



EXHIBIT 14-D

FILED

FEB 04 2005

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MONTEREY COUNTY CLERK  
DEPUTY

MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT

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**NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION  
AND  
PROPOSED NEGATIVE DECLARATION  
For MPWMD Board review on February 24, 2005**

1. **PROJECT TITLE:** Adoption of Ordinance No. 119, "Expanded Water Conservation and Standby Rationing Plan Amendments for Water Consumption Emergency Ordinance."
2. **DESCRIPTION AND LOCATION OF PROJECT:** Proposed Ordinance No. 119 (Attachment 3) would amend the Monterey Peninsula Water Management District ("MPWMD" or "District") rules and regulations to modify standards and procedures pertaining to water use restrictions for the Monterey Peninsula during present and future water supply emergencies. The ordinance is intended to maintain California American Water's ("Cal-Am" or "CAW") water production from the Carmel River below the limits set by the State Water Resources Control Board (SWRCB), to operate its system in accordance with the 2001 Conservation Agreement between Cal-Am and NOAA Fisheries and the San Clemente Reservoir Drawdown Project, and to respond to emergency situations that require immediate water use reductions. The changes include: add and clarify definitions of terms that relate to water conservation (Rule 11), delete obsolete text, provide a revised Table 1 – Regulatory Water Production Targets (Rule 162), provide modifications to Stage 3 Water Conservation implementation including emergency use rates (Rule 163), reflect current storage triggers (Rules 164 – 167), modify water waste fees (Rule 171) and water rationing enforcement (Rule 175).

Ordinance No. 119 applies within the boundaries of the Monterey Peninsula Water Management District (MPWMD), including the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, portions of Monterey County (primarily Carmel Valley, Pebble Beach Carmel Highlands and the Highway 68 corridor), and the Monterey Peninsula Airport District. Each of these jurisdictions regulates land use within its individual boundaries and is responsible for CEQA review of individual projects that are proposed. The District does not regulate land use.

3. **REVIEW PERIOD:** The Review Period is February 4, 2005 through February 23, 2004. CEQA allows a 20-day comment period for issues of local importance.
4. **PUBLIC MEETINGS:** The first reading of Ordinance No. 119 will be considered at the MPWMD Board meeting of February 24, 2005. The second reading and adoption of the Ordinance and Negative Declaration is scheduled for public hearing on March 21, 2005 at 7:00

PM at the Monterey Regional Water Pollution Control Agency (conference room), 5 Harris Court, Bldg. D Monterey, California.

5. **LOCATION OF DOCUMENTS:** The proposed Negative Declaration and Initial Study, including supporting documentation and the administrative record upon which the Negative Declaration and Initial Study are based, and copies of proposed Ordinance No. 119, are available for review at the Monterey Peninsula Water Management District office located at 5 Harris Court, Bldg. G, Monterey, CA 93940 (Ryan Ranch). **The staff contact is Stephanie Pintar at 831/658-5601.**
6. **PROPOSED FINDING SUPPORTING NEGATIVE DECLARATION:** Based on the Initial Study and the analysis, documents and record supporting the Initial Study, the Monterey Peninsula Water Management District Board of Directors finds that adoption of Ordinance No. 119 does not have a significant effect on the environment.

### **PROPOSED NEGATIVE DECLARATION**

Based on the finding that adoption of Ordinance No. 119, the Expanded Water Conservation and Standby Rationing Plan Amendments for Water Consumption Emergency Ordinance, has no significant effect on the environment, the Monterey Peninsula Water Management District makes this Negative Declaration regarding MPWMD Ordinance No. 119 under the California Environmental Quality Act.

**CEQA GUIDELINES APPENDIX G  
MPWMD ENVIRONMENTAL CHECKLIST FOR ORDINANCE NO. 119**

<b>PROJECT INFORMATION</b>	
<b>1. Project Title:</b>	Adoption of Ordinance No. 119: "Expanded Water Conservation and Standby Rationing Plan Amendments for Water Consumption Emergency Ordinance"
<b>2. Lead Agency Name and Address:</b>	Monterey Peninsula Water Management District, PO Box 85, Monterey, CA 93942-0085 [Street address: 5 Harris Court, Bldg. G, Monterey, CA 93940]
<b>3. Contact Person and Phone:</b>	Stephanie Pintar, 831/658-5630
<b>4. Project Location:</b>	District-wide, see <u>Attachment 1</u> , map
<b>5. Project Sponsor's Name/Address:</b>	MPWMD, see #2 above
<b>6. General Plan Designation:</b>	Varies throughout District
<b>7. Zoning:</b>	Varies throughout District
<b>8. Description of Project:</b>	Proposed Ordinance No. 119 ( <u>Attachment 3</u> ) would amend the Monterey Peninsula Water Management District ("MPWMD" or "District") rules and regulations to modify standards and procedures pertaining to water use restrictions for the Monterey Peninsula during present and future water supply emergencies. The ordinance is intended to maintain California American Water's ("Cal-Am" or "CAW") water production from the Carmel River below the limits set by the State Water Resources Control Board (SWRCB), to operate its system in accordance with the 2001 Conservation Agreement between Cal-Am and NOAA Fisheries and the San Clemente Reservoir Drawdown Project, and to respond to emergency situations that require immediate water use reductions. The changes include: add and clarify definitions of terms that relate to water conservation (Rule 11), delete obsolete text, provide a revised Table 1 – Regulatory Water Production Targets (Rule 162), provide modifications to Stage 3 Water Conservation implementation including emergency use rates (Rule 163), reflect current storage triggers (Rules 164 – 167), modify water waste fees (Rule 171) and water rationing enforcement (Rule 175).
<b>9. Surrounding Land Uses and Setting:</b>	Land uses within the District range from urban and suburban residential and commercial areas to open space/wilderness. The District encompasses the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, portions of Monterey County (primarily Carmel Valley, Carmel Highlands, Pebble Beach and the Highway 68 corridor), and the Monterey Peninsula Airport District ( <u>Attachment 2</u> ). Each of these jurisdictions regulates land uses within its boundaries. The District does not regulate land uses.

The Monterey Peninsula is dependent on local sources of water supply, which (directly or indirectly) are dependent on local rainfall and runoff. The primary sources of supply include surface and groundwater in the Carmel River basin, and groundwater in the Seaside Basin.

Vegetation communities on the Monterey Peninsula include marine, estuarine, and riverine habitats; fresh emergent and saline emergent (coastal salt marsh) wetland communities; riparian communities, particularly along the Carmel River; a wetland community at the Carmel River lagoon; and upland vegetation communities such as coastal scrub, mixed chaparral, mixed hardwood forest, valley oak woodland, and annual grassland. These communities provide habitat for a diverse group of wildlife. The Carmel River supports various fish resources, including federally threatened steelhead fish and California red-legged frog.

**10: Other public agencies whose approval is required: None**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology and Water Quality     | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Air Quality            | <input type="checkbox"/> Land Use and Planning           | <input type="checkbox"/> Transportation/Traffic             |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Mineral Resources               | <input type="checkbox"/> Utilities & Service Systems        |
| <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Noise                           |   |
| <input type="checkbox"/> Geology/Soils          | <input type="checkbox"/> Population and Housing          | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION (To be completed by the Lead Agency)**

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

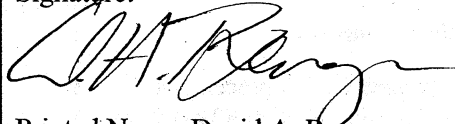
I find that the proposed project **MAY** have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or is "potentially significant unless mitigated." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because all potentially significant effects: □

- 1) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards; and
- 2) have been avoided or mitigated pursuant to an earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project.

The earlier EIR adequately analyzes the proposed project, so **NO ADDITIONAL ENVIRONMENTAL IMPACT REPORT** or **NEGATIVE DECLARATION** will be prepared.

Signature:



Printed Name: David A. Berger

Date:

2-3-05

Title: MPWMD General Manager

## EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section XVIII, EARLIER ANALYSES, may be cross-referenced).
5. The explanation of each issue should identify:
  - a. The significance threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [Section 15063(c)(3)(D)]. In this case, a brief discussion should identify the following:
  - a. **Earlier Analysis used.** Identify and state where they are available for review.
  - b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analyses.
  - c. **Mitigation Measures.** For effects that are "less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used, or individuals contacted, should be cited in the discussion.
8. This checklist has been adapted from the form in Appendix G of the State CEQA Guidelines, as amended effective October 26, 1998 (from website).
9. Information sources cited in the checklist and the references used in support of this evaluation are listed in attachments to this document.

<b>ENVIRONMENTAL ISSUES</b> <i>(See attachments for discussion and information sources)</i>		<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>I. AESTHETICS. Would the project:</b>					
a)	Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Create adverse light or glare effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>II. AGRICULTURAL RESOURCES. Would the project :</b>					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other charges in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Note: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agricultural and farmland.</p>					
<b>III. AIR QUALITY. Would the project:</b>					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>ENVIRONMENTAL ISSUES</b> <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations.					
<b>IV. BIOLOGICAL RESOURCES. Would the project:</b>					
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish & Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish & Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. CULTURAL RESOURCES. Would the proposal:</b>					
a)	Cause substantial adverse change in the significance of a historical resource as defined in Sec. 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<b>ENVIRONMENTAL ISSUES</b> <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Cause substantial adverse change in the significance of an archaeological resource pursuant to Sec. 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VI. GEOLOGIC AND SOILS. Would the project:</b>					
a)	Expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>ENVIRONMENTAL ISSUES</b> <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>					
a)	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VIII. HYDROLOGY AND WATER QUALITY. Would the project:</b>					
a)	Violate any water quality standards or waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>ENVIRONMENTAL ISSUES</b> <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
discharge requirements?					
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a property to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**ENVIRONMENTAL ISSUES**  
(See attachments for discussion and information sources)

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**IX. LAND USE AND PLANNING. Would the project:**

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Conflict with any applicable habitat conservation plan or natural community conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**X. MINERAL RESOURCES. Would the project:**

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XI. NOISE. Would the project result in:**

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport,                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<b>ENVIRONMENTAL ISSUES</b> <i>(See attachments for discussion and information sources)</i>		<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
would the project expose people residing or working in the project area to excessive noise levels?					
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XII. POPULATION AND HOUSING. Would the project:</b>					
a)	Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIII. PUBLIC SERVICES. Would the project result in:</b>					
a)	Substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the following public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIV. RECREATION. Would the project:</b>					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>ENVIRONMENTAL ISSUES</b> <i>(See attachments for discussion and information sources)</i>		<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
substantial physical deterioration of the facility would occur or be accelerated?					
b)	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XV. TRANSPORTATION/TRAFFIC. Would the project:</b>					
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads and highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a change to air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in construction of new water or wastewater treatment facilities or expansion of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>ENVIRONMENTAL ISSUES</b> <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
existing facilities, the construction of which could cause significant environmental effects?					
c)	Require or result in construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has an adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVIII. EARLIER ANALYSES**

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration [State CEQA guidelines Section 15063(c)(3)(D)]. In this case a discussion should identify the following on attached sheets.

a) **Earlier analyses used.** *Identify earlier analyses and state where they are available for review.*

The District certified a Water Allocation Program EIR on November 5, 1990 which authorized an annual Cal-Am production maximum of 16,744 acre-feet (AF). This document recognized the adverse effects on the environmental quality of the Carmel River because insufficient water supply is available for migratory fish and riparian vegetation. The District has supported an extensive Mitigation Program, but potentially significant adverse impacts remain. Subsequent decisions by the State Water Resources Control Board (SWRCB) since 1995 have reduced the maximum production to 11,285 AF. Until a replacement water supply is developed, aggressive mitigation measures, including a comprehensive conservation and rationing plan, are required. Copies of the Water Allocation Program EIR, Mitigation Program, and SWRCB Orders are on file at the District office or archives.

b) **Impacts adequately addressed.** *Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.*

All of the impact issues were assessed in the Water Allocation Program EIR certified on November 5, 1990. Ordinance No. 119 further modifies District efforts to reduce water demand through its comprehensive Expanded Water Conservation and Standby Water Rationing Plan. The proposed changes do not substantively change the prior CEQA determinations.

c) **Mitigation measures.** *For effects that are checked as "Potentially Significant Unless Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific*



ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>conditions for the project.</i>				
Not applicable.				

## DISCUSSION OF CHECKLIST ITEMS:

For all categories, “No Impact” was checked. Adoption of Ordinance No. 119 itself has no impact on the environment as the ordinance strengthens current regulatory triggers to maintain water demand at or below a prescribed level.

Based on this Initial Study, the MPWMD believes that adoption of Ordinance No. 119 would have no actual or potential environmental impacts; in fact, the ordinance could result in beneficial effects due to more consistent implementation of District Rules and Regulations. Furthermore, the MPWMD determines that there is an absence of substantial evidence from which a fair argument can be made that adoption of Ordinance No. 119 has measurable and meaningful actual or potential adverse environmental consequences.

Proposed Ordinance No. 119 would amend the Monterey Peninsula Water Management District (“MPWMD” or “District”) rules and regulations to modify standards and procedures pertaining to water use restrictions for the Monterey Peninsula during present and future water supply emergencies. The ordinance is intended to maintain California American Water’s (“Cal-Am” or “CAW”) water production from the Carmel River below the limits set by the State Water Resources Control Board (SWRCB), to operate its system in accordance with the 2001 Conservation Agreement between Cal-Am and NOAA Fisheries and the San Clemente Reservoir Drawdown Project, and to respond to emergency situations that require immediate water use reductions. The changes include: add and clarify definitions of terms that relate to water conservation (Rule 11), delete obsolete text, provide a revised Table 1 – Regulatory Water Production Targets (Rule 162), provide modifications to Stage 3 Water Conservation implementation including emergency use rates (Rule 163), reflect current storage triggers (Rules 164 – 167), modify water waste fees (Rule 171) and water rationing enforcement (Rule 175).

### “No Impact” Discussion

For all checklist items, the Initial Study conclusion is that Ordinance No. 119 would have “No Impact.” Adoption of Ordinance 119 itself has no impact on the environment as the ordinance tightens the existing regulation by allowing implementation of Stage 3 without the delays associated with the current program. For example, Ordinance 119 would not change the State Water Resources Control Board (SWRCB) limit on Cal-Am annual production from the Carmel River Basin; the Water District’s limit on Cal-Am production from the Seaside Basin; the

District's limit on total Cal-Am production through the Water Allocation Program, nor the individual allocations of water to jurisdictions from the Paralta Well (Ordinance No. 70). The District's Expanded Conservation and Standby Rationing Plan is in place to ensure Cal-Am production does not exceed these limits.

*[Evidence: SWRCB Order WR 95-10, July 1995; MPWMD Water Allocation Program and certified EIR, November 1990; MPWMD Ordinance No 70 and supporting CEQA Findings, 1993. Ordinance No. 92, Expanded Conservation and standby Rationing Program, 1999]*

MPWMD's Ordinance No. 92 (Expanded Water Conservation and Standby Rationing Program), in combination with Cal-Am's extensive public awareness campaign and changed water rate structure inherent in Stage 3 of the Conservation Program, has successfully resulted in compliance with State Water Resources Control Board (SWRCB) Order WR 95-10 since water year 1998. Ordinance 92 features several water waste prohibitions along with a census for each residential Cal-Am customer. The water rate structure approved by the California Public Utilities Commission for the program is based on specific water use quantities related to the number of persons in a home, and provides strong disincentives for water waste.

*[Evidence: Cal-Am production data for water years 1998-2004 reported to SWRCB; MPWMD Ordinance No. 92; CPUC approval of increasing block rate structure for Cal-Am conservation program to comply with SWRCB Order WR 95-10.]*

The driving force for creation of this ordinance were concerns raised by Cal-Am, the PUC, and the District during Summer 2004 when Cal-Am exceeded its year-to-date-at-month's end goal in May 2004 and there was a delay in implementing Stage 3. Beginning in August 2004, the District began discussing potential modifications to the District's Expanded Water Conservation and Standby Rationing Plan (Ordinance No. 92). Staff was eventually directed to prepare a draft ordinance that would provide more flexibility in the implementation of Stage 3.

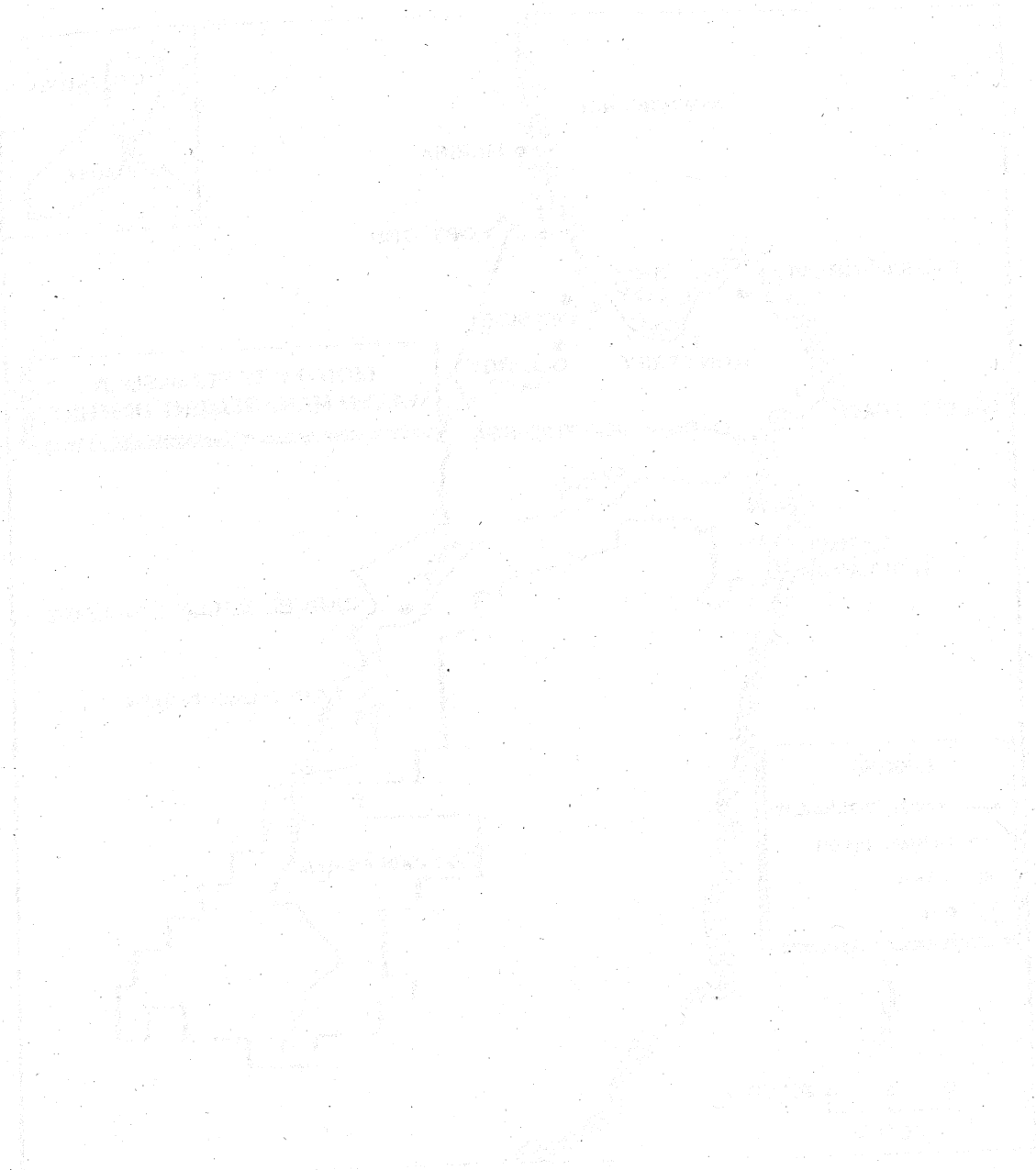
*[Evidence: Minutes and staff reports from MPWMD Board meetings and Water Demand Committee, June 2004 - January 2005]*

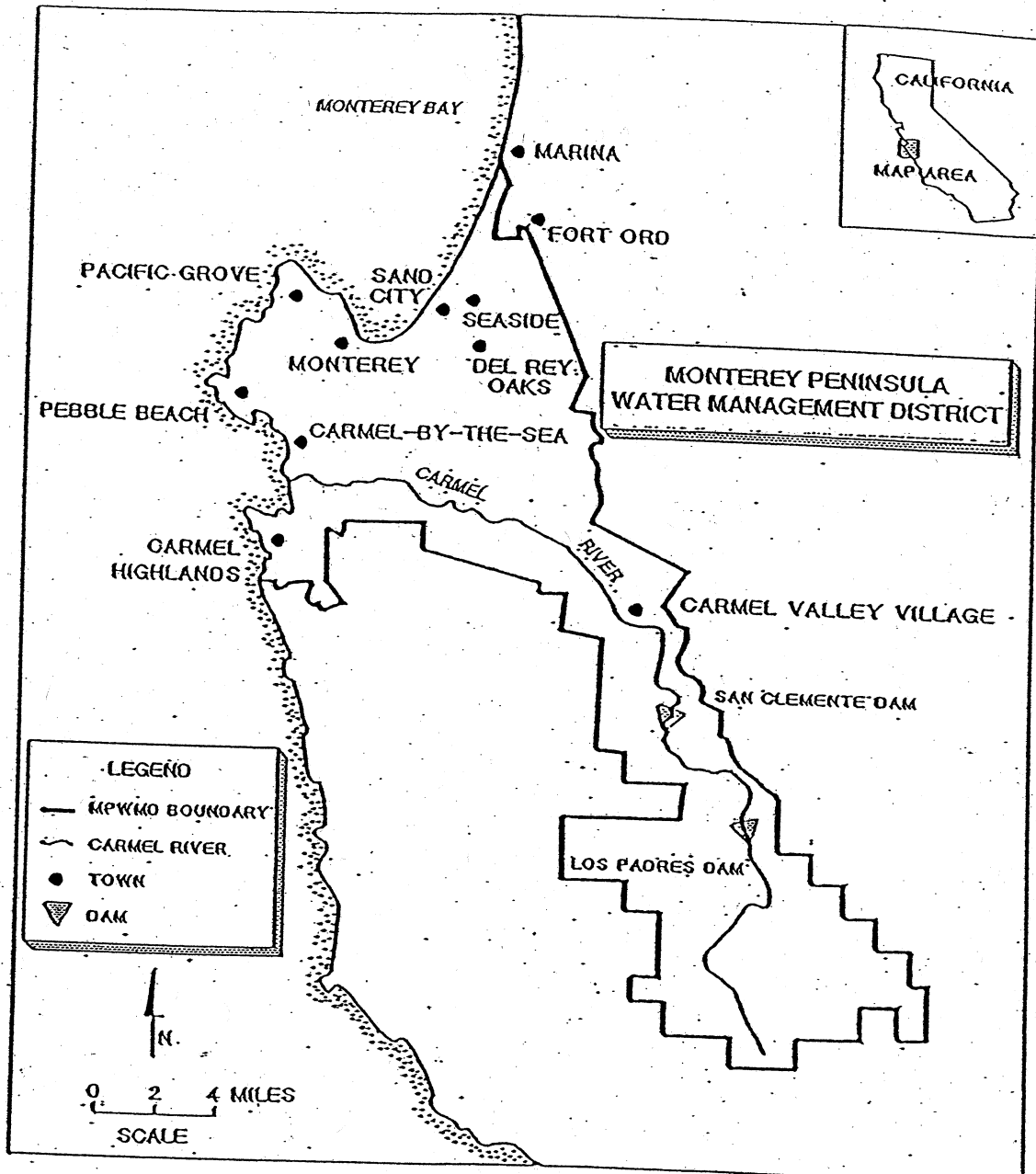
### **Conclusions**

Based on this Initial Study, the Board believes that adoption of Ordinance 119 would have no actual or potential environmental impacts. The Board is aware that CEQA requires preparation of a negative declaration if there is no substantial evidence to support a fair argument that the project may cause a significant effect on the environment. (CEQA Guidelines §15063(b)(2).) For these reasons, the Board intends to adopt a negative declaration regarding adoption of Ordinance 119.

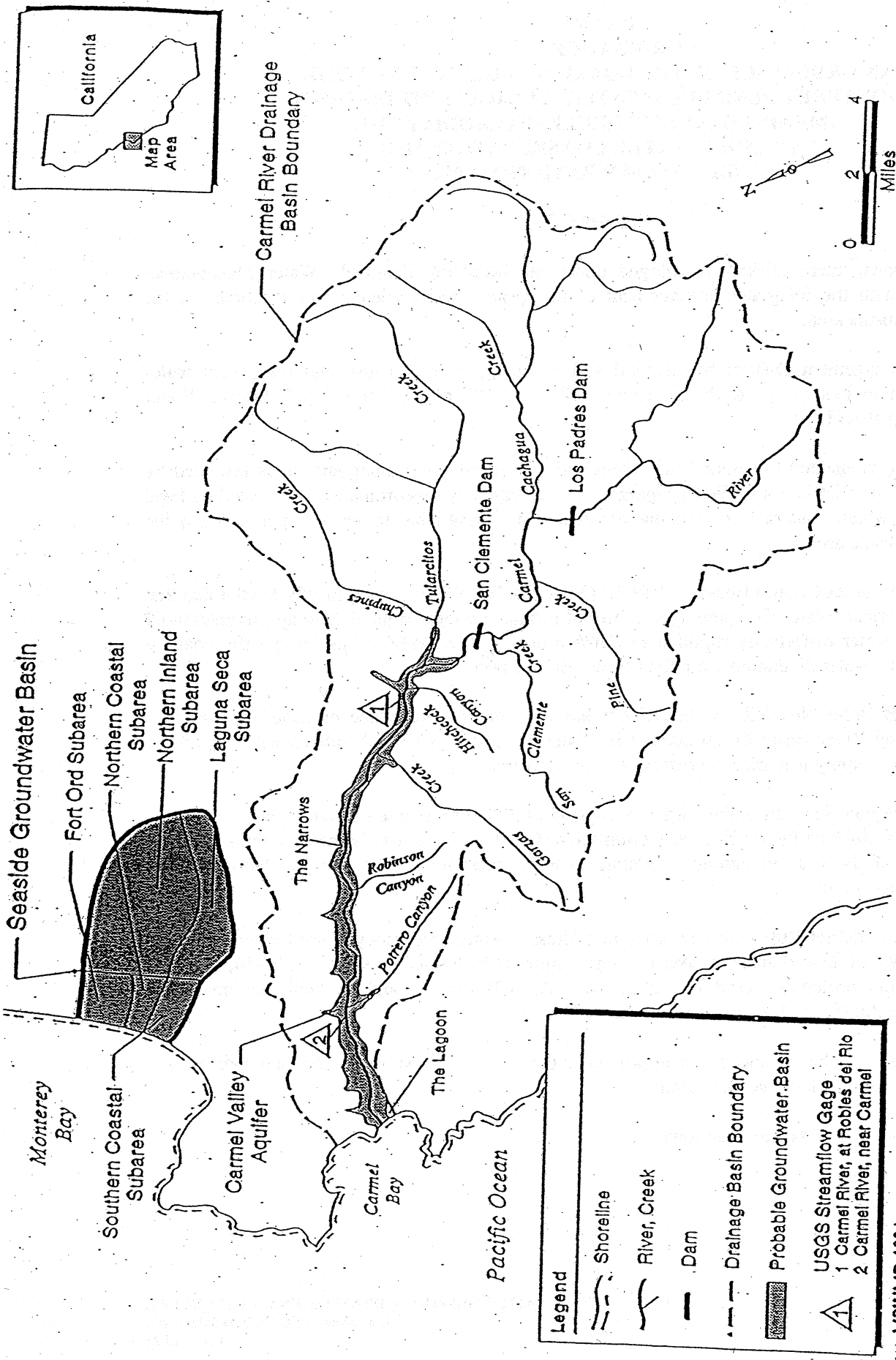
Ordinance 119, as well as supporting materials and documents may be reviewed at the MPWMD offices, at the address and phone number listed above. These materials include (a) MPWMD Rules and Regulations, (b) MPWMD Ordinances, particularly Ordinance No. 92, (c) Board agenda information supporting first and second reading of ordinances ("Board packets"), newspaper clipping file, Cal-Am water production data, CPUC rate information. Initial Study conclusions are also based on District staff professional assessments, knowledge and experiences.

Public testimony and informal contact with members of the public and various state and local agency representatives also contribute to and support the Initial Study conclusions.





Attachment 1



**Legend**

- Shoreline
- River, Creek
- Dam
- Drainage Basin Boundary
- Probable Groundwater Basin
- USGS Streamflow Gage
  - 1 Carmel River, at Robles del Rio
  - 2 Carmel River, near Carmel

Source: MPWMD 1994a.



Jones & Stokes Associates, Inc.

Figure C-1  
Carmel River and Tributaries