

EXHIBIT 13-D

DRAFT FINDINGS OF ENVIRONMENTAL REVIEW LOS PADRES DAM OUTLET MODIFICATIONS PROJECT

- 1. FINDING:** The California Legislature has charged the Monterey Peninsula Water Management District (District) with the integrated management of water resources and problems affecting the Monterey Peninsula and the Carmel River Basin.

EVIDENCE: The enabling legislation found in West's California Water Code, Appendix Chapters 118-1 to 118-901, on file in the District office.
- 2. FINDING:** District Rule 124 requires a valid River Work Permit for alteration of the bed or banks of the Carmel River.

EVIDENCE: The Ordinance is on file in the District office.
- 3. FINDING:** The District Board of Directors adopted Ordinance No. 181 on May 20, 2019, that increased the extent of the Carmel River Riparian Corridor up to and including Cal-Am property where Los Padres Dam and Reservoir are located.

EVIDENCE: The Ordinance is on file in the District office.
- 4. FINDING:** California American Water (Cal-Am) submitted a River Work Permit application on October 6, 2022, to repair damages to the lower outlet works from Los Padres Reservoir caused by landslides in 2018, 2019, and 2020.

EVIDENCE: The River Work Permit application is on file in the District office.
- 5. FINDING:** Based on the project description contained in the Cal-Am River Work Permit application, District staff concluded in an Initial Study (IS) dated November 10, 2022, that a Mitigated Negative Declaration (MND) should be prepared.

EVIDENCE: The IS is on file in the District office.
- 6. FINDING:** The District followed the Negative Declaration Process outlined in Article 6 of the California Environmental Quality Act (CEQA) Guidelines. The District Board of Directors judges that an Environmental Impact Report for the project is unnecessary.

EVIDENCE: a) The District published a Public Notice of the IS and Intent to Adopt an MND on June 8, 2023 in the Monterey County Weekly;

b) Following receipt of the IS and a Notice of Completion for the IS, the State

Clearinghouse in the Governors' Office of Planning and Research posted SCH Number 2023060251 and set a review and comment period from June 8, 2023, through July 7, 2023. The notice can be downloaded at: <https://ceqanet.opr.ca.gov/2023060251>

c) The District received one comment letter on the proposed MND from California Department of Fish and Wildlife (CDFW).

d) The District prepared written Responses to Comments for incorporation into a Final IS/MND;

e) The Draft Findings, IS/MND, Responses to Comments, and Mitigation Monitoring and Reporting Program (MMRP) were reviewed by the District Board of Directors in a Public Hearing on August 21, 2023.

The foregoing evidence is on the District web site at: <https://www.mpwmd.net/regulations/public-notices/ceqa/> and is on file at the District Office, 5 Harris Court, Bldg. G, Monterey, CA.

7. FINDING: Based on results of surveys carried out on site and reviews of previous surveys and other information available for the site, an initial environmental study, and consideration of comments received to date, the District finds that the proposed project could result in significant environmental impacts.

EVIDENCE: The District has prepared an IS and IS/MND that identifies potential impacts. This information is available on the District web site and at the District Office 5 Harris Court, Bldg. G, Monterey, CA.

8. FINDING: The District reviewed options to minimize construction impacts through a design process that included on-site visits by District staff, review of proposed draft construction documents by District staff, and regular meetings with Cal-Am and its consultants.

EVIDENCE: Cal-Am and its consultants held bi-weekly conference calls between September 2022 and May 2023, and met with regulators on January 12, 2023, to identify potential impacts and the development of mitigations and adjustments to the design to offset those impacts.

9. FINDING: The District finds that although the proposed project may affect the environment, specific measures will be included to mitigate the effects to a less than significant level.

EVIDENCE: Potential impacts from the project are described in the IS/MND and mitigation measures are specified in **Exhibit 8-A** and **Exhibit 8-B** of the August 21, 2023 Meeting of the Board of Directors Public Hearing Item 14.

10. FINDING: The MND has been prepared in compliance with the provisions of the CEQA and State CEQA Guidelines.

EVIDENCE: The preparation, circulation, and public review of the IS outlining the environmental impacts and proposed mitigation measures included in the MND.

11. FINDING: The MND reflects the independent judgement of the District Board of Directors and each participating Director has reviewed and considered the information contained in the Draft IS/MND and subsequent related documents prior to making the decision on the Los Padres Dam Outlet Modification project.

EVIDENCE: As evidenced by the August 21, 2023 Board of Directors meeting packet, each member of the Board of Directors received a copy of the IS/MND, a copy of the District response letter to comments received, and a copy of the MMRP.

12. FINDING: The District finds that the MND is substantively adequate. The District finds that there is no substantial evidence that the proposed Los Padres Dam Outlet Modifications Project will cause a significant effect for the reason that the project shall be constructed together with the specified mitigation measures, and these measures shall avoid any significant environmental effect.

EVIDENCE: The above stated facts.

