

This meeting has been noticed according to the Brown Act rules. The Board of Directors meets regularly on the third Monday of each month, except in January and February. The meetings begin at 6:00 PM, *unless otherwise noted.*



AGENDA
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District

Monday, April 17, 2023 at 6:00 p.m. [PST]

Meeting Location: MPWMD - Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940
[Hybrid: In-Person and via Zoom]

To Join via Zoom- Teleconferencing Means, please click the link below:
<https://mpwmd-net.zoom.us/j/81250697385?pwd=ck1sVDd3YzhvVTA4QnBLSmJlSK0RDQT09>

Or join at: <https://zoom.us/>
Webinar ID: 812 5069 7385
Passcode: 04172023

To Participate by Phone: (669) 900-9128

For detailed instructions on how to connect to the meeting, **please see page 4 of this agenda.**

**Director Marc Eisenhart will be participating via Zoom (teleconference) at
The Courtyards at Mountain View, 8101 E. Mississippi Ave., Denver, CO 80247**

This agenda was posted at the District office at 5 Harris Court, Bldg. G, Monterey, California on Thursday, April 13, 2023. Staff notes will be available on the District web site at <http://www.mpwmd.net/who-we-are/board-of-directors/bod-meeting-agendas-calendar/> by 5:00 P.M. on Thursday, April 13, 2023

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

Board of Directors

Mary L. Adams, Chair – Monterey County Board of Supervisors Representative
Amy Anderson, Vice Chair – Division 5
Alvin Edwards – Division 1
George Riley – Division 2
Marc Eisenhart – Division 3
Karen Paull – Division 4
Ian Oglesby – Mayoral Representative

General Manager

David J. Stoldt

Mission Statement

Sustainably manage and augment the water resources of the Monterey Peninsula to meet the needs of its residents and businesses while protecting, restoring, and enhancing its natural and human environments.

Vision Statement

Model ethical, responsible, and responsive governance in pursuit of our mission.

Board's Goals and Objectives

Are available online at: <https://www.mpwmd.net/who-we-are/mission-vision-goals/bod-goals/>

ADDITIONS AND CORRECTIONS TO THE AGENDA – *The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

ORAL COMMUNICATIONS – *Anyone wishing to address the Board on Consent Calendar, Information Items, Closed Session items, or matters not listed on the agenda may do so only during Oral Communications. Please limit your comment to three (3) minutes. The public may comment on all other items at the time they are presented to the Board.*

CONSENT CALENDAR - *The Consent Calendar consists of routine items for which staff has prepared a recommendation. Approval of the Consent Calendar ratifies the staff recommendation. Consent Calendar items may be pulled for separate consideration at the request of a member of the public, or a member of the Board. Following adoption of the remaining Consent Calendar items, staff will give a brief presentation on the pulled item. Members of the public are requested to limit individual comment on pulled Consent Items to three (3) minutes. Unless noted with double asterisks “**”, Consent Calendar items do not constitute a project as defined by CEQA Guidelines section 15378.*

1. Consider Adoption of Minutes of the Special and Regular Board Meeting on Monday, March 20, 2023; Special Board Meeting on Friday, March 24, 2023; and Special Board Meeting on Friday, March 31, 2023
2. Consider Adoption of Treasurer’s Report for February 2023
3. Receive and File District-Wide Annual Water Distribution System Production Summary Report for Water Year 2022
4. Receive and File District-Wide Annual Water Production Summary Report for Water Year 2022
5. Receive Fiscal Year 2021-2022 Mitigation Program Annual Report
6. Consider Recommendation to Authorize the General Manager to Enter into a Contract with Schaaf & Wheeler to Provide Drawing Support Services
7. Consider Expenditure of Budgeted Funds for Water Conservation Equipment
8. Consider Rescinding Board Action on Item No. 14-B Made on Monday, March 20, 2023 and Re-Authorizing the General Manager to Approve Additional Funding for Raftelis in an Amount Not-To-Exceed \$60,000

GENERAL MANAGER’S REPORT

9. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision (*Verbal Report*)

REPORT FROM DISTRICT COUNSEL

10. Report from District Counsel and Report Out from the Closed Session Meeting on Monday, March 20, 2023 on Agenda Item CS 2

DIRECTORS’ REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)

11. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations

ACTION ITEMS – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

12. Consider Adoption of District Strategic Goals and Objectives for 2023

Recommended Action: *The Board will consider adopting the District’s Strategic Goals and Objectives for 2023.*

DISCUSSION ITEM – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

13. Report on Rescission of Stage 2 Water Conservation in Response to Executive Order N-5-23

INFORMATIONAL ITEMS/STAFF REPORTS - *The public may address the Board on Information Items and Staff Reports during the Oral Communications portion of the meeting. Please limit your comments to three minutes.*

14. Report on Activity/Progress on Contracts Over \$25,000
15. Status Report on Measure J / Rule 19.8 Phase II Spending
16. Letters Received
17. Committee Reports
18. Monthly Allocation Report
19. Water Conservation Program Report
20. Carmel River Fishery Report for March 2023
21. Monthly Water Supply and California American Water Production Report
 [Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources]
22. Quarterly Water Use Credit Transfer Status Report
23. Quarterly Carmel River Riparian Corridor Management Report

ADJOURNMENT

Board Meeting Schedule			
Monday, May 15, 2023	<i>Regular</i>	6:00 p.m.	Hybrid
Thursday, May 25, 2023	<i>Special - Budget Workshop</i>	6:00 p.m.	Hybrid
Monday, June 20, 2023	<i>Regular- Budget Adoption</i>	6:00 p.m.	Hybrid
<i>Hybrid: In-Person at the District Main Conference Room and via Zoom- Teleconferencing Means.</i>			

Board Meeting Television and On-Line Broadcast Schedule	
Television Broadcast	Viewing Area
Comcast Ch. 24 View live broadcast on meeting dates, and replays on Mondays, Tuesdays and Thursdays at 4:00 p.m.	All Peninsula Cities
Comcast Ch. 28 (Monterey County Government Channel) Replays only at 9:00 a.m. on Saturdays	Throughout the Monterey County Government Television viewing area.
Internet Broadcast	
AMP 1 View live broadcast on meeting dates, and replays on Mondays, Tuesdays, and Thursdays at 4:00 p.m. and at https://accessmediaproductions.org/ scroll to AMP 1 .	
Monterey County Government Channel Replays only at 9:00 a.m. on Saturdays at www.mgtvonline.com	
MPWMD YouTube Page – View live broadcast on meeting dates. Recording/Replays available five (5) days following meeting date - https://www.youtube.com/channel/UCg-2VgzLBmgV8AaSK67BBRg	

Accessibility

In accordance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with

disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Submit requests at least 48 hours prior to the scheduled meeting date/time: (1) Joel G. Pablo, Board Clerk by e-mail at joel@mpwmd.net, or at (831) 658-5652; and (2) Sara Reyes, Sr. Office Specialist by e-mail at sara@mpwmd.net or at (831) 658-5610.

Provide Public Comment at the Meeting

Attend In-Person

The Board meeting will be held in the Main Conference Room at 5 Harris Court, Building, G. Monterey, CA 93942. Please fill out a speaker card for each item you wish to speak on, and place in the speaker card box next to the Board Clerk.

Attend via Zoom (*For detailed instructions, please see "Instructions for Connecting to the Zoom Meeting" below.*)

- (a) Computer Audio Connection: Select the "raised hand" icon. When you are called on to speak, you may identify yourself for the record.
- (b) Phone audio connection **with** computer to view meeting: Select the "raised hand" icon. When you are called on to speak, dial *6 to unmute and you may identify yourself for the record.
- (c) Phone audio connection only: Press *9. Wait for the clerk to unmute your phone and you may identify yourself for the record and provide your comment. Press *9 to end the call.

Submission of Public Comment via E-mail

Send comments to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT – ORAL COMMUNICATIONS." Staff will forward correspondence received to the Board. Correspondence is not read during public comment portion of the meeting. However, all written public comment received becomes part of the official record of the meeting and placed on the District's website as part of the agenda packet for the meeting.

Submission of Written Public Comment

All documents submitted by the public must have no less than fifteen (15) copies to be received and distributed by the **Clerk** prior to the Meeting.

Document Distribution

In accordance with Government Code §54957.5, any materials of public record relating to an agenda item for a meeting of the Board of Directors that are provided to a majority of the members less than 72 hours before the meeting will be made available at the District Office, 5 Harris Court, Building G., Monterey, CA, during normal business hours. Materials of public record that are distributed during the meeting shall be made available for public inspection at the meeting if prepared by the Board or a member of its legislative/advisory body, or the next business day after the meeting if prepared by some other person.

Instructions for Connecting to the Zoom Meeting

Note: If you have not used Zoom previously, when you begin connecting to the meeting you may be asked to download the app. If you do not have a computer, you can participate by phone.

Begin: Within 10 minutes of the meeting start time from your computer click on this link: <https://mpwmd-net.zoom.us/j/81250697385?pwd=ek1sVDd3YzhyVTA4QnBLSmJSK0RDQT09> or copy / paste the link into your browser.

DETERMINE WHICH DEVICE YOU WILL BE USING
(PROCEED WITH ONE OF THE FOLLOWING INSTRUCTIONS)

USING A DESKTOP COMPUTER OR LAPTOP

1. In a web browser, type: <https://www.zoom.us>
2. Hit the enter key
3. At the top right-hand corner, click on “Join a Meeting”
4. Where it says, “Meeting ID”, type in the Meeting ID# above and click “Join Meeting”
5. Your computer will begin downloading the Zoom application. Once downloaded, click “Run” and the application should automatically pop up on your computer. (If you are having trouble downloading, alternatively you can connect through a web browser – the same steps below will apply).
6. You will then be asked to input your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
7. From there, you will be asked to choose either ONE of two audio options: Phone Call or Computer Audio:

COMPUTER AUDIO

1. If you have built in computer audio settings or external video settings – please click “Test Speaker and Microphone”.
2. The client will first ask “Do you hear a ringtone?” • If no, please select “Join Audio by Phone”.
 - a. If yes, proceed with the next question:
3. The client will then ask “Speak and pause, do you hear a replay?” • If no, please select “Join Audio by Phone” • If yes, please proceed by clicking “Join with Computer Audio”

PHONE CALL

1. If you do not have built in computer audio settings or external video settings – please click “Phone Call”
2. Select a phone number based on your current location for better overall call quality.

+1 669-900-9128 (San Jose, CA)	+1 253-215-8782 (Houston, TX)
+1 346-248-7799 (Chicago, IL)	+1 301-715-8592 (New York, NY)
+1 312-626-6799 (Seattle, WA)	+1 646-558-8656 (Maryland)
3. Once connected, it will ask you to enter the Webinar ID No. and press the pound key
4. It will then ask you to enter your participant ID number and press the pound key.
5. You are now connected to the meeting.

USING AN APPLE/ANDROID MOBILE DEVICE OR SMART PHONE

1. Download the Zoom application through the Apple Store or Google Play Store (the application is free).
2. Once download is complete, open the Zoom app.
3. Tap “Join a Meeting”
4. Enter the Meeting ID number
5. Enter your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
6. Tap “Join Meeting”
7. Tap “Join Audio” on the bottom left-hand corner of your device
8. You may select either ONE of two options: “Call via Device Audio” or “Dial in”

DIAL IN

1. If you select “Dial in”, you will be prompted to select a toll-free number to call into.
2. Select a phone number based on your current location for better overall call quality.

+1 669-900-9128 (San Jose, CA)	+1 253-215-8782 (Houston, TX)
+1 346-248-7799 (Chicago, IL)	+1 301-715-8592 (New York, NY)
+1 312-626-6799 (Seattle, WA)	+1 646-558-8656 (Maryland)
3. The phone will automatically dial the number, and input the Webinar Meeting ID No. and your Password.
4. Do not hang up the call, and return to the Zoom app

5. You are now connected to the meeting.

Refer to the Meeting Rules of the Monterey Peninsula Water Management District (Revised August 2022) at <https://www.mpwmd.net/who-we-are/board-of-directors/meeting-rules-of-the-mpwmd/>

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ITEM: CONSENT CALENDAR**1. CONSIDER ADOPTION OF MINUTES OF THE SPECIAL AND REGULAR BOARD MEETING ON MONDAY, MARCH 20, 2023; SPECIAL BOARD MEETING ON FRIDAY, MARCH 24, 2023; AND SPECIAL BOARD MEETING ON FRIDAY, MARCH 31, 2023****Meeting Date:** April 17, 2023 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/** N/A
Line Item No.:**Prepared By:** Joel G. Pablo **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**SUMMARY:** The Board will review, provide suggested edits, and consider approval of the draft meeting minutes of the MPWMD Board of Director's **Special and Regular Board Meeting on Monday, March 20, 2023; Special Board Meeting on Friday, March 24, 2023; and Special Board Meeting on Friday, March 31, 2023.**The draft minutes are attached as **Exhibit 1-A, Exhibit 1-B, and Exhibit 1-C** to the staff report.**RECOMMENDATION:** The Board will consider approval of the draft minutes of the MPWMD Board of Director's Special and Regular Board Meeting on Monday, March 20, 2023; Special Board Meeting on Friday, March 24, 2023; and Special Board Meeting on Friday, March 31, 2023.**EXHIBITS****1-A** MPWMD Board of Director's Special and Regular Board Meeting on Monday, March 20, 2023**1-B** MPWMD Board of Director's Special Board Meeting on Friday, March 24, 2023**1-C** MPWMD Board of Director's Special Board Meeting on Friday, March 31, 2023



EXHIBIT 1-A

Draft Minutes Special and Regular Meeting Board of Directors Monterey Peninsula Water Management District

Meeting Location: District Office, Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940

Monday, March 20, 2023

CLOSED SESSION AT 5:00 P.M.

Chair Adams called the meeting to order at 5:01 p.m.

CALL TO ORDER

Directors Present:

Mary L. Adams, Chair – Monterey County Board of Supervisors Representative
Amy Anderson, Vice Chair – Division 4
Alvin Edwards – Division 1
George T. Riley – Division 2
Karen Paull – Division 4 (*Appeared via Zoom*)
Ian Oglesby – Mayoral Representative (*Joined at 5:05 p.m.*)

ROLL CALL

Directors Absent: Director Eisenhart – Division 3

General Manager Present: David J. Stoldt (*Appeared via Zoom*)

District Counsel Present: David C. Laredo, Esq. (in-person), Fran Farina, Esq. (*appeared via Zoom*) and Michael Laredo, Esq. (*appeared via Zoom*) with De Lay and Laredo

Special District Counsel Present: Doug Dennington, Esq. with Rutan and Tucker (*Appeared via Zoom*)

Consultants Present (Appeared via Zoom – virtually):
John Mastracchio and Bill Stannard with Raftelis Financial Consultants, Inc.

No additions and corrections.

ADDITIONS AND CORRECTIONS ON THE CLOSED SESSION AGENDA BY DISTRICT COUNSEL

Chair Adams opened public comment; *the following comments were directed to the Board:*

PUBLIC COMMENT ON THE CLOSED SESSION AGENDA

1. Ron Chesshire: Addressed the Board on a ruling entered by Judge Panetta favoring the Monterey Peninsula Taxpayers Association (MPTA) suit

against the District. He advised the Board to refrain from appealing and to appeal only if the District is certain that it will prevail.

2. John Tilley: Recalls that at the onset of the Measure J proposal and at public forums held at the Middlebury Institute of International Studies and the Unitarian Church individuals were informed potential cost as it relates to the Measure would be non-existent. In addition, he mentioned that at another public forum the District mentioned that it had budgeted for and has observed costs for the Measure continue to mount. Tilley urged the District to stop its pursuit of Measure J and to reevaluate its budget resulting from Judge Panetta’s decision on the Water Supply Charge. Lastly, he requested the District; that in its continued pursuit of public ownership of the Monterey Water System to be fully transparent with the public on a failed attempt to take over the Monterey Water System.
3. Tom Rowley, Vice – President with the MPTA: Read an excerpt of Judge Panneta’s decision and asked the Board to direct staff to desist collecting the Water Supply Charge on property tax bills.

No further comments were directed to the Board.

District Counsel Laredo read the Board into Closed Session.

Chair Adams recessed the Board to Closed Session at 5:09 p.m.

CLOSED SESSION

CS 1. | CONFERENCE WITH REAL PROPERTY NEGOTIATORS (GOVERNMENT CODE SECTIONS 54954.5(B), 54956.8/

DISTRICT REPRESENTATIVE: DAVID STOLDT / NEGOTIATION AFFECTING PROPERTIES HELD BY CALIFORNIA AMERICAN WATER COMPANY

CS 2. | CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [§ 54956.9(A)], (MONTEREY PENINSULA TAXPAYERS ASSOC. V. MONTEREY PENINSULA WATER MANAGEMENT DISTRICT) – MONTEREY COUNTY SUPERIOR COURT, CASE NO.: 21CV003066

RECESS TO CLOSED SESSION

REGULAR SESSION AT 6:00 P.M.

Chair Adams called the meeting to order at 6:08 p.m.

CALL TO ORDER

Directors Present via Zoom:

Mary L. Adams, Chair – Monterey County Board of Supervisors Representative
Amy Anderson, Vice Chair – Division 4
Alvin Edwards – Division 1
George T. Riley – Division 2
Marc A. Eisenhart – Division 3
Karen Paull – Division 4 (*Appeared via Zoom*)
Ian Oglesby – Mayoral Representative

ROLL CALL

Directors Absent: None

General Manager Present: David J. Stoldt

District Counsel Present: David C. Laredo, Esq. (in-person), Fran Farina, Esq. (appeared via Zoom) and Michael Laredo, Esq. (appeared via Zoom) with De Lay and Laredo

The assembly recited the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

Joel G. Pablo, Board Clerk read an addition to the agenda as provided for by Sections 54954.2 of the California Government Code:

ADDITIONS AND CORRECTIONS TO THE AGENDA

To consider allowing Director Paull to participate remotely for Emergency Cause reasons in accord with the Ralph M. Brown Act and AB 2449 (Rubio).

David J. Stoldt, General Manager read an addition to the agenda as provided for by Sections 54954.2 of the California Government Code:

Add Under Action Items:

Item No. 14-B: To authorize the General Manager to enter into a contract amendment with Raftelis Financial Consultants in an amount not-to-exceed \$60,000 to update the rate study related to Measure J activities.

No further additions and corrections were made to the published meeting agenda.

A motion was made by Mayoral Representative/Director Oglesby with a second by Director Edwards to add the following additions and corrections to the published meeting agenda:

First Addition:

To consider allowing Director Paull to participate remotely for Emergency Cause reasons in accord with the Ralph M. Brown Act and AB 2449 (Rubio).

Second Addition:

Authorize the General Manager to enter into a contract amendment with Raftelis Financial Consultants in an amount not-to-exceed \$60,000 to update the rate study related to Measure J activities.

The motion passed on a roll-call vote of 6-Ayes (Edwards, Riley, Paull, Anderson, Adams and Oglesby), 0-Noes and 1-Absent (Eisenhart).

Chair Adams opened public comment and limited public comments to two (2) minutes in length. *The following comments were directed to the Board:*

ORAL COMMUNICATIONS

In-Person Public Comment

1. Tom Rowley, Vice- President with the MPTA: Thanked the Board for meeting in a public setting and in-person.
2. Evan Jacobs with California American Water: Expressed his disappointment that the District is still pursuing Measure J. He requested the Board to explore and reevaluate if it is still feasible for the District to continue with its condemnation efforts. He noted that the District to date has spent approximately \$2.5 million dollars and with the latest add-on to the Board meeting agenda of an additional \$60,000 in expenditures. He cited and briefed the board on past takeover proceedings and costs attempted by the City of Claremont and Town of Apple Valley. He concluded by remarking that the collective efforts of the company and the District are better served in providing new water supplies, protecting the Carmel River and to provide for new housing development.

Comments Made Via Zoom:

3. John McPherson, Executive Director with Sustainable Ag and Energy (SAGE): Asked the District to provide the rationale for its continued pursuit of Measure J or the potential acquisition of Monterey Water System owned and operated by California American Water with the rate-payers.
4. Melodie Chrislock, Executive Director with Public Water Now: Believes the District's efforts and costs in its pursuit of Measure is well-justified. She stated Cal-Ams recent activities in refusing to sign the Amended / Restated Water Purchasing Agreement for the Pure Water Monterey – Expansion and briefly described the situation at the California Public

Utilities Commission (CPUC) proceedings that resulted and granted the company approximately \$71 million in cost recoveries.

5. Susan Schiavone: Provided notice that Measure J was a voter approved initiative that requested the District to pursue acquisition of the Monterey Water System owned by Cal-Am, *if feasible*. Schiavone provided the reasons for her continued support of public ownership with recent actions by Cal-Am to include: refusal to sign the Amended and Restated Water Purchasing Agreement due the company's need to request cost recovery guarantees from the CPUC, continued customer rate-hikes and stalling progress on the Pure Water Monterey – Expansion. She stated she supports the District and its continued pursuit of Measure J.
6. Tammy Jennings: Concurs with Schiavone and Chrislock's comments. She believes if voters now were asked and presented with a similar initiative to Measure J that it would receive overwhelming support. She urged the board to continue their efforts in acquiring Cal-Am.
7. Michael Baer: Questioned if the Water Purchasing Agreement has been executed by the company to allow Monterey One Water to obtain a loan. He addressed mismanagement concerns with Aquifer Storage and Recovery Unit. Lastly, he questioned if the Slant Wells in Marina, CA should be made part of the Cal-Am offer.

Written Public Comment Received

8. E-mail Correspondence received from John McPherson dated Monday, March 20, 2023 at 6:06 p.m., Subject Line: Agency is Outside of Measure J Authority. *A copy of the letter is available at the District office and can be found on the District website.*

No further comments were directed to the Board.

Chair Adams introduced the matter.

A motion was offered by Director Edwards with a second by Director Riley to approve Consent Calendar Item Nos. 1 through 3. The motion passed by roll-call vote of 6-Ayes (Adams, Oglesby, Anderson, Paull, Riley and Edwards), 0-Noes and 1-Absent (Eisenhart).

Approved the meeting minutes of the Regular Board Meeting on Monday, February 13, 2023

CONSENT CALENDAR

1. **Consider Adoption of Minutes of the Regular Board Meeting on Monday,**

February 13, 2023

Adopted the January 2023 Treasurer’s Report and financial statements, and ratification of the disbursements made during the month.

Approved the Memorandum of Agreement and authorize up to \$46,500 inclusive of a 10% contingency.

2. Consider Adoption of Treasurer’s Report for January 2023

3. Consider Approving a Memorandum of Agreement to Share in the Cost of Installing a Groundwater Monitoring Well (Fort Ord 09 – Shallow)

GENERAL MANAGER’S REPORT

David J. Stoldt, General Manager presented via MS PowerPoint entitled, “Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Basin Decision as of March 1, 2023” and answered board questions. *A copy of the presentation is available at the District office and can be found on the District website.*

4. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision

Stoldt provided an overview of the slide-deck and the following points were made on the:

1. Monterey Peninsula Water Resources System (MPWRS) from October to January Water Year (WY) 2023: Actuals have not been realized due to: (a) More water being produced by Pure Water Monterey during the winter season; (b) Additional Table 13 Water Rights being produced from the river; and (c) Reduced irrigation demand.
2. Water Projects and Rights from October to January WY 2023: Pure Water Monterey Recovery [Actual: 1,875 Acre Feet (AF); Target: 1,630 AF] and Table 13 [Actual: 212 AF; Target: 0 AF] targets have been met.
3. On Monthly Production for Customer Service for Cal-Am (WY 2023): Customer demand is ahead by 154 AF from last year [WY 2022: 3,497 AF; WY 2023: 3,343 AF].
4. On Monthly Recorded Rainfall at the San Clemente Rain Gage (WY 2023): For Water Year 2023 actuals have been met and are ahead of historical averages. Stoldt noted with 20 days into March 2023, the District has recorded 4.15 inches of precipitation for the month.
5. On Daily Rainfall Recorded at San Clemente Rain Gage (WY 2023): Cumulative totals have been recorded at 31.4 inches or 50% over an entire year of long-term averages.
6. Displayed Rainfall Year Types: Bordering between a Wet and an Extremely Wet Year Type.

7. Displayed a graph on Estimated Unimpaired Carmel River Flow at Sleepy Hollow Weir (WY 2023): Flows at the river in January 2023 have exceeded averages for the year and expects the same for March 2023 when data is retrieved/recorded.
8. Displayed ASR Injection Summary Well WY2023 both for Daily Injection and Cumulative Injection for the year: Anticipates cumulative injection to reach 800 AF of stored water.

Stoldt believes a compromise has been reached with Cal-Am and the Public Advocates Office of the California Public Utilities Commission (CPUC) that would allow the company to sign off on the Water Purchasing Agreement. He stated the CPUC will take formal action at its April 6, 2023 meeting or thereafter and expects the proposed compromise and Cal-Am’s Application for Rehearing to be discussed. He announced that the California Coastal Commission has released the written findings on Cal-Am’s Coastal Development Permit, re: Monterey Peninsula Water Supply Project (Desalination).

Stoldt directed attention to his staff report and discussed expenditures with the Board. He commented that the process and proceedings that led to the approval of the Water Purchasing Agreement by the CPUC drove legal expenditures with Perkins Coie and Best Best and Krieger up. He stated the Monterey One Water Board had approved and authorized additional budgeted funds to assist in the proceedings with the CPUC.

David C. Laredo, District Counsel informed the Board on pending legal matters and answered Board questions.

In closed session related to **Agenda Item CS 1**, Conference with Real Property Negotiators (Government Code Sections 54954.5(b), 54956.8/ District Representative: David Stoldt / Negotiation Affecting Properties Held by California American Water Company

The Board met to discuss the matter. The Board has agreed to meet at a future Special Board Meeting to a date uncertain. No reportable action.

In closed session related to **Agenda Item CS 2**, Conference with Legal Counsel – Monterey Peninsula Taxpayers Assoc. v. Monterey Peninsula Water Management District (MPTA II) – Monterey Superior Court Case No. 21VO003066.

The Board agreed to continue the matter following the end of all open session agenda items on the March 20, 2023 meeting agenda.

5. Update on Water Supply Projects (Verbal Report)

6. Discussion on Pure Water Monterey Legal Expenses

REPORT FROM DISTRICT COUNSEL

7. Report from District Counsel and Report Out (if any) from the Closed Session Meeting on Monday, March 20, 2023

Post-Meeting Notation

The following action was taken on Closed Session (CS) Item No. 2 on the Monday, March 20, 2023 Special and Regular Board Meeting Agenda:

A motion was offered by Director George Riley with a second by Director Karen Paull, the Board authorized staff, General Counsel and Special District Counsel Michael Colantuono to prosecute an appeal of the March 3, 2023 order and judgement in MPTA II tendered by Judge Carrie Panetta. The motion was adopted by a roll call vote of 6-Ayes (Edwards, Riley, Paull, Anderson, Adams and Oglesby), 0-Noes and 1-Absent (Eisenhart).]

Director Edwards: He shared that he attended the Seaside Groundwater Basin Watermaster meeting and announced that Mayor Oglesby was made Chair of the Watermaster. He commented that he attended the City of Seaside - City Council meeting and kept them apprised on water issues. Lastly, he listened in on the Recycled Water Committee with Monterey One Water.

Stoldt directed attention to Exhibit 9-A: Draft 2022 Annual Report and stated that a few non-substantive edits will be made by Phil Wellman with WellmanAd. He stated he is pleased with the final product and that following adoption of the Annual Report printed sets will be made available and distributed electronically. Lastly, he recommended approval of the matter.

Chair Adams opened public comment; *no comments were directed to the Board.*

A motion was offered by Director Riley with a second by Director Anderson to adopt the 2022 MPWMD Annual Report. The motion passed on a roll-call vote of 6-Ayes (Edwards, Riley, Paull, Anderson, Adams and Oglesby), 0-Noes and 1-Absent (Eisenhart).

Jonathan Lear, Water Resources Manager presented via MS PowerPoint entitled, “Consider Adoption of April through June 2023 Quarterly Water Supply Strategy and Budget for California American Water,” answered board questions and recommended approval of the matter. *A copy of the presentation is available at the District office and can be found on the District website.*

Chair Adams opened public comment; *no comments were*

DIRECTORS’ REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONVERENCE ATTENDANCE AND MEETINGS)

8. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations

PUBLIC HEARING

9. Consider Adoption of the 2022 MPWMD Annual Report

10. Consider Adoption of April through June 2023 Quarterly Water Supply Strategy and Budget

[CEQA Compliance: Notice of Exemption, CEQA, Article 19, Section 15301 (Class 1)
ESA Compliance: Consistent with the September 2001 and February 2009

directed to the Board.

A motion was offered by Mayor Representative/Director Oglesby with a second by Director Edwards to approve a proposed production strategy for the California American Water's Main and Satellite Water Distribution Systems, which are within the Monterey Peninsula Water Resources System for the three-month period of April through June 2023. The motion passed on a roll-call vote of 6-Ayes (Edwards, Riley, Paull, Anderson, Adams and Oglesby), 0-Noes and 1-Absent (Eisenhart).

Conservation Agreements between the National Marine Fisheries Service and California American Water to minimize take of listed steelhead in the Carmel River and Consistent with SWRCB WR Order Nos. 95-10, 98-04, 2002-0002, and 2016-0016.]

ACTION ITEMS

Maureen Hamilton, District Engineer provided an overview of her staff report, presented via slide-deck and recommended approval of the matter. Hamilton and Lear fielded and answered Board questions. *A copy of the presentation is available at the District office and can be found on the District website.*

Chair Adams opened public comment; *No comments were directed to the Board.*

A motion was offered by Director Riley with a second by Director Anderson to authorize the General Manager to enter a contract with Montgomery and Associates to provide a Tularcitos ASR Feasibility Study to the District for an amount not to exceed \$119,200. The motion passed on a roll-call vote of 6-Ayes (Edwards, Riley, Paull, Anderson, Adams and Oglesby), 0-Noes and 1-Absent (Eisenhart).

Larry Hampson, Project Manager provided an overview of his staff report, answered board questions, presented via slide-deck and recommended approval of the matter. *A copy of the presentation is available at the District office and can be found on the District website.* Directors shared concerns of the District's continued use of contingencies. Riley requested that in the future for six-figure contingencies for staff to provide a better explanation for the request.

Chair Adams opened public comment. *No comments were directed to the Board.*

A motion was offered by Director Edwards with a second by Director Anderson to authorize an additional \$100,000 in contingency funds for Sleepy Hollow Steelhead Rearing Facility Rehabilitation Project (Rehab Project). The motion passed on a roll-call vote of 6-Ayes (Edwards, Riley, Paull, Anderson, Adams and Oglesby), 0-Noes and 1-Absent (Eisenhart).

David J. Stoldt, GM provided an overview of the staff note/exhibit, answered board questions, and recommended approval of the matter.

- 11. Consider Authorizing the General Manager to Enter into a Contract with Montgomery and Associates to Provide a Tularcitos Aquifer Storage and Recovery (ASR) Feasibility Study**

- 12. Consider Approval of Additional Contingency Funds for the Sleepy Hollow Steelhead Rearing Facility Rearing Channel Rehabilitation Project**

- 13. Consider Approval of District Legislative Advocacy Plan for 2023**

Chair Adams opened public comment. *The following comments were directed to the Board:*

- (1) Susan Schiavone: Expressed that is happy to see that stormwater capture is being emphasized and efforts are being made at the Federal level.

No further comments were directed to the Board.

A motion was offered by Director Oglesby with a second by Director Riley to adopt the 2023 Legislative Advocacy Plan. The motion passed on a roll-call vote of 6-Ayes (Edwards, Riley, Paull, Anderson, Adams and Oglesby), 0-Noes and 1-Absent (Eisenhart).

Suresh Prasad, Administrative Services Manager/Chief Financial Officer provided an overview of his staff note, answered board questions and recommended adoption of the Mid-Year Fiscal Year 2022-23 Budget Adjustment. Prasad presented via MS PowerPoint entitled, “Consider Adoption of Mid-Year Fiscal Year 2022-2023 Budget Adjustment.” *A copy of the presentation is on file with District and can be viewed on the District website.*

14. Consider Adoption of Mid-Year Fiscal Year 2022 – 23 Budget Adjustment

Chair Adams opened public comment; *the following comments were directed to the board:*

- (1) Tom Rowley, Vice President with MPTA: Believes the District should update its financials following Panetta’s decision on the MPTA lawsuit against the District on the Water Supply Charge. He stated that the District should inform the Treasurer- Tax Collector (TTC) of the matter and ask the TTC to cease collection of the water supply charge.
- (2) Susan Schiavone: Questioned if parties in the MPTA suit against the District can appeal Panetta’s decision.

No further comments were directed to the Board.

District Counsel Laredo responded to public comment and mentioned that the District does not have the power to affect the property tax assessments for tax roll Fiscal Year 2022-23. Additionally, he shared the District will have an opportunity to affect the tax roll for FY 2023-24 and at the present time there is no further action to be made by District Staff or the Board.

A motion was made by Director Riley with a second by Director Edwards to adopt the proposed mid-year budget adjustment for Fiscal Year 2022-2023. The motion passed on a roll-call vote of 6-Ayes (Edwards, Riley, Paull, Anderson, Adams and Oglesby), 0-Noes and 1-Absent (Eisenhart).

David J. Stoldt, General Manager reminded the Board that the Board added Item No. 14-B and provided the rationale for the late add-on.

Chair Adams opened public comment; *the following comments were directed to the Board:*

In-Person Public Comment

- (1) Evan Jacobs with California American Water: Informed the Board that this matter being considered may be a potential Brown Act violation as it was not properly notice and no supporting documentation was included in the agenda meeting materials.

No further comments were directed to the Board.

District Counsel Laredo addressed Jacobs comments. He informed the Board that it properly added the matter under Additions/Corrections. Laredo said that there is no need or requirement to provide a written report on any matter appearing on the Board agenda.

A motion was made by Director Edwards with a second by Director Anderson to Authorize the General Manager to Enter into a Contract Amendment with Raftelis Financial Consultants in an Amount Not-To-Exceed \$60,000 to Update the Rate Study Related to Measure J Activities. The motion passed on a roll-call vote of 6-Ayes (Edwards, Riley, Paull, Anderson, Adams and Oglesby), 0-Noes and 1-Absent (Eisenhart).

No further discussion was had on Informational Items.

- 14-B. Authorize the General Manager to Enter into a Contract Amendment with Raftelis Financial Consultants, Inc. in an Amount Not-To-Exceed \$60,000 to Update the Rate Study Related to Measure J Activities**

INFORMATIONAL ITEMS/STAFF REPORTS

15. **Report on Activity/Progress on Contracts Over \$25,000**
 16. **Status Report on Measure J / Rule 19.8 Phase II Spending**
 17. **Letters Received**
 18. **Committee Reports**
 19. **Monthly Allocation Report**
 20. **Water Conservation Program Report**
 21. **Carmel River Fishery Report for January 2023**
 22. **Monthly Water Supply and California American Water Production Report**
 [Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial

project; Exempt from Section 15307,
Actions by Regulatory Agencies for
Protection of Natural Resources]

There being no further business, Chair Adams

ADJOURNMENT

1. Adjourned the Opened Session at 8:29 p.m.
2. Recessed the Board into Closed Session at 8:29 p.m.
3. The Board Adjourned from Closed Session at 8:54 p.m.

[Verbal reportable action on the CS No. 2 will be provided by District Counsel on Monday, April 17, 2023 or can be found on Page 8 of 12 of the meeting minutes for Monday, March 20, 2023.]

Joel G. Pablo, Deputy District Secretary

Minutes Approved by the MPWMD Board of Directors
on Monday, April XX, 2023

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EXHIBIT 1-B

Draft Minutes Board of Directors – Special Meeting Monterey Peninsula Water Management District

Meeting Location: District Office, Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940

Hybrid: Meeting Held In-Person and via Zoom – Teleconferencing means
Continued Closed Session Meeting from March 20, 2023

Friday, March 24, 2023

CLOSED SESSION

Chair Adams called the meeting to order at 12:04 p.m.

CALL TO ORDER

Directors Present:

Mary L. Adams, Chair – Monterey County Board of Supervisors Representative (*Appeared via Zoom – Virtually*)
Amy Anderson, Vice Chair – Division 5
Alvin Edwards – Division 1
George T. Riley – Division 2
Director Eisenhart – Division 3
Karen Paull – Division 4 (*Appeared via Zoom- Virtually*)
Ian Oglesby – Mayoral Representative

ROLL CALL

Directors Absent: None

General Manager Present: David J. Stoldt

District Counsel Present: David C. Laredo, General Counsel

Appearing Via Zoom – Virtually

Fran Farina, General Counsel
Doug Dennington, Special District Counsel

Others Present:

Bill Stannard and John Mastracchio with Raftelis Financial Consultants, Inc. (*Both appeared via Zoom- Virtually*)
Joel G. Pablo, Board Clerk

District Counsel Laredo announced there are no additions and corrections to the meeting agenda.

ADDITIONS AND CORRECTIONS ON THE CLOSED SESSION AGENDA BY DISTRICT COUNSEL

Board Clerk Pablo announced that Board Chair Adams and Director Paull are participating via Zoom (virtually)

in accordance with the Ralph M. Brown Act and provisions as set forth by Assembly Bill 2449 (Rubio) for Just Cause- Medical Reasons.

Chair Adams opened public comment; *no comments were directed to the board.*

District Counsel Laredo read the Board into Closed Session.

Chair Adams recessed the Board at 12:07 p.m.

PUBLIC COMMENT ON THE CLOSED SESSION AGENDA

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (GOVERNMENT CODE SECTIONS 54954.5(B), 54956.8/

DISTRICT REPRESENTATIVE: DAVID STOLDT / NEGOTIATION AFFECTING PROPERTIES HELD BY CALIFORNIA AMERICAN WATER COMPANY

RECESS TO CLOSED SESSION

RECONVENE TO OPEN SESSION

Chair Adams called the meeting to order at 1:36 p.m.

Directors Present:

- Mary L. Adams, Chair – Monterey County Board of Supervisors Representative (*Appeared via Zoom – Virtually*)
- Amy Anderson, Vice Chair – Division 5
- Alvin Edwards – Division 1
- George T. Riley – Division 2
- Director Eisenhart – Division 3
- Karen Paull – Division 4 (*Appeared via Zoom- Virtually*)
- Ian Oglesby – Mayoral Representative

Directors Absent: None

General Manager Present: David J. Stoldt

District Counsel Present: David C. Laredo, General Counsel

Appearing Via Zoom – Virtually

- Fran Farina, General Counsel
- Doug Dennington, Special District Counsel

Others Present:

- Bill Stannard and John Mastracchio with Raftelis Financial Consultants, Inc. (*Both appeared via Zoom- Virtually*)
- Joel G. Pablo, Board Clerk

District Counsel Laredo reported out from Closed Session on the following matter:

CALL TO ORDER

ROLL CALL

2. REPORT OUT FROM CLOSED SESSION

1. Conference with Real Property Negotiators
(Government Code Sections 54954.5(B),
54956.8/ District Representative: David Stoldt /
Negotiation Affecting Properties Held by
California American Water Company

The Board met, conferred, and provided general direction to staff. Laredo stated reportable action will be announced at the Special Board Meeting on Monday, April 3, 2023.

There being no further business, Chair Adams adjourned the meeting at 1:40 p.m.

ADJOURNMENT

Joel G. Pablo, Deputy District Secretary

Minutes Approved by the MPWMD Board of Directors
on Monday, April XX, 2023

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EXHIBIT 1-C

**Draft Meeting Minutes
Special Meeting – Board Strategic Planning Workshop
Board of Directors
Monterey Peninsula Water Management District
Friday, March 31, 2023**

Meeting Location: Asilomar Hotel and Conference Grounds, Scripps Room
800 Asilomar Avenue, Pacific Grove, CA 93950

CALL TO ORDER

Chair Adams called the meeting to order at 9:10 a.m.

ROLL CALL

Mary L. Adams, Chair – Monterey County Board of Supervisors Representative
Amy Anderson, Vice Chair – Division 5
Alvin Edwards, Director – Division 1
George Riley, Director – Division 2
Marc Eisenhart, Director – Division 3
Karen Paull, Director – Division 4
Ian Oglesby, Director – Mayoral Representative

Directors Absent: None

General Manager Present: David J. Stoldt

Staff members Present: Joel G. Pablo, Board Clerk

District Counsel Present: David C. Laredo with De Lay and Laredo

ADDITIONS AND CORRECTIONS TO THE AGENDA

None

PUBLIC COMMENT

Chair Adams opened public comment. *No comments were directed to the Board.*

INTRODUCTIONS / WORKSHOP OVERVIEW – David J. Stoldt, General Manager

David J. Stoldt, General Manager provided introductory remarks and presented via MS PowerPoint entitled, “MPWMD Strategic Planning Workshop.” *A copy of the presentation is on file with the District and can be found on the District website.*

DISCUSSION ITEMS

1. Discuss and Draft Strategic Goals and Near- and Long-Term Objectives of the District for Calendar Year 2023

The Board undertook the following:

- a. Reviewed the goal-setting process; Definitions of “goal” v “objective”; Reviewed the “SMART” criteria for objectives (“SMART”: Specific, Measurable, Achievable, Realistic, Time)
- b. Summarized recent year goals
- c. Directors anonymously identified “Top 3” goals for calendar year, “Top 2” longer-term goals; Results were compiled and posted.
- d. Discussion ensued – Key Questions:
 - i. Do we think similarly or are there differences?
 - ii. What’s missing? Too many?
 - iii. What should be long-term versus near-term?
 - iv. Can we rank priority?

The Board recessed to lunch at 11:50 a.m. and returned at 12:40 p.m.

- e. Objectives were developed making sure there is no duplication of goals and objectives; objectives were clear and meet the SMART criteria; and objectives are properly aligned with goals.
- f. The Directors agree to goals for the District to focus on; Directors agreed to objectives under each goal that are appropriate and have realistic timelines.

Discussion ensued and the Board reached a consensus directing the General Manager to finalize the list of agreed upon 2023 Goals and Objectives and prepare a report for subsequent Board adoption at its Monday, April 17, 2023 meeting.

ADJOURNMENT

Chair Adams adjourned the meeting at 1:22 p.m.

Joel G. Pablo, Deputy District Secretary

Minutes approved by the MPWMD Board of Directors on Monday, April XX, 2023

ITEM: CONSENT CALENDAR**2. CONSIDER ADOPTION OF TREASURER'S REPORT FOR FEBRUARY 2023****Meeting Date: April 17, 2023 Budgeted: N/A****From: David J. Stoldt, General Manager Program/ Line Item No.: N/A****Prepared By: Suresh Prasad Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: Exhibit 2-A comprises the Treasurer's Report for February 2023. Exhibit 2-B and Exhibit 2-C are listings of check disbursements for the period February 1-28, 2023. Checks, virtual checks (AP Automation), direct deposits of employee's paychecks, payroll tax deposits, and bank charges resulted in total disbursements for the period in the amount of \$2,369,650.95. There were \$30,392.99 in conservation rebates paid out during the current period. Exhibit 2-D reflects the unaudited version of the financial statements for the month ending February 28, 2023.

RECOMMENDATION: District staff recommends adoption of the February 2023 Treasurer's Report and financial statements, and ratification of the disbursements made during the month.

EXHIBITS

- 2-A** Treasurer's Report
- 2-B** Listing of Cash Disbursements-Regular
- 2-C** Listing of Cash Disbursements-Payroll
- 2-D** Financial Statements

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT FOR FEBRUARY 2023**

<u>Description</u>	<u>Checking</u>	<u>MPWMD Money Market</u>	<u>L.A.I.F.</u>	<u>Multi-Bank Securities</u>	<u>MPWMD Total</u>	<u>PB Reclamation Money Market</u>
Beginning Balance	\$344,452.93	\$7,875,895.04	\$9,758,646.86	\$6,732,833.18	\$24,711,828.01	\$413,989.76
Fee Deposits		2,312,385.25			2,312,385.25	342,060.80
MoCo Tax & WS Chg Installment Pymt					0.00	
Interest Received				8,985.26	8,985.26	
Transfer - Checking/LAIF					0.00	
Transfer - Money Market/LAIF					0.00	
Transfer - Money Market/Checking	2,500,000.00	(2,500,000.00)			0.00	
Transfer - Money Market/Multi-Bank					0.00	
Transfer to CAWD					0.00	(570,000.00)
Voided Checks					0.00	
Bank Corrections/Reversals/Errors					0.00	
Bank Charges/Other	-				0.00	(10.00)
Credit Card Fees	(634.50)				(634.50)	
Returned Deposits	-	(0.10)			(0.10)	
Payroll Tax/Benefit Deposits	(127,439.66)				(127,439.66)	
Payroll Checks/Direct Deposits	(149,132.71)				(149,132.71)	
General Checks	(52,553.43)				(52,553.43)	
Rebate Payments	(30,392.99)				(30,392.99)	
Bank Draft Payments	(30,981.87)				(30,981.87)	
AP Automation Payments	(1,978,515.79)				(1,978,515.79)	
Ending Balance	\$474,801.98	\$7,688,280.19	\$9,758,646.86	\$6,741,818.44	\$24,663,547.47	\$186,040.56

EXHIBIT 2-B

25

Check Report

By Check Number

Date Range: 02/01/2023 - 02/28/2023



Monterey Peninsula Water Management Dist

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK	-Bank of America Checking					
	Payment Type: Regular					
00269	U.S. Bank	02/02/2023	Regular	0.00	5,413.26	40764
	Void	02/02/2023	Regular	0.00	0.00	40765
06001	Cypress Coast Ford	02/10/2023	Regular	0.00	40,939.26	40767
00269	U.S. Bank	02/23/2023	Regular	0.00	6,200.91	40768
	Void	02/23/2023	Regular	0.00	0.00	40769
			Total Regular:	0.00	52,553.43	

Check Report

Date Range: 02/01/2023 - 02/28/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payment Type: Virtual Payment						
00010	Access Monterey Peninsula	02/02/2023	Virtual Payment	0.00	875.00	APA002002
00763	ACWA-JPIA	02/02/2023	Virtual Payment	0.00	360.52	APA002003
21461	Cinthia Kneemeyer	02/02/2023	Virtual Payment	0.00	237.83	APA002004
00083	Clifton Larson Allen LLP	02/02/2023	Virtual Payment	0.00	10,500.00	APA002005
00281	CoreLogic Information Solutions, Inc.	02/02/2023	Virtual Payment	0.00	1,217.13	APA002006
18734	DeVeera Inc.	02/02/2023	Virtual Payment	0.00	2,782.19	APA002007
12655	Graphicsmiths	02/02/2023	Virtual Payment	0.00	291.20	APA002008
02833	Greg James	02/02/2023	Virtual Payment	0.00	804.58	APA002009
09927	Hach Company	02/02/2023	Virtual Payment	0.00	7,844.01	APA002010
00094	John Arriaga	02/02/2023	Virtual Payment	0.00	3,400.00	APA002011
07622	KISTERS North America, Inc.	02/02/2023	Virtual Payment	0.00	5,498.14	APA002012
00222	M.J. Murphy	02/02/2023	Virtual Payment	0.00	133.21	APA002013
00259	Marina Coast Water District	02/02/2023	Virtual Payment	0.00	2,454.62	APA002014
01012	Mark Dudley	02/02/2023	Virtual Payment	0.00	540.00	APA002015
16182	Monterey County Weekly	02/02/2023	Virtual Payment	0.00	1,070.00	APA002016
13396	Navia Benefit Solutions, Inc.	02/02/2023	Virtual Payment	0.00	778.00	APA002017
23759	Ozark Underground Lab, Inc	02/02/2023	Virtual Payment	0.00	808.54	APA002018
00251	Rick Dickhaut	02/02/2023	Virtual Payment	0.00	550.00	APA002019
09425	The Ferguson Group LLC	02/02/2023	Virtual Payment	0.00	6,000.00	APA002020
17965	The Maynard Group	02/02/2023	Virtual Payment	0.00	1,619.18	APA002021
00203	ThyssenKrup Elevator	02/02/2023	Virtual Payment	0.00	709.17	APA002022
00750	Valley Saw & Garden Equipment	02/02/2023	Virtual Payment	0.00	232.10	APA002023
00253	AT&T	02/10/2023	Virtual Payment	0.00	1,078.87	APA002024
04045	California Society of Municipal Finance Officers	02/10/2023	Virtual Payment	0.00	50.00	APA002025
12601	Carmel Valley Ace Hardware	02/10/2023	Virtual Payment	0.00	45.21	APA002026
00046	De Lay & Laredo	02/10/2023	Virtual Payment	0.00	3,300.00	APA002027
18734	DeVeera Inc.	02/10/2023	Virtual Payment	0.00	8,551.48	APA002028
10966	DocuWare Corporation	02/10/2023	Virtual Payment	0.00	6,200.00	APA002029
18225	DUDEK	02/10/2023	Virtual Payment	0.00	1,860.00	APA002030
20296	Integrated Aqua Systems, Inc.	02/10/2023	Virtual Payment	0.00	4,093.04	APA002031
13431	Lynx Technologies, Inc	02/10/2023	Virtual Payment	0.00	2,325.00	APA002032
00222	M.J. Murphy	02/10/2023	Virtual Payment	0.00	3.22	APA002033
05829	Mark Bekker	02/10/2023	Virtual Payment	0.00	1,255.00	APA002034
00118	Monterey Bay Carpet & Janitorial Svc	02/10/2023	Virtual Payment	0.00	1,260.00	APA002035
00274	Monterey One Water	02/10/2023	Virtual Payment	0.00	227.41	APA002036
00274	Monterey One Water	02/10/2023	Virtual Payment	0.00	1,385,356.76	APA002037
01199	Monterey Signs, Inc.	02/10/2023	Virtual Payment	0.00	295.00	APA002038
00154	Peninsula Messenger Service	02/10/2023	Virtual Payment	0.00	361.00	APA002039
00755	Peninsula Welding Supply, Inc.	02/10/2023	Virtual Payment	0.00	64.50	APA002040
23892	PSTS, Inc	02/10/2023	Virtual Payment	0.00	565.00	APA002041
00262	Pure H2O	02/10/2023	Virtual Payment	0.00	65.54	APA002042
04709	Sherron Forsgren	02/10/2023	Virtual Payment	0.00	472.32	APA002043
04359	The Carmel Pine Cone	02/10/2023	Virtual Payment	0.00	726.00	APA002044
00271	UPEC, Local 792	02/10/2023	Virtual Payment	0.00	1,188.00	APA002045
13080	West Marine Products	02/10/2023	Virtual Payment	0.00	62.92	APA002046
20230	Zoom Video Communications Inc	02/10/2023	Virtual Payment	0.00	448.69	APA002047
00763	ACWA-JPIA	02/16/2023	Virtual Payment	0.00	372.96	APA002048
01188	Alhambra	02/16/2023	Virtual Payment	0.00	219.11	APA002049
01015	American Lock & Key	02/16/2023	Virtual Payment	0.00	4.37	APA002050
01347	ARC Document Solutions, LLC	02/16/2023	Virtual Payment	0.00	205.96	APA002051
12601	Carmel Valley Ace Hardware	02/16/2023	Virtual Payment	0.00	29.42	APA002052
00224	City of Monterey	02/16/2023	Virtual Payment	0.00	12,831.50	APA002053
00281	CoreLogic Information Solutions, Inc.	02/16/2023	Virtual Payment	0.00	1,309.25	APA002054
00046	De Lay & Laredo	02/16/2023	Virtual Payment	0.00	79,377.00	APA002055
18225	DUDEK	02/16/2023	Virtual Payment	0.00	2,445.00	APA002056
22793	ETech Consulting, LLC	02/16/2023	Virtual Payment	0.00	7,680.00	APA002057
00986	Henrietta Stern	02/16/2023	Virtual Payment	0.00	2,743.92	APA002058
20556	ID Concepts	02/16/2023	Virtual Payment	0.00	39.75	APA002059
11223	In-Situ	02/16/2023	Virtual Payment	0.00	2,262.36	APA002060
06999	KBA Docusys	02/16/2023	Virtual Payment	0.00	1,834.14	APA002061

Check Report

Date Range: 02/01/2023 - 02/28/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
05829	Mark Bekker	02/16/2023	Virtual Payment	0.00	1,255.00	APA002062
13396	Navia Benefit Solutions, Inc.	02/16/2023	Virtual Payment	0.00	777.91	APA002063
00036	Parham Living Trust	02/16/2023	Virtual Payment	0.00	850.00	APA002064
16734	Rural Community Assistance Corporation	02/16/2023	Virtual Payment	0.00	750.00	APA002065
09989	Star Sanitation Services	02/16/2023	Virtual Payment	0.00	117.61	APA002066
04719	Telit lo T Platforms, LLC	02/16/2023	Virtual Payment	0.00	191.68	APA002067
23550	WellmanAD	02/16/2023	Virtual Payment	0.00	17,150.00	APA002068
23760	William Banker-Hix	02/16/2023	Virtual Payment	0.00	100.33	APA002069
00010	Access Monterey Peninsula	02/23/2023	Virtual Payment	0.00	875.00	APA002070
00767	AFLAC	02/23/2023	Virtual Payment	0.00	869.48	APA002071
00760	Andy Bell	02/23/2023	Virtual Payment	0.00	618.00	APA002072
00263	Arlene Tavani	02/23/2023	Virtual Payment	0.00	1,026.50	APA002073
23767	Catherine A Francini	02/23/2023	Virtual Payment	0.00	452.28	APA002074
14036	City of Sand City	02/23/2023	Virtual Payment	0.00	1,315.00	APA002075
04040	City of Seaside	02/23/2023	Virtual Payment	0.00	283,887.00	APA002076
00028	Colantuono, Highsmith, & Whatley, PC	02/23/2023	Virtual Payment	0.00	1,583.75	APA002077
08109	David Olson, Inc.	02/23/2023	Virtual Payment	0.00	2,868.00	APA002078
18734	DeVeera Inc.	02/23/2023	Virtual Payment	0.00	24,911.50	APA002079
00192	Extra Space Storage	02/23/2023	Virtual Payment	0.00	1,184.00	APA002080
03857	Joe Oliver	02/23/2023	Virtual Payment	0.00	1,371.96	APA002081
23552	LoopUp, LLC	02/23/2023	Virtual Payment	0.00	26.79	APA002082
00242	MBAS	02/23/2023	Virtual Payment	0.00	452.00	APA002083
16182	Monterey County Weekly	02/23/2023	Virtual Payment	0.00	970.00	APA002084
13396	Navia Benefit Solutions, Inc.	02/23/2023	Virtual Payment	0.00	777.91	APA002085
00251	Rick Dickhaut	02/23/2023	Virtual Payment	0.00	540.00	APA002086
17968	Rutan & Tucker, LLP	02/23/2023	Virtual Payment	0.00	600.00	APA002087
00176	Sentry Alarm Systems	02/23/2023	Virtual Payment	0.00	125.50	APA002088
04359	The Carmel Pine Cone	02/23/2023	Virtual Payment	0.00	726.00	APA002089
09425	The Ferguson Group LLC	02/23/2023	Virtual Payment	0.00	53.16	APA002090
00024	Three Amigos Pest Control DBA Central Coast Exte	02/23/2023	Virtual Payment	0.00	104.00	APA002091
23764	Tyman Construction Inc.	02/23/2023	Virtual Payment	0.00	47,910.00	APA002092
18737	U.S. Bank Equipment Finance	02/23/2023	Virtual Payment	0.00	871.81	APA002093
04348	Water Education Foundation	02/23/2023	Virtual Payment	0.00	1,100.00	APA002094
08105	Yolanda Munoz	02/23/2023	Virtual Payment	0.00	540.00	APA002095
Total Virtual Payment:				0.00	1,976,867.29	

Check Report

Date Range: 02/01/2023 - 02/28/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payment Type: Bank Draft						
00277	Home Depot Credit Services	02/02/2023	Bank Draft	0.00	152.21	DFT0002723
00266	I.R.S.	02/10/2023	Bank Draft	0.00	14,342.82	DFT0002724
00266	I.R.S.	02/10/2023	Bank Draft	0.00	3,058.12	DFT0002725
00267	Employment Development Dept.	02/10/2023	Bank Draft	0.00	5,666.19	DFT0002726
00266	I.R.S.	02/10/2023	Bank Draft	0.00	556.36	DFT0002727
00266	I.R.S.	02/10/2023	Bank Draft	0.00	6.81	DFT0002728
00266	I.R.S.	02/10/2023	Bank Draft	0.00	66.58	DFT0002729
00266	I.R.S.	02/10/2023	Bank Draft	0.00	284.58	DFT0002730
00252	Cal-Am Water	02/10/2023	Bank Draft	0.00	78.79	DFT0002731
00252	Cal-Am Water	02/10/2023	Bank Draft	0.00	180.58	DFT0002732
00252	Cal-Am Water	02/10/2023	Bank Draft	0.00	182.42	DFT0002733
00277	Home Depot Credit Services	02/10/2023	Bank Draft	0.00	1,140.55	DFT0002734
00282	PG&E	02/10/2023	Bank Draft	0.00	26.23	DFT0002735
00282	PG&E	02/10/2023	Bank Draft	0.00	38.29	DFT0002736
17964	SWRCB	02/10/2023	Bank Draft	0.00	2,297.00	DFT0002737
18163	Wex Bank	02/10/2023	Bank Draft	0.00	1,613.73	DFT0002738
00769	Laborers Trust Fund of Northern CA	02/07/2023	Bank Draft	0.00	33,800.00	DFT0002739
00766	Standard Insurance Company	02/07/2023	Bank Draft	0.00	1,487.01	DFT0002740
16235	California Department of Tax and Fee Administrat	02/16/2023	Bank Draft	0.00	3,970.82	DFT0002741
17964	SWRCB	02/16/2023	Bank Draft	0.00	365.00	DFT0002742
17964	SWRCB	02/16/2023	Bank Draft	0.00	2,297.00	DFT0002743
00758	FedEx	02/16/2023	Bank Draft	0.00	1,002.59	DFT0002744
00282	PG&E	02/16/2023	Bank Draft	0.00	11,277.17	DFT0002745
00266	I.R.S.	02/24/2023	Bank Draft	0.00	14,102.50	DFT0002746
00266	I.R.S.	02/24/2023	Bank Draft	0.00	3,026.44	DFT0002747
00267	Employment Development Dept.	02/24/2023	Bank Draft	0.00	5,554.45	DFT0002748
00266	I.R.S.	02/24/2023	Bank Draft	0.00	420.90	DFT0002749
00758	FedEx	02/23/2023	Bank Draft	0.00	3.67	DFT0002750
00277	Home Depot Credit Services	02/23/2023	Bank Draft	0.00	361.86	DFT0002751
00282	PG&E	02/23/2023	Bank Draft	0.00	2,352.32	DFT0002752
00282	PG&E	02/23/2023	Bank Draft	0.00	667.62	DFT0002753
00768	MissionSquare Retirement- 302617	02/10/2023	Bank Draft	0.00	5,463.09	DFT0002754
00768	MissionSquare Retirement- 302617	02/24/2023	Bank Draft	0.00	5,463.09	DFT0002755
00256	PERS Retirement	02/02/2023	Bank Draft	0.00	17,813.86	DFT0002764
00256	PERS Retirement	02/21/2023	Bank Draft	0.00	17,813.87	DFT0002765
00766	Standard Insurance Company	02/28/2023	Bank Draft	0.00	1,487.01	DFT0002770
Total Bank Draft:				0.00	158,421.53	

Payment Type	Bank Code APBNK		Summary	
	Payable Count	Payment Count	Discount	Payment
Regular Checks	50	3	0.00	52,553.43
Manual Checks	0	0	0.00	0.00
Voided Checks	0	2	0.00	0.00
Bank Drafts	55	36	0.00	158,421.53
EFT's	0	0	0.00	0.00
Virtual Payments	117	94	0.00	1,976,867.29
	222	135	0.00	2,187,842.25

Check Report

Date Range: 02/01/2023 - 02/28/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: REBATES-02-Rebates: Use Only For Rebates						
Payment Type: Virtual Payment						
23828	Bruce Mehringer	02/02/2023	Virtual Payment	0.00	125.00	APA001907
23808	Carolyn Garrison	02/02/2023	Virtual Payment	0.00	422.50	APA001908
22113	Claudia Ulwelling	02/02/2023	Virtual Payment	0.00	200.00	APA001909
23811	Daniel Arruiza	02/02/2023	Virtual Payment	0.00	500.00	APA001910
23817	David Keller	02/02/2023	Virtual Payment	0.00	500.00	APA001911
23810	David Petersen	02/02/2023	Virtual Payment	0.00	500.00	APA001912
23812	Dawn Wood	02/02/2023	Virtual Payment	0.00	500.00	APA001913
23832	Debra Rackear	02/02/2023	Virtual Payment	0.00	140.00	APA001914
23824	Donna Moore	02/02/2023	Virtual Payment	0.00	500.00	APA001915
23826	Donna Moore	02/02/2023	Virtual Payment	0.00	125.00	APA001916
23837	Erika Weis McGrath	02/02/2023	Virtual Payment	0.00	179.00	APA001917
23825	Fanhua Meng	02/02/2023	Virtual Payment	0.00	125.00	APA001918
23813	Gilles Cummings	02/02/2023	Virtual Payment	0.00	500.00	APA001919
23829	Glenn Brown	02/02/2023	Virtual Payment	0.00	125.00	APA001920
23841	Guido A. Davi II	02/02/2023	Virtual Payment	0.00	250.00	APA001921
23842	Hiroaki Hayashi	02/02/2023	Virtual Payment	0.00	75.00	APA001922
23814	Jarrod Branch	02/02/2023	Virtual Payment	0.00	500.00	APA001923
18637	Jeff Howarth	02/02/2023	Virtual Payment	0.00	500.00	APA001924
23835	John H Meyer	02/02/2023	Virtual Payment	0.00	149.00	APA001925
23838	Joyce E Linsley	02/02/2023	Virtual Payment	0.00	75.00	APA001926
23815	Julie Schnitzer	02/02/2023	Virtual Payment	0.00	500.00	APA001927
23823	Kathryn Sparolini	02/02/2023	Virtual Payment	0.00	500.00	APA001928
23840	Kerry Belser	02/02/2023	Virtual Payment	0.00	500.00	APA001929
23831	Kim Tran	02/02/2023	Virtual Payment	0.00	200.00	APA001930
23822	Mark Bergman	02/02/2023	Virtual Payment	0.00	500.00	APA001931
23836	Michael Colyer	02/02/2023	Virtual Payment	0.00	149.00	APA001932
23834	Mike Raydo	02/02/2023	Virtual Payment	0.00	239.00	APA001933
23839	Monterey Peninsula American Legion Post 41	02/02/2023	Virtual Payment	0.00	125.00	APA001934
20522	Nancy Ryan	02/02/2023	Virtual Payment	0.00	500.00	APA001935
23818	Paolo Carvalho	02/02/2023	Virtual Payment	0.00	500.00	APA001936
23827	Patricia Keshmiri	02/02/2023	Virtual Payment	0.00	125.00	APA001937
23807	Peter Butler	02/02/2023	Virtual Payment	0.00	50.00	APA001938
23819	Peter Church	02/02/2023	Virtual Payment	0.00	500.00	APA001939
21295	Reenah Kang	02/02/2023	Virtual Payment	0.00	125.00	APA001940
23816	Ronald Quock	02/02/2023	Virtual Payment	0.00	500.00	APA001941
23809	Star Reierson	02/02/2023	Virtual Payment	0.00	500.00	APA001942
23833	Stephen Pribula	02/02/2023	Virtual Payment	0.00	139.99	APA001943
23820	Steve Martin	02/02/2023	Virtual Payment	0.00	500.00	APA001944
23806	Uwe Grobecker	02/02/2023	Virtual Payment	0.00	50.00	APA001945
23830	Verlea Kellogg	02/02/2023	Virtual Payment	0.00	275.00	APA001946
23821	William Conners	02/02/2023	Virtual Payment	0.00	500.00	APA001947
23858	Adrienne Allen	02/02/2023	Virtual Payment	0.00	500.00	APA001948
23879	Alan MacDonald	02/02/2023	Virtual Payment	0.00	125.00	APA001949
23846	Alicia Morgan	02/02/2023	Virtual Payment	0.00	500.00	APA001950
21437	Anita Freel	02/02/2023	Virtual Payment	0.00	200.00	APA001951
23882	Anthony W Melendrez	02/02/2023	Virtual Payment	0.00	200.00	APA001952
23855	Brad Oshman	02/02/2023	Virtual Payment	0.00	500.00	APA001953
23877	Brendan Connolly	02/02/2023	Virtual Payment	0.00	125.00	APA001954
23865	Cesca Dentice	02/02/2023	Virtual Payment	0.00	500.00	APA001955
19717	Chantelle Cafferata	02/02/2023	Virtual Payment	0.00	500.00	APA001956
23849	Crystal Chang	02/02/2023	Virtual Payment	0.00	500.00	APA001957
23875	Daniel Blakely	02/02/2023	Virtual Payment	0.00	125.00	APA001958
09880	Daniel Hedges	02/02/2023	Virtual Payment	0.00	500.00	APA001959
23878	David Miller	02/02/2023	Virtual Payment	0.00	125.00	APA001960
23888	Dawn Solomon	02/02/2023	Virtual Payment	0.00	200.00	APA001961
23881	Deb Silva	02/02/2023	Virtual Payment	0.00	200.00	APA001962
23860	Dimitri Rubin	02/02/2023	Virtual Payment	0.00	500.00	APA001963
23887	Ed Mellinger	02/02/2023	Virtual Payment	0.00	125.00	APA001964
23862	Elizabeth Dankworth	02/02/2023	Virtual Payment	0.00	500.00	APA001965

Check Report

Date Range: 02/01/2023 - 02/28/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
23876	Gail Morton	02/02/2023	Virtual Payment	0.00	125.00	APA001966
23870	Harvey Jack Stutzman	02/02/2023	Virtual Payment	0.00	125.00	APA001967
23861	Herbert Conley	02/02/2023	Virtual Payment	0.00	500.00	APA001968
23868	Ibania Salvador	02/02/2023	Virtual Payment	0.00	500.00	APA001969
23844	Il Soo Han	02/02/2023	Virtual Payment	0.00	500.00	APA001970
23845	John Bellanger	02/02/2023	Virtual Payment	0.00	500.00	APA001971
23889	Kelly J Morgan	02/02/2023	Virtual Payment	0.00	75.00	APA001972
23886	Kenneth Nowak	02/02/2023	Virtual Payment	0.00	199.00	APA001973
23872	Lucille M Tucker-Zimmer	02/02/2023	Virtual Payment	0.00	125.00	APA001974
23883	Mark Ross	02/02/2023	Virtual Payment	0.00	100.00	APA001975
23859	Mary Skipwith	02/02/2023	Virtual Payment	0.00	500.00	APA001976
23863	Melodie Usher	02/02/2023	Virtual Payment	0.00	500.00	APA001977
20697	Metda Chubbs	02/02/2023	Virtual Payment	0.00	125.00	APA001978
23857	Michael B Kelly	02/02/2023	Virtual Payment	0.00	500.00	APA001979
23873	Michael Wood	02/02/2023	Virtual Payment	0.00	125.00	APA001980
23853	Molly Crannell	02/02/2023	Virtual Payment	0.00	500.00	APA001981
23854	Mukesh Sahedo	02/02/2023	Virtual Payment	0.00	500.00	APA001982
23884	Nancy L. Bartell	02/02/2023	Virtual Payment	0.00	199.00	APA001983
23856	Nicholas Douglas	02/02/2023	Virtual Payment	0.00	500.00	APA001984
23869	Pamela Thayer	02/02/2023	Virtual Payment	0.00	125.00	APA001985
23851	Per Daniel Andersson	02/02/2023	Virtual Payment	0.00	500.00	APA001986
23885	Rachel Lancaster	02/02/2023	Virtual Payment	0.00	149.00	APA001987
23751	Renee Katrib	02/02/2023	Virtual Payment	0.00	200.00	APA001988
23871	Richard Breunesse	02/02/2023	Virtual Payment	0.00	125.00	APA001989
23850	Ricky Gomez	02/02/2023	Virtual Payment	0.00	500.00	APA001990
23867	Ron Malone	02/02/2023	Virtual Payment	0.00	500.00	APA001991
23864	Scott Gebhardt	02/02/2023	Virtual Payment	0.00	500.00	APA001992
23866	Scott Rhoades	02/02/2023	Virtual Payment	0.00	500.00	APA001993
23848	Scott Smith	02/02/2023	Virtual Payment	0.00	500.00	APA001994
23843	Steven Cole	02/02/2023	Virtual Payment	0.00	27.50	APA001995
23847	Stokes Burtis	02/02/2023	Virtual Payment	0.00	500.00	APA001996
23852	Thomas Ledford	02/02/2023	Virtual Payment	0.00	700.00	APA001997
23874	Todd Bliss	02/02/2023	Virtual Payment	0.00	125.00	APA001998
23890	Udom Orr	02/02/2023	Virtual Payment	0.00	75.00	APA001999
23891	Vicenta Gonzales	02/02/2023	Virtual Payment	0.00	150.00	APA002000
23880	Wayne Marien	02/02/2023	Virtual Payment	0.00	125.00	APA002001
Total Virtual Payment:				0.00	30,392.99	

Bank Code REBATES-02 Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	0	0	0.00	0.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
Virtual Payments	96	95	0.00	30,392.99
	96	95	0.00	30,392.99

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	50	3	0.00	52,553.43
Manual Checks	0	0	0.00	0.00
Voided Checks	0	2	0.00	0.00
Bank Drafts	55	36	0.00	158,421.53
EFT's	0	0	0.00	0.00
	318	230	0.00	2,218,235.24

Fund Summary

Fund	Name	Period	Amount
99	POOL CASH FUND	2/2023	2,218,235.24
			2,218,235.24

EXHIBIT 2-C

Payroll Bank Transaction Report



Monterey Peninsula Water Management Dist

By Payment Number

Date: 2/1/2023 - 2/28/2023

Payroll Set: 01 - Monterey Peninsula Water Management District

Payment Number	Payment Date	Payment Type	Employee Number	Employee Name	Check Amount	Direct Deposit Amount	Total Payment
7049	02/10/2023	Regular	1077	Pablo, Joel G	0.00	2,301.64	2,301.64
7050	02/10/2023	Regular	1024	Stoldt, David J	0.00	6,436.97	6,436.97
7051	02/10/2023	Regular	1044	Bennett, Corryn D	0.00	2,492.31	2,492.31
7052	02/10/2023	Regular	1078	Mossbacher, Simona F	0.00	2,376.25	2,376.25
7053	02/10/2023	Regular	1018	Prasad, Suresh	0.00	3,923.27	3,923.27
7054	02/10/2023	Regular	1019	Reyes, Sara C	0.00	2,088.68	2,088.68
7055	02/10/2023	Regular	1083	Silvas Robles, Teresa	0.00	2,087.14	2,087.14
7056	02/10/2023	Regular	1081	Banker-Hix, William C	0.00	2,351.76	2,351.76
7057	02/10/2023	Regular	1042	Hamilton, Maureen C.	0.00	3,557.16	3,557.16
7058	02/10/2023	Regular	6063	Hampson, Larry M	0.00	3,229.82	3,229.82
7059	02/10/2023	Regular	1011	Lear, Jonathan P	0.00	4,545.83	4,545.83
7060	02/10/2023	Regular	1012	Lindberg, Thomas L	0.00	2,886.45	2,886.45
7061	02/10/2023	Regular	1080	Steinmetz, Cory S	0.00	2,213.47	2,213.47
7062	02/10/2023	Regular	1045	Atkins, Daniel N	0.00	2,254.25	2,254.25
7063	02/10/2023	Regular	1004	Chaney, Beverly M	0.00	2,868.55	2,868.55
7064	02/10/2023	Regular	1005	Christensen, Thomas T	0.00	3,407.92	3,407.92
7065	02/10/2023	Regular	1007	Hamilton, Cory R	0.00	2,460.30	2,460.30
7066	02/10/2023	Regular	1085	Hettrick, Clyde Marlin	0.00	2,084.24	2,084.24
7067	02/10/2023	Regular	1048	Lumas, Eric M	0.00	2,189.32	2,189.32
7068	02/10/2023	Regular	1001	Bravo, Gabriela D	0.00	2,791.28	2,791.28
7069	02/10/2023	Regular	1084	Ignacio, Fredrick M	0.00	1,652.57	1,652.57
7070	02/10/2023	Regular	1076	Jakic, Tricia	0.00	2,241.78	2,241.78
7071	02/10/2023	Regular	1010	Kister, Stephanie L	0.00	2,779.30	2,779.30
7072	02/10/2023	Regular	1017	Locke, Stephanie L	0.00	3,724.30	3,724.30
7073	02/10/2023	Regular	1082	Osborn, Carrie S	0.00	2,098.02	2,098.02
7074	02/10/2023	Regular	1040	Smith, Kyle	0.00	2,795.83	2,795.83
7075	02/10/2023	Regular	7015	Adams, Mary L	0.00	242.53	242.53
7076	02/10/2023	Regular	7020	Anderson, Amy E	0.00	498.69	498.69
7077	02/10/2023	Regular	7022	Eisenhart, Marc A	0.00	249.34	249.34
7078	02/10/2023	Regular	7023	Oglesby, Ian N	0.00	124.67	124.67
7079	02/10/2023	Regular	7019	Paull, Karen P	0.00	374.02	374.02
7080	02/10/2023	Regular	7018	Riley, George T	0.00	374.02	374.02
7081	02/24/2023	Regular	1077	Pablo, Joel G	0.00	2,301.64	2,301.64
7082	02/24/2023	Regular	1024	Stoldt, David J	0.00	6,436.97	6,436.97
7083	02/24/2023	Regular	1044	Bennett, Corryn D	0.00	2,492.32	2,492.32
7084	02/24/2023	Regular	1078	Mossbacher, Simona F	0.00	2,376.26	2,376.26
7085	02/24/2023	Regular	1018	Prasad, Suresh	0.00	3,923.27	3,923.27
7086	02/24/2023	Regular	1019	Reyes, Sara C	0.00	2,088.68	2,088.68
7087	02/24/2023	Regular	1083	Silvas Robles, Teresa	0.00	2,087.14	2,087.14
7088	02/24/2023	Regular	1081	Banker-Hix, William C	0.00	2,351.76	2,351.76
7089	02/24/2023	Regular	1042	Hamilton, Maureen C.	0.00	3,557.18	3,557.18
7090	02/24/2023	Regular	6063	Hampson, Larry M	0.00	2,573.06	2,573.06
7091	02/24/2023	Regular	1011	Lear, Jonathan P	0.00	4,545.83	4,545.83
7092	02/24/2023	Regular	1012	Lindberg, Thomas L	0.00	2,886.45	2,886.45
7093	02/24/2023	Regular	1080	Steinmetz, Cory S	0.00	2,213.47	2,213.47
7094	02/24/2023	Regular	1045	Atkins, Daniel N	0.00	2,254.25	2,254.25
7095	02/24/2023	Regular	1004	Chaney, Beverly M	0.00	2,868.55	2,868.55
7096	02/24/2023	Regular	1005	Christensen, Thomas T	0.00	3,407.92	3,407.92
7097	02/24/2023	Regular	1007	Hamilton, Cory R	0.00	2,460.29	2,460.29
7098	02/24/2023	Regular	1085	Hettrick, Clyde Marlin	0.00	2,084.24	2,084.24
7099	02/24/2023	Regular	1048	Lumas, Eric M	0.00	2,189.32	2,189.32
7100	02/24/2023	Regular	1001	Bravo, Gabriela D	0.00	2,791.28	2,791.28
7101	02/24/2023	Regular	1084	Ignacio, Fredrick M	0.00	1,652.57	1,652.57
7102	02/24/2023	Regular	1076	Jakic, Tricia	0.00	2,241.78	2,241.78
7103	02/24/2023	Regular	1010	Kister, Stephanie L	0.00	2,779.30	2,779.30
7104	02/24/2023	Regular	1017	Locke, Stephanie L	0.00	3,724.31	3,724.31
7105	02/24/2023	Regular	1082	Osborn, Carrie S	0.00	2,098.02	2,098.02

Payment Number	Payment Date	Payment Type	Employee Number	Employee Name	Check Amount	Direct Deposit Amount	Total Payment
7106	02/24/2023	Regular	1040	Smith, Kyle	0.00	2,795.83	2,795.83
40766	02/10/2023	Regular	7009	Edwards, Alvin	249.34	0.00	249.34
Total:					249.34	148,883.37	149,132.71



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
STATEMENT OF REVENUES AND EXPENDITURES
FOR THE MONTH FEBRUARY 28, 2023

	Mitigation	Conservation	Water Supply	Current Period Activity	Current FY Year-to-Date Actual	Current FY Annual Budget	Prior FY Year-to-Date Actual
REVENUES							
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ 1,429,959	\$ 2,500,000	\$ 1,297,364
Water supply charge			-	-	2,022,764	3,400,000	2,031,182
User fees	283,870	108,123	63,444	455,437	3,857,399	5,500,000	3,506,149
Mitigation revenue	-			-	-	-	-
PWM Water Sales			1,323,779	1,323,779	9,635,973	12,201,000	6,297,547
Capacity fees			9,074	9,074	229,898	500,000	362,537
Permit fees	-	16,224		16,224	137,488	198,000	158,388
Investment income	-	-	-	-	115,544	80,000	14,355
Miscellaneous	-	-	-	-	14,083	15,000	19,120
Sub-total district revenues	283,870	124,347	1,396,298	1,804,514	17,443,107	24,394,000	13,686,642
Project reimbursements	-	13,806	1,627,987	1,641,793	1,917,619	2,775,200	1,157,552
Legal fee reimbursements		300		300	3,150	16,000	2,850
Grants	-	-	-	-	333,785	3,470,200	353,735
Recording fees		1,320		1,320	21,890	20,000	36,410
Sub-total reimbursements	-	15,426	1,627,987	1,643,413	2,276,444	6,281,400	1,550,547
From Reserves	-	-	-	-	-	2,020,000	-
Total revenues	283,870	139,773	3,024,284	3,447,927	19,719,552	32,695,400	15,237,189
EXPENDITURES							
Personnel:							
Salaries	77,094	51,521	92,504	221,119	1,765,250	2,920,500	1,694,174
Retirement	6,691	4,642	8,395	19,728	684,260	791,900	609,373
Unemployment Compensation	-	-	-	-	-	10,000	450
Auto Allowance	92	92	277	462	3,831	6,000	3,854
Deferred Compensation	161	161	482	803	6,425	10,500	6,321
Temporary Personnel	-	-	-	-	6,264	10,000	23,919
Workers Comp. Ins.	3,058	285	2,387	5,729	47,435	57,100	47,048
Employee Insurance	16,273	12,356	16,432	45,060	344,368	589,000	305,730
Medicare & FICA Taxes	1,407	806	1,524	3,737	29,644	50,500	29,846
Personnel Recruitment	-	-	-	-	513	8,000	743
Other benefits	34	30	36	100	1,478	2,000	1,478
Staff Development	-	-	-	-	6,450	32,800	1,825
Sub-total personnel costs	104,810	69,893	122,036	296,739	2,895,919	4,488,300	2,724,760
Services & Supplies:							
Board Member Comp	891	891	918	2,700	19,710	37,000	22,140
Board Expenses	106	69	90	266	3,230	9,000	2,856
Rent	828	355	851	2,034	15,930	24,200	16,894
Utilities	985	869	1,043	2,897	23,042	33,200	20,380
Telephone	1,129	641	474	2,243	30,116	47,000	29,249
Facility Maintenance	1,602	1,414	1,696	4,712	24,567	55,000	24,709
Bank Charges	216	190	228	634	10,906	25,000	22,318
Office Supplies	186	1,789	197	2,172	21,764	24,200	6,794
Courier Expense	284	251	301	835	5,537	7,600	4,734
Postage & Shipping	99	87	104	290	2,878	7,900	2,659
Equipment Lease	357	227	288	872	7,794	18,000	7,795
Equip. Repairs & Maintenance	624	550	660	1,834	3,031	5,000	1,870
Photocopy Expense				-			
Printing/Duplicating/Binding	-	-	-	-	-	600	2
IT Supplies/Services	6,355	5,607	6,729	18,691	239,080	250,000	196,444
Operating Supplies	364	-	-	364	3,671	21,200	17,755
Legal Services	6,048	6,448	12,236	24,733	197,977	400,000	192,753



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
STATEMENT OF REVENUES AND EXPENDITURES
FOR THE MONTH FEBRUARY 28, 2023

	<u>Mitigation</u>	<u>Conservation</u>	<u>Water Supply</u>	<u>Current Period Activity</u>	<u>Current FY Year-to-Date Actual</u>	<u>Current FY Annual Budget</u>	<u>Prior FY Year-to-Date Actual</u>
Professional Fees	7,475	6,596	7,915	21,985	198,906	460,000	239,217
Transportation	1,377	231	454	2,063	18,226	31,000	22,923
Travel	-	-	-	-	17,862	18,000	3,483
Meeting Expenses	450	397	477	1,324	9,867	21,200	11,181
Insurance	5,777	3,755	4,911	14,443	115,595	160,000	90,185
Legal Notices	-	-	-	-	-	3,200	-
Membership Dues	1,508	1,331	1,597	4,435	35,388	42,200	31,744
Public Outreach	170	150	180	500	610	3,000	1,115
Assessors Administration Fee	-	-	-	-	-	34,000	-
Miscellaneous	-	-	-	-	393	3,200	387
Sub-total services & supplies costs	36,831	31,848	41,349	110,027	1,006,079	1,740,700	969,587
Project expenditures	477,207	38,122	1,389,183	1,904,512	11,951,870	24,095,500	9,782,539
Fixed assets	56,188	12,666	15,437	84,291	324,811	450,000	94,011
Contingencies	-	-	-	-	-	70,000	-
Election costs	-	-	-	-	-	250,000	-
Debt service: Principal	-	-	-	-	-	-	-
Debt service: Interest	-	-	-	-	49,009	230,000	52,387
Flood drought reserve	-	-	-	-	-	-	-
Capital equipment reserve	-	-	-	-	-	408,500	-
General fund balance	-	-	-	-	270	262,400	-
Debt Reserve	-	-	-	-	-	500,000	-
Pension reserve	-	-	-	-	-	100,000	-
OPEB reserve	-	-	-	-	-	100,000	-
Other	-	-	-	-	-	-	-
Sub-total other	533,394	50,788	1,404,621	1,988,803	12,325,959	26,466,400	9,928,938
Total expenditures	675,036	152,528	1,568,006	2,395,570	16,227,957	32,695,400	13,623,285
Excess (Deficiency) of revenues over expenditures	\$ (391,166)	\$ (12,756)	\$ 1,456,279	\$ 1,052,357	\$ 3,491,595	\$ -	\$ 1,613,905

ITEM: CONSENT CALENDAR**3. RECEIVE AND FILE DISTRICT-WIDE ANNUAL WATER DISTRIBUTION SYSTEM PRODUCTION SUMMARY REPORT FOR WATER YEAR 2022**

Meeting Date:	April 17, 2023	Budgeted:	N/A
From:	David Stoldt, General Manager	Program/ Line Item No.:	Hydrologic Monitoring N/A
Prepared By:	Thomas Lindberg	Cost Estimate:	N/A

General Counsel Approval: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: Staff has prepared the draft Water Production Summary Report for Water Distribution Systems (WDSs) within the Monterey Peninsula Water Management District (District) for Water Year (WY) 2022. WY 2022 covers the 12-month period from October 1, 2021, through September 30, 2022. Preliminary computations indicate that 10,235 acre-feet (AF) of water were produced by the 152 recognized WDSs in the District during WY 2022. In general, recognized WDSs refer to systems that either: (a) have received a WDS permit, or (b) have been confirmed as a pre-existing system prior to District rules that expanded WDS permitting requirements. The California American Water (Cal-Am) Main System, which is the largest WDS in the District, accounted for 9,311 AF or approximately 91% of the total production reported by WDSs in WY 2022.

RECOMMENDATION: This report is for informational purposes only. The Board should review the draft summary report and provide staff with any comments or questions. Staff will complete and file the final report, incorporating any late revisions, if this item is approved with the Consent Calendar.

BACKGROUND: All owners and operators of WDSs within the District are required to annually submit water production information to the District. In 1980, District Ordinance No. 1 defined a WDS as *works within the District used for the collection, storage, transmission, or distribution of water from the source of supply to the connection of a system providing water service to any connection including all water-gathering facilities and water-measuring devices*. Therefore, all wells within the District are considered to be WDSs. However, until the adoption of Ordinance No. 96 in 2001, only multiple-parcel WDSs were required to obtain a permit from the District. Other refinements to the Rules and Regulations governing WDSs were added with the adoption of Ordinance No. 105 in 2002; Ordinance No. 106 in 2003; Ordinance No. 118 in 2005; Ordinance No. 122 in 2006; Ordinance 160 in 2014; and Ordinance 175 in 2016. During WY 2022, one new WDS was established for a replacement well at the Carmel Middle School, and six Requests for Confirmation of Exemption were approved.

Each WDS must report the amount of water produced and where required, the amount of water delivered, in addition to the number of existing and new connections served during the reporting period. The information for WY 2022 is summarized in **Exhibit 3-A**. The WDSs shown are grouped by source area. This information is also incorporated into the District-Wide Water Production Summary Report, presented as the following item of the Consent Calendar of this packet. For comparative purposes, the Annual WDS Production Summary Report for WY 2021 is provided as **Exhibit 3-B**.

In WY 2022, 70 AF that was produced by Cal-Am wells in Carmel Valley was delivered to the Aquifer Storage and Recovery (ASR) project for injection into the Seaside Groundwater Basin. No ASR project water was recovered from the Seaside Groundwater Basin and delivered for customer service to the Cal-Am. 3,683 AF were recovered from the Pure Water Monterey Project for delivery to Cal-Am customer service in WY 2022.

Production figures for three WDSs -- Bishop, Ryan Ranch, and Hidden Hills Units – have previously been reported separately from the Cal-Am main system, although Cal-Am owns and operates each of these satellite units. The Ryan Ranch Unit was acquired and annexed into the Cal-Am system in November 1989. The Bishop Unit, which has been operated by Cal-Am since September 1996, was acquired and annexed into the Cal-Am system in July 1999. An amendment to the Cal-Am WDS approved in WY 2020, allowed for a permanent interconnection between Cal-Am's Main System and their Bishop and Ryan Ranch Units. No water was produced from either the Bishop or Ryan Ranch Units in WY 2022. Production from Ryan Ranch and Bishop Units are now included in Cal-Am's total production but are also shown separately on Exhibit 3-A for comparison purposes.

The Hidden Hills Unit, which formerly reported as the Carmel Valley Mutual Water Company, was acquired and annexed into the Cal-Am system in March 1993. Production and delivery from Hidden Hills are not included in the Cal-Am totals. Although not included in the Cal-Am system totals here, water production for the Hidden Hills and the two former satellite units (Ryan Ranch and Bishop) are included in Cal-Am's total production in the District-wide Production Summary Report (**Exhibit 4-A**) as "Cal-Am Wells Within the Water Resources System". No water was transferred to or from the Hidden Hills Unit and the Toro System in WY 2022.

Three systems operated by the Cañada Woods Water Company (CWWC) are tracked separately in this report but are part of an interconnected system. Cañada Woods Alluvial, Cañada Woods Upland and Monterra Ranch WDSs have been merged into the CWWC WDS since WY 2005, although they are still reported separately here to facilitate comparisons from one year to another. Production shown in **Exhibit 3-A** for Monterra Ranch includes water produced from wells that was sent to the system's reverse osmosis (RO) desalination plant and un-treated water that was produced for non-potable purposes. Consumption losses for the CWWC include water line flushing and unmetered construction and irrigation uses. Beginning in WY 2010, the system loss calculation was revised by CWWC to present a single composite system loss value.

District-wide - Total WDS production within the District for WY 2022 was 10,235 AF. Of this total, the Cal-Am Main System (including the Bishop, Hidden Hills and Ryan Ranch Units) accounted for 92% of the water produced by WDSs within the District. The other 151 systems

accounted for the remaining nine percent of production. Total WDS production for WY 2022 is 118 AF (1.1%) less than the production reported for WY 2021. During WY 2022, Cal-Am's Main System production decreased by 159 AF (1.0%), while reported non-Cal-Am WDS production decreased by 21 AF (16.8%), relative to production in WY 2021.

Monterey Peninsula Water Resources System (MPWRS) - Total WDS production from the MPWRS, which includes the Carmel River and its tributaries, the Carmel Valley Alluvial Aquifer, the Seaside Groundwater Basin was 9,865 AF in WY 2022. The comparisons below include production from Cal-Am's satellite systems (Bishop, Hidden Hills and Ryan Ranch Units) that derive their source of supply from the Laguna Seca Subarea (LSS) of the Seaside Groundwater Basin. The LSS was added to the MPWRS with the adoption of Ordinance No. 135 on September 22, 2008. Total WDS production within the MPWRS decreased by 99 AF (1.0%) in WY 2022 compared to production in WY 2021. In WY 2022, production by Cal-Am from within the MPWRS (including Bishop, Hidden Hills and Ryan Ranch Units) decreased by 147 AF (1.5%) and the combined production from 24 other active systems within the MPWRS increased by 186 AF (50.3%), relative to production reported for WY 2021.

EXHIBITS

- 3-A** Water Production Summary Report for Water Distribution Systems for Water Year 2022
- 3-B** Water Production Summary Report for Water Distribution Systems for Water Year 2021

EXHIBIT 3-A

WATER DISTRIBUTION SYSTEM REPORT – WATER YEAR 2022

Notes:

1. Information shown is as provided by system owners and operators unless otherwise noted.
2. Methods for reporting production are either Land Use (LU) or Water Meter (WM).
3. The source areas are as follows:
 AS1 – Upper Carmel Valley – San Clemente Dam to Esquiline Bridge
 AS2 – Mid Carmel Valley – Esquiline Bridge to Narrows
 AS3 – Lower Carmel Valley – Narrows to Via Mallorca Bridge
 AS4 – Via Mallorca Bridge to Lagoon
 SCS – Seaside Coastal Subareas
 CAC – Cachagua
 CVU – Carmel Valley Upland
 LSS – Laguna Seca Subarea
 MIS – Peninsula, Carmel Highlands and San Jose Creek areas
4. California American Water (Cal-Am) Main System production includes 4,506.33 AF from Seaside coastal wells and 4,084.89 AF from Carmel Valley wells. 17.29 AF of water was transferred to the Seaside Municipal Water System in WY 2022. The Ryan Ranch and Bishop Units were added to the Main System and the Intertie was opened in December 2020. No water was produced from Bishop or Ryan Ranch in WY 2022. 120.10 AF of potable water were produced by the City of Sand City Desalination Plant, provided to the main system, and are shown on the Water Distribution System Report. That amount, however, is subtracted from the total production for all systems as it is included as a component of production for the Cal-Am Main System. 70.55 AF of water was provided for injection to ASR wells in the Seaside Basin from Cal-Am wells in Carmel Valley. None of the injected ASR water was recovered from Seaside coastal wells in WY 2022. 3,683.28 AF of water was recovered from Pure Water Monterey in WY 2022.
5. Cal-Am’s main system deliveries total 8,563.00 AF. This total was derived as shown:

<u>Reported Cal-Am Consumption</u>	
<u>Water Year 2022 (AF)</u>	
City Total	5,749.42
County Total	2,654.33
CV Irrigation	0.13
Bishop and Ryan Ranch	159.12
Total	8,563.00
6. N.A. refers to data that are not available and N.R. refers to systems that did not report.
7. The Mal Paso WDS was approved in WY 2016, which also required an amendment to the CAW WDS that occurred at the end of WY 2015. 13.77 AF of potable water were produced by the from the Mal Paso well in WY 2022, provided to the main system, and are shown on the Water Distribution System Report. That amount is subtracted from the total production for all systems as it is included as a component of production for the Cal-Am Main System.
8. The names of Cachagua Road #1 and #2 were switched in Reporting Year 1999 to agree with records of the Monterey County Department of Health. Older District records have the names of these two systems reversed.
9. Bishop Unit is operated by Cal-Am; acquired July 1999. An amendment to Cal-Am’s WDS Permit allowed for the permanent intertie of Bishop Unit to the Main Cal-Am System in December 2020.
10. The Ryan Ranch Unit is owned and operated by Cal-Am. The amendment to Cal-Am’s WDS Permit allowed for the permanent intertie of Bishop Unit to the Main Cal-Am System in December 2020.
11. Hidden Hills was formerly referred to as Carmel Valley Mutual. It was annexed to Cal-Am in 1993. In WY 2022, no water was transferred to or from the Toro System and Hidden Hills.
12. Rancho Fiesta has been operated by Cal-Am for over 25 years; all production and delivery is by the main Cal-Am system. Accordingly, the Rancho Fiesta system is not tracked separately in this report.

13. One new WDS was established in during WY 2022. The Carmel Middle School WDS was approved to allow for the emergency replacement of a well overlying the Carmel Valley Alluvial Aquifer. The original well had stopped producing water and was destroyed.
14. Three systems are operated by the Cañada Woods Water Company; Tehama Alluvial, Tehama Upland, and Monterra Ranch. The Monterra Ranch, Cañada Woods North (Upland) and Cañada Woods (Alluvial) WDSs were combined to form the *Cañada Woods Water Company WDS* in 2005, although they are reported separately here to facilitate historical comparisons. Tehama Upland and Monterra Ranch well production is reported in this table as Cañada Woods Upland, and Tehama Alluvial wells are reported as Cañada Woods Alluvial. The wells in these sub-areas are tracked separately here but are part of an interconnected system. Calculations of system losses are complicated by the fact that there is a “two-way double-dual metering system” to track water produced in the Carmel Valley and Del Rey Oaks watersheds and assure extractions from the CVAA remain in Carmel Valley. Consumption loss includes water line flushing and unmetered construction, and irrigation uses. Beginning in 2010, system loss calculations were revised by CWWC to present a single composite loss value (3.8% in WY 2022).

EXHIBIT 3-B

WATER DISTRIBUTION SYSTEM REPORT – WATER YEAR 2021

Notes:

1. Information shown is as provided by system owners and operators unless otherwise noted.
2. Methods for reporting production are either Land Use (LU) or Water Meter (WM).
3. The source areas are as follows:
 AS1 – Upper Carmel Valley – San Clemente Dam to Esquiline Bridge
 AS2 – Mid Carmel Valley – Esquiline Bridge to Narrows
 AS3 – Lower Carmel Valley – Narrows to Via Mallorca Bridge
 AS4 – Via Mallorca Bridge to Lagoon
 SCS – Seaside Coastal Subareas
 CAC – Cachagua
 CVU – Carmel Valley Upland
 LSS – Laguna Seca Subarea
 MIS – Peninsula, Carmel Highlands and San Jose Creek areas
4. California American Water (Cal-Am) Main System production includes 4,506.33 AF from Seaside coastal wells and 4,836.47 AF from Carmel Valley wells. No water was transferred to the Seaside Municipal Water System in WY 2021. No water was transferred from Carmel valley to the Ryan Ranch Unit in 2021. 131.49 AF of potable water were produced by the City of Sand City Desalination Plant, provided to the main system, and are shown on the Water Distribution System Report. That 131.49 AF, however, is subtracted from the total production for all systems as it is included as a component of production for the Cal-Am Main System. 66.06 AF of water was provided for injection to ASR wells in the Seaside Basin from Cal-Am wells in Carmel Valley. None of the injected ASR water was recovered from Seaside coastal wells in WY 2021. 3,027.17 AF of water was recovered from Pure Water Monterey in WY 2021.
5. Cal-Am’s main system deliveries total 8,543.82 AF. This total was derived as shown:

<u>Reported Cal-Am Consumption</u>	
<u>Water Year 2021 (AF)</u>	
City Total	5,835.22
County Total	2,708.58
subtotal	8,543.80
CV Irrigation	0.02
Total	8,543.82

6. N.A. refers to data that are not available and N.R. refers to systems that did not report.
7. The Mal Paso WDS was approved in WY 2016, which also required an amendment to the CAW WDS that occurred at the end of WY 2015. 43.43 AF of potable water were produced by the from the Mal Paso well in WY 2021, provided to the main system, and are shown on the Water Distribution System Report. That amount is subtracted from the total production for all systems as it is included as a component of production for the Cal-Am Main System. Also, the Monterra Ranch, Cañada Woods North (Upland) and Cañada Woods (Alluvial) WDSs were combined to form the *Cañada Woods Water Company WDS* in 2005, although they are reported separately here to facilitate historical comparisons.
8. The names of Cachagua Road #1 and #2 were switched in Reporting Year 1999 to agree with records of the Monterey County Department of Health. Older District records have the names of these two systems reversed.
9. Bishop Unit is operated by Cal-Am; acquired July 1999.
10. Rancho Fiesta has been operated by Cal-Am for over 25 years; all production and delivery is by the main Cal-Am system. Accordingly, the Rancho Fiesta system is not tracked separately in this report.
11. Hidden Hills was formerly referred to as Carmel Valley Mutual. It was annexed to Cal-Am in 1993. In WY 2021, 2.13 AF of water was transferred from the Toro System to Hidden Hills.
12. The Ryan Ranch Unit is owned and operated by Cal-Am. No water produced by wells in Cal-Am’s Main System was delivered to the Ryan Ranch Unit in WY 2021.
13. Two amendments to WDS permits were approved in WY 2021. One authorized the Wolter Properties LLC WDS to provide up to 39.41 AF per year to serve nine parcels in Carmel Valley, and the other amended

Cal-Am's WDS to allow for up to 0.55 AF of Mal Paso Entitlement water to be delivered to two parcels in Carmel Valley owned by Moo Land Incorporated. Two amendments to Cal-Am's WDS permit were approved in WY 2020; the Cal-Am Bishop/Ryan Ranch WDS and the McIntosh WDS. The first allowed a permanent interconnection between the Bishop and Ryan Ranch Units and the Cal-Am Main System, a practice had been going on intermittently for years and has always been tracked in this note. The latter allows for delivery of Cal-Am Main System water to specific parcels in the Bishop/McIntosh subdivision as previously approved by the Seaside Basin Watermaster.

14. Three systems that are operated by the Cañada Woods Water company are tracked separately in this table but are part of an interconnected system. For the CWWC, consumption loss includes water line flushing and unmetered construction, and irrigation uses. Beginning in 2010, system loss calculations were revised by CWWC to present a single composite loss value.

ITEM: CONSENT CALENDAR**4. RECEIVE AND FILE DISTRICT-WIDE ANNUAL WATER PRODUCTION SUMMARY REPORT FOR WATER YEAR 2022**

Meeting Date:	April 17, 2023	Budgeted:	N/A
From:	David Stoldt, General Manager	Program/ Line Item No.:	Hydrologic Monitoring N/A
Prepared By:	Thomas Lindberg	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: Staff has prepared a draft Water Production Summary Report of all registered production sources, i.e., wells and surface water diversions, within the Monterey Peninsula Water Management District (District) for Water Year (WY) 2022. WY 2022 covers the 12-month period from October 1, 2021, through September 30, 2022. Preliminary computations indicate that 13,831 acre-feet (AF) of groundwater were produced from registered wells in the District during WY 2022 (**Exhibit 4-A**). In addition, 109 AF of surface water were diverted by private users. Combined surface and groundwater production from all sources within the District in WY 2022 was calculated at 13,940 AF. This report presents comparisons of California American Water (Cal-Am) and non-Cal-Am production in WY 2022 and WY 2021 and compares production with the District's current water allocation program limits.

RECOMMENDATION: This report is for informational purposes only. The Board should review the draft summary report and provide staff with any comments or questions. Staff will complete and file the final report, incorporating any late revisions, if this item is approved with the Consent Calendar.

BACKGROUND: District Rules and Regulations require well owners and operators to submit annual water production information to the District. Well production is calculated by either the Land Use or Water Meter reporting method and is described below.

Number of Wells – Presently, there are 1,304 registered wells in the District. Of this total, 871 wells are active, and 413 wells are inactive. A well is considered active if it has produced any water in the last reporting period, i.e., WY 2021. Information on 20 remaining registered wells is not available because reporting forms were not returned by owners of those wells prior to preparation of this report.

Data Adjustments – For certain wells, staff estimated actual production to more accurately quantify water produced during WY 2022. Data adjustments were required to estimate water production from 123 wells that had either incomplete water meter records or reported water

production for a period longer than the water year. Production from metered wells with incomplete records was estimated by using generalized non-Cal-Am monthly distribution factors developed by staff. In 72 cases, production records were incomplete because reported meter readings covered a period shorter than WY 2022. Three of those records were incomplete because meters were not working or were replaced or repaired after the start of WY 2022. The application of monthly distribution factors allowed staff to reasonably account for the percentage of production that was not reported for each of these wells, which was then added to the annual total for these wells. There were 51 cases in which production was reported for a period longer than 12 months. Estimates of the amounts that were over-reported were made based on the monthly distribution factors. These amounts were then subtracted from the reported totals. There were also three cases where adjustments were made due to “order of magnitude issues” resulting from well owners incorrectly reading their water meters.

District-wide Production - Preliminary production values for WY 2022 are summarized by reporting method (i.e., Water Meter or Land Use), reporting status (i.e., active, inactive, or not reporting), and source area in **Exhibit 4-A**. For comparison, production values for WY 2021 are presented in **Exhibit 4-B**. The various source areas are shown in **Exhibit 4-C**. The volume of water produced from each source area is shown in **Exhibit 4-D**. The number of active non-Cal-Am wells and the volume of water produced by each reporting method from WY 2005 through WY 2022 are shown in **Exhibit 4-E**.

District-wide, total water production decreased by 489 AF (3.4%) in WY 2022 compared to WY 2021. Specifically, groundwater withdrawals decreased by 526 AF (3.7%), while surface diversions increased by 50.1 AF (85.3 %). No surface water has been diverted within the Cal-Am main system since WY 2003 because of seismic safety and sedimentation concerns at San Clemente Dam and Reservoir. San Clemente dam was removed in 2015.

Monterey Peninsula Water Resources System (MPWRS) – The MPWRS includes surface water in the Carmel River and its tributaries, and groundwater in the Carmel Valley alluvial aquifer, coastal subareas of the Seaside Groundwater Basin, including the Laguna Seca Subarea (LSS) of the Seaside Groundwater Basin. Overall water production within the MPWRS in WY 2022 decreased by 424 AF (3.2%) compared to WY 2021. Specifically, Cal-Am production in WY 2022 decreased by 15 AF (0.2%), and non-Cal-Am well production decreased by 408 AF (11.0%). Cal-Am production from Carmel Valley decreased 685 AF (14.4%), and Cal-Am production from the Seaside Basin increased by 670 AF (14.3%). Non-Cal-Am production from Carmel Valley decreased by 397 AF (13.3%) compared to WY 2021, and non-Cal-Am production from the Seaside Basin decreased by 12 AF (1.6%). In WY 2022, 120 AF of potable water that was produced by the City of Sand City Desalination Plant was added to Cal-Am production because it was delivered to the Cal-Am main system.

In WY 2022, 70 AF were diverted from Cal-Am well sources in Carmel Valley for injection at the Aquifer Storage and Recovery (ASR) Projects in the Seaside Basin. No recovery water was produced for Cal-Am Customer Service in WY 2022. For reference, since the District’s Seaside ASR Program began testing in WY 1998 through the end of WY 2022, a total of 10,949 AF has been injected into the Seaside Basin.

Water Allocation Program – With respect to the District’s Water Allocation Program limits, Cal-Am production from the MPWRS in WY 2022 was 9,449 AF, or 8,192 AF (46.4%) less than the Cal-Am production limit of 17,641 AF that was established with the adoption of Ordinance No. 87 in 1997. Non-Cal-Am production within the MPWRS in WY 2022 was 3,298 AF, or 252 AF (8.3%) greater than the non-Cal-Am production limit of 3,046 AF established by Ordinance No. 87. Combined production from Cal-Am and non-Cal-Am sources within the MPWRS was 12,747 AF in WY 2022, which is 7,940 acre-feet (38.4%) less than the 20,687 acre-feet production limit set for the MPWRS as part of the District’s Water Allocation Program. Therefore, no action is necessary at this time, although staff will continue to monitor production trends within the MPWRS and District-wide. A comparison of reported water production from the MPWRS in Reporting Year 1997, WY 2007, and WY 2022 relative to the District’s Water Allocation limits is presented in **Exhibit 4-F**. 1997 was the last time the production limits were adjusted. Prior to 2008, the LSS was not included in the MPWRS, but was added with the adoption of Ordinance 135 on September 22, 2008. However, the production limits in the District’s Allocation Program did not change. Production from the MPWRS in RY 1997 and WY 2007 presented in **Exhibit 4-F** has been adjusted to include production from the LSS. Production from non-Cal-Am sources has not fluctuated a great deal, and since production from LSS is included, non-Cal-Am production has been over the production limit several years. Historical Cal-Am production presented in **Exhibit 4-F** was also adjusted to include production from the LSS. Cal-Am production from the MPWRS has greatly decreased, and since Cal-Am represents such a large portion of total production, combined production from Cal-Am and non-Cal-Am sources has also decreased over the last several years.

Lastly, it should be noted that 99% of the groundwater production within the District was reported by the water meter method in WY 2022. In addition, 98% of registered well owners in the District reported annual water production or had their meters read by District staff in WY 2022.

EXHIBITS

- 4-A** District-wide Water Production Summary for Water Year 2022
- 4-B** District-wide Water Production Summary for Water Year 2021
- 4-C** MPWMD Water Production Source Areas Water Year 2022
- 4-D** Water Production by Source Area for Water Year 2022
- 4-E** District-wide Production and Number of Wells by Reporting Method for non-Cal-Am Wells in WY 2005 through WY 2022
- 4-F** Comparison of Reported Production to Production Limits within the MPWRS in RY 2007, WY 2007, and WY 2022

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
DRAFT WATER PRODUCTION SUMMARY FOR WATER YEAR 2022**

SOURCE AREAS ^{1,2}	NON CAW (NON CAL-AM) WELLS						CAW (CAL-AM) WELLS		AQUIFER SUBUNIT TOTALS	
	WATER METER		LAND USE		SUB-TOTAL		WATER METER		NO. OF WELLS	PRODUCTION (AF)
	NO. OF WELLS	PRODUCTION (AF) ³	NO. OF WELLS	PRODUCTION (AF)	NO. OF WELLS	PRODUCTION (AF)	NO. OF WELLS	PRODUCTION (AF)		
AS1	10	62.9	1	0.1	11	62.9	0	0.0	11	62.9
AS2	60	168.3	24	24.7	84	193.0	4	58.4	88	251.4
AS3	143	1,580.9	36	23.6	179	1,604.4	8	⁵ 3,411.4	187	5,015.8
AS4	27	184.6	2	0.4	29	185.0	2	615.2	31	800.2
SCS	10	704.9	2	1.3	12	706.2	7	5,176.4	19	5,882.6
LSS	10	533.3	1	2.8	1	536.1	4	187.8	5	723.9
CAC	10	48.5	6	8.0	16	56.5	0	0.0	16	56.5
CVU	326	534.1	42	34.4	368	568.5	0	0.0	368	568.5
MIS	136	343.3	10	5.5	146	348.9	0	0.0	146	348.9
ACTIVE	732	4,160.7	124	100.8	856	4,261.5	25	9,449.2	871	13,710.7
INACTIVE	371		32		403		10		413	
NOT REPORTING	13		7		20		0		20	
SAND CITY DESAL							0	120.1		adjusted for SC desal
METHOD TOTALS:	1,116	4,160.7	163	100.8	1,279	4,261.5	35	9,569.3	1,304	13,830.8

NOTES:

1. Shaded areas indicate production within the Monterey Peninsula Water Resources System. The LSS was added to the Monterey Peninsula Water Resources System in September 2008.
2. CAW - California American Water
3. Source areas are as follows:
 AS1 - UPPER CARMEL VALLEY - San Clemente Dam to Esquiline Bridge
 AS2 - MID CARMEL VALLEY - Esquiline Bridge to Narrows
 AS3 - LOWER CARMEL VALLEY - Narrows to Via Mallorca Bridge
 AS4 - LOWER CARMEL VALLEY - Via Mallorca Bridge to Lagoon
 SCS - SEASIDE COASTAL SUBAREAS
 LSS - LAGUNA SECA SUBAREA (Ryan Ranch Area is within LSS)
 CAC - CACHAGUA CREEK and UPPER WATERSHED AREAS
 CVU - CARMEL VALLEY UPLAND - Hillsides and Tularcitos Creek Area
 MIS - PENINSULA, CARMEL HIGHLANDS AND SAN JOSE CREEK AREAS
4. Any minor numerical discrepancies in addition are due to rounding.
5. 70.55 AF is included in CAW production from AS3 to account for water delivered to ASR in WY 2022.
6. In Water Year 2022, this total includes water produced in both SCS and LSS, and does not include 3,0683.28 AF of Pure Water Monterey water that was recovered for customer service. No water was recovered from ASR this year.
7. The Ryan Ranch and Bishop Units of CAW became part of the CAW Main System in WY 2021. 17.29 AF of water was transferred to the City of Seaside in Water Year 2022.

DISTRICT-WIDE PRODUCTION	
SURFACE WATER DIVERSIONS:	
CAW Diversions (San Clemente Dam):	0.0
Non Cal-Am Diversions Within MPWRS:	10.4
CAW WELLS:	
⁶ SEASIDE:	5,364.3
CARMEL VALLEY:	4,084.9
Within the Water Resources System:	9,449.2
Outside the Water Resources System:	0.0
Sand City Desal	120.1
⁷ CAW TOTAL, Wells and Diversion:	9,569.3
NON CAW WELLS:	
Within the Water Resources System:	3,287.6
Outside the Water Resources System:	973.9
Non Cal-Am Diversions Outside the MPWRS:	98.4
NON CAW TOTAL, Wells and Diversion:	4,370.3
GRAND TOTAL:	13,939.5

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
DRAFT WATER PRODUCTION SUMMARY FOR WATER YEAR 2021**

SOURCE AREAS ^{1,2}	NON CAW (NON CAL-AM) WELLS						CAW (CAL-AM) WELLS		AQUIFER SUBUNIT TOTALS	
	WATER METER		LAND USE		SUB-TOTAL		WATER METER		NO. OF WELLS	PRODUCTION (AF)
	NO. OF WELLS	PRODUCTION (AF) ³	NO. OF WELLS	PRODUCTION (AF)	NO. OF WELLS	PRODUCTION (AF)	NO. OF WELLS	PRODUCTION (AF)		
AS1	9	81.7	1	0.1	10	81.8	0	0.0	10	81.8
AS2	63	392.4	25	24.7	88	417.2	4	347.7	92	764.9
AS3	137	1,907.9	37	24.2	174	1,932.1	8	⁵ 3,509.2	182	5,441.3
AS4	26	202.4	3	0.5	29	202.9	2	913.5	31	1,116.4
SCS	12	716.6	2	1.3	14	717.8	7	4,506.3	21	5,224.2
LSS	9	342.8	1	2.8	10	345.5	4	187.8	14	533.4
CAC	7	25.8	6	8.5	13	34.3	0	0.0	13	34.3
CVU	317	631.0	42	34.4	359	665.3	0	0.0	359	665.3
MIS	137	369.8	10	5.5	147	375.4	0	0.0	147	375.4
ACTIVE	717	4,670.4	127	101.9	844	4,772.3	25	9,464.6	869	14,236.9
INACTIVE	378		30		408		6		414	
NOT REPORTING	13		9		22		0		22	
SAND CITY DESAL							0	131.5		adjusted for SC desal
METHOD TOTALS:	1,108	4,670.4	166	101.9	1,274	4,772.3	31	9,596.0	1,305	14,368.4

NOTES:

- Shaded areas indicate production within the Monterey Peninsula Water Resources System. The LSS was added to the Monterey Peninsula Water Resources System in September 2008.
- CAW - California American Water
- Source areas are as follows:
 AS1 - UPPER CARMEL VALLEY - San Clemente Dam to Esquiline Bridge
 AS2 - MID CARMEL VALLEY - Esquiline Bridge to Narrows
 AS3 - LOWER CARMEL VALLEY - Narrows to Via Mallorca Bridge
 AS4 - LOWER CARMEL VALLEY - Via Mallorca Bridge to Lagoon
 SCS - SEASIDE COASTAL SUBAREAS
 LSS - LAGUNA SECA SUBAREA (Ryan Ranch Area is within LSS)
 CAC - CACHAGUA CREEK and UPPER WATERSHED AREAS
 CVU - CARMEL VALLEY UPLAND - Hillsides and Tularcitos Creek Area
 MIS - PENINSULA, CARMEL HIGHLANDS AND SAN JOSE CREEK AREAS
- Any minor numerical discrepancies in addition are due to rounding.
- 66.06 AF is included in CAW production from AS3 to account for water delivered to ASR in WY 2021.
- In Water Year 2021, this total includes water produced in both SCS and LSS, and does not include 3,027.17 AF of Pure Water Monterey water that was recovered for customer service. No water was recovered from ASR this year.
- No water was transferred to Ryan Ranch from the CAW Main System in WY 2021. No water was delivered to Seaside Municipal System in WY 2021.

DISTRICT-WIDE PRODUCTION

SURFACE WATER DIVERSIONS:

CAW Diversions (San Clemente Dam):	0.0
Non Cal-Am Diversions Within MPWRS:	9.4

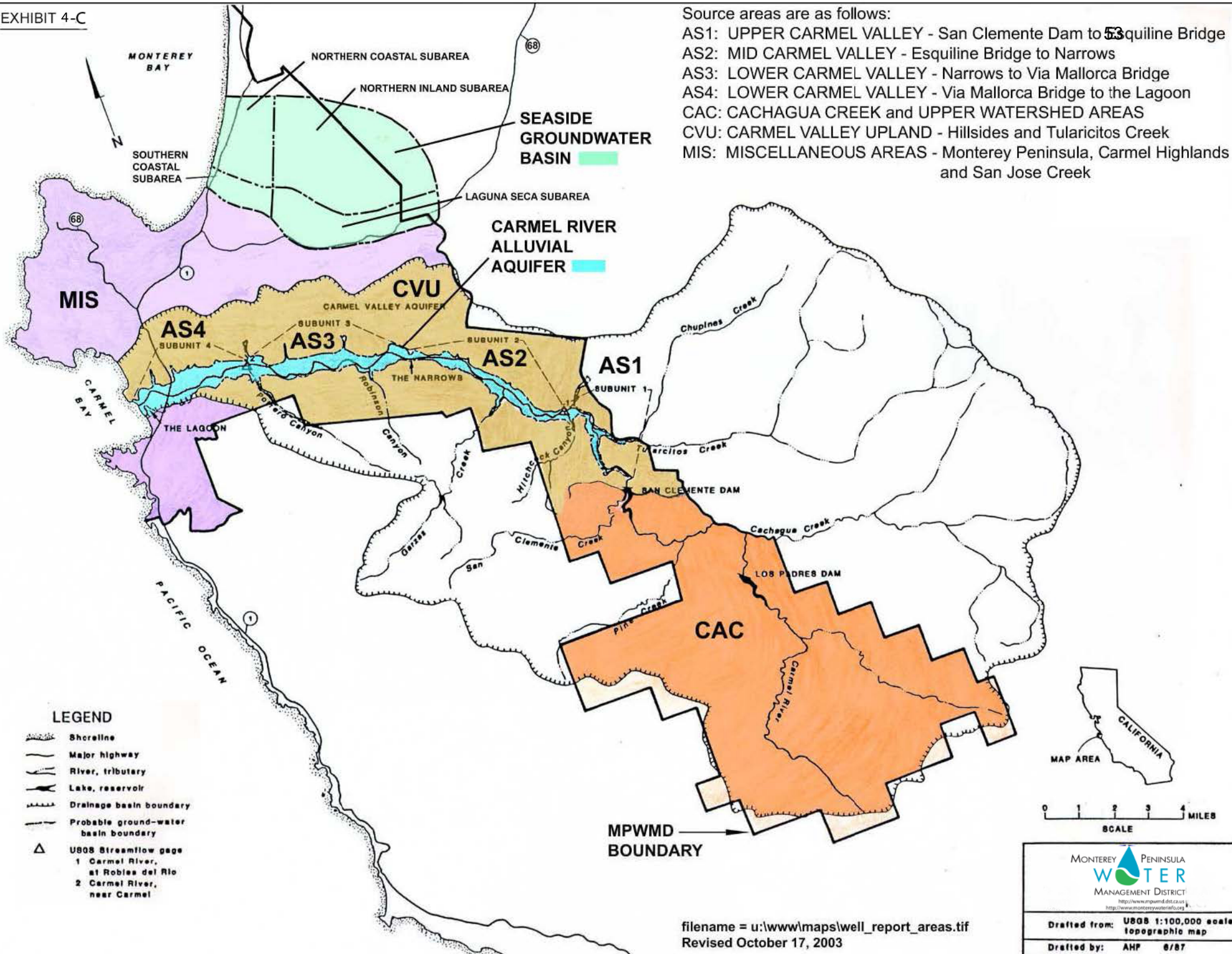
CAW WELLS:

⁶ SEASIDE:	4,694.1
CARMEL VALLEY:	4,770.4
Within the Water Resources System:	9,464.6
Outside the Water Resources System:	0.0
Sand City Desal	131.5
⁷ CAW TOTAL, Wells and Diversion:	9,596.0

NON CAW WELLS:

Within the Water Resources System:	3,697.4
Outside the Water Resources System:	1,075.0
Non Cal-Am Diversions Outside the MPWRS:	50.7
<i>NON CAW TOTAL, Wells and Diversion:</i>	4,823.4

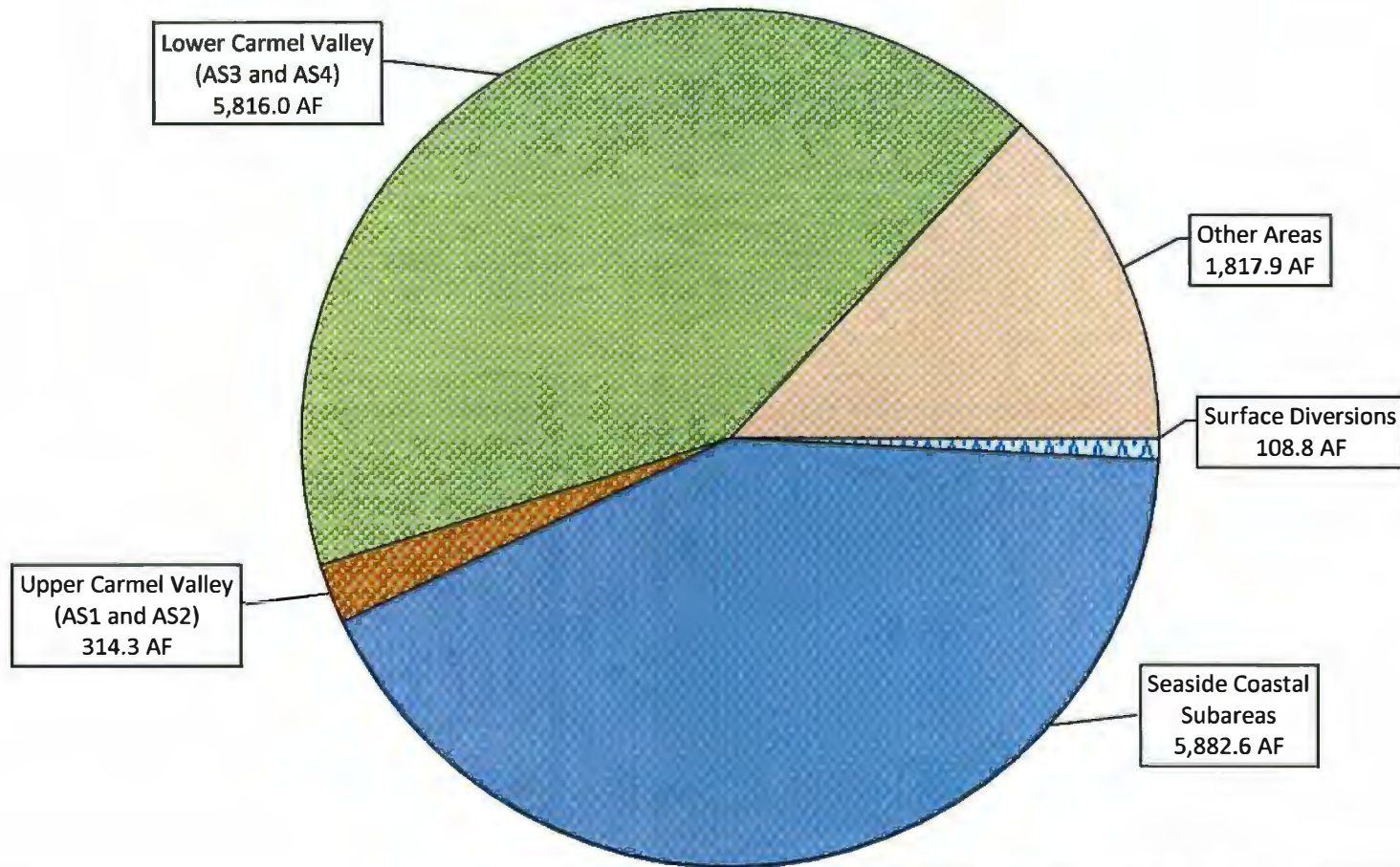
GRAND TOTAL: 14,428.5

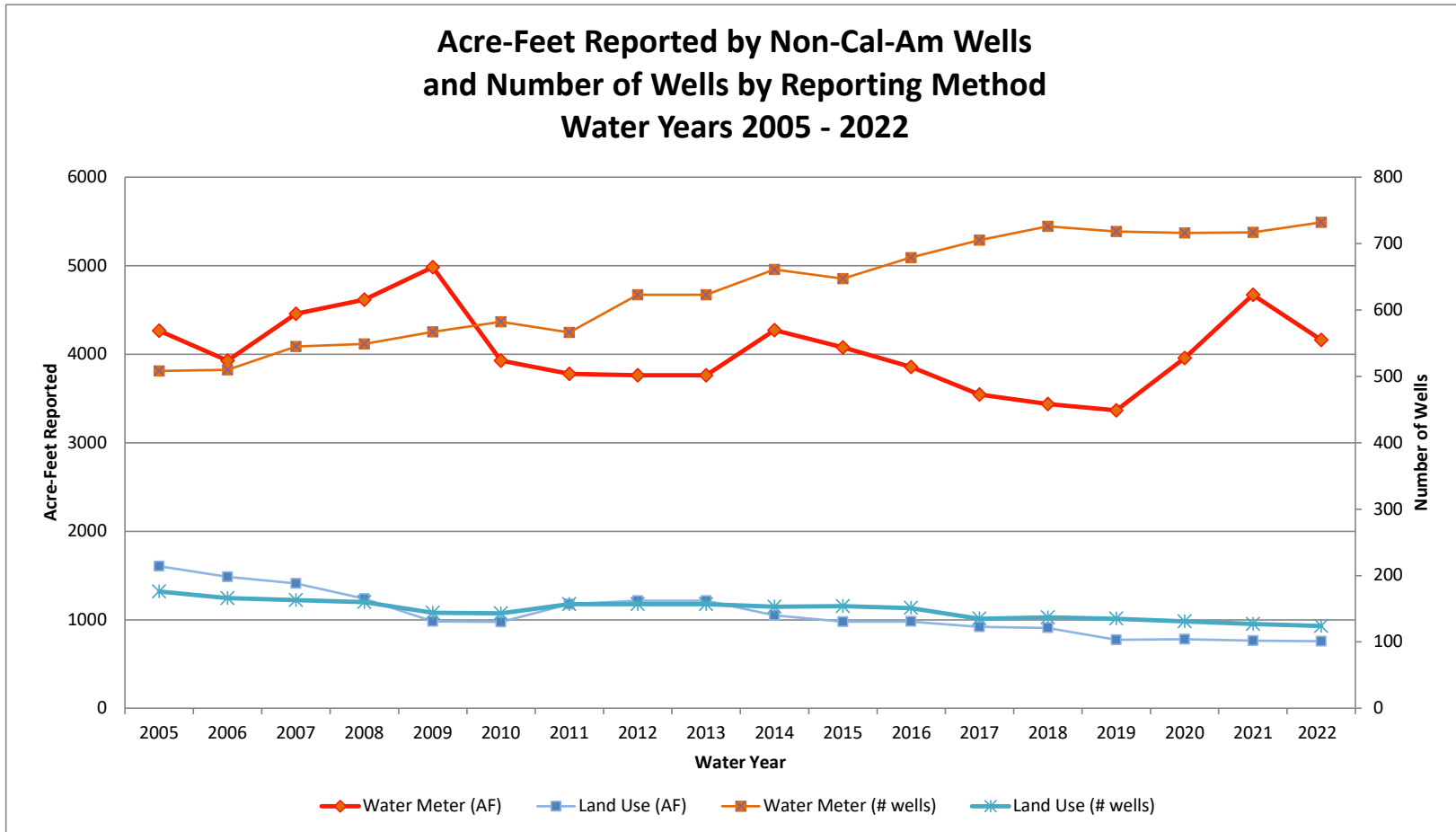


MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

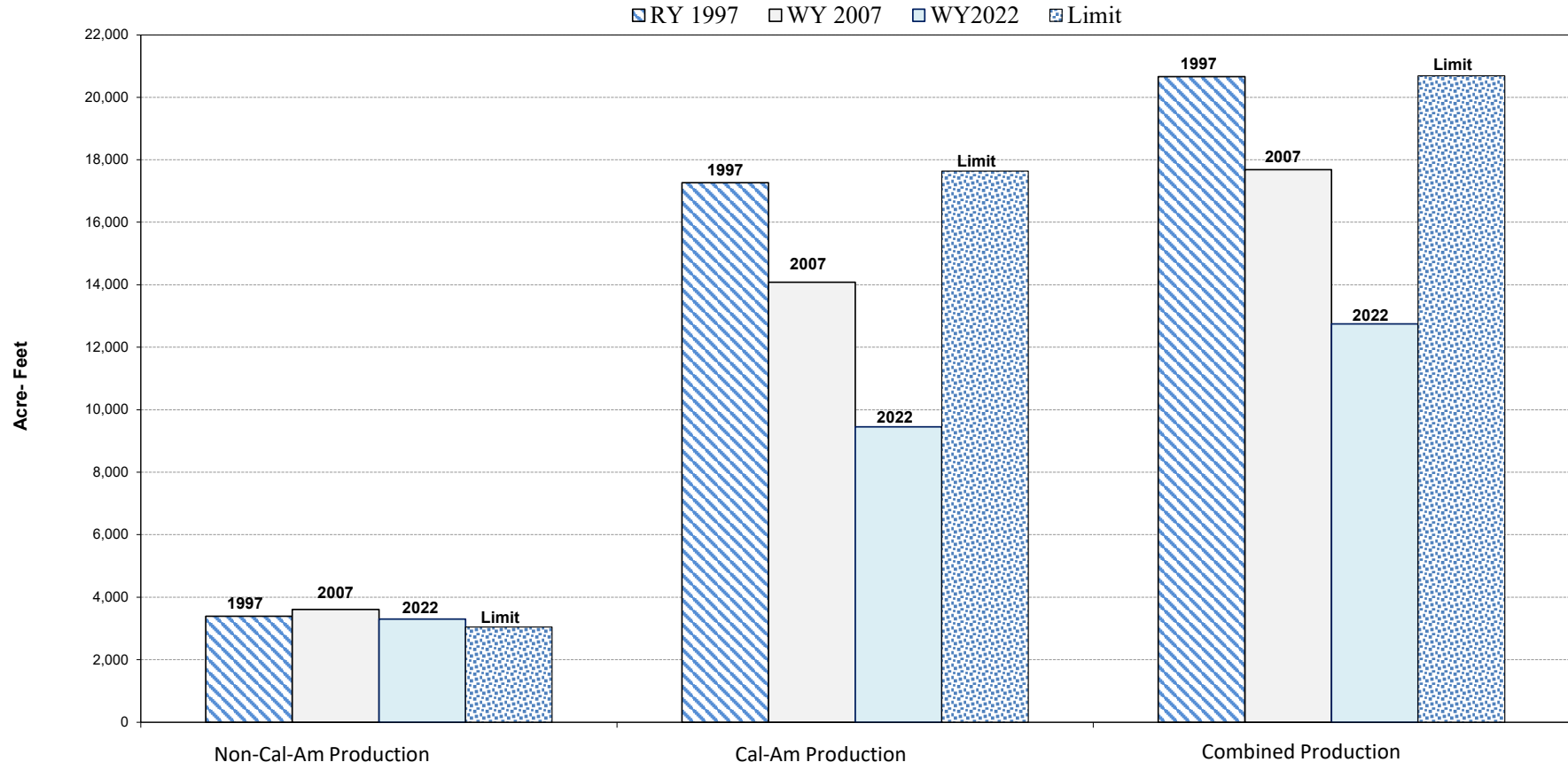
WATER PRODUCTION BY SOURCE AREA
WATER YEAR 2022

TOTAL PRODUCTION = 13,940 Acre-Feet (AF)





**Comparison of Reported Production to Allocation Limits
within the Monterey Peninsula Water Resources System
Reporting Year 1997, Water Year 2007 and Water Year 2022**



ITEM: CONSENT CALENDAR**5. RECEIVE FISCAL YEAR 2021-2022 MITIGATION PROGRAM ANNUAL REPORT****Meeting Date:** April 17, 2023 **Budgeted:** N/A**From:** David J. Stoldt
General Manager **Program/** N/A
Line Item No.:**Prepared By:** Thomas Christensen **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY AND RECOMMENDATION: The Board should receive and review the Executive Summary for the 2021-2022 Mitigation Program Annual Report. If adopted along with the Consent Calendar, the full report will incorporate any comments if needed and be finalized so it can be distributed to interested agencies and posted to the District's website for public availability. The Executive Summary provides an overview of the major accomplishments, conclusions and/or recommendations. The Executive Summary for the 2021-2022 Mitigation Program Annual Report is attached as **Exhibit 5-A**.

The annual report primarily reviews Monterey Peninsula Water Management District (MPWMD or District) activities that address the effects of community water use on the Carmel River environment in the Fiscal Year (FY), defined as the 12-month period from July 1, 2021 through June 30, 2022. Please note that hydrologic data and well production reporting data are described for Water Year 2022 (October 1, 2021 through September 30, 2022). Use of the Water Year format for these data is consistent with reporting required by the State Water Resources Control Board (SWRCB) and Seaside Basin Watermaster.

This report is the 31st annual report since the Mitigation Program Plan was adopted by the District Board in November 1990, as part of the certification of the MPWMD Water Allocation Environmental Impact Report (Water Allocation EIR), in compliance with the California Environmental Quality Act (CEQA). Copies of the full annual report will be provided to the Board members upon request, and will be provided to the required resource agencies and other interested parties as needed.

BACKGROUND: On November 5, 1990, the Water Allocation EIR was certified by the MPWMD Board. The Board also adopted findings, and passed a resolution that set Option V as the new water allocation limit. Option V resulted in a production limit of 16,744 acre-feet per year (AFY) for the California American Water (Cal-Am) system. Subsequently, this amount was increased to 17,641 AFY based on new supply provided by the completion of the Paralta Well in Seaside in 1993, and other changes since 1993. On October 20, 2009, the SWRCB issued Order 2009-0060, the "Cease and Desist Order" (CDO) against Cal-Am. The CDO refers to the 1995 SWRCB Order 95-10, noting that compliance with Order 95-10 had not yet been

achieved. The CDO institutes a series of cutbacks to Cal-Am production from the Carmel River system and prohibits new or intensified connections in the Cal-Am main system. The CDO reduced the upper limit of diversion from the Carmel River previously set by Order 95-10 at 11,285 AFY to 10,429 AFY beginning in WY 2010, with additional annual reductions thereafter. In 2016, the SWRCB issued State Board Order 2016-0016 changing the production limit on the Carmel River to 8,310 AFY. This was reduced further in WY 2021 to 7,310 AFY. The current limit in WY 2023 is 3,376 AFY, which is Cal-Am's recognized legal diversion from the Carmel Valley Alluvial Aquifer.

The Water Allocation EIR determined that even though Option V is the least damaging alternative of the five options analyzed, production at this level still may result in significant, adverse, environmental impacts that must be mitigated. Thus, the CEQA Findings adopted by the Board in 1990 included a "Five-Year Mitigation Program for Option V" and several general mitigation measures. The Five-Year Mitigation Program formally began in July 1991 with the new fiscal year and was slated to run until June 30, 1996. Following public hearings in May 1996 and District Board review of draft reports through September 1996, the Five-Year Evaluation Report for the 1991-1996 comprehensive program, as well as an Implementation Plan for FY 1997 through FY 2001, were finalized in October 1996. In its July 1995 Order WR 95-10, the SWRCB ordered Cal-Am to carry out any aspect of the "Five-Year Mitigation Program for Option V" that the District does not continue after June 1996. To date, as part of its annual budget approval process, the District Board has voted to continue the program. The Mitigation Program presently accounts for a significant portion of the District budget in terms of revenue and expenditures.

For projects or programs that entail significant adverse impacts, CEQA requires that an annual report be prepared documenting: (1) the actual mitigation activities that were carried out by the lead agency, and (2) the effectiveness of the mitigation activities, as measured via a monitoring program. The Water Allocation Mitigation Report responds to these requirements.

The 2021-2022 report reviews District activities relating to water supply and demand, followed by mitigation measures for specific environmental impacts. It also provides a summary of costs for the Mitigation Program as well as references. For each topic, the mitigation measure adopted as part of the certified Allocation EIR is briefly described, followed by a summary of activities carried out that relate to the topic. Monitoring results, where applicable, are then presented. Finally, a summary of conclusions, and/or recommendations are provided, where pertinent.

IMPACT ON STAFF/RESOURCES: Mitigation Program costs for FY 2021-2022 totaled approximately \$3.46 million including direct personnel expenses, operating costs, project expenditures, capital equipment, and fixed asset purchases. The annual cost of mitigation efforts varies because several mitigation measures are weather dependent. Expenditures in FY 2021-2022 were \$0.813 million higher than the prior fiscal year due to increase in Mitigation Program costs related to projects that were completed during the current fiscal year. However, the overall costs have remained constant (average of \$3.254 million per year) for last five years. In the past, expenditures had trended upward due to expenditures for the Aquifer Storage Recovery (ASR) Project. ASR Project costs are no longer captured under Mitigation Program Costs. FY 2019-2020 expenditures were \$3.19 million; and FY 2020-2021 expenditures were \$2.65 million.

During FY 2021-2022, revenues totaled \$4.13 million including user fees, grant receipts, investment income, project reimbursements, and miscellaneous revenues. The Mitigation Program Fund Balance as of June 30, 2022, was \$6.953 million.

EXHIBIT

5-A Executive Summary for 2021-2022 Annual Mitigation Report

EXHIBIT 5-A**2021-2022 ANNUAL REPORT****(July 1, 2021 - June 30, 2022)****MPWMD MITIGATION PROGRAM
WATER ALLOCATION PROGRAM ENVIRONMENTAL IMPACT REPORT****MONTEREY PENINSULA WATER MANAGEMENT DISTRICT****Prepared April 2023****I. EXECUTIVE SUMMARY****INTRODUCTION AND BACKGROUND:**

In April 1990, the Water Allocation Program Final Environmental Impact Report (EIR) was prepared for the Monterey Peninsula Water Management District (MPWMD or District) by J.L. Mintier and Associates. The Final EIR analyzed the effects of five levels of annual California American Water (CAW or Cal-Am) production, ranging from 16,744 acre-feet per year (AFY) to 20,500 AFY. On November 5, 1990, the MPWMD Board certified the Final EIR, adopted findings, and passed a resolution that set Option V as the new water allocation limit. Option V resulted in an annual limit of 16,744 AFY for Cal-Am production, and 3,137 AFY for non-Cal-Am production, with a total allocation of 19,881 AFY for the Monterey Peninsula Water Resource System (MPWRS). The MPWRS is the integrated system of water resources from the Carmel River Alluvial Aquifer and Seaside Groundwater Basin that provide the Monterey Peninsula community's water supply via the Cal-Am water distribution network.

Even though Option V was the least damaging alternative of the five options analyzed in the Water Allocation Program EIR, production at this level still resulted in significant, adverse environmental impacts that must be mitigated. Thus, the findings adopted by the Board included a "Five-Year Mitigation Program for Option V" and associated mitigation measures.

In June 1993, Ordinance No. 70 was passed, which amended the annual Cal-Am production limit from 16,744 AF to 17,619 AF, and the non-Cal-Am limit from 3,137 AF to 3,054 AF; the total production limit was increased from 19,881 AF to 20,673 AF per year due to new supply from the Paralta Well in Seaside. In April 1996, Ordinance No. 83 slightly changed the Cal-Am and non-Cal-Am annual limits to 17,621 AF and 3,046 AF, respectively, resulting in a total limit of 20,667 AFY. In February 1997, Ordinance No. 87 was adopted to provide a special water allocation for the planned expansion of the Community Hospital of the Monterey Peninsula, resulting in a new Cal-Am production limit of 17,641 AFY; the non-Cal-Am limit of 3,046 AFY was not changed. These actions did not affect the implementation of mitigation measures adopted by the Board in 1990.

MPWMD 2022 Mitigation Program Report

The Five-Year Mitigation Program formally began in July 1991 with the new fiscal year (FY) and was slated to run until June 30, 1996. Following public hearings in May 1996 and District Board review of draft reports through September 1996, the Five-Year Evaluation Report for the 1991-1996 comprehensive program, as well as an Implementation Plan for FY 1996-1997 through FY 2000-2001, were finalized in October 1996. In its July 1995 Order WR 95-10, the State Water Resources Control Board (SWRCB) directed Cal-Am to carry out any aspect of the Five-Year Mitigation Program that the District does not continue after June 1996. To date, as part of the annual budget approval process, the District Board has voted to continue the program. The Mitigation Program has accounted for a significant portion of the District's annual budgets in terms of revenue (derived primarily from a portion of the MPWMD user fee on the Cal-Am bill) and expenditures. It should be noted that this fee was removed from Cal-Am's bill in July 2009, resulting from actions subsequent to a California Public Utilities Commission ruling regarding a Cal-Am rate request. Cal-Am continued to pay the Carmel River Mitigation Program fee under a separate agreement with MPWMD through June 2010. The District and Cal-Am have negotiated an annual funding agreement that funded part of the 2016-2017 mitigation program. In April 2017, the MPWMD resumed collection of its user fee from Cal-Am ratepayers. The District's other revenue sources were used to fund the remainder of the program.

The California Environmental Quality Act (CEQA) (Pub. Res. Code 21081.6) requires that the MPWMD adopt a reporting or monitoring program to insure compliance with mitigation measures when implementing the Water Allocation Program. Findings Nos. 387 through 404 adopted by the Board on November 5, 1990 describe mitigation measures associated with the Water Allocation Program; many entail preparation of annual monitoring reports. This 2021-2022 Annual Report for the MPWMD Mitigation Program responds to these requirements. It covers the fiscal year period of July 1 through June 30. It should be noted that hydrologic data and well reporting data in this report are tabulated using the water year, defined as October 1 through September 30, in order to be consistent with the accounting period used by the SWRCB.

This 2021-2022 Annual Report first addresses general mitigation measures relating to water supply and demand (Sections II through XI), followed by monitoring related to compliance with production limits, drought reserve and supply augmentation (Sections XII through XV), followed by mitigations relating to specific environmental resources (Sections XVI through XIX). Section XX provides a summary of costs for the biological mitigation programs as well as related hydrologic monitoring, water augmentation and administrative costs. Section XXI presents selected references.

Table I-1 summarizes the mitigation measures described in this report. In subsequent chapters, for each topic, the mitigation measure adopted as part of the Final EIR is briefly described, followed by a summary of activities relating to the topic in FY 2021-2022 (July 1, 2021 through June 30, 2022, unless otherwise noted). Monitoring results, where applicable, are also presented. Tables and figures that support the text are found at the end of each section in the order they are introduced in the text.

ACCOMPLISHMENTS:

Many activities are carried out as part of the MPWMD Mitigation Program to address the environmental effects that community water use has upon the Carmel River and Seaside Groundwater Basins. Highlights of the accomplishments in FY 2021-2022 for each major category are shown in **Table I-2**.

OBSERVED TRENDS, CONCLUSIONS AND/OR RECOMMENDATIONS:

The following paragraphs describe observed trends (primarily qualitative), conclusions and/or recommendations for the mitigation program. General conclusions are followed by a summary of selected Mitigation Program categories.

General Overview

Overall, the Carmel River environment with respect to riparian vegetation, river flow, and aquifer levels is in better condition today than it was in 1990 when the Allocation Program EIR was prepared. This improvement is evidenced by increased riparian habitat and higher water tables in the Carmel Valley alluvial aquifer. However, the steelhead fishery was rebounding until the onset of the 2012-2015 drought. During and after the drought, steelhead numbers declined to levels similar to those seen in previous droughts. Then in 2017, with abundant winter rains, adult steelhead were observed in the system and the District did not have to rescue juvenile steelhead in the mainstem of the Carmel River. However, rescues were carried out in the tributaries. This was also the case in the summer of 2019. Then in the summer of 2020, 2021, and 2022, because of lower rainfall, rescues resumed in the mainstem of the Carmel River.

The comprehensive MPWMD Mitigation Program is an important factor responsible for helping maintain steelhead populations in the Carmel River. Direct actions such as fish rescues and rearing, and riparian habitat restoration literally enable species to survive and reproduce. Indirect action such as conservation programs, water augmentation, ordinances/regulations and cooperative development of Cal-Am operation strategies result in less environmental impact from human water needs than would occur otherwise. The District's comprehensive monitoring program provides a solid scientific data baseline, and enables better understanding of the relationships between weather, hydrology, human activities and the environment. Better understanding of the MPWRS enables informed decision-making that achieves the District's mission of benefiting the community and the environment.

It is acknowledged that there are other important factors responsible for this improved situation. For example, since Water Year (WY) 1991, the Carmel River has received normal or better runoff in 19 out of 31 years. Actions by federal resource agencies under the Endangered Species Act (ESA) or the SWRCB under its Order WR 95-10 and follow-up orders have provided strong incentive for Cal-Am and other local water producers to examine and amend water production practices to the degree feasible, and for the community to reduce water use. Except for one year in 1997, the community has complied with the production limits imposed on Cal-Am by the SWRCB since Order 95-10 became effective in July 1995.

Despite these improvements, challenges remain due to human influence on the river. The steelhead and red-legged frog remain listed as threatened species under the ESA. At least several miles of the river still dry up in most years, harming habitat for listed fish and frog species. The presence of the one existing dam, floodplain development and water diversions to meet community and local user needs continue to alter the natural dynamics of the river. Streambank restoration projects may be significantly damaged in large winter storm events, and some people continue to illegally dump refuse into the river or alter their property without the proper permits. Thus, the Mitigation Program (or a comprehensive effort similar to it) will be needed as long as significant quantities of water are diverted from the Carmel River and people live in close proximity to it.

Water Resources Monitoring Program

Streamflow and precipitation data continue to provide a scientific basis for management of the water resources within the District. These data continue to be useful in Carmel River Basin planning studies, reservoir management operations, water supply forecast and budgeting, and defining the baseline hydrologic conditions of the Carmel River Basin. Also, the District's streamflow monitoring program continues to produce high quality and cost-effective data.

There is limited storage of surface water on the Carmel River. Los Padres Reservoir, completed in 1948, holds 1,667 AF of storage (without flashboard), based on 2017 survey data. In addition, San Clemente Reservoir (SCR), completed in 1921, was removed in the fall of 2015 by order of the Department of Water Resources (DWR) due to seismic safety concerns.

Groundwater levels, and consequently groundwater storage conditions, in the Carmel Valley Alluvial Aquifer have maintained a relatively normal pattern in recent years, in contrast to the dramatic storage declines that were observed during the prolonged 1987-1991 drought period. The relatively stable storage in the Carmel Valley alluvial aquifer in recent years is attributable to a combination of periods of more favorable hydrologic conditions and the adoption of improved water management practices that have tended to preserve higher storage conditions in the aquifer. In WY 2022, Carmel Valley Alluvial Aquifer storage was average compared with recent years as this year was classified as “dry.”

In contrast, storage conditions in the coastal portion of the Seaside Groundwater Basin have not been stable in recent years, in particular with respect to the deeper Santa Margarita aquifer, from which over 90 percent of the Cal-Am production in the Seaside Basin is derived. This downward trend in water levels reflects the changed production operations in the Seaside Basin stemming primarily from changed practices after SWRCB Order 95-10. The increased annual reliance on production from Cal-Am's major production wells in Seaside, along with significant increases in non-Cal-Am use, have dramatically lowered water levels in this aquifer, and seasonal recoveries have not been sufficient to reverse this trend. However, now that primary pumpers in the Seaside Groundwater Basin are at their adjudicated limit, this downward trend is decreasing.

To address this storage depletion trend, the District initiated efforts in the 2000-2001 timeframe to prepare a Seaside Basin Groundwater Management Plan in compliance with protocols set by the State of California (AB 3030, as amended by SB 1938). This process was superseded by litigation

filed by Cal-Am in August 2003, requesting a court adjudication of water production and storage rights in the Seaside Basin. The District participated in all litigation proceedings as an intervening “interested party”. The Superior Court held hearings in December 2005 and issued a final adjudication decision in March 2006, which was amended through an additional court filing in February 2007. The final decision established a new, lower “natural safe yield” for the Basin of 3,000 AFY, and an initial Basin “operating safe yield” of 5,600 AFY. Under the decision, the operating safe yield would be reduced by 10% every three years until the operating safe yield matches the natural safe yield of the Basin in 2021. The Court also created a nine-member Watermaster Board (of which the District is a member) to implement the Court’s decision. With the triennial reductions in operational yield required by the Seaside Basin Adjudication Decision, water levels have not been declining as fast as previously observed.

One of the means that could potentially mitigate this observed storage depletion trend is a program that the District has been actively pursuing since 1996 -- the Seaside Basin groundwater injection program (also known as aquifer storage and recovery, or ASR). ASR entails diverting excess water flows (typically in Winter/Spring) from the Carmel Valley Alluvial Aquifer through existing Cal-Am facilities and injecting the water into the Seaside Groundwater Basin for later recovery in dry periods.

The primary goal of the MPWMD ASR Project is better management of existing water resources and production facilities to help reduce impacts to the Carmel River, especially during the dry season. The projects are viewed as being complementary to other larger, long-term water augmentation projects that are currently being pursued for the Monterey Peninsula. These projects, also known as Phase 1 and 2 ASR projects, entail a maximum diversion of 2,426 AFY, and 2,900 AFY respectively from the Carmel River for injection. The combined average yield for both projects is estimated at about 2,000 AFY. The operation of the Phase 1 and 2 ASR Projects result in reduced unauthorized pumping of the Carmel River in Summer/Fall and increased storage in the Seaside Basin, which are both considered to be environmentally beneficial.

The ASR water supply efforts in 2021-2022 included: (1) continued work with regulatory and land use agencies on expansion of the Phase 1 Santa Margarita ASR site; (2) continued work on the utility water system for the Phase 2 ASR Project at the Seaside Middle School site; (3) coordination with Cal-Am and other parties to construct the necessary infrastructure for the ASR project expansion; and (4) continued implementation of a Memorandum of Understanding (MOU) with Cal-Am on operation and maintenance at the ASR facilities.

In 2022, Pure Water Monterey continued to inject 3,500 Acre Feet per year into the Santa Margarita for water supply. 1,200 AF was left in the Seaside Basin for Pure Water Monterey Operational Reserve, the rest was recovered for water supply to Peninsula residents. Approximately 540 additional Acre Feet of Operational Reserve will be built up over WY 2023.

Groundwater quality conditions in both the Carmel Valley Alluvial Aquifer and Seaside Basin have remained acceptable in terms of potential indicators of contamination from shallow sources such as septic systems. There have been no identifiable trends indicative of seawater intrusion into the principal supply sources the coastal areas of these two aquifer systems to date.

Steelhead Fishery Program

• **Adult Steelhead**

Redd surveys conducted downstream of the former San Clemente Dam confirm improvements in spawning habitat and increased spawning success in the lower river over the last 24 years. Additionally, juvenile steelhead rescued from the lower river that survive to adulthood may return to reaches lower in the river to spawn.

Variability in adult steelhead counts results from:

- Highly dynamic ocean conditions, increasing water temperatures, and degraded ocean water quality likely affect the abundance of food resources and at-sea survival of returning steelhead.
- Variable river conditions and flow regimes can affect migration and spawning success.
- Variable lagoon conditions, caused by artificial manipulation of the sandbar and/or naturally occurring periods of low winter flows.
- Variable densities of juvenile fish affecting subsequent adult populations.

• **Juvenile Steelhead**

Long-term monitoring of juvenile steelhead at eleven sites along the mainstem Carmel River below Los Padres Dam suggests that fish density continues to be quite variable between years and among sites, from less than 0.10 fish-per-foot (fpf) of stream to levels frequently above 1.00 fpf, values that are typical of well-stocked steelhead streams. However, fish density has been improving since the last long drought of 2013-15. In this 2022 reporting period, the average population density was 1.05 fpf, much higher than the long-term average of 0.74 fpf for the Carmel River, continuing the strong upward trend.

The juvenile steelhead population in the Carmel River Basin is influenced by:

Positive Factors:

- General improvements in streamflow, due to favorable natural fluctuations, exemplified by higher base-flow conditions and several high precipitation years.
- District and SWRCB rules to actively manage the rate and distribution of groundwater extractions and direct surface diversions within the basin, coupled with changes to Cal-Am's operations at LPD, the increased availability of ASR and Pure Water Monterey in the summer, and extensive conservation measures, all help provide increased streamflow.
- Restoration and stabilization of the lower Carmel River's stream banks, providing improved riparian habitat (tree cover/shade along the stream, an increase in woody debris and the associated invertebrate food supply) while preventing erosion of silt/sand from filling gravel beds and pool.
- The removal and restoration of the San Clemente Dam and Reservoir, and other barriers in the mainstem and tributaries, improved passage and habitat values for adults and juvenile fish.

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- Extensive juvenile steelhead rescues by the District over the last 33 years, now totaling 487,941 fish through 2022.
- Rearing and releases of rescued fish from the SHSRF of 114,149 juveniles and smolts into the river and lagoon over the past 26 years (19 years of operation), at sizes generally larger than the naturally reared fish, which could enhance their ocean survival.

Negative Factors:

- Variable lagoon conditions, including highly variable water surface elevation changes caused by mechanical breaching, chronic poor water quality (especially in the fall), and predation by birds and striped bass.
- Barriers or seasonal impediments to juvenile and smolt emigration, such as intermittent periods of low flow below the Narrows during the normal spring outmigration.
- Spring flow variability such as low-flow conditions that could dewater redds prematurely or high flows that could either deposit sediment over redds or completely wash them out.
- Occasionally elevated temperature and hydrogen sulfide levels below LPD, and the recent large landslide into LPR that affects the outlet works.
- The potential for enhanced predation on smolts and YOY migrating through the sediment field above LPD.
- Invasive species: striped bass have recently (2015) started migrating up the river from the lagoon and are likely preying on juvenile steelhead. New Zealand Mud Snails (NZMS) were first discovered during BMI surveys at Red Rock (mid-valley) in 2016 and have now been found in the Stonepine reach in the upper valley. NZMS can outcompete native invertebrates and are a poor food item themselves for steelhead.

District staff continues to provide technical expertise and scientific data to CAW engineers and environmental consultants, DWR/DSOD, CDFW, NMFS, U.S. Fish and Wildlife Service, and others involved in addressing the resource management issues associated with both LPD and the area influenced by the SCD Removal and Carmel River Reroute Project. District staff also continues to provide technical expertise and scientific data to California Department Parks and Recreation, Monterey County Water Resources Agency, Monterey County Public Works Department, California Coastal Commission, U. S. Army Corps of Engineers, Carmel Area Wastewater District, and other regulatory agencies and stakeholders involved in the management of the Carmel River, the Carmel River Lagoon and the barrier beach.

Riparian Habitat Mitigation

With the exception of the Rancho Cañada to Rancho San Carlos Road Bridge reach, the Carmel River streamside corridor has stabilized in nearly all reaches that were affected by a combination of increased groundwater extraction, extreme drought and flood events that occurred during the 1970s, 1980s and 1990s. Prior to the 2016-17 winter high flows, a complex channel had developed in the lower 16 miles of the river with improved steelhead spawning substrate, diverse habitat, and a richer riparian community. Areas with perennial or near perennial flow (upstream of Schulte Bridge) or a high groundwater table, such as downstream of Highway 1, experienced vigorous natural recruitment in the channel bottom, which has helped to stabilize streambanks and diversify aquatic habitat. Areas that continue to be dewatered annually have less significant growth.

The recovery of streamside areas subjected to annual dewatering requires monitoring. Plant stress in the late summer and fall is evident in portions of the river that go dry. In these areas, streambanks can exhibit unstable characteristics during high flows, such as sudden bank collapse, because of the lack of healthy vegetation that would ordinarily provide stability. The drought that began with Water Year 2013 (beginning October 2012) and ended in Water Year 2016 is an ongoing concern because of the past history of channel erosion and bank instability after severe droughts in 1976-77 and 1987-1991. Impacts to streamside vegetation can manifest themselves for several years even after the end of a drought.

Based on annual cross-section work by CSUMB, several areas have experienced a filling in of pools with sand. Absent high flows like those that occurred in 2017, it is likely that the sand will be winnowed out and sent downstream over the next several years. When river flows drop in late spring or early summer of 2023, District staff will investigate the overall scour and deposition of the streambed and report on this in next year's mitigation report. Current results still show many of the pools are still filled with sand.

Restoration project areas sponsored by MPWMD since 1984 continue to mature and exhibit more features of relatively undisturbed reaches, such as plant diversity and vigor, complex floodplain topography, and a variety of in-channel features such as large wood, extensive vegetative cover, pools, riffles, and cut banks.

As cited in previous reports, the most significant trends continue to include the following:

- increased natural recruitment of vegetation into the active channel of the Carmel River,
- effects to areas with groundwater extraction downstream of Schulte Road,
- channel changes and erosion due to new supply of sediment from upstream associated with high flows, San Clemente Dam removal, and the Soberanes Fire in Water Year 2017,
- healthy avian species diversity, and
- maturing of previous restoration projects.

Carmel River Erosion Protection and Restoration

With the exception of the channel area between the Via Mallorca Road bridge and the Rancho San Carlos Road bridge, streambanks in the main stem appear to be relatively stable during average water years with “frequent flow” storm events (flows with a return magnitude of less than five years). The program begun by MPWMD in 1984 (and later subsumed into the Mitigation Program) to stabilize streambanks appears to be achieving the goals that were initially set out, i.e., to reduce bank erosion during high flow events up to a 10-year return flow, restore vegetation along the streamside, and improve fisheries habitat.

Consistent with previous reports, it is likely that the following trends will continue:

- Local, State and Federal agencies consider the Carmel River watershed to be a high priority area for restoration, as evidenced by the interest in addressing water supply issues, the removal of San Clemente Dam, proposed projects in the lower Carmel River, and continued oversight with the management of threatened species. Stringent avoidance and mitigation

requirements will continue to be placed on activities that could have negative impacts on sensitive aquatic species or their habitats.

- Activities that interrupt or curtail natural stream functions, such as lining streambanks with riprap, have come under increasing scrutiny and now require significant mitigation offsets. Approximately 35% to 40% of the streambanks downstream of Carmel Valley Village have been altered or hardened since the late 1950s. Activities that increase the amount of habitat or restore natural stream functions are more likely to be approved or funded through State and Federal grant programs.
- Additional work to add instream features (such as large logs for steelhead refuge or backwater channel areas for frogs) can restore and diversify aquatic habitat.
- Major restoration projects completed between 1987 and 1999 have had extensive and successful work to diversify plantings. However, maintenance of irrigation systems is ongoing and requires extensive work in water years classified as below normal, dry and critically dry.
- The channel will change due to a new supply of sediment coming from upstream of the old San Clemente Dam and additional sources of sediment associated with the Soberanes Fire of 2016.

Vegetation Restoration and Irrigation

To the maximum extent possible, MPWMD-sponsored river restoration projects incorporate a functional floodplain that is intended to be inundated in relatively frequent storm events (those expected every 1-2 years). For example, low benches at the Red Rock and All Saints Projects have served as natural recruitment areas and are currently being colonized by black cottonwoods, sycamores and willows. In addition, willow and cottonwood pole plantings in these areas were installed with a backhoe, which allows them to tap into the water table. These techniques have been successful and have reduced the need for supplemental irrigation.

Channel Vegetation Management

Another notable trend relating to the District's vegetation management program was the widening of the channel after floods in 1995 and 1998. With relatively normal years following these floods, the channel has narrowed as vegetation recruits on the channel bottom and gravel bars. Current Federal regulations such as the Endangered Species Act (ESA) "Section 4(d)" rules promulgated by NOAA Fisheries to protect steelhead significantly restrict vegetation management activities. Because of these restrictions, the District can carry out activities only on the most critical channel restrictions and erosion hazards in the lower 15 miles of the river. MPWMD will continue to balance the need to treat erosion hazards in the river yet maintain features that contribute to aquatic habitat quality.

Permits for Channel Restoration and Vegetation Management

In 2018, MPWMD renewed its long-term permits with the U.S. Army Corps of Engineers and the California Regional Water Quality Control Board for routine maintenance and restoration work. In 2014, the District also renewed a long-term Routine Maintenance Agreement (RMA) with the

California Department of Fish and Wildlife to conduct regular maintenance and restoration activities in the Carmel River.

Monitoring Program

Vegetative moisture stress fluctuates depending on the rainfall, proximate stream flow, depth to groundwater, and average daily temperatures, and tends to be much lower in above-normal rainfall years. Typical trends for a single season start with little to no vegetative moisture stress in the spring, when the soil is moist and the river is flowing. As the river begins to dry up in lower Carmel Valley (normally around June) and temperatures begin to increase, an overall increase in vegetative moisture stress occurs. The District irrigates around large production wells to help mitigate impacts from groundwater extraction. However, many recruiting trees experience high levels of stress or mortality in dry years in areas difficult to irrigate. Riparian vegetation exposed to rapid or substantial lowering of groundwater levels (i.e., below the root zones of the plants) will continue to require monitoring and irrigation during the dry season.

With respect to riparian songbird diversity, populations dropped after major floods in 1995 and 1998 because of the loss of streamside habitat. Since 1998, species diversity recovered and now fluctuates depending on habitat conditions. Values from 2018 avian point count surveys indicate that the District's mitigation program is preserving and improving riparian habitat.

Strategies for the future

A comprehensive long-term solution to overall environmental degradation requires a significant increase in dry-season water flows in the lower river, a reversal of the incision process, and reestablishment of a natural meander pattern. Of these, MPWMD has made progress on increasing summer low flows and groundwater levels by aggressively pursuing a water conservation program, implementing the first and second phases of the Seaside Groundwater Basin Aquifer Storage and Recovery Project, and recommending an increase in summer releases from Los Padres Reservoir.

Reversal, or at least a slowing, of channel incision may be possible if the supply of sediment is brought into better balance with the sediment transport forces. Additional sediment from the tributary watersheds between San Clemente Dam and Los Padres Dam will pass into the lower river in the foreseeable future now that San Clemente Dam has been removed. District staff are already seeing signs of additional sediment in the Carmel River below Esquiline Road Bridge.

However, reestablishing a natural supply of sediment and restoring the natural river meander pattern through the lower 15.5 miles of the Carmel Valley presents significant political, environmental, and fiscal challenges, and is not currently being considered as part of the Mitigation Program.

Integrated Regional Water Management (IRWM) Grant Program

The IRWM program promoted by the California DWR encourages planning and management of water resources on a regional scale and promotes projects that incorporate multiple objectives and strategies. In addition, the IRWM process brings stakeholders together and encourages

cooperation among agencies in developing mutually beneficial solutions to resource problems.

MPWMD adopted the 2019 Update to the IRWM Plan for a region encompassing Monterey Peninsula areas within the District boundary, the area in the Carmel River watershed outside of the MPWMD boundary, Carmel Bay and the Southern Monterey Bay. The IRWM Plan combines strategies to improve and manage potable water supply, water conservation, stormwater runoff, floodwaters, wastewater, water recycling, habitat for wildlife, and public recreation.

Funding from the IRWM grant program and other programs requiring an adopted IRWM Plan provide the incentive to undertake a set of projects that would continue to improve the Carmel River environment and engage a larger number of organizations in helping to develop and implement a comprehensive solution to water resource problems in the planning region. The Monterey Peninsula region is expecting to take advantage of about \$4.3 million from Proposition 1 IRWM funds over the next several years. In 2018, \$252,693 was awarded to the region as a part of the Disadvantaged Community Involvement grant. In 2020, \$2,238,904 was awarded to the region as a part of the Implementation Round 1 grant. MPWMD prepared an IRWM Implementation Round 2 Grant application for the Monterey Peninsula region in the amount of \$1,488,961 which was submitted in January, 2023.

More information about the IRWM Plan and the group of stakeholders in the planning region can be found at the following web site:

<https://www.mpwmd.net/environmental-stewardship/irwm-program/>

Carmel River Lagoon Habitat

The District continues to support and encourage the ongoing habitat restoration efforts in the wetlands and riparian areas surrounding the Carmel River Lagoon. These efforts are consistent with goals that were identified in the Carmel River Lagoon Enhancement Plan, which was partially funded by the District. The District continues to work with various agencies and landowners to implement ongoing restoration of the Odello West property and future restoration of the Odello East property across the highway.

The District expanded its long-term monitoring around the lagoon in 1995 in an attempt to determine if the reduction in freshwater flows due to groundwater pumping upstream might change the size or ecological character of the wetlands. Demonstrable changes have not been identified. Because of the complexity of the estuarine system, a variety of parameters are monitored, including vegetative cover in transects and quadrats, water conductivity, and hydrology. It is notable that due to the number of factors affecting this system, it would be premature to attribute any observed changes solely to groundwater pumping. The following illustrates the Water Year (October 1 – September 30) classifications since 1995 in terms of total annual runoff.

Classification	Number of Years	Water Year
Extremely Wet	4	1995, 1998, 2017, 2019
Wet	2	2005, 2006

Above Normal	5	1996, 1997, 2000, 2010, 2011
Normal	6	1999, 2001, 2003, 2008, 2009, 2020
Below Normal	3	2004, 2016, 2018
Dry	6	2002, 2012, 2013, 2015, 2021, 2022
Critically Dry	2	2007, 2014

Thus, the hydrology of the watershed has been at least normal or better 61% of the time during the 28-year period. However, monitoring in 2014 occurred during a Critically Dry Water Year that followed two consecutive Dry Water Years, and 2015 was the first time a fourth year of drought was ever monitored. Other natural factors that affect the wetlands include introduction of salt water into the system as waves overtop the sandbar in autumn and winter, tidal fluctuations, and long-term global climatic change. When the District initiated the long-term lagoon monitoring component of the Mitigation Program, it was with the understanding that it would be necessary to gather data for an extended period in order to draw conclusions about well production drawdown effects on wetland dynamics. It is recommended that the current vegetation, conductivity, topographical and wildlife monitoring be continued in order to provide a robust data set for continued analysis of potential changes around the lagoon.

Lagoon bathymetric cross-sectional surveys, initially conducted in 1988, have been completed annually during the dry season since 1994. These data are useful in assessing changes in the sand supply within the main body of the lagoon and are necessary to answer questions concerning whether or not the lagoon is filling up with sand, thus losing valuable habitat. As indicated in the survey plots, the sandy bed of the lagoon can vary significantly from year to year. Substrate elevations at cross sections 1 through 4 mostly show light sand accumulation between the 2021 and 2022 water year. In the recent “Critically Dry” years of WY 2007 and 2014 and “Dry” years of WY 2012 and 2013, no significant changes were documented compared to the respective prior years. The “Extremely Wet” WY 2019 resulted in no significant changes at the cross sections even though 155,000 AF of runoff (measured at the HWY1 gage) passed through the lagoon. This is inconsistent with WY 2017, the last “Extremely Wet” year when significant scour was observed at the cross sections. Although data suggests that substrate elevations at the cross sections generally remain stable in low-flow years, data are now somewhat inconclusive regarding the effects of high flow years on lagoon sand supply. WY 2023 will be a good opportunity to further study the effect of high flows on lagoon bathymetry as it is shaping up to be an extremely wet year.

Program Costs

Mitigation Program costs for FY 2021-2022 totaled approximately \$3.46 million including direct personnel expenses, operating costs, project expenditures, capital equipment, and fixed asset purchases. The annual cost of mitigation efforts varies because several mitigation measures are weather dependent. Expenditures in FY 2021-2022 were \$0.813 million higher than the prior fiscal year due to increase in Mitigation Program costs related to projects that were completed during the current fiscal year. However, the overall costs have remained constant (average of \$3.254 million per year) for last five years. In the past, expenditures had trended upward due to expenditures for the Aquifer Storage Recovery (ASR) Project. ASR Project costs are no longer

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captured under Mitigation Program Costs. FY 2019-2020 expenditures were \$3.19 million; and FY 2020-2021 expenditures were \$2.65 million.

During FY 2021-2022, revenues totaled \$4.13 million including user fees, grant receipts, investment income, project reimbursements, and miscellaneous revenues. The Mitigation Program Fund Balance as of June 30, 2022, was \$6.953 million.

Table I-1

**SUMMARY OF COMPONENTS OF MPWMD MITIGATION PROGRAM
July 1, 2021 - June 30, 2022**

WATER MANAGEMENT

- Monitor Water Resources
- Manage Water Production
- Manage Water Demand
- Monitor Water Usage
- Augment Water Supply
- Allocation of New Supply
- Determine Drought Reserve

STEELHEAD FISHERY

- Capture/Transport Emigrating Smolts in Spring
 - Smolt rescues
 - Pit tagging study
- Prevent Stranding of Fall/Winter Juvenile Migrants
 - Juvenile rescues
- Rescue Juveniles Downstream of Robles del Rio in Summer
- Operate Sleepy Hollow holding/rearing facility
- Monitoring Activities for Mitigation Plan
 - Juvenile population surveys
- Other Activities not required by Mitigation Plan
 - Spawning habitat restoration
 - Modify critical riffles

RIPARIAN VEGETATION AND WILDLIFE

- Conservation and Water Distribution Management
- Oversee Riparian Corridor Management Plan
- Implement Riparian Corridor Management Program
 - Cal-Am well irrigation (4 wells)
 - Channel clearing
 - Vegetation monitoring
 - Track and pursue violations
 - River Care Guide booklet
 - CRMP Erosion Protection Program

LAGOON VEGETATION AND WILDLIFE

- Assist with Lagoon Enhancement Plan Investigations (See Note 1)
- Expand Long-Term Lagoon Monitoring Program
 - Water quality/quantity
 - Vegetation/soils
- Identify Alternatives to Maintain Lagoon Volume

AESTHETICS

- Restore Riparian Vegetation (see above)

Note 1: Mitigation measures are dependent on implementation of the Lagoon Enhancement Plan by the California Department of Parks and Recreation, the land owner and CEQA lead agency. Portions of the Enhancement Plan have been implemented by CalTrans as part of a “mitigation banking” project.

Table I-2
Summary of MPWMD Mitigation Program Accomplishments: 2021-2022 Report

MITIGATION ACTION	MAJOR ACCOMPLISHMENTS
Monitor Water Resources	Regularly tracked precipitation, streamflow, surface and groundwater levels and quality, and lagoon characteristics between Los Padres Dam and the Carmel River Lagoon, using real-time methods at numerous data collection stations. Maintained extensive monitoring network, and continuous streamflow recorders below the former San Clemente Dam and other sites.
Manage Water Production	Developed and implemented multi-agency Memorandum of Agreement and quarterly water supply strategies based on normal-year conditions; worked cooperatively with resource agencies implementing the federal Endangered Species Act. Implemented ordinances that regulate wells and water distribution systems.
Manage Water Demand	A total of about 1,721 inspections were conducted in 2022. An estimated 12.020 Acre-Feet (“AF”) of water were saved by new retrofits verified this year in these two categories. From January 1, 2022, through December 31, 2022, a total of 826 applications for rebates were received and 642 applications were approved with the use of the rebate refund, as described in Section VIII. As of June 30, 2022, a total of 87.289AF of water remained available in the areas served by CAW, as described in Section IX. This includes water from pre- and post-Paralta Allocations and water added to a Jurisdiction’s Allocation from Water Use Credit transfers and public retrofits.
Monitor Water Usage	Complied with SWRCB Order 95-10 for Water Year 2022.
Augment Water Supply	Long-term efforts to augment supply included: (1) Continued participation in meetings about Monterey Peninsula Water Supply Project (MPWSP) construction, operations, financing, management, and oversight; (2) Helped fund environmental work to qualify Pure Water Monterey Expansion as a potential alternative; (3) Operated Aquifer Storage and Recovery (ASR) Phase 1 and 2 projects in WY 2022; (4) Held regular coordination meetings with Cal-Am regarding planned infrastructure upgrades to deliver water supply to the ASR project wells at full capacity; (5) Provided project management and technical support to Monterey One Water for the Pure Water

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MITIGATION ACTION	MAJOR ACCOMPLISHMENTS
	<p>Monterey Project; (6) Participated in CPUC hearing process on Cal-Am related rate requests.</p> <p>Other ongoing activities included: (1) Served as member of both the Seaside Basin Watermaster Board and as the Technical Advisory Committee; (2) Participation in a technical role regarding alternatives for Los Padres Dam and associated sediment management.</p>
Allocate New Supply	Remained within Water Allocation Program limits.
Determine Drought Reserve	Rationing was not required due to maintenance of adequate storage reserve.
Steelhead Fishery Program	<p>Rescues were conducted on 46 days from early June through early September, yielding 14,212 steelhead, including: 13,334 young-of-the-year (YOY), 777 yearlings (1+), 2 adults, and 99 mortalities (0.69%). Staff tagged 1,581 fish of size with Passive Integrated Transponder (PIT) tags before release from the Sleepy Hollow Steelhead Rearing Facility. Since 1989, District staff has rescued 487,941 steelhead from drying reaches of the Carmel River watershed. Compared to previous rescue seasons, the total number of rescued fish in the 2022 dry season was 99% of the 1989-2022 average of 14,351, as described in Section XVI.</p>
Riparian Habitat Program	<p>Continued revegetation efforts at exposed banks with little or no vegetation located between Via Mallorca and Esquiline Roads; Continued long-term monitoring of physical and biological processes along the river in order to evaluate the District's river management activities; Continued the annual inspections of the Carmel River from the upstream end of the lagoon to Camp Steffani; Continued enforcement actions to address serious violations of District riparian ordinances; Carried out vegetation management activities; Operated under Routine Maintenance Agreement with CDFW for MPWMD vegetation maintenance activities.</p>

MITIGATION ACTION	MAJOR ACCOMPLISHMENTS
Lagoon Habitat Program	The District continues to support and encourage the ongoing habitat restoration efforts in the wetlands and riparian areas surrounding the Carmel River Lagoon. These efforts are consistent with goals that were identified in the Carmel River Lagoon Enhancement Plan, which was partially funded by the District. The District continues to work with various agencies and landowners to implement ongoing restoration of the Odello West property and future restoration of the Odello East property across the highway. The District also surveyed and analyzed bathymetric transects, participated in interagency meetings regarding management of lagoon in winter storm events (see also steelhead efforts that benefit lagoon) and monitored lagoon stage.
Aesthetic Measures	See Riparian Habitat Program measures in Section XVII.

ITEM: CONSENT CALENDAR**6. CONSIDER RECOMMENDATION TO AUTHORIZE THE GENERAL MANAGER TO ENTER INTO A CONTRACT WITH SCHAAF & WHEELER TO PROVIDE DRAWING SUPPORT SERVICES**

Meeting Date:	April 17, 2023	Budgeted:	Yes
From:	Dave Stoldt General Manager	Program/ Line Item No.:	1-2-1-A5/ 35-04-786004
Prepared By:	Maureen Hamilton	Cost Estimate:	\$30,000

General Counsel Approval: N/A**Committee Recommendation: The Finance and Administration Committee reviewed this item on April 10, 2023 and recommended approval.****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: The ASR sites were developed over 25 years. Multiple projects had overlapping design and construction schedules. MPWMD needs to update the last major construction drawings with other projects' red-line and excavation data. Accurate drawings reduce risk and mitigate cost associated with unforeseen circumstances. MPWMD and our current consultants do not have AutoCAD expertise; this request is to hire an AutoCAD consultant.

The requested work includes gaining familiarity with our existing drawing sets, and incorporating project updates and excavation data. Work will be conducted on a time and materials basis not to exceed \$30,000. The contract will evolve to an as-needed basis once the master drawing set is complete.

A Request for Proposals yielded three proposals, Schaaf & Wheeler (SW) was selected as the most qualified consultant. SW is located in Salinas and has provided civil design services for multiple projects including Pure Water Monterey Injection Wellfield and Marina Coast Water District's Regional Urban Water Augmentation Program.

RECOMMENDATION: The Finance and Administration Committee recommends that the Board authorize the General Manager to enter into a contract with Schaaf & Wheeler to provide drawing support services to MPWMD for an amount not to exceed \$30,000.

EXHIBIT**6-A** Draft Agreement between the District and Schaaf & Wheeler

**AGREEMENT BETWEEN THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AND
SCHAAF & WHEELER
FOR PROFESSIONAL SERVICES TO PROVIDE DRAWING SERVICES**

THIS AGREEMENT is entered into this _____ day of April, 2023, by and between Schaaf & Wheeler, hereinafter called "Consultant," and the Monterey Peninsula Water Management District, hereinafter called "MPWMD".

SECTION I - SCOPE OF SERVICES

MPWMD hereby engages Consultant for services as set forth in **Exhibit A**, Scope of Work.

SECTION II TIME OF PERFORMANCE

Consultant shall begin work upon the effective date of this Agreement and shall complete all tasks described herein according to the schedule shown in **Exhibit B**, Work Schedule, and consistent with the professional skill and care ordinarily provided by engineering professionals practicing in the State of California under the same or similar circumstances.

SECTION III COMPENSATION

A. FEE SCHEDULE

Fees payable to Consultant for services specified herein shall be in accordance with the Budget and Fee Schedule in **Exhibit C**.

B. METHOD OF PAYMENT

Payment of fees shall be based on work completed, as documented in monthly billings submitted by Consultant. Monthly billings shall include previously invoiced total, current invoice amount, and remaining budget. Work reports shall be rendered in accordance with the schedule shown in **Exhibit B**, Work Schedule.

Payments are due and payable within thirty (30) days after receipt of each invoice subject to a finding by MPWMD that work performed has been satisfactory and that payment is for the work specified in **Exhibit A**, Scope of Work. Where MPWMD finds the work to be unsatisfactory, MPWMD shall describe deficiencies in writing to Consultant within ten (10) days.

The final invoice for work performed shall be submitted not later than sixty (60) days following notification by MPWMD of completion of such work. The final invoice shall be paid not later than thirty (30) days after receipt of the final invoice.

C. MAXIMUM PAYMENT

Payments to Consultant for services rendered and expenses incurred under this Agreement **shall not exceed \$30,000.**

D. LATE PERFORMANCE PENALTY

With respect to the work within its direct control, in the event Consultant is unable to perform satisfactory work consistent with the professional skill and care ordinarily provided by professionals practicing in the State of California under the same or similar circumstances within thirty (30) calendar days of the date such work is due pursuant to **Exhibit B**, Work Schedule, MPWMD may, in its discretion, withhold an additional five percent (5%) of the fees which would otherwise be payable pursuant to the fee schedule set forth in Exhibit B. This amount may be increased to a maximum of 10% after sixty (60) calendar days of the date such work is due.

Consultant shall not be responsible for delays to the Schedule due to actions outside of its immediate control. Delays due to lack of performance by other parties shall be documented and the Schedule adjusted to reflect the length of the delay incurred

SECTION IV INSPECTION OF WORK

The books, papers, records and accounts of Consultant or any subconsultants retained by Consultant insofar as they relate to charges for services, or are in any way connected with the work herein contemplated, shall be open at all reasonable times to inspection and audit by the agents and authorized representatives of MPWMD. Said records shall be retained for a minimum of five (5) years after completion of services.

SECTION V OWNERSHIP OF PROJECT REPORT AND EQUIPMENT PURCHASED

All original documents, explanations of methods, maps, tables, computer programs, reports and other documents prepared under this Agreement and equipment purchased specifically for the project shall become the exclusive property of MPWMD.

Digital data used to generate tables, figures, diagrams, images, Geographical Information System (GIS), and Computer Aided Design (CAD) drawings shall be considered separate deliverables and shall be provided in the application's native format to MPWMD after acceptance by MPWMD of the final work product(s). Portable Document Format (PDF) files shall be delivered in a searchable format.

AutoCAD drawings shall be delivered in Portable Document Format (PDF). AutoCAD drawings in native format and compatible with AutoCAD LT shall be delivered upon MPWMD request.

Consultant may retain copies for Consultant's own use.

SECTION VI RESPONSIBILITIES

- A. Consultant represents that Consultant has or will secure at Consultant's own expense all personnel, materials, and related services required to perform the services under this Agreement. Consultant shall act as an independent consultant and not as an agent or employee of MPWMD. Consultant shall have exclusive and complete control over Consultant's employees and subcontractors, and shall determine the method of performing the services hereunder.
- B. Upon request, MPWMD shall provide Consultant with all relevant data and studies in its possession without charge. Consultant represents that Consultant is familiar with such materials provided by MPWMD and that they are sufficient to discharge MPWMD's obligation hereunder.
- C. MPWMD shall coordinate and arrange for all meetings required to be held with other agencies or persons hereunder, unless otherwise specified in **Exhibit A**, Scope of Services.
- D. Consultant shall be responsible for the reproduction of work produced by Consultant hereunder.
- E. The officers, agents, and employees of MPWMD shall cooperate with Consultant in the performance of services under this agreement without charge to Consultant. Consultant agrees to use such services insofar as feasible in order to effectively discharge Consultant's obligations hereunder and further agrees to cooperate with MPWMD's officers, agents and employees.
- F. The Consultant agrees to indemnify, defend and save harmless MPWMD, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all consultants, subcontractors, material men, laborers and any other person, firm or corporation who may be injured or damaged by the negligent acts, errors, and/or omissions of the Consultant, Consultant's employees, or Consultant's subcontractors or subconsultants in the performance of this Agreement.
- G. The Consultant agrees to maintain backup files of work performed such that MPWMD drawings are secure and up-to-date.

SECTION VII INSURANCE

- A. Consultant shall obtain and keep insurance policies in full force and effect as shown in **Exhibit D**, Insurance Requirements.
- B. Consultant shall provide photocopies of Consultant's current Automobile insurance policy [or policies], including endorsements thereto, or current certificates of insurance in lieu thereof, to MPWMD.

- C. Consultant shall require any subcontractor to provide evidence of the same insurance coverages specified in VII.A.
- D. Consultant shall provide notice to MPWMD of any cancellation or material change in insurance coverage where MPWMD has been named as additional insured, such notice to be delivered to the MPWMD in accord with Section XV of this Agreement at least ten (10) days before the effective date of such change or cancellation of insurance.
- E. Evidence acceptable to MPWMD that Consultant has complied with the provisions of this Section VII shall be provided to the MPWMD, prior to commencement of work under this Agreement.
- F. All policies carried by the Consultant shall provide primary coverage instead of any and all other policies that may be in force. MPWMD shall not be responsible for any premium due for the insurance coverages specified in this Agreement.

SECTION VIII CHANGES AND CHANGED CONDITIONS

- A. If, during the course of the work herein contemplated, the need to change the Scope of Work or the Work Schedule should arise, for whatever reasons, whichever party first identifies such need to change shall notify the other party in writing. The representatives of the parties shall meet within seven (7) working days of the date of such notice to discuss the need for change so identified and to set the proposed action to be taken by the parties. A change in the Scope of Work may also result in a change in the compensation amount. Compensation changes shall be based upon the Consultant Budget and Fee Schedule (**Exhibit C**) attached hereto. Any changes agreed to shall be documented by duly executed amendments to this Agreement.
- B. MPWMD reserves the right to specify individual employees, subcontractors or agents of Consultant who shall be assigned to perform the tasks specified in **Exhibit A**, Scope of Services. If, during the course of the work herein contemplated, there is a change such that the specified individual employees, subcontractors or agents are no longer assigned to the work described in this contract and/or are no longer affiliated with Consultant, Consultant shall immediately notify MPWMD in writing. Consultant shall assign the rights to this contract to another entity, if requested by MPWMD, as part of termination proceedings pursuant to Section IX, Termination.

SECTION IX TERMINATION

- A. MPWMD may terminate Consultant's services at any time by written notice to Consultant at least thirty (30) days prior to such termination. Upon receipt of written notice from MPWMD that this Agreement is terminated, Consultant shall submit an invoice for an amount that represents the value of services actually performed to the date of said notice for which Consultant has not previously been compensated. Upon approval of this invoice by MPWMD, Consultant shall be paid from the sum found due after having applied the provisions of Section III, Paragraph (D) of this Agreement, "Late Performance Penalty,"

where applicable, and MPWMD shall have no further obligation to Consultant, monetarily or otherwise.

- B. Upon receipt of written notice of termination, the Consultant shall (1) promptly discontinue all services affected (unless the notice directs otherwise), and (2) deliver or otherwise make available to MPWMD, copies, including magnetic media, of data, design calculations, drawings, specifications, reports, estimates, summaries and other such information and materials as may have been accumulated by the Consultant in performing the services under this Agreement.

SECTION X SUB-CONTRACTING AND ASSIGNABILITY

Consultant shall not sub-contract any portion of the work required by this Agreement nor otherwise assign or transfer any interest in it without prior written approval of MPWMD. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Agreement.

SECTION XI DISCRIMINATION AND FAIR EMPLOYMENT

Attention is directed to Section 1735 of the California Labor Code, which reads as follows:

“No discrimination shall be made in the employment of persons upon public works because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, or sex of such persons, except as provided in Section 12940 of the government code and every Consultant for public works violating this section is subject to all penalties imposed by a violation of this chapter.”

During the performance of this Agreement, Consultant and its contractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, and denial of family care leave. Consultant and its contractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Consultant and its contractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full.

SECTION XII INTEREST OF CONSULTANT

Consultant covenants that Consultant presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement.

SECTION XIII CONTINGENT FEES

Consultant warrants that Consultant has not employed or retained any company or person, other than a bona fide employee working solely for the Consultant to solicit or secure this Agreement, and that Consultant has not paid or agreed to pay any company, or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gifts, or other consideration, contingent upon or resulting from the award or making of this Agreement. For breach of violation of this warranty, MPWMD shall have the right to annul this Agreement without liability or at its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage, gift or contingent fee.

SECTION XIV DISPUTES

In the event of a dispute arising out of the performance of this Agreement either party shall, as soon as a conflict is identified, submit a written statement of the conflict to the other party. Within five (5) working days of receipt of such a statement of conflict, the second party will respond and a meeting will be arranged not more than five (5) working days thereafter to arrive at a negotiated settlement or procedure for settlement. If, within twenty (20) working days from the initial filing of a statement of conflict an agreement cannot be reached, it is agreed that the dispute may be resolved in a court of law competent to hear this matter. This Agreement shall be construed in accord with California law and it is agreed that venue shall be in the County of Monterey. The prevailing party shall be awarded costs of suit, and attorneys' fees.

SECTION XV NOTICES

All communications to either party by the other shall be deemed given when made in writing and delivered or mailed to such party at its respective address, as follows:

MPWMD: Maureen Hamilton
 Monterey Peninsula Water Management District
 5 Harris Court, Building G
 or
 P. O. Box 85
 Monterey, CA 93942-0085

CONSULTANT: Andrew Sterbenz
 Schaaf & Wheeler
 3 Quail Run Circle, Ste 100
 Salinas, CA 93907

SECTION XVI AMENDMENTS

This Agreement together with **Exhibits A, B, C and D** sets forth the entire understanding of the parties with respect to the subject matter herein. There are no other agreements expressed or implied, oral or written, except as set forth herein. This Agreement may not be amended except upon written amendment, executed by both parties hereto.

SECTION XVII ATTACHMENTS

The following exhibits attached hereto and referred to in the preceding sections are, by reference, incorporated herein and made an integral part of this Agreement:

- Exhibit A.** Scope of Work
- Exhibit B.** Work Schedule
- Exhibit C.** Budget and Fee Schedule
- Exhibit D.** Insurance Requirements
- Exhibit E.** Drug Free Workplace Certification

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement effective as of the day and year first above written.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

_____ **Date** _____

BY: David J. Stoldt, General Manager

CONSULTANT

_____ **Date** _____

BY:

FEDERAL TAX IDENTIFICATION NUMBER:

EXHIBIT A – SCOPE OF WORK

The overall approach to the work includes, but is not limited to:

- Review existing dwg file and MPWMD-requested drawing updates,
- incorporate pdf and hand drawings to AutoCAD drawings,
- streamline and clean up drawings for consistency.

Work must be performed using the latest version of AutoCAD. AutoCAD 3D is not required but may be desirable in the future.

Tasks to achieve the scope of work include:

1. Drawing Update Request
 - a. MPWMD will select a drawing and provide a written description of requested changes.
 - b. MPWMD will convey the dwg file, additional drawings if any, and the description to Consultant.
 - c. Consultant will review the drawing and requested change description.
 - Naming convention
 - Layers
 - Blocks/Symbols
 - Title block
 - Print layouts
 - d. MPWMD and Consultant will meet remotely to discuss any concerns.
2. Consultant updates drawing.
 - MPWMD reviews and accepts drawing.

EXHIBIT B – BUDGET AND FEE SCHEDULE

The fee for the Scope of Work shall not exceed \$30,000 and be billed according to the following fee schedule:

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS

4699 Old Ironsides Dr., Suite 350
Santa Clara, CA 95054-1860
408-246-4848

Hourly Charge Rate Schedule

Personnel Charges

Charges for personnel engaged in professional and/or technical work are based on the actual hours directly chargeable to the project.

Current rates by classification are listed below:

<u>Classification</u>	<u>Rate/Hr</u>	<u>Classification</u>	<u>Rate/Hr</u>
Principal Project Manager	\$275	Construction Manager	\$250
Senior Project Manager	\$250	Senior Resident Engineer	\$235
Senior Engineer	\$235	Resident Engineer	\$210
Associate Engineer	\$210	Assistant Resident Engineer	\$190
Assistant Engineer	\$195		
Junior Engineer	\$185		
Designer	\$175		
GIS Analyst	\$175		
Technician	\$160		
Engineering Trainee	\$135		

Litigation Charges

Work done in preparation for litigation and other very high level-of-expertise assignments is charged at \$400 per hour. Court or deposition time as an expert witness is charged at \$500 per hour.

Materials and Services

Subcontractors, special equipment, outside reproduction, data processing, computer services, etc., will be charged at 1.10 times cost.

Effective 1/1/23

Estimated Level of Effort for Drafting Tasks

Our estimated level of effort by drawing type is listed below. Effort will vary depending on the complexity of the drawing being modified.

Case 1: Revise existing drawing from AutoCAD file.

1. Replace and populate drawing frame
2. Update linework.
3. QC review

Typical Effort: 4-hours by Designer, 0.5-hours by Project Manager

Case 2: Revise existing drawing from image file.

1. Replace and populate drawing frame
2. Import image to AutoCAD and recreate linework
3. Update linework.
4. QC review

Typical Effort: 8-hours by Designer, 1-hour by Project Manager

Case 3: Create new drawing in AutoCAD.

1. Populate drawing frame
2. Draft the linework.
3. QC review

Typical Effort: 16-hours by Designer, 1-hour by Project Manager

EXHIBIT C – WORK SCHEDULE

Tasks 1c will be complete within 2 weeks of Task 1b completion.

Task 2 completion timing will depend on the scope of the drawing change, and will be negotiated during the Task 1 phase.

EXHIBIT D – INSURANCE REQUIREMENTS

- I. Subgrantee shall provide evidence of valid and collectible insurance carried for those exposures indicated by an "X".
- A. Professional Liability Errors & Omissions
 - B. Workers Compensation and Employers Liability
 - C. Automobile Liability - "Any Auto - Symbol 1"
 - D. Comprehensive General Liability, including Bodily Injury, Property Damage and Personal Injury
 - E. Owners & Contractors Protective
 - F. Protection & Indemnity (Marine/Aviation)
- II. The minimum limit of protection provided by insurance policies for each of the coverages listed above shall be not less than \$2,000,000. The procurement and maintenance by the Subgrantee of the policies required to be obtained and maintained by Subgrantee under this Agreement shall not relieve or satisfy Subgrantee's obligation to indemnify, defend and save harmless the District.
- III. Evidence of insurance carried shall be Certificates of Insurance for the current policies. The District shall be listed as a certificate holder on the Subgrantee's Comprehensive General Liability insurance policy and the policy must be endorsed to provide a 60-day prior written notice of cancellation.
- IV. The District requires that all Subgrantees carry a commercial liability policy written on a broad comprehensive general liability form.
- A. Such protection is to include coverage for the following hazards, indicated by an "X":
 - 1. Premises and Operations
 - 2. Products and Completed Operations
 - 3. Explosion Collapse and Underground
 - 4. Broad Form Blanket Contractual
 - 5. Broad Form Property Damage
 - 6. Personal Injury, A, B & C
 - 7. Employees named as Persons Insured
 - 8. Protective and/or Contingent Liability (O&CP)
 - B. The "Persons Insured" provision on each comprehensive general liability policy shall include as an insured the "Monterey Peninsula Water Management District, its officers, directors, agents and employees."
 - C. This policy shall contain a severability of interest clause or similar language to the following:

"The insurance afforded applies separately to each insured against whom claim is made or suit is brought including claims made or suits brought by any persons included within the persons insured provision of the insurance against any other such person or organization."

- D. All policies shall contain a provision that the insurance company shall give the District at least thirty (30) days prior written notice mailed to the address shown below prior to any cancellation, lapse or non-renewal. The 30-day written notice must be shown on all certificates of insurance.
- E. Certificates of Insurance for the current policies shall be delivered by the Subgrantee to the Risk Manager for the District as verification that terms A, B, C and D have been met.
- V. All insurance correspondence, certificates, binders, etc., shall be mailed to:
 - Monterey Peninsula Water Management District
 - Attn: Administrative Services Manager
 - 5 Harris Court, Building G
 - P.O. Box 85
 - Monterey, CA 93942-0085
- VI. All policies carried by the Subgrantee shall be primary coverage to any and all other policies that may be in force. The District shall not be responsible for payment of premiums due as a result of compliance with the terms and conditions of the insurance requirements.
- VII. All such policies of insurance shall be issued by domestic United States insurance companies with general policy holders' rating of not less than "B" and admitted to do business in the State of California. The policies of insurance so carried shall be carried and maintained throughout the term of this Agreement.

EXHIBIT E – DRUG-FREE WORKPLACE CERTIFICATION

The District is committed to maintaining a work environment free from the influence of alcohol and drugs in keeping with the spirit and intent of the Drug-Free Workplace Acts of 1988 and 1990. Illegal drugs in the workplace are a danger to all of us. They impair health, promote crime, lower productivity and quality, and undermine public confidence in the work we do. The use of any controlled substances is inconsistent with the behavior expected of our employees, contractors, and subcontractors. It subjects all employees, contractors, and subcontractors, as well as visitors to our facilities and work site, to unacceptable safety risks and undermines the District's ability to operate effectively and efficiently. In this connection, any location at which Monterey Peninsula Water Management District business is conducted, whether on District property or at any other site, is declared to be a drug-free workplace. This means that:

1. All employees, contractors, and subcontractors are absolutely prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in District business off our premises. Violation of this policy by contractors or subcontractors could result in termination of the contract for their services.
2. Employees, contractors, and subcontractors have the right to know the dangers of drug abuse in the workplace, the Monterey Peninsula Water Management District's policy about it, and what help is available to combat drug problems.
3. Any employee, contractor, or subcontractor convicted of violating a criminal drug statute in this agency's workplace must inform the District of such conviction (including pleas of guilty and nolo contendere) within five (5) days of its occurrence. Failure to do so by a contractor or subcontractor could result in termination of the contract for their services. By law, the District will notify the federal contracting officer within ten (10) days of receiving any notice of such a conviction.

ALL CONTRACTORS AND SUBCONTRACTORS ARE ASKED TO ACKNOWLEDGE THAT THEY HAVE READ THE ABOVE POLICY AND AGREE TO ABIDE BY IT IN ALL RESPECTS. BY LAW, THIS ACKNOWLEDGEMENT AND AGREEMENT ARE REQUIRED OF YOU AS A CONDITION OF ENTERING INTO THIS AGREEMENT.

ITEM: CONSENT CALENDAR**7. CONSIDER EXPENDITURE OF BUDGETED FUNDS FOR WATER CONSERVATION EQUIPMENT**

Meeting Date:	April 17, 2023	Budgeted:	Yes
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	Conservation Devices 26-05-781187
Prepared By:	Stephanie Locke	Cost Estimate:	\$13,000

General Counsel Approval: N/A**Committee Recommendation: The Finance and Administration Committee reviewed this item on April 10, 2023 and recommended approval.****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: The District currently provides water conservation equipment to the public upon request and makes equipment available at various public events and workshops. This equipment includes 1.5 gallons per minute (gpm) showerheads, automatic shut-off hose nozzles, faucet aerators, and other water efficient equipment and devices. In the upcoming months, the District will be involved with local Earth Day events and other outreach efforts and workshops. As part of these activities, staff offers water saving devices to District residents and businesses.

Staff is requesting approval for the expenditure of \$13,000 in budgeted funds to renew the stock of conservation equipment. Staff routinely checks with various vendors to ensure that the District receives the best prices available for the equipment needed.

RECOMMENDATION: The Finance and Administration Committee recommends that the Board approve the spending of \$13,000 to renew the District's stock of water conservation equipment.

IMPACT TO STAFF/RESOURCES: Funds for this expenditure are included in the Fiscal Year 2022-2023 Water Conservation Program budget on line 4-2-2-D.

EXHIBITS**7-A** Price Quote provided by AM Conservation Group, Inc.**7-B** Estimate provided by Education & Outreach Company

Estimate

EST-001206



Education & Outreach Company

21 Rockland Park Ave
Tappan, New York 10983

Bill To

Monterey Peninsula Water Management District

PO BOX 85
Monterey, CA 93942

Ship To

Monterey Peninsula Water
Management District
Kyle Smith
5 Harris Ct
Building G
Monterey, CA 93940

Estimate Date : 03/30/2023

Salesperson : Melissa Battaglia

Salesperson Phone Number : (845) 512-8632

#	Item & Description	Qty	Rate	Amount
1	Water Saving Playing Cards SKU : ST124 Water Saving Playing Cards	250	3.51	877.50
2	Saving Water in the Kitchen - Cutting Mat SKU : TM052 Saving Water in the Kitchen - Cutting Mat	250	3.60	900.00
3	Shipping & Handling	1	60.00	60.00
			Sub Total	1,837.50
			CA STATE TAX (6%)	110.25
			CA COUNTY TAX (0.25%)	4.59
			CA CITY TAX (1.5%)	27.56
			CA SPECIAL TAX (0.5%)	9.19
			CA SPECIAL TAX (1%)	18.38
			Total	\$2,007.47

Prices of all non-customized items reflect 10% savings during the month of March.

ITEM: CONSENT CALENDAR**8. CONSIDER RESCINDING BOARD ACTION ON ITEM NO. 14-B MADE ON MONDAY, MARCH 20, 2023 AND RE-AUTHORIZING THE GENERAL MANAGER TO APPROVE ADDITIONAL FUNDING FOR RAFTELIS IN AN AMOUNT NOT-TO-EXCEED \$60,000**

Meeting Date:	April 17, 2023	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	David J. Stoldt	Cost Estimate:	\$60,000

General Counsel Review: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: At the March 20, 2023 Board meeting, the chair inquired whether there were any additions or corrections to the agenda. The clerk answered in the affirmative, stating that “due to the need for immediate consideration by the Board for matters that arose after the posting of the published agenda and as provided by Government Code section 54954.2 . . . the Board is being asked to make the following addition . . .” The clerk went on to describe a request from Director Karen Paull to appear remotely pursuant to Government Code section 54954.2(b)(4). General Manager Dave Stoldt then interjected that there was another addition, Action Item 14.b, “and this would be to authorize expenditure of up to \$60,000 for an update to the rate study for Measure J by the Raftelis financial consulting team.” A motion and a second to approve both items immediately followed, and the Board took a roll call vote which passed unanimously, 6 to 0 with one absence.

On March 31, 2023 California American Water, through its attorney Nossaman LLP, sent a notice to the County District Attorney of what it thought was a Brown Act violation in how the District noticed, described, and voted on the item (see **Exhibit 8-A**).

The District Attorney responded on April 4, 2023 that it determined no Brown Act violation occurred and the Board took the requisite procedural steps to put item 14.b on the agenda and act upon it (see **Exhibit 8-B**).

Nevertheless, Government Code 54960.1 (c) (2) provides the MPWMD Board, as a legislative body, the opportunity to cure or correct action that has been challenged as failing to comply with the Brown Act. Out of an abundance of caution, it is recommended that the Board rescind its March 20, 2023 vote in favor of Item 14.b of that meeting agenda and to re-authorize the General Manager to enter into a contract amendment with Raftelis Financial Consultants not to exceed \$60,000 to update the rate study related to Measure J activities.

RECOMMENDATION: District General Counsel recommends that the Board rescind its March

20, 2023 vote in favor of Item 14.b of that meeting agenda and to re-authorize the General Manager to enter into a contract amendment with Raftelis Financial Consultants not to exceed \$60,000 to update the rate study related to Measure J activities.

BACKGROUND: On March 13, 2023 District staff asked Raftelis for an estimate of cost and schedule to update the Financial Plan/Rate Analysis (aka Rate Study) to reflect the new appraisal of the Cal Am Monterey Water System and the Cal AM current GRC application. On May 19, 2023 Raftelis provided an estimate of cost to be \$60,000 and completion by the end of May. This information came too late to be noticed in the published agenda for the March 20, 2023 meeting.

EXHIBITS

8-A Cal-Am Letter Alleging Brown Act Violation

8-B Monterey County District Attorney Determination of No Brown Act Violation



ATTORNEYS AT LAW

777 South Figueroa Street
34th Floor
Los Angeles, CA 90017
T 213.612.7800
F 213.612.7801

Amber Maltbie
D 213.612.7803
amaltbie@nossaman.com

Refer To File # 270226-0006

March 31, 2023

Monterey County District Attorney Jeannine Pacioni
142 W. Alisal Street, Suite A
Salinas, California 93901
publicinformation@co.monterey.ca.us

Re: Notice of Material Brown Act Violation by the Monterey Peninsula Water
Management District

Dear District Attorney Pacioni:

My law firm represents California American Water. On their behalf, this letter serves to alert you to violations of the Ralph M. Brown Act ("Brown Act") by the Monterey Peninsula Water Management District ("MPWMD") Board of Directors. Specifically, at its March 20, 2023 regular meeting, the MPWMD Board of Directors voted on an action item that was not timely included on the agenda. Additionally, the Board voted without making a determination that there was an immediate need for action on the item. No evidence was offered to indicate that the need for the agenda item became known to the Board after the regular agenda had been posted. This amounts to a material violation of the Brown Act and potentially invalidates the Board's action.

Discussion

California Government Code section 54954.2(a)(3) prohibits the Board of Directors from taking any action or discussing any items not on the posted agenda. Exceptions to this prohibition are construed narrowly.

During MPWMD's March 20 meeting, General Manager Dave Stoldt requested to add a new action item to the agenda described as "to authorize expenditure of up to \$60,000 for an update to the rate study for Measure J by the Raftelis financial consulting team." The Board approved adding this agenda item as item 14.b without discussion. (See hour 1, minute 16 - <https://www.youtube.com/watch?v=SGSzYTTqgJM>.) During public comment before item 14.b was considered, a representative of California American Water alerted the Board to the potential Brown Act violation, but his concerns were dismissed. The Board then proceeded to vote to approve new action item 14.b. At no point did the Board discuss or make a determination that there was a need for immediate action or that the need for immediate action arose only after the agenda had been posted. (See hour 3, minute 17.)

Had the Board wished to avail itself of the limited exception for legitimate immediate needs, it was required to first make two determinations: 1) that there was an immediate need to take action, and 2) that the need arose after the posting of the agenda. The matter may only then

March 31, 2023
Page 2

be placed on the agenda. (See Gov. Code § 54954.2(b)(2).) In this case, General Manager Stoldt described the need for Board action as one on mere convenience. Specifically, he stated:

“The reason for this and the reason it wasn’t on the agenda is, when we looked at the work performed by the consultant to date, and the timeline through which this board could decide to continue to move forward with a hearing on public necessity, it was brought to our attention that it might be in our interest and in our findings’ interest to update the rate study that was done in a similar fashion to 2019 to demonstrate savings as result of acquisition. Raftelis has looked at the schedule and if they get started basically now in the next week or so, they can finish by the end of May. So that’s why the sudden ask. They had provided a scope and a budget.”

A desire to have a study completed in time to inform the Board during a future vote is clearly not a legitimate immediate need. Even if it were, the Board failed to take the requisite procedural steps to put the item on the agenda.

In this case, the Board was alerted to the pending Brown Act violation, but moved forward with the vote anyway. Therefore, we are respectfully requesting that the District Attorney’s office act expeditiously in investigating and remedying the potentially invalid action.

Please do not hesitate to contact me if I can provide additional information.

Sincerely,



Amber Maltbie
Nossaman LLP

cc: David Laredo, General Counsel
Monterey Peninsula Water Management District
dave@laredolaw.net

Dave Stoldt, General Manager
Monterey Peninsula Water Management District
dstoldt@mpwmd.net

Mary Adams, Board Chair
Monterey Peninsula Water Management District
district5@co.monterey.ca.us

MONTEREY COUNTY

OFFICE OF THE DISTRICT ATTORNEY
JEANNINE M. PACIONI, DISTRICT ATTORNEY



February 24, 2022 (*Note: Actual date was April 4, 2023*)

Via Email Only

Amber Maltbie
Attorney at Law
NOSSAMAN LLP
777 South Figueroa Street, 34th Floor
Los Angeles, CA 90017
Email: amaltbie@nossaman.com

Dear Ms. Maltbie,

District Attorney Jeannine Pacioni assigned me to review your letter dated March 31, 2023, alleging that the Monterey Peninsula Water Management District (MPWMD) violated the Brown Act at its March 20 meeting. I have carefully reviewed your letter detailing your allegations as well as the MPWMD Agenda for the March 20 meeting, accompanying documents (concurrently noticed), and video of the meeting.

I respectfully disagree that the MPWMD Board violated the Brown Act in considering or acting to approve item 14.b. Specifically, I disagree with your assertion that, “At no point did the Board discuss or make a determination that there was a need for immediate action or that the need for immediate action arose only after the agenda had been posted.”

On page 2 of the March 20 agenda appears the following: “ADDITIONS AND CORRECTIONS TO THE AGENDA – The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections [sic] 54954.2 of the California Government Code.”

At 1:15:13 on the video, the chair inquired whether there were any additions or corrections to the agenda. The clerk answered in the affirmative, stating that “due to the need for immediate consideration by the Board for matters that arose after the posting of the published agenda and as provided by Government Code section 54954.2 . . . the Board is being asked to make the following addition . . .” The clerk went on to describe a request from Director Karen Paul to appear remotely pursuant to Government Code section 54954.2(b)(4). General Manager Dave Stoldt then interjected that there was another addition, Action Item 14.b, “and this would be to authorize expenditure of up to \$60,000 for an update to the rate study for Measure J by the Raftelis financial consulting team.” A motion and a second to approve both items immediately followed, and the Board took a roll call vote which passed unanimously.

The Board therefore complied with Government Code section 54954.2:

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

The Board did determine there was an immediate need to act, and that the need arose after the posting of the agenda, as reflected by the clerk's statement and the motion to act on both items with a unanimous vote to approve. According to the Attorney General's 2003 publication, [The Brown Act, Open Meetings for Local Legislative Bodies](#) (which Attorney General Rob Bonta currently posts on his website):

The body may discuss an item which was not previously placed upon an agenda at a regular meeting, *when the body determines* that there is a need for immediate action which cannot reasonably wait for the next regularly scheduled meeting. (§ 54954.2(b)(2).) [Italics added, p. 18].

I agree with the Attorney General, based on the plain wording in the statute, that the Board determines whether the need is legitimate. A 2/3 or unanimous vote, depending on attendance, is all that is required. The general manager sufficiently identified the item pursuant to section 54954.2(b) and, pursuant to the motion, the Board voted unanimously to add item 14.b to the agenda. The motion adopted a finding there was an immediate need to act and the need arose after posting of the agenda. Assuming *arguendo* that the printed notice on page 2 of the agenda does not resolve this matter, the moving directors need not, and did not, repeat the clerk's recitation of the finding nor the wording of each item. The Board then voted on both items to which the finding applied. Section 54954.2 does not state that separate votes are required. The Board therefore took the requisite procedural steps to put item 14.b on the agenda, completed at 1:17:25 on the video.

As you know, if you disagree, Government Code section 54960 affords you a procedural avenue you may pursue without assistance from this office.

Sincerely,

JEANNINE M. PACIONI
District Attorney

A handwritten signature in black ink, appearing to read 'Berkley Brannon'. The signature is stylized and somewhat abstract, with a large 'B' and 'R' being the most prominent features.

Berkley Brannon
Chief Assistant Deputy District Attorney

cc: David Laredo, General Counsel
Monterey Peninsula Water Management District
dave@laredolaw.net

Dave Stoldt, General Manager
Monterey Peninsula Water Management District
dstoldt@mpwmd.net

Mary Adams, Board Chair
Monterey Peninsula Water Management District
district5@co.monterey.ca.us

ITEM: ACTION ITEM**12. CONSIDER ADOPTION OF DISTRICT STRATEGIC GOALS AND OBJECTIVES FOR 2023****Meeting Date:** April 17, 2023 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A**Prepared By:** David J. Stoldt **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: On January 21, 2022 the District Board conducted a special meeting where strategic goals were discussed. Near-term and long-term objectives were developed. They were adopted at a regular meeting February 24, 2022. The previous year, the Board undertook a facilitated process with two special workshops in March, followed by adoption in April.

For 2023, the Board met on March 31st in a workshop setting at Asilomar conference center, facilitated by the General Manager, General Counsel, and the Board Clerk. Four members of the public attended.

The Board undertook the following:

- Reviewed the goal-setting process; Definitions of “goal” v “objective”; Reviewed the “SMART” criteria for objectives (“SMART”: Specific, Measurable, Achievable, Realistic, Time)
- Summarized recent year goals
- Directors anonymously identified “Top 3” goals for calendar year, “Top 2” longer-term goals; Results were compiled and posted.
- Discussion ensued – Key Questions:
 - a. Do we think similarly or are there differences?
 - b. What’s missing? Too many?
 - c. What should be long-term versus near-term?
 - d. Can we rank priority?
- Objectives were developed making sure there is no duplication of goals and objectives; objectives are clear and meet the SMART criteria; and objectives are properly aligned with goals.

- The Directors agree to goals for the District to focus on; Directors agreed to objectives under each goal that are appropriate and have realistic timelines.
- The General Manager was asked to clean up the list of agreed upon goals and objectives and prepare an exhibit for subsequent Board adoption.

Exhibit 12-A summarizes the recommended Strategic Goals and Objectives for 2023.

RECOMMENDATION: The Board will consider adopting the District's Strategic Goals and Objectives for 2023.

EXHIBIT

12-A Recommended Strategic Goals and Objectives for 2023



EXHIBIT 12-A

DRAFT

MPWMD 2023 Strategic Goals and Objectives

(For Adoption by the MPWMD Board of Director's on April 17, 2023)

Near-Term Goals *(1- to 2-Year Timeline)*

1. **Goal** - Secure a safe, reliable, sustainable, diversified, affordable, legal water supply for the Monterey Peninsula through support and investment in Pure Water Monterey Expansion (PWM-X).

Objectives

- a. Partner with Monterey One Water (M1W) on PWM Expansion; Complete construction in 2025.
 - b. Protect and preserve District and M1W state and federal grants and low-cost financing.
 - c. Reconstitute the District Technical Advisory Committee and, subsequently, the Policy Advisory Committee to develop an Allocation Plan for dedicating new water to the jurisdictions; Ensure Allocation Plan recognizes and supports affordable housing.
 - d. Develop plan, preferably with support of Cal-Am and the Coalition of Peninsula Businesses to lift the Cease and Desist Order (CDO) and moratorium on new meters.
2. **Goal** – Expedite and implement public ownership of the water distribution system as directed by the voters pursuant to Measure J.

Objectives

- a. Make offer, develop findings, determine whether to hold Hearing of Public Necessity, if so file condemnation action – by August/September 2023
- b. Develop strategy on options regarding “latent power activation.”
- c. Invest in outreach/marketing of our ability as a water provider/operator, including website and social media.
- d. Develop an initial strategy for staffing/organization planning; Develop a public outreach/awareness campaign in support of such initiative ahead of any condemnation action.

3. **Goal** - Protect and enhance the District's financial resources, both short- and long-term.

Objectives

- a. Analyze impacts of potential loss of Water Supply Charge (Taxpayers Association lawsuit), develop strategy to include success/failure in District budget.
 - b. Make decision on Mechanics Bank loan balloon payment in June 2023.
 - c. Ensure fiscal stability in support of Measure J activities.
 - d. Maintain GFOA award and CSDA transparency certificate of compliance in 2023.
 - e. Continue to develop strategy for PERS and OPEB liabilities in 2022-23 budget.
 - f. Continue to place all financial documents (audit, budget, other) online within one month of adoption.
4. **Goal** – Increase public awareness/engagement and ensure MPWMD reputation for excellence, competence, integrity, and commitment to the community's best interests remains intact.

Objectives

- a. Continue to provide reliable information on supply, demand, drought, and other local water issues needed by public, media, and regulators.
 - b. Continue to raise the District profile and instill public trust.
 - c. Support objectives on Measure J through public outreach.
 - d. Better inform public about environmental activities of the District.
 - e. Coordinate/Communicate w/ other water management agencies on a regional basis.
5. **Goal** – Continue strategic planning for near-term water supply, including operation optimization.

Objectives

- a. Focus on near-term water supply demand and supply needs/analysis; Achieve optimization of existing supplies and facilities to the maximum extent possible in conjunction with Cal-Am as owner.
 - b. Coordinate with and encourage Cal-Am on execution and progress of Cal-Am owned-facilities (e.g. ASR #4, Sand City source wells, new Seaside Basin extraction wells, pump stations, repairs, and rehabilitations.)
 - c. Develop plan for improved ASR operations.
 - d. Assess climate change impacts on local water supplies, primarily through completion of Basin Study, hopefully in 2023, pursuant to USBR schedule.
 - e. Complete Los Padres Dam Alternatives Study; Consider recommendation of Board on future action.
 - f. Update description of supplies and projects on website.
6. **Goal** – Focus on organizational effectiveness and planning for the future.

Objectives

- a. Discuss succession planning for existing organization.
- b. Evaluate succession planning under Measure J scenarios.
- c. Determine near-term needs at executive and staff level; Evaluate change in District policies to lure talent.
- d. Provide Board and staff development opportunities.

Longer-Term Goals (3-Years or More)

7. **Goal** – Continue strategic planning for long-term water supply.

Objectives

- a. Work with Watermaster to address Seaside Basin protective water levels, infrastructure needs, and funding.
- b. Evaluate/update Carmel River pumpers load and Rule 160-164 impacts.
- c. Assess climate change impacts on local water supplies, primarily through completion of Basin Study.
- d. Discuss support for future supply resources such as Cal-Am desal, regional desal, or other in light of climate change impacts, including sea level rise.

8. **Goal** – Focus on clarity and customer-friendly process for permits, rules, and regulations.

Objectives

- a. Revise and clarify WDS permit regulations.
- b. Clarify or make user-friendly the District permit forms and instructions.
- c. Consolidation and reorganization of existing Rules and Regulations.

9. **Goal** – Look at new direction for Carmel River mitigation program requirements.

Objectives

- a. Develop monitoring plan in post-San Clemente Dam environment.
- b. Evaluate post-CDO Cal-Am and non-Cal-Am withdrawals.
- c. Consider District permit 20808-B options.
- d. Look for grant money where available.

ITEM: DISCUSSION ITEM**13. REPORT ON RESCISSION OF STAGE 2 WATER CONSERVATION IN RESPONSE TO EXECUTIVE ORDER N-5-23**

Meeting Date:	April 17, 2023	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Stephanie Locke	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378**

SUMMARY: Governor Newsom issued Executive Order No. N-5-23 on March 24, 2023. The Order rescinded paragraphs of Executive Order No. N-7-22 requiring the State Water Board to direct urban water suppliers to implement Level 2 of their water shortage contingency plans in response to unprecedented drought in California. The District (and California American Water) proactively triggered Stage 2 Water Conservation (Voluntary Reduction in Use) on June 1, 2022. Stage 2 automatically sunset without further action of the Board when the regulatory order was cancelled.

As a result of Executive Order No. N-5-23, Stage 1 Water Conservation (Prohibition on Water Waste) remains in effect. MPWMD Rule 162 is attached as **Exhibit 13-A**. Stage 1 is the lowest level of conservation and requires adherence to a long list of Water Waste rules, including the following:

- Water must only be served upon request of the customer in all restaurants/food service and there must be notification either on the table or on the menu of this requirement.
- All leaks, breaks, or other malfunctions in a water user's plumbing or a water distribution system must be repaired within 72 hours of notification that a leak exists. Exceptions may be granted by the General Manager for corrections which are not feasible or practical.
- Drinking water used for irrigation or other outdoor purposes must not be allowed to run to waste.
- Potable water should not be used for washing driveways, patios, parking lots, tennis courts, or other hard surfaced areas, except in cases where health or safety are at risk and the surface is cleaned with a Water Broom or other water efficient device or method. Water should be used only when traditional brooms are not able to clean the surface in a satisfactory manner.

- Irrigation must be done before 9 a.m. or after 5 p.m. on Saturdays and Wednesdays only, except for irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week. Limited hand-watering with a positive-action shut off nozzle or another efficient hand irrigation method is allowed on other days as long as water is not running to waste.
 - Irrigation using water from a well is exempt from the watering day restriction if irrigation is done in an efficient manner. Well irrigators located in urban areas are encouraged to display signage that indicates the water used for irrigation is from a well.
- Rental property managers/owners are required to provide tenants with information about the water conservation requirements, including the Water Waste and Non-Essential Water Use regulations of the District.
- If using a hose to hand water, a positive action shut-off nozzle is required.

RECOMMENDATION: No action is required. This report was provided for information only.

BACKGROUND: On April 18, 2022, the board adopted Resolution 2022-15 triggering [Rule 163 Stage 2 Water Conservation: Voluntary Reduction in Use](#) on June 1, 2022. Stage 2 was activated by the “Regulatory Trigger” (Rule 163-A-4) when a water system is directed to reduce use by a governmental or regulatory agency. Governor Newsom in Executive Order N-7-22 directed the State Water Board to consider adopting an emergency regulation requiring urban water suppliers to implement Level 2 demand reduction and to ban irrigation of “non-functional turf” in commercial, industrial, and institutional sectors.

Implementation of Stage 2 was coordinated with Cal-Am. In addition to increased enforcement of the always-present Water Waste rules, there were efforts to increase information and outreach including new water efficiency workshops for the public, promotion of the rebate program, and conservation equipment available for free that could be picked up at the District and Cal-Am’s offices. In addition, staff is met with key members of the Monterey County Hospitality Association to review the existing hotel and restaurant requirements. Finally, non-residential and Common Interest Developments (condos) with non-functional turf were notified of the State’s requirement to cease irrigation, other than to provide water for trees in the turf areas.

EXHIBIT

13-A MPWMD Rule 162

13-B Governor’s Executive Order

RULE 162 - STAGE 1 WATER CONSERVATION: PROHIBITION ON WATER WASTE

- A. Trigger. Stage 1 shall remain in effect at all times and shall apply to all Water Users subject to modification by the Board.
- B. Water Waste Prohibitions. Water Waste shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water. Water Waste shall include, but not be limited, to the following:
1. Waste caused by correctable leaks, breaks or malfunctions. All leaks, breaks, or other malfunctions in a Water User's plumbing or distribution system must be repaired within 72 hours of notification that a leak exists. Exceptions may be granted by the General Manager for corrections which are not feasible or practical.
 2. Indiscriminate or excessive water use which allows excess to run to waste.
 3. Washing driveways, patios, parking lots, tennis courts, or other hard surfaced areas with Potable water, except in cases where health or safety are at risk and the surface is cleaned with a Water Broom or other water efficient device or method. Water should be used only when traditional brooms are not able to clean the surface in a satisfactory manner.
 4. Power or pressure washing buildings and structures with Potable water, except when preparing surfaces for paint or other necessary treatments or when abating a health or safety hazard.
 5. Irrigation between 9 a.m. and 5 p.m. on any day, and irrigation on any day other than Saturdays and Wednesdays, except for irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week. This prohibition applies to hand watering with a hose, and irrigation systems whether spray, drip, or managed by a Smart Controller. Limited hand watering of plants or bushes with a small container or a bucket is permitted on any day at any time. Subsurface Graywater Irrigation Systems may also be operated at any time. An exemption may be given to a Non-Residential establishment whose business requires water in the course of its business practice (e.g. golf courses, nurseries, recreational space, among others) with notification by the business owner to the District, and subject to the approval of the General Manager.

Irrigation using water from a Well is exempt from the watering day restriction if irrigation is done in an efficient manner. Well irrigators located in urban areas are encouraged to display signage that indicates the water used for irrigation is from a Well or other Source of Supply on the Site.
 6. Hand watering by a hose, during permitted hours, without a quick acting Positive Action Shut-Off Nozzle.

7. Irrigating during rainfall and for 48 hours after Measurable Precipitation.
8. Use of water for irrigation or outdoor purposes in a manner inconsistent with California's Model Water Efficient Landscape Ordinance (Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, and any successor regulations) where applicable, or in a manner inconsistent with local regulations.
9. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling, and except to the extent needed to sustain aquatic life, provided such animals are of significant value and have been actively managed.
10. Individual private washing of cars with a hose except with the use of a Positive Action Shut-Off Nozzle.
11. Washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles with Potable water, except at water efficient commercial or fleet vehicle or boat washing facilities where equipment is properly maintained to avoid wasteful use.
12. In-Bay or Conveyor Car Washes permitted and constructed prior to January 1, 2014, that do not recycle and reuse at least 50 percent of the wash and rinse water. In-Bay or Conveyor Car Washes that were permitted and constructed after January 1, 2014, that do not either: (1) use and maintain a water recycling system that recycles and reuses at least 60 percent of the wash and rinse water; or (2) use Recycled Water provided by a water supplier for at least 60 percent of its wash and rinse water.
13. Charity car washes.
14. Use of Potable water for street cleaning.
15. Failure to meet MPWMD Regulation XIV water efficiency standards for an existing Non-Residential User after having been given a reasonable amount of time to comply.
16. Serving drinking water to any customer unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale.
17. Visitor-Serving Facilities that fail to adopt and promote towel and linen reuse programs and provide written notice in the rooms, whereby towels and linens are changed every three days or as requested by action of the guest.
18. Washing of livestock with a hose except with the use of a Positive Action Shut-Off Nozzle.

19. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD.
 20. Delivery, receipt, and/or use of water from an unpermitted Mobile Water Distribution System.
 21. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where Non-Potable Water or other alternatives are available or satisfactory.
 22. Use of unmetered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of the General Manager.
 23. Water use in excess of a Water Ration.
 24. Non-compliance with Regulations XIV and XV.
- C. The following activities shall not be cited as Water Waste:
1. Flow resulting from firefighting or essential inspection of fire hydrants;
 2. Water applied to abate spills of flammable or otherwise hazardous materials, where water application is the appropriate methodology;
 3. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;
 4. Storm run-off;
 5. Flow from fire training activities during Stage 1 Water Conservation through Stage 3 Water Conservation;
 6. Reasonable quantities of water applied as dust control as required by the Monterey Bay Air Resources District, except when prohibited;
 7. When a Mobile Water Distribution System Permit is not obtained by a State licensed Potable water handler by reason of an emergency or health related situation, authorization for the Mobile Water Distribution System Permit shall be sought from the District by submittal of a complete application compliant with Rule 21, within five working days following commencement of the emergency or health related event.

- D. Prohibitions against Water Waste and Non-Essential Water Use shall be enforced by the District and its designated agents, unless indicated otherwise. All notices and assessments of Water Waste and/or excess water use charges made by a Water Distribution System Operator shall be reported to the District within thirty (30) days.
- E. Each occurrence of Water Waste or Non-Essential Water Use that continues after the Water User has had reasonable notice to cease and desist that type of water use shall constitute a Flagrant Violation.
- F. Repeated occurrences of Water Waste or Non-Essential Water Use, which continue or occur after the Water User has had a reasonable notice to cease and desist that type of water use, or which continues or occurs after the Water User has had a reasonable opportunity to cure any defect causing that type of water use, shall provide cause for the placement of a Flow Restrictor with a maximum flow rate of six (6) CCF/month within the water line or Water Meter. Exemptions to the installation of a Flow Restrictor as a means to enforce the Water Ration shall occur when there are provable risks to the health, safety and/or welfare of the Water User. An exemption shall be made for Master Meters serving three or more Multi-Family Households or Master Meters serving both Residential and Non-Residential Users by substituting an excess water use charge equivalent to the appropriate Water Meter size, Rationing stage, and 4th offense amount times the number of Dwelling Units located on the Water Meter during each month in which a violation of the Water Ration occurs. The Responsible Party shall be liable for payment of all excess water use charges.
- G. Water Waste Fines shall be assessed as shown in Table XV-5. Table XV-5 may be amended by Resolution of the Board. Amendments to this table shall be concurrently made to the Fees and Charges Table found in Rule 60.
- H. In addition to Water Waste fines and fees described in this Rule 162, enforcement of all District Rules and Regulations is subject to District Regulation XI and may include an Administrative Compliance Order, a Cease & Desist Order, or other remedy available to the District under its Regulation XI.

Rule added by Ordinance No. 92 (1/28/99); amended by Ordinance No. 119 (3/21/05); Ordinance No. 125 (9/18/2006); Ordinance No. 134 (8/18/2008); Ordinance No. 135 (9/22/2008); Ordinance No. 137 (12/8/2008); Resolution No. 2009-17 (12/14/2009); Ordinance No. 142 (1/28/2010); deleted by Ordinance No. 169 (2/17/2016); Rule added by Ordinance No. 169 (2/7/2016); Ordinance No. 177 (9/18/2017); Ordinance No. 179 (8/20/2018)

**Table XV-5
Water Waste Fines**

First offense	No fee: Written notice and opportunity to correct the situation
Fine for first Flagrant Violation	\$100*
Fine for second Flagrant Violation within two (2) months	\$250*
Fine for third and subsequent Flagrant Violations within twelve (12) months	\$500*
Fine for Administrative Compliance Order or Cease & Desist Order	Up to \$2,500 per day* for each ongoing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars (\$100,000.00) exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations
Late payment charges	Half of one percent of the amount owed per month
*Fines triple for customers using over 500,000 gallons/year	

Table XV-5 added by Ordinance No. 169 (2/17/2016)

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-3-23

WHEREAS on April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed States of Emergency due to drought conditions that continue today and exist across California; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and these impacts continue to affect groundwater basins, local water supplies, and ecosystems, resulting in continuing drought in the State; and

WHEREAS the ongoing drought continues to have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS early, substantial rains in October and December 2021 gave way to the driest January-February-March period in over 100 years in California, leading the October 2021 to September 2022 water year to end with statewide precipitation at 76 percent of average, with statewide reservoir storage at 69 percent of average, and with Lake Oroville—the State Water Project's largest reservoir—at 64 percent of average; and

WHEREAS in January 2023, the State experienced one of the wettest three-week periods on record, yielding a snowpack that was at 205 percent of average on February 1, 2023, yet to date February has been drier than average; and

WHEREAS the current snowpack has not reduced stresses upon the State's water resources, including low storage levels, depleted aquifers, and diminished local water supplies; and

WHEREAS the State can expect continued swings between extreme wet and extreme dry periods that can present risks of severe flooding and extreme drought in the same year; and

WHEREAS California must adapt to a hotter, drier future in which a greater share of rain and snowfall during the wetter months will be absorbed by dry soils, consumed by plants, and evaporated into the air, leaving less water for communities, species, and agriculture; and

WHEREAS the frequency of hydrologic extremes experienced in the State is indicative of an overarching need to continually reexamine policies to promote resiliency in a changing climate; and

WHEREAS Californians continue to make progress conserving water, with urban water users conserving 17.1 percent statewide in December 2022 compared to December 2020 and agricultural producers continuing to invest in more efficient irrigation; and

WHEREAS despite this progress, the uncertainty of precipitation during the remainder of the winter and spring, and the potential of dry conditions next

winter and of drought conditions extending to a fifth year, make it necessary for the State to continue water-conservation measures and drought-resilience actions to extend available supplies, protect water reserves, and maintain critical flows for fish and wildlife; and

WHEREAS as directed in "California's Water Supply Strategy: Adapting to a Hotter, Drier Future," the State plans to stretch water supplies by storing, recycling, de-salting, and conserving the water it will need to keep up with the increasing pace of climate change; and

WHEREAS multiple regions of the State, such as the Klamath Basin and the Colorado River system, face severe water shortage conditions, and groundwater basins in the Central Valley continue to be depleted from years of drought and overdraft; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS capturing and storing storm and snowpack runoff underground to recharge aquifers is an important strategy to help regions stabilize water supplies in the face of hydrologic extremes; and

WHEREAS state agencies have created streamlined permitting pathways to enable groundwater recharge that augments natural aquifer recharge, while protecting the environment and other water users, but more opportunities exist to facilitate groundwater recharge; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my State of Emergency Proclamations dated April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, and Executive Orders N-10-21 (July 8, 2021) and N-7-22 (March 28, 2022), remain in full force and effect, except as modified by those proclamations and orders and herein. State agencies shall

continue to implement all directions from those proclamations and orders and accelerate implementation where feasible.

2. To maximize the extent to which winter precipitation recharges underground aquifers, the Department of Water Resources, the State Water Resources Control Board (Water Board), and the Department of Fish and Wildlife shall continue to collaborate on expediting permitting of recharge projects and shall work with local water districts to facilitate recharge projects.
3. Paragraph 4 of my State of Emergency Proclamation dated May 10, 2021 and Paragraph 4 of my State of Emergency Proclamation dated July 8, 2021 are withdrawn, and each is replaced with the following text:

To ensure adequate water supplies for purposes of health, safety, the environment, or drought resilient water supplies, the Water Board shall consider modifying requirements for reservoir releases or diversion limitations in Central Valley Project or State Water Project facilities to: (i) conserve water upstream later in the year in order to protect cold water pools for salmon and steelhead, (ii) enhance instream conditions for fish and wildlife, (iii) improve water quality, (iv) protect carry-over storage, (v) ensure minimum health and safety water supplies, or (vi) provide opportunities to maintain or to expand water supplies north and south of the Delta. The Water Board shall require monitoring and evaluation of any such changes to inform future actions. For any actions taken pursuant to this paragraph and any approvals granted in furtherance of this paragraph, Water Code Section 13247 and Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are suspended. Nothing in this Paragraph affects or limits the validity of actions already taken or ongoing under Paragraph 4 of my May 10, 2021 Proclamation or Paragraph 4 of my July 8, 2021 Proclamation.

4. Paragraph 9 of Executive Order N-7-22 is withdrawn and replaced with the following text:

To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:

- a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This Paragraph shall not apply to permits for wells (i) that will provide less than two acre-feet per year of groundwater for individual domestic users, (ii) that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code, or (iii) that are replacing existing, currently permitted wells with new wells that will produce an equivalent quantity of water as the well being replaced when the existing well is being replaced because it has been acquired by eminent domain or acquired while under threat of condemnation.

5. No later than April 28, 2023, state agencies shall send me their recommendations for what further actions, if any, are necessary for on-going emergency drought response, and their views on whether any existing provisions in my proclamations and executive orders related to the drought emergency are no longer needed to prepare for and mitigate the effects of the drought conditions.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 13th day of February 2023.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

ITEM: INFORMATIONAL ITEM/STAFF REPORT**14. REPORT ON ACTIVITY/PROGRESS ON CONTRACTS OVER \$25,000****Meeting Date:** April 17, 2023 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/** N/A
Line Item No.:**Prepared By:** Suresh Prasad **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Attached for review as **Exhibit 14-A**, monthly status report on contracts over \$25,000 for the period February 2023. This status report is provided for information only, no action is required.

EXHIBIT**14-A** Status on District Open Contracts (over \$25k)

EXHIBIT 14-A

**Monterey Peninsula Water Management District
Status on District Open Contracts (over \$25K)
For The Period February 2023**

Contract	Description	Date Authorized	Contract Amount	Prior Period	Current Period	Total	Expected	P.O. Number	
				Expended To Date	Spending	Expended To Date	Completion		
1	Cypress Coast Ford	Purchase Ford 150 4X4 Truck	5/16/2022	\$ 42,000.00	\$ -	\$ 40,939.26	\$ 40,939.26	Current period purchase of new truck	PO03244
2	City of Monterey	MPWMD Local Water Project Development Grant	10/17/2022	\$ 25,000.00	\$ -	\$ 12,831.50	\$ 12,831.50	Current period billing for local water project	PO03242
3	DeVeera Inc.	HP Smart Array 2062 SAN Server	12/12/2022	\$ 160,000.00	\$ 148,273.63	\$ 9,000.00	\$ 157,273.63	Current period billing for purchase of Storage Area Network (SAN) server	PO03222
4	DeVeera Inc.	Board Conference Room A/V Upgrade	12/12/2022	\$ 30,000.00	\$ -	\$ 17,997.00	\$ 17,997.00	Current period billing for upgrade of A/V Room equipment	PO03221
5	Access Monterey Peninsula	Board Conference Room A/V Upgrade	12/12/2022	\$ 25,000.00	\$ 12,653.37	\$ 7,875.00	\$ 20,528.37	Current period billing for upgrade of A/V Room equipment	PO03220
6	Tyman Construction Inc.	Sleepy Hollow Rearing Channel Rehabilitation	11/14/2022	\$ 693,000.00	\$ -	\$ 435,668.10	\$ 435,668.10	Current period billing for Sleepy Hollow Rearing Channel project	PO03195
7	Montgomery & Associates	Annual Groundwater Modeling Support	6/20/2022	\$ 50,000.00	\$ -	\$ -	\$ -		PO03193
8	Clifton Larson Allen LLP	Audit for FYE 06/30/2022	6/15/2020	\$ 71,000.00	\$ 59,500.00	\$ 1,500.00	\$ 61,000.00	Current period billing for audit work	PO03160
9	WellmanAD	Public Outreach Consultant	10/10/2022	\$ 70,875.00	\$ 31,500.00	\$ 7,875.00	\$ 39,375.00	Current period retainer billing for outreach services	PO03155
10	Telemetrix	Consultant Services for Sleepy Hollow Facility	6/20/2022	\$ 27,060.00	\$ 5,115.00	\$ -	\$ 5,115.00		PO03121
11	ETech Consulting, LLC	Accela Improvements	5/16/2022	\$ 52,000.00	\$ 38,560.00	\$ 8,480.00	\$ 47,040.00	Current period billing for Accela upgrade	PO02969
12	De Lay & Laredo	Measure J/Rule 19.8 Appraisal/Water Rights Phase 3	8/15/2022	\$ 75,000.00	\$ 45,490.46	\$ -	\$ 45,490.46		PO03113
13	De Lay & Laredo	Measure J/Rule 19.8 Appraisal/Real Estate Phase 3	8/15/2022	\$ 80,000.00	\$ 53,309.64	\$ -	\$ 53,309.64		PO03112
14	De Lay & Laredo	Measure J/Rule 19.8 Appraisal/Rate Study Phase 3	8/15/2022	\$ 160,000.00	\$ 89,120.85	\$ 30,010.00	\$ 119,130.85	Current period billing for Measure J rate study	PO03111
15	Rutan & Tucker, LLP	Measure J/Rule 19.8 Eminent Domain Phase 3	12/16/2019	\$ 175,000.00	\$ 2,512.50	\$ -	\$ 2,512.50		PO03110
16	Lynx Technologies, Inc	GIS Consultant Contract for 2022-2023	6/20/2022	\$ 35,000.00	\$ 13,800.00	\$ 3,150.00	\$ 16,950.00	Current period billing for GIS services	PO03048
17	Regional Government Services	HR Contracted Services for FY 2022-2023	6/20/2022	\$ 35,000.00	\$ 8,576.15	\$ -	\$ 8,576.15		PO03047
18	Monterey One Water	PWM Expansion Project Amd #6	11/15/2021	\$ 1,200,000.00	\$ 483,114.17	\$ -	\$ 483,114.17		PO03042
19	Martin B. Feeney, PG, CHG	Installation of sampling pump in Paralta Test for RWQCB Permit Sampling	7/18/2022	\$ 30,000.00	\$ 29,915.69	\$ -	\$ 29,915.69		PO03040
20	JEA & Associates	Legislative and Administrative Services - FY 2022-2023	7/18/2022	\$ 44,300.00	\$ 20,400.00	\$ 3,400.00	\$ 23,800.00	Current period retainer billing	PO03037
21	The Ferguson Group LLC	Contract for Legislative Services for FY 2022-2023	7/18/2022	\$ 75,500.00	\$ 42,444.56	\$ 6,060.07	\$ 48,504.63	Current period retainer billing	PO03036
22	DeVeera Inc.	IT Managed Services Contract FY 2022-2023	6/15/2020	\$ 60,480.00	\$ 35,280.00	\$ 5,040.00	\$ 40,320.00	Current period billing for IT managed services	PO03028
23	DeVeera Inc.	BDR Datto Services Contract FY 2022-2023	9/6/2019	\$ 26,352.00	\$ 13,176.00	\$ 2,196.00	\$ 15,372.00	Current period billing for IT backup services	PO03027
24	CSC	Recording Fees	7/22/2022	\$ 50,000.00	\$ 20,000.00	\$ -	\$ 20,000.00		PO03010
25	Pueblo Water Resources, Inc.	ASR Operations Support	6/20/2022	\$ 75,000.00	\$ -	\$ -	\$ -		PO02983
26	MBAS	ASR Water Quality FY 2022-2023	6/20/2022	\$ 40,000.00	\$ 6,591.00	\$ 507.00	\$ 7,098.00	Current period billing for ASR related water quality testing	PO02982
27	Monterey Peninsula Engineering	Install quarantine tanks at the Sleepy Hollow facility	3/21/2022	\$ 262,500.00	\$ 227,855.12	\$ -	\$ 227,855.12		PO02967

Monterey Peninsula Water Management District
Status on District Open Contracts (over \$25K)
For The Period February 2023

Contract	Description	Date Authorized	Contract Amount	Prior Period	Current Period	Total	Expected	Current Period Activity	P.O. Number	
				Expended To Date	Spending	Expended To Date	Completion			
28	City of Sand City	IRWM Grant Reimbursement	3/28/2022	\$ 1,084,322.50	\$ 4,598.75		\$ 4,598.75			PO03093
29	Marina Coast Water District	IRWM Grant Reimbursement	3/28/2022	\$ 83,079.00	\$ 2,255.50		\$ 2,255.50			PO02947
30	City of Seaside	IRWM Grant Reimbursement	3/28/2022	\$ 578,987.90	\$ 317,190.32		\$ 317,190.32			PO02948
31	Montgomery & Associates	Annual Groundwater Modeling support	11/15/2021	\$ 50,000.00	\$ 31,941.00		\$ 31,941.00			PO02849
32	DUDEK	Grant administration services for the Proposition 1 IRWM Implementation	12/14/2020	\$ 114,960.00	\$ 32,297.50	\$ 725.00	\$ 33,022.50		Current period billing for Prop 1 IRWM grant administration services	PO02847
33	Shute, Mihaly & Weinberger LLP	Measure J LAFCO Litigation Legal Services	1/1/2022	\$ 250,000.00	\$ 198,126.33	\$ 43,717.07	\$ 241,843.40		Current period billing for LAFCO Measure J litigation services	PO02843
34	Reiff Manufacturing	Quarantine tanks with for the Sleepy Hollow steelhead facility	10/18/2022	\$ 48,000.00	\$ 40,350.00		\$ 40,350.00			PO02824
35	Psomas	Measure J/Rule 19.8 MPWMD Survey Services	9/20/2021	\$ 28,000.00	\$ 25,900.00		\$ 25,900.00			PO02791
36	Tetra Tech, Inc.	Engineering services Sleepy Hollow Facility Upgrade	6/21/2021	\$ 67,500.00	\$ 44,243.86		\$ 44,243.86			PO02693
37	Zim Industries, Inc.	ASR 1 Rehabilitation	2/25/2021	\$ 113,350.00	\$ 106,277.25		\$ 106,277.25			PO02650
38	Monterey One Water	PWM Deep Injection Well #4 Design/Construction	9/21/2020	\$ 4,070,000.00	\$ 1,662,829.66		\$ 1,662,829.66			PO02604
39	Goodin, MacBride, Squeri & Day, LLP	Legal Fee Related MPWSP	4/1/2021	\$ 50,000.00	\$ 29,848.31		\$ 29,848.31			PO02601
40	Local Agency Formation Commission (LAFCO) of Monterey County	Measure J/Rule 19.8 MPWMD LAFCO Application Proces	5/17/2021	\$ 232,800.00	\$ 210,584.62		\$ 210,584.62			PO02598
41	Shute, Mihaly & Weinberger LLP	Measure J CEQA Litigation Legal Services	12/23/2020	\$ 200,000.00	\$ 140,933.56		\$ 140,933.56			PO02490
42	Weston Solutions, Inc.	UXO Support Services	6/15/2020	\$ 26,378.70	\$ 6,521.66		\$ 6,521.66			PO02371
43	Denise Duffy & Assoc. Inc.	CEQA addendum for ASR Parallel Pipeline	4/20/2020	\$ 28,567.00	\$ 25,970.44		\$ 25,970.44			PO02363
44	Norton Rose Fulbright	Cal-Am Desal Structuring & Financing Order	4/20/2015	\$ 307,103.13	\$ 38,557.29		\$ 38,557.29			PO02197
45	Pueblo Water Resources, Inc.	ASR SMWTF Engineering Services During Construction	10/21/2019	\$ 148,100.00	\$ 142,709.87		\$ 142,709.87			PO02163
46	U.S. Bank Equipment Finance	Copier machine leasing - 60 months	7/15/2019	\$ 52,300.00	\$ 35,861.84	\$ 871.81	\$ 36,733.65	6/30/2024	Current period billing for photocopy machine lease	PO02108
47	Monterey One Water	Supplemental EIR Costs for PWM Expansion Project	3/18/2019	\$ 750,000.00	\$ 731,336.70		\$ 731,336.70			PO02095
48	Monterey One Water	Pre-Construction Costs for PWM Expansion Project	11/13/2017	\$ 360,000.00	\$ 312,617.94		\$ 312,617.94			PO02094
49	DUDEK	Consulting Services for Prop 1 grant proposal	4/15/2019	\$ 95,600.00	\$ 94,315.05		\$ 94,315.05			PO01986
50	Denise Duffy & Associates	Consulting Services IRWM plan update	12/17/2018	\$ 55,000.00	\$ 53,322.32		\$ 53,322.32			PO01985
51	Tetra Tech, Inc.	Engineering services Sleepy Hollow Facility Upgrade	7/16/2018	\$ 30,000.00	\$ 26,878.87		\$ 26,878.87			PO01880
52	Ecology Action of Santa Cruz	IRWM HEART Grant	4/16/2018	\$ 152,600.00	\$ 86,362.33		\$ 86,362.33			PO01824
53	Pueblo Water Resources, Inc.	ASR Backflush Basin Expansion, CM services	7/16/2018	\$ 96,034.00	\$ 68,919.39		\$ 68,919.39			PO01778
54	Rural Community Assistance Corporation	IRWM DAC Needs Assessment	4/16/2018	\$ 100,000.00	\$ 99,250.00	\$ 750.00	\$ 100,000.00		Current period billing for IRWM DAC grant	PO01777

**Monterey Peninsula Water Management District
 Status on District Open Contracts (over \$25K)
 For The Period February 2023**

Contract	Description	Date Authorized	Contract Amount	Prior Period		Current Period Spending	Total		Expected Completion	Current Period Activity	P.O. Number
				Expended To Date	Expended To Date		Expended To Date	Expended To Date			
55	Mercer-Fraser Company	Sleepy Hollow Intake upgrade project	7/16/2018	\$ 2,075,000.00	\$ 2,047,318.58		\$ 2,047,318.58				PO01726
56	Colantuono, Highsmith, & Whatley, PC	MPTA Legal Matter	7/1/2018	\$ 150,000.00	\$ 138,271.60	\$ 601.50	\$ 138,873.10			Current period billing for MPTA legal matter	PO01707
57	Pueblo Water Resources, Inc.	Seaside Groundwater Basin Geochemical Study	1/24/2018	\$ 68,679.00	\$ 57,168.85		\$ 57,168.85				PO01628
58	Pueblo Water Resources, Inc.	SSAP Water Quality Study	8/21/2017	\$ 94,437.70	\$ 44,318.11		\$ 44,318.11				PO01510
59	Normandeau Associates, Inc.	Assistance with IFIM Study	11/13/2017	\$ 35,000.00	\$ 31,482.50		\$ 31,482.50				PO01509
60	Balance Hydrologics, Inc	Design Work for San Carlos Restoration Project	6/19/2017	\$ 51,360.00	\$ 50,894.32		\$ 50,894.32				PO01321
61	AECOM Technical Services, Inc.	Los Padres Dam Alternatives Study	1/25/2017	\$ 794,920.00	\$ 785,389.80		\$ 785,389.80				PO01268
62	Denise Duffy & Assoc. Inc.	MMRP Services for Monterey Pipeline	1/25/2017	\$ 80,000.00	\$ 73,144.06		\$ 73,144.06				PO01202
63	Goodin,MacBride,Squeri,Day,Lamprey	User Fee PUC Proceedings Legal Fee	7/1/2016	\$ 50,000.00	\$ 49,318.05		\$ 49,318.05	6/30/2023			PO01100
64	Whitson Engineers	Carmel River Thawleg Survey	9/19/2018	\$ 52,727.43	\$ 49,715.00		\$ 49,715.00				PO01076
65	HDR Engineering, Inc.	Los Padres Dam Fish Passage Study	4/18/2016	\$ 320,000.00	\$ 316,085.56		\$ 316,085.56				PO01072
66	Michael Hutnak	GS Flow Modeling for Water Resouces Planning	8/19/2013	\$ 71,800.00	\$ 65,880.00		\$ 65,880.00				PO00123
67	Justin Huntington	GS Flow Modeling for Water Resouces Planning	8/19/2013	\$ 59,480.00	\$ 53,918.98		\$ 53,918.98				PO00122

ITEM: INFORMATIONAL ITEM/STAFF REPORT**15. STATUS REPORT ON MEASURE J/RULE 19.8 PHASE III SPENDING****Meeting Date:** April 17, 2023 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A**Prepared By:** Suresh Prasad **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**SUMMARY:** Attached for review as **Exhibit 15-A**, monthly status report on Measure J/Rule 19.8 Phase II spending for the period February 2023. This status report is provided for information only, no action is required.**EXHIBIT****15-A** Status on Measure J/Rule 19.8 Phase II Spending

**Monterey Peninsula Water Management District
Status on Measure J/Rule 19.8 Spending Phase III
Through February 2023**

	Contract	Date Authorized	Contract/Approved Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/16/2019	\$ 175,000.00	\$ 140,903.06		\$ 140,903.06	\$ 34,096.94	PA00007-01
2	Appraisal Services	12/16/2019	\$ 160,000.00	\$ 89,120.85	\$ 30,010.00	\$ 119,130.85	\$ 40,869.15	PA00007-03
3	District Legal Counsel	12/16/2019	\$ 100,000.00	\$ 21,196.00	\$ 2,137.50	\$ 23,333.50	\$ 76,666.50	PA00007-05
4	Real Estate Appraiser	12/16/2019	\$ 80,000.00	\$ 53,309.64		\$ 53,309.64	\$ 26,690.36	PA00007-06
5	Water Rights Appraisal	12/16/2019	\$ 75,000.00	\$ 45,490.46		\$ 45,490.46	\$ 29,509.54	PA00007-10
6	Contingency/Miscellaneous	12/16/2019	\$ -	\$ -		\$ -	\$ -	PA00007-20
	Total		\$ 590,000.00	\$ 350,020.01	\$ 32,147.50	\$ 382,167.51	\$ 207,832.49	
1	Measure J CEQA Litigation Legal Services	12/23/2020	\$ 200,000.00	\$ 140,303.06		\$ 140,303.06	\$ 59,696.94	PA00005-15
1	Measure J LAFCO Litigation Legal Services	1/1/2022	\$ 250,000.00	\$ 198,126.33		\$ 198,126.33	\$ 51,873.67	PA00005-16

**Monterey Peninsula Water Management District
Status on Measure J/Rule 19.8 Spending Phase II
Through September 2022**

	Contract	Date Authorized	Contract/Approved Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/16/2019	\$ 345,000.00	\$ 168,265.94		\$ 168,265.94	\$ 176,734.06	PA00005-01
2	CEQA Work	12/16/2019	\$ 134,928.00	\$ 134,779.54		\$ 134,779.54	\$ 148.46	PA00005-02
3	Appraisal Services	12/16/2019	\$ 430,000.00	\$ 188,683.75		\$ 188,683.75	\$ 241,316.25	PA00005-03
4	Operations Plan	12/16/2019	\$ 145,000.00	\$ 94,860.00		\$ 94,860.00	\$ 50,140.00	PA00005-04
5	District Legal Counsel	12/16/2019	\$ 40,000.00	\$ 162,254.16		\$ 162,254.16	\$ (122,254.16)	PA00005-05

6	MAI Appraiser	12/16/2019	\$ 170,000.00	\$ 76,032.00		\$ 76,032.00	\$ 93,968.00	PA00005-06
7	Jacobs Engineering	12/16/2019	\$ 87,000.00	\$ 86,977.36		\$ 86,977.36	\$ 22.64	PA00005-07
8	LAFCO Process	12/16/2019	\$ 240,000.00	\$ 217,784.62		\$ 217,784.62	\$ 22,215.38	PA00005-08
8	PSOMAS	9/20/2021	\$ 28,000.00	\$ 25,308.49		\$ 25,308.49	\$ 2,691.51	PA00005-09
9	Contingency/Miscellaneous/Uncommitted	12/16/2019	\$ 289,072.00	\$ 39,298.59		\$ 39,298.59	\$ 249,773.41	PA00005-20
	Total		\$ 1,909,000.00	\$ 1,194,244.45	\$ -	\$ 1,194,244.45	\$ 714,755.55	

Phase I Costs
Status on Measure J/Rule 19.8 Spending
Through November 2019

	Contract	Date Authorized	Contract Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/17/2018	\$ 100,000.00	\$ 148,802.21	\$ 12,195.95	\$ 160,998.16	\$ (60,998.16)	PA00002-01
2	Investment Banking Services	2/21/2019	\$ 30,000.00	\$ -	\$ 27,000.00	\$ 27,000.00	\$ 3,000.00	PA00002-02
3	Valuation & Cost of Service Study Consulta	2/21/2019	\$ 355,000.00	\$ 247,690.63	\$ 39,274.54	\$ 286,965.17	\$ 68,034.83	PA00002-03
4	Investor Owned Utility Consultant	2/21/2019	\$ 100,000.00	\$ 84,221.69		\$ 84,221.69	\$ 15,778.31	PA00002-04
5	District Legal Counsel		\$ 35,000.00	\$ 33,763.61	\$ 8,133.98	\$ 41,897.59	\$ (6,897.59)	PA00002-05
6	Contingency/Miscellaneous		\$ 30,000.00	\$ 9,931.83	\$ 33,814.12	\$ 43,745.95	\$ (13,745.95)	PA00002-10
	Total		\$ 650,000.00	\$ 524,409.97	\$ 120,418.59	\$ 644,828.56	\$ 5,171.44	

ITEM: INFORMATIONAL ITEM/STAFF REPORT**16. LETTERS RECEIVED****Meeting Date:** April 17, 2023 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/** N/A
Line Item No.:**Prepared By:** Joel G. Pablo **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

A list of letters sent by and/or received by the Board Chair and/or General Manager between March 15, 2023 and April 11, 2023 is shown below.

The purpose of including a list of these letters in the Board packet is to inform the Board and interested citizens. Copies of the letters are available for public review at the District office. If a member of the public would like to receive a copy of any letter listed, please contact the District office. Reproduction costs will be charged. The letters can also be downloaded from the District's website at www.mpwmd.net.

Author	Addressee	Date	Topic
Melodie Chrislock	Board of Director's and General Manager	March 16, 2023	Press Release- Cal-Am Agrees to Sign PWM Expansion Agreement
Monterey Bay Air Resources District	General Manager	March 20, 2023	Notice of Availability of Air District Fee Rule Revisions and Public Meeting Schedule
John McPherson	General Manager and the Board of Director's	March 20, 2023	Public Comment for Special/Regular Board Meeting on Monday, March 20, 2023 Subject: Agency is Outside of Measure J Authority
County of Monterey – Housing and Community Development Department	General Manager	March 27, 2023	Public Notice Received Mitigated Negative Declaration for a Combined Development Permit for Robert Louis Stevenson School located at 3152 Forest Lake Road, Pebble Beach, CA

Melodie Chrislock	General Manager and the Board of Director's	March 27, 2023	Letters to the Editor- Schiavone / Chrislock
Melodie Chrislock	Board of Director's and General Manager	March 28, 2023	Herald Letters – Coppernoll / Glenn
Melodie Chrislock	Board of Director's and General Manager	March 28, 2023	Melodie Chrislock Guest Commentary: Why Cal-Am Must Go? – <i>Published in the Monterey Herald</i>
Carolyn Bluemle	Board of Director's and General Manager	March 30, 2023	Public Comment for Special Board Meeting on April 3, 2023 Support: Public Buyout of Cal-Am
Mark Eckles	Board of Director's and General Manager	April 3, 2023	Public Comment for Special Board Meeting on April 3, 2023 Support: Public Buyout of Cal-Am
John Tilley	Board of Director's and General Manager	April 6, 2023	John Tilley Comments on Buyout Communications Honoring the Democratic Process

ITEM: INFORMATIONAL ITEM/STAFF REPORT**17. COMMITTEE REPORTS**

Meeting Date: April 17, 2023 **Budgeted:** N/A

From: David J. Stoldt, **Program/** N/A
 General Manager **Line Item No.:**

Prepared By: Joel G. Pablo **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

Attached for your review as **Exhibits 17-A through 17- B** are the Final Minutes of the committee meetings listed below.

EXHIBITS

17-A Water Demand Committee Meeting Minutes: September 9, 2023

17-B Finance and Administration Committee: March 13, 2023



EXHIBIT 17-A

**Final Minutes
Water Demand Committee of the
Monterey Peninsula Water Management District
Friday, September 9, 2022**

As a precaution to protect public health and safety, and pursuant to provisions of AB 361 (Rivas), the meeting was conducted via Zoom Video/Teleconference.

Call to Order

The meeting was called to order at 10:00 a.m. by Chair Roberson.

Committee members present:
(By Roll-Call)

Clyde Roberson, Chair
Amy Anderson
Karen Paull *(Joined at 10:05 a.m.)*

Committee members absent:

None

Staff members present:

David J. Stoldt, General Manager
Stephanie Locke, Water Demand Manager
Joel G. Pablo, Board Clerk

District Counsel present:

David Laredo with De Lay and Laredo

Comments from the Public

Chair Roberson opened public comment; *No comments were directed to the committee.*

Action Items

1. Consider Adoption of Committee Meeting Minutes from July 7, 2022

Chair Roberson introduced the item. Chair Roberson opened public comment. *No comments were directed to the committee.*

A motion was made by Roberson with a second by Anderson to approve the committee meeting minutes from July 7, 2022. The motion passed on a roll-call vote of 3-Ayes (Roberson, Anderson, and Paull), 0-Noes, and 0-Absent.

2. Consider Grant Funding for Recirculating Fire Suppression Training Device

Stephanie Locke, Water Demand Manager briefed the committee on her proposal to allow the District to provide a grant funding opportunity in an amount not-to-exceed \$25,000 for Recirculating Fire Suppression Training Device for Monterey Peninsula College (MPC). She mentioned she was recently contacted by Mr. Greenlee, the Fire Protection Technology Coordinator for MPC and President of the Monterey County Fire Training Officer's Association regarding their need to purchase the training equipment device. She recommended approval of the

grant conditioned on MPC and the Association to obtain secured funding from other agencies and for said purchase to occur during the current fiscal year. *In response to Paull*, Mr. Panholzer, Fire Chief for the City of Monterey voiced his support on the matter. He mentioned the device will provide: (a) increased training opportunities for future firefighters; and (b) support the District's water conservation efforts by reducing the amount of water used during training. *In response to Anderson*, Greenlee stated the training equipment devices are fairly new devices that come with an unlimited 1-year warranty and 4-year warranty against catastrophic failures. He mentioned his group is looking at obtaining additional funding through Marina Coast Water District and local fire agencies.

Chair Roberson opened public comment; the following comments were directed to the committee:

- a.) Carlos Vega, Division Fire Chief with Marina Fire Department: Voiced his support for grant funding. He stated his community is cognizant of its water use. He mentioned that this device will provide firefighting training opportunities for his community and other communities within the County.

No further comments were directed to the committee.

A motion was made by Anderson with a second by Paull, the Water Demand Committee recommended the Board consider a commitment of a grant of up to \$25,000 for the Pump Pod purchase by Monterey Peninsula College and the Monterey County Fire Training Officer's Association, conditioned on other funding sources being secured and the purchase occurring within the current District fiscal year. The motion passed on a roll-call vote of 3-Ayes (Roberson, Anderson and Paull), 0-Noes, and 0-Absent.

3. Consider Rebate for Smart Toilet Leak Detectors

Stephanie Locke, Water Demand Manager provided an overview of her staff note and recommended approval of the matter. She mentioned prior to the pandemic she was approached by Portola Plaza Hotel staff who sought the District's assistance for a toilet-leak detection system called the Sensor Industries Toilet Sensor. She mentioned the system sends out a notification to maintenance personnel who can respond to toilet leaks. Additionally, she noted that the Pebble Beach Company installed 350 leak detectors and reported notable water savings when rooms were unoccupied. She mentioned Cal-Am is in support of the rebate for smart toilet leak detector units and staff's recommendation. *In response to Paull*, Locke commented the District can notify smaller scale hotels of these new rebate incentives by U.S. Mail or by e-mail.

Chair Roberson opened public comment. No comments were directed to the committee.

A motion was made by Anderson with a second by Paull, the Water Demand Committee recommended the Board to approve a rebate for 25 percent of the cost of 20 or more smart toilet leak detector units installed in hotels up to a maximum of \$15,000. The motion passed on a roll-call vote of 3-Ayes (Roberson, Anderson and Paull), 0-Noes, and 0-Absent.

3.1 Consider Recommendation to the Board to Adopt the MPWMD 2022 Water Supply and Demand Forecast

David J. Stoldt, General Manager provided background information and answered board questions. He briefly covered the methodologies, analysis and conclusions derived from AMBAG's, Cal-Am's and the District's forecasts.

Chair Roberson opened public comment; the following comments were directed to the committee:

- (a) John Tilley: Stated the report provided dismisses the District’s responsibility to provide water supplies to the community. He believes the intention of the District’s forecast was developed to support Measure J and banking on the idea that Pure Water Monterey water supplies to be sufficient.

No further comments were directed to the committee.

A motion was made by Roberson with a second by Anderson, the Water Demand Committee to recommend to the full board that an excerpted testimony be developed into a formal report titled “MPWMD 2022 Water Supply and Demand Forecast” and presented to the full Board for adoption at its September 19, 2022 meeting. The motion passed on a roll-call vote of 3-Ayes (Roberson, Anderson and Paull), 0-Noes, and 0-Absent.

Discussion Items

4. **Discuss and Provide Direction Regarding Planned Amendments to Rule 142.1, Water Efficient Landscape Requirements**

Chair Roberson opened public comment:

Norm Groot, Monterey County Farm Bureau: Questioned staff’s recommendation removing the exception for orchards and vineyards and believes there should be further discussion on the matter and requests more information from staff why this is being pursued.

No further comments were directed to the Committee.

Locke, Water Demand Manager explained staff is not looking at creating new restrictions rather staff’s recommendation is to employ best management practices for new vineyards or new installations in order to promote water efficiency. Matter to be placed on a future Board meeting agenda. Locke mentioned she will reach out to Mr. Groot off-line on the matter.

Suggest Items to be Placed on Future Agendas

None

Adjournment

Chair Roberson adjourned the meeting at 11:06 a.m.

/s/ Joel G. Pablo

Joel G. Pablo, Board Clerk

Reviewed and Approved by the MPWMD Water Demand Committee on April 6, 2023

Received by the MPWMD Board of Directors on April 17, 2023



EXHIBIT 17-B

Final Minutes Monterey Peninsula Water Management District Finance and Administration Committee March 13, 2023

Meeting Location: District Office, Main Conference Room
5 Harris Court, Building G., Monterey, CA 93940
(Hybrid: Meeting Held In-Person and via Zoom – Teleconferencing means)

Call to Order

The meeting was called to order at 2:00 PM

Committee members present: Amy Anderson, Chair
Alvin Edwards
Marc Eisenhart

Committee members absent: None

District staff members present: David Stoldt, General Manager
Suresh Prasad, Administrative Services Manager/Chief Financial Officer
Jonathan Lear, Water Resources Manager
Maureen Hamilton, Sr. Water Resources Engineer
Thomas Christensen, Environmental Resources Manager
Larry Hampson, District Engineer/Project Manager
Joel Pablo, Board Clerk/Executive Assistant
Sara Reyes, Sr. Office Specialist

District Counsel present: David C. Laredo with De Lay and Laredo

Additions / Corrections to Agenda:

Due to the need for immediate consideration by the Board for matters that arose after the posting of published agenda and as provided by Government Code Sections 54954.2 of the California Government Code, the Board is being asked to make the following addition:

Add Action Item No. 4.1 – Consider Approval of Additional Contingency Funds for the Sleepy Hollow Steelhead Rearing Facility Rearing Channel Rehabilitation Project

Comments from the Public: None

Items on the March 20, 2023 Special and Regular Board Meeting Agenda

1. Consider Adoption of February 6, 2023 Committee Meeting Minutes

On a motion by Eisenhart and second by Edwards, the minutes of the February 6, 2023 meeting were approved on a roll call vote of 3 – 0 by Edwards, Eisenhart and Anderson.

2. Consider Authorizing the General manager to Enter into a Contract with Montgomery and Associates to Provide a Tularcitos ASR Feasibility Study

On a motion by Edwards and second by Eisenhart, the Finance and Administration Committee recommended the Board authorize the General Manager to enter a contract with Montgomery and Associates to provide a Tularcitos ASR Feasibility Study to the District for an amount not-to-exceed \$119,200. The motion was approved on a roll call vote of 3 – 0 by Edwards, Eisenhart and Anderson.

3. Declaration of Surplus Assets

On a motion by Edwards and second by Eisenhart, the Finance and Administration Committee recommended that the Board declare the items listed on Exhibit 3-A as surplus assets to be either donated or disposed at the Monterey Regional Waste Management District. The motion was approved on a roll call vote of 3 – 0 by Edwards, Eisenhart and Anderson.

4. Consider Adoption of Treasurer’s Report for January 2023

The committee received and discussed this item. No action was taken by the committee.

4.1 Consider Approval of Additional Contingency Funds for the Sleepy Hollow Steelhead Rearing Facility Rearing Channel Rehabilitation Project

On a motion by Eisenhart and second by Edwards, the Finance and Administration Committee recommended that the Board authorize an additional \$100,000 in contingency funds for Sleepy Hollow Steelhead Rearing Facility Rehabilitation Project (Rehab Project) and provide an update as to the current condition of the Facility to the committee at the April 10 , 2023 Finance and Administration Committee. The motion was approved on a roll call vote of 3 – 0 by Eisenhart, Edwards and Anderson.

5. Report on Activity/Progress on Contracts Over \$25,000

This item was presented as information to the committee. No action was required or taken by the committee.

6. Status Report on Measure J/Rule 19.8 Phase II Spending

This item was presented as information to the committee. No action was required or taken by the committee.

7. Review Draft February 13, 2023 Regular Board Meeting Agenda

General Manager Stoldt provided an overview of the agenda and noted Items 3 and 6 would be removed from the Consent Calendar and added as Action Items. The committee made no other changes to the agenda.

Suggest Items to be Placed on Future Agendas

Director Eisenhart directed questions to General Manager Stoldt: 1) What are some of the impacts to the District with Judge Panetta’s ruling; 2) Is an Access Road Agreement with California American Water something that can be achieved; and 3) can the committee receive and update on the rehabilitation project at the next meeting?

Adjournment

The meeting adjourned at 3:23 PM.

/s/ Sara Reyes

Sara Reyes, Sr. Office Specialist

Reviewed and Approved by the MPWMD Finance and Administration Committee on April 10, 2023

Received by the MPWMD Board of Directors on April 17, 2023

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ITEM: INFORMATIONAL ITEM/STAFF REPORT**18. MONTHLY ALLOCATION REPORT****Meeting Date:** April 17, 2023 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program:** N/A
Line Item No.:**Prepared By:** Gabriela Bravo **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: As of March 31, 2023, a total of **26.471** acre-feet (**7.8%**) of the Paralta Well Allocation remained available for use by the Jurisdictions. Pre-Paralta water in the amount of **30.809** acre-feet is available to the Jurisdictions, and **28.333** acre-feet is available as public water credits.

Exhibit 18-A shows the amount of water allocated to each Jurisdiction from the Paralta Well Allocation, the quantities permitted in March 2023 (“changes”), and the quantities remaining. The Paralta Allocation had no debits in March 2023.

Exhibit 18-A also shows additional water available to each of the Jurisdictions. Additional water from expired or canceled permits that were issued before January 1991 are shown under “PRE-Paralta.” Water credits used from a Jurisdiction’s “public credit” account are also listed. Transfers of Non-Residential Water Use Credits into a Jurisdiction’s Allocation are included as “public credits.” **Exhibit 18-B** shows water available to Pebble Beach Company and Del Monte Forest Benefited Properties, including Macomber Estates, Griffin Trust. Another table in this exhibit shows the status of Sand City Water Entitlement and the Malpaso Water Entitlement.

BACKGROUND: The District’s Water Allocation Program, associated resource system supply limits, and Jurisdictional Allocations have been modified by a number of key ordinances. These key ordinances are listed in **Exhibit 18-C**.

EXHIBITS**18-A** Monthly Allocation Report**18-B** Monthly Entitlement Report**18-C** District’s Water Allocation Program Ordinances

EXHIBIT 18-A
MONTHLY ALLOCATION REPORT
 Reported in Acre-Feet
 For the month of March 2023

Jurisdiction	Paralta Allocation*	Changes	Remaining	PRE-Paralta Water	Changes	Remaining	Public Credits	Changes	Remaining	Total Available
Airport District	8.100	0.000	5.197	0.000	0.000	0.000	0.000	0.000	0.000	5.197
Carmel-by-the-Sea	19.410	0.000	1.398	1.081	0.000	1.081	0.910	0.000	0.182	2.661
Del Rey Oaks	8.100	0.000	0.000	0.440	0.000	0.000	0.000	0.000	0.000	0.000
Monterey	76.320	0.000	0.298	50.659	0.000	0.181	38.121	0.000	2.451	2.920
Monterey County	87.710	0.000	10.578	13.080	0.000	0.352	7.827	0.000	1.181	12.121
Pacific Grove	25.770	0.000	0.000	1.410	0.000	0.014	15.874	0.000	0.002	0.016
Sand City	51.860	0.000	0.000	0.838	0.000	0.000	24.717	0.000	23.373	23.373
Seaside	65.450	0.000	0.000	34.438	0.296	29.181	2.693	0.000	1.144	30.325
District Reserve	9.000	0.000	9.000	N/A			N/A			9.000
TOTALS	342.720	0.000	26.471	101.946	0.296	30.809	90.142	0.000	28.333	85.613

Allocation Holder	Water Available	Changes this Month	Total Demand from Water Permits Issued	Remaining Water Available
Quail Meadows	33.000	0.000	32.320	0.680
Water West	12.760	0.159	10.051	2.709

* Does not include 15.280 Acre-Feet from the District Reserve prior to adoption of Ordinance No. 73.

EXHIBIT 18-B
MONTHLY ALLOCATION REPORT
ENTITLEMENTS
Reported in Acre-Feet
For the month of March 2023

Recycled Water Project Entitlements

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Pebble Beach Co. *	199.210	0.400	32.282	166.928
Del Monte Forest Benefited Properties (Pursuant to Ord No. 109)	165.790	0.523	72.581	93.209
Macomber Estates	10.000	0.000	10.000	0.000
Griffin Trust	5.000	0.000	4.829	0.171
CAWD/PBCSD Project Totals	380.000	0.923	119.692	260.308

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
City of Sand City	206.000	0.168	8.114	197.886
Malpaso Water Company	80.000	0.444	21.729	58.271
D.B.O. Development No. 30	13.950	0.000	3.908	10.042
City of Pacific Grove	38.390	0.172	8.625	29.765
Cypress Pacific	3.170	0.000	3.170	0.000

* Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 18-C

District's Water Allocation Program Ordinances

Ordinance No. 1 was adopted in September 1980 to establish interim municipal water allocations based on existing water use by the jurisdictions. Resolution 81-7 was adopted in April 1981 to modify the interim allocations and incorporate projected water demands through the year 2000. Under the 1981 allocation, Cal-Am's annual production limit was set at 20,000 acre-feet.

Ordinance No. 52 was adopted in December 1990 to implement the District's water allocation program, modify the resource system supply limit, and to temporarily limit new uses of water. As a result of Ordinance No. 52, a moratorium on the issuance of most water permits within the District was established. Adoption of Ordinance No. 52 reduced Cal-Am's annual production limit to 16,744 acre-feet.

Ordinance No. 70 was adopted in June 1993 to modify the resource system supply limit, establish a water allocation for each of the jurisdictions within the District, and end the moratorium on the issuance of water permits. Adoption of Ordinance No. 70 was based on development of the Paralta Well in the Seaside Groundwater Basin and increased Cal-Am's annual production limit to **17,619** acre-feet. More specifically, Ordinance No. 70 allocated 308 acre-feet of water to the jurisdictions and 50 acre-feet to a District Reserve for regional projects with public benefit.

In addition to releasing water from the development of the Paralta Well, Ordinance No. 70 established a "special reserve" of 12.76 acre-feet of water saved by system improvements to the former Water West System when it was purchased and integrated into Cal-Am. This reserve was made available to properties in the former Water West System on a first-come, first-served basis. The ordinance also increased Cal-Am's production limit for savings related to the annexation of the Quail Meadows subdivision.

Ordinance No. 73 was adopted in February 1995 to eliminate the District Reserve and allocate the remaining water equally among the eight jurisdictions. Of the original 50 acre-feet that was allocated to the District Reserve, 34.72 acre-feet remained and was distributed equally (4.34 acre-feet) among the jurisdictions.

Ordinance No. 74 was adopted in March 1995 to allow the reinvestment of toilet retrofit water savings on single-family residential properties. The reinvested retrofit credits must be repaid by the jurisdiction from the next available water allocation and are limited to a maximum of 10 acre-feet. This ordinance sunset in July 1998.

Ordinance No. 75 was adopted in March 1995 to allow the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities. Fifteen percent of the savings are set aside to meet the District's long-term water conservation goal and the remainder of the savings are credited to the jurisdictions allocation. This ordinance sunset in July 1998.

Ordinance No. 83 was adopted in April 1996 and set Cal-Am's annual production limit at **17,621** acre-feet and the non-Cal-Am annual production limit at **3,046** acre-feet. The modifications to the production limit were made based on the agreement by non-Cal-Am water users to permanently reduce annual water production from the Carmel Valley Alluvial Aquifer in exchange for water service from Cal-Am. As part of the agreement, fifteen percent of the historical non-Cal-Am production was set aside to meet the District's long-term water conservation goal.

Ordinance No. 87 was adopted in February 1997 as an urgency ordinance establishing a community benefit allocation for the planned expansion of the Community Hospital of the Monterey Peninsula (CHOMP). Specifically, a special reserve allocation of 19.60 acre-feet of production was created exclusively for the benefit of CHOMP. With this new allocation, Cal-Am's annual production limit was increased to **17,641** acre-feet and the non-Cal-Am annual production limit remained at **3,046** acre-feet.

Ordinance No. 90 was adopted in June 1998 to continue the program allowing the reinvestment of toilet retrofit water savings on single-family residential properties for 90-days following the expiration of Ordinance No. 74. This ordinance sunset in September 1998.

Ordinance No. 91 was adopted in June 1998 to continue the program allowing the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities.

Ordinance No. 90 and No. 91 were challenged for compliance with CEQA and nullified by the Monterey Superior Court in December 1998.

Ordinance No. 109 was adopted on May 27, 2004, revised Rule 23.5 and adopted additional provisions to facilitate the financing and expansion of the CAWD/PBCSD Recycled Water Project.

Ordinance No. 132 was adopted on January 24, 2008, established a Water Entitlement for Sand City and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 165 was adopted on August 17, 2015, established a Water Entitlement for Malpas Water Company and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 166 was adopted on December 15, 2015, established a Water Entitlement for D.B.O. Development No. 30.

Ordinance No. 168 was adopted on January 27, 2016, established a Water Entitlement for the City of Pacific Grove.

and a date that inspectors will be on Site to check the property. In March, District inspectors performed **14** verification inspections.

MPWMD is forwarding its CII inspection findings to California American Water (Cal-Am) for their verification with the Rate Best Management Practices (Rate BMPs) that are used to determine the appropriate Non-Residential rate division. Compliance with MPWMD's Rule 143 achieves Rate BMPs for indoor water uses. Properties with landscaping must also comply with Cal-Am's outdoor Rate BMPs to avoid Division 4 (Non-Rate BMP Compliant) rates. In addition to sharing information about indoor Rate BMP compliance, MPWMD notifies Cal-Am of properties with landscaping. Cal-Am then conducts an outdoor audit to verify compliance with the Rate BMPs. During March 2023, MPWMD referred **14** properties to Cal-Am for verification of outdoor Rate BMPs.

E. Water Waste Enforcement

The District has a Water Waste Hotline 831-658-5653 or an online form to report Water Waste occurrences at www.mpwmd.net or www.montereywaterinfo.org. There were **no** Water Waste responses during the past month. There were **no** repeated incidents that resulted in a fine.

II. WATER DEMAND MANAGEMENT

A. Permit Processing

As of July 6, 2021, the District has been processing both electronic and in person applications for Water Permits. Information can be found at <https://www.mpwmd.net/regulations/water-permits>.

District Rule 23 requires a Water Permit application for all properties that propose to expand or modify water use on a Site, including New Construction and Remodels. District staff processed and issued **44** Water Permits from March 1, 2023, and March 28, 2023. **Eighteen** Water Permits were issued using Water Entitlements (Pebble Beach Company, Malpasos Water, etc.). **No** Water Permits involved a debit to a Public Water Credit Account. In addition to those Water Permits issued in March, **five** Meter Permits and **five** Hydrant Meter Permits were issued. All Water Permits have a disclaimer informing applicants of the Cease-and-Desist Order against California American Water and that MPWMD reports Water Permit details to California American Water.

District Rule 24-3-A allows the addition of a second Bathroom in an existing Dwelling Unit. Of the **44** Water Permits issued from March 1, 2023, and March 31, 2023, **four** were issued under this provision.

B. Permit Compliance

District staff completed **no** conditional Water Permit finals during March 2023. Staff completed **66** site inspections. **49** properties passed and **nine** failed due to unpermitted fixtures.

C. Deed Restrictions

District staff prepares deed restrictions that are recorded on the property title to provide notice of District Rules and Regulations, enforce Water Permit conditions, and provide notice of public access to water records. In April 2001, the District Board of Directors adopted a policy regarding the processing of deed restrictions. District staff provided Notary services for **33** Water Permits with deed restrictions.

D. Rebates

The full list of available rebates can be found in Rule 141:

<https://www.mpwmd.net/rules/Rule141-TableXIV-1.pdf>. Below is the rebate information for March 1, 2023 to March 31, 2023.

EXHIBIT

19-A Rebate information for March 1, 2023 to March 31, 2023

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REBATE PROGRAM SUMMARY		March-2023			2023 YTD		1997 - Present		
I. Application Summary									
A.	Applications Received	80			241		30,300		
B.	Applications Approved	68			191		23,672		
C.	Single Family Applications	67			182		26,575		
D.	Multi-Family Applications	1			9		1,613		
E.	Non-Residential Applications	0			0		361		
II. Type of Devices Rebated		Number of Devices	Rebate Paid	Estimated AF	Gallons Saved	Year to Date Number	Year to Date Paid	Year to Date Estimated AF	
A.	High Efficiency Toilet (HET)	7	\$525.00	0.035000	11,405	30	\$2,250.00	0.15000	
B.	Ultra HET	3	\$375.00	0.030000	9,776	9	\$1,125.00	0.09000	
C.	Toilet Flapper			0.000000	0	0	\$0.00	0.00000	
D.	High Efficiency Dishwasher	15	\$1,875.00	0.045000	14,663	46	\$5,750.00	0.13800	
E.	High Efficiency Clothes Washer - Res	37	\$18,500.00	0.595700	194,109	90	\$45,000.00	1.44900	
F.	High Efficiency Clothes Washer - Com			0.000000	0	0	\$0.00	0.00000	
G.	Instant-Access Hot Water System	4	\$800.00	0.020000	6,517	7	\$1,399.98	0.03500	
H.	Zero Use Urinals			0.000000	0	0	\$0.00	0.00000	
I.	Pint Urinals			0.000000	0	0	\$0.00	0.00000	
J.	Cisterns	2	\$662.50	0.000000	0	5	\$1,116.25	0.00000	
K.	Smart Controllers	1	\$100.00	0.000000	0	7	\$734.45	0.00000	
L.	Rotating Sprinkler Nozzles			0.000000	0	0	\$0.00	0.00000	
M.	Moisture Sensors			0.000000	0	0	\$0.00	0.00000	
N.	Lawn Removal & Replacement			0.000000	0	0	\$0.00	0.00000	
O.	Graywater			0.000000	0	0	\$0.00	0.00000	
P.	Smart Flowmeter	2	\$398.00	0.000000	0	12	\$2,308.00	0.00000	
III. TOTALS		71	\$23,235.50	0.725700	236,470	206	\$59,683.68	1.86200	
IV. TOTALS Since 1997							Paid Since 1997: \$ 6,418,439		594.1 Acre-Feet Per Year Saved Since 1997 (from quantifiable retrofits)

ITEM: INFORMATIONAL ITEM/STAFF REPORT**20. CARMEL RIVER FISHERY REPORT FOR MARCH 2023****Meeting Date:** April 17, 2023 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/** N/A
Line Item No.:**Prepared By:** Cory Hamilton **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

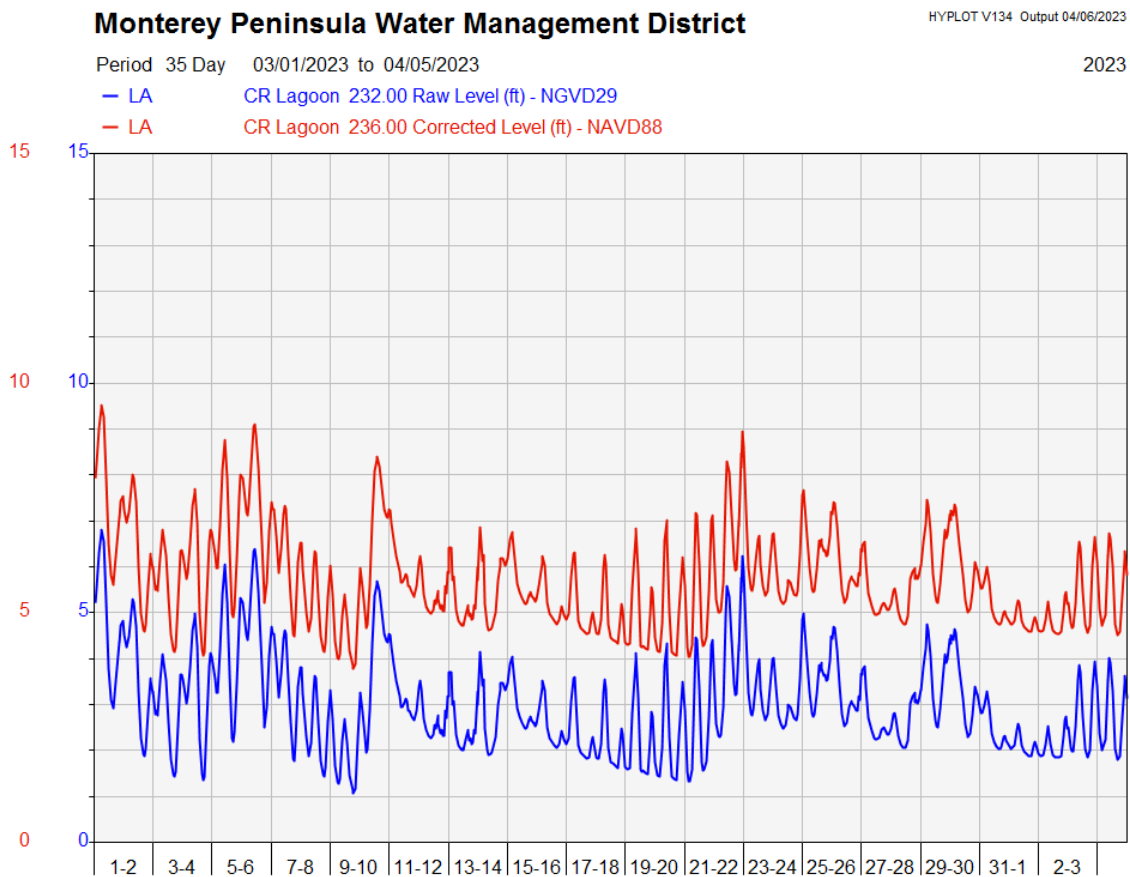
AQUATIC HABITAT AND FLOW CONDITIONS: March was a return to wet weather with above normal precipitation. River flows reached bankfull conditions once again and remained high the entire month. Cold weather also brought more snow to much of the upper watershed. All major tributaries were flowing at high levels. Adult migration conditions were excellent and rearing conditions were good to excellent throughout the watershed.

March's mean daily streamflow at the Sleepy Hollow Weir gaging station ranged from 375 to 3,490 cfs (monthly mean 1,114 cfs) resulting in 68,470 acre-feet (AF) of runoff, while flows at the Highway 1 gage ranged from 326 to 2,850 cfs (monthly mean 1,035 cfs), resulting in 63,660 acre-feet (AF).

There were 7.21 inches of rain in March as recorded at the San Clemente gauge. The rainfall total for WY 2023 (which started October 1, 2022) is 34.46 inches, or 183% of the long-term year-to-date average of 18.83 inches.

CARMEL RIVER LAGOON: The lagoon water surface elevation (WSE) ranged from approximately 3.8 to 9.5 feet in March, largely due to tidal and wave action (North American Vertical Datum of 1988; NAVD 88) (See graph below). The Lagoon was open to the ocean the entire month.

Carmel River Lagoon Plot:



ITEM: INFORMATIONAL ITEM/STAFF REPORT**21. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT**

Meeting Date:	April 17, 2023	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Jonathan Lear	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation:** N/A

CEQA Compliance: Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources.

Exhibit 21-A shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **April 1, 2023**. This system includes the surface water resources in the Carmel River Basin, the groundwater resources in the Carmel Valley Alluvial Aquifer and the Seaside Groundwater Basin. **Exhibit 21-A** is for Water Year (WY) 2023 and focuses on three factors: rainfall, runoff, and storage. The rainfall and Streamflow values are based on measurements in the upper Carmel River Basin at Sleepy Hollow Weir.

Water Supply Status: Rainfall through **March** 2023 totaled **7.21 inches** and brings the cumulative rainfall total for WY 2023 to **34.46 inches**, which is **168%** of the long-term average through **March**. Estimated unimpaired runoff through **March** totaled **68,470 acre-feet (AF)** and brings the cumulative runoff total for WY 2023 to **173,702 AF**, which is **323%** of the long-term average through **March**. Usable storage for the MRWPRS was **32,370 acre-feet**, which is **102%** of average through **March**, and equates to **98%** percent of system capacity.

Production Compliance: Under State Water Resources Control Board (SWRCB) Cease and Desist Order No. 2016-0016 (CDO), California American Water (Cal-Am) is allowed to produce no more than 3,376 AF of water from the Carmel River in WY 2023. Through **March**, using the CDO accounting method, Cal-Am has produced **865 AF** from the Carmel River (excluding **313 AF** of Table 13 and **46 AF** of Mal Paso.) In addition, under the Seaside Basin Decision, Cal-Am is allowed to produce 1,474 AF of water from the Coastal Subareas and 0 AF from the Laguna Seca Subarea of the Seaside Basin in WY 2023. Through **March**, Cal-Am has produced **523 AF** from the Seaside Groundwater Basin. Through **March**, **905 AF** of Carmel River Basin groundwater have been diverted for Seaside Basin injection; **0 AF** have been recovered for customer use, **313 AF** have been diverted under Table 13 water rights, and **2,373 AF** of Pure Water Monterey recovered. Cal-Am has produced **4,205 AF** for customer use from all sources through **March**. **Exhibit 21-B** shows production by source. Some of the values in this report may be revised in the future as Cal-Am finalizes their production values and monitoring data.

EXHIBITS**21-A** Water Supply Status: **April 1, 2023****21-B** Monthly Cal-Am production by source: WY 2023

EXHIBIT 21-A

**Monterey Peninsula Water Management District
Water Supply Status
April 1, 2023**

Factor	Oct – Mar 2023	Average To Date	Percent of Average	Oct – Mar 2022
Rainfall (Inches)	34.46	18.83	183%	11.65
Runoff (Acre-Foot)	173,766	53,766	323%	20,198
Storage⁵ (Acre-Foot)	32,3700	31,830	102%	29,290

Notes:

1. Rainfall and runoff estimates are based on measurements at San Clemente Dam. Annual rainfall and runoff at Sleepy Hollow Weir average 21.22 inches and 67,246 acre-feet, respectively. Annual values are based on the water year that runs from October 1 to September 30 of the following calendar year. The rainfall and runoff averages at the Sleepy Hollow Weir site are based on records for the 1922-2022 and 1902-2022 periods respectively.
2. The rainfall and runoff totals are based on measurements through the dates referenced in the table.
3. Storage estimates refer to usable storage in the Monterey Peninsula Water Resources System (MPWRS) that includes surface water in Los Padres and San Clemente Reservoirs and ground water in the Carmel Valley Alluvial Aquifer and in the Coastal Subareas of the Seaside Groundwater Basin. The storage averages are end-of-month values and are based on records for the 1989-2022 period. The storage estimates are end-of-month values for the dates referenced in the table.
4. The maximum storage capacity for the MPWRS is currently 33,130 acre-feet.

Production vs. CDO and Adjudication to Date: WY 2023

(All values in Acre-Feet)

Year-to-Date Values	MPWRS					Water Projects and Rights				Water Projects and Rights Total
	Carmel River Basin ^{2, 6}	Seaside Groundwater Basin		Ajudication Compliance	MPWRS Total	ASR Recovery	PWM Recovery	Table 13 ⁷	Sand City ³	
		Coastal	Laguna Seca							
Target	2,545	730	0	730	3,275	0	1,980	0	150	2,130
Actual ⁴	865	470	53	523	1,388	0	2,373	313	85	2,771
Difference	1,680	260	-53	207	1,887	0	-393	-313	65	-641
WY 2022 Actual	2,133	237	58	294	2,408	0	1,859	68	60	1,987

1. This table is current through the date of this report.
2. For CDO compliance, ASR, Mal Paso, and Table 13 diversions are included in River production per State Board.
3. Sand City Desal, Table 13, and ASR recovery are also tracked as water resources projects.
4. To date, 905 AF and 313 AF have been produced from the River for ASR and Table 13 respectively.
5. All values are rounded to the nearest Acre-Foot.
6. For CDO Tracking Purposes, ASR production for injection is capped at 600 AFY.
7. Table 13 diversions are reported under water rights but counted as production from the River for CDO tracking.

Monthly Production from all Sources for Customer Service: WY 2023

(All values in Acre-Feet)

	Carmel River Basin	Seaside Basin	ASR Recovery	PWM Recovery	Table 13	Sand City	Mal Paso	Total
Oct-22	269	105	0	405	0	20	7	805
Nov-22	223	87	0	334	0	27	7	677
Dec-22	189	38	0	359	20	9	9	624
Jan-23	111	86	0	340	102	14	8	661
Feb-23	4	37	0	436	91	0	7	575
Mar-23	69	170	0	499	101	15	8	862
Apr-23								
May-23								
Jun-23								
Jul-23								
Aug-23								
Sep-23								
Total	865	523	0	2,373	313	85	46	4,205
WY 2022	1,957	294	0	1,859	68	60	27	4,265

1. This table is produced as a proxy for customer demand.
2. Numbers are provisional and are subject to correction.

ITEM: INFORMATIONAL ITEM/STAFF REPORT**23. QUARTERLY CARMEL RIVER RIPARIAN CORRIDOR MANAGEMENT PROGRAM REPORT**

Meeting Date: April 17, 2023 **Budgeted:** N/A

From: Dave Stoldt,
General Manager **Program/
Line Item No.:** N/A

Prepared By: Thomas Christensen **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

IRRIGATION OF RIPARIAN VEGETATION: Irrigation of riparian vegetation has been on hold because of sufficient rainfall.

Water Use in Acre-Feet (AF)

January - March 2023	0.00 AF
Year-to-date	0.00 AF

MONITORING OF RIPARIAN VEGETATION: During the winter season, the District suspended the riparian vegetation monitoring program. The monitoring of soil moisture, groundwater levels, and canopy defoliation (a measure of vegetation moisture stress) will resume in June 2023. During the months of June through October, staff will take monthly measurements of depth to groundwater and canopy vigor in areas where willow and cottonwood trees may be impacted by lowered water levels caused by groundwater extraction. The areas monitored are in the vicinity of California American Water's (Cal-Am) Cañada and San Carlos wells, and the District's Valley Hills (next to Cal-Am's Cypress Well) and Schulte (next to Cal-Am's Schulte Well) Restoration Projects. The District's monitoring provides insight into the status of soil moisture through the riparian corridor by collecting and analyzing monthly readings from the District's array of monitoring wells and pumping records for large-capacity Carmel Valley wells in the Cal-Am system.

OTHER TASKS PERFORMED SINCE THE JANUARY 2023 QUARTERLY REPORT:

- 1. Los Padres Alternatives Study:** District staff have participated in multiple Technical Review Committee (TRC) meetings with Cal-Am, AECOM, National Marine Fisheries Service, and California Department of Wildlife with regards to the Los Padres Reservoir Alternatives Study. This study is evaluating Los Padres Reservoir including alternatives such as: reservoir dredging, dam removal, and volitional fish passage. AECOM has recently circulated the revised Draft Final Report (Los Padres Dam and Reservoir Alternatives and Sediment Management Study) for the TRC to review. The final report is scheduled to be released in April

2023.

2. **Sleepy Hollow Steelhead Rearing Facility (SHSRF):** District staff have been inspecting recent construction activities at the SHSRF. Tyman Construction is currently putting the finishing touches on repairs to the rearing channel including concrete work, liner replacement, and drainage improvements.
3. **Steelhead Permit Reporting Requirements:** The District has been uploading steelhead rescue data from last year's steelhead rescue season to state and federal databases. This reporting is required to keep the District's Scientific Collecting Permit valid as well as help regulators understand the current state of steelhead on the Carmel River.



Supplement to April 17, 2023 MPWMD Board Packet

Attached are copies of letters sent and/or received between **March 15, 2023 and April 11, 2023**. These letters are listed in the **Monday, April 17, 2023** Board Packet under Letters Received / Sent.

Author	Addressee	Date	Topic
Melodie Chrislock	Board of Director's and General Manager	March 16, 2023	Press Release- Cal-Am Agrees to Sign PWM Expansion Agreement
Monterey Bay Air Resources District	General Manager	March 20, 2023	Notice of Availability of Air District Fee Rule Revisions and Public Meeting Schedule
John McPherson	General Manager and the Board of Director's	March 20, 2023	Public Comment for Special/Regular Board Meeting on Monday, March 20, 2023 Subject: Agency is Outside of Measure J Authority
County of Monterey – Housing and Community Development Department	General Manager	March 27, 2023	Public Notice Received Mitigated Negative Declaration for a Combined Development Permit for Robert Louis Stevenson School located at 3152 Forest Lake Road, Pebble Beach, CA
Melodie Chrislock	General Manager and the Board of Director's	March 27, 2023	Letters to the Editor- Schiavone / Chrislock
Melodie Chrislock	Board of Director's and General Manager	March 28, 2023	Herald Letters – Coppernoll / Glenn
Melodie Chrislock	Board of Director's and	March 28, 2023	Melodie Chrislock Guest Commentary: Why Cal-Am Must Go? – <i>Published in the Monterey Herald</i>

	General Manager		
Carolyn Bluemle	Board of Director's and General Manager	March 30, 2023	Special Board Meeting on Monday, April 3, 2023 Support: Public Buyout of Cal-Am
Mark Eckles	Board of Director's and General Manager	April 3, 2023	Special Board Meeting on Monday, April 3, 2023 Support: Public Buyout of Cal-Am
John Tilley	Board of Director's and General Manager	April 6, 2023	John Tilley Comments on Buyout Communications Honoring the Democratic Process

Joel Pablo

From: mwchrislock@redshift.com
Sent: Thursday, March 16, 2023 12:39 PM
To: Media Contacts
Subject: Press Release - Cal Am Agrees to Sign PWM Expansion Agreement

FOR IMMEDIATE RELEASE – March 16, 2023

Attention: Assignment Editors / News Directors



Melodie Chrislock, Director
831 624-2282
MWChrislock@redshift.com

Cal Am Finally Agrees to Sign Water Purchase Agreement for Another \$10 million

Today in closed session the California Public Utilities Commission (CPUC) will be hearing Cal Am's request for a rehearing on the Water Purchase Agreement for the Pure Water Monterey Expansion that has been stalled since Cal Am refused to sign the agreement on December 6, 2022. Construction cannot begin without a Water Purchase Agreement (WPA) from Cal Am. Cal Am refused to sign because it claimed the \$61 million it was authorized to collect from ratepayers was not enough to cover the cost of the infrastructure (wells, pumps and pipes) for the Expansion that Cal Am would have to build. Cal Am argued for another \$20 million plus.

The CPUC now has a new option to consider. On Wednesday, March 15, the CPUC's Public Advocates Office (Cal Advocates) filed a motion to modify the CPUC's decision on the Water Purchase Agreement for the Pure Water Monterey Expansion that would allow Cal Am to collect another \$10 million from ratepayers. Cal Am has agreed to sign the WPA with this modification.

"It's good news," says Melodie Chrislock, director of Public Water Now. "Given the options, this is the only compromise possible. While we recognize that \$71 million is far more than is really needed for the Expansion's infrastructure, we applaud the Public Advocates Office for convincing Cal Am to sign the WPA so the project can move forward. But this whole episode has certainly made it clear that even the CPUC cannot control Cal Am.

"As for Cal Am's claim that they have always supported the Expansion, everyone involved knows that is not true. Starting with Cal Am's April 2020 letter to the Monterey One Board opposing certification of the Expansion's environmental impact report, Cal Am has blocked and stalled this project for the past three years."

This public agency project will cost Monterey One Water about \$70 million to build. With the addition of Cal Am's \$71 million for infrastructure, the total cost of the Expansion will be \$141 million for 2,250 acre-feet of additional water.

The CPUC's decision on this should take two or three weeks. Once it rules and Cal Am signs, the Pure Water Monterey Expansion can be built in about two years. The project should lift the water restrictions on building that would allow new housing. According to the Monterey Peninsula Water Management District, it will also provide drought protection and should make desal unnecessary for decades to come.



MAR 20 2023

MPWMD

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411

Notice of Availability of Air District Fee Rule Revisions and Public Meeting Schedule

March 20, 2023

Dear Permit Holder,

Public workshops and Board meetings will be held by the Monterey Bay Air Resources District (MBARD) to consider the Fiscal Year (FY) 2023-2024 Budget and fee rules. MBARD is considering a fee increase of 3%. We request your input on the draft FY 2023-2024 budget and fee rules. Copies of the proposed fee changes will be available on the website (www.mbard.org) or upon request beginning on March 20, 2023. **Any changes to MBARD fees would be effective on July 1, 2023.**

These proposed regulatory actions are categorically exempt from the requirements of Public Resources Code Section 21000 et seq., under the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15308, for Class 8 exemptions. Since there are no new control standards being proposed, the proposed regulatory action described herein is exempt from California Health and Safety Code (HSC) Section 40727.2, which requires that a comparative alternative analysis of any new control standard be performed.

Please let us know your comments by participating in one of the following events. Written comments can be emailed to aclymo@mbard.org or mailed to: MBARD, Amy Clymo, 24580 Silver Cloud Court, Monterey, CA 93940 by June 9, 2023. All meetings will be in person.

Event	Date/Time/Location
Public Workshop #1	April 10, 2023; 11:00 AM; San Benito County, Board of Supervisors Chambers, 481 4 th Street, Hollister
Public Workshop #2	April 10, 2023; 3:00 PM; Monterey Bay Air Resources District, Board Room, 3 rd Floor, 24580 Silver Cloud Court, Monterey
Public Workshop #3	April 11, 2023; 11:00 AM; Santa Cruz County, Watsonville Public Library Meeting Room, 2 nd Floor, 275 Main Street, Suite 100, Watsonville
Initial Board Presentation First Public Hearing	April 19, 2023; 1:30 PM; Monterey Bay Air Resources District, Board Room, 3 rd Floor, 24580 Silver Cloud Court, Monterey Zoom link for public access will be posted to MBARD's website www.mbard.org, 72 hours before the meeting date.
Board Adoption Second Public Hearing	June 21, 2023; 1:30 PM; Monterey Bay Air Resources District, Board Room, 3 rd Floor, 24580 Silver Cloud Court, Monterey Zoom link for public access will be posted to MBARD's website www.mbard.org, 72 hours before the meeting date.



24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411

Aviso de Disponibilidad de Revisiones de Reglas de Tarifas del Distrito de Aire y Calendario de reuniones públicas

20 de marzo de 2023

Querido poseedor de permiso,

El Distrito de Recursos del Aire de la Bahía de Monterey (MBARD) llevará a cabo un taller público y reuniones con el consejo para considerar el presupuesto del año fiscal (FY) 2023-2024. MBARD está considerando un aumento de tarifa del 3%. Solicitamos su aporte o comentarios sobre la propuesta del presupuesto del año fiscal 2023-2024 y las reglas de tarifas. Las copias de las partidas presupuestarias estarán disponibles en el sitio web (www.mbard.org) o previa solicitud a partir del 20 de marzo de 2023. **Cualquier cambio en las tarifas de MBARD entrará en vigencia el 1 de julio de 2023.**

Estas acciones regulatorias propuestas están categóricamente exentas de los requisitos de la Sección 21000 et seq. del Código de Recursos Públicos, conforme a las Guías de CEQA, Código de Regulaciones de California, Título 14, Capítulo 3, Sección 15308, para las excepciones de Clase 8. Dado que no se proponen nuevos estándares de control, la acción regulatoria propuesta que se describe en este documento está exento de la Sección 40727.2 del Código de Salud y Seguridad de California (HSC), que requiere que se realice un análisis alternativo comparativo de cualquier nuevo estándar de control.

Por favor déjenos saber sus aportes o comentarios participando en uno de los siguientes eventos. Los comentarios escritos pueden enviarse por correo electrónico a aclymo@mbard.org o enviados por correo a: MBARD, Amy Clymo, 24580 Silver Cloud Court, Monterey, CA 93940 antes del 9 de junio de 2023.

Evento	Fecha/Hora/Ubicación
Taller Público #1	10 de abril de 2023; 11:00 AM; Condado de San Benito, Cámaras de la Junta de Supervisores, 481 4 th Street, Hollister
Taller Público #2	10 de abril de 2023; 3:00 PM; Distrito de Recursos del Aire de la Bahía de Monterey, Sala de juntas, 3er piso, 24580 Silver Cloud Ct, Monterey
Taller Público #3	11 de abril de 2023; 11:00 AM; Condado de Santa Cruz, sala de reuniones de la biblioteca pública de Watsonville, 2do piso, 275 Main Street, Suite 100, Watsonville
Presentación inicial de la junta Primera Audiencia Pública	19 de abril de 2023; 1:30 PM; Distrito de Recursos del Aire de la Bahía de Monterey, Sala de juntas, 3er piso 24580 Silver Cloud Ct, Monterey El enlace Zoom para acceso público se publicará en el sitio web de MBARD www.mbard.org, 72 horas antes de la fecha de la reunión.
Adopción de la Junta Segunda Audiencia Pública	21 de junio do 2023; 1:30 PM; Distrito de Recursos del Aire de la Bahía de Monterey, Sala de juntas, 3er piso 24580 Silver Cloud Ct, Monterey El enlace Zoom para acceso público se publicará en el sitio web de MBARD www.mbard.org, 72 horas antes de la fecha de la reunión.

Joel Pablo

From: John McPherson <john@sagemonterey.org>
Sent: Monday, March 20, 2023 6:06 PM
To: comments
Subject: Agency is outside of Measure J authority

Dear Board Members,

The agency seems to have moved very fast past evaluating the feasibility of acquiring Cal Ams assets to planning a hostile takeover of a private company that doesn't intend to be bought. This is going to just be a legal quagmire, so the Agency needs to explain how this is in the interest of ratepayers.

--

John McPherson
Executive Director



RECEIVED

MAR 27 2023

County of Monterey
State of California
MITIGATED NEGATIVE DECLARATION

MPWMD

FILED
MAR 23 2023
XOCHITL MARINA CAMACHO
MONTEREY COUNTY CLERK
DEPUTY

Project Title:	ROBERT LOUIS STEVENSON SCHOOL
File Number:	PLN220243
Owner:	ROBERT LOUIS STEVENSON SCHOOL
Project Location:	3152 Forest Lake Road, Pebble Beach
APN(s):	008-022-023-000 & 008-022-033-000
Project Planner:	Mike Novo
Permit Type:	Combined Development Permit
Project Description:	Demolition of an existing classroom building and construction of a new approximately 35,700 square foot building. The project would involve approximately 5400 cubic yards of grading and removal of 16 protected trees.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body:	Planning Commission
Responsible Agency:	County of Monterey
Review Period Begins:	March 23, 2023
Review Period Ends:	April 24, 2023

Further information, including a copy of the application and Initial Study are available at the Monterey County Housing & Community Development, 1441 Schilling Place South, 2nd Floor, Salinas, CA 93901/(831) 755-5025



MONTEREY COUNTY

HOUSING & COMMUNITY DEVELOPMENT

1441 SCHILLING PL SOUTH 2ND FLOOR, SALINAS, CA 93901

(831) 755-5025 FAX: (831) 757-9516

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that Monterey County Housing & Community Development has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Robert Louis Stevenson School, File Number PLN220243) at 3152 Forest Lake Road, Pebble Beach (APNs 008-022-023-000 and 008-022-033-000) (see project description below).

The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at Monterey County Housing & Community Development – Planning, 1441 Schilling Place South, 2nd Floor, Salinas, California. The Mitigated Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link:

<https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/current-planning/general-info/recent-environmental-documents> .

The Planning Commission will consider this proposal at a meeting tentatively scheduled for May 10, 2023, at 9 a.m. in the Cayenne Room, Monterey County Government Center at 1441 Schilling Place, 1st Floor, Salinas, California. Written comments on this Mitigated Negative Declaration will be accepted from March 23, 2023, to April 24, 2023. Comments can also be made during the public hearing.

Project Description: Combined Development Permit consisting of 1) Coastal Development Permit and Design Approval to allow demolition of an existing educational building and construction of a 35,711 square foot three-story educational building (math & science center), part of Robert Louis Stevenson School; and 2) Coastal Development Permit for removal of 16 protected trees.

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Agency also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Agency has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed below. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Agency to ensure the Agency has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g., number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed

documents should be sent to the contact noted below at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Agency to confirm that the entire document was received.

For reviewing agencies: Housing & Community Development requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Agency if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey
Housing & Community Development
Attn: Mike Novo
1441 Schilling Place South 2nd Floor
Salinas, CA 93901

Re: Robert Louis Stevenson School; File Number PLN220243

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

- No Comments provided
- Comments noted below
- Comments provided in separate letter

COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (1 copy of Executive Summary & Notice of Completion)
2. County Clerk's Office
3. CalTrans District 5 (San Luis Obispo office)
4. California Coastal Commission
5. Association of Monterey Bay Area Governments
6. Monterey Bay Air Resources District
7. California Department of Fish & Wildlife, Monterey Field Office Environmental Review, Marine Region
8. California Department of Fish & Wildlife, Region 4, Renee Robison
9. Louise Miranda-Ramirez, C/O Ohlone/Costanoan-Esselen Nation
10. Tom Nason, The Esselen Tribe of Monterey County
11. California-American Water Company
12. Pebble Beach Community Services District-Fire, Frank Espinoza
13. Pebble Beach Community Services District
14. Monterey Peninsula Water Management District
15. Monterey County HCD-Engineering Services (via email)
16. Monterey County HCD-Environmental Services (via email)
17. Monterey County Environmental Health Bureau (via email)
18. Del Monte Forest Conservancy
19. Ed DiYanni, Robert Louis Stevenson School, Owner (via email ediyanni@stevensonschool.org)
20. Derric Oliver, Fenton and Keller, Agent (via email doliver@fentonkeller.com)
21. The Open Monterey Project
22. LandWatch Monterey County
23. Property Owners & Occupants within 300 feet (**Notice of Intent only**)

Distribution by e-mail only (Notice of Intent only):

24. U.S. Army Corps of Engineers (San Francisco District Office: Katerina Galacatos: galacatos@usace.army.mil)
25. Juan Barboza (jbarboza@nccrc.org)
26. Molly Erickson (Erickson@stamplaw.us)
27. Margaret Robbins (MM_Robbins@comcast.net)
28. Michael Weaver (michaelrweaver@mac.com)
29. Monterey/Santa Cruz Building & Construction (Office@mscbctc.com)
30. Garry Hofer (garry.hofer@amwater.com)
31. Jack Wang (Jack.Wang@amwater.com)
32. Jeana Arnold (jeana.arnold@pge.com)
33. Louise Miranda-Ramirez (Ramirez.louise@yahoo.com)
34. Mimi Sheridan (mimisheridan@msn.com)
35. Janet Laurain (jlaurain@adamsbroadwell.com)
36. California Department of Fish & Wildlife (r4ceqa@wildlife.ca.gov)

MONTEREY COUNTY
HOUSING & COMMUNITY DEVELOPMENT
 1441 SCHILLING PL SOUTH 2nd FLOOR, SALINAS, CA 93901
 PHONE: (831) 755-5025/FAX: (831) 757-9516



INITIAL STUDY

BACKGROUND INFORMATION

Project Title: Robert Louis Stevenson School

File No.: PLN220243

Project Location: 3152 Forest Lake Road, Pebble Beach

Name of Property Owner: Robert Louis Stevenson School

Name of Applicant: Edward F. DiYanni

Assessor's Parcel Number(s): 008-022-023-000 and 008-022-033-000

Acreage of Property: 9.891 Acres; Impact Area: 2.0 acres

General Plan Designation: Del Monte Forest LUP

Zoning District: Institutional Commercial and Resource Conservation with a Design Overlay District, Coastal Zone: IC-D(CZ) and RC-D(CZ)

Lead Agency: Monterey County Housing and Community Development

Prepared By: Denise Duffy and Associates, Inc.

Date Prepared: March 2023

Contact Person: Mike Novo, AICP, Management Specialist, Monterey County Housing and Community Development

Phone Number: (831) 755 - 5176

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

The Robert Louis Stevenson School Project (“Proposed Project” or “Project”) consists of the demolition of the existing Lindsley Science Building and the construction of a new math, science, and engineering center located at the Robert Louis Stevenson School. The existing Lindsley Science Building is characterized as an outdated 8,630 square-foot classroom building constructed in 1968. The Proposed Project would construct a new approximately 38,000 square-foot (including roof overhangs) building in substantially the same location as the existing Lindsley Science Building. In addition to the demolition of the existing Lindsley Science Building, the Proposed Project would also remove existing pathways and landscaped area in the immediate vicinity of the existing building.

The new educational building, also referred to as the Math, Science, and Engineering Center (“MSEC”) would be approximately 38,000 square feet, with approximately 35,711 within the exterior walls, and would be constructed substantially within the footprint of the existing Lindsley Science Building. The new education building consists of a two-story educational building with a finished basement and exterior roof deck. The proposed MSEC would have a maximum building height of 35 feet.¹ The building would include classrooms, science labs, faculty offices, conference rooms, and student collaboration spaces. The basement would contain a maker space and space for future hydroponic labs, a research project lab, and a demonstration space. The exterior rooftop deck would be used for astronomy classes, and physics experiments, and would also include rooftop PV arrays. **Figure 1** shows the proposed site plan.

The new MSEC would include a gently sloping landscaped courtyard with terraced seat-walls to the southeast. Landscaping would be included around the exterior of the building and would provide areas for bioretention and stormwater management around the north and west sides of the building. Building materials would include local Carmel stone, terracotta shingles, cement board siding, plaster stucco, and would also include energy efficient windows.

Construction

Construction of the Proposed Project would generally involve tractors, backhoes, compactors, excavators, rollers, dump trucks, etc. Most of the equipment would be brought to the site at the beginning of work and remain until the completion of construction. As necessary, trucks would bring materials to the site. Deliveries would likely take place over a short period of time (e.g., less than a month). The estimated number of construction workers on site at any one time would be approximately 10 – 100 workers. Construction would begin in Summer 2023 and be completed by Summer 2025.

¹ For the purpose of describing and evaluating the new educational building, Whitson Engineers defines the new education building as a two (2) story structure. Two (2) stories would be above grade. A basement would be included in the construction and operation of the new educational building.



Figure 1 – Site Plan

The start of construction depends on the Project approval date, seasonal factors, and the contractor's schedule. Construction activities would be limited to the hours between 7AM – 7PM, Monday through Saturday. No construction activities would occur on Sundays or holidays. Local site access is provided along Lisbon Lane, Forest Lake Road, and 17 Mile Drive. Regional site access is provided by State Route 1.

Site Preparation & Demolition

The Proposed Project would require the demolition of the existing 8,630-square-foot Lindsley Science Building. Demolition activities would include removing the existing building, concrete pathway, sidewalk, and aggregate base as detailed in **Figure 2, Proposed Project Demolition Plan**. Site preparation work would include staging of construction equipment, initial grading activities, vegetation, and tree removal (see below), and other related activities.

Grading

The Proposed Project would require approximately 5,360 cubic yards of cut and 290 of fill. The Proposed Project would require approximately 5,070 cubic yards of export. The estimated area of disturbance would equate to 1.21 acres.

Pervious and Impervious Cover

The Proposed Project would result in 26,076 square-feet of impervious coverage. 14,563 square-feet of which are comprised of structures, and 11,513 square-feet of which are other surfaces (e.g., pathways). The Project would result in 8,266 square-feet of pervious coverage.

Tree Removal

The Proposed Project would require the removal of up to 16 trees. Specifically, the Proposed Project would remove four (4) Monterey pine trees (*Pinus radiata*), 11 Coast Live Oak (*Quercus agrifolia*), and one (1) Monterey Cypress (*Cupressus macrocarpa*). The trees removed would range from six (6) inches to 22 inches in diameter. The Project site would be landscaped with native shrubs and trees. The 16 trees removed would be replaced at a 1:1 ratio and consist primarily of Monterey pine and Coast Live oak.

B. Surrounding Land Uses and Environmental Setting:

The Proposed Project is located at 3152 Forest Lake Road, in the community of Pebble Beach, Monterey County, California. More specifically, the Proposed Project is located on the existing Robert Louis Stevenson School campus, which covers approximately 47 acres along Forest Lake Road and Viscaino Road. The Project consists of the demolition and subsequent construction of a science building on Assessor's Parcel Numbers ("APN") 008-022-023 and 008-022-033. The subject parcels front onto Forest Lake Road. The Proposed Project is located in unincorporated Monterey County. The site is designated as Institutional Commercial ("IC-D(CZ)") and Resource Conservation ("RC-D(CZ)"), with a Design overlay zoning district.

The Project is located in the Del Monte Forest Land Use Plan (“DMF LUP”). **Figure 3** shows the Proposed Project site and surrounding land uses. The area of the proposed development is relatively flat ground, and is almost entirely developed with buildings, paved pathways, lawns, and landscaping. The Proposed Project area is located within the existing campus footprint. The site is surrounded by existing campus development, residential uses, and existing golf courses.

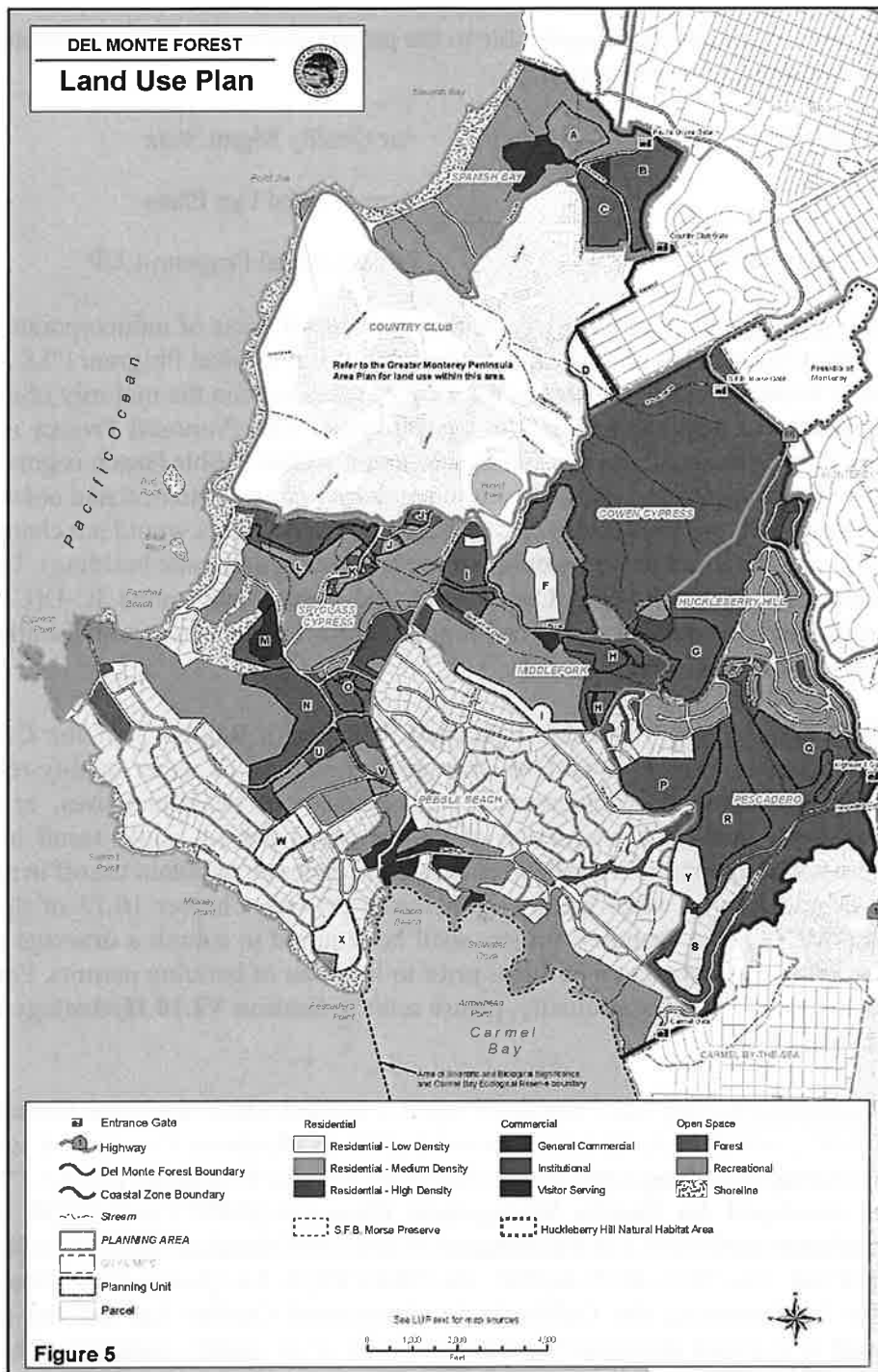
C. Other public agencies whose approval is required:

The IS/MND is an informational document for both agency decision-makers and the public. The County is the lead agency responsible for adoption of the IS/MND and approving land use permits related to the Proposed Project. Below is a list of approvals required by Monterey County. Project entitlements would include, but not be limited to:

- Coastal Administrative Permit
- Grading Permit(s)
- Building Permit(s)
- Demolition Permit for existing infrastructure

Other agencies that could have permit or review authority over some aspect of the Proposed Project may include Monterey Bay Air Resources District (“MBARD”), Monterey Peninsula Water Management District (“MPWMD”), and the California Department of Fish & Wildlife (“CDFW”).

Figure 3 – Land Use Map



III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

General Plan/Local Coastal Program LUP: Within the coastal areas of unincorporated Monterey County, the 1982 General Plan policies apply where the Local Coastal Program (“LCP”) is silent. This is typically limited to noise policies as the LCP policies contain the majority of development standards applicable to development in the coastal areas. The Proposed Project is located in unincorporated Pebble Beach. Land use and development within Pebble Beach is governed by the DMF LUP. The Proposed Project would result in temporary construction-related noise, but would not increase noise above the ambient levels since the Proposed Project would not change the site’s existing use (i.e., the Proposed Project would replace an existing academic building). The Proposed Project is designated as Institutional Commercial and Forest, and zoned IC-D(CZ) and RC-D(CZ) for institutional commercial uses. The Proposed Project is consistent with the allowable uses within these designations. **CONSISTENT**

Water Quality Control Plan: The subject property lies within Region 3 of the Central Coast Regional Water Quality Control Board which regulates sources of water quality-related issues resulting in actual or potential impairment or degradation of beneficial uses, or the overall degradation of water quality. Construction of the Proposed Project could result in temporary effects (e.g., erosion). Operation of the Project would not generate pollutant runoff in amounts that would cause degradation of water quality. In accordance with Chapter 16.12 of the Monterey County Code (“MCC”), the Proposed Project shall be required to submit a drainage and erosion control plan to HCD-Environmental Services prior to issuance of building permits. For additional discussion on hydrology and water quality, please refer to **Section VI.10 Hydrology and Water Quality**. **CONSISTENT**

Air Quality Management Plan: The Proposed Project is located within the North Central Coast Air Basin (“NCCAB”), which includes unincorporated areas of Monterey County. Air quality in the Project area is managed and regulated by the Monterey Bay Air Resources District (“MBARD”). MBARD has developed Air Quality Management Plans (“AQMPs”) and CEQA Air Quality Guidelines to address attainment and maintenance of state and federal ambient air quality standards within the NCCAB. The 2012-2015 AQMP, the 2008 CEQA Air Quality Guidelines, and 2016 Guidelines for Implementing the California Environmental Quality Act are the most recent documents used to evaluate attainment and maintenance of air quality standards. The California Air Resources Board (“CARB”) uses ambient data from each air monitoring site in the NCCAB to calculate Expected Peak Day Concentration over a consecutive three-year period. The closest

air monitoring station is located in Carmel Valley. Based on available air quality monitoring data, there are no indications that the Proposed Project would cause a significant impact to air quality or greenhouse gas emissions. Demolition of the existing science building would be required to comply with the MBARD Rule 439 which identifies actions to be implemented to reduce air pollution during demolition. Similarly, the Proposed Project would implement best management practices during construction to ensure impacts to air quality and greenhouse gases are less than significant. For a more detailed evaluation, please refer to **Section VI.3 Air Quality**. **CONSISTENT.**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Wildfires | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

Agricultural and Forestry Resources: The California Department of Conservation Division of Land Resource Protection and the Farmland Mapping and Monitoring Program maps California's agricultural resources. The Proposed Project is designated as "Urban and Built-Up" and therefore would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (California Department of Conservation, 2023). The Project is not zoned for agricultural use and is not under a Williamson Act contract (California Department of Conservation, 2023). A portion of APN 008-022-033 is designated and zoned as Resource Conservation and a land use designation of Forest; however, the Proposed Project would not result in the loss or conversion of forest land for non-forest land use. Therefore, there would be no impacts to agriculture and forestry resources.

Land Use: The Proposed Project is located on a legal lot of record designated for Institutional Commercial uses. Moreover, the Proposed Project would consist of the demolition of the existing Lindsley Science Building and the subsequent construction of a new science building within the existing footprint. Therefore, the Project would not divide an established community. The Proposed Project would be designed in accordance with all applicable development standards defined by the Monterey County General Plan and the DMF LUP. As a result, the Proposed Project would not result in any land use or planning-related effects.

Mineral Resources: Mineral resources are determined in accordance with the Surface Mining and Reclamation Act ("SMARA") of 1975, and the California Geological Survey which maps regional significance of mineral resources. There are no known mineral resources on the Project site (CGS, 2023). As a result, the Proposed Project would not result in the loss of availability of a known mineral resource that would be a value to the region and residents of the state. Additionally, the Project site is also not designated as a mineral resource recovery site. Therefore, the Proposed Project would not result in the loss of availability of a locally important mineral resource recovery site. The Proposed Project would not result in any impacts to mineral resources.

Population and Housing: The Proposed Project consists of the demolition of an existing education building to accommodate a new educational building. The Project would not induce substantial population growth either directly or indirectly. The Project would not change the existing use of the site or increase the number of students or staff such that potential growth-inducing impacts would occur. The Proposed Project would not displace existing housing units. Therefore, the Proposed Project would not result in any population or housing-related impacts.

Public Services: The Proposed Project would not result in any adverse impacts resulting in the need for new, or physically altered, government facilities to maintain acceptable service ratios,

response times, or other performance objectives for any public services (i.e., fire protection, police protection, schools, parks, or other public facilities). The Project site is currently served by the Pebble Beach Community Services District (“PBCSD”) which contracts with the California Department of Forestry and Fire Protection (“CalFire”) to provide fire protection services. Two fire stations in Pebble Beach would serve the Project site consistent with existing school operations. These include the Pebble Beach Fire Station and the Carmel Hill Fire Station. The Monterey County Sheriff’s Department currently provides police protection services in Pebble Beach. The Carmel Unified School District (“CUSD”) serves the community of Pebble Beach, but the Proposed Project consists of modifications to an existing private school and would not cause an increase in student population in the CUSD. The Proposed Project consists of the demolition of an existing academic building and the subsequent construction of a replacement building. Therefore, the Proposed Project would not generate any new demand for public services beyond current levels associated with existing campus operation.

Recreation: The Project would not result in an increased use of existing neighborhood and/or regional parks or other recreational facilities causing a substantial physical deterioration. No parks, trail easements, or other recreational opportunities would be adversely impacted by the Proposed Project. Therefore, the Proposed Project would not result in any adverse recreation-related impacts.

B. DETERMINATION

On the basis of this initial evaluation:

- 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 revisions in the project have been made by or agreed to by the project proponent. 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 “potentially significant impact” or “potentially significant unless mitigated” impact 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. 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, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

*Mike Novo, AICP, Management Specialist,
Monterey County Housing and Community Development*

March 21, 2023

Date

V. 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 project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, 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 XVII, "Earlier Analyses," may be cross-referenced).
- 5) 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 analysis.
 - 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.

- 6) 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.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source:) (sources: 6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (sources: 5, 6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality. (sources: 6,7,8,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (sources: 6,7,8,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Proposed Project site is part of the larger Robert Louis Stevenson School campus. The Proposed Project site is surrounded by existing academic buildings, classrooms, dormitories, dining facilities, and other related academic uses associated with the existing campus. The Proposed Project site consists predominantly of existing developed areas that are improved with educational facilities. The site is located in the Del Monte Forest and various native tree species, including Monterey Pine trees, are interspersed throughout the existing campus and immediately adjacent to the Proposed Project. As noted above, the Proposed Project would require the removal of four (4) Monterey Pine trees, 11 Coast Live oaks, and one (1) Monterey Cypress tree.

The Proposed Project site is not located in a critical viewshed or within view from a State designated scenic highway. Similarly, the Proposed Project site is not located on a locally designated scenic roadway or a designated public viewing area. State Route ("SR") 1, the nearest State designated scenic highway, is two (2) miles east of the Proposed Project site (Caltrans, 2023). The Proposed Project site is not visible from this segment of SR 1 or any critical viewing areas along SR 1. Similarly, the Proposed Project site is not visible from any locally designated scenic corridors. While the DMF LUP identifies scenic viewsheds along 17-mile Drive and describes 17-mile Drive as a scenic corridor, the Proposed Project site is not visible from 17-mile Drive. Moreover, the Proposed Project site is generally not visible from any publicly accessible roadways – the Proposed Project site is located within the existing Robert Louis Stevenson School campus

and views of the site from the surrounding area are generally obstructed by existing buildings and vegetation.

Aesthetic Impact (a) Less than Significant: The Proposed Project would not have a substantial adverse effect on a scenic vista. The Project is not located within an area that is designated as a public viewing area or within a critical viewshed. Moreover, the Proposed Project consists of the demolition of an existing academic building and the subsequent construction of a replacement building within substantially the same footprint as the existing building. Additionally, views of the site are generally limited due to existing vegetation, changes in topography, and existing buildings associated with the Robert Louis Stevenson School. For these reasons, the Proposed Project would not have a substantial adverse impact on a scenic vista. This represents a less than significant impact.

Aesthetic Impact (b) No Impact: The Project would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. The segment of SR 1 located east of the Project site is designated as a scenic highway. However, the Project site is not visible from SR 1, nor can SR 1 be seen from the Project site. Similarly, the Proposed Project site is not visible from any designated scenic corridors or a common public viewing area. The Proposed Project site is located entirely within the existing Robert Louis Stevenson School campus and is surrounded by existing academic buildings and vegetation that generally obstruct views of the Proposed Project site from surrounding areas. As a result, the Proposed Project would not impact any scenic resources within view of a state designated scenic highway. There would be no impact from the Proposed Project.

Aesthetic Impact (c) Less than Significant: The Proposed Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The Project would be located entirely within the existing Robert Louis Stevenson School campus. As discussed above, the Proposed Project would consist of the demolition of the existing Lindsley Science Building to construct a new educational building. The Proposed Project would be constructed within substantially the same footprint as the existing science building and would be designed to be visually compatible with the existing campus. Moreover, the Proposed Project site is generally not visible from the surrounding area. The Proposed Project site is not visible from any public viewing areas and views of the site are generally obstructed by existing vegetation and educational buildings. As a result, the Proposed Project would not degrade public views of the site or its surroundings. For these reasons, this represents a less than significant impact.

Aesthetic Impact (d) Less than Significant: The Proposed Project consists of the demolition of an existing academic building and the subsequent construction of a new education building in substantially the same location. The Proposed Project is located within an existing developed area associated with the Robert Louis Stevenson School that is improved with various sources of exterior lighting. The Proposed Project does not entail any nighttime construction-related activities; therefore, the Proposed Project would not result in any temporary increases in construction lighting. Similarly, operation of the Proposed Project would not substantially increase lighting beyond existing conditions. The site is currently improved with various sources of campus

lighting. The Proposed Project includes exterior lighting along pathways and the new building. All exterior lighting would comply with standard Monterey County conditions of approval and would be recessed or downlit, consistent with the design requirements set by the DMF LUP, Monterey County General Plan, and Title 20. This represents a less than significant impact.

2. AGRICULTURAL AND FOREST RESOURCES

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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (sources: 6,7,1)	<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? (sources: 1, 2, 6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (sources: 1, 6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (sources: 1, 6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (sources: 1, 6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Please refer to Section IV.A Environmental Factors Potentially Affected. The Proposed Project would have no impact on agricultural or forest land resources.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (sources: 4, 9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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? (sources: 4, 9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in significant construction-related air quality impacts? (sources: 4, 9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations? (sources: 4, 9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (sources: 4, 9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Proposed Project is located within the North Central Coast Air Basin (“NCCAB”), which is under the jurisdiction of the Monterey Bay Air Resources District (“MBARD”). MBARD is responsible for producing an Air Quality Management Plan (“AQMP”) that reports air quality and regulates stationary air pollution sources throughout the NCCAB. MBARD is also responsible for measuring the concentration of pollutants and comparing those concentrations against Ambient Air Quality Standards (“AAQS”). Additionally, MBARD monitors criteria pollutants to determine whether they are in attainment or not in attainment. **Table 3-1** illustrates the attainment status for criteria pollutants.

Pollutants	State Designation	Federal Designation
Ozone (O ₃)	Nonattainment – Transitional	Attainment
Inhalable Particulates (PM ₁₀)	Nonattainment	Attainment
Fine Particulates (PM _{2.5})	Attainment	Attainment
Carbon Monoxide (CO)	Monterey Co. – Attainment	Attainment
	San Benito Co. – Unclassified	Attainment
	Santa Cruz Co. – Unclassified	Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Attainment

Table 3-1 Attainment Status for the NCCAB		
Pollutants	State Designation	Federal Designation
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead	Attainment	Attainment

Source: Monterey Bay Air Resources District, 2017. 2012 – 2015 Air Quality Management Plan

MBARD has set air quality thresholds of significance for the evaluation of projects. **Table 3-2** illustrates the thresholds of significance used to determine if a project would have a significant air quality effect on the environment during construction.

Table 3-2 Thresholds of Significance Construction Emissions	
Pollutant	Threshold of Significance (lb./day)
Nitrogen Oxides (NO _x)	137
Reactive Organic Gases (ROG)	137
Respirable Particulate Matter (PM ₁₀)	82
Fine Particulate Matter (PM _{2.5})	55
Carbon Monoxide (CO)	550

Source: Monterey Bay Unified Air Pollution Control District, 2016. Guidelines for Implementing the California Environmental Quality Act.

In addition to these thresholds, MBARD has also determined that a significant short-term construction generated impact would occur if more than 2.2 acres of major earthmoving (i.e., excavation) per day was to occur. Activities associated with this threshold include excavation and grading. For projects that require minimal earthmoving activities MBARD has determined that a significant short-term construction generated impact would occur if more than 8.1 acres per day of earthmoving was to occur (MBARD, 2008).

Table 3-3 illustrates the thresholds of significance used to determine if a project would have a significant air quality effect on the environment during operation.

Table 3-3 Thresholds of Significance Operational Emissions	
Pollutant	Threshold of Significance (lb./day)
Nitrogen Oxides (NO _x)	137
Reactive Organic Gases (ROG)	137
Respirable Particulate Matter (PM ₁₀)	82
Fine Particulate Matter (PM _{2.5})	55
Carbon Monoxide (CO)	550

Source: Monterey Bay Unified Air Pollution Control District, 2016. Guidelines for Implementing the California Environmental Quality Act.

The California Air Resources Board (“CARB”) defines a sensitive receptor as children, elderly, asthmatic, and others who are at high risk of negative health outcomes due to exposure to air pollution. Pursuant to California Health and Safety Code Sec. 42705.5, a sensitive receptor includes hospitals, schools and day cares centers and such locations as the district or state board may determine. MBARD similarly defines sensitive receptors and adds that the location of

sensitive receptors be explained in terms that draw a relationship to the project site and potential air quality impacts.

Air Quality Impact (a) No Impact: CEQA Guidelines Sec. 15125(b) requires that a project be evaluated for consistency with applicable regional plans, including the AQMP. MBARD is required to update their AQMP every three (3) years. The most recent update was the 2012 – 2015 AQMP which was adopted in March 2017. This plan addresses attainment of the State ozone standard and Federal air quality standards. The AQMP accommodates growth by projecting growth in emissions based on population forecasts prepared by the Association of Monterey Bay Area Governments (“AMBAG”) and other indicators. Consistency determinations are issued for commercial, industrial, residential, and infrastructure related projects that have the potential to induce population growth. A project is considered inconsistent with the AQMP if it has not been accommodated in the forecast projects considered in the AQMP. The Proposed Project consists of the demolition of the existing Lindsley Science Building to facilitate the construction of a new educational building. The Proposed Project would be located within the existing Robert Louis Stevenson School, and would not induce substantial population growth or result in the need for additional residential development beyond what currently exists. Therefore, the Proposed Project would not conflict with or obstruct an applicable air quality plan. There would be no impact.

Air Quality Impact (b) and (c) Less than Significant: The MBARD 2016 CEQA Air Quality Guidelines contain standards of significance for evaluating potential air quality effects of projects subject to the requirements of CEQA. According to MBARD, a project would violate an air quality standard and/or contribute to an existing or projected violation if it would emit (from all sources, including exhaust and fugitive dust) more than:

- 137 pounds per day of oxides of nitrogen (NO_x),
- 137 pounds per day of reactive organic gases (ROG),
- 82 pounds per day of respirable particulate matter (PM₁₀),
- 55 pounds per day of fine particulate matter (PM_{2.5}), and
- 550 pounds per day carbon monoxide (CO).

According to the MBARD’s criteria for determining construction impacts, a project would result in a potentially significant impact if it would result in 8.1 acres of minimal earthmoving per day or 2.2 acres per day with major grading and excavation.

Construction of the Proposed Project would require 5,360 cy of cut and 290 cy of fill, with 5,020 cy of export. Construction would require equipment such as tractors, backhoes, excavators, loading trucks, and pickup trucks. Construction related emissions would come from sources such as exhaust or fugitive dust. Construction of the Proposed Project would not, however, exceed MBARD’s significance criteria. The Proposed Project would result in minimal ground-disturbing activities. Specifically, the Proposed Project would disturb approximately 2.0 acres. Grading and excavation related activities would occur over several days and would not exceed MBARD’s daily ground disturbing thresholds for excavation (2.2 acres per day) or grading (8.1 acres per day). Therefore, the Proposed Project would have a less than significant construction-related air quality

impact. Moreover, the Proposed Project would implement standard construction Best Management Practices (“BMPs”) related to dust suppression (e.g., watering active construction areas, prohibiting grading activities during periods of high wind (over 15 mph), covering trucks hauling soil, covering exposed stockpiles, etc.) thereby further ensuring that temporary construction-related effects would be minimized. Additionally, the Proposed Project would be required to comply with MBARDs Rule 439. Rule 439 includes *Demolition and Deconstruction Notes* on the construction plans that address mechanisms for reducing air pollution during demolition. For these reasons, construction of the Project would have a less than significant impact to air quality.

The Project could result in operational emissions due to operational energy use and traffic. However, it is unlikely that the Project would result in a significant impact for several reasons. First, the Proposed Project would replace an existing, outdated, academic building with a new educational building with energy efficient upgrades. The Proposed Project would be constructed in accordance with contemporary building standards and would include PV solar arrays and energy efficient aluminum windows and curtain wall glazing assemblies. The installation of energy efficient building upgrades would reduce operational energy demand. Second, the Proposed Project, as a replacement building, would not result in any additional traffic trips beyond those associated with existing campus operations. Therefore, there would not be any increases in operational emissions associated with traffic-related impacts. Third, the Proposed Project would not increase student enrollment, which would generate additional operational emissions. As a result, operational emissions associated with the Project would not exceed an applicable MBARD threshold of significance. The site is currently used for educational purposes. As previously discussed, the Project consists of the demolition of an existing educational building and the construction of a replacement building. Operation of the Proposed Project would not result in an increase of criteria pollutants beyond existing levels. See **Section VI.5 Energy**, below, for more information regarding energy consumption. For these reasons, the Proposed Project would result in a less than significant impact to air quality during operation.

Air Quality Impact (d) Less than Significant: The Proposed Project is located within the existing Robert Louis Stevenson School. The Robert Louis Stevenson School is a boarding school; on-campus residential halls are located within a ¼ mile south of the Project site. Other residential uses are located within ¼ miles to the west. Residential uses are also located approximately 200 feet north of the site. CARB identifies sensitive receptors as children, elderly, asthmatics and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Locations where sensitive receptors congregate may include hospitals, schools, and day care centers. As discussed above, construction of the Project would generate temporary air quality impacts. However, these impacts would be temporary in nature and would not exceed the thresholds set by MBARD. Operation of the Proposed Project would not result in increased air quality impacts beyond existing levels. Therefore, the Project would not result in a significant impact.

Air Quality Impact (e) Less than Significant: Construction of the Project could generate temporary odors from construction equipment (e.g., diesel exhaust) which could be noticeable at times to residences, students, and faculty in the Project vicinity. However, construction generated

odors would be temporary in nature and would not create objectionable odors that would affect a substantial number of persons. This represents a less than significant impact.

4. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (sources: 6,7,8, 11,12,13,14,15)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (sources: 6,7,8, 11,12,13,14,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (sources: 6,7,8, 11,12,13,14,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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? (sources: 6,7,8, 11,12,13,14,15)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (sources: 6,7,8, 11,12,13,14,15)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (sources: 6,7,8, 11,12,13,14,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Kevin Merk Associates (“KMA”) conducted a comprehensive assessment of biological resources in connection with the Robert Louis Stevenson School Master Plan Update. That assessment, *Stevenson School Pebble Beach Campus Monterey County, California Biological Resources*

Assessment for the General Development Plan Amendment Project (July 2022), evaluated potential impacts associated with future development activities within the entire campus, including the Proposed Project site, as part of long-range planning efforts being separately undertaken by the Applicant. KMA also prepared a supplemental, project-specific, evaluation of potential effects associated with the Proposed Project. Similarly, Thompson Wildland Management prepared several technical reports related to planned campus improvements and on-going fuel management. These include the following: the *Fuel Management Plan for the Stevenson Upper School Campus* dated March 2021; the *Stevenson School Tree Health & Hazard Assessment & Forest Management Plan*, dated May 2021; the *Addendum to Stevenson School Tree Health & Hazard Assessment & Forest Management Plan* dated August 2021. While these reports evaluate the campus holistically, they include recommendations that would be applicable to the Proposed Project. The following discussion summarizes the findings of those technical reports to the extent that they are applicable to the Proposed Project. The findings of these technical analyses are herein incorporated by reference consistent with the requirements of CEQA Guidelines Sec. 15150. For a more detailed discussion of biological resources, please refer to the technical reports available for review at the Monterey County HCD – Planning Office located in Salinas, California.

Regionally, the Monterey Peninsula supports a high level of endemic species. While the area surrounding the Proposed Project has been extensively developed/disturbed, strands of native habitats are present in the immediate vicinity of the Proposed Project. These areas contain or likely contain a number of special-status species. Five (5) special-status plant species were observed on the Robert Louis Stevenson School campus during the Spring 2022 surveys conducted by KMA in connection with other planned improvements on-campus. Species included Hooker's manzanita (*Arctostaphylos hookeri* ssp. *hookeri*), Monterey pine (*Pinus radiata*), sandmat manzanita (*Arctostaphylos pumila*), small-leaved lomatium (*Lomatium parvifolium*), and Yadon's rein-orchid (*Piperia yadonii*). None of these species were observed in the footprint of the Proposed Project, although KMA identified Monterey Pine forest habitat immediately adjacent to the Proposed Project to the north of the site. KMA identified 26 special-status wildlife species with the potential to occur on-site, although no wildlife species were identified during any of KMA prior surveys of the site. No critical habitat is present on the Proposed Project site.

The Proposed Project site is considered developed and disturbed. As discussed previously, the Proposed Project site is improved with various improvements associated with the existing campus. The Project site contains the existing Lindsley Science Building, ornamental landscaping, and pathways. Surrounding vegetation consists primarily of Monterey pine and Coast Live oak trees. Remnant patches of Monterey pine forest exist around the perimeter of the Project site, and patches of contiguous forest are located along the northern edge of the site. Monterey pine along the northern boundary have been limbed due to pitch canker and drought, and the understory cleared for fuel management. To the west, south, and north, the Project site is surrounded by existing campus development, golf courses, and residential areas.

The Project site is located within the Seal Rock Creek watershed. KMA identified an unnamed tributary of Seal Rock Creek that passes through the north-central part of the campus. This unnamed tributary does not support any continuous cover of wetland or riparian plants and is

dominated by upland species characteristic of the surrounding Monterey pine forest. Similarly, no wetlands were identified in immediate vicinity of the Proposed Project site. The Proposed Project would not affect the unnamed tributary, nor would it affect any wetland habitat (KMA, 2023).

Biological Resources Impact (a) Less than Significant with Mitigation: The Proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species. Special status plant species are known to occur on and within the vicinity of the existing campus, as documented by KMA. However, as identified by KMA, the Proposed Project site is developed with existing infrastructure and construction would generally occur in disturbed areas. While the Proposed Project site is extensively developed, the Proposed Project does include tree removal and some construction-related activities may encroach into adjacent Monterey pine forest mapped along the northern boundary of the site (KMA, 2023). As a result, KMA recommended that mitigation measures should be implemented to ensure that potential impacts would be reduced to a less than significant level. This represents a potentially significant impact that would be reduced to less than significant with implementation of **Mitigation Measures BIO-1(a) through BIO – 1(b), BIO – 6(a) through BIO – 6(c), and BIO – 7(a) through BIO – 7(d).**

Mitigation Measure BIO - 1(a) *Conduct seasonally timed, focused rare plant preconstruction surveys in project impact areas within and adjacent to Monterey pine forest, plus a 50-foot buffer, and document occurrences for avoidance.* A qualified botanist shall conduct surveys for project sites in which the area of disturbance and/or a 50-foot buffer from disturbance limits occur within Monterey pine forest as mapped in Figure 4 in *Stevenson School Pebble Beach Campus Monterey County, California Biological Resources Assessment for the General Development Plan Amendment Project (July 2022)*. Project sites with a 50-foot buffer that occur entirely within developed/ruderal areas would not require special-status plant surveys. The surveys shall take place during the growing season prior to construction and be timed during the vegetative growth and blooming periods (e.g., January and May/June) for Yadon’s piperia. Since Hooker’s manzanita is a perennial shrub, surveys for this species can occur at any time of the year. The surveys shall follow the protocols given in *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants* (USFWS 2000) and *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018). The botanist should visit onsite reference populations of Yadon’s piperia in Area 1 in *Stevenson School Pebble Beach Campus Monterey County, California Biological Resources Assessment for the General Development Plan Amendment Project (July 2022)* to confirm that the species was in identifiable condition at the time of the surveys. All Yadon’s piperia and Hooker’s manzanita plants shall be mapped and flagged for avoidance and/or salvage and relocation. A report detailing the methods and results of the surveys shall be prepared for submittal to the County. The project design should be reviewed to ensure that avoidance is the primary method considered for special-status plant protection. If construction activities cannot avoid special-status plant species, Mitigation Measure BIO-1b shall be required.

Mitigation Measure BIO – 1(a) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit the results of the preconstruction survey to HCD – Planning for review and approval.

Mitigation Measure BIO - 1(b) *Prepare a rare plant compensatory mitigation plan that includes the salvage and relocation of impacted rare plants.* If project development cannot avoid rare plant areas, a rare plant mitigation plan shall be prepared to detail the methods for plant salvage from the disturbance area and relocation to appropriate habitat outside of the project sites. A qualified botanist/restoration ecologist shall prepare the plan and include a suite of measures that may include digging up and moving Yadon's rein-orchid plants growing in the impact area during the growing season (i.e., winter to early spring) prior to ground disturbance, and transplanting them into areas of suitable habitat in protected open space. Hooker's manzanita shall also be included in the plan if individuals are impacted during construction. Collection of seeds/cuttings and transplanting individuals along with other approaches shall be detailed in the plan. Seeds of Hooker's manzanita may be collected, cleaned, and grown in containers within a horticultural setting and out planted in an identified mitigation area on the property. Cuttings may also be grown in containers and out planted as feasible. Any Yadon's piperia and Hooker's manzanita plants salvaged and/or propagated shall be planted in similar habitat within a designated mitigation area on the property that will be protected in perpetuity. The area of the mitigation site(s) and number of propagules to be planted shall be determined once grading and disturbance limits are finalized, and shall use a general ratio of 2:1 (i.e., two plants mitigated for every one plant impacted). The mitigation areas for rare plants can be within any site designated for mitigation of impacts on sensitive natural communities as described by KMA in *Stevenson School Pebble Beach Campus Monterey County, California Biological Resources Assessment for the General Development Plan Amendment Project (July 2022)*. The mitigation plan shall be developed by a qualified botanist/restoration ecologist and at a minimum include the following:

1. The overall goals and measurable objectives to ensure no net loss of special-status plant species;
2. Identification of specific mitigation areas on the property with appropriate environmental conditions for the target species;
3. A planting plan that includes seasonally timed salvage or seed/cutting collection; whether seeds will be directly sown into the mitigation site or grown in containers, or identification of nursery sources for container plantings; and, seeding/planting methods for the specified mitigation site(s);
4. Specific habitat management methods to be used during the establishment period following planting (e.g., seasonally timed weed abatement program and irrigation, if needed);
5. Success criteria based on the goals and objectives to ensure no net loss of the affected species on the project site;
6. Annual monitoring for at least five years to ensure that success criteria are being met (e.g., annual population census surveys and identification of monitoring reference sites, if needed);
7. Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and

8. Adaptive management including remedial measures to address circumstances that may affect the program's ability to meet identified success criteria.

Mitigation Measure BIO – 1(b) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit a rare plant compensatory mitigation plan, if determined necessary as part of Mitigation Measure BIO – 1(a), to HCD – Planning for review and approval. If any mitigation areas are necessary, those areas shall be placed in a conservation easement.

Mitigation Measure BIO – 2(a) – *Attempt to avoid initial ground disturbance during the winter months.* Initial site disturbance and grading for construction should be planned to occur outside the winter rain season in which frogs use ephemeral stream courses and adjacent upland habitats. Construction grading along the margins of campus abutting Monterey pine forest and the unnamed tributary to Seal Rock Creek should try to occur between May 1st and November 30th to avoid impacts to frogs using upland habitat during the rainy season. If this is not feasible, Mitigation Measures BIO-2c and -2e should be followed. In any season, Mitigation Measures BIO-2b, -2d and -2f shall be implemented because they offset project impacts on other wildlife species.

Mitigation Measure BIO – 2(a) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit construction drawings to HCD – Planning for review and approval that include the requirements of this mitigation measure as “Notes” on the plans.

Mitigation Measure BIO – 2(b) - *Prepare and present a Worker Environmental Awareness Program.* A qualified biologist shall prepare a Worker Environmental Awareness Program that will be presented to all project personnel. This program shall detail measures to avoid and minimize impacts on biological resources. It shall include a description of special-status species potentially occurring on the project site and their natural history; the status of the species and their protection under environmental laws and regulations; and, the penalties for take. Recommendations shall be given as to actions to avoid “take” should a special-status species be found on the project site. Aspects of the training shall include:

- Delineation of the allowable work area, staging areas, access points and limits to vehicle access;
- Locations of setback areas from streams, wetlands, and other sensitive biological resources (e.g., nests) that shall be avoided during construction. These areas shall be delineated by construction fencing and maintained throughout the project;
- Maintenance requirements for the wildlife exclusion fencing, if used (Mitigation Measure BIO-2d);
- Storage of all pipes, metal tubing, or similar materials stored or stacked on the project site for one or more overnight periods shall be either securely capped before storage or thoroughly inspected for wildlife before the materials are moved, buried, capped, or otherwise used;

- Inspection of materials stored onsite, such as lumber, plywood, and rolls of silt fence, for wildlife that may have sheltered under or within the materials;
- Use of netting to exclude birds from nesting in construction materials;
- Wildlife protection measures for excavations and trenches (Mitigation Measure BIO-2f);
- Contact information for the approved biologist and instructions should any wildlife species be detected at the work site;
- Dust suppression methods during construction activities when necessary to meet air quality standards and protect biological resources;
- Stormwater BMPs (Mitigation Measure BIO-6b); and
- Methods for containment of food-related trash items (e.g., wrappers, cans, bottles, food scraps), small construction debris (e.g., nails, bits of metal and plastic), and other human-generated debris (e.g., cigarette butts) in animal-proof containers and removal from the site on a weekly basis.

All project personnel who attended the training shall sign an attendance sheet. The program shall be repeated for any new crews that arrive subsequently on the project site.

Mitigation Measure BIO – 2(b) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit a Worker Environmental Awareness Program to HCD – Planning for review and approval. The Applicant shall maintain records of all attendance sheets and shall provide copies of the attendance logs to HCD – Planning upon request.

Mitigation Measure BIO – 2(c) - *Conduct California red-legged frog preconstruction surveys.* Within 48 hours prior to initial vegetation removal and ground disturbance, a qualified biologist shall survey all areas proposed for temporary and permanent disturbance for project sites within or abutting Monterey pine forest. During rain events, the preconstruction survey shall be conducted during the same day and immediately prior to the start of construction. If any California red-legged frogs are found in the work area, the animal shall be allowed to leave the work area under its own volition. If the frog does not leave the work area, the USFWS should be contacted immediately and work delayed in that area until proper authorizations have been received prior to capture and relocation. See survey reporting requirements in Mitigation Measure Bio-3a.

Mitigation Measure BIO – 2(c) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit the results of the preconstruction survey to HCD – Planning for review and approval.

Mitigation Measure BIO – 2(d)- *Conduct biological monitoring while the project sites are cleared and graded.* A qualified biologist shall monitor the removal of surface vegetation and initial site grading for California red-legged frogs or other species such as northern California legless lizard that could be uncovered during the work. The biologist shall view the activities from a safe distance using binoculars and walk through searching freshly disturbed soils during breaks in the work. Tree removal shall also be monitored if it involves operating vehicles in protected vegetated habitats. If any special-status species are found, work shall be delayed until the species

has/have left the work area or CDFW/USFWS shall be notified to obtain authorization for capture and relocation. If none are found during monitoring, work may proceed.

Mitigation Measure BIO – 2(d) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit evidence (i.e., contract) to HCD – Planning for review and approval demonstrating that the Applicant has retained a qualified biologist to conduct on-going construction phase monitoring. The Applicant shall maintain records of all daily monitoring activities and shall provide copies of all monitoring reports to HCD – Planning upon request and upon conclusion of the construction activities.

Mitigation Measure BIO – 2(e) - *Install a high-visibility construction and silt fence along the forest edge to delineate the allowable work area, exclude wildlife from the site, and protect stream habitats.* After each of the above-listed sites have been cleared of all vegetation that could provide refugia for California red-legged frogs and other wildlife, a high-visibility construction fence together with a silt fence, or an approved wildlife exclusion fence (i.e., ERTEC Triple-function E-fence), shall be erected along the forest edge to delineate the limits of grading and vehicle access. To prevent animals from getting under the fence, the bottom edge of the fence shall be trenched into the ground to a depth of at least six (6) inches, and the soil recompacted along either side. For the Fine Arts Building (K), the fence shall be erected at a minimum along the 50-foot creek setback line to prevent encroachment into the setback. The fence shall remain in place throughout all construction phases and checked weekly by construction personnel for needed maintenance. The fence shall be surveyed by a qualified biologist prior to the start of work each day in which at least one-quarter inch of precipitation has fallen within the past 24 hours for frogs that may have entered the work area or are disoriented on the outside of the fence. If any California red-legged frogs are found within the work area and the animals are not leaving the site on their own, the USFWS shall be contacted to receive authorization to move them to suitable habitat away from project impacts. If any Species of Special Concern are found, a qualified biologist shall move them out of harm's way and into suitable habitat. If a state listed species is encountered onsite, CDFW shall be contacted to receive authorization for their capture and relocation. Work shall be halted within 100 feet of the species until the agencies have provided authorization to proceed.

Mitigation Measure BIO – 2(e) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit photographic evidence demonstrating that high-visibility construction and silt fence along the Proposed Project's boundary has been installed. All monitoring reports prepared by the biological monitor shall identify the status of the fencing and identify any corrective actions, if necessary. The Applicant shall maintain records of all daily monitoring activities and shall provide copies of all monitoring reports to HCD – Planning upon request and upon conclusion of the construction activities.

Mitigation Measure BIO – 2(f) *Employ measures to prevent entrapment of wildlife in open excavations and trenches.* During the period in which there are open trenches or excavations more than six (6) inches deep, such as during the excavation for building foundations or utility lines, escape ramps shall be installed so that wildlife that may have become entrapped have the ability to escape. Escape ramps are to consist of a 2:1 sloped soil area leading from the bottom to ground

level. If this is not possible, a qualified biologist shall inspect open trenches each day prior to the start of work for entrapped animals. A third option is that trenches/excavations can be completely covered with plywood, steel plates or similar material during overnight periods. If a California red-legged frog is located in a trench by construction personnel, the qualified biological monitor shall be contacted immediately to assist with relocation upon authorization from USFWS. For common wildlife, the biologist shall capture and relocate the individual out of harm's way. Work shall be halted until the entrapped animal has been relocated.

Mitigation Measure BIO – 2(f) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit evidence (i.e., contract) to HCD – Planning for review and approval demonstrating that the Applicant has retained a qualified biologist to conduct on-going construction phase monitoring. The biological monitor shall be responsible for ensuring that measures are employed to prevent the entrapment of wildlife during construction. All monitoring reports prepared by the biological monitor shall identify whether any species were relocated. The Applicant shall maintain records of all daily monitoring activities and shall provide copies of all monitoring reports to HCD – Planning upon request and upon conclusion of the construction activities.

Mitigation Measure BIO – 3(a) - *Conduct a wildlife preconstruction survey and avoid construction in any areas with sensitive animal species.* Within 48 hours prior to the start of vegetation removal or grading, a qualified biologist shall survey permanent and temporary impact areas for special status wildlife that could occur on the property. The preconstruction survey shall be repeated for any new phase of construction to begin at a later time.

Visual surveys for wildlife should be utilized for the obscure bumble bee and sign of Monterey dusky footed woodrat, and should be coordinated with preconstruction requirements detailed in mitigation measures BIO-2, BIO-4 and BIO-5. Raking surveys in Monterey pine forest margins and adjacent landscaped areas with leaf litter under shrubs, as well as searches under logs or other cover objects, shall be done to detect northern California legless lizards that may occur within the grading footprint. Surveys for this species shall be conducted in areas deemed suitable by the qualified biologist. The entire impact area does not need to be raked, just select locations identified by the qualified biologist as having the highest potential to support legless lizards. Monitoring initial vegetation disturbance (detailed under Mitigation Measure BIO-2d) will also allow capture and relocation of legless lizards that may be unearthed from the impact area during grading.

During the surveys, understory vegetation and tree canopy within and adjacent to the development sites in Monterey pine forest habitat be visually searched for Monterey dusky-footed woodrat middens to make sure they haven't moved into a specific project area. Any woodrat middens in the impact area shall be flagged for avoidance. If development cannot avoid removal of the midden, the biologist shall determine if it is active. Signs that a nest is active are new sticks or vegetative cuttings that have been added, nest entrances and travel paths that are free of debris, and recently deposited fecal pellets. Inactivity may be determined by cobwebs across entrances, debris within the entrance, general nest deterioration, absence of fresh vegetative cuttings, or absence of fresh fecal pellets. If no woodrats occupy the midden, the biologist shall dismantle the

nest to prevent reoccupation prior to vegetation disturbance by construction equipment. If a woodrat is actively using the nest, authorization shall be obtained by the CDFW to relocate the midden and Mitigation Measure BIO-3b shall be followed. If a woodrat is observed within or fleeing from the nest while being dismantled, the nest shall be considered active and relocated using a phased approach.

Construction activities can begin once it has been determined that there are no sensitive animals within impact areas. If any individuals are found within the impact area or would otherwise be at risk during construction, work activities shall be delayed in that particular area and the animal allowed to leave the work zone on its own volition. Individuals can be relocated outside of the work area if authorization is provided by CDFW, or USFWS for federally listed species such as the California red-legged frog. The biologist shall monitor the area to determine when individuals of special-status species have left and work can commence. The biologist shall submit a report detailing the methods and results of the wildlife preconstruction survey to the County. The report should detail any sensitive species found during the survey and measures taken for their avoidance. Observations of special-status species shall be submitted to the CNDDDB.

Mitigation Measure BIO – 3(a) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit the results of the preconstruction survey to HCD – Planning for review and approval.

Mitigation Measure BIO – 3(b) - Relocate woodrat midden materials to a suitable open space area immediately outside of project impact limits. The qualified biologist shall determine potentially suitable habitat for Monterey dusky-footed woodrats within an appropriate distance that the woodrats can access outside of the project impact area (e.g., 100 to 200 feet away from the existing nest). Nest dismantling for active nests should follow this phased approach:

1. Remove 50 to 100% of the existing canopy and partially dismantle the nest. Move the nest materials to the designated relocation site and arrange in piles potentially suitable for woodrat habitation or refugia.
2. Wait for two to four days to allow woodrats to vacate the nest on their own.
3. Thereafter, the nest can be dismantled by hand over two to three days. Move the materials to the relocation site.
4. If young are found during dismantling, activities shall cease for at least 48 hours to allow the adult to move the young. The biologist shall inspect the nest to determine whether young are still present. If the young have not been moved, it shall be left undisturbed for another 48-hour period and then re-checked. This shall be repeated until the young are no longer present and then dismantling can continue.
5. A report detailing relocation activities shall be prepared by the biologist for submittal to the County and CDFW. The report shall include: dates, times and weather conditions during the relocation work; names of biologists involved; number of nests found and status; summary of work conducted; number of woodrats observed and any injuries or mortalities; representative

photographs of the relocation work, including relocation site; and, GPS coordinates of relocation site.

The biologist and any crews involved in the relocation of woodrat middens should use appropriate personal protective equipment, such as N95 face mask and gloves. Tyvek suits would be needed in areas with dense poison oak.

Mitigation Measure BIO – 3(a) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit evidence to HCD – Planning demonstrating that a qualified biologist has relocated woodrat midden materials, if identified during the preconstruction surveys described in Mitigation Measure BIO – 3(a), to a suitable open space area outside of the project impact area.

Mitigation Measure BIO – 4(a) - *If possible, conduct the initiation of construction activities outside of the nesting season.* All initial site disturbance should be limited to the time period between September 1st to November 15th, if feasible. Tree removal should occur between September 1st and January 31st to avoid the nesting period. If vegetation removal and grading cannot be conducted during this time period, then implementation of Mitigation Measure BIO-4b is required.

Mitigation Measure BIO – 4(a) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit construction drawings to HCD – Planning for review and approval that include the requirements of this mitigation as “Notes” on the plans.

Mitigation Measure BIO – 4(b)- *Conduct a preconstruction nesting bird survey and avoid active nests.* For any initial construction scheduled to start between February 1st and August 31st, a qualified biologist shall conduct a preconstruction survey for nesting birds within a 500-foot buffer of project impact areas. The survey shall be conducted within seven days before the initiation of construction activities for any phase of the project occurring within the nesting season. During this survey, the qualified biologist shall search for birds exhibiting nesting behavior and inspect all potential nest substrates in the impact and buffer areas. Any nests identified will be monitored to determine if they are active. If no active nests are found, construction may proceed. If an active nest is found within 50 feet (250-500 feet for raptors) of the construction area, the biologist, in consultation with CDFW and the County as appropriate, shall determine the extent of a buffer to be established around the nest. The buffer will be delineated with flagging, and no work shall take place within the buffer area until the young have left the nest, as determined by the qualified biologist. Implementation of these mitigation measures would reduce project effects on protected nesting birds to a level below significance.

Mitigation Measure BIO – 4(b) Monitoring Action: No more than seven days before the initiation of construction-related activities during the nesting season, the Applicant shall submit the results of a preconstruction nesting bird survey, prepared by a qualified biologist, to the HCD – Planning for review and approval.

Mitigation Measure BIO – 5 - *Conduct a search for tree cavities and buildings that could be used by roosting bats, and if found, conduct an exit survey for roosting bats and install exclusion devices.* Within seven days prior to the start of construction, a qualified biologist shall survey the trees within 50 feet of the limits of disturbance for tree cavities that can be used by bats. Buildings to be removed or impacted should also be assessed. If no such cavities or areas of guano are found, work may proceed. Any potentially suitable cavities or structures showing evidence of bat activity (i.e., guano piles, urine stains, prey remains) shall be monitored by a qualified biologist during the evening to determine whether bats leave for foraging. The cavities should be monitored from at least one hour before sunset, and viewed with the aid of binoculars. If any bats are observed leaving roost sites, the biologist shall coordinate with the County and CDFW on appropriate methods to ensure the exclusion and successful relocation of individuals to suitable habitat nearby. The qualified biologist shall determine whether a maternity roost is present by carefully observing individuals on the roost. It is possible that a mirror on a pole and/or a fiber optic scope may be used. If young are present, construction shall be delayed until they have matured and can fly on their own. When it has been determined that no young are present, the biologist shall monitor the roost in the evening when the bats leave to forage and then install bat exclusion netting over the opening. The netting shall be inspected the following morning to ensure that no bats have become entangled in the netting and that none remain inside the cavity. The netting shall remain in place on trees to remain until construction disturbance has ceased. The qualified biologist shall monitor the removal of any trees with bat exclusion netting. If any bats are found, work shall be halted until measures are taken to effectively exclude the bats.

Mitigation Measure BIO – 5 Monitoring Action: No more than seven days before the initiation of construction-related activities, the Applicant shall submit the results of a preconstruction bat survey, prepared by a qualified biologist, to the HCD – Planning for review and approval.

Mitigation Measure BIO - 6(a) *Maintain a minimum 50-foot setback from the unnamed tributary to Seal Rock Creek.* All temporary and permanent disturbance areas shall be located outside of the creek setback area to the extent feasible. A 50-foot setback on the southwest side of the tributary was deemed adequate to maintain current land use practices on the campus while protecting the drainage corridor and surrounding habitat. Other BMPs shall be installed as appropriate under the direction of a qualified individual. If temporary disturbance encroaches into this area, trees and any special status plants shall be avoided to the maximum extent feasible. Maintaining a minimum 50-foot setback area along with a suite of appropriate BMPs will also protect the creek from stormwater runoff and potential impacts to water quality from project-related construction activities.

Mitigation Measure BIO – 6(a) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit construction drawings to HCD – Planning for review and approval that include a 50-foot setback from the southwest side of the unnamed tributary. No construction-related activities shall occur within the setback.

Mitigation Measure BIO - 6(b) *Install appropriate erosion and sediment controls.* For any project element in which the limits of disturbance are in general watershed of the Seal Rock Creek tributary, the following BMPs are required to be implemented during and after the construction phases of the project to protect forested habitat and water quality.

1. A Sediment and Erosion Control Plan may be required by the County, and shall be prepared by a qualified professional. The use of silt fence, straw wattles, erosion control blankets, straw bales, sandbags, fiber rolls and other appropriate techniques should be employed to protect the drainage features on and off the property. Biotechnical approaches using native vegetation shall be used as feasible. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed per the engineer's requirements and in place prior to October 15. These measures shall be maintained in good operating condition throughout the construction period. Methods that are not biodegradable should be removed after vegetation has become established and following the end of the rainy season (late-spring or summer).
2. Spill kits shall be maintained on the site, and a Spill Response Plan shall be in place.
3. No vehicles or equipment shall be refueled within 50 feet of drainage features unless a bermed and lined refueling area is constructed. No vehicles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. All equipment and vehicles should be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Construction staging areas should attain zero discharge of stormwater runoff into these habitats.
4. No concrete washout shall be conducted on the site outside of an appropriate containment system. Washing of equipment, tools, etc. should not be allowed in any location where the tainted water could enter onsite drainages.
5. The use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.
6. All project-related spills of hazardous materials within or adjacent to the project site should be cleaned up immediately.
7. Areas with temporarily disturbed soils shall be restored under the direction of the project engineer in consultation with a qualified restoration ecologist as needed. Methods may include recontouring graded areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix shown on the project plans supplemented with species in Table 1 below. Native seed mix shall be applied to the disturbed areas through either direct hand seeding or hydroseeding methods. Seeding with the erosion control native seed mix should be provided on all disturbed soil areas prior to the onset of the rainy season (by October 15). Planting of trees or shrubs can also be used in temporarily disturbed areas, as appropriate, and incorporated into the habitat restoration and/or management plan for protected open space as described in Mitigation Measure BIO-6e.
8. The temporarily disturbed areas shall be inspected by the qualified professional and restoration ecologist to ensure that disturbed soils have been stabilized in the short- and long-term.

Restoration of temporarily disturbed areas should also include the removal of non-native species that favor disturbed conditions and outcompete native species.

Species	Application Rate (lbs./acre)
<i>Bromus carinatus</i> (California brome)	10
<i>Elymus glaucus</i> (blue wild rye)	5
<i>Trifolium wildenovii</i> (tomcat clover)	5
<i>Vuplia microstachys</i> (six weeks fescue)	5
Total	25

Mitigation Measure BIO – 6(b) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit construction drawings to HCD – Planning for review and approval that include these measures as “Notes” on the plans.

Mitigation Measure BIO – 6(c) a Habitat Management Plan (IIMP) for protected Monterey pine forest. An HMP shall be prepared by a qualified ecologist that details specific goals for habitat values in protected open space. The plan shall describe the methods to manage the site to attain those goals, and include adaptive management guidelines if those goals are not being met. The HMP shall address the following components: protection and enhancement of the creek corridor; removal of non-native plant species; and, specific planting areas that can be used for compensatory mitigation for Proposed Project impacts on Monterey pines and special-status plant species. The open space area to be used for mitigation shall have designated areas to be used for replacement plantings of Monterey pines for project elements that will impact Monterey trees and detail other landscape areas that may also be used for replanting efforts. The HMP should map and describe the identified mitigation areas and the methods to be employed for habitat enhancement and sensitive plant species establishment. A funding source shall be identified that will provide for management under the plan in perpetuity. The HMP should at a minimum include the following:

1. The overall goals and measurable objectives to reduce non-native species cover and promote native species;
2. Identification of areas for habitat enhancement, in which non-native species will be removed to allow natural establishment of native forbs and shrubs that will produce flowers and other food sources for wildlife, as well as areas along the stream channel that can be enhanced;
3. A special-status plant species seeding and/or planting plan that includes seasonally timed seed collection or salvage of rare plant species from the project impact areas, and identification of appropriate receiver site locations;
4. Long-term management of retained Monterey pine forest including any rare plant compensatory mitigation sites;
5. Management of Monterey pine planting sites and measures to remove/replace diseased trees;
6. Annual surveys to assess non-native plant species control needs and appropriate methods;
7. Adaptive management involving remedial measures to address circumstances that may affect the program's ability to meet identified success criteria, such as drought, herbivory, trespass, or wildfire;

8. Specific management objectives and methods for special-status wildlife, such as retention of large woody debris to provide cover for California red-legged frog and northern California legless lizard as well as standing dead trees with cavities for bat roost sites and cavity-nesting birds;
9. Educational resources such as signage or an interpretive trail to enhance students' and the public's experience visiting the conservation area and provide information to enhance its protection from trespass or vandalism; and
10. A reporting program to be implemented by a qualified biologist for a minimum of five years to ensure the measures in the HMP are being followed and goals and objectives are met.

Any open space area used for mitigation should be protected in perpetuity from further development or other land uses not conducive to the protection of Monterey pine forest habitat. The easement shall incorporate restrictive language that permanently prohibits all future development in the open space area. The open space shall be guaranteed through an entitlement such as a conservation easement or specific deed restrictions to be placed on the area of land in perpetuity. The protected open space area shall be managed by the applicant under the HMP and funding must be assured for its implementation.

Mitigation Measure BIO – 6(c) Monitoring Action: Prior to a final on the construction permit for the new building, the Applicant shall submit an HMP to HCD – Planning for review and approval.

Mitigation Measure BIO – 7(a) *Conduct a tree inventory (or update the existing inventory) and minimize tree removal to the extent possible.* The tree inventory performed by Thompson Wildland Management shall be updated as needed once final construction limits are confirmed. If needed a new inventory should be performed by a qualified arborist for any native trees that are within 30 feet of the limits of disturbance prior to the development of each project element that have not already been surveyed. This area is to include areas to be maintained for fire clearance. The limits of disturbance shall be staked in the field under the direction of the project engineer prior to the tree inventory. The inventory shall document each of the native trees that are at least six (6) inches diameter at breast height (“dbh”). Each tree shall be identified to species, assigned a unique number, and dbh measured for each trunk or major (>3 inch) branch that splits below approximately 4.5 feet. An aluminum tag imprinted with the identifying number should be affixed to the north side of the tree at approximately four (4) feet above the ground. The locations of each tree shall be recorded using a Global Positioning System with submeter accuracy or located by a licensed surveyor. Each native tree should be depicted on a map and identified to species, size and condition. The arborist shall work with the project engineer to minimize the number of native trees to be removed. A tree health and hazard assessment shall be completed by the arborist at each project site to determine hazard trees to be removed and management recommendations that will assist in preserving the viability of remaining trees. The disposition of each tree (remove/remain) shall be depicted on site plans. Trees to be removed shall be identified in the field using flagging tape or other easily identifiable means.

Mitigation Measure BIO – 7(a) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit an updated tree inventory and tree health and hazard assessment to HCD – Planning for review and approval.

Mitigation Measure BIO – 7(b) *Employ a certified arborist for native tree trimming.* The applicant shall employ the services of a certified arborist to oversee any trimming or removal of trees as necessary for clearance. The arborist shall record the number of native trees that require extensive trimming (i.e., over 30% of the canopy), and incorporate these trees into the mitigation plan and FMP.

Mitigation Measure BIO – 7(b) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit evidence (i.e., contract) to HCD – Planning for review and approval demonstrating that the Applicant has obtained a qualified arborist to monitor proposed tree trimming and removal activities.

Mitigation Measure BIO – 7(c) *Install protective fencing around trees to remain.* Within two weeks prior to the initiation of work at each project site, protective measures shall be installed around native trees that are to remain undisturbed but are in close enough proximity to the work that they could be impacted. In compliance with the DMF LUP Policy 33, the trunks of protected trees shall be wrapped with suitable materials (e.g., 2X4 lumber forming a protective barrier around the lower trunk, secured with rope and wrapped with high visibility construction fencing) to prevent inadvertent damage from construction equipment. The grading and construction limits should be clearly marked with construction fence that defines the work area and protects critical root zones. No construction tools, materials or equipment shall be stored in the critical root zone of trees to remain, and no washing of construction substances shall occur. The certified arborist shall work with the project engineer and grading contractor to provide information on how to avoid and minimize impacts of fill and/or grading within the critical root zone and tunneling under major roots for utility trenches. Natural forest topsoils are to be retained to the extent feasible during and post construction using soil stabilization and sedimentation control measures.

Mitigation Measure BIO – 7(c) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit photographic evidence to HCD – Planning for review and approval demonstrating that the Applicant has installed protective fencing around trees to remain.

Mitigation Measure BIO – 7(d) *Replace trees removed according to the Forest Management Plan.* In accordance with Policy 35 of the DMF LUP, native trees that are removed shall be replaced on the site in accordance with the recommendations of the approved Forest Management Plan. Replacement trees shall be of the same species and maintained in good condition. Tree removal permits from the County require that native tree species at least six (6) inches dbh be replaced at a 1:1 ratio. Replacement trees should be acquired from a local native plant nursery and consist of healthy specimens that are free from physiological and structural disorders. Planting areas shall be identified and may include the suitable landscape areas, the Area 1 site or a previously used mitigation site around the upper athletic field that has room for additional

plantings. Planting shall occur during the appropriate time of year and using proper techniques to insure at least 80% survival after two years (Thompson Wildland Management 2020).

Mitigation Measure BIO – 7(d) Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit a replanting plan demonstrating the location, type, and size, of all proposed replacement trees consistent with the requirements of this mitigation measure. The replanting plan shall also detail annual monitoring requirements to insure the successful replanting of native trees. The replanting plan shall also identify any potential corrective actions, including the installation of additional replacement trees, if monitoring indicates that tree replacement has not been successful.

Biological Resources Impact (b) and (c) Less than Significant: The Proposed Project would not have a substantial adverse effect on any riparian habitat or wetlands. As previously discussed, the Project site is located within the Seal Rock Creek watershed. KMA identified that an unnamed tributary of Seal Rock Creek passes through the north-central part of the campus. As identified by KMA, the Proposed Project would not adversely affect this unnamed tributary. Construction-related activities would not encroach upon the tributary and would not encroach upon the recommended 50-foot buffer along the tributary identified by KMA. Moreover, KMA did not identify any wetlands near the Proposed Project. As a result, the Proposed Project would not have an adverse impact on any riparian or wetland habitat. This represents a less than significant impact.

Biological Resources Impact (d) Less than Significant with Mitigation: The Proposed Project would not have a substantial adverse effect on any native resident or migratory fish or wildlife species. The Proposed Project site is developed and disturbed. Moreover, construction and operation would not be located within 50 feet of the Seal Rock Creek tributary. While KMA determined that no suitable breeding habitat for California red legged frog exists in the Project vicinity, construction activities during the winter could potentially impact migrating juveniles. As a result, KMA recommended mitigation to ensure that potential impacts would be avoided and reduced to a less than significant level. The implementation of **Mitigation Measures BIO – 6(a)** through **BIO – 6(c)** identified above would ensure that all impacts would be reduced to a less than significant level.

Biological Resources Impact (e) Less than Significant with Mitigation: Monterey County Code Section 16.60.040(a) prohibits the removal of trees without a tree removal permit. The Project includes the removal of four (4) Monterey Pine, 11 Coast Live oak trees, and one (1) Monterey Cypress tree. Tree removal within the Robert Louis Stevenson Upper Campus was previously evaluated by Thompson Wildland Management in 2021. A tree health and hazard assessment concluded that 148 Monterey Pine trees were recommended for removal due to significant physiological and/or structural disorders compromising their health (Thompson Wildland Management, May 2021). The four (4) Monterey pine trees proposed for removal for the Proposed Project were included in that evaluation. KMA identified mitigation to ensure that potential impacts associated with proposed tree removal would be minimized to a less than significant level. Specifically, the Proposed Project would implement **Mitigation Measures BIO-7(a)** through **BIO**

– 7(d) to reduce this impact to less than significant. This represents a potential significant impact that would be reduced to a less than significant level through mitigation.

Biological Resources Impact (f) No Impact: The Proposed Project would have no impact on an adopted habitat conservation plan or other approved local, regional, or state habitat conservation plan affecting the subject property.

5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (sources: 6,7, 26)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (sources: 6,7, 26)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries? (sources: 6,7, 26)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The following discussion is based on the results of the 2016 Preliminary Archaeological Assessment Report at the Robert Louis Stevenson School. The report was prepared by Gary S. Breschini of Archaeological Consulting. Archaeological Consulting conducted background research which included a records search of the Northwest Information Center of the California Historical Resources Information System. An extensive files and maps search was also conducted to support the evaluation. A field assessment was conducted by Archaeological Consulting on July 13th and 21st of 2016.

Cultural Resources Impact (a) No Impact: CEQA Guidelines Sec. 15064.5 defines a historical resource as one being listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources. Public Resources Code Section 21084.1 states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. The Project does not contain a historical resource nor is the Project located near a historical resource. As a result, the Project did not have an impact to historical resources.

Cultural Resources Impact (b) Less than Significant: No known or previously recorded archeological sites are located in or immediately adjacent to the Robert Louis Stevenson School, including the Proposed Project site. Additionally, the field reconnaissance conducted in July 2016 did not find surface evidence of potentially significant historic period archaeological resources. Furthermore, the Proposed Project site is previously disturbed and developed with existing

academic structures and related improvements with the Robert Louis Stevenson School campus (i.e., Lindsley Science Building, pathways). Construction would occur within the existing footprint of the Lindsley Science Building. Although disturbance to archaeological resources is unlikely, construction activities could potentially impact a previously unknown or buried archaeological resource. Implementation of standard Monterey County Condition of Approval PD003(A), which requires that work halt immediately in the event that a cultural, archaeological, historical, or paleontological resource is uncovered during construction would ensure that potential impacts related to the inadvertent discovery of a previously unknown resource would be less than significant.

Cultural Resources Impact (c) Less than Significant: No human remains, including those interred outside of a formal cemetery, are known to occur on the Proposed Project site. The Proposed Project would occur on a previously developed site that was extensively disturbed in connection with the construction of the existing Lindsley Science building. As a result, it is unlikely that any human remains would be encountered during construction. Nevertheless, while unlikely, the Proposed Project could impact previously unknown human remains. The implementation of standard Monterey County condition of approval requiring that work halt in the event of the discovery of any human remains would ensure that impacts would be less than significant. This condition further requires that no excavation or ground-disturbing activities shall occur at the site or nearby area until the Monterey County coroner has been contacted in accordance with §7050.5 of the California Health and Safety Code. If the coroner determines that the human remains are of Native American origin, the appropriate Native American tribe shall be contacted to provide recommendations for the disposition of the remains. Work will not resume in the immediate area of the discovery until such time as the remains have been appropriately removed from the site. This represents a less than significant impact.

6. ENERGY	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (sources: 6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (sources: 6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Pacific Gas & Electric (“PG&E”) is the primary electric and natural gas service provider in Monterey County. In 2018, all PG&E customers within Monterey County were enrolled in Central Coast Community Energy (“3CE”), formally known as Monterey Bay Community Power. 3CE is a locally controlled public agency providing carbon-free electricity to residents and businesses.

3CE works through PG&E who provides billing, power transmission and distribution, grid maintenance service and natural gas to customers.

Energy Impact (a) and (b) Less than Significant: The Proposed Project would not result in a potentially significant environmental effect due to the wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during construction or operation. The construction of the Project would require energy for the procurement and transportation of materials, and preparation of the site (e.g., minor grading, materials hauling). Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these activities. The construction energy use has not been quantified; however, the construction would not cause inefficient, wasteful, or unnecessary consumption of energy because 1) the construction schedule and process is designed to be efficient to avoid excess monetary costs, and 2) energy use required to complete construction would be temporary in nature.

Operation of the Proposed Project would not result in a significant increase in energy beyond existing energy demand associated with the Lindsley Science Building. Moreover, construction of the new education building would be required to comply with current California Building Code that set energy efficiency standards for residential and nonresidential buildings (Title 24, Part 6). Additionally, the Project would be required to comply with the California Green Building Standards Code ("CalGreen") which establishes mandatory green building standards for all buildings in California. The Proposed Project also includes energy efficient upgrades, including PV arrays, energy efficient windows, and similar improvements. For these reasons, this represents a less than significant impact.

7. GEOLOGY AND SOILS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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? (sources: 6,7,18,27) 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? (sources: 6,7,18,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (sources: 6,7,18,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (sources : 6,7,18,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil? (sources: 6,7,18,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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? (sources: 6,7,18,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18B of the Uniform Building Code (1994), creating substantial risks to life or property? (sources: 6,7,17,18,24,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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? (sources: 6,7,18,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a paleontological resource or site or unique geologic feature? (6,7,28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Haro, Kasunich and Associates, Inc. ("HKA") prepared a geotechnical investigation for the Proposed Project. The following discussion is based on the findings of that analysis.

Seismicity and Fault Zones

The geologic structure of central California is primarily a result of tectonic events during the past 30 million years. Faults in the area are believed to be a result of movements along the Pacific and North American tectonic plate boundaries. The movements along these plates are northwest-trending and largely comprised of the San Andreas Fault system. Monterey's complex geology is a result of changes in sea level and tectonic uplifting. Geologic units in the region have been displaced by faulting and folding. Granitic basement and overlying tertiary deposits have been juxtaposed along many of the northwest/southeast-trending faults.

The Project is located off Forest Lake Road, in Pebble Beach, California. Potential geotechnical hazards include seismic shaking, ground surface fault rupture, liquefaction, and landsliding. The Project is in a seismically active region with mapped faults that have the potential to generate earthquakes that could significantly affect the Project. The most active fault nearest to the Project is the San Andreas fault located approximately 28 miles northeast. Less reliable rupture faults (i.e.,

less active and with lesser intensity) near the Project include the Cypress Point Fault located about 0.6 miles southeast and the Hatton Canyon Fault located one (1) mile northwest of the Project site.

Soils

The Natural Resources Conservation Service (“NRCS”) characterizes soils within the Project site as mostly *Narlon loamy fine sand*, a typical soil type found in coastal central California. The typical profile is loamy sand, sometimes clayey with a light brownish gray to pale brown color. These soils are typically found on partially dissected terraces of slopes at elevations of 20 to 800 feet. These soils are typically associated with climate that is dry with cool rainless foggy summers and cool moist winters. Drainage and/or permeability is “somewhat poorly to poorly drained” and have “slow to medium runoff” and moderate erosion (NRCS, 2023 and Monterey County, 2023).

Geology and Soils Impact (a.i) No Impact: The Proposed Project is not located within any of the Alquist-Priolo Earthquake Fault Zones established by the Alquist-Priolo Earthquake Fault Zone Act of 1972. No impact would occur.

Geology and Soils Impact (a.ii) Less than Significant: While the Proposed Project is not located in an Alquist-Priolo Earthquake Fault Zone, the Project site is located within a region that is seismically active. Due to the proximity of the Proposed Project to active and potentially active faults, there is the potential for strong seismic shaking at the site during the structures design lifetime. While the Proposed Project could be exposed to seismically induced hazards, the Proposed Project would be required to comply with California Building Code seismic design standards (HKA, 2022). In addition, the final design of the Proposed Project would be required to comply with the recommendations of a design-level geotechnical analysis. As a result, potential impacts due to seismic hazards would be minimized. This represents a less than significant impact.

Geology and Soils Impact (a.iii) Less than Significant: The Project site is located in an area of low landslide susceptibility; the Project site is moderately flat and previously developed with existing educational uses. As a result, it is unlikely that the Proposed Project would be exposed to potential landslide related hazards. Moreover, the Proposed Project would be required to comply with the recommendations of a design-level geotechnical analysis. This represents a less than significant impact.

Geology and Soils Impact (a.iv) Less than Significant: Liquefaction susceptibility at the Project site is also low (HKA, 2022 and Monterey County, 2023). As a result, it is unlikely that the Proposed Project would be exposed to potential liquefaction-related hazards. Moreover, the Proposed Project would be required to comply with the recommendations of a design-level geotechnical analysis thereby ensuring that potential impacts would be minimized. This represents a less than significant impact.

Geology and Soils Impact (b) Less than Significant: The Proposed Project is located in an area identified as having moderate erosion. Grading and excavation could result in localized erosion onsite. However, the Proposed Project would implement standard construction BMPs intended to minimize potential erosion-related effects and would also be required to implement standard

erosion control measures during construction. Similarly, the Proposed Project would be required to implement the recommendations of design-level geotechnical analysis to further ensure that erosion impacts would be minimized. Finally, the Proposed Project would also be required to comply with standard County conditions of approval related to grading restrictions, as well as comply with the requirements of MCC Chapter 16.08 and 16.12. The implementation of standard construction BMPS, in addition to adhering to applicable MCC requirements, would ensure that impacts would be minimized. This represents a less than significant impact.

Geology and Soils Impact (c) and (d) Less than Significant: Soils within the Project site have low liquefaction susceptibility. The Project site is also not located in a known subsidence zone; therefore, it is unlikely that the Project would be subject to subsidence related hazards. While the Project site is in a seismically active region surface rupture and lateral spreading are unlikely (HKA, 2022). HKA performed subsurface investigation and found that the Project site was located atop five (5) feet of surficial soil over hard weathered granitic bedrock. HKA found that the upper two to five (5) feet of soil had moderate to high expansion potential, which could result in differential movement if not addressed during design and construction. Perched groundwater was also encountered. To address potential impacts from the site's geology and soil characteristics, HKA provided recommendations regarding use of conventional spread footing foundations, slab-on-grade ground basement flooring, waterproofing and drainage measures. HKA found that the site was suitable for development provided the Proposed Project incorporated the recommendations made in the Geotechnical Investigation. Moreover, as noted above, the final design of the Proposed Project will be required to comply with the recommendations of a design-level geotechnical analysis. This would ensure that potential impacts would be minimized. This represents a less than significant impact.

Geology and Soils Impact (e) No Impact: The Proposed Project is served by the Pebble Beach Community Services District for sewer services. Therefore, the Proposed Project would not result in an adverse impact related to site soils being incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. The Project would have no impact.

Geology and Soils Impact (f) No Impact: Significant paleontological resources are fossils or assemblages of fossils that are unique, unusual, rare, uncommon, and diagnostically or stratigraphically important, as well as those that add to an existing body of knowledge in specific areas, stratigraphically, taxonomically, or regionally. They include fossil remains of large to very small aquatic and terrestrial vertebrates, remains of plants and animals previously not represented in certain portions of the stratigraphy, and assemblages of fossils that might aid stratigraphic correlations – particularly those offering data for the interpretation of tectonic events, geomorphic evolution, paleoclimatology, and the relationships of aquatic and terrestrial species. Most of the fossils found in Monterey County are of marine life forms and form a record of the region's geologic history of advancing and retreating sea levels. A review of nearly 700 known fossil localities within the County was conducted by paleontologist in 2001; 12 fossil sites were identified as having outstanding scientific value. The Project site is not located on or near any of those sites. No impact would occur.

8. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 9,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Various gases in the earth's atmosphere, when exceeding naturally occurring or 'background' levels due to human activity, create a warming or greenhouse effect, and are classified as atmospheric greenhouse gases ("GHGs"). These gases play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, the radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide ("CO₂"), methane ("CH₄"), ozone ("O₃"), water vapor, nitrous oxide ("N₂O"), and chlorofluorocarbons ("CFCs"). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs.

MBARD has not yet adopted a threshold for construction related GHG emissions but recommends utilizing thresholds set by neighboring districts (e.g., Sacramento Metropolitan Air Quality Management District ["SMAQMD"]). SMAQMD adopted an updated threshold based on the 2030 target year in April 2020. According to SMAQMD, a Project would result in a significant GHG related impact if the Project would emit more than 1,100 metric tons of Carbon Dioxide equivalent-CO₂e ("MTOCO₂e") per year. Operation of a stationary source project would not have a significant GHG impact if the project emits less than 10,000 MTOCO₂e.

Greenhouse Gas Emissions (a) Less than Significant: The Project is in the NCCAB, where air quality is regulated by MBARD. As discussed above, if a project emits less than 1,100 MTOCO₂e per year, its GHG emissions impact would be less than significant. The Proposed Project would generate temporary construction-related GHG emissions during demolition of the existing Lindsley science building and the construction of the new education building. Any potential effects from GHG generation during construction would be short-term and temporary.

Operation of the Proposed Project would not generate GHG emissions beyond existing levels. The Proposed Project consists of the demolition and subsequent replacement of an existing academic building. The Proposed Project would also be required to comply with current building code requirements and includes energy efficient improvements (e.g., PV arrays, windows, etc.) which would further ensure that potential operational energy demand would be minimized. Moreover, as noted above, the Proposed Project would not result in an increase in operational traffic trips and would not increase overall on-campus student population. As a result, the Proposed Project would not substantially increase GHG emissions beyond existing levels associated with current use. This represents a less than significant impact.

Greenhouse Gas Emissions (b) Less than Significant: As described above, the Project is not expected to generate GHG emissions that would exceed applicable thresholds. Therefore, the Proposed Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. This represents a less than significant impact.

9. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (sources: 6,7,8,20,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (sources: 6,7,8,24)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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? (sources:6,7,8,24)	<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? (sources:6,7,8,20)	<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 or excessive noise for people residing or working in the project area? (sources: 6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (sources: 6,7,8,19,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (sources: 6,7,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. Hazardous materials and waste can result in public health hazards if improperly handled, released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer.

The Hazardous Waste and Substances Site (“Cortese”) List is a planning tool used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California EPA (“CalEPA”) to develop at least annually an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. There are no hazardous materials release sites in the vicinity of the Project site. Similarly, according to the California Department of Toxic Substances Control’s (“DTSC”) EnviroStor database, there are no contaminated sites within the vicinity of the Project.

Hazards and Hazardous Materials Impact (a) Less than Significant: The Proposed Project would entail the use of hazardous materials (e.g., fuel, cleaning materials, etc.) during construction and operation. The types and amounts of hazardous materials used would vary according to the type of activity. It is unlikely that construction of the Project would create a significant impact due to the routine transport, use, or disposal of hazardous materials in part due to the size of the Project and the temporary nature of construction. Hazardous materials would be handled and stored in compliance with all local, state, and federal regulations pertaining to hazardous materials. In addition, the Proposed Project would implement standard BMPs and erosion control measures (e.g., minimize grading, re-vegetate disturbed areas, etc.) that would minimize potential impacts associated with the Project. The implementation of these measures would ensure that impacts would be less than significant.

Operation of the Proposed Project would entail the use of hazardous materials. Hazardous materials would be handled and stored in compliance with all local, state, and federal regulations pertaining to hazardous materials. Furthermore, any hazardous materials would be limited in quantity and concentrations set forth by the manufacture and/or applicable regulations. The Proposed Project, as a standard condition of approval, would be required to prepare a Hazardous Materials Business Response Plan to ensure that potential impacts associated with hazardous materials usage for educational purposes would be minimized. Therefore, this represents a less than significant impact.

Hazards and Hazardous Materials Impact (b) Less than Significant with Mitigation: The Proposed Project includes demolition of the existing Lindsley Science Building. The existing structure was originally constructed in 1968. Prior to the enactment of federal regulations limiting their use in the late 1970s, asbestos containing materials (“ACM”) and/or lead-based paint (“LBP”) were often used in construction. ACMs are mineral fibers that were historically added to various materials to strengthen them and to provide heat insulation and fire resistance. If disturbed, ACM may release asbestos fibers that can be inhaled into the lungs. Breathing high levels of asbestos can lead to increased risk of lung cancer, including mesothelioma and asbestosis. ACMs that would crumble easily if handled, or that have been sawed, scraped, or sanded into powder, are more likely to create a health hazard. ACM is most commonly found in insulation, roofing, siding shingles made of asbestos cement, and textured paints. Lead is a highly toxic metal that was used for many years in products found in and around our homes. Lead may cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. The primary source of lead exposure is deteriorating LBP. Lead dust can form when LBP is dry scraped, dry sanded, or heated. Dust also forms when painted surfaces bump or rub together. Lead-based paint that is in good condition is usually not a hazard.

Due to the age of the existing Lindsley Science Building, the structure could potentially contain ACM and/or LBP. Demolition of this structure could release ACM or LBP. This may pose a potential health risk to people if these materials are not properly handled and disposed of. This potentially significant impact would be reduced to a less than significant level through the implementation of **Mitigation Measures HAZ – 1** and **HAZ – 2** below.

Mitigation Measure HAZ – 1: Prior to demolition activities, the Lindsley Science Building shall be sampled as part of an asbestos survey in compliance with the National Emission Standards for Hazardous Air Pollutants (“NESHAP”). If asbestos is found, asbestos-related work, including demolition, involving 100 square feet or more of asbestos containing materials (“ACMs”) shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant and asbestos shall be removed and disposed of in compliance with applicable State laws. Regardless of whether asbestos is identified, prior to demolition the Air Pollution Control District (“APCD”) shall be notified and an APCD Notification of Demolition and Renovation Checklist shall be submitted to both APCD and the HCD– Planning. Prior to demolition, the applicant shall retain a qualified asbestos abatement contractor to conduct an asbestos survey and remove any asbestos in compliance with applicable state laws.

Mitigation Measure HAZ – 1 Monitoring Action: Prior to demolition, the Applicant shall retain a qualified asbestos abatement contractor to conduct an asbestos survey and remove any asbestos in compliance with applicable regulatory requirements. The Applicant shall submit the results of the asbestos survey to HCD – Planning for review and approval.

Mitigation Measure HAZ – 2: If, during demolition of any portion of the existing structure, paint is separated from the building material (e.g., chemically or physically), the paint waste shall be evaluated independently from the building material by a qualified hazardous materials inspector to determine its proper management. All hazardous materials shall be handled and disposed in accordance with local, state, and federal regulations. According to the Department of Toxic Substances Control (“DTSC”), if paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as construction debris (a non-hazardous waste). The landfill operator shall be contacted prior to disposal of building material debris to determine any specific requirements the landfill may have regarding the disposal of lead-based paint materials. The disposal of demolition debris shall comply with any such requirements. Should paint be separated from building materials during demolition, the applicant shall retain a qualified hazardous materials inspector to determine its proper management.

Mitigation Measure HAZ – 2 Monitoring Action: In the event that paint should be separated from building materials during demolition, the Applicant shall retain a qualified hazardous materials inspector to survey the paint waste to determine whether it constitutes a hazardous material (i.e., LBP) and identify the appropriate disposal method for the material. The Applicant shall submit the results of the hazardous waste survey to HCD – Planning for review and approval.

Hazard and Hazardous Materials Impact (c) No Impact: The Proposed Project is located within the Robert Louis Stevenson School. The Proposed Project would not result in emissions of hazardous materials, or the handling of hazardous materials in excess of what currently occurs on site. The Project would replace the existing Lindsley Science Building. The Project site is not located within a quarter mile of a school. Therefore, no impact would occur.

Hazard and Hazardous Materials Impact (d) No Impact: The Project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Department of Toxic Substances Control, 2023). No impact would occur.

Hazard and Hazardous Materials Impact (e) No Impact: The Proposed Project is not located within an airport land use plan or within two miles of an airport. Therefore, the Project would not result in a safety hazard or excessive noise for people residing or working in the project area.

Hazard and Hazardous Materials Impact (f) Less than Significant: The Proposed Project would not interfere with or impair the implementation of any emergency response plans or evacuation plans. The primary evacuation routes near the Project site are SR 68 and SR 1. A

secondary evacuation route near the Proposed Project is 17 Mile Drive (*2021 Monterey County Operational Area Evacuation and Transportation Plan*). The Proposed Project consists of the demolition of an existing academic building and the subsequent construction of a new, replacement, building. The Proposed Project would result in temporary construction-related traffic, but these effects would be limited in duration and would not physically impair and/or otherwise interfere with the implementation of an existing emergency response plan or evacuation plan. Moreover, the Proposed Project would not increase existing operational traffic beyond current levels associated with existing school operations. Therefore, the Project would not interfere with an emergency response plans or evacuation plans. This represents a less than significant impact.

Hazard and Hazardous Materials Impact (g) Less than Significant: The Proposed Project is located in an area of moderate wildfire risk. Due to the developed nature of the site, continuous fire management and fuel reduction efforts, and implementation of fuel management recommendations presented in the Fuel Management Plan prepared by Thompson Wildland Management, the Project would have a less than significant impact. Please refer to **Section VI.20 Wildfire** for more information.

10. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (sources: 4,6,7,8, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (sources: 4,6,7,8, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site? (sources: 4,6,7,8,17,24,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? (sources: 4,6,7,8,17, 24,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (sources: 4,6,7,8,17,24,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

10. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (sources: 4,6,7,8,17, 25,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (sources: 4,6,7,8,17,24,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Project site is located within the Seal Rock Creek watershed. More specifically, the Project site is approximately 1/4 mile south of an unnamed tributary of Seal Rock Creek. Surface water is present during and immediately following high precipitation events. The topography of the Project site is mostly level and slopes towards the unnamed tributary of Seal Rock Creek. The existing Robert Louis Stevenson School campus is improved with existing stormwater drainage facilities. The Proposed Project includes drainage-related improvements to address surface water runoff associated with the new MSEC. Applicable drainage improvements include drainage swales, biofiltration, and percolation retention facilities.

Hydrology and Water Quality Impact (a) and (c) Less than Significant: The Proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Construction would result in ground disturbing activities as a result of demolition, excavation, and grading. Ground-disturbing activities and vegetation removal could generate temporary soil erosion and could potentially affect existing water quality. To minimize construction generated water quality impacts the contractor/engineer would implement standard construction BMPs. Moreover, the Proposed Project would also be required to comply with the requirements of MCC Chapter 16.08, which would ensure that temporary construction-related water quality impact would be minimized. Additionally, as noted on the Erosion Control Plan, the Proposed Project would comply with the 2017 Edition of the Caltrans Storm Water Quality Handbook and the 2015 California Stormwater BMP Handbook. Further, grading during the winter months would be restricted consistent with the requirements of standard Monterey County Condition of Approval *PD007 – Grading Winter Restriction*. The Project would also be required to submit a Stormwater Pollution Prevention Plan, or a letter of exemption from the Central Regional Water Quality Control Board. Finally, the Geotechnical Investigation also included recommendations to minimize erosion and surface drainage. Moreover, the Proposed Project would be required to comply with the recommendations of a design-level geotechnical analysis. For these reasons, the temporary construction-related impacts associated with the Proposed Project would be less than significant.

The Project would include the construction of new impervious surfaces, which could cause localized increases in erosion on- or off-site in the absence of drainage improvements and could

result in potential operational water quality impacts. The Project includes on-site drainage improvements (i.e., self-retaining areas) to address impacts due to increases in impervious surfaces. These improvements would ensure that impacts would be less than significant. In addition, the final design of the Proposed Project would be required to comply with the recommendations of a design-level drainage report. This represents a less than significant impact.

Hydrology and Water Quality Impact (b) Less than Significant: The Proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. The Project consists of the demolition of an existing science building and the subsequent construction of a new science building. Specifically, the Project would demolish the existing Lindsley Science Building to allow for the construction of a new science building in substantially the same location as the existing science building. The Project site is located on the Robert Louis Stevenson School campus. The school, and Project site, has a verified Pebble Beach Water Entitlement which the Monterey County Environmental Health Bureau reviewed and determined was adequate for the Proposed Project. The Monterey County Environmental Health Bureau further identified that the Monterey Peninsula Water Management District (“MPWMD”) determined that by using Pebble Beach Water Entitlement for the dormitories, the existing CalAm connections would be decoupled, which would provide a Water Use Credit that would cover the commercial use of the property (i.e., the new science building). As a result, there is sufficient available water supply to serve the Proposed Project. This represents a less than significant impact.

Hydrology and Water Quality Impact (d) Less than Significant: The Proposed Project is not located in an area subject to significant seiche, tsunami, or flooding effects. Moreover, FEMA designates the Project site as being located in an area of low flood risk (FEMA, 2023). As a result, the Project would not result in the risk of pollutants due to Project inundation from a tsunami, seiche, or flood hazard. This represents a less than significant impact.

Hydrology and Water Quality Impact (e) No Impact: The Proposed Project would not conflict with or obstruct a water quality control plan or sustainable groundwater management plan. As discussed previously, the Proposed Project would connect to existing water supply infrastructure. The Project site is currently served by a verified Pebble Beach Water Entitlement that is sufficient to serve the Proposed Project.

11. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (sources: 6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (sources:6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Please refer to Section IV.A Environmental Factors Potentially Affected. The Proposed Project would have no impact on land use and planning.

12. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (sources: 3,6,7)	<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? (sources: 3,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Please refer to Section IV.A Environmental Factors Potentially Affected. The Proposed Project would have no impact on mineral resources.

13. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (sources: 6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels? (sources:6,7,8,24,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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 expose people residing or working in the project area to excessive noise levels? (sources:6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Noise is commonly defined as unwanted sound. Sound levels are usually measured and expressed in decibels (“dB”) with zero (0) decibels corresponding roughly to the threshold of hearing. Most sounds consist of a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. Most environmental noise includes a conglomeration of noise from distant sources, which creates a relatively steady background noise in which no particular source is identifiable.

The Proposed Project site is located in the community of Pebble Beach, on the Robert Louis Stevenson School campus. The Project consists of the demolition of the existing Lindsley Science Building and the construction and operation of a new educational building (i.e., MSEC). The Project site is located directly off Forest Lake Road. The primary source of noise in the Project vicinity would be from vehicle traffic along Forest Lake Road, neighboring residences, golf courses, and the campus itself. The nearest residences are located approximately 200 feet to the west and north. The DMF LUP does not include specific policies related to noise but encourages land use to preserve the peace and tranquility of the existing neighbors. In absence of noise related policies within the DMF LUP, the 1982 Monterey County General Plan policies are applicable.

Noise Impact (a) Less than Significant: Construction of the Project would generate temporary noise in the project vicinity due to the use of equipment (e.g., trucks, tractors, excavators). The DMF LUP does not contain specific policies pertaining to noise, and therefore this analysis relies on noise policies contained in the Monterey County 1982 General Plan. As such, construction activities are required to comply with the Monterey County Noise Ordinance as described in Chapter 10.60 of the Monterey County Code. The ordinance applies to “any machine, mechanism, device, or contrivance” within 2,500 feet of any occupied dwelling unit and limits the noise generated to 85 dBA at a distance of 50 feet from the noise source. Noise generating construction activities are limited to the hours between 7AM. and 7PM. Monday through Saturday; no construction noise is allowed on Sundays or holidays. While the extent, duration, and volume of noise generated by the construction of the Project has not been identified, it is unlikely that construction noise would result in a significant impact given the location of the Project site, proximity of existing sensitive receptors, type of construction, and the temporary nature of construction activities. **Table 13-1 Construction Equipment Noise Emission Levels** identifies typical noise emissions (i.e., levels) generated by construction equipment and how equipment noise reduces with distance.²

Equipment	Typical Noise Level (dBA) 50 ft from Source	Typical Noise Level (dBA) 100 ft from Source ¹	Typical Noise Level (dBA) 200 ft from Source ¹	Typical Noise Level (dBA) 400 ft from Source ¹
Air Compressor	81	75	69	63
Backhoe	80	74	68	62
Ballast Equalizer	82	76	70	64
Ballast Tamper	83	77	71	65
Compactor	82	76	70	64

² The rate of noise diminishes as the distance from the source of noise doubles.

Equipment	Typical Noise Level (dBA) 50 ft from Source	Typical Noise Level (dBA) 100 ft from Source ¹	Typical Noise Level (dBA) 200 ft from Source ¹	Typical Noise Level (dBA) 400 ft from Source ¹
Concrete Mixer	85	79	73	67
Concrete Pump	82	76	70	64
Concrete Vibrator	76	70	64	58
Dozer	85	79	73	67
Generator	81	75	69	63
Grader	85	79	73	67
Impact Wrench	85	79	73	67
Jack Hammer	88	82	76	70
Loader	85	79	73	67
Paver	89	83	77	71
Pneumatic Tool	85	79	73	67
Pump	76	70	64	58
Roller	74	68	62	56

Source: U.S. Department of Transportation, *Transit Noise and Vibration Impact Assessment*, 2006 Construction generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor.

As noted, the nearest sensitive receptor is located 200 feet from the Project. Based on the proximity of the nearest receptor and the rate that noise diminishes, construction related activities would not exceed the County's noise related threshold.

Operational noise would not result in a permanent increase in ambient noise. The use of the site is for educational purposes consistent with the existing use and would not result in any additional noise-related impacts beyond those currently associated with existing use. This represents a less than significant impact.

Noise Impact (b) Less than Significant: The Project would not generate excessive groundborne vibration or groundborne noise. Construction of the Project would consist of the demolition of the existing Lindsley Science Building, and excavation of granitic bedrock during the construction of the new education building. Groundborne vibration would be generated from these activities but would be temporary in nature. Additionally, the Geotechnical Investigation suggested that the removal of granitic material may require unconventional construction methods such as injection of expansive putty (i.e., E-MITE) rather than bulldozers with rippers. The Geotechnical Investigation suggests that this alternative method is relatively silent. Operation of the Project would not create a new source of vibration. For these reasons this represents a less than significant impact.

Noise Impact (c) No Impact: The Project is not located within the vicinity of a private airstrip of an airport land use plan, or within two miles of a public airport. For these reasons, no impact would occur.

14. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population 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)? (sources: 6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (sources:6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Please refer to Section IV.A Environmental Factors Potentially Affected. The Proposed Project would have no impact on population and housing.

15. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (sources:6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (sources: 6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (sources:6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (sources:6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (sources:6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Please refer to Section IV.A Environmental Factors Potentially Affected. The Proposed Project would have no impact on public services.

16. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (sources:6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (sources:6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Please refer to Section IV.A Environmental Factors Potentially Affected. The Proposed Project would have no impact on recreational resources.

17. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (sources: 6,7,8,19,21,22,23,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (sources: 6,7,8,19,21,22,23,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (sources: 6,7,8,19,21,22,23,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access? (sources: 6,7,8,19,21,22,23,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Keith Higgins prepared a traffic analysis titled *Robert Louis Stevenson School Master Plan Update Traffic Analysis, Monterey County, California*, dated April 2021. Keith Higgins evaluated transportation related impacts associated with the Robert Louis Stevenson School Pebble Beach Campus Master Plan Update, which includes the Proposed Project. Keith Higgins subsequently

prepared a supplemental analysis titled *Robert Louis Stevenson School Math, Science and Engineering Center Transportation Analysis, Monterey County, California*, dated January 2023 that evaluated the project-specific effects associated with the Proposed Project. The following discussion is based on the findings of those reports.

Existing Operations

The Proposed Project is located on the Robert Louis Stevenson School campus. As of 2021, the school had an enrollment of 500 students with 270 students boarding on campus and 230 students commuting to campus daily. The school currently employs 60 faculty and 40 staff, 40 of whom live on campus. Combined, 1,519 daily trips are estimated with 290 trips during AM peak hours and 246 trips in PM peak school hours and 186 trips during peak street hours.

Significance Criteria - Vehicle Miles Traveled

Senate Bill (SB) 743 required that starting July 2020 transportation impact for projects per CEQA be based on a project's Vehicle Miles Traveled ("VMT"). CEQA Guidelines Section 15064.3, subdivision (b)(1) calls for the evaluation of transportation impacts of projects based on Vehicle Miles Traveled ("VMT"). CEQA uses the VMT metric to evaluate a project's transportation impacts. The publication "Technical Advisory on Evaluating Transportation Impacts in CEQA, State of California Governor's Office of Planning and Research," December 2018, suggests that a significant environmental impact would occur if a project would generate more than 110 trips per day.

Transportation Impact (a) and (b) Less than Significant: The Proposed Project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities, or be inconsistent with CEQA guidelines Section 15064.3(b). The Proposed Project would result in temporary construction-related traffic. There would be no increase in operational traffic due to the Proposed Project.

The Proposed Project consists of the demolition of the existing Lindsley Science Building and the construction and operation of a new educational building. Construction would require 10 – 100 workers onsite at any given time during the duration of construction. Due to the temporary nature of construction, this would not result in a significant impact. Moreover, construction hours would be from 7 AM – 7 PM, and construction traffic would use Lisbon Lane, reducing traffic conflicts during peak hours along Forest Lake Road.

The Proposed Project would not result in any increase in operational traffic such that there would be an increase in VMT. For the purposes of this IS/MND, the Proposed Project would result in a significant traffic-related effect if the Project would exceed 110 daily trips. As noted previously, the Proposed Project would replace an existing, outdated, science building with a new academic building that would be used for similar purposes. The Proposed Project would not increase student enrollment and would not cause an increase in faculty or staff. As a result, the Proposed Project would not generate any additional traffic tips beyond those associated with existing operations.

Therefore, the Proposed Project would not result in a significant VMT-related impact. This represents a less than significant impact.

Transportation Impact (c) No Impact: The Proposed Project would not substantially increase hazards due to the geometric design features or incompatible uses. The Proposed Project would not be changing existing circulation systems, roadways, or bicycle and pedestrian facilities. No impact would occur.

Transportation Impact (d) No Impact: The Proposed Project would conform with all County and Fire Department requirements regarding emergency access, and therefore, would not result in inadequate emergency access. No impact would occur.

18. TRIBAL CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (sources:6,7,26)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (sources:6,7,26)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The following discussion is based on the results of the 2016 Preliminary Archaeological Assessment Report prepared by Archaeological Consulting. The information contained in this discussion is supplemented with additional information provided by Native American representatives as part of the Tribal consultation process undertaken by the County of Monterey in accordance with AB52. The County of Monterey met with representatives from the Esselen Tribe of Monterey County, as well as representatives from the Ohlone Costanoan Esselen Nation (“OCEN”). The Native American representatives identified that Pebble Beach is one of their

cultural landscapes and is considered a tribal cultural resource. The representatives requested that the Proposed Project include a tribal cultural monitor during demolition and grading activities and also requested that any resources encountered during construction be returned to the appropriate Native American group.

Tribal Resources Impact (a) and (b) Less than Significant with Mitigation: Public Resources Code Sec. 21074 defines a tribal cultural resource as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: a) included or determined to be eligible for inclusion in the California Register of Historical Resources, [or] b) included in a local register of historical resources as defined in subdivision (k) of [Public Resources Code] Section 5020.1” (Public Resources Code Sec. 21027(a)). No tribal cultural resources, as defined in Public Resources Code Section 21074, that is listed or eligible for listing in the California Register of Historic Resources, or in a local register of historic resources, are known to exist at the Project site. No known or previously recorded archeological sites are located in or immediately adjacent to the Robert Louis Stevenson School. Additionally, the field reconnaissance conducted in July 2016 did not find surface evidence of potentially significant historic period archaeological resources. Furthermore, the Proposed Project site is developed with infrastructure associated with the Robert Louis Stevenson School campus and was previously disturbed in connection with the construction of the existing academic building (e.g., Lindsley Science Building, pathways, landscaped areas, etc.).

While no known tribal cultural resources exist at the Project site, other than its existence within a cultural landscape, construction-related activities could potentially affect a buried tribal cultural resource or previously unknown tribal cultural resource. In addition, Native American representatives identified that Pebble Beach is part of their cultural landscape and represents a tribal cultural resource. While the site has been extensively disturbed and modified in connection with existing educational uses, the Native American representatives identified potential concerns about construction activities and offered several recommendations to ensure that potential impacts associated with the Proposed Project would be minimized. These recommendations included requiring tribal cultural monitors during construction as well as recommending that any resources encountered during construction be returned to the affected tribe. This represents a potentially significant impact that would be reduced to a less than significant level through the incorporation of the following mitigation.

Mitigation Measures TR – 1: To minimize potential impacts to previously unknown or subsurface tribal cultural resources, Native American tribes shall be notified prior to ground-disturbing activities. Prior to the issuance of any permit for ground-disturbing activities, the Applicant shall submit evidence (i.e., a contract) to HCD – Planning demonstrating that the Applicant has retained a tribal cultural monitor to monitor all ground-disturbing activities. The tribal cultural monitor shall be responsible for preparing daily monitoring reports and shall prepare a final report following the completion of ground disturbing activities. The final report, along with the daily monitoring reports, shall be submitted to HCD – Planning for review within 60 days following the completion of ground-disturbing activities. All work shall stop if a tribal cultural resource is discovered during construction. The Native American monitor shall evaluate the

resource to determine whether the finding is significant. If the finding is a historical resource or unique tribal cultural resource, avoidance measures or appropriate mitigation shall be implemented. Work will cease in the immediate vicinity of the find until mitigation can be implemented. In accordance with CEQA Guidelines Section 15064.5(f), work may continue in other parts of the project site during the implementation of potential resource mitigation (if necessary). The County of Monterey shall be responsible for reviewing and approving the mitigation plan in consultation with the Native American monitor prior to the resumption of ground-disturbing activities. All tribal resources shall be returned to the affected Native American tribe.

Mitigation Measure TR-1 Monitoring Action: Prior to the issuance of any construction permit, the Applicant shall submit evidence (i.e., contract) to HCD – Planning for review and approval demonstrating that the Applicant has retained a tribal cultural monitor to monitor ground disturbing activities. The tribal cultural monitor shall prepare daily monitoring reports that shall be available upon request by HCD – Planning. A final report, including all of the daily monitoring reports, shall be submitted to HCD – Planning for review and approval within 60 days of completion of ground disturbing activities.

19. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (Source: 4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (Source:4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source:4,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Proposed Project would be provided wastewater services by the Pebble Beach Community Services District. The Proposed Project has a verified Pebble Beach Water Entitlement that is sufficient to serve the Proposed Project.

Utilities and Service Systems Impact (a) through (c) Less than Significant: Monterey County Environmental Health Bureau previously reviewed the Proposed Project and determined that the

existing wastewater and water connections were sufficient to serve the Project. The Proposed Project would connect to Pebble Beach Community Service District. Additionally, the Proposed Project would be served by an existing water entitlement intended to serve the Robert Louis Stevenson School campus. The Project consists of the demolition of the existing Lindsley Science Building to construct and operate a new educational building. The Proposed Project would not increase the demand for utilities beyond existing levels. The existing use of the site would not change. Moreover, the construction and operation of the new educational building would comply with existing local and state regulations and policies which would result in resource conservation practices (e.g., low-flush toilets).

20. WILDFIRE If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan? (sources:6,7,16,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (sources:6,7,16,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (sources:6,7,16,13,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes(sources:6,7,16,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Proposed Project is located in a High Fire Hazard Severity Zone and is located in a State Responsibility Area (CalFire, 2022). The Project area could be subject to wildland fire hazards. The site is served by the PBCSD which contracts with CalFire to provide fire protection services. The PBCSD provides the facilities, equipment, vehicles, and supplies while CalFire provides the personnel to serve the PBCSD service area.

Wildfire Impact (a) – (d) Less than Significant: The Proposed Project is located in an area that is subject to high fire hazards (CalFire, 2022). Due to the relatively flat, developed nature of the site and existing fuel management efforts, it is unlikely that the Proposed Project would result in a

potentially significant impact with regards to wildland fires. Thompson Wildland Management prepared a Fuel Management Plan for the Stevenson Upper School Campus in March of 2021. The plan evaluated the existing conditions and found that there was adequate defensible space and reduced fuel loads in the majority of areas around the campus community. In addition, the Proposed Project also includes the installation of a fire suppression system (i.e., sprinklers) to minimize potential fire-related hazards. Furthermore, implementation of vegetation management guidelines and BMPs during construction and operation of the Project would ensure that fire risk is minimized. The Proposed Project is not located in an area that due to slopes, prevailing winds, and other factors, would exacerbate wildfire fire hazards. Similarly, the Proposed Project does not entail the installation of infrastructure that could exacerbate fire risks or that may result in temporary or on-going impacts to the environment. And finally, the Proposed Project would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. The Proposed Project consists of the construction of a replacement academic building and the school continues to implement campus-wide fuel reduction strategies to minimize potential wildland fire hazards to the campus. For these reasons, this represents a less than significant impact.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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? (sources: 6,7,8,11,12,13,14,15,26)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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)? (sources: 6,7,8,11,12,13,14,15,26)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (sources: 6,7,8,11,12,13,14,15,26)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Mandatory Findings Impact (a) Less than Significant With Mitigation: As discussed in this Initial Study, the Proposed Project would not 1) degrade the quality of environment; 2)

substantially reduce the habitat of a fish or wildlife species; 3) cause a fish or wildlife population to drop below self-sustaining levels; 4) threaten to eliminate plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of major periods of California history or prehistory. The Project would result in temporary construction-related impacts to biological resources that would be mitigated to less than significant through mitigation measures identified above. Similarly, the Project site does not contain, nor is the site located near, any known cultural or tribal cultural resources. While unlikely, construction could unearth resources that were previously unknown. However, the Proposed Project would implement standard County Conditions of Approval to ensure that potential impacts related to the inadvertent discovery of previously unknown resource are minimized. Further, this Initial Study also identifies mitigation to ensure that potential impacts to previously unknown tribal cultural resources are minimized to a less than significant level. All potentially significant impacts associated with the Proposed Project would be minimized to a less than significant level through the implementation of mitigation measures identified in this Initial Study.

Mandatory Findings Impact (b) Less than Significant: To determine whether a cumulative effect requires an EIR, the lead agency shall consider whether the impact is significant and whether the effects of the project are cumulatively considerable (CEQA Guidelines §15064(h)(1)). In addition, CEQA allows a lead agency to determine that a project's contribution to a potential cumulative impact is not considerable and thus not significant when mitigation measures identified in the initial study will render those potential impacts less than considerable (CEQA Guidelines 15064(h)(2)).

Here, the Proposed Project would not result in a cumulatively considerable adverse environmental effect when considered with past, present, and reasonably foreseeable future projects planned on the Robert Louis Stevenson School campus. In addition to the Proposed Project, the Applicant is also pursuing several other projects that have separate and independent utility from the Proposed Project. These projects include a General Development Plan Amendment in connection with the Applicant's Robert Louis Stevenson School Master Plan Update (PLN190091), as well as a project entailing the installation of seven (7) temporary modular classrooms (PLN220290) which provides temporary classrooms on a softball field.

These projects, when considered collectively, would not result in a cumulatively considerable impact for several reasons. First, this Initial Study identifies mitigation measures to lessen the extent of potential impacts associated with the Proposed Project to a less than significant level. These mitigation measures would ensure that the Project's contribution towards a cumulative impact (i.e., impacts associated with campus development) would be less than considerable. Moreover, the Proposed Project consists of the demolition and subsequent replacement of an existing academic building in substantially the same location as the existing Lindsley Science Building. As identified in this Initial Study, the Proposed Project is located entirely within a previously developed/disturbed portion of the existing campus. While this Initial Study identified potential impacts to biological resources due to the proximity of the site to adjacent biological resources, development is proposed entirely within the existing developed portions of the campus. Mitigation identified in this Initial Study would ensure that any potential secondary or indirect

impacts to surrounding biological resources during construction would be minimized. Second, other cumulative development at Robert Louis Stevenson School would be subject to additional project-level CEQA review and would be subject to project-specific mitigation measures to reduce those effects to a less than significant level thereby minimizing future cumulative effects associated with long range development at Robert Louis Stevenson School. The Master Plan update environmental analysis will include the Proposed Project within its analysis, unless the construction of the Proposed Project is complete by that time. Third, development of the Proposed Project would occur over a relatively short period and construction-related impacts would be limited in duration. The potential for construction activities associated with the Proposed Project to overlap and contribute towards a cumulative construction-related impact on campus would be unlikely as improvements to the campus are made as funding becomes available. Moreover, as identified in this Initial Study, potential temporary construction related impacts would be limited in duration and would not exceed any applicable threshold of significance related to construction-related impacts. As a result, the Proposed Project would not contribute to a cumulatively considerable construction-related impact. Finally, the Proposed Project would not increase campus enrollment or result in an increase in staff or faculty. As a result, the Proposed Project would not contribute to potential cumulative effects associated with increases in on-campus personnel (i.e., students, faculty, staff).

In summary, the Proposed Project, when considered with past, present, and reasonably foreseeable future development on the Robert Louis Stevenson School campus, would not result in a cumulatively considerable impact. All impacts associated with the Proposed Project would be addressed through 1) the implementation of mitigation measures identified in this Initial Study, 2) compliance with standard Monterey County conditions of approval, and 3) implementation of standard construction BMPs. No additional mitigation measures are necessary to reduce cumulative impacts to a less than considerable level.

Mandatory Findings Impact (c) Less than Significant: The Proposed Project would not have a substantial adverse effect on human beings, either directly or indirectly. The Proposed Project would result in temporary construction-related impacts that would be minimized to a less than significant level through the incorporation of construction best management measures and mitigation measures identified throughout this Initial Study. The Proposed Project consists of the demolition of the existing Lindsley Science Building and construction of a new education building in substantially the same location. Therefore, there would not result in a change in use. Additionally, the Proposed Project would not increase overall student enrollment and would not result in an increase in staff and faculty. The Proposed Project would replace an existing, outdated, academic building with a new educational building for substantially the same purpose as the existing Lindsley Science Building.

VIII. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the California Department of Fish and Wildlife. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the California Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the California Department of Fish and Wildlife. A No Effect Determination form may be obtained by contacting the Department by telephone at (916) 653-4875 or through the Department’s website at www.wildlife.ca.gov.

Conclusion: The project will be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the RMA-Planning files pertaining to PLN220243 and the attached Initial Study / Proposed (Mitigated) Negative Declaration.

IX. SOURCES

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Joel Pablo

From: mwchrislock@redshift.com
Sent: Monday, March 27, 2023 6:53 PM
To: Alvin Edwards; Amy Anderson; George Riley; Karen Paull; District 5; Marc Eisenhart; Ian Oglesby; Dave Stoldt; Joel Pablo
Subject: Letters to the Editor - Schiavone / Chrislock

MC Weekly | March 16, 2023

Water Bill

Thank you for coverage of the latest on the Pure Water Monterey project (“Cal Am is conspicuously absent as Pure Water Monterey celebrates a milestone,” posted March 7). Monterey One Water has received at least two federal awards for their outstanding project, a truly innovative and sustainable water source. So far, Cal Am refuses to sign the water purchase agreement and is holding our water supply hostage, putting over \$42 million in funding at risk.

If anyone wants to voice their concern to the California Public Utilities Commission, go to cpuc.ca.gov proceeding A.21-11-024 to leave a comment. The public needs to speak out on this.

Susan Schiavone | Seaside

Carmel Pine Cone | March 24, 2023

<http://pineconearchive.fileburstcdn.com/230324PC.pdf>

Reporting All the Facts on Water Issues

Why did your recent article “Wastewater reclamation project may grow without Cal Am’s help” fail to ask why the Expansion of Pure Water Monterey would need to grow without Cal Am’s help in the first place? That seems to be the important question.

Isn't it news when an investor-owned water monopoly like Cal Am refuses to sign an agreement to buy the water we urgently need? Maybe you should be asking why Cal Am has been holding this community's water supply hostage.

It appears your paper is giving Cal Am a pass on this and instead pointing out all the problems the Water Management District would face in trying to do this if Cal Am refuses to.

Your article omitted the fact that Cal Am was already authorized to collect \$61 million from ratepayers for the Expansion's infrastructure cost but wanted another \$20 million plus.

Why not let people know they can protest to the CPUC about Cal Am refusing to sign the Water Purchase Agreement?

And by the way, it's not just our public agencies that oppose Cal Am's desal plant. Over 300 members of the public spoke in opposition on November 17, at the Coastal Commission hearing.

One more omission, why didn't you report that Cal Am raised our water rates on January 1 by 11%?

This is supposed to be a newspaper. Please do a better job of reporting all the facts so readers can understand what's going on and make up their own minds about Cal Am.

Melodie Chrislock
Carmel, CA

Joel Pablo

From: mwchrislock@redshift.com
Sent: Tuesday, March 28, 2023 6:39 PM
To: Alvin Edwards; Amy Anderson; George Riley; Karen Paull; District 5; Marc Eisenhart; Ian Oglesby; Dave Stoldt; Joel Pablo
Subject: Herald Letters - Coppernoll / Glenn

Monterey Herald | March 28, 2023

Letters to the Editor: March 28, 2023

Cal Am buyout

In a recent Herald article on the Measure J Buyout, Cal Am claimed the Monterey Peninsula Water Management District's appraisal is flawed, but Cal Am has not even seen the appraisal yet. They also claimed the District wasted \$2.5 million in the process. Let us not forget that Cal Am has itself squandered inordinate amounts of ratepayer funds. They have cost ratepayers \$14 million alone in delaying the Pure Water Monterey Expansion.

Speaking with forked-tongue, Cal Am states it is acting to protect the Carmel River even though it illegally over-pumped these aquifers for decades, endangering steelhead trout and other ESHA. This monopolistic, greedy corporation lost the public's trust and confidence — speaking falsehoods and undertaking nefarious deeds to prevent new water supplies, using political clout to sabotage public agency efforts to expand an innovative, nationally acclaimed recycled water project, using ASR injection wells as extraction wells, thereby hindering full capture and storage of recent river flows, and acting in bad faith, all for excessive profit.

The buyout is a legally mandated action that deserves our strong support and gratitude.

— ***Margaret-Anne Coppernoll, Marina***

In 2018 voters approved Measure J, which directed the Monterey Peninsula Water Management District to undertake a feasibility study on a public takeover of Cal Am's distribution system. The initiative passed, and now five years on we get to find out what it means. There are three things to take into consideration as this process moves forward.

Cal Am has said repeatedly that they are not for sale, so the District moving forward with this initiative is a stretch under the definition of feasible. This is a hostile takeover of a private company by a public agency, and regardless of whether you think that is a

good thing or a bad thing, it isn't going to be quick, easy or inexpensive. The one guarantee is lawyers are going to make a lot of money.

The justification made by the supporters of this action is it will benefit ratepayers with lower bills. That is certainly not apparent when you consider ratepayers will have to cover whatever the final cost of a takeover ends up being. Also, the District needs to operate Cal Am's current activities more efficiently than Cal Am for this to actually be a benefit to ratepayers, so the burden is on the Agency to outline clearly to ratepayers and the community how exactly they are going to accomplish this.

One group that has not been considered in all this is the employees of Cal Am, who are also members of this community. If this goes through they will go from working for a private company that they made the conscious decision to join, to working for a public agency, and they don't have a choice in the matter if they wish to keep their jobs. This is no small matter, and should not be ignored.

Five years ago a group of advocates were successful in getting a ballot initiative passed. It is now their and the Agency's responsibility to make the case clearly that this initiative is in the best interests of the community, and not just an effort to put a corporate trophy on their shelf.

— ***John McPherson, Salinas***

Cal Am only cares about profit for shareholders and is not willing to put the water needs or costs of the community as its first priority. The sooner our water is in the hands of the Monterey Peninsula Water Management District the better.

— ***Alice Ann Glenn, Monterey***

Joel Pablo

From: mwchrislock@redshift.com
Sent: Tuesday, March 28, 2023 6:38 PM
To: Alvin Edwards; Amy Anderson; George Riley; Karen Paull; District 5; Marc Eisenhart; Ian Oglesby; Dave Stoldt; Joel Pablo
Subject: Melodie Chrislock guest commentary: Why Cal Am must go - Monterey Herald

<https://www.montereyherald.com/2023/03/28/guest-commentary-why-cal-am-must-go/>

Monterey Herald | March 28, 2023

Guest commentary:

Why Cal Am must go

By [MELODIE CHRISLOCK](#)

Back in 2018, voters passed Measure J by 56%, despite a multi-million-dollar campaign by Cal Am to defeat it. Most ratepayers voted to get rid of Cal Am because of the cost of their water. According to the CPUC Public Advocates Office, out of all the private investor-owned water systems in California, the Peninsula has the most expensive water, except for two tiny water systems in Dillion Beach and Catalina Island.

Over the last five years, the reasons to say goodbye to Cal Am have multiplied. The recent example of Cal Am's refusal to sign a Water Purchase Agreement (WPA) for the Pure Water Monterey Expansion should be a wake-up call, even for Cal Am's supporters in the hospitality and real estate sectors. It turns out no one, not even the CPUC, could force Cal Am to sign the WPA that will allow this urgently needed publicly owned project to be built

Now after three years of stalling the Pure Water Monterey Expansion and literally holding the Peninsula's new water supply hostage, Cal Am says they will sign the WPA if they get CPUC authorization to add another \$71 million to our bills. This is far more than four wells, and some pipeline to connect them should cost.

It's too complex to get into here, but it's in Cal Am's interest to take the most expensive approach to build water infrastructure because it earns them more profit. That is why they so desperately want their oversized, overpriced desal plant, which would raise our water bills by 60% to 70%, according to the Public Advocates Office.

The cost of water is the reason 85% of California gets water from public municipally owned systems.

In a recent Herald article, Cal Am claimed that water would cost more under MPWMD ownership. Not true. Since Cal Am makes a guaranteed profit and the Water District would make no profit, it should cost less. The cost to buy out Cal Am is not added to our water bills on top of what we pay now. For the first 30 years, the profit we have been paying Cal Am would cover the cost of the loan, so the buyout should not raise water bills.

The purchase price, the cost of the loan, and Cal Am's actual profit will determine how much lower the cost of water will be. Under eminent domain, a jury will decide what Cal Am is worth.

In the same Herald article, Cal Am accused the Water District of wasting \$2.5 million on Measure J. But Measure J is a law, and MPWMD is mandated by that law to acquire Cal Am, if feasible. In November 2019, it was proven feasible by outside consultants. So, is Cal Am recommending MPWMD break the law and ignore this voter mandate?

Do millions of dollars in legal fees matter when Cal Am continually adds tens of millions to our water bills? In January, they raised our water rates by 11%. How many millions does that add up to? The delay of the Pure Water Monterey Expansion caused by Cal Am has cost us \$14 million so far. And Cal Am has already spent over \$200 million on a desal plant that most likely will never be built.

Cal Am has mismanaged our water system for decades. And it has never produced one drop of new water. Ironically, Cal Am claims MPWMD should be focused on delivering new water supplies. But that is exactly what they have done. Monterey One Water and MPWMD are responsible for Pure Water Monterey and ASR, two of the three legs of Cal Am's three-legged stool. Once the Expansion is built, these two public water agencies will produce almost two-thirds of the Peninsula's water.

How can you take Cal Am seriously when they claim that MPWMD's appraisal methodology is flawed or that the true value of the assets is far greater than what the district is offering when Cal Am has not yet seen the offer or the methodology?

If we want more water and we want it at a reasonable cost, Cal Am must go.

Melodie Chrislock is the managing director of Public Water Now.

Joel Pablo

From: Carolyn Bluemle <carolyn@cmagicisafoot.com>
Sent: Thursday, March 30, 2023 10:33 PM
To: comments
Subject: SUPPORT Public Buyout of Cal Am

Please approve the public buy out of Cal Am — Cal Am’s blockade of this buyout is reprehensible and proof that it should not profit from distributing our water— these delay tactics have cost both taxpayers and water consumers ridiculous amounts of money in legal fees not to mention the use of our court system

the citizens voted and approved Measure J asking for public buyout if feasible, responsible and expensive studies have shown its feasibility
it is time to start focusing on economically and ecologically responsible management of our water with citizen interest as paramount.

carolyn bluemle
Pacific Grove voter

« Many things have been cancelled because of the Coronavirus. Love is not one of them. »

www.cmagicisafoot.com
www.cbyoga.com

God is Alive
Magic is Afoot



A significant citizens effort in this era

In the spirit of Elmarie Dyke, the citizens of the Monterey Bay area must persevere in the effort to purchase public control of OUR water. This, next to significance to the event of 1965, to keep Humbe Oil from building a refinery that would have done irreparable harm to sea life and surrounding habitat at Moro Cojo Slough.

The tactics of CalAm are an example of placing the private for profit corporate interest above the public wellbeing. CalAm has used this three legged stool against the public: DISINGENUOUS- the "misplaced" salinity sensor in a test well, parading the "lady from Felton" before the media, (just survey Felton's resident to hear their content of their buyout) DIVISIVENESS- buying the influence of the hospitality business with a favorable rate payment structure, DELAY- obstructing the buyout progress ie. the LAFCO affair, impeding the implementation of the recycle water purification project. Among examples!

The foremost reason CalAm seeks to build (it has been permitted!!) an absolutely, in this area, an environmentally disastrous proposal, is to inflate the price the public can reasonably or perceptibly afford. Given the extremes predicted for global weather, improved and increased storage is the solution to our future needs. Simply look to the Middle East to see the disastrous effects upon the populace being driven off the land by pervasive drought.

Let us not be driven to complacency and take public control by quite capable people of our existential resource.

Very truly yours,
Mark Eckles
Pacific Grove

Special Board of
Director's Meeting
on April 3, 2023

Presented at Board
Meeting and distributed
to Board Members,
District Counsel &
General Manager
- Joel Robles, MPM

Joel Pablo

From: John Tilley <john.tilley@pinnacle.bank>
Sent: Thursday, April 6, 2023 10:36 AM
To: Alvin Edwards; George Riley; Marc Eisenhart; Amy Anderson; Karen Paull; Ian Oglesby; District 5
Cc: Dave Stoldt; Joel Pablo; Jeff Davi
Subject: John Tilley Comments on Buyout Communications Honoring the Democratic Process

Following up on my public comment from Monday's presentation on the take-over of Cal Am, I would like to reiterate my request for a thorough analysis of the potential cost of a failed take-over attempt and the inclusion of that analysis in the on-going public discourse related to the take-over.

Measure J was promoted to the voting public by Public Water Now as not costing the voters anything, later changed to the district having the funds needed in reserve and so forth. Measure J was pitched as a feasibility study rather than a full take-over effort. Measure J itself, however, carried language that the MPWMD Board is now citing as the rationale instructing the district to take-over Cal AM, with MPWMD board members saying they are simply following the voters instructions and have no choice in the matter, that this is democracy in action.

In my comments I said there is an obvious overlap of Public Water Now and The Monterey Peninsula Water Management District though the District, as a Public Agency, is held to a much higher standard. While PWN was a public relations effort to pass a Measure, The District is bound to serve the public in a trustworthy and candid manner. Specifically, I say the actions you take with Measure J cannot be an extension of PWN; The District in the name of Democracy is required to provide the community the complete story when presenting the buy-out effort. What is missing, and what I am requesting, is the inclusion of potential costs to the District/Community of the buy-out effort failing just as you are presenting the potential success of the effort.

It is known that a failed effort would result in the MPWMD having to compensate Cal Am for the cost associated with defending themselves against Measure J efforts (as occurred in Apple Valley). At 152 Panel meetings, the District estimated cost has been given as \$30,000,000.

Take the timeline the District has presented for Measure J's trial to occur and at the end of that timeline saddle the district with a \$30,000,000 debt. Add to that impact the District's own legal expenses and also eliminate the revenue of the Water Supply Charge leading up to that failed take-over. The public deserves to know this is a possibility and how severe the consequences of a failed Measure J attempt are to the community. If the Board members are already not aware of this possibility, they should know. And if they do know, they should be sharing this information with the public. Details of success or failure are needed in equal portion so that the Democratic Process is properly honored.

John Tilley

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