



Denise Duffy & Associates, Inc.

PLANNING AND ENVIRONMENTAL CONSULTING

MEMORANDUM

To: Monterey Peninsula Water Management District, Board of Directors

From: Denise Duffy & Associates, Inc.

CC: David Stoldt, General Manager, MPWMD
Jonathan Lear, PG, CHg, Water Resources Manager, MPWMD
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Date: July 29, 2020

Subject: **Aquifer Storage & Recovery Project EIR/EA – Addendum No. 6: MCWD Response**

I. Introduction

This memorandum responds to comments raised by Marina Coast Water District (“MCWD”) in a letter dated July, 20, 2020 concerning modifications to the existing Aquifer Storage & Recovery (“ASR”) Project.¹ As described in Addendum No. 6 to the ASR Final Environmental Impact Report/Environmental Assessment (“ASR Final EIR/EA”)(SCH#2004121065), California American Water (“CalAm”) proposes to modify the existing ASR Project. More specifically, the proposed modification consists of the following: 1) Bypass Pipeline Modification; 2) De-Chlorination Facility Modification; and, 3) Soil Deposition Modification. These modifications are collectively referred to as the “Proposed Modification.” The Monterey Peninsula Water Management District (“MPWMD”) prepared Addendum No. 6 to the ASR Final EIR/EA to evaluate the potential environmental effects associated with the Proposed Modification in accordance with the requirements of the California Environmental Quality Act (“CEQA”) and consistent with prior modifications to the ASR Project. As discuss below, MPWMD appropriately considered the potential environmental effects associated with the Proposed Modification.

This memorandum consists of the following: 1) an introduction; 2) a brief procedural overview regarding the ASR Project, including prior modifications and related CEQA review; 3) a brief summary of the Proposed Modification; 4) a description of the applicable CEQA regulatory requirements; 5) a detailed response to Marina Coast Water District’s (“MCWD”) comments; and, 6) a general conclusion.

¹ The ASR Project entails diversion of “excess” Carmel River winter flows, as allowed under water rights permits issued by the State Water Resources Control Board (“SWRCB”). These diversions are subsequently treated and transmitted via CalAm’s distribution system to specially-constructed injection/recovery wells, known as ASR wells, in the Seaside Groundwater Basin. CalAm wells divert the excess flows only during specific periods when flows exceed fisheries bypass requirements. After treatment to potable drinking water standards, water is conveyed through CalAm’s distribution system to ASR facilities (injection wells) to recharge the over-pumped Seaside Groundwater Basin. Water is then pumped back out from the Seaside Groundwater Basin during dry periods to reduce pumping-related effects on the Carmel River. This “conjunctive use” more efficiently utilizes local water resources to improve the reliability of the community’s water supply while reducing adverse effects to the Carmel River and Seaside Groundwater Basins.

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II. Procedural Overview

On March 23, 2006, MPWMD circulated the Draft EIR/EA for the ASR Project for public review. MPWMD received 13 public comments on the Draft EIR/EA. MPWMD subsequently prepared a Final EIR/EA that responded to public comments and made minor revisions/clarifications to the Draft EIR/EA. On August 21, 2006 MPWMD certified the Final EIR/EA for Phase 1 of the ASR Project, adopted a Mitigation Monitoring and Reporting Program (“MMRP”), and approved the ASR Project. ASR Phase 1 became operational in 2008.

Following certification of the ASR Final EIR/EA and construction of ASR Phase 1, MPWMD incorporated several modifications and refinements to the ASR Project to expand system operations, account for necessary modifications to improve system efficiency, and maximize allowable diversions of excess Carmel River flows. These modifications included the implementation of ASR Phase 2, addition of the Hilby Pump Station, modifications to the Monterey Pipeline, expansion of the existing backflush basin, and a water treatment facility modification. MPWMD evaluated the effects of these modifications consistent with the requirements of CEQA as follows:

- Addendum No. 1 to the ASR EIR/EA evaluated implementation of ASR Phase 2. MPWMD adopted Addendum No. 1 on April 16, 2012;
- Addendum No. 2 to the ASR EIR/EA evaluated the addition of the Hilby Pump Station. MPWMD adopted Addendum No. 2 on June 20, 2016;
- Addendum No. 3 to the ASR EIR/EA evaluated modifications to the Monterey Pipeline. MPWMD adopted Addendum No. 3 on February 22, 2017;
- Addendum No. 4 to the ASR EIR/EA evaluated the Backflush Basin Expansion. MPWMD adopted Addendum No. 4 on July 16, 2018; and,
- Addendum No. 5 to the ASR EIR/EA evaluated the Water Treatment Facility Modification. MPWMD adopted Addendum No. 6 on July 15, 2019.

In July 2020, MPWMD prepared Addendum No. 6 to the ASR Final EIR/EA. Addendum No. 6 included a comprehensive evaluation of the potential environmental effects associated with the construction and operation of the Proposed Modification in connection with the ASR Project, which MPWMD previously evaluated and approved. Based on the information contained in Addendum No. 6, MPWMD determined that the Proposed Modification would not result in any additional environmental effects beyond those previously identified in the ASR EIR/EA, as modified, or increase the severity of a previously identified significant impact. MPWMD prepared Addendum No. 6 consistent with the approach and methodology followed by MPWMD for previous modifications to the ASR Project.

Prior to adoption of Addendum No. 6, MPWMD received a letter from legal counsel representing MCWD regarding the Proposed Modification. These comments ranged from concerns related to pipeline sizing, the necessity of the Proposed Modification, as well as comments regarding the level of analysis contained in Addendum No. 6. A copy of that correspondence is included as **Attachment A**.

III. Overview of the Proposed Modification

The Proposed Modification consists of several distinct sub-components that would improve existing ASR system operations to allow for the simultaneous ASR injection and extraction operations and recovery of Pure Water Monterey (“PWM”) water (see MPWMD ASR Final EIR/EA Addendum No. 6, at pg. 2; see also MPWMD Water Supply Committee Board Report dated April 6, 2020). Simultaneous operations would occur in March, April, and May. Injection activities at Seaside Middle School (ASR Wells 3 and 4) would be fed by the Crest Tank and utilize the proposed Bypass Pipeline (discussed below). ASR Wells 1 and 2 would produce and treat PWM water at the Santa Margarita Well site and use the existing pipeline in General Jim Moore Boulevard to transfer water south to the Hilby Pump Station. The Proposed Modification includes the

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construction and operation of the proposed Bypass Pipeline, de-chlorination facility modification, and use of an existing soil deposition site. (Ibid.). The following provides a brief overview of the Proposed Modification to provide additional background regarding the Proposed Modification and supporting CEQA analysis.

The proposed Bypass Pipeline Modification consists of the construction of a new 36-inch diameter, 7,000 linear foot (“LF”), potable water transmission pipeline in General Jim Moore Boulevard.² This modification would allow for the simultaneous recovery of PWM water and the operation of the existing ASR system (Ibid.). Under existing operations, simultaneous recovery is not possible due to existing system limitations (Ibid.). Absent the proposed Bypass Pipeline, ASR injection would be limited to certain months. This would reduce the injection capacity of the ASR system and would reduce the amount of available “ASR bank.” (Ibid.). **Attachment B** includes two (2) exhibits prepared by MPWMD showing the different scenarios with and without the proposed Bypass Pipeline. As shown in these exhibits, if the bypass pipeline is not constructed (even if flows in the Carmel River are above permit conditions allowing injection), ASR injection would need to stop to allow use of the existing singular pipeline for PWM recovery in order to comply with the Cease and Desist Order (“CDO”) and recover all PWM water (Ibid.). The proposed Bypass Pipeline would allow PWM and ASR projects to function simultaneously.

The Proposed Modification also includes the construction and operation of a de-chlorination facility at the Paralta well site. This facility would dechlorinate water prior to injection into ASR Wells 3 and 4. Under current CalAm permit requirements, a 30-day retention period is required between ASR injection and extraction operations (Ibid.). This requirement effectively precludes CalAm from being able to meet existing customer demand during the 30-day retention period when extraction operations are not allowed because of reduced Carmel River diversions. Similarly, this modification also includes a de-chlorination facility at the existing Santa Margarita Treatment Facility. This modification would be located entirely within the existing treatment facility footprint and would also remove the 30-day retention period requirement prior to extraction from ASR Wells 1 and 2.

Finally, the Proposed Modification also entails the use of an existing soil deposition site located along the west side of General Jim Moore Boulevard. This site is commonly referred to as the “Mescal Soil Deposition Site.” This site has been used for soil deposition associated with construction activities in the past and excess soil would be disposed of at this location consistent with soil disposal requirements for property located within the former Fort Ord. Fencing and/or flagging would be installed at the soil deposition site under the direction of a qualified biologist to ensure impacts to biological resources would be avoided.

In addition to the physical site improvements described above, the Proposed Modification would also be required to comply with applicable Project Environmental Commitments contained in the ASR Final EIR/EA (see **Attachment C**). Similarly, the Proposed Modification would also be required to comply with applicable mitigation measures identified in the MMRP prepared for the ASR Project. MPWMD identified the mitigation measures that would be applicable to the Proposed Modification in Addendum No. 6 (see Attachment 4 to Addendum No. 6). The implementation of these measures would ensure that the Proposed Modification would not result in any new significant environmental effects beyond those identified in the ASR Final EIR/EA or increase the severity of a previously identified significant effect. MPWMD would be responsible for ensuring that all applicable environmental commitments and mitigation measures are implemented in connection with the Proposed Modification.

² Public Resources Code Sec. 21080.21 excludes pipelines of less than one (1) mile in length (i.e., less than 5,280 LF) from CEQA review if the pipeline is within a public street or highway or any other public right-of-way. Here, the proposed Bypass Pipeline is entirely within the exiting paved right-of-way of General Jim Moore Boulevard. However, because the proposed Bypass Pipeline is 7,000 LF it exceeds that one (1) mile, the Bypass Pipeline is not excluded from further CEQA review. As a result, MPWMD determined that an Addendum to the existing ASR Final EIR/EA would be the appropriate level of environmental review due to the direct nexus between the Proposed Modification and the ASR Project.

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IV. Applicable CEQA Requirements

Sec. 15164 of the CEQA Guidelines governs the preparation of an addendum to an EIR or Negative Declaration. Section 15164(a) states that the “lead agency... shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.” CEQA Guidelines Sec. 15162(a) indicates that “no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:³

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

As described below, MPWMD determined that an Addendum was the appropriate level of environmental review for the Proposed Modification, MPWMD concluded that a subsequent or supplemental EIR was not required under CEQA Guidelines Section 15162. Here, MPWMD determined that the Proposed Modification would not result in: 1) a substantial change in the project which would require *major revisions* of the environmental impact report; 2) substantial changes with the respect to the circumstances under which the project is being undertaken which would require *major revisions* in the environmental impact report; and, 3) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available that would result in additional environmental effects beyond those previously identified in the ASR Project Final EIR/EA. As a result, MPWMD determined that the Proposed Modification would not result in any additional adverse

³ CEQA Guidelines Sec. 15162 implements the requirements of Public Resources Code Sec. 21166, which limits the preparation of subsequent EIRs under certain situations. Sec. 15162 interprets the three (3) situations in which Public Resources Code Sec. 21166 requires preparation of a subsequent EIR. Public Resources Code Sec. 21166 states that: “When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs: (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report; (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or, (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.”

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environmental effects beyond those disclosed in the ASR Final EIR/EA or result in an increase in the severity of a previously identified significant impact. MPWMD based their conclusion on substantial evidence, including, but not limited to, 1) existing site characteristics (i.e., developed/disturbed nature of the site); 2) description of the Proposed Modification, including information related to each of the proposed sub-components, anticipated construction schedule, and supporting exhibits; 3) site visits conducted by DD&A and MPWMD's staff familiarity with the site; 4) existing information contained in the ASR Final EIR/EA; 5) existing mitigation measures and Project Environmental Commitments identified in the ASR Final EIR/EA; 6) technical documentation previously prepared in support of the ASR Project; and, 7) project-level technical review of the Proposed Modification.

V. Response to MCWD Comments

MCWD submitted written comments regarding the adequacy of MPWMD's environmental review, as well as the necessity of the Proposed Modification (see **Attachment A**). As described above, MPWMD previously described the purpose of the Proposed Modification. The following specifically responds to environmental issues raised by MCWD's legal counsel.

a. The Proposed Modification would modify the existing ASR Project and MPWMD is the appropriate lead agency.

MCWD states that it appears that the proposed Bypass Pipeline is necessary to address deficiencies with CalAm's proposed Monterey Peninsula Water Supply Project ("MPWSP") rather than address existing operational needs of the ASR Project. MCWD contends that the Proposed Modification is an attempt to avoid mitigation requirements required by the California Public Utilities Commission ("CPUC") identified in the MPWSP Final EIR/EIS. MCWD further appears to suggest that MPWMD is not that appropriate Lead Agency to consider the Proposed Modification.

As noted above, the Proposed Modification is an important component of the ASR Project and is necessary to ensure the simultaneous operation of the ASR Project and the PWM Project under existing conditions regardless of whether the MPWSP or PWM Expansion are pursued in the future. MPWMD previously identified that failure to construct the Proposed Modification would limit ASR operations and thereby reduce available water supply to serve existing demand (see **Attachment B**). While the Proposed Modification would connect to CalAm's transfer pipeline and could be used to transfer other source supplies in the future (e.g., PWM expansion), the Proposed Modification has separate and independent utility from both the PWM Expansion and MPWSP. The Proposed Modification is necessary to ensure the simultaneous operation of the ASR Project and PWM under existing conditions. As a result, there is a direct nexus between the Proposed Modification and the existing ASR Project. Therefore, the Proposed Modification has independent utility from the MPWSP and PWM Expansion – if neither project is constructed, the Proposed Modification would still be needed, could still be implemented by MPWMD, and is not contingent upon the approval of either project. (see *Del Mar Terrace Conservancy, Inc. v. City Council of the City of San Diego* (1992) 10 Cal. App. 4th 712 (upholding an EIR that treated as a project one freeway segment within a long term, multi-segment regional plan because the one segment would serve a viable purpose even if the later segments were never built); see also *Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 698-700 (finding independent utility where two projects could be implemented independently of each other and where they were approved by different independent agencies.) For these reasons, MPWMD appropriately evaluated the Proposed Modification as a modification to the ASR Project.

In addition, as identified in Sec. 15051(b) of the CEQA Guidelines, "[i]f a project is to be carried out by a nongovernmental person or entity, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole." Here, MPWMD is the public agency with the greatest responsibility for supervising or approving the Proposed Modification. The Proposed Modification, which includes several sub-components, is directly related to improving existing ASR system

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operations to account for previously identified system limitations that will prevent MPWMD and CalAm for maximizing ASR diversions. Moreover, the Proposed Modification is not merely limited to the proposed Bypass Pipeline. The Proposed Modification also includes the construction and operation of a de-chlorination facility at the Paralta Well site to eliminate the 30-day retention period for ASR Wells 3 and 4. Similarly, the Proposed Modification also includes the addition of a de-chlorination facility at the Santa Margarita Well site to eliminate the 30-day retention period for ASR Wells 1 and 2. MPWMD is the primary public entity responsible for the oversight and operation of the ASR program. Therefore, because the Proposed Modification is to the existing ASR Project it is appropriate that MPWMD serves as the Lead Agency for the Proposed Modification.

As identified by MPWMD, the Proposed Modification would be required to comply with all applicable mitigation measures identified in the ASR Final EIR/EA. While the mitigation measures contained in the ASR Final EIR/EA may be different from those contained in the MPWSP EIR/EIS, MPWMD previously determined that these mitigation measures were appropriate to ensure that the potential environmental effects associated with the ASR Project and subsequent modifications were adequately addressed within the context of CEQA. Furthermore, it is also important to recognize that the Proposed Modification is located primarily within paved portions of the General Jim Moore Boulevard road right-of-way and previously developed/disturbed sites (i.e., Paralta Well site and Santa Margarita Well site) that are improved with existing ASR Project infrastructure. As a result, the existing mitigation measures contained in the ASR Final EIR/EA are more than adequate to address that the potential effects associated with the Proposed Modification.

The Proposed Modification, as described in Addendum No. 6 and supporting documentation presented before the MPWMD Water Supply Committee, clearly demonstrate the necessity of the Proposed Modification to ensure the simultaneous operation of both the ASR Project and the PWM Project. MPWMD served as lead agency for prior modifications to the ASR Project and it is appropriate for MPWMD to serve as lead agency in connection with the Proposed Modification. As described above, the Proposed Modification is necessary to ensure system reliability and redundancy, maximize allowable Carmel River diversions and maintain consistency with SWRCB Orders related to reducing diversions from the Carmel River.

For these reasons, MPWMD appropriately considered the Proposed Modification as a change to the approved ASR Project and the Proposed Modification has independent utility from potential future water supplies. Furthermore, MPWMD is the appropriate lead agency to consider the Proposed Modification.

b. MPWMD appropriately considered and evaluated the potential environmental effects associated with the Proposed Modification consistent with the requirements of CEQA Guidelines Secs. 15162 and 15164.

MCWD suggests that Addendum No. 6 is not adequate to cover the additional project components and that MPWMD only considered the additional project components included in the Proposed Modification in isolation. MCWD states that an agency must consider the impacts caused by the project modifications in combination with the impacts previously analyzed in the EIR to determine whether there would be any new or more severe impacts.

MPWMD did not consider the potential impacts associated with the Proposed Modification in isolation. In fact, MPWMD clearly evaluated the effects of the Proposed Modification within the context of the entire ASR Project and related modifications. MPWMD summarized the findings of the prior CEQA documentation, evaluated the effects of the Proposed Modification, and then subsequently concluded whether the Proposed Modification would increase the severity of a previously identified significant impact (i.e., MPWMD considered whether the Proposed Modification would contribute, that is add, to a previously identified impact for the approved ASR Project). MPWMD included a detailed evaluation of the individual effects associated with the Proposed Modification and evaluated whether those effects would increase the

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severity of a previously identified impact. This approach is consistent with the requirements of CEQA – the only way to effectively determine whether a project would increase the severity of a previously identified impact is to consider the incremental effects associated with a modification in combination with the effects associated with the original project. In this instance, Addendum No. 6 clearly concludes under each of the respective CEQA topical sections that the Proposed Modification would not result in any additional impacts *or* increase the severity of a previously identified impact. Based on this analysis, MPWMD appropriately concluded that the Proposed Modification would not result in any additional environmental effects beyond those previously identified or increase the severity of any significant impacts identified in the ASR Final EIR/EA and related addenda.

For these reasons, MPWMD did not consider the Proposed Modification in isolation and appropriately considered whether the Proposed Modification would increase the severity of a previously identified impact.

c. Addendum No. 6 does not constitute improper “piecemealing.”

MCWD suggests that Addendum No. 6 violates CEQA’s supplemental review requirements and constitutes improper “piecemealing.”

CEQA requires that a lead agency must consider the “whole of the action” – in other words CEQA does not allow a project proponent or Lead Agency to “piecemeal” a project (i.e., pursue separate smaller projects that are part of a larger action to minimize the level of environmental review). In this instance, MPWMD considered and fully evaluated the environmental effects associated with the construction and operation of the ASR Project. Subsequently, MPWMD and CalAm identified that additional modifications were necessary to improve system function and reliability, maximize diversions of excess Carmel River flows, and incorporate additional modifications to account for design changes due to the development of other water supply projects (e.g., Monterey Pipeline, PWM, etc.). The preparation of an addendum to account for necessary modifications to an existing project does not constitute “piecemealing.”

Here, MPWMD prepared Addendum No. 6 to consider further modifications to the ASR Project proposed by CalAm. These modifications are necessary to address existing system deficiencies and ensure system reliability. This approach does not constitute piecemealing – MPWMD considered these modifications within the context of previous environmental review process, including prior addenda. The incorporation of a modification to an existing project that was subject to prior environmental review does not constitute piecemealing. Rather, this is the exact circumstance that the legislature envisioned when providing for a process to amend an existing EIR or Negative Declaration. i.e., when some changes or additions are necessary to a project, but those revisions would not result in additional environmental effects or an increase the severity of an identified significant impact. Moreover, the Proposed Modification, as previously described, is directly related to the ASR Project. As a result, an addendum to the ASR Project is the appropriate form of review for the Proposed Modification. This does not constitute a situation of improper “piecemealing” – the Proposed Modification is not being pursued independently from the ASR Project. Rather, MPWMD considered and evaluated the effects of the Proposed Modification within the context of the existing ASR Project and associated environmental review.

As noted above, CEQA allows for lead agencies to prepare an addendum to a previously certified EIR if some changes or additions are necessary provided the project would not result in any additional significant environmental effects or increase the severity of a previously identified significant impact. As identified throughout Addendum No. 6, none of these conditions would occur in connection with the Proposed Modification. In fact, Addendum No. 6 clearly identifies that the Proposed Modification would be exclusively located within the existing paved right-of-way of General Jim Moore Boulevard and previously disturbed/developed sites that are improved with existing water supply infrastructure associated with the ASR Project. Moreover, MPWMD also identified that the Proposed Modification would be required to comply

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with applicable mitigation measures and project environmental commitments identified in the ASR Final EIR/EA. MPWMD did not consider the Proposed Modification in isolation, but rather considered the Proposed Modification within the context of the ASR Project, as a whole, as well as site-specific environmental conditions.

MPWMD appropriately evaluated the potential effects associated with the Proposed Modification and did not improperly “piecemeal” the Proposed Modification.

d. MPWMD appropriately evaluated potential air quality effects associated with the Proposed Modification consistent with the Monterey Bay Air Resources District (“MBARD”) CEQA Guidelines.

MCWD erroneously contends that MPWMD determined that Proposed Modification does not require CEQA review for air quality and greenhouse gas emissions because it does not meet threshold screening criteria given the limited scope of the Proposed Modification. This is factually incorrect. MCWD also further suggests that the analysis must consider whether adding the new components would result in new or more severe impacts.

MPWMD evaluated the potential air quality effects, including potential greenhouse gas emissions, associated with the construction and operation of the Proposed Modification. In fact, MPWMD clearly identified that the Proposed Modification would generate emissions during construction and operation of the Proposed Modification. Table 1, Construction Air Quality Emissions, identifies that the Proposed Modification would result in temporary air quality emission during construction-related activities. The temporary increase in construction-related emissions would be below applicable MBARD CEQA thresholds of significance. In addition, Table 2, Operational Air Quality Emissions, also identifies that the Proposed Modification would generate additional air quality emissions during operation. In addition, MPWMD also identified anticipated greenhouse gas emissions associated with the Proposed Modification (see Addendum No. 6, at pg. 23 – 24). These potential effects are also below applicable MBARD thresholds of significance. Contrary to MCWD assertions, MPWMD clearly evaluated potential air quality effects associated with the Proposed Modification.

MPWMD clearly identified that the Proposed Modification would not increase the severity of a previously identified significant impact. As discussed above, MPWMD appropriately considered whether the environmental effects would increase the severity of a previously identified impact (i.e., would the Proposed Modification, when considered with the ASR Project and prior modifications, increase the severity of a previously identified impact). Here, the potential air quality effects associated with the Proposed Modification are relatively insignificant. Similarly, the ASR Final EIR/EA identified that potential air quality effects associated with the ASR Project, as modified, would be relatively insignificant and would not exceed applicable MBARD thresholds of significance. The relatively minor increase in air quality effects associated with the Proposed Modification would not increase the severity of any previously identified air quality effect. In addition, it is also worth noting that construction-related effects are temporary in nature and therefore the incremental increase in impacts associated with the Proposed Modification would not contribute to other ASR related construction emissions since the ASR Project, as modified, has already been constructed.

MPWD appropriately evaluated potential air quality effects, including greenhouse gas emissions.

e. Addendum No. 6 contains sufficient information to determine the extent of potential environmental effects associated with the Proposed Modification and appropriately concludes that the Proposed Modification would not result in new or substantially more severe significant impacts than those disclosed in the ASR Final EIR/EA, as modified.

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MCWD states that there is insufficient information to determine whether the ASR Project, as modified, would result in new or substantially more severe impacts that were not disclosed in the EIR.

MPWMD determined that the Proposed Modification would not result in any new environmental effects beyond those associated with the ASR Project, as modified, or increase the severity of a previously identified significant effect. MPWMD based this determination on a variety of factors, including, but not limited to: 1) existing site characteristics (i.e., developed/disturbed nature of the site); 2) description of the Proposed Modification, including information related to each of the proposed sub-components, anticipated construction schedule, and supporting exhibits; 3) site visits conducted by DD&A, MPWMD's environmental consultant, as well as MPWMD's staff familiarity with the site; 4) existing information contained in the ASR Final EIR/EA; 5) existing mitigation measures and Project Environmental Commitments identified in the ASR Final EIR/EA; 6) technical documentation previously prepared in support of the ASR Project; and, 7) project-level technical review of the Proposed Modification. MPWMD relied on this information to determine the extent of potential environmental effects associated with the Proposed Modification and whether the Proposed Modification would result in any new or more severe environmental effects.

In addition to the factors listed above, it is also important to recognize that the extent of potential impacts associated with the Proposed Modification would be limited given the existing developed/disturbed nature of the site. For instance, the proposed Bypass Pipeline modification would be entirely within the existing paved right-of-way of General Jim Moore Boulevard. Potential resources-related effects, therefore, would be limited. Similarly, the Proposed De-chlorination Facility Modification, which includes a de-chlorination facility at the Paralta Well site and a facility at the Santa Margarita Well site, would also be within existing developed/disturbed areas - the Paralta and Santa Margarita Well sites are both improved with existing ASR infrastructure. Given the existing developed/disturbed nature of the project footprint, MPWMD concluded that the extent of environmental effects would be limited primarily to temporary construction-related effects (e.g., temporary air quality emissions, temporary construction-related erosion, temporary traffic-related effects due to lane closures, temporary construction-related noise, etc.).⁴ MPWMD appropriately disclosed the nature of potential impacts associated with the Proposed Modification. MPWMD also appropriately identified that temporary construction-related effects would be addressed through the implementation of existing mitigation measures identified in the ASR Final EIR/EA.⁵

While the location of a project informs the extent of potential environmental effects, it is also important to recognize that the project type also similarly informs the extent of potential effects. Here, the Proposed Modification consists of a new pipeline, de-chlorination facilities, and the temporary use of an existing soil deposition in accordance with soil disposal requirements for properties in the former Fort Ord. Most impacts associated with these types of activities are typically temporary in nature and are associated with construction. For instance, impacts associated with potable pipelines tend to be limited to construction. Most pipelines are typically underground and do not result in above ground features that would permanently alter the existing character of a site following construction and subsequent restoration-related activities. Once constructed, operational impacts are limited to periodic maintenance related activities and routine inspections. Here, the Proposed Modification includes the construction of a new pipeline within the existing paved right-of-way of General Jim Moore Boulevard. Given the nature of this modification (and the existing developed nature of the site), MPWMD appropriately concluded that the effects would be relatively insignificant and confined to temporary construction impacts. Similarly, the De-chlorination Facility Modification would also primarily result in temporary construction-related effects. Unlike the proposed Bypass Pipeline, the De-Chlorination Facility Modification would include permanent above ground features. This could result in

⁴ MPWMD also identified that the Proposed Modification would result in potential operational impacts associated with routine maintenance related activities associated with the proposed de-chlorination facility modification.

⁵ It is also worth noting that construction-related effects are temporary in nature and therefore construction-related effects associated with the ASR Project have already occurred. Therefore, the incremental construction-related effects associated with the Proposed Modification would not substantially increase construction effects associated with the ASR Project.

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potential effects due to on-going operation, including potential aesthetic-related effects, hydrology/drainage, noise, traffic, etc. MPWMD clearly disclosed these effects in Addendum No. 6. Additionally, the use of an existing soil deposition site to temporarily stockpile soil in accordance with soil handling procedures for properties within the former Fort Ord would result in limited environmental effects. The Proposed Modification includes measures to ensure that temporary construction effects due to the use of this area would be addressed. Again, just like the characteristics of a site inform the environmental analysis, the project type also equally informs environmental analysis and extent of potential effects.

Finally, as noted elsewhere in this memorandum, it is necessary to reiterate that MPWMD did not consider the Proposed Modification's potential environmental effects in isolation. MPWMD clearly summarized the effects of the ASR Project, as modified, evaluated the impacts associated with the Proposed Modification, and then subsequently considered whether the Proposed Modification would result in any new environmental effects or increase the severity of a previously identified impact. In order to determine whether the Proposed Modification would increase the severity of a previously identified impact, MPWMD necessarily considered whether the Proposed Modification would contribute (i.e., add) to a previously identified impact. MPWMD appropriately concluded that the Proposed Modification would not increase the severity of a previously identified impact.

For these reasons, MPWMD adequately disclosed the extent of potential impacts associated with the Proposed Modification based on a detailed review of the Proposed Modification, as well as existing technical information prepared in support of the ASR Project, including documentation prepared in support of previous modifications to the ASR Project.

f. MPWMD appropriately evaluated potential transportation related impacts.

MCWD states that the analysis of transportation impacts is also inadequate. MCWD, incorrectly, states that MPWMD did not analyze the extent of potential traffic disruption or the amount of traffic. MCWD further states that the conclusion that traffic control measures would be sufficient to ensure that temporary construction-related traffic effects due to temporary lane closures is not adequate.

MPWMD appropriately identified that construction of the Proposed Modification could result in temporary traffic-related impacts due to lane closures associated with the construction of the proposed Bypass Pipeline. More specifically, MPWMD identified that temporary lane closures could potentially affect the existing transportation circulation system and affect emergency access. MPWMD also further identified that the Proposed Modification would result in temporary increases in construction-related traffic, as well as a minor increase in operational traffic due to on-going maintenance related activities and routine deliveries. MPWMD further identified anticipated construction and operational traffic associated with the Proposed Modification.

MPWMD concluded that temporary construction impacts due to temporary lane closures would be addressed through the implementation of traffic control measures. Addendum No. 6 identifies that CalAm would implement traffic control measures as part of the Proposed Modification. Moreover, MPWMD also requires the implementation of traffic control measures as part of the ASR Project and associated modifications. More specifically, the ASR Final EIR/EA identifies several "Project Environmental Commitments" that MPWMD requires as part of the ASR Project. One of the applicable "Project Environmental Commitments" requires the preparation of a traffic control plan. The purpose of the traffic control plan is to: 1) reduce, to the extent feasible, the number of vehicles on roadways adjacent to the project; 2) reduce, to the extent feasible, the interaction between construction equipment and other vehicles; 3) promote public safety through actions aimed at driver and road safety; and, 4) ensure safety for bicyclists and pedestrians. **Attachment C** identifies the traffic control plan requirements as specified in the ASR Final EIR/EA. In addition, it is also worth noting that the Proposed Modification will also be required to comply with mitigation measures identified in the ASR Final EIR/EA, including Mitigation Measure Cume-1 which

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requires coordination with affected jurisdictions to ensure construction phasing to minimize potential traffic-related effects, as well as other potential cumulative effects. Additionally, CalAm will also need to submit a detailed traffic control plan to the City of Seaside as part of the City's encroachment permit process for work within the City's right-of-way (i.e., General Jim Moore Boulevard).

The implementation of traffic control measures during temporary lane closures will ensure that the Proposed Modification would not result in any additional impacts or increase the severity of a previously identified impact. MPWMD appropriately identified that the Proposed Modification would result in temporary construction-related effects and identified that the Proposed Modification will implement applicable traffic control measures to address temporary impacts due to lane closures.

g. MPWMD appropriately considered potential growth inducing effects associated with the Proposed Modification.

MCWD states that MPWMD did not consider potential growth inducing effects associated with the Proposed Modification.

MPWMD identified that the Proposed Modification would not induce substantial unplanned population growth. The Proposed Modification is a necessary modification to the existing ASR Project. More specifically, the Proposed Modification is necessary to ensure that the ASR Project and PWM can operate simultaneously during certain periods of the year when the use of the existing single pipeline would cause ASR operations to temporarily cease which would reduce available water supplies to serve existing demand. The Proposed Modification would not result in an increase in existing diversion limits for ASR or cause an increase in available water supply to facilitate additional growth or development. Rather, this modification would allow MPWMD and CalAm to ensure that existing water rights are perfected to ensure reliability of water supply serving the Monterey Peninsula. Moreover, as identified in the ASR Final EIR/EA, the ASR Project is not considered growth-inducing since the ASR Project is not creating a new source of water, which represents the primary constraint/obstacle to growth in the region. Rather, the purpose of the ASR Project is to reduce the amount of water diverted from the Carmel River during the summer by diverting, on average, a similar amount of water during the winter when flows are greater, and storing the water in the Seaside Groundwater Basin. The ASR Project, including the Proposed Modification, is necessary to comply with applicable SWRCB Orders mandating the reduction of diversions from the Carmel River. As identified in the ASR Final EIR/EA, no allocation of new water would result from the ASR Project - the ASR Project is not creating a new source of water and is not removing an obstacle to population growth or fostering growth.

The construction of a new water supply pipeline is not, in and of itself, evidence of a potential growth inducing effect. Moreover, pipeline sizing is also not necessarily indicative of a potential growth inducing effect. There are certain situations where the extension of water supply/wastewater infrastructure to a previously unserved area would be considered growth-inducing because those facilities would potentially remove an obstacle to development (i.e., lack of available water supply or wastewater services). The construction of the Proposed Modification is not, however, akin to extending services to a previously unserved area. Similarly, the Proposed Modification would not remove an existing obstacle to development. As discussed elsewhere, this modification is necessary to ensure that the ASR Project and PWM can operate simultaneously and thereby ensure that ASR diversions are fully realized. The ASR Final EIR/EA appropriately accounted for and evaluated potential growth inducing effects associated with the full utilization of the ASR Project. The purpose of the Proposed Modification is not to facilitate additional development nor would the Proposed Modification remove an existing obstacle to development. The Proposed Modification represents a modification to an existing water supply project to ensure that the project can fully operate. The Proposed Modification would not be growth inducing.

For these reasons, MPWMD appropriately concluded that the Proposed Modification would not result in any potential growth inducing effects consistent with the findings of the ASR Final EIR.

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h. The Proposed Modification would not result in any new cumulative effects or increase the severity of a previously identified cumulatively considerable effect.

MCWD states that the addendum must consider other cumulative projects, including the MPWSP, and other projects in the area.

MPWMD evaluated the potential cumulative effects associated with the construction and operation of the ASR Project. As previously identified by MPWMD, cumulative effects associated with the ASR Project are primarily related to construction activities and the potential overlap of ASR construction with other projects in the project vicinity. MPWMD identified that the ASR Project could result in cumulative traffic effects, cumulative air quality related effects during overlapping construction schedules with other planned projects, cumulative noise effects due to construction, as well as potential cumulative effects to biological resources. MPWMD identified that these effects would be less-than-significant through the incorporation of Mitigation Measure Cume-1, which requires MPWMD to coordinate with local agencies to develop and implement a phased construction plan to reduce potential cumulative traffic, air quality, and noise related effects. See Attachment 4 to Addendum No. 6 for a full listing of mitigation measures applicable to the ASR Project, including the Proposed Modification.

The Proposed Modification would not increase the severity of a previously identified cumulative effect or result in any additional cumulative effects beyond those previously identified in the ASR Final EIR/EA. The Proposed Modification would primarily result in temporary construction-related impacts. Construction impacts would be limited in duration and primarily confined within the existing paved right-of-way of General Jim Moore Boulevard and previously developed/disturbed well sites that are improved with existing ASR infrastructure. The Proposed Modification would not overlap with the construction of other ASR components since those elements have been constructed. In addition, the Proposed Modification is not anticipated to result in any construction schedule overlap with portions of the MPWSP located in the vicinity of the Proposed Modification. Construction of the Proposed Modification would commence in January 2021 (or sooner) depending on equipment and material procurement, coordination with the City of Seaside, and finalization of construction specifications. While MPWMD identified that construction of the Proposed Modification would take approximately eight (8) months, actual pipeline installation would take approximately 3.5 months (assuming installation of 500 LF per week). As noted above, MPWMD requires that all modifications to the ASR Project comply with the mitigation measures identified in the ASR Final EIR/EA. As a result, construction activities would be coordinated with local land use jurisdictions (i.e., City of Seaside) to ensure that construction activities would be phased to minimize potential effects.

For the reasons described above, MPWMD appropriately concluded that the Proposed Modification would not result in any additional cumulative effects beyond those previously disclosed in the ASR Final EIR/EA.

VI. Conclusion

MPWMD appropriately evaluated the potential effects associated with the Proposed Modification in accordance with the requirements of CEQA. MPWMD prepared a detailed addendum that described the Proposed Modification, summarized the findings of prior environmental documentation prepared for the ASR Project, disclosed the extent of potential effects associated with the Proposed Modification, and considered whether the Proposed Modifications would result in any additional environmental effects beyond those previously identified or would increase the severity of a previously identified significant impact. MPWMD did not consider the Proposed Modification in isolation, but rather considered the potential effects associated with the Proposed Modification within the context of the entire ASR Project and prior CEQA review.

EXHIBIT 14-C

Attachment A

MCWD Comment Letter

EXHIBIT 14-C



REMY | MOOSE | MANLEY
LLP

Howard "Chip" Wilkins III
cwilkins@rmmenvirolaw.com

July 20, 2020

Via Email

Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Re: Proposed Bypass Pipeline & De-Chlorination Facility Modification

Dear Board of Directors:

This letter provides Marina Coast Water District's (MCWD) comments on the Sixth Addendum to the Aquifer Storage and Recovery Project Environmental Impact Report/Environmental Assessment, which purports to cover a proposed Bypass Pipeline and De-Chlorination Facility Modification ("Project"). As explained herein, MCWD requests the Monterey Peninsula Water Management District's (MPWMD) delay voting on the Project and confer with MCWD to address potential conflicts with MCWD's infrastructure and pipelines in the Project area. MCWD wishes to convey its full support for MPWMD's objectives for the ASR Project. MCWD is confident that it can work with MPWMD to ensure its interests and concerns relating the Project's environmental impacts are resolved in a way that allows both the Project to move forward and MCWD to meet the present and planned future water supply needs of the Central Marina and Ord Community service areas.

Initially, we note that the footprint of the proposed bypass pipeline Cal-Am now wants to build matches the footprint of the new Cal-Am pipeline that was analyzed as part of the Pure Water Monterey (PWM) expansion project. The proposed bypass pipeline doesn't appear to have any impact on simultaneous ASR injection and PWM extraction because, pursuant to Cal-Am's agreement with the Seaside Basin Watermaster, PWM water can be extracted at eleven different wells in Seaside, include the existing ASR wells—which are both injection and extraction. The new "bypass" pipeline, on the other hand, appears to be intended to move PWM water further south into the Cal-Am system.

If Cal-Am wants to inject and extract ASR water simultaneously, it should better explain the deficiencies in its system to justify the need for this extra pipeline. As explained below, it appears that Cal-Am proposed modifications to its facilities are an attempt to address deficiencies in the Monterey Peninsula Water Supply Project (MPWSP) and to avoid mitigation requirements for these facilities required by the

a

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California Public Utilities Commission (CPUC) in the MPWSP EIR/EIS. To avoid this subversion of CEQA, MCWD supports and believes CEQA requires exploring mutually beneficial uses of MCWD’s potable water conveyance pipeline that can meet the present and planned future needs of MCWD and ASR without Cal-Am’s proposed new 36 inch pipeline. MCWD incorporates by reference its comments on the pipeline for the “Proposed Modifications to the Pure Water Monterey Groundwater Replenishment Project.” Those comments can be found at <https://purewatermonterey.org/wp/wp-content/uploads/Final-SEIR-Proposed-Modifications-PWM-GWR-Project-April-2020.pdf> from pages 4-90 through 4-97. As explained in our comments on the PWM expansion project, the modification to Cal-Am’s distribution system are proposed for the Monterey Peninsula Water Supply Project and the CPUC is the CEQA Lead Agency for the proposed modifications to Cal-Am’s distribution system. MCWD also requests MPWMD review other comments in the Final EIR relating to the project to ensure it has fully considered the environmental impacts of the project.

a
continued

Based on our limited review, the addendum is not adequate to cover the additional project components. In general, CEQA Guidelines section 15162 requires a subsequent or supplemental EIR if changes to a project will result in new or substantially more severe significant impacts compared to what was disclosed in the EIR, and an addendum is only permissible if none of the conditions specified in Guidelines section 15162 have occurred. When performing the analysis required under section 15162, an agency must *add* the impacts caused by the project modifications to the project analyzed in the EIR to determine whether there would be any new or more severe impacts. Although an addendum will focus on the project modifications, it cannot analyze the modifications in isolation. Otherwise the document would be more akin to a Mitigated Negative Declaration, which is subject to a different set of CEQA rules.

b

Here, the addendum violates CEQA by only looking at the additional components—that were not even contemplated in the EIR—in complete isolation and analyzes whether the additional components, by themselves, would result in significant impacts. This does not fulfill CEQA’s requirements. Instead, the addendum must look at the entire project—the EIR project plus the additional components—to determine whether any of the events triggering the need for a supplemental or subsequent EIR have occurred. Otherwise, a project proponent would be able to continuously add new components onto a project without CEQA review so long the impacts caused by the additional component, by itself, are less than significant. That is not how CEQA works. This violates CEQA’s supplemental review requirements and constitutes improper “piecemealing.” Moreover, even if CEQA did allow new components to be continuously tacked-on to a project after an EIR is complete, despite the snowballing of environmental impacts, the addendum fails to consider cumulative impacts caused by the entire project, or other cumulative projects.

c

For example, for Air Quality and Greenhouse Gas Emissions, the addendum claims that the additional project components do not require CEQA review because they do not meet threshold screening criteria given their limited scope. But the analysis must

d

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consider whether *adding* the new components to the project would result in new or more severe significant impacts, not whether the additional components meet the screening thresholds by themselves. By dodging this analysis, the addendum does not disclose the amount of emissions that the new components would generate or whether the addition of those emissions would cause new or more severe environmental impacts.

d
continued

In fact, because the addendum does not quantify emissions, it is impossible to tell whether there would be new or more severe impacts. This problem runs throughout the addendum into other resources, including noise and hydrology/water quality, for example. There is simply not enough information in the addendum to determine whether the project, as modified with the additional components, would result in new or substantially more severe significant impacts that were not disclosed in the EIR.

e

The analysis of transportation impacts is also inadequate. Although the addendum acknowledges that temporary lane closures could adversely affect the existing circulation system and affect existing emergency access, it does not analyze the extent of the disruption or the amount of traffic. Instead, the addendum concludes in half-a-sentence that the proposed modification would include traffic control measures to ensure that potential temporary impacts during construction would not adversely affect existing traffic operations. There is no analysis or data provided to support that conclusion, and the reader has no idea what the traffic control measures might entail, much less whether they would be adequate to ensure impacts are less than significant.

f

CEQA also requires analysis of growth inducement, which appears to be missing from the addendum. This analysis is particularly important here as the proposed 36 inch pipeline seems to be vastly oversized for the stated purpose.

g

Finally, the addendum must consider other cumulative projects including the MPWSP, and other projects in the area.

h

Very truly yours,

/s/ Chip Wilkins

Howard "Chip" Wilkins III

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Attachment B

MPWMD April 6, 2020 Water Supply Committee Exhibit

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Without separate parallel pipeline, ASR injection would be limited to certain months to allow extraction of all additional source water from the north. With limited ASR bank and Table 13, Seaside Basin and Carmel River source water may have 200 AF buffer or less.

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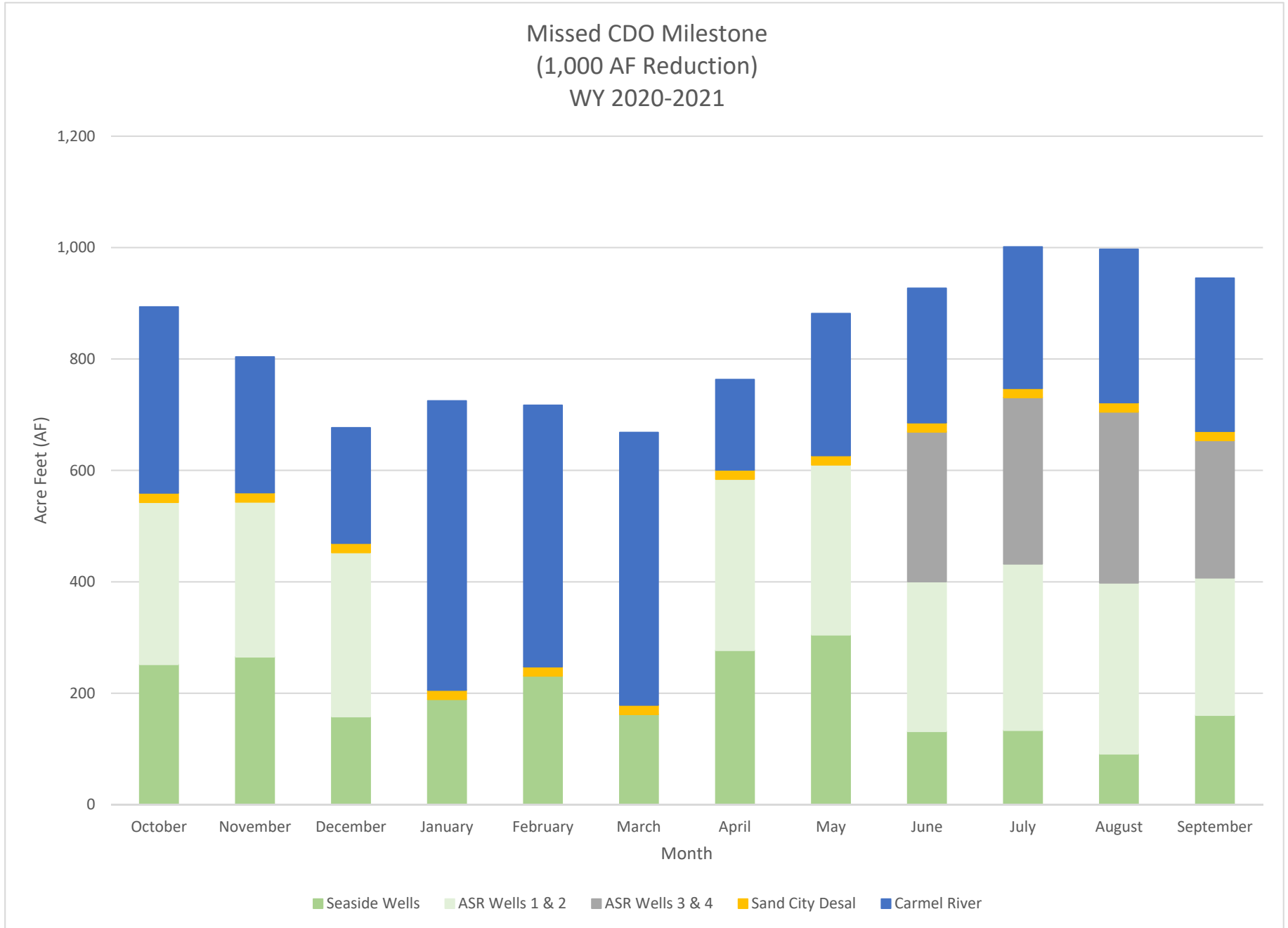


EXHIBIT 3-A

Injection of ASR via separate parallel pipeline while extracting additional source water from the north, increases ASR bank and Table 13. This results in allowing Seaside Basin limits and Carmel River ED **EXHIBIT 3-B** Increasing max ASR injection year with approximately 1,000 AF buffer.

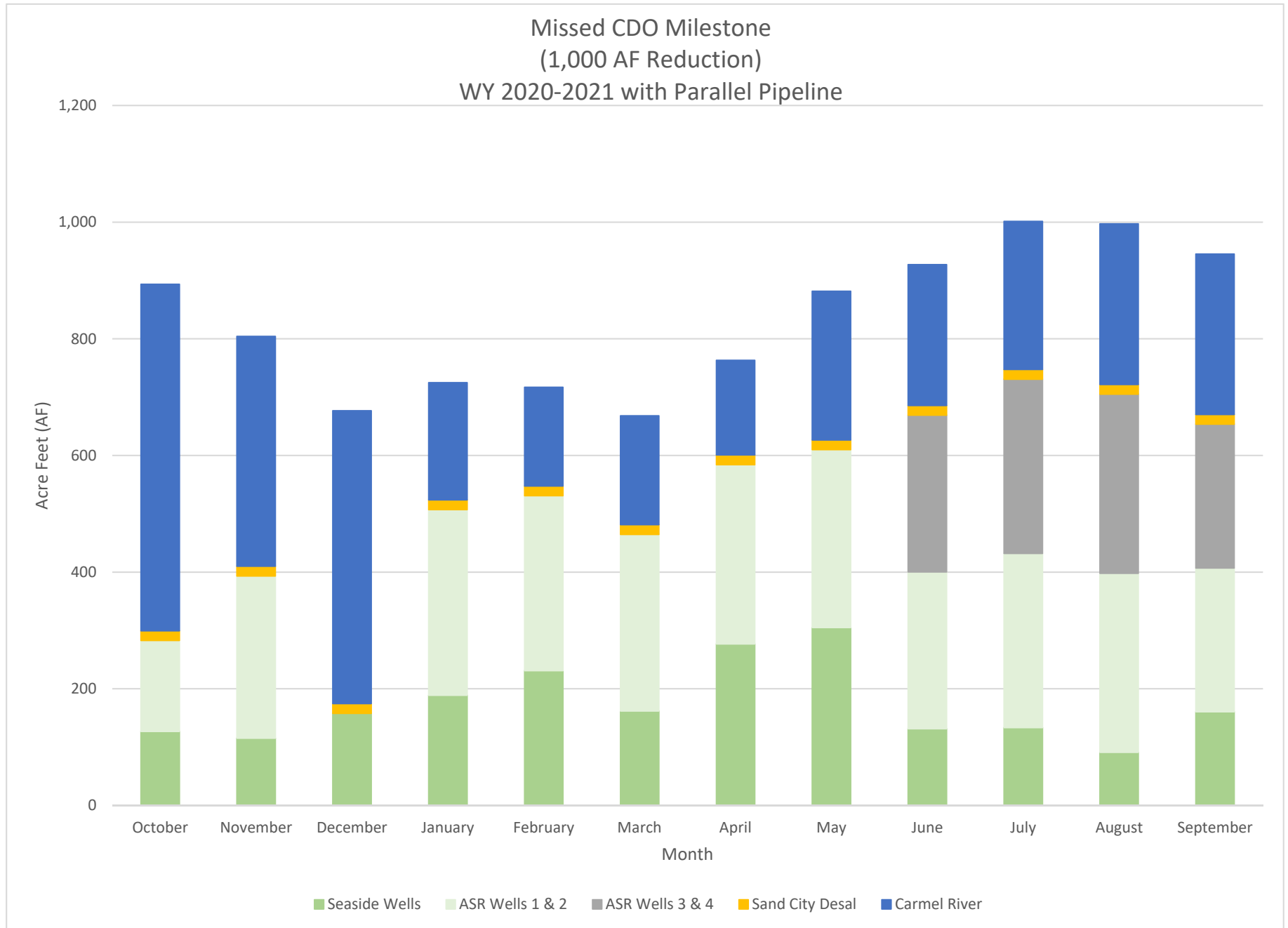


EXHIBIT 3-B

EXHIBIT 14-C

Attachment C

Project Environmental Commitments

EXHIBIT 14-C

EXHIBIT 14-C

The following is an excerpt from the ASR Draft EIR/EA and identifies Project Environmental Commitments that will be implemented in connection with the ASR Project, including previous modifications. These measures would also be applicable to the Proposed Modification.

Project Environmental Commitments

As part of the project planning and impact assessment process, MPWMD will incorporate the following environmental commitments into the project to avoid or minimize impacts.

Traffic Control Plan

The construction contractor will coordinate with local public works or planning departments, including the City of Seaside, to prepare a traffic control plan during the final stage of project design. The purpose of the traffic control plan will be to:

- reduce, to the extent feasible, the number of vehicles (construction and other) on the roadways adjacent to the project;
- reduce, to the extent feasible, the interaction between construction equipment and other vehicles;
- promote public safety through actions aimed at driver and road safety; and
- ensure safety for bicyclists and pedestrians throughout the project study.

The traffic control plan will include the following measures:

- Through access for emergency vehicles will be provided at all times.
- Access will be maintained for driveways and private roads.
- Adequate off-street parking will be provided for construction-related vehicles through the construction period.
- Pedestrian and bicycle access and circulation will be maintained during construction. If construction encroaches onto a sidewalk, a safe detour will be provided for pedestrians at the nearest painted crosswalk. If construction encroaches on a bike lane, warning signs will be posted that indicate that bicycles and vehicles are sharing the roadway.
- Lane closures (partial or entire), traffic controls, and construction materials delivery will be restricted to between 9:00 a.m. and 4:00 p.m. on weekdays to avoid more congested morning and evening hours.
- Roadway segments or intersections that are at or approaching LOS that exceed local standards will be identified. A plan will be provided for construction-generated traffic to avoid these locations at the peak periods, either by traveling different routes or by traveling at nonpeak times.
- Traffic controls on arterials and collectors should include flag persons wearing bright orange or red vests and using a “stop/slow” paddle to warn drivers.
- Access to public transit should be maintained, and movement of public transit vehicles will not be impeded as a result of construction activities. Coordination with Monterey-Salinas Transit (MST) will be required regarding lane closures (partial or entire) that occur on bus routes and to provide notice

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- of construction that could affect transit service routes so that MST can adjust routes or schedules. Adequate lead-time will need to be afforded to MST for developing temporary service changes due to construction and providing notice of changes to the public.
- Construction warning signs will be posted, in accordance with local standards or those set forth in the Manual on Uniform Traffic Control Devices in advance of the construction area and at any intersection that provides access to the construction area.
- If lane closures occur, local fire and police departments will be notified of construction locations and alternative evacuation and emergency routes will be designed to maintain response times during construction periods, if necessary.
- Written notification will be provided to appropriate contractors regarding appropriate routes to and from construction sites, and weight and speed limits for local roads used to access construction sites.
- A sign will be posted at all active construction sites. This sign will give the name and telephone number or electronic mail address of the MPWMD staff member to contact with complaints regarding construction traffic. The area of the sign should be at least 1 square yard.

The traffic control plan will be included in the construction specifications, implemented by construction contractor throughout the construction period, and monitored by MPWMD.

Health and Safety Plan and Risk Management Plan

As required by Cal/OSHA standards, the construction contractor will prepare and implement a hazardous operations site-specific Health and Safety Plan (HSP) and Resource Management Plan (RMP) for construction activities that occur on designated DOD and NPL sites (former Fort Ord). A site-specific HSP will be developed, as necessary, by an environmental contractor before any investigation or cleanup activities or construction activities begin in the area. Workers who could directly contact soil, vapors, or groundwater containing hazardous levels of constituents will perform all activities in accordance with the HSP. The RMP for construction in this portion of the project study area would identify specific measures to reduce potential risks to human and ecological populations during construction of the Proposed Project. The RMP will be submitted to the Regional Water Quality Control Board (RWQCB) for review and approval. Preparation of the RMPs and subsequent RWQCB staff approval will occur independent of the CEQA process under the administrative jurisdiction of the RWQCB.