-significant level.

e. Conclusion. The potential impact on the MCWD Facilities from a major earthquake in areas susceptible to liquefaction is less than significant.

D. Hazards and Hazardous Materials

1. 6.6-1: Excavation and grading for the Project could expose construction workers, the public, or the environment to hazardous materials that may be present in excavated soil or groundwater.

a. Potential Impact. Construction of the MCWD Facilities could encounter hazardous materials in soil and/or groundwater. The typical contaminants anticipated are related to releases from gasoline service stations, dry cleaners, and agricultural uses such as petroleum hydrocarbons, volatile organic compounds, metals, and pesticides. Soil disturbance during construction could further disperse existing contamination into the environment and expose construction workers or the public to contaminants. If significant levels of hazardous materials are present in excavated soils, health and safety risks to workers and the public could occur. The potential impacts of exposing construction workers, the public, and/or the environment to hazardous materials during excavation and grading for the MCWD Facilities are discussed on pages 6.6-6 – 6.6-7.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.6-1a. Within one year prior to construction of facilities requiring excavation of more than 50 cubic yards of soil, the contractor shall retain a qualified environmental professional to conduct a Phase I Environmental Site Assessment in conformance with ASTM Standard 1527-05 to evaluate subsurface conditions that could be expected during construction. For all pipeline alignments, the contractor shall retain a qualified environmental professional to update the environmental database review to identify environmental cases, permitted hazardous materials uses, and spill sites within one-quarter mile of the pipeline alignment. Regulatory agency files will be reviewed for those sites that could potentially affect soil and groundwater quality within the project alignment.

If these preliminary environmental reviews indicate that a release of hazardous materials could have affected soil or groundwater quality at a project site, the contractor shall retain a qualified environmental professional to conduct a Phase II environmental site assessment to evaluate the presence and extent of contamination at the site. If the results of the subsurface investigation(s) indicate the presence of hazardous materials, additional site remediation may be required by the applicable state or local regulatory agencies, and the contractors shall be required to comply with all regulatory requirements for facility design or site remediation.

In addition, the environmental professional will perform a site reconnaissance and assess the need for Phase II soil sampling at locations with the potential to have subsurface contamination identified in the RBF Hazardous Materials Assessment (2005). As above, pertinent findings shall be reported to the applicable state or local regulatory agencies and additional remediation may be required based on the findings of these investigations. Page 4.6-25 discusses Mitigation Measure 4.6-1a in further detail.

(ii) Mitigation Measure 4.6-1b. Based on the findings of the environmental review required by Mitigation Measure 4.6-1a, a project-specific Health and Safety Plan (HSP) shall be prepared in accordance with 29 CFR 1910 to protect construction workers and the public during all excavation,

grading and construction services. Pages 4.6-25 – 4.6-26 discuss Mitigation Measure 4.6-1b in further detail.

(iii) Mitigation Measure 4.6-1c. The contractor shall have a site health and safety supervisor fully trained pursuant to the HAZWOPER standard (29 CFR 1910.120) be present during excavation, grading, trenching, or cut and fill operations to monitor for evidence of potential soil contamination, including soil staining, noxious odors, debris or buried storage containers. The site health and safety supervisor must be capable of evaluating whether hazardous materials encountered constitute an incidental release of a hazardous substance or an emergency spill. The site health and safety supervisor shall direct procedures to be followed in the event that a hazardous materials release with the potential to impact worker health and safety is encountered. These procedures shall be in accordance with hazardous waste operations regulations. Page 4.6-26 discusses Mitigation Measure 4.6-1c in further detail.

(iv) Mitigation Measure 4.6-1d. Coordination with the future property owner shall occur and a legal Right of Entry obtained. Page 4.6-26 discusses Mitigation Measure 4.6-1d in further detail.

(v) Mitigation Measure 4.6-1e. A materials disposal plan shall be developed and implemented, specifying how all excavated material will be removed, handled, transported, and disposed of in a safe, appropriate, and lawful manner. The plan must identify the disposal method for soil and the approved disposal site, and written documentation that the disposal site will accept the waste.

A groundwater dewatering control and disposal plan shall be developed specifying how groundwater impacted by hazardous substances will be removed, handled, and disposed of in a safe, appropriate, and lawful manner. The plan must identify the locations at which potential groundwater impacts are likely to be encountered, the method to analyze groundwater for hazardous materials, and the appropriate treatment and/or disposal methods. Page 4.6-26 discusses Mitigation Measure 4.6-1e in further detail.

d. Findings. Implementation of Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, 4.6-1d, and 4.6-1e will reduce the potential impact of

encountering hazardous materials during excavation and grading for the MCWD Facilities to a less-than-significant level.

e. Conclusion. The potential impact of exposing construction workers, the public, or the environment to hazardous materials during excavating and grading activities for the MCWD Facilities is less than significant.

E. Traffic and Circulation

1. 6.7-1: Short-term increases in vehicle trips by construction workers and construction vehicles on area roadways.

a. Potential Impact. Construction of the desalination facility and pipelines would require construction worker trips and truck trips to import engineered soil and pipe segments, and to export excavated native soils.

The potential impacts of short-term increases in vehicle trips by construction workers and construction vehicles on area roadways are discussed on pages 4.7-20 – 4.7-21 and 6.7-2 - 6.7-3.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.7-1. The contractor(s) will obtain any necessary road encroachment permits prior to construction of each project component and will comply with conditions of approval attached to project implementation. As part of the road encroachment permit process, the contractor(s) will prepare a Traffic Control and Safety Assurance Plan in accordance with professional engineering standards and submit the plan (for work in the public right-of-way) to the agencies with jurisdiction over the affected roads, for review and approval. Pages 4.7-24 – 4.7-25 of the Final EIR discuss Mitigation Measure 4.7-1 in further detail.

d. Findings. Implementation of Mitigation Measure 4.7-1 will reduce the potential impact of short-term increased in vehicle trips by construction workers and construction vehicles on area roadways to a less-than-significant level.

e. Conclusion. The potential impact of short-term increases in vehicle trips by construction workers and construction vehicles on area roadways is less than significant.

2. 6.7-2: Reduction in the number of, or in the available width of, travel lanes on roads where pipeline construction would occur, resulting in short-term traffic delays for vehicles traveling past the construction zones.

a. Potential Impact. The MCWD pipelines would follow public rights-of-way, and agricultural roads, and depending on the alignment selected, construction would require a crossing at Highway 1, which would be trenching or horizontal drilling. Impacts from construction within road pavement would include direct disruption of traffic flows and street operations, due to lane blockages or street closures. Pipeline installation within and/or across high-traffic volume arterials could have a significant adverse impact on traffic flow and operations at these locations. Depending on where the pipeline would be located within the roadway width and on whether on-street parking is currently provided, either two traffic lanes, or one travel lane and a parking lane, would be needed to accommodate the construction zone. Traffic would be delayed as it travels past the construction zone. The potential impact of construction on short-term traffic delays for vehicles traveling past construction zones are discussed at pages 4.7-28 – 4.7-29 and 6.7-4 – 6.7-5 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.7-1. The contractor(s) will obtain any necessary road encroachment permits prior to construction of each project component and will comply with conditions of approval attached to project implementation. As part of the road encroachment permit process, the contractor(s) will prepare a Traffic Control and Safety Assurance Plan in accordance with professional engineering standards and submit the plan (for work in the public right-of-way) to the agencies with jurisdiction over the affected roads, for review and approval. Pages 4.7-24 – 4.7-25 of the Final EIR discuss Mitigation Measure 4.7-1 in further detail.

(ii) Mitigation Measure 4.7-2. The following elements shall be included in the Traffic Control and Safety Assurance Plan prepared in compliance with Mitigation Measure 4.7-1:

- Where possible, limit the pipeline construction work zone to a width that, at a minimum, maintains alternate one-way traffic flow past the construction zone.

- If alternate one-way traffic flow cannot be maintained past the construction zone, install detour signs on alternative routes around the closed road segment.

- Publish notices of the location(s) and timing of road closures in local newspapers, and on available web sites, to allow motorists to select alternative routes.

- Limit lane closures during peak hours to the extent possible.

- Restore roads and streets to normal operation by covering trenches with steel plates outside of allowed working hours or when work is not in progress.

Pages 4.7-29 – 4.7-30 of the Final EIR discuss Mitigation Measure 4.7-2.

d. Findings. Implementation of Mitigation Measures 4.7-1 and 4.7-2 will reduce the impact of construction zones on travel delays to a less-than-significant level.

e. Conclusion. The potential impact of construction zones on travel delays is less than significant.

3. 6.7-3: Demand for parking spaces to accommodate construction worker vehicles.

a. Potential Impact. The proposed project construction would create a temporary parking demand for construction workers and construction vehicles as crews move along the project corridor as pipes are installed and during work on stationary facility locations. For the stationary facility locations, including the desalination plant, the worksites would generally have sufficient onsite space to accommodate parking demand, and the impact would be less than significant. Each crew installing pipeline would require up to about 85 parking spaces. Given the proposed rate of construction during pipeline installation, impacts to parking would be relatively brief at any one location throughout the project area, but could reduce the parking capacity for people currently using the displaced spaces, creating a potentially significant impact tied to the extra driving required as the displaced parkers look for alternative parking spaces. The potential impact of construction on the demand for parking spaces is discussed at pages 4.7-30 and 6.7-5.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.7-1. The contractor(s) will obtain any necessary road encroachment permits prior to

construction of each project component and will comply with conditions of approval attached to project implementation. As part of the road encroachment permit process, the contractor(s) will prepare a Traffic Control and Safety Assurance Plan in accordance with professional engineering standards and submit the plan (for work in the public right-of-way) to the agencies with jurisdiction over the affected roads, for review and approval. Pages 4.7-24 – 4.7-25 of the Final EIR discuss Mitigation Measure 4.7-1 in further detail.

(ii) Mitigation Measure 4.7-3. The Traffic Control and Safety Assurance Plan will identify locations that provide sufficient parking capacity to accommodate parking demand by construction workers (within the construction zone or, if needed, at a nearby location with transport [e.g., shuttle vans] provided between the parking location and the worksite). Page 4.7-30 of the Final EIR discusses Mitigation Measure 4.7-3.

d. Findings. Implementation of Mitigation Measures 4.7-1 and 4.7-3 will reduce the potential impact of construction on the demand for parking spaces to a less-than-significant level.

e. Conclusion. The potential impact of increased demand for parking spaces to accommodate construction worker vehicles is less than significant.

4. 6.7-4: Potential traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways.

a. Potential Impact. Heavy equipment operating adjacent to or within a road right-of-way could increase the risk of accidents. Construction-generated trucks on project corridor roadways would interact with other vehicles. Conflicts also would occur between construction traffic and bicyclists and pedestrians resulting from pipeline construction and operation of construction equipment where crossings of a bikeway or pedestrian path occur. The potential impacts of traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways are discussed at pages 6.7-6 and 4.7-31 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.7-1. The contractor(s) will obtain any necessary road encroachment permits prior to

construction of each project component and will comply with conditions of approval attached to project implementation. As part of the road encroachment permit process, the contractor(s) will prepare a Traffic Control and Safety Assurance Plan in accordance with professional engineering standards and submit the plan (for work in the public right-of-way) to the agencies with jurisdiction over the affected roads, for review and approval. Pages 4.7-24 – 4.7-25 of the Final EIR discuss Mitigation Measure 4.7-1 in further detail.

(ii) Mitigation Measure 4.7-4. The Traffic Control and Safety Assurance Plan prepared in compliance with Mitigation Measure 4.7-1 will comply with roadside safety protocols to reduce the risk of accidents. "Road Work Ahead" warning signs will be provided and speed control will be implemented to achieve required speed reductions for safe traffic flow through the work zone. Construction personnel shall be trained to apply appropriate safety measures as described in the plan. To the extent feasible, construction that crosses on-street and off-street bikeways (and sidewalks and pathways for pedestrians) will be performed in a manner that allows for safe access for bicyclists and pedestrians. Alternatively, safe detours to reroute affected bicycle/pedestrian traffic will be provided. Page 4.7-31 of the Final EIR discusses Mitigation Measure 4.7-4 in further detail.

d. Findings. Implementation of Mitigation Measures 4.7-1 and 4.7-4 will reduce the potential impact of traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways to a less-than-significant level.

e. Conclusion. The potential impact of traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways is less than significant.

5. 6.7-5: Access disruption to adjacent land uses and streets for both general traffic and emergency vehicles.

a. Potential Impact. The Project would include installation of new pipelines in both unpaved areas and paved roadways, and access to driveways and to cross streets along the construction route could be temporarily blocked due to trenching and paving. This could be an inconvenience to some and a significant problem for others, particularly schools and emergency service providers. The potential impact of disruption to adjacent land uses and streets for

both general traffic and emergency vehicles is discussed on pages 4.7-21 – 4.7-32 and 6.7-6 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.7-1. The contractor(s) will obtain any necessary road encroachment permits prior to construction of each project component and will comply with conditions of approval attached to project implementation. As part of the road encroachment permit process, the contractor(s) will prepare a Traffic Control and Safety Assurance Plan in accordance with professional engineering standards and submit the plan (for work in the public right-of-way) to the agencies with jurisdiction over the affected roads, for review and approval. Pages 4.7-24 – 4.7-25 of the Final EIR discuss Mitigation Measure 4.7-1 in further detail.

(ii) Mitigation Measure 4.7-5. The Traffic Control and Safety Assurance Plan will provide for maintaining access for emergency vehicles at all times, coordinating with facility owners or administrators of sensitive land uses such as police and fire stations, transit stations, hospitals, and schools. The Plan will also provide for 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. The Plan will require flaggers in school areas at the start and end of the school day if and when pipeline installation would occur at designated school zones and maintain access for private driveways to the maximum extent feasible. Page 4.7-5 of the Final EIR discusses Mitigation Measure 4.7-5 in further detail.

d. Findings. Implementation of Mitigation Measures 4.7-1 and 4.7-5 will reduce the potential impact of access disruption to adjacent land uses and streets for both general traffic and emergency vehicles to a less-than-significant level.

e. Conclusion. The potential impact of access disruption to adjacent land uses and streets for both general traffic and emergency vehicles is less than significant.

6. 6.7-6: Disruptions to transit and railroad service on pipeline alignment routes.

a. Potential Impact. Construction would have temporary and intermittent effects on traffic flow, which could result in delays for Monterey-Salinas Transit bus service in the vicinity of the worksites. While buses could be slowed by project construction trucks on roads used as haul routes, a greater potential effect would occur on roads in which pipeline installation is proposed. Bus routes might need to be temporarily detoured, and/or bus stops temporarily relocated. The potential impacts of disruption to transit and railroad service on pipeline alignment routes are discussed on pages 6.7-7 and 4.7-33 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.7-1. The contractor(s) will obtain any necessary road encroachment permits prior to construction of each project component and will comply with conditions of approval attached to project implementation. As part of the road encroachment permit process, the contractor(s) will prepare a Traffic Control and Safety Assurance Plan in accordance with professional engineering standards and submit the plan (for work in the public right-of-way) to the agencies with jurisdiction over the affected roads, for review and approval. Pages 4.7-24 – 4.7-25 of the Final EIR discuss Mitigation Measure 4.7-1 in further detail.

(ii) Mitigation Measure 4.7-6. The following element shall be included in the Traffic Control and Safety Assurance Plan prepared in compliance with Mitigation Measure 4.7-1:

- Coordinate with Monterey-Salinas Transit so the transit provider can temporarily relocate bus routes or bus stops in work zones as it deems necessary.

Page 4.7-34 of the Final EIR discusses Mitigation Measure 4.7-6.

d. Findings. Implementation of Mitigation Measures 4.7-1 and 4.7-6 will reduce the potential impact of disruptions to transit and railroad service on pipeline alignment routes to a less than significant level.

e. Conclusion. The potential impact of disruptions to transit and railroad service on pipeline alignment routes is less than significant.

7. 6.7-7: Increased wear and tear on the designated haul routes used by construction vehicles.

a. Potential Impact. The use of trucks to transport equipment and material to and from the work sites could affect road conditions on the designated haul routes by increasing the rate of road wear. Although freeways and major arterials are designed to handle a mix of vehicle types, including heavy trucks, rural roadways and residential streets may not have been constructed to support the weight and use by construction equipment. The potential impact of increased wear and tear on designated haul routes used by construction vehicles is discussed at pages 6.7-7 and 4.7-34 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.7-7. Prior to construction of project components, the applicant and the affected jurisdiction(s) shall enter into an agreement that will detail the pre-construction conditions for all routes that will be used by project-related vehicles, and the post-construction requirements of the rehabilitation program. Roads damaged by project construction will be repaired to a structural condition equal to that which existed prior to construction activity. Page 4.7-34 discusses Mitigation Measure 4.7-7.

d. Findings. Implementation of Mitigation Measure 4.7-7 will reduce the potential impact of increased wear and tear on the designated haul routes to a less-than-significant level.

e. Conclusion. The potential impact of increased wear and tear on the designated haul routes used by construction vehicles is less than significant.

F. Noise and Vibration

1. 6.9-1: Construction activity would violate standards established in the local general plans or noise ordinances, and/or would adversely affect nearby sensitive receptors.

a. Potential Impact. Construction activities would result in the generation of noise associated with site preparation and building. High noise levels would be created by the operation of heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders,

compactors, scrapers, and other heavy-duty construction equipment. Construction of the desalination facility is not expected to have adverse noise impacts on sensitive receptors because the nearest residence is 2,000 feet from the plant's perimeter.

The progress rates for the various pipeline construction spreads would vary from approximately 250 feet to 500 feet per day. Therefore, maximum noise levels at any one location would be limited to a period of one to three days. However, required trenchless pipeline installation technology and well drilling activities would last for periods of a few weeks to several months at a given location and well development construction activities may be required to occur continuously on a 24-hour basis.

Maximum pipeline construction noise levels at the nearest sensitive receptor locations would be as high as 90 dBA. The potential impacts of construction activities violating noise standards and/or adversely affecting sensitive receptors are discussed at pages 6.9-3 – 6.9-5 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.9-1b. The construction contractor shall limit all construction related activities to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between 9:00 a.m. and 7:00 p.m. Saturdays, or as agreed upon by the local jurisdiction. Page 4.9-33 of the Final EIR discusses Mitigation Measure 4.9-1b.

(ii) Mitigation Measure 4.9-1c. The contractor 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 un-muffled exhaust. Page 4.9-33 of the Final EIR discusses Mitigation Measure 4.9-1c.

(iii) Mitigation Measure 4.9-1d. Residences and other sensitive receptors within 500 feet of a construction area shall be notified of the construction schedule in writing, at least two weeks prior to the commencement of construction activities. A noise disturbance coordinator would be responsible for responding to complaints regarding construction noise. The coordinator shall determine the

cause of the complaint and ensure that reasonable measures are implemented to correct the problem. A contact number for the noise disturbance coordinator shall be conspicuously placed on construction site fences and included in the construction schedule notification sent to nearby residences. Page 4.9-33 of the Final EIR discusses Mitigation Measure 4.9-1d.

d. Findings. The implementation of Mitigation Measures 4.9-1b – 4.9-1d will reduce the potential impact of construction activity violating standards established in local general plans or noise ordinances, and/or adversely affecting nearby sensitive receptors to a less-than-significant level.

e. Conclusion. The potential impact of construction activity violating standards established in local general plans or noise ordinances, and/or would adversely affect nearby sensitive receptors is less than significant.

2. 6.9-2: Operation of the water treatment plants and other conveyance facilities would potentially increase existing noise levels, which could exceed noise level standards and/or result in nuisance impacts.

a. Potential Impact. Noise generated by mobile sources, such as employee commute trips, would generate a nominal amount of operational noise. Noise that would be associated with pipeline and other facility maintenance would be short-term and random resulting from incidences that would not result in measurable increases of ambient noise levels in surrounding areas. Operation of the pumps at the desalination facility would generate noise levels that could exceed Monterey County noise standards for industrial facilities. The potential impact of operation of the MCWD Facilities is discussed on pages 6.9-6 – 6.9-7 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.9-2. All stationary noise sources shall be located within enclosed structures with adequate setback and screening, as necessary, to achieve acceptable regulatory noise standards for industrial uses as well as to achieve acceptable levels at the property lines of nearby residences, as determined by the applicable local jurisdiction. Noise enclosures shall be designed to reduce equipment noise levels by as least 20 dBA. Once the stationary noise sources have been installed, noise levels shall be monitored to ensure compliance with local noise standards. If project stationary noise sources exceed the applicable noise

standards, an acoustical engineer shall be retained to install additional noise attenuation measures in order to meet the applicable noise standards. Page 4.9-39 of the Final EIR discusses Mitigation Measure 4.9-2 in further detail.

d. Findings. Implementation of Mitigation Measure 4.9-2 will reduce the potential impact of operation of the MCWD Facilities on noise levels to a less-than-significant level.

e. Conclusion. The potential impact of operation of the MCWD Facilities on noise levels is less than significant.

3. 6.9-3: Short-term construction would result in temporary vibration impacts on nearby receptors and structures.

a. Potential Impact. Some types of construction equipment can produce vibration levels that can cause architectural damage to structures and be annoying to nearby sensitive receptors. Construction of the MCWD pipelines could produce vibration, but vibration levels would vary based on the construction period, the construction phase and the types of construction equipment used. The potential impact of short-term construction resulting in temporary vibration impacts on nearby receptors and structures is discussed on pages 6.9-7 - 6.9-9 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.9-1b. The construction contractor shall limit all construction related activities to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between 9:00 a.m. and 7:00 p.m. Saturdays, or as agreed upon by the local jurisdiction. Page 4.9-33 of the Final EIR discusses Mitigation Measure 4.9-1b.

(ii) Mitigation Measure 4.9-1d. Residences and other sensitive receptors within 500 feet of a construction area shall be notified of the construction schedule in writing, at least two weeks prior to the commencement of construction activities. A noise disturbance coordinator would be responsible for responding to complaints regarding construction noise. The coordinator shall determine the cause of the complaint and ensure that reasonable measures are implemented to correct the problem. A contact number for the noise disturbance coordinator shall be conspicuously placed on construction site fences and included in the construction schedule notification sent to

nearby residences. Page 4.9-1d of the Final EIR discusses Mitigation Measure 4.9-1d.

d. Findings. Implementation of Mitigation Measures 4.9-1b and 4.9-1d will reduce the potential impact of temporary vibration on nearby receptors and structures from short-term construction to a less-than-significant level.

e. Conclusion. The potential impact of temporary vibration on nearby receptors and structures from short-term construction is less than significant.

G. Land Use, Recreation, and Agriculture

1. 6.10-1: Components of the Phase 1 Project and Phase 2 Project may permanently divide or temporarily disrupt an established community.

a. Potential Impact. Although the MCWD Facilities would result in a less than significant permanent division of an established community, construction may temporarily disrupt adjacent land uses within an established community. Impacts would occur during the short-term construction period. The potential impacts of the MCWD Facilities on dividing or temporarily disrupting an established community are discussed on pages 6.10-12 – 6.10-13 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.10-1a. Implement the Traffic Control and Safety Assurance Plan element recommended in Mitigation Measure 4.7-1 to develop detours during construction activities to allow traffic, pedestrian, and service flow within and among existing communities. Page 4.10-51 of the Final EIR discusses Mitigation Measure 4.10-1a.

(ii) Mitigation Measure 4.10-1b. Implement the Traffic Control and Safety Assurance Plan element recommended in Mitigation Measure 4.7-4 to carry out construction activities in a manner that allows access along bike routes and pedestrian pathways to ensure safe access for pedestrians and bicyclists. During construction, detours adjacent to the existing bike paths, sidewalks, and hiking trails shall be implemented that will be affected by construction in order to maintain access to and along paths.

Page 4.10-51 of the Final EIR discusses Mitigation Measure 4.10-1b.

(iii) Mitigation Measure 4.10-1c. Areas disturbed for construction of underground facilities shall be restored after construction to minimize permanent effects. Roads and sidewalks shall be repaved with asphalt or concrete for directly affected road sections only, uncontaminated soil that was removed shall be replaced, and areas where vegetation was removed shall be replanted with the same or comparable species. Page 4.10-51 of the Final EIR discusses Mitigation Measure 4.10-c.

d. Findings. Implementation of Mitigation Measures 4.10-1a-c will reduce the potential impact of dividing or temporarily disrupting an established community to a less-than-significant level.

e. Conclusion. The potential impact of the MCWD Facilities dividing or temporarily disrupting an establish community is less than significant.

2. 6.10-3: Implementation of the proposed project could result in the permanent removal of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance from agricultural operation, or involve other changes that could result in conversion of farmland to nonagricultural use as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

a. Potential Impact. Implementation of the Project would not require permanent conversion of important agricultural land to non-agricultural use; however construction of the Project may temporarily conflict with established agricultural resources. Construction activities could disrupt access to actively farmed parcels, affect growing cycles or rotation schedules, or increase dust that could adversely affect crop growth. The desalination facility is located on Armstrong Ranch, which does not contain Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The potential impact of converting farmland to nonagricultural use is discussed at page 6.10-17 – 6.10-18 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.10-3. To the extent feasible, a construction schedule will be developed that avoids conflict

with growing seasons and rotation patterns of crops that could be impacted by construction activities for portions of the proposed alignment that cross or are adjacent to agricultural land. Best Management Practices will be implemented during construction to minimize dust. Pages 4.10-55 - 4.10-56 of the Final EIR discuss Mitigation Measure 4.10-3.

d. Findings. Implementation of Mitigation Measure 4.10-3 will reduce the potential impact of converting farmland to nonagricultural use to a less-than-significant level.

e. Conclusion. The potential impact of converting farmland to nonagricultural use is less than significant.

H. Public Services and Utilities

1. 6.11-1: Potential damage to or interference with existing public utilities.

a. Potential Impact. Construction of the MCWD Facilities could result in damage to or interference with existing water, sewer, storm drain, natural gas, electric, and/or communication lines and, in some cases, could require that existing lines be permanently relocated, potentially causing interruption of service. If specific locations of underground utilities are not located prior to construction, the utility lines could be damaged and the associated services interrupted. In most cases of pipeline construction, service disruptions are temporary and typically do not exceed one day. The potential impact of damage to or interference with existing public utilities is discussed on pages 4.11-20 – 4.11-21 and 6.11-5 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.11-1a. Prior to excavation, overhead and underground utility lines, such as natural gas, electricity, sewage, telephone, fuel, and water lines, that may reasonably be expected to be encountered during excavation work will be located. Page 4.11-21 of the Final EIR discusses Mitigation Measure 4.11-1a.

(ii) Mitigation Measure 4.11-1b. The exact location of underground utilities will be found by safe and acceptable means, including the use of hand and modern techniques as well as customary types of equipment, and the Utilities Service Alert (USA) shall be notified. Information

regarding the size, color, and location of existing utilities must be prepared as part of the design plans to include procedures for the excavation, support, and fill of areas around utility cables and pipes. All affected utility services shall be notified of construction plans and schedule. Arrangements shall be made with these entities regarding protection, relocation, or temporary disconnection of services. Page 4.11-21 of the Final EIR discusses Mitigation Measure 4.11-1b.

(iii) Mitigation Measure 4.11-1c. All conditions of its utility excavation or encroachment permits shall be complied with and conditions in construction contract specifications shall be included. Page 4.11-21 of the Final EIR discusses Mitigation Measure 4.11-1c.

(iv) Mitigation Measure 4.11-1d. The specific location of all high priority utilities will be confirmed and such locations will be highlighted on all construction drawings. The contractor will provide weekly updates on planned excavation for the upcoming week and identify when construction will occur near a high priority utility. On days when this work will occur, construction managers will attend tailgate meetings with contractor staff to review all measures – those identified in the Mitigation Monitoring and Reporting Program and in the construction specifications – regarding such excavations. The contractor's designated health and safety officer will specify a safe distance to work near high-pressure gas lines, and excavation closer to the pipeline will not be authorized until the designated health ad safety officer confirm 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 had by the construction contractor. The designated health and safety officer will provide written confirmation to the MCWD that the line has been adequately located, and excavation will not start until this confirmation has been received by the MCWD. Pages 4.11-21 – 4.11-22 of the Final EIR discuss Mitigation Measure 4.11-1d.

(v) Mitigation Measure 4.11-1e. While any excavation is open, underground utilities will be protected, supported, or removed as necessary to safeguard employees. Page 4.11-22 of the Final EIR discusses Mitigation Measure 4.11-1e.

(vi) Mitigation Measure 4.11-1f. Local fire departments will be notified any time damage to a gas utility results in a leak or suspected leak, or whenever damage to any utility results in a threat to public safety. Page 4.11-22 of the Final EIR discusses Mitigation Measure 4.11-1f.

(vii) Mitigation Measure 4.11-1g. Utility owners shall be contacted if any damage occurs as a result of the project and disconnected cables or lines will be promptly reconnected with approval of owner. Page 4.11-22 of the Final EIR discusses Mitigation Measure 4.11-1g.

(viii) Mitigation Measure 4.11-1h. Department of Health Services (DHS) standards shall be observed. Page 4.11-22 of the Final EIR discusses Mitigation Measure 4.11-1h.

(ix) Mitigation Measure 4.11-1i. Final construction plans and specification shall be coordinated with affected utilities, such as PG&E. If any interruption of service is required, residents and businesses shall be notified in the project corridor of any planned utility service disruption two to four days in advance, in conformance with county and State standards. Mitigation Measure 4.11-1i of the Final EIR discusses Mitigation Measure 4.11-1i.

d. Findings. Implementation of Mitigation Measures 4.11-1a – 4.11-1i will reduce to the potential impact of damage to or interference with existing public utilities to a less-than-significant level.

e. Conclusion. The potential impact of damage to or interference with existing public utilities is less than significant.

2. 6.11-2: Potential short-term increase in demand for police, fire, or emergency services.

a. Potential Impact. Construction would generate truck and employee traffic along haul routes and at the project component sites, temporarily increasing the potential for accidents in these areas. This increased accident potential would result in limited, short-term demand for additional police or fire services, and only on an as-needed and emergency basis. In addition, construction of pipelines in or adjacent to roadways could result in partial or complete road closure and would impair emergency access during this period. Disruption of roadway access and increased accident potential could also occur in the event of a pipeline rupture or other emergency upset condition. Such an event could temporarily increase demand for emergency services as well as impair

emergency access. The potential impact of short-term increases in demand for police, fire, or emergency services is discussed on pages 4.11-23 and 6.11-6 – 6.11-7 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.11-2. Mitigation Measures 4.7-1 and Measures 4.11-1a – 4.11-1i shall be implemented.

(i) Mitigation Measure 4.7-1. The contractor(s) will obtain any necessary road encroachment permits prior to construction of each project component and will comply with conditions of approval attached to project implementation. As part of the road encroachment permit process, the contractor(s) will prepare a Traffic Control and Safety Assurance Plan in accordance with professional engineering standards and submit the plan (for work in the public right-of-way) to the agencies with jurisdiction over the affected roads, for review and approval. Pages 4.7-24 – 4.7-25 of the Final EIR discuss Mitigation Measure 4.7-1 in further detail.

(ii) Mitigation Measure 4.11-1a. Prior to excavation, overhead and underground utility lines, such as natural gas, electricity, sewage, telephone, fuel, and water lines, that may reasonably be expected to be encountered during excavation work will be located. Page 4.11-21 of the Final EIR discusses Mitigation Measure 4.11-1a.

(iii) Mitigation Measure 4.11-1b. The exact location of underground utilities will be found by safe and acceptable means, including the use of hand and modern techniques as well as customary types of equipment, and the Utilities Service Alert (USA) shall be notified. Information regarding the size, color, and location of existing utilities must be prepared as part of the design plans to include procedures for the excavation, support, and fill of areas around utility cables and pipes. All affected utility services shall be notified of construction plans and schedule. Arrangements shall be made with these entities regarding protection, relocation, or temporary disconnection of services. Page 4.11-21 of the Final EIR discusses Mitigation Measure 4.11-1b.

(iv) Mitigation Measure 4.11-1c. All conditions of its utility excavation or encroachment permits shall be complied with and conditions in construction contract specifications shall

be included. Page 4.11-21 of the Final EIR discusses Mitigation Measure 4.11-1c.

(v) Mitigation Measure 4.11-1d. The specific location of all high priority utilities will be confirmed and such locations will be highlighted on all construction drawings. The contractor will provide weekly updates on planned excavation for the upcoming week and identify when construction will occur near a high priority utility. On days when this work will occur, construction managers will attend tailgate meetings with contractor staff to review all measures – those identified in the Mitigation Monitoring and Reporting Program and in the construction specifications – regarding such excavations. The contractor's designated health and safety officer will specify a safe distance to work near high-pressure gas lines, and excavation closer to the pipeline will not be authorized until the designated health ad safety officer confirm 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 had by the construction contractor. The designated health and safety officer will provide written confirmation to MCWD that the line has been adequately located, and excavation will not start until this confirmation has been received by MCWD. Pages 4.11-21 – 4.11-22 of the Final EIR discuss Mitigation Measure 4.11-1d.

(vi) Mitigation Measure 4.11-1e. While any excavation is open, underground utilities will be protected, supported, or removed as necessary to safeguard employees. Page 4.11-22 of the Final EIR discusses Mitigation Measure 4.11-1e.

(vii) Mitigation Measure 4.11-1f. Local fire departments will be notified any time damage to a gas utility results in a leak or suspected leak, or whenever damage to any utility results in a threat to public safety. Page 4.11-22 of the Final EIR discusses Mitigation Measure 4.11-1f.

(viii) Mitigation Measure 4.11-1g. Utility owners shall be contacted if any damage occurs as a result of the project and disconnected cables or lines will be promptly reconnected with approval of owner. Page 4.11-22 of the Final EIR discusses Mitigation Measure 4.11-1g.

(ix) Mitigation Measure 4.11-1h. Department of Health Services (DHS) standards shall be observed. Page 4.11-22 of the Final EIR discusses Mitigation Measure 4.11-1h.

(x) Mitigation Measure 4.11-1i. Final construction plans and specification shall be coordinated with affected utilities, such as PG&E. If any interruption of service is required, residents and businesses shall be notified in the project corridor of any planned utility service disruption two to four days in advance, in conformance with county and State standards. Mitigation Measure 4.11-1i of the Final EIR discusses Mitigation Measure 4.11-1i.

d. Findings. Implementation of Mitigation Measures 4.7-1 and 4.11-1a – 4.11-1i will reduce the potential impact of short-term increases in demand for police, fire, or emergency services to a less-than-significant level.

e. Conclusion. The potential impact of short-term increase in demand for police, fire, or emergency services is less than significant.

3. 6.11-3: Potential adverse effects on solid waste landfill capacity and/or failure to achieve state-mandated solid waste diversion rates.

a. Potential Impact. Construction of the Project would generate construction and demolition waste over the construction period. If solid waste were disposed at the MRWMD landfill rather than reused or recycled it could substantially increase the disposal rates of jurisdictions in the project area and would thereby lower their diversion rates for the purpose of calculating AB 939 diversion, and could exceed the landfill's permitted daily tonnage, depending on timing of the delivery of waste loads to the landfill. The potential impact on solid waste landfill capacity and/or failure to achieve state-mandated solid waste diversion rates is discussed at pages 4.11-24 – 4.11-26 and 6.11-7 – 6.11-8 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.11-3a. Project facility design and construction methods that produce less waste, or that produce waste that could more readily be recycled or reused shall be encouraged. Page 4.11-26 of the Final EIR discusses Mitigation Measure 4.11-3a.

(ii) Mitigation Measure 4.11-3b. Construction specifications shall include a requirement for the contractor to describe plans for recovering, reusing, and recycling wastes produced through construction, demolition, and excavation activities. Page 4.11-26 of the Final EIR discusses Mitigation Measure 4.11-3b.

(iii) Mitigation Measure 4.11-3c. Prior to project operation, MCWD shall demonstrate that the residuals and solid waste generated by the greensand filtration process are acceptable and will be accepted for disposal at the MRWMD landfill. If the waste from the greensand process is determined by MRWMD not to be acceptable, MCWD shall identify the permitted waste facility to which the waste will be taken for disposal. This waste facility shall be approved for accepting the type of waste generated and have adequate capacity to accept the waste over the life of the project. Page 4.11-26 of the Final EIR discusses Mitigation Measure 4.11-3c.

d. Findings. Implementation of Mitigation Measures 4.11-3a-c will reduce the potential impact on solid waste landfill capacity and/or failure to achieve state mandated solid waste diversion rates to a less-than-significant level.

e. Conclusion. The potential impact on solid waste landfill capacity and/or failure to achieve state mandated solid waste diversion rates is less than significant.

4. 6.11-4: Potential adverse effects on wastewater treatment facilities.

a. Potential Impact. Operation of the Project would involve use of clean-in-place (CIP) chemical solutions. The neutralized solution from this process would be trucked to MRWPCA brine ponds for disposal. Backwash could adversely affect the treatment plant's operations. The potential impact on wastewater treatment facilities is discussed at pages 4.11-26 – 4.11-27 and 6.11-8 – 6.11-10 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.11-4a. The CIP waste shall be neutralized, tested, and logged prior to transport to the MRWPCA or discharge to the MRWPCA sewer system in accordance with all MRWPCA regulations and standards. If, at the conclusion of pilot testing, the project sponsor

proposed to use CIP chemicals different from those used in the pilot project, MCWD shall demonstrate to MRWPCA that the CIP waste (CIP backwash water) generated by the specific chemicals to be used in the full-scale project meet the regulations and standards for acceptance for treatment at the MRWPCA treatment plant or discharge to the sewer system. If such demonstration cannot be made prior to project approval the project sponsor shall use for the full scale project those acids and base used for the CIP process in the pilot project. Page 4.11-27 of the Final EIR discusses Mitigation Measure 4.11-4a.

d. Findings. Implementation of Mitigation Measures 4.11-4a will reduce the potential impact on the MRWPCA treatment plant to a less-than-significant level.

e. Conclusion. The potential impact on wastewater treatment facilities is less than significant.

I. Aesthetic Resources

1. 6.12-3: Exterior lighting associated with proposed facilities would create new sources of light and glare in the surrounding areas.

a. Potential Impact. Lighting associated with the desalination facility could create a new source of light or glare. The potential impacts of light and glare are discussed in the Final EIR at pages 6.12-11 to 6.12-12.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.12-3a: To ensure that the project's exterior lighting does not spill over onto the adjacent uses, all exterior light fixtures, including street lighting, shall be shielded or directed away from adjoining uses.

(ii) Mitigation Measure 4.12-3b: Outdoor light intensity shall be limited to that necessary for adequate security and safety. All outside lighting shall be directed to prevent spillage onto adjacent properties and shall be shown on the site plan and elevations.

d. Findings. Implementation of Mitigation Measures 4.12-3a-b will reduce the potential for adverse impacts associated with light and glare to a less-than-significant level.

e. Conclusion. The impacts of the MCWD Facilities on the existing visual character of the site or surroundings are less than significant.

J. Cultural Resources

1. 6.13-1: Project construction has the potential to affect known archeological resources.

a. Potential Impact. Ground disturbance associated with construction of the MCWD Facilities could adversely impact both known and previously undiscovered important archeological resources. The potential impact of construction affecting known archeological resources is discussed on pages 6.13-9 – 6.13-12.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.13-1a. *Pre-Construction Survey*. Pre-construction surveys shall be performed for any project components not yet surveyed due to lack of access or modifications in project component siting (e.g., new pipelines, staging areas, access roads, facilities). If resources are discovered during survey, Mitigation Measures 4.12-1b-d shall be followed. Page 4.13-21 of the Final EIR discusses Mitigation Measure 4.13-1a.

(ii) Mitigation Measure 4.13-1b. *Avoidance.* Avoidance of cultural resources as the preferred mitigation measure. All design-level engineering and construction drawings will be prepared in consultation with a cultural resource specialist. Facilities, staging areas, and any activity involving ground disturbance shall be located to avoid resources. To ensure that no inadvertent damage occurs to avoided cultural resources, the cultural resource boundaries shall be marked as exclusion zones both on the ground and on construction maps. Page 4.13-21 of the Final EIR discusses Mitigation Measure 4.13-1b.

(iii) Mitigation Measure 4.13-1c. *Evaluation for CRHR.* If avoidance is determined to be infeasible, a qualified archaeologist shall be retained to evaluate the potentially significant resources for CEQA "importance" or eligibility for the CRHR. The purpose of further action will be to define a course of action to satisfy CEQA requirements for an Assessment of Effects. In the case of prehistoric archaeological sites, evaluation may be completed by examining existing records and reports, detailed recording,

and/or excavation to determine data potential of the sties. Resources found not to be "important" would require no further management. If cultural resources are considered "important" per CEQA or eligible for the CRHR, then a data recovery program shall be implemented to reduce impacts to less-than-significant levels as required by CEQA Guidelines. Excavated materials would be curated at an appropriate facility, such as Sonoma State University or San Francisco State. Page 4.13-21 of the Final EIR discusses Mitigation Measure 4.13-1c.

(iv) Mitigation Measure 4.13-1d. *Cultural Resources Treatment Plan (CRTP).* A Cultural Resources Treatment Plan (CRTP) will be developed for all known and newly discovered cultural resources within areas of direct impact of project activities. Pages 4.13-22 – 4.13-23 of the Final EIR discuss Mitigation Measure 4.13-1d.

(v) Mitigation Measure 4.13-2. *Training and Reporting.* Prior to the initiation of construction or ground disturbing activities, all construction personnel shall be alerted to the possibility of buried cultural remains, including prehistoric and/or historic resources. During construction and operations, personnel and equipment shall be restricted to the project work site. Personnel shall be instructed that upon discovery of buried cultural materials, work in the immediate area of the find shall be immediately halted and MCWD shall be notified. Once the find has been identified by a qualified archaeologist, then MCWD shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find is found to be important per CEQA (Appendix K). Page 4.13-23 of the Final EIR discusses Mitigation Measures 4.13-2.

d. Findings. Implementation of Mitigation Measures 4.13-1a – d and 4.13-2 will reduce the potential impact of project construction on known archeological resources to a less-than-significant level.

e. Conclusion. The potential impact of project construction on known archeological resources is less than significant.

2. 6.13-2: Unanticipated archaeological discoveries may be damaged or destroyed during Project construction.

a. Potential Impact. Ground disturbance associated with construction of the MCWD Facilities could damage or destroy unanticipated archeological discoveries. The potential impact of construction

damaging or destroying unanticipated archeological discoveries is discussed on pages 6.13-14 – 6.13-15.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.13-2. *Training and Reporting.* Prior to the initiation of construction or ground disturbing activities, all construction personnel shall be alerted to the possibility of buried cultural remains, including prehistoric and/or historic resources. During construction and operations, personnel and equipment shall be restricted to the project work site. Personnel shall be instructed that upon discovery of buried cultural materials, work in the immediate area of the find shall be immediately halted and MCWD shall be notified. Once the find has been identified by a qualified archaeologist, then MCWD shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find is found to be important per CEQA (Appendix K). Page 4.13-23 of the Final EIR discusses Mitigation Measures 4.13-2.

d. Findings. Implementation of Mitigation Measures 4.13-2 will reduce the potential impact of damaging or destroying unanticipated archeological discoveries during construction of the MCWD Facilities to a less-than-significant level.

e. Conclusion. The potential impact of damaging or destroying unanticipated archeological discoveries during construction of the MCWD Facilities is less than significant.

3. 6.13-3: Potential to uncover human remains.

a. Potential Impact. Ground disturbance associated with construction of the MCWD Facilities could result in the discovery of human remains. The potential impact of construction resulting in the discovery of human remains is discussed on page 6.13-15.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measure 4.13-3. *Human Remains.* If buried human remains are encountered during construction, work shall be immediately halted, and MCWD and the Monterey County coroner shall be immediately notified. If the remains are determined to be Native American, then the Native American Heritage Commission (NAHC) will be notified within 24 hours as required by Public Resources Code 5097. The NAHC shall notify designated Most Likely Descendants (MLD). The MLD is responsible for providing recommendations for the treatment of the remains within

48 hours of being granted access to the find. Page 4.13-24 of the Final EIR discusses Mitigation Measure 4.13-3.

d. Findings. Implementation of Mitigation Measure 4.13-3 will reduce the potential impact of construction of the MCWD Facilities resulting in discovery of human remains to a less-than-significant level.

e. Conclusion. The potential impact of uncovering human remains is less than significant.

K. Energy

1. 6.14-2: Operation of the Project would increase long-term consumption of electricity at the Project facilities, which could result in the wasteful use of energy resources that are not renewable.

   a. Potential Impact. The power supply for the Project could come from one or more different sources described in Section 5.5.1 of the Final EIR as well as some potential amount of self-generation of electrical power, at this stage of design the exact configuration and electrical energy needs and natural gas demands are unknown. Consequently, it is not possible to fully evaluate the potential impacts of the various power source options over that of obtaining electrical power from the PG&E grid. Because of this uncertainty, the Project power supply options could have the potential to conflict with energy standards and conservation plans and, thus, could represent a potential impact. The potential impact of operation of the Project increasing long-term consumption of electricity, which could result in the wasteful use of energy resources that are not renewable, is discussed on pages 6.14-3 – 6.14-4 of the Final EIR.

   b. Impact Prior to Mitigation. Potentially significant.

   c. Mitigation Measure 6.14-1: An Energy Conservation Plan. An *Energy Conservation Plan* shall be prepared for the Project. The plan shall evaluate the energy demands for both electrical and natural gas of the selected project power supply against the energy demands of direct use of electricity from the PG&E grid. If the *Energy Conservation Plan* cannot demonstrate that the proposed power supply other than PG&E grid alone represents the same or less demands on the energy supply system, the Project shall be powered from the PG&E grid. Cost cannot be a factor for determining infeasibility. Page 6.14-4 of the Final EIR discusses Mitigation Measure 6.14-1.

d. Findings. Implementation of Mitigation Measure 6.14-1 will reduce the potential impact of Project operations increasing long-term consumption of electricity at Project facilities to a less-than-significant level.

e. Conclusion. The potential impact of Project operations increasing long-term consumption of electricity at Project facilities, which would result in the wasteful use of energy resources that are not renewable, is less than significant.

VIII. FINDINGS REGARDING UNAVOIDABLE, SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL

The Final EIR identified three potential impacts on air quality that are deemed to be unavoidable because the CPUC could not guarantee that relevant agencies would impose the recommended air quality mitigation measures as conditions of approval on the portion of the Project under their jurisdiction. MCWD has considered the recommended air quality mitigation measures and determined that most of the mitigation is appropriate and feasible. Thus, the Board of Directors requires the implementation of such mitigation measures as shown in the MMRP for the MCWD Facilities. However, certain measures have been determined to be infeasible and are not recommended for implementation. As is noted in the Final EIR, Mitigation Measure 6.8-1a, Joint Construction Emissions Control Plan, which would require phasing of construction activities so as to avoid exceeding collective emissions levels greater than 74 pounds per day of PM_{10}, is not feasible.

The requirements of construction scheduling for the components of the MCWD facilities are such that phasing to reduce emissions during construction is not possible, without unreasonably extending the construction schedule. As noted on page 6.8-4 of the Final EIR, due to the need to provide timely replacement water supplies so that CAW may continue to provide safe, reliable drinking water to residents of the Monterey peninsula and due to MCWD's need for water supply and in light of economies of scale it is infeasible (from an economic, social and technological standpoint) to delay certain Regional Project construction activities in accordance with Mitigation Measure 6.8-1a. Although measures to minimize emissions of PM_{10} during construction will be implemented, there is no feasible mitigation to reduce the impact to less than significant.

MCWD will implement measures to minimize greenhouse gas emissions, but has found that it may not feasible to reduce emissions below 7,000 metric tons per year.

The Board of Directors finds, pursuant to Public Resources Code section 21081 and CEQA Guidelines sections 15091 through 15093, that, with respect to the MCWD facilities, the inclusion of the recommended air quality mitigation measures, changes or alterations have been required in or incorporated into the Project to avoid or lessen potentially significant impacts identified in the Final EIR to the extent feasible, but the impacts of PM_{10} emissions during construction and operational greenhouse gas emissions remain as significant unavoidable impacts.

The following subsections outline the potential air quality impacts and summarize the mitigation measures that will be taken to reduce the impacts to the maximum extent feasible. Further information regarding the mitigation measures is available in the Final EIR and the attached Mitigation Monitoring and Reporting Plan.

A. Air Quality

1. 6.8-1: Project construction activities would generate emissions of criteria pollutants, including fugitive dust and equipment of exhaust particulate matter.

   a. Potential Impact. Construction activities would require the use of construction and earth moving equipment. Exhaust pollutants would be emitted during construction activities from motor-driven construction equipment, construction vehicles, and workers' vehicles, and fugitive dust would be generated by ground disturbing activities as well as from truck travel on paved and unpaved roads. Emissions from construction of the Project components that would be expected to occur simultaneously would be the "worst-case" scenario for daily emissions. This would result is maximum daily construction emissions of PM_{10} to result in a significant impact, but impacts associated with non-PM_{10} criteria pollutants would be less than significant. The potential impacts of project construction activities generating criteria pollutants is discussed on pages 4.8-18 – 4.8-25 and 6.8-2 – 6.8-4 of the Final EIR.

   b. Impact Prior to Mitigation. Potentially significant.

   c. Mitigation Measures.

      (i) Mitigation Measure 4.8-1a. Project sponsor(s) shall require its construction contractor(s) to implement a dust control plan. Page 4.8-24 of the Final EIR discusses Mitigation Measure 4.8-1a in further detail.

      (ii) Mitigation Measure 4.8-1b. Construction contractor(s) shall apply a soil stabilizer, gravel, or pave certain construction access roads. These access roads shall be stabilized prior to the commencement of construction activities at these sites. Page 4.8-25 of the Final EIR discusses Mitigation Measure 4.8-1b.

      (iii) Mitigation Measure 4.8-1c. On road vehicle idling time shall be minimized and shall not exceed a five minute maximum. Additionally, off road engines will not idle for longer than five minutes per Section 2449(d)(3) of Title 13, Article 4.8, Chapter 9 of the California Code of

Regulations. Page 4.8-25 of the Final EIR discusses Mitigation Measure 4.8-1c.

d. Findings. Implementation of Mitigation Measures 4.8-1a – 4.8-1c will reduce the potential impact of Project construction activities generating emissions of criteria pollutants. However, because PM10 emissions cannot be reduced below MBUAPCD's significance threshold of 82 pounds per day, this is considered a significant and unavoidable impact, even with implementation of mitigation.

e. Conclusion. The potential impact of Project construction activities generating emissions of criteria pollutants is significant and unavoidable.

2. 6.8-3: Construction activities associated with the Project would generate a cumulatively considerable net increase of PM_{10}.

a. Potential Impact. The project area is designated as non-attainment for ozone and PM_{10}. Construction activities, as described above for Impact 6.8-1, would have a temporary significant impact on regional air quality through short-term increases in PM_{10}, which could be cumulatively significant when combined with other projects described in Chapter 9 of the Final EIR. The potential impact of construction activities generating a cumulatively considerable new increase of PM_{10} is discussed on pages 6.8-5 and in Chapter 9 of the Final EIR.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.8-1a. Project sponsor(s) shall require its construction contractor(s) to implement a dust control plan. Page 4.8-24 of the Final EIR discusses Mitigation Measure 4.8-1a in further detail.

(ii) Mitigation Measure 4.8-1b. Construction contractor(s) shall apply a soil stabilizer, gravel, or pave certain construction access roads. These access roads shall be stabilized prior to the commencement of construction activities at these sites. Page 4.8-25 of the Final EIR discusses Mitigation Measure 4.8-1b.

(iii) Mitigation Measure 4.8-1c. On road vehicle idling time shall be minimized and shall not exceed a five minute maximum. Additionally, off road engines will not idle for longer than five minutes per Section 2449(d)(3) of Title 13,

Article 4.8, Chapter 9 of the California Code of Regulations. Page 4.8-25 of the Final EIR discusses Mitigation Measure 4.8-1c.

d. Findings. Implementation of Mitigation Measures 4.8-1a – 4.8-1c will reduce the potential impact of Project construction activities generating emissions of criteria pollutants. However, because PM10 emissions cannot be reduced below MBUAPCD's significance threshold of 82 pounds per day, the project's contribution would be cumulatively considerable, and is considered a significant and unavoidable impact, even with implementation of mitigation.

e. Conclusion. The potential impact of Project construction activities generating a cumulatively considerable net increase in PM_{10} is significant and unavoidable.

3. 6.8-5: Conflict with the State goal of reducing greenhouse gas emissions in California to 1990 levels by 2020, as set forth by AB 32, California Global Warming Solutions Act of 2006.

a. Potential Impact. CARB identified 39 Recommended Actions in its Climate Change Scoping Plan. The Project could conflict with the following three Recommended Actions:

- *(T-7) Heavy-Duty Vehicle GHG Emission Reduction (Aerodynamic Efficiency) – Discrete Early Action.* Construction and operation of the Project would result in short-term and long-term emissions of GHGs, respectively. Construction would result in GHG emissions from operation of onsite construction equipment as well as from off-site worker and delivery truck trips. Operation of the Project may cause a small increase in GHG emissions from vehicle travel to and from the desalination plant as well as related to inspection and maintenance of the proposed facilities. The most common GHGs associated with fuel combustion include CO_2.

- *(W-3) Water System Energy Efficiency.* Desalination water projects tend to be inherently energy inefficient compared to local groundwater pumping. Indirect emissions would be generated in association with electricity use for the pumps, as well as other Project components.

- *(H-6) High GWP Reductions from Stationary Sources – SF_6 Leak Reduction and Recycling in Electrical Application.* It is assumed that the electrical substation that would be required for the Project would include a circuit breaker that contains SF_6. SF_6 could unintentionally leak from the circuit breaker within the substation

during operations of the Project.

Overall, the total estimated GHG emission amounts that would be associated with operation of the Project would exceed the amount of CARB's preliminary draft significance threshold. The potential impact of conflicts with the State's goal of reducing GHGs to 1990 levels by 2020 is discussed on pages 6.8-7 – 6.8-9.

b. Impact Prior to Mitigation. Potentially significant.

c. Mitigation Measures.

(i) Mitigation Measure 4.8-1c. On road vehicle idling time shall be minimized and shall not exceed a five minute maximum. Additionally, off road engines will not idle for longer than five minutes per Section 2449(d)(3) of Title 13, Article 4.8, Chapter 9 of the California Code of Regulations. Page 4.8-25 of the Final EIR discusses Mitigation Measure 4.8-1c.

(ii) Mitigation Measure 4.8-5a: *Aerodynamic Efficiency for Trucks*. Trucks and trailers that would be used after year 2013 to haul equipment and materials to construction sites associated with the project would be required to be retrofitted with the best available aerodynamic efficiency technology and/or CARB approved aerodynamic efficiency technology to reduce GHG emissions and improve fuel efficiency by reducing aerodynamic drag and rolling resistance pursuant to CARB's Climate Change Scoping Plan Discrete Early Action T-7. Pages 4.8-34 – 4.8-35 of the Final EIR discuss Mitigation Measure 4.8-5a.

(iii) Mitigation Measure 4.8-5b: *Low SF6 Leak Rate Circuit Breaker and Monitoring.* If an SF_6-containing circuit breaker is required for the project substation, the circuit breaker must have a guaranteed SF_6 leak rate of 0.5 percent per volume or less. MCWD shall be provided with such documentation prior to installation of the circuit breaker. In addition, SF_6-containing circuit breakers shall be monitored consistent with Scoping Plan Measure H-6 for the detection and repair of leaks. Page 4.8-35 of the Final EIR discusses Mitigation Measure 4.8-5b.

(iv) Mitigation Measure 4.8-5c: *Energy Minimization and GHG Reduction Plan.* An Energy Minimization and Greenhouse Gas Reduction Plan shall be developed and implemented that to reduce the project's carbon footprint to

the extent feasible. Page 4.8-35 of the Final EIR discusses Mitigation Measure 4.8-5c.

d. Findings. Implementation of Mitigation Measures 4.8-1c and 4.8-5a – 4.8-5c will reduce the potential impact of conflicts with the State goal of reducing GHG emissions in California to 1990 levels by 2020. However, it is uncertain whether it is feasible to reduce GHG emissions to a less-than-significant level. This impact is thus considered a significant and unavoidable impact, even with implementation of mitigation.

e. Conclusion. The potential impact of conflicts with the State goal of reducing greenhouse gas emissions in California to 1990 levels by 2020 significant and unavoidable.

IX. FINDINGS REGARDING ALTERNATIVES

MCWD is a responsible agency and, as such, only has approval authority over a portion of the Project. MCWD does not have approval authority over any aspect of the Moss Landing Power Plant or the North Marina Alternative. Thus, these Findings are limited to those aspects of the Project over which MCWD has approval authority and do not evaluate the various alternatives identified in the Final EIR.

X. FINDINGS RELATED TO CUMULATIVE IMPACTS

A. Cumulative Impacts Analysis:

CEQA Guidelines section 15130 provides the framework for analysis of impacts associated with implementation of a project and its cumulative impacts. A discussion of cumulative impacts includes the combination of significant and less than significant project-related impacts and all levels of impacts from other past, present, and reasonably foreseeable future projects. Cumulative impacts need not be described where a project has no physical impacts on the environment. Consistent with these requirements, cumulative impacts are discussed in Chapter 9 of the Final EIR.

In summary, the following 26 projects, in conjunction with the Project, could result in cumulative impacts under the discussion in Chapter 9 of the Final EIR. These 26 projects, in combination with the Project, could have cumulative effects in the same geographic area. The projects were selected because they are either recently completed, currently approved, or under consideration for approval, and they represent projects pertaining to water supply, utility and transportation infrastructure, and other developments within a geographic scope extending from Moss Landing in the north to Carmel-by-the-Sea in the south and the North Marina area to the east.

- Prunedale/North County Water Supply Project or Granite Ridge Water Supply Project (MCWRA)
- Salinas Valley Water Project (Monterey County/Armstrong Ranch)
- City of Sand City Local Desalination Plant (City of Sand City/Shasta at Elder)

- Monterey Peninsula Water Management District (MPWMD) Water Supply Project – Existing ASR Project (MPWMD)
- 95-10 Project (MPWMD)
- 300,000 Gallons Per Day (GPD) Municipal Desalination Facility (Marina Coast Water District)
- 40,000 GPD Desalination Facility (Monterey Bay Aquarium)
- Up To 5,000 GPD Desalination Facility (Ocean View Plaza/Monterey)
- Municipal Desalination Facility (Carmel Area Wastewater District)
- 20,000 GPD Desalination Facility (Monterey Bay Shores)
- 20 – 25 Million GPD Desalination Facility, New Well and Storage Facility (Pajaro Valley Water Management Agency)
- University of California Monterey Bay Education Science and Technology Center (in City of Salinas)
- East Garrison Redevelopment (in City of Marina)
- Marina Heights Development (in City of Marina)
- West and North University Village Development (in City of Marina)
- Seaside Highlands Development (in City of Seaside)
- Seaside Resort Development (in City of Seaside)
- Main Gate Site Development (in City of Seaside)
- Seaside Auto Center Expansion (in City of Seaside)
- Sports Complex (in City of Seaside)
- Annual Street Resurfacing Program (City of Monterey)
- Outzen Office Building (City of Monterey)
- Widening Del Monte Ave. (City of Monterey)
- Carmel River Reroute and San Clemente Dam Removal Project (Monterey)

Certain components of the Project, in combination with the related projects listed above, are anticipated to have cumulatively significant impacts in the following resource areas:

- Air Quality (construction and operation)
- Noise (construction)

The Final EIR in Chapter 8 also analyzed the growth-inducing impacts of the Project, and concluded on page 8-10 that because the Project consists of providing replacement water supply in the Cal-Am Service area, and provides water consistent with the previously approved Fort Ord Reuse Plan, the Project would not remove an obstacle to future growth and therefore would not have a growth-inducing impact.

B. <u>Findings</u>:

Construction of the MCWD facilities will contribute to potentially significant cumulative impacts on emissions of PM10, including the potentially significant cumulative impacts listed above and identified in Chapter 9 of the Final EIR.

The Final EIR on pages 9-13 to 9-14 concludes that if concurrent construction of all projects is assumed, certain construction-related noise impacts would be cumulatively considerable, particularly for projects located in the same neighborhoods or in close vicinity to sensitive

receptors, such as development projects in the cities of Salinas, Marina, Seaside and Monterey. However, construction of the MCWD Facilities would not considerably contribute to cumulative noise impacts, and therefore this impact is less than significant. The MCWD Facilities involving construction on a single site of longer than a few days (specifically the Desalination Plant) would be located greater than one mile from any existing sensitive receptors (specifically residential land uses) and greater than ¼ mile from any potential future sensitive receptors (planned Marina Station development in the City of Marina).

Regarding cumulative air quality impacts, the Final EIR at pages 9-13 and 9-22 to 9-23 notes that the Project would contribute to potentially significant cumulative air quality impacts if MCWD does not coordinate planning or implement mitigation measures, as discussed in Section 6.8 of the Final EIR. MCWD has determined that it is not feasible to implement Mitigation Measure 6.8-1a, Joint Construction Emissions Control Plan, thus short-term construction-period air quality impacts cannot be reduced below a cumulatively considerable level (see discussion above regarding air quality impacts under Findings Regarding Unavoidable, Significant Impacts that Cannot Be Avoided or Reduced to a Less-Than-Significant Level). Therefore, potentially cumulative impacts to air quality from the construction and operation of the MCWD Facilities would be cumulatively considerable and would be a significant, unavoidable impact.

C. Conclusion

Construction and operation of the MCWD Facilities will contribute considerably to significant cumulative impacts associated with short-term emissions of PM_{10}.

XI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Board of Directors of MCWD finds that the following social, economic, technological and other benefits warrant approval of the Project, notwithstanding any remaining unavoidable significant effects or potentially significant and unavoidable impacts described in Section IX. The Board of Directors finds that each of the overriding considerations set forth below constitutes a separate and independent basis for finding that benefits of the Project outweigh the unavoidable adverse environmental effects, and is an overriding consideration that warrants approval of the Project. These matters are supported by evidence in the record that includes, but is not limited to, the documents referenced in Section IV.

On the basis of the above findings and the substantial evidence in the whole record, the Board of Directors finds that there are significant benefits of the proposed Project to support approval of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. The Board of Directors further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. Applicable mitigation measures included in the Mitigation Monitoring and Reporting Program are adopted as part of this Board of Directors Project Approval action. Furthermore, the Board of Directors has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

The Project will have the following benefits:

1. Diversify and create a reliable drought-proof water supply;
2. Protect the Seaside basin for long-term reliability;
3. Protect listed species in the riparian and aquatic habitat below San Clemente Dam;
4. Protect the local economy from the effects of an uncertain water supply; and
5. Minimize water rate increases by creating a diversified water supply portfolio.

Having considered these benefits the Board of Directors finds that the benefits of the Project outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

Attachments

A. Mitigation Monitoring and Reporting Plan (MMRP)