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# Final
# INITIAL STUDY/
# MITIGATED NEGATIVE DECLARATION

## for the

# A1/A2 RESERVOIRS &

# B/C ZONES BOOSTER PUMP STATION PROJECT

## SCH #2021010030

Prepared for:

Marina Coast Water District

11 Reservation Road

Marina, CA 93933-2099

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**February 2021**

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# Chapter 1. Introduction

## 1.1 BACKGROUND

This document, together with the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND), constitutes the Final Initial Study/Mitigated Negative Declaration (Final IS/MND) for the A1/A2 Reservoirs & B/C Zones Booster Pump Station Project (proposed project). The Marina Coast Water District (MCWD) is the lead agency for the proposed project. The Final IS/MND consists of an introduction, comment letters received during the 30-day public review period, responses to comments, and revisions to the Draft IS/MND, if deemed applicable. The Draft IS/MND was prepared to inform the public of the potential environmental effects of the proposed project and identify possible ways to minimize potential project-related impacts.

## 1.2 PUBLIC PARTICIPATION

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15073(a), the Draft IS/MND was circulated for a 30-day review period during which comments could be submitted. On January 5, 2021, the Draft IS/MND was distributed for the public review period to responsible and trustee agencies, interested groups, and individuals. The review period ended on February 4, 2021. A public hearing was conducted at the MCWD Board of Directors meeting on January 20, 2021, to receive public comments on the Draft IS/MND. No public comments on the Draft IS/MND were provided during the public hearing. A MCWD Board of Directors meeting is scheduled for March 15, 2021, to consider the adoption of the Final IS/MND and Mitigation Monitoring and Reporting Program (MMRP) and approval of the proposed project.

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# Chapter 2. Response to Comments

## 2.1 INTRODUCTION

This chapter includes comments received from the public and public agencies during the circulation of the Draft IS/MND. No comments were received after the public review period. This section contains all information available in the public record related to the Draft IS/MND as of February 22, 2021. **Section 2.3** below responds to comments received during the review period.

## 2.2 LIST OF COMMENT LETTERS

The following is a list of comment letters/email comments received on the Draft IS/MND and the dates these letters were received:

**Comment Letters**

| | | |
|---|---|---|
| A. | California Department of Fish and Wildlife | February 4, 2021 |
| B. | California State University, Monterey Bay | February 4, 2021 |

## 2.3 RESPONSE TO COMMENTS

Each letter received on the Draft IS/MND is presented in this chapter, as identified in **Section 2.2** above. Individual comments in each letter are numbered. Correspondingly numbered responses to each comment are provided in the discussion following the comment letter.

When a comment states a position or opinion and does not comment on issues relevant to the environmental analysis presented in the Draft IS/MND, the response reads: "Comment is acknowledged. No response is required." If comments raised environmental issues that required additions or deletions to the text, tables, or figures in the Draft IS/MND, a brief description of the change is provided, and the reader is directed to **Chapter 3, Revisions to the Draft IS/MND**. The comments received on the Draft IS/MND did not result in a "substantial revision" of the negative declaration, as defined by CEQA Guidelines §15073.5, and the new information added to the mitigated negative declaration merely clarifies, amplifies, or makes insignificant modifications to the IS/MND. No new significant effects were identified since the commencement of the public review period that would require mitigation measures or project revisions to be added in order to reduce the effects to less than significant.

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***GAVIN NEWSOM, Governor***
***CHARLTON H. BONHAM, Director***

Letter A

February 4, 2021

Michael Wegley
Marina Coast Water District
11 Reservation Road
Marina, California 93933
MWegley@mcwd.org

**Subject: A1/A2 Reservoirs and B/C Zones Booster Pump Station Project (Project)**
**Mitigated Negative Declaration (MND)**
**State Clearinghouse No. 202101003**

Dear Mr. Wegley:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a MND from the Marina Coast Water District for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through exercise of our own regulatory authority under the Fish and Game Code. A-1

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in the trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. A-2

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. For example, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Fully Protected Species:** CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and CDFW cannot authorize their incidental take.

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

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**Water Pollution:** Pursuant to Fish and Game Code section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures, implementation of the Project could result in pollution of Waters of the State from storm water runoff or construction -related erosion. Potential impacts to the wildlife resources that utilize these watercourses include the following: increased sediment input from road or structure runoff; toxic runoff associated with development activities and implementation; and/or impairment of wildlife movement along riparian corridors. The Regional Water Quality Control Board and United States Army Corps of Engineers (USACE) also have jurisdiction regarding discharge and pollution to Waters of the State.

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** Marina Coast Water District (MCWD).

**Objective:** As part of the 2006 Marina Water System Master Plan (2006 Master Plan) and 2020 Water Master Plan (2020 Master Plan), the Project involves the relocation and replacement of the existing B/C Booster Pump Station (BPS) and Sand Tank with a new B/C BPS and two new A1/A2 Reservoirs. The A1/A2 Reservoirs would provide operational, fire, and emergency water storage for Zone A in Ord Community and Central Marina service areas. In addition, various associated infrastructure improvements would occur at the Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building. The Project would include two new potable water storage tanks (reservoirs) and a new B/C BPS to pump water from the new storage tanks to the existing B and C pressure zone reservoirs and distribution system. A portion of the C-Zone transmission main from the

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existing BPS would be converted to an A-Zone transmission main to supply the new reservoirs. This would require adding a new pipeline in Imjin Parkway and adjusting valves at the existing pump station to connect the wellfield transmission mains to the C-Z one transmission main.

The Project also includes various improvements at the existing Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building. The Project includes updating the Supervisory Control and Data Acquisition (SCADA) system, replace the altitude valve, replace the emergency generator, and recoat the Intermediate Reservoir. Improvements to the Ord Community wellfield disinfection system at the Chlorination Building include adding a flow meter on the wellfield main and variable speed drives on the dosing pumps. The existing B/C BPS is centrally located on the former Fort Ord and multiple pipelines radiate out from the B/C BPS site. The two 16-inch pipelines that connect the wellfield to the BPS converge at the Bermad valve, which is located outside the BPS easement. These wellfield pipelines are planned to be replaced in the future with a 24-inch pipeline located within California Avenue and Imjin Parkway.

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**Location:** The Project is located at three distinct locations within the City of Marina limits on the former Fort Ord in Monterey County, California:

The two A1/A2 Reservoirs (reservoirs) and B/C Zones Booster Pump Station (B/C BPS) would be located within a 1.6-acre easement on the California State University Monterey Bay (CSUMB) campus. The Project site is situated on an existing paved parking lot on Assessor's Parcel Number (APN) 031-101-033-000 near 8th Street and 6th Avenue, east of the City's Public Works Corporation Yard. There is an additional 0.59-acre pipeline easement at this location, which connects the north end of the facility easement to 6th Avenue.

The Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building are co-located on a 0.63-acre easement along Old County Road. The 24-inch wellfield pipeline is located within a 15-foot (ft) wide easement owned by the MCWD. The City of Marina's (City's) General Plan Land Use Designation for this portion of the proposed Project area is Habitat Preserve and Other Open Space.

The existing B/C BPS is located within the Sea Haven (formerly Marina Heights) Specific Plan Area on 3.79-acre easement southeast of the intersection of California Avenue and Marina Heights Drive on APN 031-271-010-000 (owned by the City). A portion of the Project is also located within the Imjin Parkway right-of-way.

**Timeframe:** Unspecified.

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist MCWD in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and

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indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Based on aerial imagery, species occurrence records, and the land cover types that intersect and comprise the project alignment, the Project area is known to and/or has high potential to support numerous special-status species, including CESA-listed species (CDFW 2021, CNPS 2018, UC Davis 2018). Therefore, the Project has the potential to significantly impact these species. Specifically, CDFW is concerned about potential of the Project to significantly impact the State and federally threatened California tiger salamander (*Ambystoma californiense*); the State threatened, federally endangered, and California Rare Plant Ranked (CRPR) 1B.2 Monterey gilia (*Gilia tenuiflora arenaria*); the State endangered and CRPR 1B.1 seaside bird's-beak (*Cordylanthus rigidus littoralis*), the State fully-protected white-tailed kite*;* the federally threatened and State species of special concern California red-legged frog (*Rana draytonii*); the State species of special concern northern California legless lizard (*Anniella pulchra*), coast horned lizard (*Phrynosoma blainvillii*), burrowing owl (*Athene cunicularia*), Monterey ornate shrew (*Sorex ornatus salarius*), and American badger (*Taxidea taxus*); State Special Animal Rank S1S2 Crotch bumble bee (*Bombus crotchii*), State Special Animal Rank S1 Western bumbler bee (*Bombus occidentalis occidentalis*), and numerous CRPR plant species including, but not limited to, the federally threatened and CRPR 1B.2 Monterey spineflower (*Chorizanthe pungens* var. *pungens*); the CRPR 1B.1 Eastwood's goldenbush (*Ericameria fasciculata*), pink Johnny-nip (*Castilleja ambigua* var. *insalutata*), Kellogg's horkelia (*Horkelia cuneata* var. *sericea*), Hooker's manzanita (*Arctostaphylos hookeri hookeri*), sand-loving wallflower (*Erysimum ammophilum*), sandmat manzanita (*Arctostaphylos pumila*), and Toro manzanita (*Artostaphylos montereyensis*); and the CRPR 4 Monterey ceanothus (*Ceanothus cuneatus rigidus*). Many of these species occur in maritime chaparral, coastal scrub, coastal prairie, and grassland communities, which are present within and adjacent to the Project area. In addition, the Salinas River is in close proximity to the Project area and is known to support breeding populations of California red-legged frogs (CDFW 2021). Other natural areas where the species mentioned above are known or likely to occur also lie in the vicinity of the Project area including the Fort Ord Natural Reserve, lands managed by the University of California Natural Reserve System, and Fort Ord Dunes State Park.

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Please note that the CNDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. Therefore, a lack of an occurrence record in the CNDDB is not tantamount to a negative species finding. In order to adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special status species are present at or near the Project area.

CDFW recommends that the following evaluations, mitigation measure modifications, and/or edits be incorporated into the MND.

## I. Environmental Setting and Related Impact

**Would the Project 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 CDFW or United States Fish and Wildlife Service (USFWS)?**

**COMMENT 1: California tiger salamander (CTS)**

**Issue:** CTS are known to occur in close proximity of the Project area (CDFW 2021). Review of aerial imagery indicates the presence of several wetland features in the Project's vicinity that have the potential to support breeding CTS. In addition, the Project area or its immediate surroundings may support small mammal burrows, a requisite upland habitat feature for CTS.

**Specific impact:** Without appropriate avoidance and minimization measures for CTS, potential significant impacts associated with the Project's construction include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, and direct mortality of individuals. In addition, depending on Project design, the Project has the potential to result in creation of barriers to dispersal.

**Evidence impact would be significant:** Up to 75% of historic CTS habitat has been lost to development (Shaffer et al. 2013). Loss, degradation, and fragmentation of habitat are among the primary threats to CTS (CDFW 2015, USFWS 2017a). The Project area is within the range of CTS and is both composed of and bordered by suitable upland habitat. As a result, there is potential for CTS to occupy or colonize the Project area and for the Project to impact CTS. A-5

**Recommended Mitigation Measure 1: CTS Habitat Assessment**

CDFW recommends that a qualified biologist conduct a habitat assessment well in advance of project implementation, to determine if the Project area or its vicinity contains suitable habitat for CTS.

**Recommended Mitigation Measure 2: Focused CTS Surveys**

If the Project area does contain suitable habitat for CTS, CDFW recommends that a qualified biologist evaluate potential Project-related impacts to CTS prior to ground -disturbing activities using the USFWS's "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (2003). CDFW advises that the survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS.

**Recommended Mitigation Measure 3: CTS Avoidance**

CDFW advises avoidance for CTS include a minimum 50-foot no disturbance buffer delineated around all small mammal burrows and a minimum 250-foot no disturbance buffer around potential breeding pools within and/or adjacent to the Project area. CDFW also recommends avoiding any impacts that could alter the hydrology or result in sedimentation of breeding pools. If avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.

**Recommended Mitigation Measure 4: CTS Take Authorization**

If through surveys it is determined that CTS are occupying the Project area and take cannot be avoided, take authorization may be warranted prior to initiating ground disturbing activities by securing the acquisition of a state Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) before Project ground or vegetation disturbing activities occur. Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and obtain an ITP from CDFW at any time.

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**COMMENT 2: Monterey gilia, Seaside birdbeak, and CRPR plant species**

**Issue:** Monterey gilia and the CRPR plant species mentioned above are known to occur on and in the vicinity Project area (USFWS 2008, CDFW 2021). Lands designated for development that were transferred from the Department of the Army's former Fort Ord, as is the case with portions of the Project site, contain high quality habitat for the CESA-listed Monterey gilia (USFWS 2008). In addition, the sandy soils and maritime chaparral vegetation community present within portions of the Project area are suitable to support CESA-listed seaside bird's-beak (CDFW 2021, CNPS 2019, UC Davis 2018). The Project area also supports coastal scrub, which has the potential to support numerous CRPR-species such as Monterey spineflower, Eastwood's goldenbush, pink Johnny-nip, Kellogg's horkelia, Hooker's manzanita, Jolon clarkia, sand-loving wallflower, sandmat manzanita, Toro manzanita, and Monterey ceanothus. Grading and development associated with the Project have the potential to impact special-status plant species.

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**Specific impact:** Without appropriate avoidance and minimization measures, potential impacts to special-status plant species include inability to reproduce and direct mortality. Unauthorized take of species listed as threatened, endangered, or rare pursuant to CESA or the Native Plant Protection Act is a violation of Fish and Game Code.

**Evidence impact would be significant:** Monterey gilia, seaside bird's-beak, and many of the CRPR-listed plant species above are narrowly distributed endemic species with specific habitat requirements. These species are threatened with habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and non-native plant species (CNPS 2019), all of which may be unintended impacts of the Project.

**Recommended Mitigation Measure 5: Special-Status Plant Habitat Assessment**

CDFW recommends that a qualified biologist conduct a habitat assessment well in advance of project implementation, to determine if the Project area or its vicinity contains suitable habitat for special-status plant species.

**Recommended Mitigation Measure 6: Focused Surveys**

CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" (CDFW 2018). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

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**Recommended Mitigation Measure 7: Special-Status Plant Avoidance**

CDFW recommends special-status plant species be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50-feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

**Recommended Mitigation Measure 8: Special-Status Plant Take Authorization**

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. CDFW is aware that efforts are underway to finalize the Fort Ord HCP and to secure companion acquisition of an ITP pursuant to Fish and Game Code section 2081 subdivision (b) for activities described in the HCP; however, if take cannot be avoided, absent securing take coverage through these efforts, separate take authorization would need to occur through issuance of an ITP by CDFW.

**COMMENT 3: California Red-Legged Frog (CRLF)**

**Issue:** CRLF have been documented to occur within the Salinas River, which is adjacent to a portion of the Project Area (CDFW 2019). CRLF primarily inhabit ponds but can also be found in other waterways including marshes, streams, and lagoons. The species will also breed in ephemeral waters (Thomson et al. 2016). Review of aerial imagery indicates the presence of several ponded wetland features within the vicinity of the Project Area that may be suitable to support CRLF. As a result, the Project has the potential to impact CRLF.

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**Specific impact:** Without appropriate avoidance and minimization measures for CRLF, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, and direct mortality of individuals.

**Evidence impact is potentially significant:** CRLF populations throughout the State have experienced ongoing and drastic declines and many have been extirpated (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to CRLF (Thomson et al. 2016, USFWS 2017b). All of these impacts have the potential to result from the Project.

**Recommended Mitigation Measure 9: CRLF Habitat Assessment**

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project Area or its immediate vicinity contain suitable habitat for CRLF.

**Recommended Mitigation Measure 10: CRLF Surveys**

If suitable habitat is present, CDFW recommends that a qualified wildlife biologist conduct surveys for CRLF within 48 hours prior to commencing work (two-night surveys immediately prior to construction or as otherwise required by the USFWS) in accordance with the USFWS *"Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog"* (USFWS 2005) to determine if CRLF are within or adjacent to the Project area.

**Recommended Mitigation Measure 11: CRLF Avoidance**

If any CRLF are found during preconstruction surveys or at any time during construction, CDFW recommends that construction cease and that CDFW be contacted to discuss a relocation plan for CRLF with relocation conducted by a qualified biologist, holding a Scientific Collecting Permit for the species. CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends that a qualified biologist monitor construction activity daily for CRLF.

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**COMMENT 4: Northern California Legless Lizard and Coast Horned Lizard**

**Issue:** Northern California legless lizards and coast horned lizards are known to occur in the vicinity of the Project area (CDFW 2019). Northern California legless lizards are fossorial and inhabit chaparral habitat with sandy or loose loamy soils (Thomson et al. 2016). Coast horned lizards occur in a wide variety of habitat types but require loose, fine soils for burrowing, open areas for thermoregulation, and shrub cover for refugia

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(Thomson et al. 2016). Review of aerial imagery and soil characteristics indicates that portions of the Project area include and surrounded by these requisite habitat features (CDFW 2019, UC Davis 2018).

**Specific impact:** Without appropriate avoidance and minimization measures for Northern California legless lizard and coast horned lizards, potentially significant impacts associated with ground disturbance include burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and direct mortality.

**Evidence impact is potentially significant:** Habitat loss and fragmentation resulting from development is the primary threat to Northern California legless lizard and coast horned lizard (Thomson et al. 2016). The Project area is within the range of Northern California legless lizard and coast horned lizard and portions of it are comprised of and bordered by suitable habitat (i.e., chaparral with friable soils). Ground-disturbing activities associated with development of the Project area have the potential to significantly impact local populations of this species.

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**Recommended Mitigation Measure 12: Habitat Assessment**

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if the Project area or its immediate vicinity contain suitable habitat for Northern California legless lizard.

**Recommended Mitigation Measure 13: Focused Surveys**

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for Northern California legless lizard and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation -disturbance.

**Recommended Mitigation Measure 14: Avoidance**

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows.

**COMMENT 6: Burrowing Owl (BUOW)**

**Issue:** The Special Status Species Table of the Biological Resources Report in Appendix A of the MND states that poor quality habitat is present within the existing BPS study areas and in ruderal areas, and the nearest CNDDB occurrence is an unspecified location adjacent to the existing BPS study area.

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BUOW have been documented to occur in the vicinity of the Project area (CDFW 2021). Review of aerial imagery reveals that suitable habitat for BUOW is present both within and in the vicinity of the Project area. BUOW inhabit open, treeless areas containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover (Poulin et al. 2011). Habitat both within and bordering portions of the Project area has

the potential to support these features. Therefore, there is potential for BUOW to occupy or colonize the Project area or its vicinity.

**Specific impact:** Potentially significant direct impacts associated with Project construction include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

**Evidence impact is potentially significant:** BUOW rely on burrow habitat year-round- for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California (Gervais et al. 2008). Ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

**Recommended Mitigation Measure 15: BUOW Habitat Assessment**

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its vicinity contains suitable habitat for BUOW.

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**Recommended Mitigation Measure 16: BUOW Surveys**

If suitable habitat for BUOW is present, CDFW recommends assessing presence or absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "*Burrowing Owl Survey Protocol and Mitigation Guidelines*" (CBOC 1993) and CDFW's *Staff Report on Burrowing Owl Mitigation*" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season of April 15 to July 15, when BUOW are most detectable. In addition, CDFW advises that surveys include a 500-foot buffer around the Project area.

**Recommended Mitigation Measure 17: BUOW Avoidance**

Should a BUOW be detected, CDFW recommends that no-disturbance buffers, as outlined in the "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

| Location | Time of Year | Level of Disturbance | | |
|---|---|---|---|---|
| | | Low | Med | High |
| Nesting sites | April 1-Aug 15 | 200 m* | 500 m | 500 m |
| Nesting sites | Aug 16-Oct 15 | 200 m | 200 m | 500 m |
| Nesting sites | Oct 16-Mar 31 | 50 m | 100 m | 500 m |

* meters (m)

**Recommended Mitigation Measure 18: BUOW Passive Relocation and Mitigation**

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. Because BUOW may attempt to colonize or re-colonize an area that will be impacted, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

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**COMMENT 7: Nesting White-Tailed Kite (WTKI)**

**Issue:** The Special Status Species Table of the Biological Resources Report in Appendix A of the MND states that nesting WTKI have a high potential to occur in the Project area and its vicinity, and WTKI were observed within 0.8 mile of the Project area. MM Bio 4 requires focused surveys for presence or absence of raptor species within 500 feet of the Project site, and requires a 500-foot no-disturbance buffer for all raptors. The MND does not justify how this buffer distance is sufficiently protective for nesting WTKI.

**Specific impact:** Without appropriate avoidance and minimization measures, potentially significant impacts associated with the Project's construction include loss of foraging and/or nesting habitat, nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

**Evidence impact would be significant:** Without appropriate surveys, WTKI nesting in the vicinity of a project can remain undetected resulting in avoidance and minimization measures not being effectively implemented. In addition, human activity near nest sites can cause reduced provisioning rates of chicks by adults (Steidl et al. 1993 *in* Kochert et al. 2002). Depending on the timing of construction, Project activities including noise, vibration, odors, and movement of workers or equipment could affect nests and also have the potential to result in nest abandonment, significantly impacting local nesting raptors (Hayward et al. 2011).

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**Recommended Mitigation Measure 19: Focused Surveys for WTKI**

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting WTKI and other nesting raptors. If ground disturbing activities take place during the typical bird breeding season (February 1 through September 15), CDFW recommends that additional preconstruction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

**Recommended Mitigation Measure 20: Avoidance**

If an active WTKI raptor nest is found, CDFW recommends that the MND require implementation of a minimum ½-mile no disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If nesting raptors are detected and the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. Please note that WTKI are State fully protected species and no take, incidental or otherwise, of those species can be authorized by CDFW.

A-10 Cont'd

**Recommended Mitigation Measure 21: Tree Removal**

CDFW recommends that the removal of known raptor nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project area or in another area that will be protected in perpetuity. This mitigation would offset the temporal impacts of nesting habitat loss.

**COMMENT 8: American Badger**

**Issue:** American badger have been documented to occur in the vicinity of the Project area (CDFW 2021). Badgers occupy sparsely vegetated land cover with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations (i.e., ground squirrels, pocket gophers, etc.) (Zeiner et al. 1990). The Project area may support these requisite habitat features and, therefore, badgers.

**Specific impact:** Without appropriate avoidance and minimization measures for American badger, potentially significant impacts associated with ground disturbance include direct mortality or natal den abandonment, which may result in reduced health or vigor of young.

A-11

**Evidence impact is potentially significant:** Habitat loss is a primary threat to American badger (Gittleman et al. 2001). Ground-disturbing activities have the potential to significantly impact local populations of American badger.

**Recommended Mitigation Measure 22: American Badger Habitat Assessment**

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its immediate vicinity contain suitable habitat for American badger.

**Recommended Mitigation Measure 23: American Badger Surveys**

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for American badger and their requisite habitat features (dens) to evaluate potential impacts resulting from ground- and vegetation-disturbance.

A-11 Cont'd

**Recommended Mitigation Measure 24: American Badger Avoidance**

Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.

**COMMENT 9: Crotch Bumble Bee (CBB) and Western Bumble Bee (WBB)**

**Issue:** The CBB is listed as S1S2 on the CDFW Special Animals List (CDFW 2021) and is included as Endangered on the International Union for the Conservation of Nature ("IUCN") Red List (Hatfield et al. 2015a). The WBB is listed as S1 on the CDFW Special Animals List (CDFW 2021), which may encourage its consideration in review of projects under CEQA. The subspecies of WBB has a NatureServe Global Status rank of T1T3, its status is in the range between "Vulnerable" and "Critically Imperiled" is not secure" (NatureServe 2018). An IUCN Red List category has not yet been formally assigned for *B. o. occidentalis,* but the full species (*B. occidentalis*) is listed as Vulnerable to extinction (Hatfield et al. 2015b). The species is listed as a "Sensitive Species" by the U.S. Forest Service in California (USFS 2013).

A-12

Suitable CBB and WBB habitat includes areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. CBB primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2015). Overwintering sites utilized by CBB mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). WBB primarily nest in underground cavities such as old squirrel burrows or other animal nests. Little is known about the hibernacula or overwintering sites of WBB, although WBB hibernacula were reported two inches deep in a steep west slope of a mound of earth (Hobbs 1968). Therefore, ground disturbance and vegetation removal associated with Project implementation has the potential to significantly impact local CBB and WBB populations.

**Specific impact:** Without appropriate avoidance and minimization measures for CBB and WBB, potentially significant impacts associated with ground- and vegetation-disturbing activities associated with construction of the Project include loss of foraging plants, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, in addition to direct mortality.

**Evidence impact is potentially significant:** CBB was once common throughout most of the central and southern California; however, it now appears to be absent from most of it, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). WBB was once common throughout the western United States, including the coastal and Sierra Nevada ranges in California. Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years.

A-12 Cont'd

**Recommended Mitigation Measure 25: CBB and WBB Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for CBB and WBB and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation-disturbance associated with Project.

**Recommended Mitigation Measure 26: CBB and WBB Avoidance**

If surveys cannot be completed, CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet.

**Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?**

**COMMENT 10: Lake and Streambed Alteration (LSA)**

**Issue:** The MND states that Project construction activities have the potential to release sediment. The MND does not specify whether the Project area was surveyed for impacts to streams or wetlands. Project activities conducted within these features are subject to CDFW's LSA regulatory authority, pursuant Fish and Game Code section 1600 et seq.

**Specific impact:** Work within stream channels has the potential to result in substantial diversion or obstruction of natural flows; substantial change or use of material from the bed, bank, or channel (including removal of riparian vegetation); deposition of debris, waste, sediment, toxic runoff or other materials into water causing water pollution and degradation of water quality.

A-13

**Evidence impact is potentially significant:**
Construction activities within stream features have the potential to impact downstream waters. Streams function in the collection of water from rainfall, storage of various amounts of water and sediment, discharge of water as runoff and the transport of

sediment, and they provide diverse sites and pathways in which chemical reactions take place and provide habitat for fish and wildlife species. Disruption of stream systems such as these can have significant physical, biological, and chemical impacts that can extend into the adjacent uplands adversely effecting not only the fish and wildlife species dependent on the stream itself, but also the flora and fauna dependent on the adjacent upland habitat for feeding, reproduction, and shelter.

**Recommended Mitigation Measure 27: Stream and Wetland Mapping**

CDFW recommends that formal stream mapping and wetland delineation be conducted by a qualified biologist to determine the location and extent of streams (including any floodplain) and wetlands within and adjacent to the Project area. Please note that, while there is overlap, State and Federal definitions of wetlands as well as what activities require Notification pursuant to Fish and Game Code section 1602 differ. Therefore, it is advised that the wetland delineation identify both State and Federal wetlands in the Project area as well as what activities may require Notification to comply with Fish and Game Code. Fish and Game Code section 2785(g) defines wetlands; further, section 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake. It is important to note that while accurate wetland delineations by qualified individuals have resulted in more rapid review and response from USACE and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. CDFW advises that site map(s) designating wetlands as well as the location of any activities that may affect a lake or stream be included with any Project site evaluations.

A-13 Cont'd

**Recommended Mitigation Measure 28: Stream and Wetland Impact Minimization and Mitigation**

CDFW recommends that the potential direct and indirect impacts to streams and wetlands be analyzed according to each Project activity. Based on those potential impacts, CDFW recommends that the MND include measures to avoid, minimize, and/or mitigate those impacts. CDFW recommends that impacts to streams and riparian habitat (i.e., biotic and abiotic features) take into account the effects to stream function and hydrology from the effects of erosion, riparian habitat loss or damage, and potential effects from the loss of riparian habitat to special-status species already identified herein. CDFW recommends that impacts and losses to stream and wetland habitats be minimized through Project design or offset with corresponding riparian and wetland restoration that incorporates native vegetation, as warranted, to replace the value to fish and wildlife provided by any habitats lost or degraded from Project implementation. If on-site restoration to replace habitats is not feasible, CDFW recommends offsite mitigation by restoring or enhancing in-kind riparian or wetland habitat and providing for the long-term management and protection of the mitigation area, to ensure its persistence.

## II. Editorial Comments and/or Suggestions

**MM Bio-2 - Construction Biological Monitor:** The MND states that after ground disturbing project activities are complete, the qualified biologist will train an individual from the construction crew to act as the on-site construction biological monitor, to be the contact for any special-status wildlife species encounters, conduct daily inspections of equipment and materials stored on site and any holes or trenches prior to the commencement of work, and ensure that all installed fencing stays in place throughout the construction period. The qualified biologist will then conduct regular scheduled and unscheduled visits to ensure the construction biological monitor is satisfactorily implementing all appropriate mitigation protocols. Both the qualified biologist and the construction biological monitor must work through the State Inspector to cease construction contractor work and/or redirect project activities to ensure protection of resources and compliance with all environmental permits and conditions of the project. A-14

Given the numerous known locations in the Project area for special status species, and the potential for presence of State and Federally listed species, CDFW does not concur with assigning biological monitoring to individuals other than a qualified biologist. CDFW recommends that MM Bio-2 require all biological monitoring to be conducted by a qualified, experienced biologist.

**Nesting Birds:** CDFW encourages Project implementation to occur during the bird non-nesting season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project proponent is responsible for ensuring that implementation of the project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10-days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by the project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends that a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends that the work causing that change cease and CDFW be consulted for additional avoidance and minimization measures. A-15

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250-feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-

disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

A-15 Cont'd

**Lake and Streambed Alteration:** Project activities have the potential to substantially change the bed, bank, and channel of lakes, streams, and associated wetlands onsite and/or substantially extract or divert the flow of any such feature that is subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial.

A-16

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (https://wildlife.ca.gov/Conservation/LSA) or contact the Central Region Lake and Streambed Alteration Program at (559) 243-4593 or R4LSA@wildlife.ca.gov.

**Federally Listed Species:** CDFW recommends consulting with the USFWS on potential impacts to federally listed species including but not limited to CTS, CRLF, Monterey gilia, and Monterey spineflower. Take under the federal Endangered Species Act (ESA) is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS, in order to comply with ESA, is advised well in advance of any ground disturbing activities.

A-17

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be emailed to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

A-18

**FILING FEES**

If it is determined that the Project will impact fish and/or wildlife, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). A-19

**CONCLUSION**

CDFW appreciates the opportunity to comment on the Project to assist MCWD in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Should you have questions regarding this letter or for further coordination please contact Annette Tenneboe, Senior Environmental Scientist (Specialist), at the address provided on this letterhead or by email at Annette.Tenneboe@wildlife.ca.gov. A-20

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment

ec: Office of Planning and Research, State Clearinghouse, Sacramento
State.Clearinghouse@opr.ca.gov

California Department of Fish and Wildlife:
Aimee Braddock, Aimee.Braddock@wildlife.ca.gov

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**Attachment 1**

# CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
# RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

**PROJECT: A1/A2 Reservoirs and B/C Zones Booster Pump Station Project**

| RECOMMENDED MITIGATION MEASURES | STATUS/DATE/INITIALS |
|---|---|
| *Before Disturbing Soil or Vegetation* | |
| **Recommended Mitigation Measure 1: CTS Habitat Assessment** | |
| **Recommended Mitigation Measure 2: Focused CTS Surveys** | |
| **Recommended Mitigation Measure 4: CTS Take Authorization** | |
| **Recommended Mitigation Measure 5: Special-Status Plant Habitat** | |
| **Recommended Mitigation Measure 6: Special Status Plant Focused Surveys** | |
| **Recommended Mitigation Measure 8: Special-Status Plant Take Authorization** | |
| **Recommended Mitigation Measure 9: CRLF Habitat Assessment** | |
| **Recommended Mitigation Measure 10: CRLF Surveys** | |
| **Recommended Mitigation Measure 12: Northern California Legless Lizard and Coast Horned Lizard Habitat Assessment** | |
| **Recommended Mitigation Measure 13: Northern California Legless Lizard and Coast Horned Lizard Focused Surveys** | |
| **Recommended Mitigation Measure 15: BUOW Habitat Assessment** | |
| **Recommended Mitigation Measure 16: BUOW Surveys** | |
| **Recommended Mitigation Measure 18: BUOW Passive Relocation and Mitigation** | |
| **Recommended Mitigation Measure 19:** | |

| RECOMMENDED MITIGATION MEASURES | STATUS/DATE/INITIALS |
|---|---|
| **Focused WTKI Surveys** | |
| **Recommended Mitigation Measure 21: Tree Removal** | |
| **Recommended Mitigation Measure 22: American Badger Habitat Assessment** | |
| **Recommended Mitigation Measure 23: American Badger Surveys** | |
| **Recommended Mitigation Measure 25: CBB and WBB Surveys** | |
| **Recommended Mitigation Measure 27: Stream and Wetland Mapping** | |
| **Recommended Mitigation Measure 28: Stream and Wetland Impact Minimization and Mitigation** | |
| *During Construction* | |
| **Recommended Mitigation Measure 3: CTS Avoidance** | |
| **Recommended Mitigation Measure 7: Special-Status Plant Avoidance** | |
| **Recommended Mitigation Measure 11: CRLF Avoidance** | |
| **Recommended Mitigation Measure 14: Northern California Legless Lizard and Coast Horned Lizard Avoidance** | |
| **Recommended Mitigation Measure 17: BUOW Avoidance** | |
| **Recommended Mitigation Measure 20: WTKI Avoidance** | |
| **Recommended Mitigation Measure 24: American Badger Avoidance** | |
| **Recommended Mitigation Measure 26: CBB and WBB Avoidance** | |

## Letter A: California Department of Fish and Wildlife

**A-1:** Comment is acknowledged. No response is required.

**A-2:** Comment is acknowledged. No response is required.

**A-3:** Comment is acknowledged. No response is required.

**A-4:** As stated on page 39 of the Draft IS/MND, a Biological Resources Report was prepared for the proposed project and is included in Appendix A of the Draft IS/MND. The Biological Resources section, beginning on page 39 of the Draft IS/MND, and Biological Resources Report, included as Appendix A, include an analysis of potential impacts to special-status species and sensitive habitats known or with the potential to occur within and adjacent to the proposed project site. The special-status species identified in this comment were included in this evaluation (please refer to Appendix A, Special-Status Species Table, of the Biological Resources Report). Based on observations, presence of suitable habitat, and known occurrences in the project vicinity, a list of special-status species known or with the potential to occur within the project study areas that may be impacted by the proposed project are provided in Tables 2 and 3 of the Draft IS/MND.

Chapter 2, Methods, of the Biological Resources Report describes the personnel and survey methods, defines sensitive habitats and special-status species, identifies the data sources referenced for the study, and regulatory setting. Consistent with the comment, multiple references were reviewed, and protocol-level surveys were conducted by qualified wildlife biologists and botanists to determine whether or not special-status species are present at or near the project site. As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-5:** In accordance with the methodology described in Chapter 2, Methods, of the Biological Resources Report (beginning on page 9 of Appendix A of the Draft IS/MND) and based on the project description described in Chapter 2 of the Draft IS/MND (beginning on page 3 of the Draft IS/MND), it was determined that potential impacts to suitable habitat for California tiger salamanders at the Intermediate Reservoir and Ord Wellfield site would be avoided. To further reduce potential impacts and avoid take, implementation of Mitigation Measure BIO-5, which includes construction surveys and monitoring, is required. As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-6:** In accordance with the methodology described in Chapter 2, Methods, of the Biological Resources Report (beginning on page 9 of Appendix A of the Draft IS/MND) and based on the project description described in Chapter 2 of the Draft IS/MND (beginning on page 3 of the Draft IS/MND), it was determined that the proposed project may result in potential impacts to sandmat manzanita, Fort Ord spineflower, Monterey (sand) gilia, and Monterey spineflower at the Intermediate Reservoir and Ord Wellfield site. To reduce potential impacts to a less-than-significant level, implementation of Mitigation Measures BIO-1 through BIO-3 and Mitigation Measures BIO-6 through BIO-10, which include but are not limited to, construction best management practices and monitoring, invasive species controls, pre-construction surveys, avoidance, salvage, replacement of impacted plants, implementation of a restoration plan, and compliance with state and federal Endangered Species Acts, are required. As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-7:** In accordance with the methodology described in Chapter 2, Methods, of the Biological Resources Report (beginning on page 9 of Appendix A of the Draft IS/MND) and based on the project description described in Chapter 2 of the Draft IS/MND (beginning on page 3 of the Draft IS/MND), it was determined that proposed project would not impact California red-legged frogs due to lack of suitable habitat within or adjacent to the project site (please refer to Appendix A, Special-Status Species Table, of the Biological Resources Report). As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-8:** In accordance with the methodology described in Chapter 2, Methods, of the Biological Resources Report (beginning on page 9 of Appendix A of the Draft IS/MND) and based on the project description described in Chapter 2 of the Draft IS/MND (beginning on page 3 of the Draft IS/MND), it was determined that the proposed project may result in potential impacts to Northern California legless lizards and Coast horned lizards at the A1/A2 Reservoirs and B/C BPS site and Intermediate Reservoir and Ord Wellfield site. To reduce potential impacts to a less-than-significant level, implementation of Mitigation Measures BIO-1 through BIO-3, which include but are not limited to, construction best management practices, construction monitoring, and invasive species controls, are required. As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-9:** In accordance with the methodology described in Chapter 2, Methods, of the Biological Resources Report (beginning on page 9 of Appendix A of the Draft IS/MND) and based on the project description described in Chapter 2 of the Draft IS/MND (beginning on page 3 of the Draft IS/MND), it was determined that proposed project would not impact burrowing owls due to lack of suitable habitat within or adjacent to the project site (please refer to Appendix A, Special-Status Species Table, of the Biological Resources Report). As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-10:** In accordance with the methodology described in Chapter 2, Methods, of the Biological Resources Report (beginning on page 9 of Appendix A of the Draft IS/MND) and based on the project description described in Chapter 2 of the Draft IS/MND (beginning on page 3 of the Draft IS/MND), it was determined that the proposed project may result in potential impacts to nesting white-tailed kites at the A1/A2 Reservoirs and B/C BPS site and Intermediate Reservoir and Ord Wellfield site. To reduce potential impacts to a less-than-significant level, implementation of Mitigation Measures BIO-1 through BIO-4, which include but are not limited to, construction best management practices, construction monitoring, invasive species controls, and nesting bird surveys, are required. As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-11:** In accordance with the methodology described in Chapter 2, Methods, of the Biological Resources Report (beginning on page 9 of Appendix A of the Draft IS/MND) and based on the project description described in Chapter 2 of the Draft IS/MND (beginning on page 3 of the Draft IS/MND), it was determined that proposed project would not impact American badgers due to lack of suitable habitat within or adjacent to the project site (please refer to Appendix A, Special-Status Species Table, of the Biological Resources Report). As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-12:** In accordance with the methodology described in Chapter 2, Methods, of the Biological Resources Report (beginning on page 9 of Appendix A of the Draft IS/MND) and based on the project description described in Chapter 2 of the Draft IS/MND (beginning on page 3 of the Draft IS/MND), it was determined that proposed project would not impact western bumble bees due to

lack of suitable habitat within or adjacent to the project site (please refer to Appendix A, Special-Status Species Table, of the Biological Resources Report). Occurrences of the crotch bumble bee have not been documented in the project vicinity in the references identified in Chapter 2, Methods, of the Biological Resources Report, and the project site does not contain suitable habitat for this species. As a result, impacts to this species would not occur. As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-13:** In accordance with the methodology described in Chapter 2, Methods, of the Biological Resources Report (beginning on page 9 of Appendix A of the Draft IS/MND) and based on the project description described in Chapter 2 of the Draft IS/MND (beginning on page 3 of the Draft IS/MND), the proposed project would not result in impacts to any riparian habitat or other sensitive natural community; please refer to impact discussions b) and c) on pages 58 and 59 of the Draft IS/MND. As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-14:** In response to this comment, Mitigation Measure BIO-2 has been revised to require that all biological monitoring be conducted by a qualified, experienced biologist. Please refer to **Chapter 3, Revisions to the Draft IS/MND**.

**A-15:** In response to this comment, Mitigation Measure BIO-4 has been revised to require that pre-construction surveys will be conducted no more than 10 days prior to the start of construction, rather than the proposed 14 days. Please refer to **Chapter 3, Revisions to the Draft IS/MND**. Mitigation Measure BIO-4 requires that: pre-construction surveys are conducted within a sufficient area around the work site (i.e., within 500 feet of proposed construction activities); continued surveys may be required, and the necessity and timing of the continued surveys be determined by a qualified biologist. If active nests are identified during the surveys, the qualified biologist will impose an appropriate no-disturbance buffer. As such, the comment has been adequately addressed in the Biological Resources Report and Draft IS/MND.

**A-16:** Please refer to Response A-13. A Lake or Streambed Alteration Agreement is not required for the proposed project.

**A-17:** Please refer to Responses A-5, A-6, and A-7. The proposed project would not result in impacts to California tiger salamander or California red-legged frogs. Implementation of Mitigation Measures BIO-1 through BIO-3 and Mitigation Measures BIO-5 through BIO-10 would reduce potential impacts to Monterey gilia and Monterey spineflower to a less-than-significant level. Impacts to federally listed plant species do not require take authorization from the U.S. Fish and Wildlife Service (USFWS) under Section 9 of the Endangered Species Act. A Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed project was sent to the USFWS. No comments on the Draft IS/MND were received from the USFWS.

**A-18:** Comment is acknowledged. Any special-status species or natural communities detected during surveys will be reported to the California Natural Diversity Database (CNDDB).

**A-19:** Comment is acknowledged. The required filing fee will be paid upon filing a Notice of Determination.

**A-20:** Comment is acknowledged. No response is required.

CSUMB Administration & Finance
100 Campus Center 84-D
Seaside, CA 93955-8001
831-582-3397

Letter B

February 4, 2021

Michael Wegley, PE
District Engineer
Marina Coast Water District
11 Reservation Road,
Marina, CA 93933

**Re: CSUMB's Comments to the Draft Initial Study/Mitigated Negative Declaration for the A1/A2 Reservoirs and B/C Zones Booster Pump Station Project**

Dear Mr. Wegley:

The Board of Trustees of the California State University (CSU Trustees) and California State University, Monterey Bay (CSUMB) appreciate the opportunity to provide this comment letter in response to the Draft Initial Study/Mitigated Negative Declaration for the A1/A2 Reservoirs and B/C Zones Booster Pump Station Project (IS/MND)[1] as provided for by the California Environmental Quality Act (CEQA). B-1

As the document notes, the projects are located within the City of Marina, however to again clarify, one of the three distinct components of the project is located entirely on state owned campus property, and the second is partially located on state owned campus property. Thus, the campus will be directly impacted by the design, environmental, construction, and operational activities of the project. As you know, Marina Coast Water District's (MCWD or the District) access to University property for this project will require a CSUMB Temporary Permit (Permit). As noted in the May 2019 email communication between CSUMB and MCWD (attached), the project will require a Permit to perform any work on campus property, even if it occurs within an existing MCWD easement. The District will need to show evidence of meeting the Permit terms and conditions, and may also need additional easements from the University for any new construction or ongoing operations outside of the existing easements. B-2

[1] https://www.mcwd.org/docs/engr_files/home/Public%20Draft%20IS-MND_MCWD%20A%20Tanks.pdf

**Land Use Designation (PDF Page 6)**

CSUMB is state owned property and not subject to the City of Marina General Plan. Thus, any land use analysis discussed throughout the IS/MND should reference and rely on CSUMB's approved 2007 Master Plan, not the City's General Plan. Without such reference and analysis, the IS/MND is defective. Moreover, CSUMB is in the process of updating its 2007 Master Plan. MCWD has reviewed and commented on CSUMB's pending 2017 Draft Master Plan revision which designates the land directly to the north and east of the proposed A1/A2 reservoirs as "Student Housing."

CSUMB's 2007 Master Plan designates the proposed A1/A2 reservoir location as "Other Campus Uses (admin, partnerships, etc.)" which includes existing parking. The tank location is also directly adjacent to the "Campus Core Zone" which includes the newly constructed Otter Student Union (along Inter-Garrison Road at 5th Avenue) and the primary concentration of all campus activities.

The Intermediate Reservoir, F Booster Pump Station project is also located on campus property designed as both "East Campus Open Space" and "Staff and Faculty Housing".

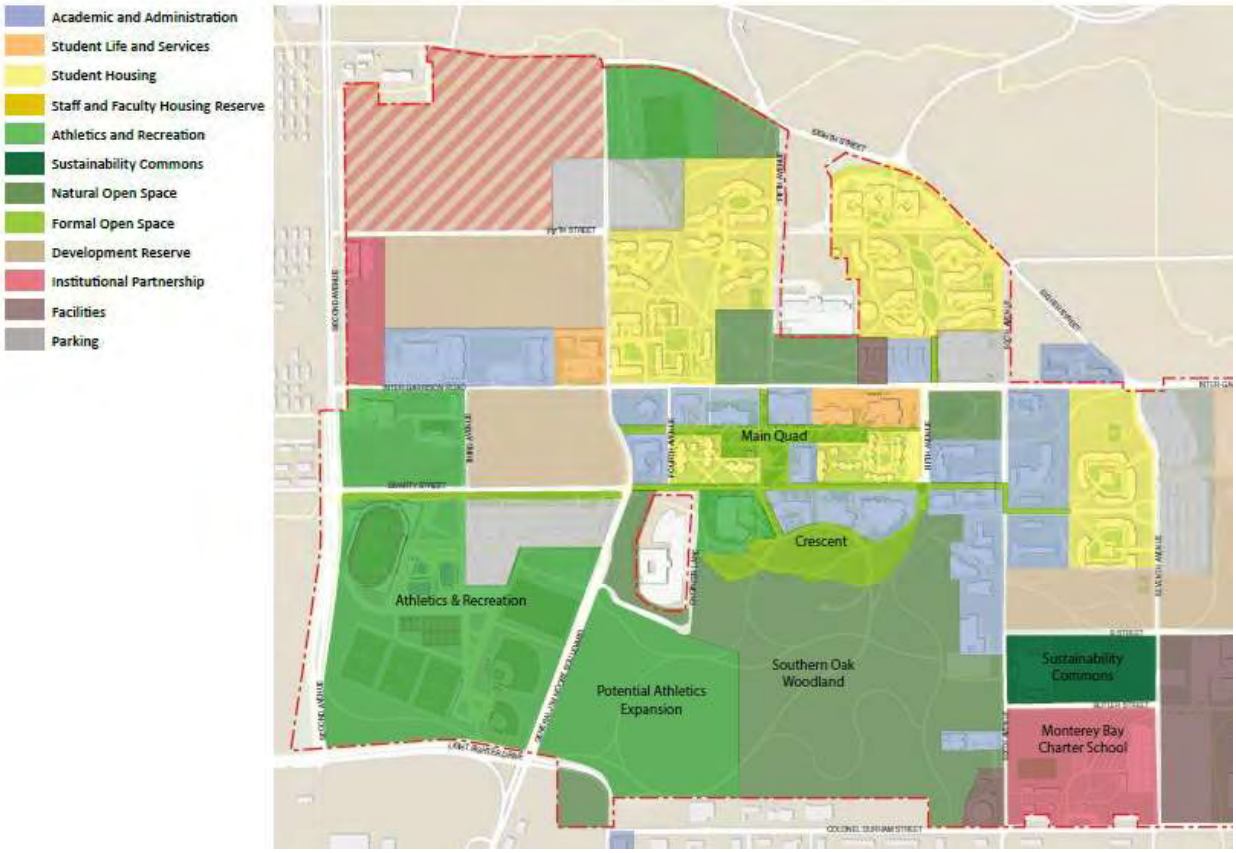
Below for reference is a screenshot of the impacted area from the approved 2007 CSUMB Master Plan - Land Use Framework Diagram, and a screenshot of the impacted area from CSUMB's pending 2017 Draft CSUMB Master Plan revision. B-3

**2007 CSUMB Master Plan - Land Use Framework Diagram**


Figure 5C: Land Use Framework Diagram


**CSUMB's Pending 2017 Draft CSUMB Master Plan Revision**

*Figure 5.3:*




These CSUMB Master Plan maps must be included in the IS/MND for accuracy and clarity, and can also be found on CSUMB's website at [https://csumb.edu/facilities/2007-campus-master-plan].

B-3 Cont'd

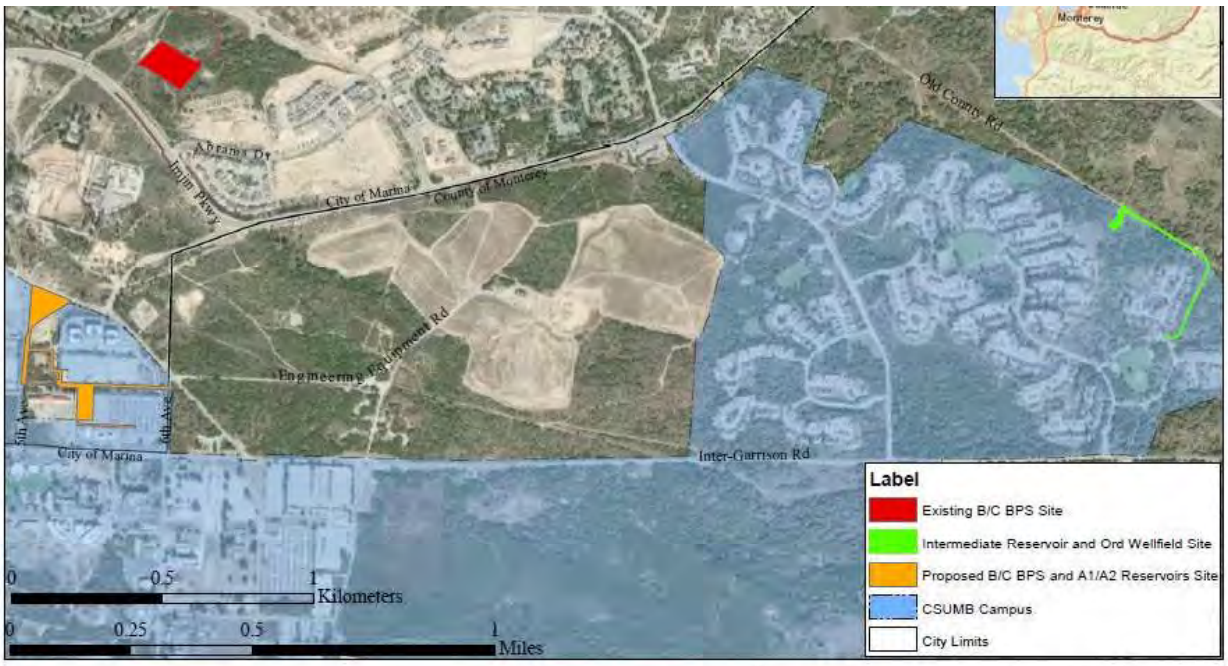
**Project Location (PDF Page 9)**

The IS/MND states that the proposed project is located at three distinct locations on the former Fort Ord within the City of Marina. This statement is not accurate as one of the locations is on state owned University land, and the second location is partly on state owned University land.

*The Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building are co-located on a 0.63-acre easement along Old County Road. The 24-inch wellfield pipeline is located within a 15-foot (ft) wide easement held by the MCWD.*

Please clarify the portion of the Intermediate Reservoir F and Booster Pump Station located within CSUMB property and if this is within an existing or proposed easement. (Any portion of this project located on CSUMB campus without an easement or permit allowing the use will require a CSUMB Temporary Permit, and potentially additional easements depending on any new construction or any ongoing operations outside existing easements.)

**Project Location Map (PDF Page 10)**




As mentioned above, the IS/MND states that the proposed project is located at three distinct locations on the former Fort Ord within the City of Marina. This statement is not accurate as one of

B-4

the locations is on state owned University land and the second location is partly on state owned University land.

Note also that MCWD will need an easement from the University for the proposed sewer line relocation shown running east west just north of CSUMB's VPA buildings as part of the proposed A1/A2 reservoir site.

B-4 Cont'd

**Site Photos (PDF Page 11)**

All site photos show the A1/A2 from 6th Avenue. No photos show the proposed reservoirs from the Campus Core Zone along Inter-Garrison Road (south) or from the Promontory (north).

The IS/MND does not adequately describe or analyze the visual impacts associated with the A1/A2 reservoirs from Inter-Garrison Road or the Promontory. Without proper analysis, it is unclear if there would be significant impacts or associated mitigations.

The University has agreed to a maximum tank height of 35 feet (see attached letter 2/25/20 from Mike Lerch (CSUMB) to Mike Wegley (MCWD)) and not 36 feet as noted in the document.

CSUMB and MCWD have engaged in ongoing discussions regarding the architectural treatments that would reduce the visual impacts of the proposed tanks. The University looks forward to completing discussions with MCWD related to the final architectural treatments.

B-5

**Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building (PDF Page13)**

*The Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building are colocated on a 0.63-acre easement along Old County Road. The site is surrounded on the north and east by open space, and on the south and west by residential development (CSUMB housing). The City's General Plan designates the parcel as Habitat Preserve and Other Open Space.1 Regional access to this site is provided from Reservation Road onto Imjin Parkway, which intersects Old County Road. District Operator access is from Wainwright Drive via a driveway easement.*

*Footnote 1 - The Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building site is located within the unincorporated County, with the wellfield pipeline on University of California property and* ***tank and fenced yard on CSUMB property.*** *However, the site is within the City's Sphere of Influence and, therefore, considered within the City's jurisdiction.*

As noted above, the portions of the project located on CSUMB state owned property are governed by the University's Master Plan documents, not the City's General Plan. For this reason, the IS/MND is defective and should clarify the portions of this project that are located on CSUMB property (state

B-6

property), and the applicability of CSUMB's Master Plan documents. CSUMB's planning documents (existing Master Plan) should be used as a basis for analysis for work proposed on University property. Further, the parts of the site that are located on University property are not within the City's Sphere of Influence or within the City's jurisdiction because the University is owned by the state, which has sovereign authority over its property, and is not subject to local regulations, jurisdiction, or general plans.

B-6 Cont'd

**Construction (PDF Page 21)**

Per the terms of the CSUMB Temporary Permit, the campus will review and approve construction access routes and work times to reduce the impact to campus operations or residents.

B-7

**Fencing and Visual Considerations (PDF Page 23)**

*The easement agreement with CSUMB requires the design to include "reasonable architectural treatments" for the proposed reservoirs. The proposed height of the reservoirs is comparable to a three-story building, and, although other buildings of that height occur on the campus, none are in the immediate project area. Adjacent to the site but not on campus property, the City Corporation Yard Building is taller than the proposed height of the reservoirs. Campus staff has suggested several treatment options, as listed below (Figure 10). The visual treatment for the tanks would be determined during final project design, but would involve one or more of the options below.*

- *Screening the proposed tanks and site with trees, and*
- *Painting the proposed tanks to provide a "land and sky" appearance.*

B-8

*Campus staff has also requested removing the proposed chain link fence around the reservoir and B/C BPS site. Instead of chain link, CSUMB staff is recommending a rigid steel security fence with tightly spaced bars and outward-curving pickets, similar to the security fence at the Department of Defense (DOD) Center on Gigling Road (Figure 10). Fences of this type are powder coated steel with line posts every 10 feet and panels affixed with security-head bolts, which require a special tool for removal. Gates may be swinging or sliding.*

The "easement agreement" referenced above appears to be the 2006 Settlement Agreement and Mutual Release. This document covers the A1/A2 reservoir site but does not address the Booster F site. CSUMB agrees that the final visual treatments will be determined during final project design. As discussed with Paul Davis Architects and MCWD, the project will require additional landscaping to address visual impacts from Inter-Garrison Road and the Promontory.

*The proposed pump building would be partially hidden, but the exposed portions would be subject to review by Campus Planning Staff. A concrete masonry unit building with muted colors is proposed in order to make the building blend with its surroundings. The proposed generator would be in a visible*

*location, partially screened from view by the proposed water tanks. A screening wall may be installed on the north side of the generator, which faces the existing and proposed future housing units. A screening wall would serve as an additional sound buffer in that direction. The enclosure may also be painted to match the other site elements (i.e., tanks and pump building).*

8 Cont'd

The project has incorporated the concrete masonry block style requested by CSUMB. CSUMB would like to review and approve the proposed "screening wall" as described above during the final project design discussions.

**Landscaping & Tree Removal (PDF Page 23)**

*The pipeline easement and the sloped portion of the facility easement at the A1/A2 reservoirs and B/C BPS site contain eucalyptus, oak, and pine trees, as well as one cypress tree, which must be removed to allow construction (Figure 11). Due to the number of pipelines within the site, replanting trees inside the facility easement would not be practical as the roots could damage the pipelines. While the majority of the reservoir and B/S BPS site would be paved, the areas outside the fence line are being dedicated for replanting trees. Establishment watering of the replanting areas may occur by hand using a hose and/or by a surface-laid irrigation system. A permanent irrigation system would not be required.*

B-9

As MCWD is already aware, the campus has a tree replacement program and associated Habitat Restoration Trust. The CSUMB Temporary Permit requires projects to provide an arborist report detailing all trees proposed for removal so that trees can be replaced at a 2:1 ratio. MCWD paid into CSUMB's Habitat Restoration Trust to mitigate trees removed due to its recycled water line installation. Also note, that trees removed and requiring replanting at a 2:1 ratio, are separate from any trees planned as part of a visual treatment to reduce the impacts of the proposed A1/A2 site.

**Demolition Plan (PDF Page 25)**

CSUMB acknowledges that a portion of asphalt east of and outside of the A1/A2 tank easement will be removed to accommodate tree planting. The campus expects the ultimate landscape plan to be agreed upon during the final project design phase.

B-10

**AESTHETICS (PDF Page 32)**

**Setting**

*The proposed project sites are located in primarily developed areas. None of the project sites are located in visually sensitive areas designated by the City's General Plan or CSUMB 2007 Master Plan... Similarly, at* ***the Intermediate Reservoir site, the proposed improvements are associated with existing infrastructure and structures and would not be visible to the public. The proposed***

B-11

***reservoirs and new B/C BPS would involve new facilities on the CSUMB campus.*** *The proposed tanks would be limited to a maximum height of 36 feet and diameter of 114 feet. The easement agreement with CSUMB requires the design to include "reasonable architectural treatments" for the proposed reservoirs. The proposed height of the reservoirs is comparable to a three-story building, and, although other buildings of that height occur on the campus, none are in the immediate project area. The operation of the new B/C BPS would require new exterior lighting.*

As noted earlier, the proposed A1/A2 tanks and new B/C BPS infrastructure are adjacent to the CSUMB Campus Core. The almost complete Otter Student Union building, a hub for future student activity, looks down on the proposed A1/A2 reservoir site. The public Draft 2017 Master Plan also identifies the reservoir site as surrounded by future student housing to the north, south and east. Thus, although CSUMB has not designated any area on campus as *visually sensitive,* the reservoirs will be in an area surrounded by the existing and future Campus Core and housing development projects. CSUMB's existing and proposed projects have or will have scenic vistas of both the Monterey Bay that the project may impede but will be addressed by the District with the development of the final landscape plan. As also explained above, the City's General Plan is irrelevant to University state-owned land.

As noted earlier, the campus has agreed to a maximum reservoir height of 35 feet.

B-11 Cont'd

**CEQA Thresholds (PDF Page 32)**

| ENVIRONMENTAL IMPACTS | Potentially Significant Issues | Less-Than-Significant Impact with Mitigation | Less-Than-Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| AESTHETICS. Would the project: | | | | | |
| a) Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 3, 4) | | | | X | 1, 2, 3, 4, 5 |
| b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 2, 3, 4, 5) | | | | X | 1, 2, 3, 6 |
| c) In non-urbanized areas, 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 points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (Source: 1, 2) | | | X | | 1, 2, 3 |

The Aesthetics analysis presented here was conducted from 6th Avenue. It does not adequately address the potential impact to scenic vistas or views from Inter-Garrison Road (campus core), the

Promontory (housing to the north), and does not consider the future 3 story housing proposed to the east of the project as shown in the Draft 2017 Master Plan.

**Explanation (PDF Page 33-34)**

***a) No Impact.*** *A scenic vista is generally characterized as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. As discussed above, the proposed project sites are not located within any designated scenic vistas. As a result, the proposed project would not impact scenic vistas.*

B-11 Cont'd

Although the project does not have a designated scenic vista, the existing and proposed campus development does have views of the Monterey Bay that would be obscured (future housing) or be within the line of site of the Monterey Bay (existing Otter Student Union). See CSUMB's master planning documents.

***c) Less-Than-Significant Impact****. With the exception of the Intermediate Reservoir site, the proposed facilities would be located in urbanized areas. The Intermediate Reservoir site is located to residential uses and open space, and generally non-urbanized. The proposed improvements at this site would involve primarily existing facilities within an existing easement and would not result in the construction new facilities and structures that would substantially degrade the existing visual character or quality of public views in the area.*

*The proposed reservoirs and new B/C BPS would involve new facilities on the CSUMB campus. The proposed tanks would be limited to a maximum height of 36 feet and diameter of 114 feet. The easement agreement with CSUMB requires the design to include "reasonable architectural treatments" for the proposed reservoirs. The proposed height of the reservoirs is comparable to a three-story building, and, although other buildings of that height occur on the campus, none are in the immediate project area. Adjacent to the site but not on campus property, the City Corporation Yard Building is taller than the proposed height of the reservoirs.*

B-12

The pending 2017 Draft CSUMB Master Plan calls for 3 story housing to be located directly adjacent to the proposed A1/A2 reservoirs. As noted earlier, the maximum reservoir height is limited to 35 feet.

*Campus staff has suggested several treatment options, as listed below (Figure 10). The visual treatment for the tanks would be determined during final project design, but would involve one or more of the options below.*

- *Screening the proposed tanks and site with trees, and*
- *Painting the proposed tanks to provide a "land and sky" appearance.*

*Campus staff has also requested removing the proposed chain link fence around the reservoir and B/C BPS site. Instead of chain link, CSUMB staff is recommending a rigid steel security fence with tightly spaced bars and outward-curving pickets, similar to the security fence at the Department of Defense (DOD) Center on Gigling Road (Figure 10). Fences of this type are powder coated steel with line posts every 10 feet and panels affixed with security-head bolts, which require a special tool for removal. Gates may be swinging or sliding.*

*The proposed pump building would be partially hidden, but the exposed portions would be subject to review by Campus Planning Staff. A concrete masonry unit building with muted colors is proposed in order to make the building blend with its surroundings. The proposed generator would be in a visible location, partially screened from view by the proposed water tanks. A screening wall may be installed on the north side of the generator, which faces the existing and proposed future housing units. A screening wall would serve as an additional sound buffer in that direction.*

As noted earlier, CSUMB agrees that the final visual treatments will be determined during final project design. As discussed with Paul Davis Architects and MCWD, the project will require additional landscaping to address visual impacts from Inter-Garrison Road and the Promontory.

*The enclosure may also be painted to match the other site elements (i.e., tanks and pump building). Implementation of the proposed project would result in impacts to trees within CSUMB campus boundaries at the A1/A2 reservoirs and B/C BPS site; tree removal is not proposed at the other two project sites. The pipeline easement and the sloped portion of the facility easement at the A1/A2 reservoirs and B/C BPS site contain eucalyptus, oak, and pine trees, as well as one cypress tree, which must be removed to allow construction (Figure 12). Due to the number of pipelines within the site, replanting trees inside the facility easement would not be practical as the roots could damage the pipelines (Figure 13).*

*…*

*CSUMB has established a tree restoration program for impacts to coast live oak and other trees resulting from projects that take place on campus. This program requires that for trees with a four inch diameter at breast height (dbh) or greater removed, a minimum of two coast live oak trees would be replanted in the identified restoration area on campus. The implementation of this program is required for all projects that would result in impacts to trees. Therefore, as a feature of the project design, two coast live oak trees would be replanted for every tree with a greater than four-inch dbh removed. In addition, while the majority of the reservoir and B/S BPS site would be paved, the areas outside the fence line are being dedicated for replanting trees. Establishment watering of the replanting areas may occur by hand using a hose and/or by a surface-laid irrigation system. A permanent irrigation system would not be required. The replanting specifications would be required in final project plans. With the incorporation of the visual treatments into final design, replacement and replanting of impacted trees, and required review and approval by CSUMB Planning Staff, potential impacts to the visual character of this site are less-than-significant.*

B-12 Cont'd

As noted, CSUMB requires any tree removed over 4 dbh be replaced at a 2:1 ratio as a part of CSUMB's Habitat Restoration Program.

B-12 Cont'd

**Hydrology and Water Quality**

**Explanation (PDF Page 78-81)**

*a) Less-Than-Significant Impact with Mitigation. Temporary soil disturbance would occur during construction of the proposed project as a result of earth-moving activities, such as excavation and trenching for utilities, soil compaction and moving, cut and fill activities, and grading. If not managed properly, disturbed soils would be susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project site. Moreover,* ***the proposed project would increase the extent of impervious surfaces on the site thereby potentially generating additional sources of polluted runoff****.*

***…***

*ci) … The proposed project* ***would not substantially increase the amount of impervious surfaces.*** *However, the construction of the proposed reservoirs and* ***B/C BPS would slightly modify the drainage pattern on-site****. Consistent with the regulations and policies described above, the proposed project would follow the standard permit conditions associated with the NPDES Permit.…*

B-13

*cii) Less-Than-Significant Impact. The proposed project site for the A1/A2 reservoirs and B/C BPS is located on a developed parcel that is currently serving as a parking lot and would not result in a substantial increase in impervious surface. The proposed project would implement a stormwater control plan to manage runoff from the site.* ***Runoff would be collected in the adjacent stormwater detention basin****. As a result, the proposed project would have a less-than-significant impact associated with flooding on- or off-site due to increased surface runoff.*

*…*

*ciii) Less-Than-Significant Impact. The project proposes to connect to convert the existing C-Zone to an A-Zone transmission main to supply the new reservoirs, therefore, would not provide a source of polluted runoff.* ***The project is not expected to contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff.*** *See also Response ci, above. This represents a less-than-significant impact.*

CSUMB's 2006 Stormwater Master Plan (update in process) is a plan that enables the campus to percolate all stormwater within its footprint and has resulted in the campus receiving a waiver from the State's NPDES II permit. Thus, any proposed storm drain modifications should be coordinated and approved by the campus. Modifications should seek to percolate stormwater within the project site and not rely on the campus' existing storm drain system. Ideally, the project should seek to use Low Impact Development techniques and percolate stormwater into landscaped areas.

**Land Use (PDF Page 80)**

**Setting**

See previous comments regarding CSUMB land uses. The City's General Plan is not relevant to uses on University state owned land.

**CEQA Thresholds (PDF Page 81)**

**Explanation**

*a) No Impact. The proposed project involves the construction of the proposed reservoirs and B/C BPS, and associated improvements and updates to the Existing B/C BPS site and Intermediate Reservoir site.* ***The proposed activities are located within primarily developed sites and do not involve any barriers that would divide an established community.*** *Therefore, no impact would Occur.*

B-14

The site is not fully developed or built out as proposed in CSUMB's pending 2017 Draft Master Plan.

*b) Less-Than-Significant Impact. The proposed project* ***would not conflict with any applicable land plan, policy, or regulation adopted for the purposes of avoiding and/or mitigating an adverse environmental effect.*** *In addition to the proposed project being consistent with relevant planning documents, the construction of reservoirs and B/C BPS would be consistent with current zoning and land use designations. The proposed project would be required to obtain a number of approvals and permits, listed in Section 2.6 Project Approval and Permits, which would further ensure consistency with applicable regulations. As a result, the proposed project is not anticipated to conflict with any policies adopted for the purposes of avoiding and/or substantially lessening an adverse impact. This represents a less-than-significant impact.*

This analysis again inaccurately relies on the City of Marina and not CSUMB's planning documents. It does not fully consider CSUMB existing campus core use or proposed impact on future adjacent housing.

**Noise (PDF Page 82)**

**CEQA Threshold**

B-15

*(a)****…The A1/A2 Reservoirs and B/C BPS would be located approximately 400 feet from student housing and would not result in a significant increase in permanent ambient noise levels.*** *Additionally, the generator would require a sound enclosure to reduce ambient noise levels. The improvements at the Existing BPS site and Intermediate Reservoir,* ***F Booster Pump Station, and Ord***

***Wellfield Chlorination Building site would be located between 300 and 500 feet from residential uses.*** *However, the proposed improvements would not result in operational noise that would significantly increase the permanent ambient noise in the area. This represents a less-than-significant impact.*

The analysis is inadequate. Please clarify and describe the operational noise levels associated with the A1/A2 reservoirs and F sites and describe how the associated design features (if any) that are used to determine that there would be no impact to existing (East Campus Housing residents) and future residents (dormitories directly adjacent to the north and east of the A1/A2 site). B-15 Cont'd

**Utilities and Service Systems (PDF Page 91 and 92)**

**Explanation**

*(a) The proposed project involves the construction and operation of the proposed reservoirs, B/C BPS, and associated infrastructure improvements at the Existing BPS site and Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building site. However, these facilities would* ***involve the replacement and upgrade of the existing services and would not expand water, wastewater, storm water, or electric power usage beyond that which is already being used.*** B-16

See previous comments regarding use of CSUMB's existing storm drain system.

We look forward to continuing to work with MCWD on this important project, and to reaching agreement on the final project design elements that would reduce any visual impacts associated with the A1/A2 reservoirs, as well as confirming and finalizing project details, permits, easements and related to site access, stormwater infiltration, and noise. B-17

Sincerely,

Kevin Saunders (Feb 4, 2021 14:11 PST)

Kevin R. Saunders
CFO, VP Administration and Finance

**Enclosures:** A1/A2 Tank Height Letter 2/2020 and CSUMB & MCWD Permit Emails 5/2019

**CC:** Dawn Theodora, Mike Lerch, Anya Spear, Marcel Forte and Lawrence Samuels

# Draft Temp Permit A1/A2 Tanks

Inbox

**Mike Lerch <mlerch@csumb.edu>** Thu, May 30, 2019, 10:41 AM

to Mike, Brian, me, Kathleen

Mike, Brian,
Before construction begins on the A1/A2 tanks a temporary permit will need to be in place between MCWD and the University. I know it's early in the process but I thought it important to put forward a draft for review. This is more or less the same document as was done for the RUWAP, but with the RUWAP specific items taken out, and an item specific to this project 1)e) added in.

Mike Lerch
Director Energy & Utilities
California State University Monterey Bay
(831) 582-3739

Attachments area

**Brian True <btrue@mcwd.org>** Thu, May 30, 2019, 3:42 PM

to Andy, Mike, me, Kathleen, Mike

Hi Mike,
Thanks for the first draft of the Temporary Construction Permit for the A Tanks and BC BPS project. We really appreciate you getting this task rolling sooner rather than later – it will be good to have this permit in-hand before the Bid Documents are generated. We see a couple of things we would like to ask you about, comments, requests - you know, the usual things to discuss. I also would like our design engineer to provide some comments. May we coordinate a time during the week of June 10-13 to get together? I would propose we send you our comments a couple days ahead of whatever time we can coordinate and then conduct the meeting. What say you? Again, thanks for launching this permit effort – much appreciated!

MCWD
Brian True, P.E.
Senior Civil Engineer
831-883-5937

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Campus Planning and Developmen
100 Campus Cente
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Mr. Mike Wegley
District Engineer
Marina Coast Water District
11 Reservation Rd.
Marina CA 93933-2099

2/25/2020

Re: Al/A2 Water Tank Design Height

Dear Mr. Wegley,

The meetings between University and District staffs held on January 30th and February 19th were productive and I believe substantially addressed the topics both parties need to allow this project to progress. The University appreciates the District being sensitive to the tank height expectation that had previously been established, similarly the University recognizes that it had previously communicated a maximum height of 35 feet and will honor that commitment. The University anticipates continuing to work with the District to develop a 60% design package that incorporates a tank roof peak height of 35 feet, the ingress/egress, sewer and utility corridor crossing components that were discussed on February 19th, with the intent of issuing a temporary permit to allow construction when the design is complete and approved by the University.

While it is unfortunate that the 35 foot tank height may be suboptimal for the District there is an administrative record that indicates that a maximum tank height near this elevation had formed the basis of previous discussions between the District and the University and that the Universities request is not arbitrary. The location currently agreed upon for tanks Al/A2 was modified from the stipulations of the 2006 Settlement Agreement between the University and the District because the District had failed to follow through on a three way land exchange (CSUMB, MCWD, City of Marina) which caused the location identified in 2006 to no longer meet the University's planning needs for its Salinas facing entrance. During a 2013 series of discussions between the District and the University to determine an alternate site for the Al/A2 tanks the District represented in writing on a drawing dated 5/1/2013 that these tanks would have a maximum height of 30 feet above existing grade if built in one of a number of locations, including the one ultimately selected. The University and the District reached a tentative agreement shortly thereafter which was described in a draft memorandum of understanding which was first sent to the District on December 11, 2013. In this memorandum of understanding the University described a maximum tank height of 35 feet to allow some reasonable flexibility in design.

The District never responded to this draft memorandum of understanding but requested a copy again on February 28, 2014 and yet again on February 3rd 2015, each time the University forwarded the same document. During the discussions that occurred in early 2018 which among other things resulted in the granting of easements for the tanks, the tank height may or may not have been brought up, but I can assure you that a tank height of 45 feet was not discussed or the University would have objected at that time.

It is my hope that more frequent discussion of the open issues between the University and the District can prevent miss-understandings of this nature in the future.

Sincerely,

Mike Lerch
CSUMB Director Energy & Utilities

Cc: Marcel Forte, CSUMB Associate Vice President for Facilities Management

## Letter B: California State University, Monterey Bay

**B-1:** Comment is acknowledged. No response is required.

**B-2:** Comment is acknowledged. Section 2.5, Project Approvals, on page 22 of the Draft IS/MND acknowledges approval is required from the California State University, Monterey Bay (CSUMB).

**B-3:** As stated on pages 1 and 2 of the Draft IS/MND, portions of the proposed A1/A2 Reservoirs and B/C BPS project are located within the City of Marina (City) and CSUMB (please refer to Figure 2). There are project components located within only the City and not on campus property (i.e., pipelines and drainage improvements). Therefore, both the City's General Plan and CSUMB's 2007 Master Plan are discussed and referenced in the Draft IS/MND. The Draft IS/MND acknowledges that the 2007 Campus Master Plan is in the process of an update and identifies the potential future land designation as student housing (please refer to page 2 of the Draft IS/MND).

The comment states that the A1/A2 Reservoirs and B/C BPS site is designated by the 2007 Master Plan as "Other Campus Uses (admin, partnerships, etc.)" which includes existing parking. The comment letter includes Figure 5C: Land Use Framework Diagram depicting this designation. The Draft IS/MND identified the land use designation at this site as "Surface Parking" based on Figure 6D: Land Use Plan of the 2007 Master Plan. The Draft IS/MND has been revised to clarify the land use designations at this site. Please refer to **Chapter 3, Revisions to the Draft IS/MND**.

The comment clarifies that the Intermediate Reservoir, F Booster Bump Station, and Ord Wellfield Chlorination Building site is also located on campus property designated by the 2007 Master Plan as "East Campus Open Space" and "Staff and Faculty Housing." The Draft IS/MND describes this site as within the City's jurisdiction. The Draft IS/MND has been revised to correct the jurisdiction and identify the land use designations under the 2007 Master Plan. Please refer to **Chapter 3, Revisions to the Draft IS/MND**.

The addition of this information does not constitute a "substantial revision" of the negative declaration, as defined by CEQA Guidelines Section 15073.5, and the new information added to the mitigated negative declaration merely clarifies, amplifies, or makes insignificant modifications to the IS/MND. No new significant land use impacts were identified as a result of this clarification that would require mitigation measures or project revisions to be added in order to reduce the effects to less than significant.

**B-4:** Please refer to Response B-3 and **Chapter 3, Revisions to the Draft IS/MND**.

**B-5:** The comment requests additional analysis of the potential visual impacts associated with the A1/A2 Reservoirs from Inter-Garrison Road and the Promontory. In response to this comment, Figures **1** and **2** of this Final IS/MND include additional site photos from the requested vantage points and analysis has been added to Section 5.2.1, Aesthetics. Please refer to **Chapter 3, Revisions to the Draft IS/MND**. The addition of this information does not constitute a "substantial revision" of the negative declaration, as defined by CEQA Guidelines Section 15073.5, and the new information added to the mitigated negative declaration merely clarifies, amplifies, or makes insignificant modifications to the IS/MND. No new significant visual impacts were identified as a result of this information that would require mitigation measures or project revisions to be added in order to reduce the effects to less than significant. As the comment states and Draft IS/MND acknowledges (pages 19, 28, and 29), CSUMB and MCWD are engaged in discussions regarding the architectural treatments that would reduce the visual impacts of the proposed tanks. The building and tank

View of site from the Otter Student Union looking north with existing Visual and Public Art Center in background.

Street view of site from Inter-Garrison Road looking north with existing Visual and Public Art Center in foreground.

View of site and existing parking lot from Inter-Garrison Road looking north.

View of site and existing parking lot looking northwest with City Public Works Corporation Yard in background.

Title: Site Photos - Proposed A1/A2 Reservoirs and B/C BPS Site

Date 2/9/2021
Scale N/A
Project 2019.20

Monterey | San Jose
Denise Duffy and Associates, Inc.
Environmental Consultants Resource Planners
947 Cass Street, Suite 5
Monterey, CA 93940
(831) 373-4341

Figure 1

View of site and existing parking lot looking west with existing City Public Works Corporation Yard in background.

View of site and existing parking lot looking northeast.

View of existing parking lot and City Public Works Corporation Yard looking west from the Promontory.

View of site looking north from the Promontory.

Title: Site Photos - Proposed A1/A2 Reservoirs and B/C BPS Site

Date 2/9/2021
Scale N/A
Project 2019.20

Monterey | San Jose
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Figure 2

colors were approved by the Campus planning staff. The tanks will have a sky-blue upper portion and a foliage-green lower portion to minimize the appearance. The MCWD has engaged a landscape architect to work with the Campus staff to develop a tree planting plan to screen the site.

The design team provided a tank sizing analysis to CSUMB staff, and received approval of a tanks with a crest elevation of 235-ft in February 2020. The designers were not informed of the subsequent change to that approval, and CSUMB staff did not comment on the tank height shown in the 60% and 90% plans. However, in response to this comment, the final plans are being revised to reduce the tank height to 35-ft at the roof peak (elevation 234-ft).

**B-6:** Please refer to Response B-3 and **Chapter 3, Revisions to the Draft IS/MND**.

**B-7:** Comment is acknowledged. Please refer to Response B-2.

**B-8:** Comment is acknowledged. Please refer to Response B-2.

**B-9:** Comment is acknowledged. The MCWD will provide an arborist report detailing all trees proposed for removal in accordance with the anticipated CSUMB Temporary Permit requirements. The Draft IS/MND describes CSUMB's tree replacement program on page 30. Please also refer to Response B-2.

**B-10:** Comment is acknowledged. Please refer to Response B-2.

**B-11:** Please refer to Response B-5 and **Chapter 3, Revisions to the Draft IS/MND**.

**B-12:** Please refer to Response B-5 and **Chapter 3, Revisions to the Draft IS/MND**.

**B-13:** Comment is acknowledged. Please refer to Response B-2. Due to the size of the reservoirs, booster pump station building, and new and existing underground utilities, there is insufficient room to provide stormwater percolation on-site. Stormwater runoff from the existing site and larger paved area is collected in a 30-inch storm drain pipeline, which crosses the site. This project adds a connection to that pipeline, but does not increase the impervious area tributary to it. An off-site stormwater relief pipeline is included in the project. Should a water tank ever overflow due to a water well not shutting off, the relief pipeline would divert excess flows to a nearby City percolation basin to prevent the 30-inch stormwater pipeline from surcharging.

**B-14:** The comment correctly states that the A1/A2 Reservoirs and B/C BPS site is not fully developed or built out as proposed in CSUMB's pending 2017 Draft Master Plan. If and when this site is developed in accordance with the pending 2017 Draft Master Plan, the site will still be considered "developed" as described in the Draft IS/MND. The proposed reservoirs and pump station do not involve the construction or operation of any barriers that would physically divide an established community. As such, the "no impact" finding of impact discussion a) of the Draft IS/MND remains adequate and accurate (page 77).

**B-15:** At the A1/A2 Reservoirs site, the proposed booster pumps and electric motors are located inside a masonry building, which serves as a sound enclosure. The sound of equipment would not be noticeable outside the fenced facility yard. The emergency generator has a Caterpillar Level 1 sound enclosure, which is listed as 75 dBA at 23 feet when under 100% load. The generator would only operate under full load during an extended power outage. Periodic exercising of the unit would be at idle or reduced load, with lower sound emissions. The unit is approximately 150 feet from the fence on the campus side, which further attenuates the noise. The unit is over 400 feet from the Promontory and approximately 200 feet from future student housing planned adjacent to

the site. Therefore, potential noise impacts from project operation would be less than significant, as identified on page 79 of the Draft IS/MND.

At the F-Booster site, there is an existing emergency generator with a sound enclosure that would be replaced as part of the proposed project. The new generator is of similar size and within a sound enclosure, and, thus, the noise level would be less than or equal to the current ambient noise condition. In addition, the emergency generator would be located over 400 feet from East Campus Housing. Therefore, potential noise impacts from project operation would be less than significant, as identified on page 79 of the Draft IS/MND.

**B-16:** Please refer to Response B-13.

**B-17:** Comment is acknowledged. No response is required.

# Chapter 3 Revisions to the Draft IS/MND

The following section includes revisions to the text of the Draft IS/MND, in amendment form. The revisions are listed numerically by page number. All additions to the text are shown underlined and all deletions from the text are shown ~~stricken~~.

**Chapter 1. Background Information**

**Page 1, 4. Project Location** has been amended as follows:

4. **Project Location:** The proposed project is located at three distinct project locations within ~~the City of Marina (City) limits on~~ the former Fort Ord in Monterey County, California. These locations are as follows:

   - The two proposed A1/A2 Reservoirs (reservoirs) and B/C Zones Booster Pump Station (B/C BPS) would be located within a 1.6-acre easement on the California State University Monterey Bay (CSUMB) campus. The project site is situated on an existing paved parking lot on Assessor's Parcel Number (APN) 031-101-033-000 near 8th Street and 6th Avenue, east of the City's Public Works Corporation Yard. There is an additional 0.59-acre pipeline easement at this location, which connects the north end of the facility easement to 6th Avenue. Improvements are also proposed within the City of Marina city limits, off of campus property.

   - The Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building are co-located on a 0.63-acre easement along Old County Road, located on CSUMB property. The 24-inch wellfield pipeline is located within a 15-foot (ft) wide easement ~~owned~~held by the MCWD on University of California property.

   - The existing B/C BPS is located within the Sea Haven (formerly Marina Heights) Specific Plan Area on 3.79-acre easement southeast of the intersection of California Avenue and Marina Heights Drive on APN 031-271-010-000 (owned by the City). A portion of the project is also located within the Imjin Parkway right-of-way. This project site is located entirely within the City.

**Page 1, 6. Land Use Designations** has been amended as follows:

6. **Land Use Designations**: The City's General Plan designates the proposed project areas as follows:

   - Proposed A1/A2 Reservoirs and B/C BPS site: Public Facilities with a small portion designated as Parks and Recreation;

   - Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building: Habitat Preserve and Other Open Space; and,

   - Existing B/C BPS site: Parks and Recreation.

   ~~While within city limits, a~~A portion of the proposed A1/A2 Reservoirs and B/C BPS site is located on the CSUMB campus, and the 2007 Campus Master Plan designates the site as "Other Campus Uses (admin, partnerships, etc.)" which includes existing parking~~Surface Parking~~. The Draft Campus Master Plan Update (2017) proposes converting the area from surface parking to student housing. A portion of the Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield

Chlorination Building site is also located on CSUMB property, which is designated as "East Campus Open Space" and "Staff and Faculty Housing."

## Chapter 2. Project Summary

**Page 5, Section 2.3, Project Location** has been amended as follows:

The proposed project, described below, is located at three distinct locations on the former Fort Ord ~~within the City of Marina,~~ in Monterey County, California (**Figure 2**). Photos of the project sites are provided in **Figures 3a** and **3b**, and further described as follows:

### Proposed A1/A2 Reservoirs And B/C BPS

The proposed new reservoirs and BPS would be located within a 1.6-acre easement on the CSUMB campus, in an existing paved parking lot (APN 031-101-033-000). The site is immediately east of the City's Public Works Corporation Yard (APN 031-101-038-000). The site is generally flat and paved, except for the northern end, which contains a vegetated slope with eucalyptus and pine trees, sloping down to a lower paved lot (outside the easement limit). A gravel road running east-west once existed (now overgrown) approximately one quarter of the way up the slope, at elevation 187 feet North American Vertical Datum (NAVD). There is an additional 0.59-acre pipeline easement, on CSUMB property, connecting the north end of the 1.6-acre easement to 6th Avenue. This site is bounded to the north by a vacant paved parking lot with student housing (CSUMB Promontory) located immediately beyond, to the east by open space, the CSUMB Visual and Public Art Center and Inter-Garrison road to the south, and the City's Corp Yard to the west. Improvements are also proposed within the City of Marina city limits, off of campus property.

**Page 9, Section 2.3, Project Location** has been amended as follows:

### Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building

The Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building are co-located on a 0.63-acre easement along Old County Road, located on CSUMB property. The site is surrounded on the north and east by open space, and on the south and west by residential development (CSUMB housing). The City's General Plan designates the parcel as Habitat Preserve and Other Open Space.[1] Regional access to this site is provided from Reservation Road onto Imjin Parkway, which intersects Old County Road. District Operator access is from Wainwright Drive via a driveway easement.

[1] The Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building site is located within the unincorporated County, with the wellfield pipeline on University of California property and tank and fenced yard on CSUMB property. However, ~~the site~~ wellfield pipeline is within the City's Sphere of Influence and, therefore, considered within the City's jurisdiction.

**Page 14, Section 2.4, Project Description** has been amended as follows:

*A1/A2 Reservoirs And B/C BPS Site*

The 2020 Master Plan estimates the future maximum daily demand to be 16.5 million gallons per day (MGD), with 4.4 MGD in the A-Zone. The plan recommends developing 4.3 MG of total storage in the A-Zone. Reservoir 2 is maintained in the system but is considered to only have 1.1 MG of available storage as the forebay of the Central Marina BPS. The plan recommends the A1/A2 reservoirs to be 1.6 MG each.

The proposed tanks would be welded steel per American Water Works Association (AWWA) Standard D100, with concrete ring foundations. Each tank would be equipped with two ground-level manway hatches, a ladder with safety cage and fall protection system (harness rail), a locking roof hatch, a screened roof vent, an internal overflow drain pipe, and an ultrasonic level sensor.

The proposed tanks would be ~~36~~35 feet tall at the roof peak and have a diameter of 114 feet. The A-Zone hydraulic gradient would be maintained at the current 221-feet NGVD (223.8-ft NAVD). The tank pad elevation of 199 feet NAVD is proposed based on site topography. The proposed site slopes from elevation 200 feet in the southwest to elevation 195 feet in the northwest. Grading the site for the northern tank would affect the existing surface drainage and require new storm drain inlets. In addition, several existing underground utilities cross the site and would require relocation.

**Chapter 4. Initial Study Environmental Checklist**

**Page 28, Section 5.2.1, Aesthetics** has been amended as follows:

**Setting**

The proposed project sites are located in primarily developed areas. None of the project sites are located in visually sensitive areas designated by the City's General Plan or CSUMB 2007 Master Plan. The new pipeline at the Existing B/C BPS site would occur within the existing roadways and would not be visible to the public. Similarly, at the Intermediate Reservoir site, the proposed improvements are associated with existing infrastructure and structures and would not be visible to the public.

The proposed reservoirs and new B/C BPS would involve new facilities on the CSUMB campus. The proposed tanks would be limited to a maximum height of ~~36~~35 feet and diameter of 114 feet. The easement agreement with CSUMB requires the design to include "reasonable architectural treatments" for the proposed reservoirs. The proposed height of the reservoirs is comparable to a three-story building, and, although other buildings of that height occur on the campus, none are in the immediate project area. The 2017 Draft Master Plan includes a three-story student housing building directly adjacent to the site. The operation of the new B/C BPS would require new exterior lighting.

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. SR 1 is located approximately one mile west from the nearest project site, and this section of SR 1 is not designated as scenic; however, it is listed as eligible for scenic highway designation by the California Scenic Highway Mapping System (Caltrans, 2018). The proposed project locations are inland from SR 1 and are not visible from due to distance and topography.

## CEQA Thresholds

| ENVIRONMENTAL IMPACTS | Potentially Significant Issues | Less-Than-Significant Impact with Mitigation | Less-Than-Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| AESTHETICS. Would the project: | | | | | |
| a) Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 3, 4) | | | X | ~~X~~ | 1, 2, 3, 4, 5 |
| b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 2, 3, 4, 5) | | | | X | 1, 2, 3, 6 |
| c) In non-urbanized areas, 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 points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (Source: 1, 2) | | | X | | 1, 2, 3 |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (Source: 1, 2) | | | X | | 1, 2, 3 |

## Explanation

**a)** ~~**No Impact**~~**Less-than-Significant Impact.** A scenic vista is generally characterized as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. As discussed above, the proposed project sites are not located within any designated scenic vistas. ~~As a result, the proposed project would not impact scenic vistas.~~ However, while not within a designated scenic vista, the proposed A1/A2 Reservoirs have the potential to obscure views of the Monterey Bay from the Otter Student Union and future student housing proposed adjacent to the site. The Otter Student Union is a three-story building located south of the site and is at a higher elevation than the project site. Therefore, the third story would be higher in elevation than the proposed tanks, and, although the proposed tanks may be visible and within the line of sight, it is anticipated that they would not completely impede views of the Monterey Bay. The first story is slightly higher in elevation than Inter-Garrison Road and currently does not have views of the Monterey Bay. The reservoirs would be visible from the Promontory student housing located to the north of the project site. However, as discussed in c) below, the reservoirs would be screened per the final landscape plan and architectural treatments determined in coordination with CSUMB. The implementation of the landscape plan and architectural treatments would reduce potential visual impacts to a less-than-significant level.

**c)** **Less-Than-Significant Impact**. With the exception of the Intermediate Reservoir site, the proposed facilities would be located in urbanized areas. The Intermediate Reservoir site is located adjacent to residential uses and open space, and generally non-urbanized. The proposed improvements at this site would involve primarily existing facilities within an existing easement and would not result in the construction new

facilities and structures that would substantially degrade the existing visual character or quality of public views in the area.

The proposed activities at the Existing BPS site would involve the relocation of a generator inside the existing building and installation of a new pipeline within the Imjin Parkway and California Avenue right-of-way (ROW) (i.e., within existing pavement). The proposed improvements at this site would involve primarily existing facilities within an existing easement and would not result in the construction new facilities and structures that would substantially degrade the existing visual character or quality of public views in the area.

The proposed reservoirs and new B/C BPS would involve new facilities on the CSUMB campus. The proposed tanks would be limited to a maximum height of ~~36~~35 feet and diameter of 114 feet. The easement agreement with CSUMB requires the design to include "reasonable architectural treatments" for the proposed reservoirs. The proposed height of the reservoirs is comparable to a three-story building, and, although other buildings of that height occur on the campus, none are in the immediate project area. The 2017 Draft Master Plan includes a three-story student housing building directly adjacent to the site. Adjacent to the site but not on campus property, the City Corporation Yard Building is taller than the proposed height of the reservoirs.

**Page 53, Section 5.2.4, Biological Resources** has been amended as follows:

***Mitigation Measure BIO-2: Construction-Phase Monitoring***

MCWD shall retain a qualified biologist to monitor all ground disturbing construction activities (i.e., vegetation removal, grading, excavation, or similar activities) associated with the project to protect any special-status species encountered. Any handling and relocation protocols of special-status wildlife species will be determined in coordination with CDFW prior to any ground disturbing activities and will be conducted by a qualified biologist with appropriate scientific collection permit. ~~After ground-disturbing project activities are complete, the qualified biologist will train an individual from the construction crew to act as the on-site construction biological monitor.~~ The qualified biologist ~~construction biological monitor~~ will be the contact for any special-status wildlife species encounters, will conduct daily inspections of equipment and materials stored on site and any holes or trenches prior to the commencement of work, and will ensure that all installed fencing stays in place throughout the construction period. ~~The qualified biologist will then conduct regular scheduled and unscheduled visits to ensure the construction biological monitor is satisfactorily implementing all appropriate mitigation protocols. Both~~T~~t~~he qualified biologist ~~and the construction biological monitor~~ must work through the State Inspector to cease construction contractor work and/or redirect project activities to ensure protection of resources and compliance with all environmental permits and conditions of the project. The qualified biologist ~~and the construction monitor~~ shall complete a daily log summarizing activities and environmental compliance throughout the duration of the project. The log will also include any special-status wildlife species observed and relocated.

**Page 54, Section 5.2.4, Biological Resources** has been amended as follows:

***Mitigation Measure BIO-4: Pre-Construction Surveys for Nesting Raptors and Avian Species***

Construction activities that may directly (e.g., vegetation removal) or indirectly (e.g., noise/ground disturbance) affect nesting raptors and avian species will be timed to avoid the breeding and nesting season. Specifically, vegetation and/or tree removal can be scheduled after September 16 and before January 31. Alternatively, a qualified biologist will be retained by the project applicant to conduct pre-construction surveys for nesting raptors and other protected avian species within 500 feet of proposed construction activities if construction occurs between February 1 and September 15. Pre-construction surveys will be conducted no more than 10~~14~~ days prior to the start of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). Because some bird species nest early in spring and others nest later in summer, surveys for nesting birds may be required to continue during construction to address new arrivals, and because some species breed multiple times in a season. The necessity and timing of these continued surveys will be determined by the qualified biologist based on review of the final construction plans and in coordination with the CDFW, as needed.

If raptors or other protected avian species nests are identified during the pre-construction surveys, the qualified biologist will notify the project applicant and an appropriate no-disturbance buffer will be imposed within which no construction activities or disturbance should take place (generally 500 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.

**Page 60, Section 5.2.4, Biological Resources,** the second paragraph, has been amended as follows:

The Intermediate Reservoir and Ord Wellfield site is located within CSUMB and the City's jurisdiction within an existing MCWD easement, partially surrounded by housing with existing security fencing that prevent people and large wildlife species, such as deer, from entering the site. Small wildlife that are able to pass over or through the fencing, such as birds, rodents, and reptiles, may utilize the undeveloped areas as habitat while moving through the site. The implementation of the proposed project would involve minimal impacts to vegetative communities at the Intermediate Reservoir and Ord Wellfield site; however, the proposed project would impact only a small percentage of wildlife habitat within the former Fort Ord. The HMP preserves approximately 18,500 acres of large, contiguous areas of wildlife habitat that will remain on the former Fort Ord and will be preserved in perpetuity. Therefore, the proposed activities within the Intermediate Reservoir and Ord Wellfield site would not disconnect, fragment, or otherwise impeded wildlife movement in the primary, significant wildlife movement corridors in the area. This is a less-than-significant impact.

**Page 76, Section 5.2.11, Land Use** has been amended as follows:

**Setting**

The City's General Plan designates the proposed project areas as follows:

- Proposed A1/A2 Reservoirs and B/C BPS site: Public Facilities with a small portion designated as Parks and Recreation;

- Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building: Habitat Preserve and Other Open Space; and,

- Existing B/C BPS site: Parks and Recreation.

~~While within city limits, a~~A portion of the proposed A1/A2 Reservoirs and B/C BPS site is located on the CSUMB campus, and the 2007 Campus Master Plan designates the site as "Other Campus Uses (admin, partnerships, etc.)" which includes existing parking~~Surface Parking~~. The Draft Campus Master Plan Update (2017) proposes converting the area from surface parking to student housing. A portion of the Intermediate Reservoir, F Booster Pump Station, and Ord Wellfield Chlorination Building site is also located on CSUMB property, which is designated as "East Campus Open Space" and "Staff and Faculty Housing."

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