

EXHIBIT 12-B

RESOLUTION NO. 2020-13

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
CERTIFYING ADDENDUM No. 6
TO THE AQUIFER STORAGE AND RECOVERY EIR/EA**

WHEREAS, the Board of Directors of the Monterey Peninsula Water Management District (MPWMD) has directed that its staff pursue Aquifer Storage and Recovery (ASR) as a means to facilitate conjunctive use of local water resources for the benefit of the environment and the community; and

WHEREAS, MPWMD adopted Findings Related to the Certification of the MPWMD Phase 1 Aquifer Storage and Recovery Project EIR and Determining Compliance with the California Environmental Quality Act, adopted the Mitigation and Monitoring Plan, certified the Final Environmental Impact Report/Environmental Assessment (EIR/EA) for the Phase 1 ASR Project, and approved the Phase 1 ASR Project on August 21, 2006; and

WHEREAS, MPWMD approved and adopted the April 2012 Addendum to the Phase 1 ASR EIR/EA, adopted the April 2012 Mitigation Monitoring Plan, and approved the full implementation of ASR Water Project 2 on April 16, 2012; and

WHEREAS, MPWMD approved the Hilby Avenue Pump Station and adopted the June 2016 Hilby Avenue Pump Station Addendum as Addendum 2 to the Aquifer Storage and Recovery Project Environmental Impact Report/Environmental Assessment on June 20, 2016; and

WHEREAS, MPWMD approved a realignment of a segment of the Monterey Pipeline and adopted the February 2017 Monterey Pipeline Addendum as Addendum 3 to the ASR EIR/EA on February 22, 2017; and

WHEREAS, MPWMD approved an expansion to the backflush basin and adopted the July 2018 Backflush Basin Expansion Addendum as Addendum 4 to the ASR EIR/EA on July 16, 2018; and

WHEREAS, MPWMD approved a modification to the water treatment facility and adopted the July 2019 Water Treatment Facility Modification Addendum as Addendum 5 to the ASR EIR/EA on July 15, 2019; and

WHEREAS, MPWMD has followed guidelines of the California Environmental Quality Act (CEQA) and prepared the Bypass Pipeline and De-Chlorination Facility Modification Addendum 6 to modify the approved ASR Phase 1 Project by allowing the construction and operation of the proposed Bypass Pipeline, De-Chlorination Facility, and the Soil Deposition site; and

WHEREAS, MPWMD has prepared Findings of Environmental Review for the Bypass Pipeline and De-Chlorination Facility Modification Addendum to the ASR EIR/EA, attached hereto as **Attachment A** and hereby incorporated by reference.

NOW THEREFORE, BE IT RESOLVED:

We, the Board of Directors of the Monterey Peninsula Water Management District, certify the Bypass Pipeline and De-Chlorination Facility Modification Addendum as a true and accurate statement of the environmental impacts of the construction of the Bypass Pipeline and De-Chlorination Facility Modification; and

Adopt the July 2020 Bypass Pipeline and De-Chlorination Facility Modification Addendum as Addendum 6 to the ASR EIR/EA, which found that the proposed modifications to the approved ASR Phase 1 Project would not result in a measurable increase in environmental impacts over what was previously analyzed in the 2006 ASR EIR/EA, the 2012 ASR Phase 2 Addendum, the Hilby Avenue Pump Station Addendum, the Monterey Pipeline Addendum, the Backflush Basin Expansion Addendum, and the Water Treatment Facility Modification Addendum; and

Directs staff to post a Notice of Determination of this action in accordance with Section 15094 of the CEQA Guidelines.

On motion of Director _____ and second by Director the _____ foregoing resolution is duly adopted this 20 day of July 2020 by the following votes:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors on the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 20 day of July 2020.

Witness my hand and seal of the Board of Directors this _____ day of July 2020.

David J. Stoldt, Secretary to the Board

ATTACHMENT A

**FINDINGS OF ENVIRONMENTAL REVIEW
FOR THE
BYPASS PIPELINE AND DE-CHLORINATION
FACILITY MODIFICATION ADDENDUM TO THE
ASR EIR/EA**

- 1) FINDING:** The Monterey Peninsula Water Management District (MPWMD) Board of Directors adopted the Findings Relating to Certification of the MPWMD Phase 1 Aquifer Storage and Recovery Project EIR and Determining Compliance with the California Environmental Quality Act, adopted the Mitigation Monitoring Plan, certified the Final Aquifer Storage and Recovery (ASR) Environmental Impact Report/Environmental Assessment (EIR/EA) for the Phase 1 ASR Project, and approved the Phase 1 ASR Project on August 21, 2006.

EVIDENCE: The ASR EIR/EA and related documents are on file in the MPWMD office.

- 2) FINDING:** The MPWMD Board of Directors approved and adopted the April 2012 Addendum to the Phase 1 EIR/EA (Addendum 1), adopted the April 2012 Mitigation Monitoring Plan for ASR Water Project 2, and approved the full implementation of ASR Water Project 2 on April 16, 2012.

EVIDENCE: Addendum 1 and related documents are on file in the MPWMD office.

- 3) FINDING:** The MPWMD Board of Directors approved the Hilby Avenue Pump Station and adopted the June 2016 Hilby Avenue Pump Station Addendum as Addendum 2 to the ASR EIR/EA on June 20, 2016

EVIDENCE: Addendum 2 and related documents are on file in the MPWMD office.

- 4) FINDING:** The MPWMD Board of Directors approved a realignment of a segment of the Monterey Pipeline and adopted the February 2017 Monterey Pipeline Addendum as Addendum 3 to the ASR EIR/EA on February 22, 2017.

EVIDENCE: Addendum 3 and related documents are on file in the MPWMD office.

- 5) FINDING:** The MPWMD Board of Directors approved an expansion to the backflush basin and adopted the July 2018 Backflush Basin Expansion Addendum as Addendum 4 to the ASR EIR/EA on July 16, 2018; and

EVIDENCE: Addendum 4 and related documents are on file in the MPWMD office.

- 6) **FINDING:** The MPWMD Board of Directors approved a modification to the water treatment facility and adopted the July 2019 Water Treatment Facility Modification Addendum as Addendum 5 to the ASR EIR/EA on July 15, 2019; and

EVIDENCE: Addendum 5 and related documents are on file in the MPWMD office.

- 7) **FINDING:** MPWMD followed the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to determine that an Addendum evaluating the environmental effect of the Bypass Pipeline and De-Chlorination Facility Modification and related improvements (together hereinafter referred to as Modification) is appropriate based on the following:
- a. The Modification would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - b. No changes in circumstances have occurred involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
 - c. No new information of substantial importance which was not known and could not have been known at the time of the previous EIR/EA and Addenda were found.

The MPWMD Board of Directors at their July 20, 2020 meeting reviewed the Bypass Pipeline and De-Chlorination Facility Modification Addendum (Addendum 6).

EVIDENCE:

- a. Construction and operational environmental impacts and mitigation measures at the Phase 1 ASR Project site were previously considered with the ASR EIR/EA; and
- b. The proposed Modification consists of several distinct sub-components, including the construction and operation of the proposed Bypass Pipeline, De-Chlorination Facility, and the Soil Deposition site. The proposed location of the Bypass Pipeline is within an existing roadway, the De-Chlorination Facility is located within the existing Paralta well site, similarly, the De-Chlorination modification at the Santa Margarita site is located entirely within the existing water treatment facility, and the Soil Deposition site has been used for soil deposition purposes in the past. The Modification's potential environmental effects are consistent with the impacts previously considered in the ASR EIR/EA and subsequent Addenda including impacts to air quality, noise, and sensitive species in addition to cultural resources and hazardous materials; and
- c. All appropriate measures to reduce impacts to less than significant described in the adopted ASR EIR/EA Mitigation and Monitoring Programs would apply to the Modification; and
- d. The proposed Modification would not result in any new significant environmental effects that cannot be mitigated with existing, previously identified mitigation measures in the ASR EIR/EA; and
- e. The proposed Modification would not substantially increase the severity of environmental effects identified in the ASR/EIR and its Addenda; and

- f. No new information of substantial importance has been identified or presented to MPWMD Board of Directors that the Modification would result in significant environmental effects not identified in the ASR EIR/EA and its Addenda, more severe environmental effects than described in the ASR EIR/EA and its Addenda, or require mitigation measures which were previously determined not to be feasible or are considerably different from those recommended in the ASR EIR/EA and its Addenda; and
- g. The Agenda and supporting documents for the July 20, 2020 Board Meeting are on file in the District office.

8) FINDING: Addendum 6 reflects the independent judgement of the MPWMD Board, and each participating Director has reviewed and considered the information contained in the Addendum and related documents prior to making the decision on the Addendum.

EVIDENCE: Each Director on the Board received a copy of Addendum 6 and supporting documents as evidenced by the July 20, 2020 Board meeting packet.

9) FINDING: The MPWMD Board finds that the proposed modifications to the approved ASR Phase 1 Project would not result in a measurable increase in environmental impacts over what was previously analyzed in the August 21, 2006 ASR EIR/EA and subsequent Addenda.

EVIDENCE: The above stated facts.