Final Initial Study/Negative Declaration

for the

ORD COMMUNITY SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION

SCH# 2011101074

Prepared for:

Marina Coast Water District
11 Reservation Road
Marina, CA 93933-2099

Prepared by:

Denise Duffy & Associates
947 Cass Street, Suite 5
Monterey, CA 93940

February 2018

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Attachments

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1.0 INTRODUCTION

1.1 BACKGROUND

This document, together with the Public Draft Initial Study/Negative Declaration (Draft IS/ND), constitutes the Final Initial Study/Negative Declaration (Final IS/ND) for the Marina Coast Water District (MCWD or District) Ord Community Sphere of Influence Amendment and Annexation (Proposed Project or Project). The Final IS/ND consists of an introduction, comment letters received during the 30-day public review period, responses to comments, and revisions to the Draft IS/ND, if deemed applicable. The District is the lead agency for the Project and the Monterey County Local Agency Formation Commission (LAFCO) is the Responsible Agency under the California Environmental Quality Act (CEQA).

The Draft IS/ND was prepared to inform the public of the potential environmental effects of the Project and identify possible ways to minimize project related impacts.

1.2 PUBLIC PARTICIPATION

Pursuant to Section 15073(a), the proposed Draft IS/ND was circulated for a 30-day review period on December 21, 2017 during which comments were received. The review period ended on January 19, 2018. In addition, the MCWD considered this Project at the MCWD Board meeting held on Monday, January 22, 2018. No persons provided comments on the Proposed Project or the Draft IS/ND at this hearing. The Board was presented with the written comments submitted by MCWD staff and the Board directed staff to review the comments and continued the hearing. A meeting is scheduled for February 20, 2018 to consider the adoption of the Final IS/ND and approval of the Project.

2.0 RESPONSES TO COMMENTS

2.1 INTRODUCTION

This section provides responses to comments on the Draft IS/ND. This section contains required information available in the public record related to the Draft IS/ND including all written comments received as of the close of the public comment period on January 19, 2018, comment letters received prior to the public hearing held on January 22, 1918, as well as comment letters received as of February 16, 2018. This Final IS/ND responds to all written comments received during the public review period and within these dates.

2.2 LIST OF COMMENT LETTERS

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

Agency Comment Letters **Date**

A. State Clearinghouse, Office of Planning and Research (OPR) ..... January 22, 2018
B. Monterey County Local Agency Formation Commission (LAFCO) ..... January 23, 2018
C. Fort Ord Reuse Authority (FORA) ..... January 19, 2018
D. Seaside County Sanitation District (SCSD) ..... January 18, 2018
E. Monterey Peninsula College (MPC) ..... January 18, 2018

Non-Profit/Public Comment Letters

F. LandWatch Monterey County ..... January 18, 2018

2.3 RESPONSES TO COMMENTS

Each letter received on the Draft IS/ND is presented in this chapter, as identified in Section 2.2 above. Attachments to the letters are available at the offices of Marina Coast Water District, 11 Reservation Road Marina, CA 93933-2099 during regular business hours and on the MCWD website: (http://www.mcwd.org/governance_annexation.html) due to the size of the attachments. Individual comments in each letter are numbered. Correspondingly numbered responses to each comment are provided in the discussion following the comment letter.

If comments raised environmental issues that required additions or deletions to the text, tables, or figures in the Draft IS/ND, a brief description of the change is provided and the reader is directed to Section 3.0, Revisions to the Draft IS/ND.

The comments received on the Draft IS/ND did not result in a "substantial revision" of the negative declaration, as defined by CEQA Guidelines Section 15073.5, and the new information added to the negative declaration merely clarifies, amplifies, or makes insignificant modifications to the Draft IS/ND. No new, avoidable 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 insignificant.

While responses to comments on a proposed Negative Declaration are not required by the California Environmental Quality Act ("CEQA"; Pub. Resources Code, § 21000 et seq.), this Response to Comments document is provided to demonstrate the District's careful consideration of the comments in compliance with CEQA. These responses provide the District's good faith, reasoned analysis on the major environmental issues raised in the comments.

Letter A

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

January 22, 2018

Mike Wegley
Marina Coast Water District
11 Reservation Road
Marina, CA 93933

Subject: Ord Community Sphere of Influence Amendment Annexation
SCH#: 2011101074

Dear Mike Wegley:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on January 19, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

A-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2011101074
Project Title Ord Community Sphere of Influence Amendment Annexation
Lead Agency Marina Coast Water District

Type Neg Negative Declaration

Description The MCWD's Ord Community SOI amendment and annexation of territory into the MCWD's Service area in accordance with relevant codes and ordinances of the district and local jurisdictions, and the Cortese-Knox-Hertzberg Local Gov Reorganization Act of 2000. The proposed project study area totals 8,869 acres: there are 1,658 acres of the existing service area, 3,116 acres of the existing SOI and 5,753 acres of proposed SOI amendment and annexation project area. Project areas include portions of the cities of Marina and Seaside and unincorporated Monterey County within the Ord Community. The district circulated a previous IS/ND on an earlier project for public review in 2011. The proposed revisions under this IS/ND significantly reduce the areas proposed for annexation.

Lead Agency Contact

Name Mike Wegley
Agency Marina Coast Water District
Phone 831 883 5925 **Fax**
email
Address 11 Reservation Road
City Marina **State** CA **Zip** 93933

Project Location

County Monterey
City
Region
Lat / Long
Cross Streets Ord Community, varied over land area
Parcel No. various
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 1
Airports
Railways
Waterways mult
Schools mult
Land Use varied land uses

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Fish and Wildlife, Marine Region; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; California Department of Education; Department of General Services; State Water Resources Control Board, Divison of Financial Assistance; Regional Water Quallty Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Date Received 12/21/2017 **Start of Review** 12/21/2017 **End of Review** 01/19/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

LETTER A: State Clearinghouse, Office of Planning and Research (OPR)

A-1: The letter states the State Clearinghouse submitted the Draft IS/ND to selected state agencies for review, and identified no state agencies submitted comments to the State Clearinghouse during the public review period. No further response is required.

Letter B

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

132 W. Gabilan Street, #102
Salinas, CA 93901

P. O. Box 1369
Salinas, CA 93902

Voice: 831-754-5838
Fax: 831-754-5831

www.monterey.lafco.ca.gov

January 22, 2018

Mike Wegley, District Engineer
Marina Coast Water District
11 Reservation Rd., Marina, CA 93933

Re: Marina Coast's Initial Study/Negative Declaration for a Future Sphere of Influence Amendment and Annexation Proposal

Dear Mr. Wegley:

Thank you for the opportunity to comment on the Draft Initial Study and Negative Declaration. LAFCO appreciates the Marina Coast Water District's efforts to ensure continuity in water and wastewater service delivery beyond the anticipated 2020 sunset date of the Fort Ord Reuse Authority. Annexation to the District will also provide all District customers with direct representation on Marina Coast's board of directors. B-1

We appreciate the efforts that the District has made to informally review its proposed plans and documents with LAFCO staff and local agencies, and to discuss consistency with State law and local policies and processes. In the spirit of continuing to assist the District in accomplishing its objectives, and in our capacity as a Responsible Agency pursuant to the California Environmental Quality Act, we offer the following comments for your consideration.

Scope/Extent of the Proposal

In December 2011, LAFCO submitted comments on a draft negative declaration for a much more expansive Marina Coast proposal. At that time, Marina Coast was proposing to annex all of the former Fort Ord; approximately 44 square miles. "Issue 1" in LAFCO's 2011 comment letter requested that Marina Coast scale back its proposal to exclude open space lands, in keeping with LAFCO's legislative purpose and adopted policies. B-2

The currently planned, scaled-down Marina Coast proposal, on approximately nine square miles, is consistent with that request. The revised proposal would include developed sites and neighborhoods that Marina Coast already serves, as well as specific Ord Community parcels that are "approved for development or anticipated for development in the near term" (negative declaration, page 10).

Potential "Overlap" with Seaside County Sanitation District

Marina Coast's 2011 proposal would have included lands that are within the Seaside County Sanitation District (SCSD) and within the Cities of Seaside, Del Rey Oaks, and Monterey. LAFCO's 2011 comment letter expressed concern about the overlap of agency boundaries and authority to provide wastewater service that would have resulted from the 2011 proposal. The 2011 comment B-3

letter also identified a concern about the 2011 Marina Coast proposal's overlap with "a planned expansion of Seaside County Sanitation District into all current and future portions of the Cities of Seaside and Del Rey Oaks." Our 2011 comment letter laid out the statutory and policy basis for LAFCO's concerns regarding overlap of agency boundaries and duplication of authority as follows:

- Section C.II.6 of LAFCO's Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization states that "duplication of authority to perform similar functions in the same territory will be avoided." The project description as stated in the Draft Initial Study also potentially conflicts with other local policies and sections of State law that require LAFCO to avoid the duplication of services and to review the impacts of proposals on the Spheres of Influence of affected local agencies. These sections include Sections C.II.2, D.III.2, and D.V.1 of the Policies and Procedures and Government Code sections 56375.5 and 56668 (b, c, and h).

B-3 Con't

The revised, scaled-back proposal partially resolves these concerns, in that the new proposal would no longer include (i.e. overlap with) areas that are already within SCSD's boundaries or sphere of influence. In addition to the areas that are proposed for annexation, the planned proposal now includes designation of a future study area on other Ord Community lands within the Cities of Seaside, Del Rey Oaks, and Monterey, as well as unincorporated Monterey County[1]. These areas were previously requested for annexation in the 2011 proposal.

B-4

However, the planned proposal continues to include and overlap with an area (Ord Community portion of the City of Seaside) where SCSD has long expressed an interest in becoming the wastewater service provider, as is the case for the rest of the city; see Figure 1.

The area in question is outside SCSD's existing boundaries and sphere of influence; see Figure 2. Marina Coast currently owns the water and wastewater infrastructure in the area, and provides both services.

SCSD's interest in becoming the wastewater service provider for this area has been known since before the 2011 Marina Coast proposal. For several years, SCSD and Marina Coast have periodically engaged in discussions as to how best to provide wastewater services, in the long term, to the area in question. These ongoing discussions are limited to wastewater-related services; SCSD is not a water provider.

Based on recent information from SCSD, including the January 9, 2018 SCSD meeting agenda and a Dec. 1, 2017 letter from SCSD to Marina Coast, LAFCO anticipates receiving a Sphere of Influence amendment/annexation application from SCSD in 2018. We continue to strongly encourage both districts to coordinate on service and boundary issues prior to submitting their individual applications to LAFCO. Doing so is likely to substantially enhance LAFCO's ability to process the applications in a timely and cost-effective manner. Both applications will be analyzed for consistency with the Cortese-Knox-Hertzberg Act and locally adopted LAFCO policies and procedures.

B-5

Conclusion

LAFCO respectfully encourages Marina Coast Water District to continue to coordinate with Seaside County Sanitation District to seek a coordinated and mutually agreeable approach to boundaries and

[1] LAFCO of Monterey County's locally adopted policies define a future study area as "Territory outside of an adopted Sphere of Influence that may warrant inclusion in the sphere in future years. Further study would have to be completed prior to inclusion." This locally used designation does not exist in Government Code 56000+ (the Cortese-Knox-Hertzberg Act). This designation does not commit to inclusion of any lands in Marina Coast's sphere of influence in the future, nor does it indicate exclusion of such lands from the sphere or boundaries of other potential service providers such as Seaside County Sanitation District.

services, prior to applying to LAFCO for a Sphere of Influence amendment and annexation. LAFCO will review both districts' future applications in light of our statutory purpose – to encourage the orderly growth and development of local government agencies, to ensure the efficient provision of local government services, and to preserve open space – and our locally adopted policies. As one possible avenue toward consensus in this regard, LAFCO staff would like to suggest that MCWD and SCSD consider engaging in mediation prior to either district submitting a LAFCO application. B-5 Con't

In keeping with LAFCO's standard practice of requiring indemnification as a condition of LAFCO's approval of a boundary change, please anticipate that we will provide and request execution of an indemnification agreement as part of our application for this future proposal. B-6

LAFCO appreciates the opportunity to provide comments. Please contact Executive Officer Kate McKenna for more detailed discussions and assistance.

Sincerely,

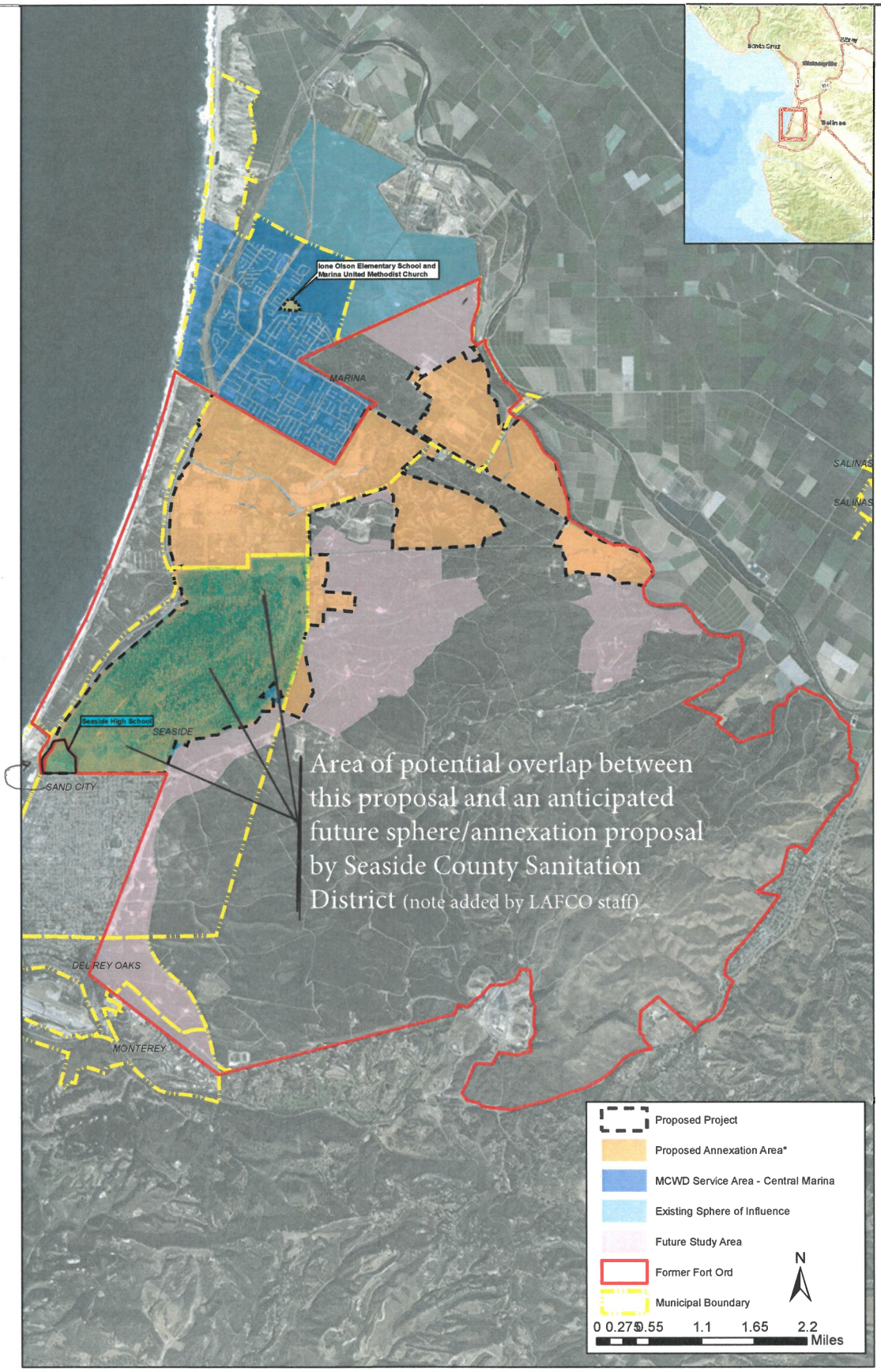
Simón Salinas
Chair

Attachments:
Figure 1: MCWD's anticipated sphere/annexation proposal
Figure 2: Map of existing MCWD (sphere, boundaries, and extraterritorial service area) and SCSD (sphere and boundaries)

Cc:
Keith Van Der Maaten, General Manager, Marina Coast Water District
Craig Malin, District Manager, Seaside County Sanitation District
Rick Riedl, District Engineer, Seaside County Sanitation District
Denise Duffy and Ashley Quackenbush, Denise Duffy & Associates
Richard James, EMC Planning Group
Michael Houlemard, Executive Officer, Fort Ord Reuse Authority

FIGURE 1

16.1



Document Path: C:\GIS\GIS_Projects\2010-13 MCWD Fort Ord Annex\Final Products\2017\MCWD SA Updated_forGraphics.mxd

*Service Area is coterminus with SOI Amendment Area

Title:

MCWD Proposed SOI Amendment and Annexation Area

Monterey | San Jose

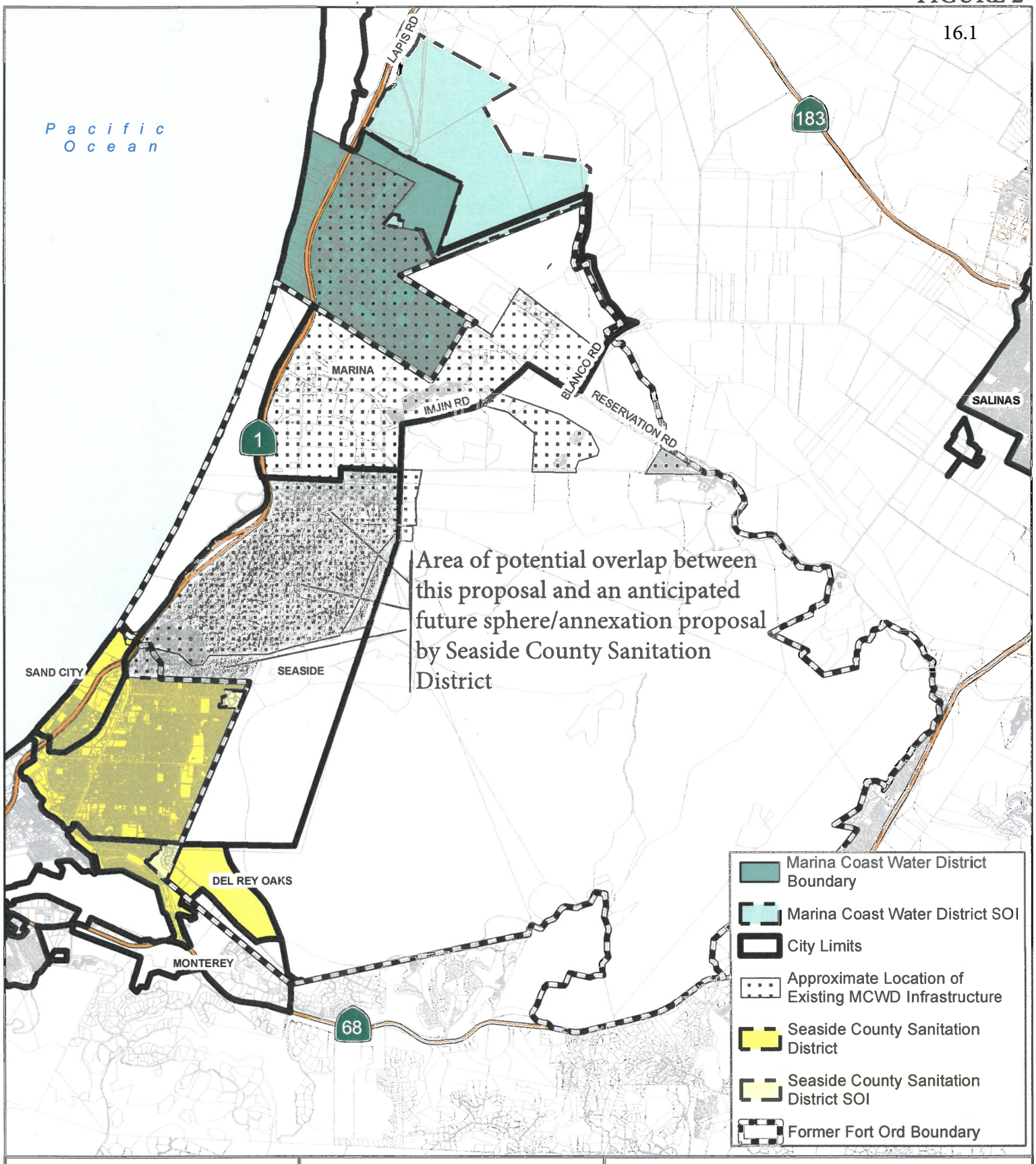
Denise Duffy and Associates, Inc.

Environmental Consultants Resource Planners

947 Cass Street, Suite 5
Monterey, CA 93940
(831) 373-4341

FIGURE 2

16.1



LAFCO *of Monterey County*

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N

0 1 2

Miles

WATER & WASTEWATER SERVICE PROVIDERS IN THE FORMER FORT ORD & SURROUNDINGS

Map prepared:11/25/2013

LETTER B: Monterey County Local Agency Formation Commission (LAFCO)

B-1: The comment letter identifies LAFCO as a Responsible Agency under CEQA, notes the collaborative process between LAFCO and MCWD in conjunction with the Proposed Project, and lists the benefits of the Proposed Project. No further response is required.

B-2: The comment letter summarizes the scope/extent of the proposal and notes the scaled-back nature of the current proposal in response to LAFCO comments to the original MCWD annexation proposal circulated for public review in 2011. The comment letter acknowledges that the current proposal is consistent with LAFCO's request. No further response is required.

B-3: The comment letter expresses concern with the potential overlap of land within the Seaside County Sanitation District (SCSD) Sphere of Influence (SOI) within the cities of Seaside, Del Rey Oaks, and Monterey, as well as lands SCSD has expressed interest in annexing in the City of Seaside, and cites LAFCO policies discouraging duplication of authority. An analysis of the Project's consistency with relevant LAFCO policies pertaining to overlapping service area is provided on page 60 of the Draft IS/ND. Further, the Project is consistent with all other LAFCO policies, as shown in Appendix B of the Draft IS/ND. See also response to B-4 and B-5.

B-4: The comment letter notes the current proposal partially addressed issues raised by LAFCO in the 2011 MCWD proposal by scaling-back the proposal and designating areas already served by SCSD in the cities of Seaside, Del Rey Oaks, and Monterey as a "Future Study Area." However, LAFCO is still concerned with the remaining area within the City of Seaside and also within MCWD's current service area in the former Fort Ord that are proposed for annexation. The letter states their concern is SCSD has expressed interest in annexing this area for wastewater service. This issue is discussed in Section 4.10 Land Use and Planning of the Draft IS/ND. The Draft IS/ND states, "this area is included in the current Proposed Project as the area is already served by MCWD and MCWD owns and maintains the water and wastewater infrastructure in this area. It is the intent of MCWD to continue serving their current customers and providing them with a proper governance structure, while developing a mutually agreeable approach to wastewater service in this area between SCSD and MCWD. However, ultimately it will be the decision of LAFCO to determine the appropriate wastewater service provider." Furthermore, as stated above and in the Draft IS/ND, the Project is consistent with LAFCO policies.

B-5: The comment letter restates that SCSD has expressed interest in annexing this area for wastewater and that an application for annexation of this area may be filed by SCSD sometime in 2018. The letter notes this would therefore result in two competing applications for annexation to LAFCO for the same area, as MCWD's application for annexation will be submitted in 2018 as well. The letter states LAFCO encourages continued coordination between SCSD and MCWD to determine a mutually agreeable approach to boundaries and wastewater services.

MCWD is committed to continued coordination with SCSD, and the following outlines the MCWD and SCSD discussions over the last decade regarding the most appropriate method of providing sanitary sewer service to these areas. The Draft IS/ND states: "It is the intent of MCWD to continue serving their current customers and providing them with a proper governance structure, while developing a mutually agreeable approach to wastewater service in this area between SCSD and MCWD." A timeline of coordination and key activities is as follows:

- 1998: Execution of the Water/Wastewater Facilities Agreement awarding MCWD contractual responsibility to provide water and wastewater service to the former Fort Ord.
- 1999: MCWD awards an Economic Development conveyance from the US Army, transferring land, facilities and easements to the MCWD.

- Oct. 2001: U.S. Government through the Secretary of the Army deeded the following assets to FORA and the next day FORA deeded those very same assets without reservation to MCWD: (1) all of Fort Ord's water and sewer infrastructure; (2) 4,871 AFY of the Army's 6,600 AFY of MCWRA groundwater allocation; and (3) 2.22 MGD of the Army's prepaid wastewater treatment capacity under the Army-MRWPCA Agreement. In anticipation of this transfer to MCWD, the Army had entered into a long-term wastewater collection utility service contract with MCWD for MCWD to provide that service to all military facilities and military housing within the former Fort Ord utilizing the Army's retained 1.08 MGD of prepaid wastewater treatment capacity.
- 2006-2007: MCWD and SCSD staffs coordinated on a Draft Memorandum of Understanding between the Districts, proposing that SCSD convey the wastewater from these areas to the MRWPCA Seaside pump station. The draft MOU was presented at the MCWD Board meeting of 3/28/2007, but no action was taken.
- September 2007: SCSD sends a letter to MCWD advising that a force main should not be considered for serving undeveloped areas within the cities of Seaside and Del Rey Oaks near General Jim Moore Boulevard, because a gravity system through Seaside is feasible to serve the area.
- 2009: SCSD provides a letter to the MCWD which affirmed SCSD's position that the most feasible and efficient method of providing wastewater service to the undeveloped areas of Seaside, Del Rey Oaks, and Monterey which lie within the former Fort Ord boundaries is by conveying the flows by gravity through the existing SCSD system to the regional treatment plant. The document did not indicate which entity would provide this collection service.
- 2010: Schaaf & Wheeler prepared memorandum addressing wastewater service provision on the area of former Fort Ord, including SCSD area.
- September 2011: SCSD sends a letter to the LAFCO stating its intent to proceed with an application to expand its sphere of influence to include all areas within the current and future boundaries of the City of Seaside and the City of Del Rey Oaks for sanitary sewer services.
- October 2011: MCWD releases NOA/NOI to Adopt a Negative Declaration for the MCWD Ord Community SOI and Service Area Annexation Project.
- December 2011: MCWD provides presentation at LAFCO Board on above referenced IS/ND.
- December 2011: Public comment period for the above referenced IS/ND closes.
- May 2013: SCSD Board votes to continue negotiations with MCWD on proposed boundaries.
- May 2014: SCSD forwards the draft Engineering Report to the MCWD for review and comment.
- January 2015: MCWD provides comments on SCSD Engineering Report.
- March 2015: MCWD and SCSD staff met to discuss MCWD review comments on the draft Engineering Study.
- June 2015: MCWD submits additional information requested for inclusion by MCWD in the draft Engineering Study.
- September 2015: SCSD sends letter to MCWD requesting coordination between SCSD, MCWD, and LAFCO and requesting both agencies prepare engineering studies for their application.
- November 2015: MCWD Board re-initiates IS/ND process.
- December 2015: SCSD sends letter to MCWD requesting coordination between SCSD, MCWD, and LAFCO and requesting both agencies prepare engineering studies for their application.
- April 2016: MCWD provides comments on SCSD Engineering Report.
- May 2017: MCWD Board receives an update from staff on LAFCO possible application boundaries and approved moving forward to update the IS/ND.
- June 2017: MCWD Board approves specific modifications to the proposal boundary, including: 1) eliminated annexation of areas within SCSD boundaries and assigning a "Future Study Area" designation to these areas and other areas outside existing service areas of

MCWD, 2) included annexation of small islands within the MCWD current service area, and, 3) included a portion of UC MBEST in the proposal per their request.

- October 2017: MCWD Board further reviews and approves the IS/ND Project Description.
- November 2017: MCWD Board receives a copy of the Screen-check Draft IS/ND and set a date for the Public Hearing to be held on January 22, 2018. The Board also continued the meeting to allow for additional comment on the Screen-check Draft IS/ND.
- December 2017: SCSD finalizes their Engineering Report.
- December 2017: SCSD sends letter to MCWD requesting coordination between SCSD, MCWD, and LAFCO and requesting both agencies prepare engineering studies for their application.
- December 6, 2017: MCWD Board provides comments the Screen-Check IS/ND for the Ord Community Sphere of Influence Amendment and Annexation.
- December 13, 2017: MCWD, SCSD, and LAFCO meet to discuss updated MCWD IS/ND.
- January 2018: SCSD Board votes to continue with LAFCO application and on MCWD, SCSD position statement.
- January 19, 2018: MCWD Public Draft IS/ND public comment period closes.
- January 22, 2018: MCWD public hearing on the IS/ND and proposed action. MCWD Board received and reviewed comments; open and closed the public hearing on the IS/ND. MCWD Board also received a staff report on the Proposed Project and open and closed the public hearing on the action.

MCWD remains committed to continued coordination with SCSD, however MCWD is compelled to move with annexation as outlined in the IS/ND. Considering this extensive history of coordination and discussion over 10 years and no agreement being reached, MCWD Board will consider action on the 2017 scaled-back annexation proposal and may determine to file an annexation application to LAFCO for the areas currently being served by MCWD. As stated on page 60 of the Draft IS/ND, ultimately it will be the decision of LAFCO to determine the appropriate wastewater service provider. No further response is required.

B-6: Comment letter notes that an indemnification agreement will be required as a condition of LAFCO's approval of a boundary change. Comment noted, no further response is required.

Letter C

FORT ORD REUSE AUTHORITY
920 2ND Avenue, Suite A, Marina, CA 93933
Tel: 831 883 3672 | Fax: 831 883 3675 | www.fora.org

January 19, 2018

Marina Coast Water District
Attn: Mike Wegley
11 Reservation Road
Marina, CA 93933

RE: Ord Community Sphere of Influence Amendment and Annexation Project

Dear Mr. Wegley,

The Fort Ord Reuse Authority (FORA) appreciates the opportunity to comment on Marina Coast Water District's (MCWD's) Ord Community Sphere of Influence Amendment and Annexation Project. FORA recognizes its long-standing relationship with MCWD. Since entering into the 1998 MCWD-FORA Water/Waste Water Facilities Agreement (Facilities Agreement), FORA and MCWD have held regularly scheduled Water/Waste Water Oversight Committee (WWOC) meetings, annually presented Ord Community Water and Waste Water Budgets for FORA Board consideration, and worked collaboratively on a number of projects. FORA and Ord Community ratepayers have depended on MCWD's uninterrupted service. C-1

The Facilities Agreement provides for MCWD to own, operate, maintain, and improve water and waste water facilities to service the Ord Community and to seek compensation for those services from Ord Community ratepayers. Over the past decade, the FORA Board has requested that MCWD annex the Ord Community into its district boundaries. This would allow voters in the Ord Community to participate in MCWD Board elections. FORA is pleased that Ord Community ratepayers will have a voice when MCWD's Ord Community Sphere of Influence Amendment and Annexation Project is finalized. C-2

On January 12, 2018, the FORA Board directed staff to provide comments to MCWD. FORA supports MCWD's Ord Community Sphere of Influence Amendment and Annexation Project. As MCWD moves ahead in the future, please consider the following comments:

1. Service provision on the former Fort Ord should be equitably extended to portions of the base not currently receiving service, in particular Del Rey Oaks, City of Monterey, and portions of Monterey County.

   FORA must fulfill certain terms in its June 23, 2000 Economic Development Conveyance Memorandum of Agreement with the U.S. Army related to provision of water. FORA respectfully requests that MCWD work to ensure that these provisions are met. If MCWD is determined to be the successor in interest to FORA and is assigned responsibilities under the EDC agreement, how will MCWD ensure that those allocations are sustained? In particular, section 5.03 states: C-3

"5.03. Equitable Allocation of Water. The Authority, and its successor and assigns, shall cooperate with the Marina Coast Water District, Monterey County Water Resources Agency and grantees of former Fort Ord Property to establish and apply a fair process to ensure that all grantees of former Fort Ord property will be provided an equitable supply of the water at the former Fort Ord."

2. Full annexation of these areas not currently receiving service should be accomplished through the LAFCO process prior to 2020 and political representation granted to the rate payers in areas that are not yet represented on the MCWD Board. C-4
3. FORA should be designated a Responsible Agency under CEQA for this and any future environmental document and receive timely notice of such actions. C-5
4. MCWD should engage FORA staff in the preparation of appropriate future annexation and transition planning documents related to future provision of water and waste water service to the former Fort Ord. C-6

Sincerely,

D. Steven Endsley

Steve Endsley
Assistant Executive Officer

cc: Kate McKenna, Executive Director, LAFCO
Denise Duffy, Denise Duffy & Associates

LETTER C: Fort Ord Reuse Authority (FORA)

C-1: The comment letter outlines the relationship between FORA and MCWD and references the MCWD-FORA Water/Wastewater Facilities Agreement, the Water/Wastewater Oversight Committee, and annual Water and Wastewater budget updates and presentation, among other collaborative actions and projects. No further response is required.

C-2: The comment letter expresses support for the Proposed Project by acknowledging that the Proposed Project would provide acceptable and fair governance structure for those receiving water and wastewater service from the District.

C-3: The comment letter expresses concern with equitably extending services and the "equitable allocation of water" to those areas outside of the current proposal. FORA's sunset is anticipated in 2020, after which the Water/Wastewater Facilities Agreement between FORA and MCWD will dissolve, however FORA has not determined who will be responsible for water and wastewater to Fort Ord after the termination of this agreement and the disbanding of FORA. While MCWD may pursue future service provisions and future annexation in these areas to continue service, MCWD is not proposing annexation at this time and any analysis of issue now would be speculative. The comment is outside the scope of the proposal and is referred to decisionmakers.

C-4: The comment letter calls for full annexation of all redevelopment areas within Fort Ord not currently receiving water and wastewater service before the FORA sunset in 2020. Comment and request is noted. MCWD considered an annexation of all redevelopment parcels within the former Fort Ord in the 2011 proposal and IS/ND. LAFCO policies encourage annexation of areas which will be developed and served within the next 5 years, and the inclusion of areas within District's SOI which will be developed within the next 25 years. The remaining development parcels are not currently scheduled for development in the immediate future, and therefore are not included in this current annexation proposal, consistent with LAFCO policy. While MCWD understands FORA's desire that these areas be annexed prior to FORA sunset in 2020, these properties may be annexed in the future or served under agreement with the land use jurisdiction.

C-5: The comment letter requests FORA be named a Responsible Agency under CEQA for this Project. Per CEQA Guidelines Section 15381 a Responsible Agency under CEQA is a public agency with some discretionary authority over a project or a portion of it, but which has not been designated the Lead Agency. FORA does not have any discretionary authority over the Proposed Project annexation and SOI amendment. However, even though FORA is not connected to the discretionary action in connection with the annexation and SOI action considered under the Proposed Project, FORA is responsible for the transition planning in anticipation of FORA sunset in 2020. FORA is responsible for overseeing this transition and would be working with MCWD for future actions related to the transitional planning and implementation. MCWD is committed to working with FORA on the above transitional planning and anticipates doing so through transition and implementation.

C-6: The comment letter requests that MCWD engage FORA staff in preparation of appropriate future annexation and transition planning documents related to the future provision of water and wastewater service to the former Fort Ord. Comment is noted and MCWD anticipates working with FORA in any future annexation and planning for the transition as noted above.

Letter D

SEASIDE COUNTY SANITATION DISTRICT

440 HARCOURT AVENUE * SEASIDE, CALIFORNIA 93955
Telephone (831) 899-6825 Fax (831) 899-6211

January 18, 2018

Mike Wegley, District Engineer
Marina Coast Water District
11 Reservation Road
Marina, CA 93933
Via Email: MWegley@mcwd.org

Subject: Comments to *Public Draft Initial Study and Negative Declaration for the Ord Community Sphere of Influence Amendment and Annexation* dated December19, 2017, prepared for MCWD by Denise Duffy & Associates

The Seaside County Sanitation District respectfully submits the following comments on the subject Draft Initial Study and Negative Declaration (IS/ND).

As shown in Figure 2, "MCWD Proposed SOI Amendment and Annexation Area," to said document (attached), the proposed service area annexation includes portions of the City of Seaside within the former Fort Ord. Both the Marina Coast Water District (MCWD) and the Seaside County Sanitation District (SCSD) have an interest in providing sanitary sewer service to a portion of the City of Seaside within the former Fort Ord area. To this end, the SCSD will be submitting an application to LAFCO that would include both an expansion of the sphere of influence and service area annexation into the former Fort Ord as shown in Figure 1, attached. An engineering study in support of a LAFCO application has also been prepared (attached). The attached engineering clearly demonstrates that the proposed annexation of a service area by SCSD is feasible. However, the subject IS/ND fails to consider this as a viable alternative. D-1

In Section 1.4 of the subject IS/ND, four alternatives are considered; 1) Annexation of all FORA Development Parcels; 2) Projected Five-Year Development Area Annexation; 3) Annexation to the Marina City Limit; and 4) The No Project Alternative. None of these alternatives reflects the proposed alternative that has been under discussion between the SCSD and MCWD and is outlined in the attached engineering report. Additionally, the MCWD has not rejected this as a viable alternative in any discussions or in written correspondence. On May 14, 2014, the SCSD submitted to MCWD a draft engineering study in support of an application by SCSD to LAFCO for sewer collection service area annexation (the final Engineering Study is attached). D-2 D-3

On January 23, 2015, the MCWD submitted review comments on the draft Engineering Study (attached). On March 25, 2015, staff from both agencies met to discuss MCWD's review comments on the draft Engineering Study. In June 2015, MCWD submitted additional information requested for inclusion by MCWD in the draft Engineering Study (attached). None of the comments received from MCWD rejected the assertion that SCSD providing sewer collection service to the area shown in Figure 1 is a viable alternative. Therefore, the IS/ND would be incomplete without consideration of the alternative for SCSD to provide sewer collection services as shown in Figure 1, attached. Please amend the IS/ND to consider this as an alternative.

D-3 Con't

Also, there is no clear evidence that the IS/ND is in compliance with AB-52. Section 4-17, "Tribal Cultural Resources," has the following text regarding consultation:

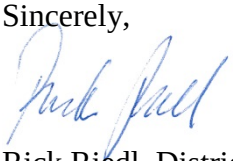
> *"In addition, pursuant Public Resources Code Section 21080.3.1, the District shall provide formal written notification in accordance with to the California Native American tribe or tribes that are traditionally and culturally affiliated with the Project area if that tribe(s) has requested notification from the District of Proposed Projects, the tribe has 30 days of the notification to request consultation, to determine if the Project may have a significant effect on a tribal cultural resources. The results of this consultation process are pending."*

D-4

There is no clear statement that the consultation process was actually conducted, and no results are reported. If the offer were made, and the Tribe requested consultation within 30 days of the offer, the consultation must have begun prior to circulation of the IS/ND. If the correct procedures were not observed, the subject IS/ND should be recirculated in accordance with Public Resources Code Section 21080.3.1.

Please feel free to contact me at rriedl@ci.seaside.ca.us or by calling 831-899-6825 to discuss any questions or comments.

Sincerely,



Rick Riedl, District Engineer
Seaside County Sanitation District

Copy Kate McKenna, Executive Director, LAFCO
Darren McBain, Senior Analyst, LAFCO
SCSD Board Members
Craig Malin, District Manager
Lesley Milton-Rerig, District Clerk

LETTER D: Seaside County Sanitation District (SCSD)

D-1: The comment letter points out that both MCWD and SCSD have an interest in providing wastewater services to areas within the City of Seaside and informs MCWD that SCSD will be submitting a LAFCO application for annexation for wastewater service for areas within the City of Seaside. This comment is informational in nature and no further action is required.

D-2: The comment letter asserts that the Draft IS/ND does not reflect the proposed SCSD proposal as an alternative; this proposal was discussed between MCWD and SCSD at their meeting on December 13, 2017 and also outlined in the SCSD engineering report attached to the SCSD comment letter. The letter references Appendix D in the Draft IS/ND which presents a short list of alternative approaches to the annexation previously considered by the MCWD. While CEQA does not require an Initial Study to consider alternatives, the appendix is presented to outline the various approaches to the project proposal reviewed during the course of the Project. CEQA Guidelines Section 15126.6 outlines requirements under an EIR whereby an EIR must consider a "reasonable range" of alternatives which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project. MCWD District Engineer commented that "MCWD does not consider transferring their existing customers and infrastructure to SCSD a viable alternative."

Furthermore, although not fully presented in Appendix D in the Draft IS/ND, the Project is actually a sub-set to the alternative proposed by SCSD. The SCSD proposed alternative, includes SCSD serving Regions B, C, E and F, instead of MCWD, as shown on the Proposed Annexation Boundary map from the SCSD LAFCO Application (included in the SCSD letter). SCSD provided comments on the 2011 MCWD proposal and requested revisions to the 2011 proposal. In response to these comments, the MCWD incorporated a portion of this alternative into the Proposed Project. Specifically, Region B is excluded from the MCWD annexation proposal. This area is within SCSD and includes the City of Del Rey Oaks. Regional C is also not within the Proposed Project in response to the SCSD 2011 comment letter. This area includes undeveloped areas adjacent to and east of General Jim Moore and Eucalyptus in the City of Seaside within the former Fort Ord. Region C is mostly vacant with no existing collection system. The current proposal designates Regions B and C as Future Study Area, recognizing that MCWD might only serve these areas for water and not for wastewater collection to address SCSD comment to the MCWD 2011 proposal. Thus, the Proposed Project is a sub-set to the SCSD alternative by addressing Regions B and C and designating as a Future Study Area to further study uncertainties regarding service providers and overlapping service jurisdictions.

Regions E and F are the primary areas in contention for wastewater service. MCWD currently serves this area and proposes annexation and SCSD has stated their intention to also file LAFCO application to serve these regions. MCWD is the only entity providing both water and wastewater service, and therefore, MCWD's LAFCO application would include both water and wastewater. Regions E and F are within the boundaries of the City of Seaside, however are currently served by MCWD and MCWD owns and maintains the water and wastewater infrastructure in this area as further described in the Assignment of Easements on Former Fort Ord and Ord Military Community, County of Monterey, and Quitclaim Deed for Water and Wastewater Systems, as and between FORA and MCWD, dated October 24, 2001 (Appendix A in the Public Draft IS/ND). Please also see attached LAFCO map of Water & Wastewater Service Providers in the Former Fort Ord & Surroundings. To further address SCSD comment additional language regarding the alternative for SCSD to service Regions E and F, has been added to the Draft IS/ND under Section 3.0, including discussion of engineering consideration.

D-3: The comment letter questions the Proposed Projects compliance with AB-52. Additional language regarding the compliance with AB-52 has been added to the Draft IS/ND under Section 3.0. As noted below and in Section 3.0, MCWD as lead agency has not received request for tribal consultation under AB-52. Therefore, no notification or consultation is required pursuant to Public Resources Code

21080.3.1. Further, as indicated in Section 4.5 Cultural Resources of the IS/ND page 38, "the Proposed Project would not directly result in any physical development or construction of infrastructure improvements that would directly affect the environment. Since the Proposed Project would not entail the construction of physical improvements or otherwise result in ground-disturbing activities, the Proposed Project would not directly affect cultural resources. The Proposed Project would not cause any substantial adverse change in the significance of a historical resource or archaeological resource, adversely affect a unique paleontological resource or geologic feature, or disturb human remains."

Pursuant to Public Resources Code Section 21080.3.1, the lead agency (in this case MCWD) shall provide formal written notification to the California Native American tribe or tribes that are traditionally and culturally affiliated with the project area if that tribe(s) has requested notification from the lead agency of proposed projects, the tribe has 30 days of the notification to request consultation, to determine if the project may have a significant effect on a tribal cultural resources. In order to participate in AB-52 tribal consultation, a tribe must request, in writing, to be notified by lead agencies through formal notification of proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated. Without this request, there is no requirement that a lead agency engage in AB-52 tribal consultation. No tribes proximate to the Project area have submitted a written request for such notification to MCWD. Therefore, no notification or consultation is required pursuant to Public Resources Code 21080.3.1. Please refer to Section 3.0 below on added language to clarify AB-52 compliance.

Letter E

MPC
MONTEREY PENINSULA
COLLEGE

Comment Letter
Attn: Mike Wegley

RECEIVED
JAN 19 2018

January 18, 2018

Marina Coast Water District
Attn: Mike Wegley
11 Reservation Road
Marina, CA 93933

RE: Ord Community Sphere of Influence Amendment and Annexation Project

Dear Mr. Wegley:

Monterey Peninsula College (MPC) has completed a review of Marina Coast Water District's (MCWD) recently released Draft Initial Study/Negative Declaration for the Ord Community Sphere of Influence Amendment and Annexation. The Proposed Project would allow water and wastewater service to the identified areas to continue and provide customers the right to vote for MCWD Board of Directors.

Our comments are as follows:

Project Description

MPC's educational facilities will be directly impacted by the Project as the Marina Education Center and the Seaside Public Safety Training facility are both located within the proposed annexation area in Figure 2 and are currently being served by MCWD under the 1998 Water/Wastewater Facilities Agreement between the Fort Ord Reuse Authority (FORA) and MCWD. As these facilities are essential to the educational mission of the college, the proposed annexation would provide certainty regarding water service post-FORA and widen community representation by the MCWD Board of Directors, both positive outcomes. E-1

However, the project description on page 10 states "*areas that are not currently approved for development or anticipated for development in the near term are not included in the proposed SOI and annexation. The Proposal also designates a "Future Study Area" including future development parcels located in the Cities of Del Rey Oaks, Monterey and Seaside, unincorporated Monterey County, and in the Ord Community. While the Future Study Area includes areas identified for future development under the Fort Ord Base Reuse Plan, development of these areas is not anticipated in the near term.*" It appears that MPC's planned Public Safety Training Center in the Parker Flats area is a development that is not included in the proposed annexation, with one property included in the future study area in Figure 2, and the other property, the Military Operations in Urban Terrain (MOUT) facility, neither identified as a public facilities development in Figure 4 nor included in the future study area. As planned, the Public Safety Training Center includes an emergency vehicle operations course (EVOC), a multi-story burn building, a demonstration support facility and pistol and

rifle ranges. Each of these facilities will address a high priority need of the college's peace officer and fire technology training programs and various public safety stakeholders. Although these training facilities have not been completed, state funding has been approved, the facilities have an approved water allocation, and the College expects to proceed in the near term. The College is concerned about any impacts of the Proposed Project on future service to the Public Safety Training Center, and seeks assurance that these facilities will be served, in MCWD's role as the service provider under the 1998 FORA/MCWD agreement. The College also requests the MOUT facility be added to the future study area identified in Figure 2.

E-1 Con't

Table 2, Page 16 – Monterey Peninsula College. The listing for MPC's project area is incomplete. The acreage listed for MPC's holdings should be 26.09 acres, instead of 23.4. Also, as this acreage includes the MPC facilities on Colonel Durham Road in the Surplus II area of Seaside, the jurisdictions listed should include Seaside in addition to Marina. The remaining information is correct.

E-2

Thank you for the opportunity to comment on this Project. If you have any questions, please contact Vicki Nakamura at 831-920-9244, email: vnakamura@mpc.edu. We look forward to your responses to our comments.

Sincerely,

Walter Tribley
Superintendent/President

/vn

LETTER E: Monterey Peninsula College (MPC)

E-1: The comment letter references planned MPC facilities and expresses concerns for future service to these facilities. Specifically, the MPC seeks assurance that Emergency Vehicle Operators Course (EVOC) which is located within the Future Study Area will still receive water and wastewater service and that the Military Operations in Urban Training (MOUT) facility be added to the Future Study Area. The ability to provide service to areas within the Future Study Area is not reduced with this proposal, this designation just means that future service to this area will require further study to determine the most appropriate provider for water and wastewater service. Therefore, future service to the EVOC facility will need further study to determine the water and wastewater provider and is outside the scope of this proposal. In addition, the proposed MOUT facility is located within BLM open space, an area LAFCO and other local agencies specifically commented in 2011 be removed from the annexation boundary. However, as stated in the response to comment C-3 and C-4 above, MCWD can be served by contract and may provide future service for these areas through contract or future annexation in these areas before the FORA sunset in 2020.

E-2: The comment letter provides corrections to Table 2, on Page 16, outlining the total acreage and jurisdictions for MPC's holdings in Fort Ord. However, the acreage outlined in Table 2 are not for the overall MPC holdings in Fort Ord but just for the parcel 14 as shown on Figure 5 of the Draft IS/ND, which is 23.4 acres located in Marina. To clarify MPC's holding text has been added to Table 2 as outlined in Section 3.0 below.

Letter F

January 18, 2017

Via e-mail and hand delivery

Board of Directors
Care of Paula Riso, Clerk to the Board
Marina Coast Water District
11 Reservation Road,
Marina, CA 93933
priso@mcwd.org

Subject: Negative Declaration and Initial Study for Ord Community Sphere of Influence Amendment and Annexation for the Marine Coast Water District (MCWD)

Dear Members of the Board of Directors:

LandWatch Monterey County has reviewed the Initial Study and Negative Declaration for the proposed project. The Salinas Valley Groundwater Basin (SVGB) is critically overdrafted and has been so identified by the Department of Water Resources; and, because of that cumulative overdraft, seawater intrusion continues to advance inland, rendering large portions of the aquifer unusable. Any action that furthers and facilitates increased pumping from the aquifer, including the proposed annexation of the Ord Community to MCWD's service area, will make a considerable contribution to the existing significant cumulative impact.

Because MCWD must acknowledge the existence of a significant cumulative impact to which the annexation will make a considerable contribution, MCWD may not approve the annexation without preparing an environmental impact report in which MCWD should propose mitigation to address significant impacts. Pending preparation of an environmental impact report, LandWatch asks that MCWD decline to certify the proposed negative declaration or to approve the annexation.

1. **The project will cause physical impacts on the environment by facilitating increased pumping from the SVGB**.

The Initial Study repeatedly claims that the project will have no physical effect on the environment because, it claims, MCWD already intends to provide service to the Ord community. However, regardless of its prior intentions, MCWD is not legally obligated to provide a water supply that it cannot provide without causing harm to the aquifer. That is, MCWD need not commit itself to serve the Ord Community with water that it cannot

F-1

safely and sustainably produce. MCWD's decision to annex the Ord Community would constitute a commitment to serve this community with increasing amounts of water, a significant portion of which MCWD intends to provide through increased groundwater pumping. For example, the Initial Study projects that MCWD will increase its water service to the Ord Community by over 2,492 acre-feet/year (afy) between 2020 and 2035. Initial Study, p. 50. The reason for this increase in demand is the expectation that currently undeveloped parcels will become developed in accordance with the Fort Ord Reuse Plan and the General Plans of the FORA member agencies. This proposed increase in water supplied by MCWD, partially provided by increased groundwater pumping, would clearly have physical impacts on the environment.

F-1 Con't

2. **Overdraft and seawater intrusion in the SVGB continues and existing groundwater management efforts are not sufficient to mitigate or halt it**.

In connection with the Final EIR for Monterey Downs and Monterey Horse Park and Central CoastCemetery Specific Plan (SCH201291056) dated October 12, 2016, LandWatch and its hydrologist Timothy Parker submitted extensive comments. We incorporate those comments by reference and provide copies herewith. We note that provision of water for the proposed development of the Monterey Downs project is precisely the kind of future water supply commitment that the MCWD annexation would facilitate because the Monterey Downs project purported to be consistent with the Fort Ord Reuse Plan and with the General Plans of the City of Seaside and Monterey County.

F-2

As Mr. Parker substantiates, cumulative pumping in the Salinas Valley Groundwater Basin and its Pressure Subarea has resulted in aquifer depletion and associated seawater intrusion, and current groundwater management efforts are not sufficient to avoid this significant cumulative impact. This conclusion is not controversial and is well documented by the technical reports cited by Mr. Parker, which we also incorporate by reference.

3. **The Initial Study fails to evaluate the effects of increased pumping, instead relying on the outdated Fort Ord Reuse Plan EIR.**

The Initial Study purports to rely on and incorporate by reference the 1997 Fort Ord Reuse Plan Program EIR. The Initial Study claims incorrectly that "there have been no substantial changes in the environmental setting of the proposed area that would warrant new analyses." Initial Study, p. 23. The Initial Study claims that policies, programs and mitigation measures in the Fort Ord Reuse plan reduced impacts to a less than significant level. Initial Study, pp. 23, 52.

F-3

In fact, there is significant new information since 1997 that demonstrates that the analysis in the Reuse Plan EIR is outdated and that new analysis is warranted. This information includes, for example,

- DWR, Critically Overdrafted Basins, January 2016 – identifying the Salinas Valley Groundwater Basin as critically overdrafted and therefore requiring an accelerated Groundwater Sustainability Plan under the Sustainable Groundwater Management Act.

- MCWRA, State of the Salinas River Groundwater Basin, January, 2015 – identifying existing pumping from the Basin as unsustainable and

recommending pumping reductions in the Pressure Subarea from which this project proposes to increase pumping.

- MCWRA, Protective Elevations to Control Seawater Intrusion in the Salinas Valley, 2013 – acknowledging the need for additional groundwater management projects to deliver water to replace coastal area pumping.

- Testimony of Robert Johnson, MCWRA, to Monterey County Planning Commission, Oct. 29, 2014 – acknowledging that the demand projections used for the Salinas Valley Water Project understated actual demand, that the Salinas Valley Water project would not be sufficient to halt seawater intrusion, and that additional groundwater management projects are needed.

- MCWRA, Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin, Oct. 2017 – acknowledging that seawater intrusion has leapfrogged forward through 2015 and recommending that pumping cease in the areas of impact, recommending a moratorium on extractions from new wells in the 900-foot Deep Aquifer,

F-3 Con't

This and other information cited by Mr. Parker demonstrates that there have in fact been substantial changes in the environmental setting of the proposed area over the past 20 years that would warrant new analyses. First, seawater intrusion has advanced another two miles inland since the 1997 Reuse Plan EIR, constituting a substantially more severe significant effect than shown in the Reuse Plan EIR. Within the meaning of Public Resources Code § 21166(b) and (c) this is a "substantial change[] . . . with respect to the circumstances under which the project is being undertaken" as well as "new information, which was not known and could not have been known" at the time of the Reuse Plan EIR. Second, the expected basin management plan, the cooperation in mitigation of seawater intrusion and development of new water supply, and the determination of safe yield required by Reuse Plan policies, including Hydrology and Water Quality Policies B-1, B-2, and C-3 have not materialized, and this is a substantial change in the Reuse Plan itself.

4. The Initial Study assumes without evidence that there would be no significant impacts as long as pumping stays within the 6,600 afy allocation.

The Initial Study projects that MCWD may pump up to its 6,600 afy allocation of SVGB groundwater to meet projected demand through 2035. Initial Study, pp. 50-51. The Initial Study does not provide any discussion of the impacts of increased pumping, but it implies that there would be no significant impact as long as groundwater pumping stays within the 6,600 afy allocation of SVGB groundwater that was assigned to MCWD and then sub-assigned to the FORA member agencies. This same assumption was made in the Monterey Downs EIR, and Mr. Parker's comments establish that it is fundamentally flawed.

F-4

Mr. Parker establishes that the Base Reuse Plan EIR does not assume that 6,600 afy can be pumped without significant impacts. Instead, it expressly provides that additional water supplies will have to be obtained instead of relying on the 6,600 afy allocation if seawater intrusion continues. Mr. Parker writes:

The BRP PEIR impact analysis qualifies any reliance on the 6,600 afy allocation by stating that a potable water supply is "assumed to be assured from well water until a replacement is made available by the MCWRA," but only "provided that such withdrawals do not accelerate the overdraft and seawater intrusion problems in the Salinas Valley groundwater aquifer." (BRP PEIR p. 4-53 (emphasis added)). It states that the 6,600 afy "could" support the first phase of Ord community development through 2015 and then notes "given the existing condition of the groundwater aquifer, there is public concern over the ability of the water wells to 'assure' even the 6,600 afy." (BRP PEIR p. 4-53.) Thus, the BRP EIR evaluates the impacts of the BRP through 2015 in two distinct analyses, one of which assumes that 6,600 afy can be supplied without impacts and the other of which assumes that it cannot. In particular, it provides that "[a]ssuming groundwater wells on former Fort Ord were able to supply 6,600 afy," an additional 7,932 afy of supply would be required by 2015. (BRP PEIR, p. 4-53.) However, it then provides in the alternative that "[i]f groundwater wells were unable to supply the projected 2015 demand of 6,600 afy of water for former Fort Ord land uses, e.g., if pumping caused further seawater intrusion into the Salinas Valley Aquifer," additional supplies would have to be developed sooner, and even further recommends "that an alternate water supply source, such as on-site storage facilities, be considered." (BRP PEIR, p. 4-54.)

F-4 Con't

The BRP PEIR provides specific policy requirements to ensure adequate, timely mitigation of seawater intrusion, mitigation that may need to be implemented before 6,600 afy is committed or pumped for new development. Policy B-1 requires that the FORA members "shall ensure additional water supply." Policy B-2 requires conditioning project approval on verification of an "assured long-term water supply." Policy C-3 requires the member agencies cooperate with MCWRA and MPWMD "to mitigate further seawater intrusion based on the Salinas Valley Basin Management Plan." Program C-3.1 requires the member agencies to work with the water agencies "to estimate current safe yields within the context of the Salinas Valley Basin Management Plan for those portions of the former Fort Ord overlying the Salinas Valley and Seaside groundwater basins, to determine available water supplies." MCWRA has now determined that the safe yield of the Pressure Subarea is about 110,000 to 117,000 afy and that existing pumping exceeds this safe yield by about 12,000 to 19,000 afy.[1] Indeed, the BRP PEIR acknowledges that pumping in the 180-foot and 400-foot aquifers had "exceeded safe yield, as indicated by seawater intrusion and water levels below sea level." (BRP PEIR p. 4-63.) The BRP PEIR states that the "conditions of the 900-foot aquifer are uncertain", including the safe yield and whether the aquifer is in overdraft. *Id.*

The BRP PEIR explains that Policies B-1, B-2, and C-3 are intended to "affirm the local jurisdictions' commitment to preventing further harm to the local aquifers . . . by limiting development in accordance with the availability of secure supplies." (BRP PEIR, p. 4-55.) The explicit provisions for determination of safe yield and for acceleration of water supply projects if 6,600 afy cannot be supplied without further seawater intrusion clearly demonstrate the intent that the member agencies not simply defer action until 6,600 afy has been allocated to

[1] MCWRA, State of the Salinas River Groundwater Basin, p. 4-25.

development projects if seawater intrusion continues. To the contrary, it seems clear that the BRP PEIR directed the member agencies "to mitigate further seawater intrusion" by, among other things, ensuring that groundwater pumping beyond the determined safe yield is not permitted for new development projects. The BRP PEIR's cumulative analysis makes it clear that Policy C-3 does not permit uncritical reliance on a 6,600 afy allocation: "existing water allocations of 6,600 afy . . . would allow for development to proceed to the year 2015, provided that seawater intrusion conditions are not exacerbated (Policy C-3)." (BRP PEIR p. 5-5 (emphasis added).)

F-4 Con't

In sum, unlike the Monterey Downs DSEIR, the BRP PEIR does not assume that the 6,600 afy entitlement is a sufficient basis to determine whether there will be a significant water supply impact from continued groundwater pumping.[2]

Here, the Annexation Initial Study makes precisely the same unfounded assumption that was made in the Monterey Downs EIR that pumping may be increased up to the 6,600 afy allocation without significant impacts. The assumption is belied by both the Reuse Plan EIR and the fact of 20 more years of continued seawater intrusion.

5. 6,600 afy does not constitute baseline use.

The 6,600 afy allocation does not represent baseline pumping. Thus, MCWD may not simply assume that pumping within the 6,600 allocation is not a new impact.

First, the average pumping at the time that Fort Ord was in use by the Army was never 6,600 afy. That amount represents a single peak year pumping in 1984. The 1993 Army/MCWRA agreement reports that average pumping from 1988-1992, the period that brackets the 1991 closure decision, was about 5,200 afy. Agreement No. A-06404 between U.S.A. and MCWRA, Sept 21, 1993, ¶ 4c.

Second, the Reuse Plan EIR does not identify 6,600 afy as the baseline use. The discussion of water supply in the section captioned "environmental setting" references the Army/MCWRA agreement that "6,600 acre feet per year (afy) of water is available from the Salinas Valley groundwater basin for Former Fort Ord land uses, provided that such provisions do not aggravate or accelerate the existing seawater intrusion." Reuse Plan EIR, p. 4-49. However, the discussion in this section does not identify any prior pumping amounts, and a reference to an agreement regarding future pumping does not even purport to identify historic baseline pumping. As Mr. Parker explains, the Reuse Plan EIR provides that mitigation would be required for any pumping that would lead to an increase in seawater intrusion, even if this occurs before the 6,600 afy allocation is pumped. The Reuse Plan EIR's discussion of the environmental setting with respect to water supplies identifies the 6,600 afy figure as the allocation in the MCWRA/Army agreement, not as baseline use. The discussion expressly provides that this allocation is available only "provided that such provisions do not aggravate or accelerate the existing seawater intrusion." Reuse Plan EIR, p. 4-49.

F-5

Third, if the Reuse Plan EIR adopts any baseline figure for Salinas Valley Groundwater Basin pumping on the Former Fort Ord, that figure is not 6,600 afy. The figure may be the 5,100 afy average pumping for the 4 to 5 years immediately prior to 1991, based on

[2] Timothy Parker, Technical Memorandum to John Farrow, Oct. 8, 2016, pp. 8-9.

the Army's NEPA documents. In Section 1.2.2, Baseline Determination, the Reuse Plan EIR expressly adopts the Amy's NEPA document baseline: "As with the Army's FEIS and DSEIS, this EIR determines whether the proposed project may have a significant effect on the environment based on physical conditions that were present at the time the decision became final to close Fort Ord as a military base (September, 1991)." Reuse Plan EIR, p. 1-3. The Reuse Plan EIR states that this approach "complies with Section 21083.8.1 of the Public Resources Code and utilizes the extensive research already conducted for the Army's NEPA documents, which use the same baseline year." *Id.* Section 21083.8.1 permits a reuse plan EIR or EIS to rely on conditions at the time of the closure decision as a baseline provided that certain procedures are followed.[3]

F-5 Con't

The Reuse Plan EIR then identifies the specific NEPA documents that were used to determine the Environmental Setting for water supply analysis. Reuse Plan EIR, pp. 1-3, 1-10 (Table 1.9-1). These include the Army's December 1995 Draft SEIS, the Army's June 1993 Final EIS Volume 1, and the Army's April 1992 "*Other Physical Attributes Baseline Study of Fort Ord, California."* These documents identify the baseline water use from the Salinas Valley Groundwater Basin as 5,100 afy, not as 6,600 afy, as follows:

- The 1996 Final SEIS states that "[a]s reported in the final EIS (Volume 1, page 4-56), average water demand on Fort Ord was 5,100 acre-feet (af) during 1986-1989. Water use has declined in recent years with the decrease in the number of personnel living on and occupying the base. Annual water use was 5,634 af in water year 1992, 3,971 af in 1993, and 3,235 af in 1994."[4]

- The June 1993 Final EIS states that "[a]nnual water consumption decreased from a high of 6,600 acre-feet in 1984 to an average of 5,100 acre-feet during

[3] These procedures include circulation of proposed baseline conditions to affected agencies "prior to circulating a draft EIR" followed by a public hearing at which "the lead agency shall specify whether it will adopt any of the baseline physical conditions for the reuse plan EIR and identify those conditions." Guidelines, § 15229(a)(1), (2). Although the BRP PEIR states that it availed itself of the Public Resources Code § 21083.8.1 baseline provisions and that baseline conditions are as of the September 1991 closure decision (Reuse Plan EIR, p. 1-3), there is no evidence that FORA actually followed the process required by Public Resources Code § 21083.8.1(c) and CEQA Guidelines § 15229 to identify baseline water use conditions in a document circulated before the PEIR and to state an intent to adopt that as the baseline. See FORA, Resolution 97-6, June 13, 1997 (Certifying BRP PEIR and discussing proceedings and hearings). CEQA does not authorize FORA to rely on the Army's prior compliance with these procedures, if in fact the Army did comply.

[4] Dept. Of the Army, Final Supplemental EIS Fort Ord Disposal and Reuse, June 1996, p. 4-11, available at http://docs.fortordcleanup.com/ar_pdfs/AR-BW-1538//Section_4.pdf. The quote from the Final SEIS is of the unchanged text of the 1995 Draft SEIS.

1986-1989."[5] Table 4.5-2 identifies 5,100 afy as the average pumpage for Fort Ord.[6]

- The April 1992 *Other Physical Attributes Baseline Study of Fort Ord, California,* provides a table of annual pumping, from which it is apparent that average annual pumping from 1986-1989 is 5,083 afy and the average from 1986-1990 is 5,126 afy.[7] That 1992 report identified declining water use from 1980 to 1990, except for the single year 1984.[8]

In sum, if the Army actually followed the procedures of Public Resources Code § 21083.8.1(c) and CEQA Guidelines § 15229 to adopt a baseline figure and if FORA also complied with those procedures, then the baseline water use was not 6,600 afy but only 5,100 afy. The outlier 6,600 afy figure from 1984 could not have been used as a baseline because it does not represent the "physical conditions that were present at the time the decision became final to close Fort Ord as a military base (September, 1991)." Reuse Plan EIR, p. 1-3; *see* Public Resources Code § 21083.8.1(c).

F-5 Con't

Fourth, even if FORA or the Army had followed the process required by Public Resources Code § 21083.8.1(c) and CEQA Guidelines § 15229 to identify a baseline condition for water, they were required to "state in writing how the lead agency intends to integrate the baseline for analysis with the reuse planning and environmental review process." Public Resources Code, § 21083.8.1(c)(C). The Reuse Plan EIR does explain how the 6,600 afy figure is to be integrated into its analysis and mitigation of water supply impacts. Reuse Plan EIR, pp. 4-49, 4-53 to 4-54. And that discussion does not indicate an intent to treat 6,600 afy as a baseline condition within which there is no significant impact, because it requires mitigation even if the 6,600 afy allocation is not pumped in full. CEQA does not permit the imposition of mitigation unless there are significant impacts. Guidelines, § 15126.4(a)(3). Thus, treating 6,600 afy as a baseline "no impact" level is inconsistent with the fact that Reuse Plan EIR repeatedly states that use of the 6,600 afy allocation is only to be permitted if it does not contribute to seawater intrusion and that mitigation may be required even if water use does not rise to 6,600 afy. *See* Reuse Plan EIR, pp. 4-49, 4-53 to 4-54.

And the Army's EIS also makes clear that 1) there is no categorical right to pump 6,600 afy, and 2) even the right to pump up to 5,200 afy is subject to a no-harm condition:

> MCWRA will not object to Fort Ord/POM Annex withdrawal from the basin of up to 6,600 af/yr, provided that no more than 5,200 af/yr are withdrawn from the

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[5] Dept. of the Army, Final EIS, Fort Ord Disposal and Reuse, June 1993, p. 4-57, available at http://docs.fortordcleanup.com/ar_pdfs/AR-BW-1348//Section_4/section_4.5.pdf.

[6] *Id.* at 4-59.

[7] US Army Corps of Engineers, *Other Physical Attributes Baseline Study of Fort Ord, California,* April 1992, p. 1-6, available at http://docs.fortordcleanup.com/ar_pdfs/AR-BW-2202//Section_1.pdf.

[8] *Id.* at 1-6, 1-14.

> 180-foot aquifer and 400-foot aquifer and that such withdrawals do not threaten to aggravate or accelerate the existing seawater intrusion problem.[9]

Fifth, Public Resources Code, § 21083.8.1(c)(A) provides that "[p]rior to the close of the hearing, the lead agency may specify the baseline conditions for the reuse plan environmental impact report prepared, or in the process of being prepared, for the closure of the base. The lead agency may specify particular physical conditions that it will examine in greater detail than were examined in the environmental impact statement." The Reuse Plan EIR does in fact require further analysis of physical conditions than the analysis provided in the EIR. For example, Program C-3.1 requires determination of the safe yield of the portion of Fort Ord overlying the Salinas Valley Groundwater Basin "to determine available water supplies." Reuse Plan EIR, p. 4-55. Program C-3.2 require further investigation of seawater intrusion in the context of the Salinas Valley Basin Management Plan and measures to prevent further intrusion. Again, these provisions are simply inconsistent with treating 6,600 afy as a permissible baseline use that would not constitute a significant impact.

F-5 Con't

6. 6,600 afy is not a safe yield.

MCWD cannot argue that 6,600 afy represents its share of the safe yield for the SVGB, i.e., an amount that MCWD can pump without significant impact. Safe yield or sustainable yield is defined as "the amount of groundwater that can be pumped annually on a long-term basis without causing undesirable results."[10] The Final EIS for the Fort Ord base closure and reuse also acknowledges that 1) safe yield must be determined for the entire groundwater basin and 2) pumping for Fort Ord already exceeded safe yield as of 1993:

> The concept of safe yield is meaningful only when applied to an entire groundwater basin. The amount of yield available to individual users within the basin depends of the amounts and locations of pumping by other users. In the Salinas Valley groundwater basin, present pumping in and near Fort Ord exceeds safe yield in the 180-foot and 400-foot aquifers, as indicated by continuing seawater intrusion and water levels below sea level in those aquifers. This indicates that the yield from the 180-foot and 400-foot aquifers for Fort Ord is less than its present pumpage, assuming that pumping by other users remains unchanged.[11]

F-6

Base Reuse Plan Hydrology and Water Quality Program C 3-1 requires that member agencies work with MCWRA to determine safe yield to determine available water supplies. For example, the Reuse Plan EIR provides for the City of Seaside:

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[9] Dept. of the Army, Final Supplemental Environmental Impact Statement Fort Ord Disposal and Reuse, June 1996, p. 4-11, emphasis added, available at http://docs.fortordcleanup.com/ar_pdfs/AR-BW-1538//Section_4.pdf.

[10] Dept. of the Army, Fort Ord Disposal and Reuse Final EIS, June 1993, p. 4-57, available at http://docs.fortordcleanup.com/ar_pdfs/AR-BW-1348//Section_4/section_4.5.pdf.

[11] Dept. of the Army, Fort Ord Disposal and Reuse Final EIS, June 1993, p. 4-57.

> The City shall continue to work with the MCWRA and the MPWMD to estimate the safe yield in the context of the Salinas Valley Basin Management Plan for those portions of the former Fort Ord overlying the Salinas Valley and the Seaside groundwater basins to determine available water supplies.

Reuse Plan EIR, p. 4-55. Similar provisions apply to the other member agencies. There is no evidence that the member agencies or MCWD have worked with MCWRA to determine safe yield for the Fort Ord area.

F-6 Con't

Furthermore, as the Final EIS for the Fort Ord base closure and reuse indicates, the concept of safe yield only makes sense for a basin as whole, not just the Fort Ord area. MCWRA's most recent determination of the sustainable or safe yield for the Salinas Valley Groundwater Basin and the Pressure Subarea indicates that pumping has been and remains in excess of safe yield. In particular, the 2016 State of the Salinas Valley Groundwater Basin report indicates that the safe yield of the Pressure Subarea is about 110,000 to 117, 000 afy and that existing pumping already exceeds this yield by about 12,000 to 19,000 afy.[12] The safe yield for the Salinas Valley Groundwater Basin as a whole (the four subareas constituting Zone 2C, the assessment area for the Salinas Valley Water Project) is from 499,000 to 506,000 afy, and existing pumping already exceeds this yield by 17,000 to 24,000 afy.[13]

7. The Initial Study fails to provide an adequate cumulative analysis and it may not tier from the Reuse Plan EIR.

The Initial Study claims that cumulative impacts were adequately evaluated in prior environmental documents, presumably the Reuse Plan EIR. Initial Study, p. 82. However, changed circumstances, new information, and changes in the Reuse Plan itself that have occurred since the Reuse Plan EIR require reexamination of the cumulative analysis and preclude tiering. Accordingly, MCWD is obliged to prepare a new water supply analysis and not to tier from the water supply analysis in the Reuse Plan EIR.

F-7

Public Resources Code § 21094(b)(3) bars tiering if a project is subject to Public Resources Code § 21166 and/or CEQA Guidelines § 15162 due to changed circumstances and/or new information. Here, there are changed circumstances and new information that bar reliance on the out-of-date cumulative analysis. As discussed above, information cited by Mr. Parker demonstrates that there have in fact been substantial changes in the environmental setting of the proposed area that would warrant new analyses. First, seawater intrusion has advanced another two miles inland since the 1997 Reuse Plan EIR, constituting a substantially more severe significant effect than shown in the Reuse Plan EIR. Within the meaning of Public Resources Code § 21166(b) and (c) this is a "substantial change[] . . . with respect to the circumstances under which the project is being undertaken" as well as "new information, which was not known and

[12] MCWRA, State of the Salinas Valley Groundwater Basin, 2016, p. 4-25, available at http://www.mcwra.co.monterey.ca.us/hydrogeologic_reports/documents/State_of_the_SRGBasin_Jan16_2015.pdf.

[13] *Id.* at 4-26.

could not have been known" at the time of the Reuse Plan EIR. Second, the expected basin management plan, the cooperation in mitigation of seawater intrusion and development of new water supply, and the determination of safe yield required by Reuse Plan policies, including Hydrology and Water Quality Policies B-1, B-2, and C-3 have not materialized, and this is a substantial change in the Reuse Plan itself. Most significantly, MCWD has not yet implemented the long-term water supply replacement projects that are mandated by the Reuse Plan and its EIR in the event that seawater intrusion continues.

Case law is clear that additional analysis of water supply impacts is required under section 21166 when new information shows more severe impacts or the planned water sources are not implemented timely:

> To the extent that a subsequent subdivision proposal relies on different water sources than were proposed in the specific plan it implements, or the likely availability of the intended water sources has changed between the time of the specific plan and the subdivision application (or more has been learned about the effects of exploiting those sources), changes in the project, the surrounding circumstances or the available information would exist within the meaning of section 21166, requiring additional CEQA analysis under that section . . .

Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova (2007) 40 Cal.4th 412,438; see also *id.* at 431, n. 7. Here, the new information about the severity of cumulative impacts, changes to circumstances, and to the project itself with regard to water supply are subject to Public Resources Code § 21166 and/or CEQA Guidelines § 15162 and therefore tiering, at least for the water supply analysis, is not permitted. The Initial Study erred by not providing a new analysis of water supply impacts, in particular, a new cumulative analysis.

F-7
Con't

Finally, even if tiering were permitted, MCWD must still assess whether the incremental effects of the Project would be considerable when viewed in the context of past, present, and probable future projects. Guidelines, § 15152(f)(2). We note that the California Supreme Court has clarified that additional review of a subsequent project may be required in a tiering context even where 21166 does not apply:

> The standard for determining whether to engage in additional CEQA review for subsequent projects under a tiered EIR is more relaxed than the prohibition against additional review imposed by Public Resources Code section 21166 for project EIR's." (*Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 528, 98 Cal.Rptr.2d 334.) For project EIRs, of course, a subsequent or supplemental impact report is required in the event there are substantial changes to the project or its circumstances, or in the event of material new and previously unavailable information. (*Ibid.*, citing § 21166.) In contrast, when a tiered EIR has been prepared, review of a subsequent project proposal is more searching. If the subsequent project is consistent with the program or plan for which the EIR was certified, then "CEQA requires a lead agency to prepare an initial study to determine if the later project may cause significant environmental effects not examined in the first tier EIR." (*Ibid*. citing Pub. Resources Code, § 21094, subds. (a), (c).)

Friends of the Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist. (2016) 207 Cal. Rptr. 3d 314, slip op. at p. 11 (emphasis added).

F-7 Con't

8. The Initial Study fails to disclose that increased pumping by MCWD to supply the Ord community through 2035 would make a considerable contribution to a significant cumulative impact.

By way of background, cumulative impact analysis requires an agency to make two determinations: (1) whether the impacts of the project in combination with those from other past, present, and future projects are cumulatively significant, and (2) if so, whether the project's own effect is a considerable contribution. Guidelines, § 15130(a); *see* Kostka and Zischke, Practice Under the California Environmental Quality Act (2nd Ed., 2014 Update), § 13.39. In step one, the agency must determine whether the combined effect of the project and other projects is significant, because those impacts may be "individually minor but collectively significant." *Communities for a Better Environment v. California Resources Agency* ("*CBE v. CRA*") (2002) 103 Cal.App.4th 98, 119-120. To provide an adequate step one analysis, the agency must

- "define the scope of the area affected by the cumulative effect,"
- explain "the geographic limitation used,"
- identify the past, present, and future projects "producing related or cumulative impacts" or provide projections of the conditions "contributing to the cumulative effect,"
- provide a "summary of the expected environmental effects to be produced by those projects." Guidelines, § 15130(b)(3), (4).

F-8

In step two, if there a significant cumulative effect, the agency must determine whether the project's contribution is "considerable," i.e., "whether 'any additional amount' of effect should be considered significant in the context of the existing cumulative effect." *CBE v. CRA, supra*, 103 CalApp.4th at 119. The determination whether a project's effects are a considerable contribution to a significant cumulative impact requires an acknowledgement of the existence of that cumulative impact and assessment of its severity because "the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant." *Communities for a Better Environment v. California Resources Agency* ("*CBE v. CRA*") (2002) 103 Cal.App.4th 98, 120.

Here, there is overwhelming evidence that a step-one determination must conclude that there is a significant regional cumulative impact from groundwater pumping by past, present, and reasonably foreseeable future projects, including the Monterey Downs project. The evidence, including Mr. Parker's comments, shows that

- there has been and still is an ongoing significant cumulative impact to groundwater resources in the form of declining groundwater levels and seawater intrusion due to over-pumping of groundwater;

- this impact is due to basin-wide pumping, not just pumping within the Reuse Plan area;

- this impact has not been avoided by existing groundwater management projects;

- there are no committed, funded groundwater management projects that will avoid this impact in the foreseeable future; and

- the impact will be aggravated by increases in pumping to support future development, including projected increases in agricultural pumping and new urban development such as the Ord community buildout.

Given this evidence, and the complete lack of analysis of relevant cumulative conditions in the Initial Study, the omission of an adequate cumulative analysis is prejudicial to informed decision making and public participation.

Furthermore, the Initial Study presents no contrary evidence to support a step-one finding that there is no significant cumulative impact from cumulative groundwater pumping – an issue that the Initial Study simply fails to address. The lack of analysis precludes any step-one conclusion or finding that there is not a significant cumulative impact.

The lack of analysis also precludes any step-two conclusion that increased water demand for the Ord buildout does not constitute a considerable contribution to a significant cumulative impact. Any implied approach to a step-two conclusion based on the relatively small percentage of basin pumping undertaken by MCWD or the fact that the pumping may be from the 900-foot aquifer would be based on a legally and factually erroneous approach to cumulative analysis. Indeed, the Initial Study argues that the MCWD pumping is only 1% of total Salinas Valley Groundwater Basin pumping. Initial Study, p. 49. Any implication that this means that pumping to support the Ord buildout it is not a considerable contribution to a significant cumulative imapct is wrong as a matter of law and fact.

F-8
Con't

An EIR may not conclude a cumulative impact is insignificant merely because the project's individual contribution to an unacceptable existing condition is, by itself, relatively small. *Los Angeles Unified School Dist. v. City of Los Angeles* ("*LAUSD*") (1997) 58 Cal.App.4th 1019, 1025-1026; *CBE v. CRA, supra*, 103 Cal.App.4th at 117-118, 121. In *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692,718, the Court rejected the agency's "ratio" theory that found impacts not to be a considerable contribution merely because they were a relatively small percent of the total impact. *Id.* at 720. Because the relevant question was "whether any additional amount" of incremental impact "should be considered significant in light of the serious nature" of the problem (*id.* at 718), a valid determination whether a project's contribution is considerable must reflect the severity of the cumulative problem. "[T]he greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant." *CBE v. CRA, supra*, 103 Cal.App.4th at 120. Thus, even an "individually minor" impact may be "cumulatively considerable." *Id.*; *see also* Guidelines, §§ 15355(b), 15065(a)(3); *LAUSD, supra*, 58 Cal.App.4th at 1024-25.

As Mr. Parker explains, what is relevant is whether <u>marginal increases</u> in pumping will be a considerable contribution in light of the severity of the overdraft and seawater intrusion problem. Because seawater intrusion is caused by the problem of overdraft, not by total pumping, the severity of the cumulative problem should be measured in terms of

the size of the overdraft or the amount of induced seawater intrusion. Here, the basin as a whole and the Pressure Subarea are in overdraft and, as Mr. Parker explains, any additional pumping will induce seawater intrusion equal to about 75% of the volume pumped. Furthermore, coastal pumping is more problematic than inland pumping. Thus, as Mr. Parker explains, the increase in pumping demand should be evaluated in light of the annual Pressure Subarea overdraft of 12,000 to 19,000 afy, not in relation to the 500,000 afy of total pumping in the Salinas Valley Groundwater Basin. Viewed in this light, and viewed in the light of the current recommendations by MCWRA that existing pumping be reduced in the Pressure Subarea, the marginal increase in pumping of 2,492 afy to support future Ord community buildout is a considerable contribution.

F-8 Con't

Finally, MCWD cannot argue that pumping to support the Ord buildout would be less than a considerable contribution to significant groundwater impacts because some portion of that pumping would come from the 900-foot Aquifer, also known as the Deep Aquifer. Based on available stratigraphic analysis and modeling, Mr. Parker demonstrates that increased pumping from the Deep Aquifer will also cause depletion of the 180-Foot and 400-Foot Aquifers because those aquifers are the source of recharge to the Deep Aquifer. Mr. Parker also demonstrates that increased pumping from the Deep Aquifer will aggravate seawater intrusion to the 180-Foot and 400-Foot Aquifers. Increased pumping from the Deep Aquifer may deplete that aquifer and it may also induce seawater intrusion into the Deep Aquifer itself. Finally, MCWRA has now recommended a moratorium new pumping from the 900-foot Aquifer.[14]

9. Other matters

In addition, many of LandWatch's 2011 comments on the previous project and environmental document have never been addressed. We have the following additional comments on the revised project and environmental document:

a. **Project Description**. Marina Coast Water District (MCWD) currently is working with the Salinas Valley Basin Groundwater Sustainability Agency to address requirements of the Groundwater Sustainability Act. Under the proposed project, MCWD would be able to more effectively address the Act's requirements because it would have the authority to levy fees and/or taxes to fund needed projects. The Initial Study should identify this as a project outcome.

F-9a

b. **General Plan Consistency with Base Reuse Plan.** The document finds that all General Plans and/or project EIRs are consistent with the Reuse Plan EIR (p. 18) The germane consistency determination is consistency of General Plans, etc. with the FORA Reuse Plan, not the FORA Reuse Plan EIR. Please identify those general plans that have not had a consistency determination, e.g., 2010 Monterey County General Plan. Revise the following statement as needed:

F-9b

c. **Table 3.** The table identifies Water and Wastewater Service providers. It shows MCWD as providing water service to the City of Seaside. The

F-9c

[14] MCWRA, Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin, Oct. 2017, pp 2-3, available at http://www.co.monterey.ca.us/home/showdocument?id=57394

referenced 2003 City of Seaside General Plan identifies MCWD as working on the Regional Urban Water Augmentation Project for the former Fort Ord; however, the table should be augmented to identify the California American Water as the primary water provider. Table 3 also identifies MCWD as providing water service to the City of Monterey. MCWD's service would only apply to the City of Monterey projects on the former Fort Ord. The table should be augmented to identify the California American Water as the primary water provider and MPWMD as the agency charged with overseeing the water resources in the non-Fort Ord areas.

F-9c Con't

Thank you for the opportunity to review the document.

Sincerely,

Michael DeLapa
Executive Director

References – provided via digital electronic media:

1. Timothy Parker, Technical Memorandum to John Farrow, Oct. 8, 2016.

2. John Farrow, letter to City of Seaside City council re Monterey Downs FSEIR, Oct. 12, 2016.

3. WRIME, Deep Aquifer Investigative Study, 2003.

References – available at referenced website:

4. Dept. Of the Army, Final Supplemental EIS Fort Ord Disposal and Reuse, June 1996, available at http://docs.fortordcleanup.com/ar_pdfs/AR-BW-1538//Section_4.pdf. The quote from the Final SEIS is of the unchanged text of the 1995 Draft SEIS.

5. Dept. of the Army, Final EIS, Fort Ord Disposal and Reuse, June 1993, available at http://docs.fortordcleanup.com/ar_pdfs/AR-BW-1348//Section_4/section_4.5.pdf

6. US Army Corps of Engineers, *Other Physical Attributes Baseline Study of Fort Ord, California,* April 1992, available at http://docs.fortordcleanup.com/ar_pdfs/AR-BW-2202//Section_1.pdf.

7. MCWRA, State of the Salinas Valley Groundwater Basin, 2016, available at http://www.mcwra.co.monterey.ca.us/hydrogeologic_reports/documents/State_of_the_SRGBasin_Jan16_2015.pdf

8. Monterey County Water Resources Agency (MCWRA), Protective Elevations to Control Seawater Intrusion in the Salinas Valley ("Protective Elevations"), 2013, available at http://www.mcwra.co.monterey.ca.us/salinas_valley_water_project_II/documents/ProtectiveElevationsTechnicalMemorandum.pdf.

9. MCWRA, Salinas Valley Water Project Draft EIR ("SVWP DEIR"), 2001, available at http://www.mcwra.co.monterey.ca.us/salinas_valley_water_project_I/documents/DEIR_EIS_2001/2001%20SVWP_DEIR_2001.pdf.

10. DWR, Critically Overdrafted Basins, available at http://www.water.ca.gov/groundwater/sgm/cod.cfm.

11. DWR, Critically Overdrafted Basins (1/2016), available at http://www.water.ca.gov/groundwater/sgm/pdfs/COD_BasinsTable.pdf.

12. MCWRA, Salinas Valley Water Project Final EIR, available at http://www.mcwra.co.monterey.ca.us/salinas_valley_water_project_I/documents/Final%20EIR-EIS%20SVWP_RTC-Vol%201.pdf.

13. MCWD, 2015 draft UWMP, available at http://www.mcwd.org/docs/agenda_minutes/2016-06-06_board/Item%2011-A%20-%20MCWD%20Draft%202015%20UWMP%20v20160520.pdf.

14. Hanson, et al., Comparison of groundwater flow in Southern California coastal aquifers, Geological Society of America, Special Paper 454, 2009, pp. 6-7, 11, 13, 14, 19, 26, available at https://www.researchgate.net/publication/279335540_Comparison_of_groundwater_flow_in_Southern_California_coastal_aquifers.

15. Transcript of Monterey County Planning Commission, Oct. 29, 2014, available in video file at http://monterey.granicus.com/MediaPlayer.php?view_id=14&clip_id=2745.

16. Ground Water Summary Reports published by MCWRA in 1995-2014, available at http://www.mcwra.co.monterey.ca.us/groundwater_extraction_summary/groundwater_extraction_summary.php.

17. MCWRA, Salinas Valley Water Project Engineers Report, available at http://www.mcwra.co.monterey.ca.us/salinas_valley_water_project_I/documents/SVWP%20final_engineers_report.pdf.

18. Monterey County General Plan DEIR, available at http://co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/resources-documents/2010-general-plan/draft-environmental-impact-report-deir.

19. MCWRA, Salinas Valley Water Project Phase II, Overview, Background, Status, available at

http://www.mcwra.co.monterey.ca.us/salinas_valley_water_project_II/salinas_valley_water_project_II_overview.php.

20. MCWRA, Salinas Valley Water Project Phase II, Status, available at http://www.mcwra.co.monterey.ca.us/salinas_valley_water_project_II/salinas_valley_water_project_II_project_status.php.

21. MCWRA, Salinas Valley Water Project Phase II website, Project Description, available at http://www.mcwra.co.monterey.ca.us/salinas_valley_water_project_II/salinas_valley_water_project_II_overview.php.

22. MCWRA Notice of Preparation of EIR, Salinas Valley Water Project Phase II, June 2014, available at http://www.mcwra.co.monterey.ca.us/salinas_valley_water_project_II/documents/NOP%20Salinas%20Valley%20Water%20Project%20Phase%20II.pdf.

23. MCWRA, Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin, Oct. 2017, available at http://www.co.monterey.ca.us/home/showdocument?id=57394.

LETTER F: LandWatch Monterey County

Note the Responses to the Comments follow the numbering system in the letter. A brief overview is provided to address the summary introduction.

Overview:

The comment provides introductory remarks and also references the Salinas Valley Groundwater Basin (SVGB) overdraft conditions. The comment letter further states that MCWD must acknowledge the existence of a significant cumulative impact to which the annexation will make a considerable contribution, and therefore MCWD may not approve the annexation without preparing an EIR or alternatively, MCWD must deny approval of the ND and the annexation. No evidence is presented to document this assertion. SVGB overdraft conditions are documented in the IS/ND. See Response below. Refer to Response to F-7 and F-8 below to address cumulative.

The comment letter misconstrues the project purpose and does not address the basics of the IS/ND description provided. As stated in the IS/ND, the annexation of the developed portions of the Ord Community into the District's LAFCO Service Area and amendment of the SOI to include existing and approved or planned development areas will continue the existing service provision of District services, including provision of water and wastewater collection service for the Ord Community Service Area, in the same area and manner as currently provided. The proposed Annexation and SOI amendment, if approved by LAFCO, will allow the residents within the annexation areas to vote in Marina Coast Water District elections. The boundary adjustment will not change the service provision or the amount of water to be provided for the project annexation areas of the former Fort Ord.

Land use decisions will also not be impacted, and water use will not be increased under the proposed boundary adjustment. Under the Proposed Project, or without it, the annexation areas will continue to be served under the service agreements with FORA and the U.S. Army. Annexing areas into the District's service area will provide an acceptable and fair governance structure for those receiving water and wastewater service from the District. This Project does not propose a change or expansion of the current area that is provided services by the District nor does this Project propose or require an increase in pumping of water supplied to these annexation areas.

The Proposed Project as documented in the IS/ND does not meet the requirements for preparation of an EIR. This Initial Study meets the requirements for a Negative Declaration (ND); as such the ND is a written statement describing the reasons why a proposed project will not have a significant environmental impact and that the project does not require the preparation of an EIR. (Public Resources Code §21064). Further, this IS/ND states on page 3: "The District circulated a previous IS/ND on an earlier project for public review in 2011 (State Clearinghouse Number 2011101074). The proposed revisions under this IS/ND significantly reduce the areas proposed for annexation and SOI amendment." The full record does not support the existence of a significant cumulative impact to which the annexation will make a considerable contribution, as addressed above and in further responses below.

Further, although MCWD chose to prepare a negative declaration, the proposed annexation and sphere of influence amendment is not subject to CEQA and, even if it was, it qualifies for several exemptions. Foremost, as the courts have made clear, CEQA does not apply to actions, including boundary changes and other LAFCO decisions, that will not cause or lead to any physical changes in the environment. (See Simi Valley Recreation & Park Dist. v. Local Agency Formation Com. (1975) 51 Cal.App.3d 648; City of Agoura Hills v. Local Agency Formation Com. (1988) 198 Cal.App.3d 480.) Second, the project fits within the categorical exemption for "Annexations of Existing Facilities and Lots for Exempt Facilities." (CEQA Guidelines, § 15319.) Third, the project qualifies for the categorical exemption for Existing Facilities. (CEQA Guidelines, § 15301.) As explained in the IS/ND and in these responses, the project would not change the service provided by MCWD or the facilities used to provide those

services. (See North Coast Rivers Alliance v. Westlands Water District (2014) 227 Cal.App.4th 832.) Finally, the project qualifies for the "common sense" exemption provided under CEQA Guidelines section 15061, subdivision (b)(3), which applies where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (See Muzzy Ranch Co. v. Solano County Airport Land Use Comm. (2007) 41 Cal.4th 372.) As documented in this IS/ND, the project would not cause or allow any changes in the physical environment and there is no possibility that the project may have a significant effect on the environment.

F-1: The comment letter states the project will cause physical impacts on the environment by facilitating increased pumping from the SVGB due to "increase in water supplied by MCWD, partially provided by increased groundwater pumping." MCWD's decision to annex the Ord Community would not constitute a new commitment to serve this community that would cause new physical impacts on the environment. On October 23, 2001, the U.S. Government through the Secretary of the Army deeded the following assets to FORA and on the next day, October 24, 2001, FORA deeded those very same assets without reservation to MCWD: (1) all of Fort Ord's water and sewer infrastructure; (2) 4,871 AFY of the Army's 6,600 AFY of MCWRA groundwater allocation; and (3) 2.22 MGD of the Army's prepaid wastewater treatment capacity under the Army-MRWPCA Agreement. MCWD agreed to accept the transfer of the systems and rights to further the economic redevelopment of Fort Ord, i.e., the Ord Community. Under the Proposed Project, or without it, the annexation areas will continue to be served utilizing the systems and rights acquired from the Army as those systems have been improved over time by MCWD. With or without the Proposed Project, MCWD would continue to provide potable water service and wastewater collection service to the Army for military facilities and military housing within the Ord Community pursuant to existing long-term utility service contracts. The Army utility service contracts authorize MCWD to utilize the Army's reserved MCWRA groundwater allocation and the 1.08 MGD of the Army's prepaid wastewater treatment capacity, which was not transferred to MCWD. With the Proposed Project, the annexation areas will be provided water and wastewater services pursuant to MCWD's authorities under the County Water District Law (Water Code Section 30000, et seq.). Upon the termination of the legal existence of FORA, MCWD would continue to serve any non-annexed areas because MCWD would be the sole public owner of the water and wastewater systems and rights to serve those areas and MCWD accepted those systems and rights from the Army to further the economic redevelopment of the Ord Community. MCWD is currently serving the former Fort Ord under agreement with FORA, and all previous planning and implementation documents including the EIR and Addenda for the Regional Urban Water Augmentation Project (RUWAP), and the District's Urban Water Management Plans (UWMP) for 2001, 2005, 2010 and 2015, as well as numerous Capital Improvement Plans as detailed in the IS/ND reflect this fact. Moving the District's LAFCO service area boundary does not change the areas planned for service or affect the current and projected land use within the former Fort Ord. It simply allows the customers within the proposed service area to vote for and run for the District Board of Directors.

Additional responses below further address the assertion that the annexation of territory already served or planned to be served in over a decade of planning and capital improvements plans would cause an increase in water use that would then create a physical impact on the environment. The comment letter references the documentation from the UWMP (Tables 5 and 6 in the IS/ND) which present the past water use and future projected water demand under the Fort Ord Reuse Plan and allocation system, as presented in the MCWD UWMP and area planning documents. These projections are estimates and the tables are included to show that MCWD has a plan for services for the annexation area, not to present the projections as absolute, or suggest that there would be any change in service. These tables represent the water demand under existing service area conditions and as described in all area EIRs as presented on Page 23. Also, as identified in Appendix D of the IS/ND, under all project alternatives, including the no project alternative described, MCWD would continue to serve the areas within the Former Fort Ord, continue to own the infrastructure and facilities and continue to provide extended services under their existing agreements (included as Appendix A to the IS/ND). The IS/ND includes

Section 4.9, Hydrology and Water Quality, an 11-page chapter and Section 4.18, Utilities and Service Systems, describing existing environmental conditions, analyzing the Project's potential to cause direct, indirect, and cumulative impacts to groundwater and hydrogeology, and water supplies, as well as Section 4.19, a two-page summary determining that the Project would not cause a cumulatively considerable impact to water supplies. Again, the comment letter misconstrues the project purpose and current service agreements and ignores the Project Description in the IS/ND.

The change in proposed boundaries would not result in any physical impacts to the environment. This comment in the comment letter regarding physical impacts is not supported by substantial evidence and is purely speculative in nature. As stated in the IS/ND on Page 52: "Regardless of the reorganization of boundaries under this proposed service area, current and future water supply within the Ord Community will continue to be provided by the District. Thus, the reorganization or governance structure proposed under the service area would not affect planning, permitting, or design for those areas or projects such as to create any physical impacts to hydrology and water quality."

Moreover, the commenter is trying to link a change in SOI to an increase in development without a factual basis for their conclusion. Annexation or SOI changes are not a commitment to provide water to specific development projects or to guarantee available water to accommodate future development. Any future physical effects associated with groundwater pumping that are related to a specific development proposal would be evaluated under CEQA by the appropriate public agencies when a specific project is proposed. Lastly, the development approvals for all areas within the former Fort Ord are within the land use jurisdictions' authority and FORA's.

See also Response above.

F-2: The comment letter submits comments on another jurisdiction's EIR for a development project which has since been disapproved and then, suggests that these comments should be considered as comments on this IS/ND document. The comments on the EIR for the Monterey Downs project referenced in the letter are not specific to the IS/ND for the annexation and SOI project proposed by the District. Additionally, the area of Monterey Downs is specifically excluded from the IS/ND proposed annexation territory and the SOI amendment area. The comment letter attempts to join the now defunct Monterey Downs project as a part of this IS/ND and suggest that the Proposed Project will facilitate provision of water to this potential future project area because the project is "purported to be consistent with the Fort Ord Reuse Plan and with the General Plans of the City of Seaside and Monterey County". The Proposed Project as described in this IS/ND excludes this parcel in both the Sphere amendment and proposed annexation territory; the consistency assertion is not germane to the IS/ND from MCWD.

Notwithstanding the above, MCWD specifically addressed LandWatch's hydrologist Timothy Parker's comments in a November 8, 2016 letter to Seaside City Manager Craig Malin re: Response to Timothy Parker Technical Memorandum Dated October 8, 2016 (MCWD's November 8, 2016 Response), as shown in Attachment B. As noted in Paragraph 1.4 of MCWD's Response, the California Department of Water Resources (DWR) had then approved a groundwater basin boundary modification, which carved out the Adjudicated Seaside Subbasin from the then Seaside Subbasin and merged the remaining of the Seaside Subbasin with the remainder of the Corral De Tierra Subbasin into a new Monterey Subbasin. The comment letter claims that the entire SVGB is "is <u>critically overdrafted</u> and has been so identified by the <u>Department of Water Resources</u>" [Emphasis in original]. DWR has designated eight subbasins within the SVGB. Of the eight subbasins, only the northern most, the 180/400 Foot Aquifer Subbasin, and the southern most, the Paso Robles Area Subbasin within both Monterey and San Luis Obispo Counties, have been designated as being Critically Overdrafted. See https://www.water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Critically-Overdrafted-Basins/Files/COD-basins_2016_Dec19.pdf?la=en&hash=F76E2E74B5D11DB43EC3C6DE64A4EB36EB022E1F.

As discussed in Paragraphs 3 and 4 of MCWD's November 8, 2016 Response, MCWD's hydrogeological consultant Curtis J. Hopkins has determined that portions of the 180/400 Foot Aquifer Subbasin situated south of the Salinas River, also referred to as the "North Marina Area," has protective groundwater levels that in some areas are sufficiently above sea level to prevent seawater intrusion into the inland portion of the Dune Sand and upper 180-Foot Aquifers and retard the rate flow of seawater into the lower 180-Foot Aquifer located south of the Salinas River. Newly acquired data indicate significant hydrogeologic details that cannot be depicted on the seawater intrusion maps produced by MCWRA and relied upon by Brown & Caldwell in its 2015 State of the Salinas River Groundwater Basin report. The comment letter refers to the MCWRA's 2017 seawater intrusion maps based upon data collected in 2015. In May 2017, Stanford University acquired 635 kilometers of airborne electromagnetic (AEM) data in the Marina area. The attached maps (Attachment C) compare MCWRA's 2017 seawater intrusion map for the 400-Foot aquifer with the map of the AEM profile for the same area. The AEM profile does not confirm the extent of the seawater intrusion depicted in the MCWRA map for the same area (Attachment D).

MCWD's production wells are located along the northern boundary of the Monterey Subbasin and pump groundwater from both the Monterey Subbasin and a portion of the 180/400 Foot Aquifer Subbasin located south of the Salinas River. As discussed above, see the information in MCWD's November 8, 2016 Response.

The MCWD Board is not a land use agency. Neither does the Board allocate water supply to projects, but instead advises customer land use jurisdictions as to the current and historic water use within their boundaries and the estimated remaining supply available for new developments. Within the Ord Community, the FORA Board has managed the allocation of Salinas Valley groundwater supplies among the seven land use jurisdictions, and they, in turn, sub-allocate water supply to specific projects. Specific planning for projects and approval of these projects are under the control of the land use jurisdictions, as well as FORA for consistency determinations. MCWD's role is to consider these proposals for water or service extension only after approvals and CEQA compliance is completed by the jurisdictions and subject to water availability.

The comment letter states overdraft and seawater intrusion in the SVGB continues and existing groundwater management efforts are not sufficient to mitigate or halt it. The comment does not acknowledge that the IS/ND discusses seawater intrusion and provides background on this condition as stated in Responses below. The IS/ND also addresses additional supplies as considered in approved and under construction water supply projects (MCWD RUWAP and PWM/GWR). As noted in the IS/ND and the comment, and discussed in the MCWD UWMP, additional measures to combat seawater intrusion are needed and MCWRA as well as MCWD and other agencies are working cooperatively to develop these as well as augment supplies to reduce pumping in the SVGB.

Further, the statement in the comment letter does not acknowledge the discussion of seawater intrusion, future water supply efforts and existing and planned efforts to address seawater intrusion already discussed in the IS/ND. Further information is provided below:

Historically, groundwater withdrawal within the Salinas Valley Groundwater Basin has outpaced groundwater recharge of fresh water and has resulted in overdraft and seawater intrusion conditions (Brown and Caldwell, 2014; California DWR, 2004b; MCWRA, 2012a, 2012b; Kennedy/Jenks, 2004; HydroMetrics WRI, 2013). Following its creation, MCWRA formulated a three-part strategy to combat seawater intrusion, which includes: (i) developing a surface water source to replace groundwater, (ii) stopping pumping along the coast, and (iii) moving surface water to the northern portions of the Salinas Valley to reduce groundwater pumping. Groundwater modeling shows that a reduction in groundwater pumping in the coastal areas has a greater beneficial influence on seawater intrusion than a pumping reduction elsewhere in the Basin. For this reason, MCRWA has focused its efforts on reducing groundwater use in the coastal areas. (MCWD UWMP 2015, Ferrini EIR, 2012).

To date, MCWRA has implemented a number of projects to support these solutions; and MCWRA continues to monitor the extent of seawater intrusion and to undertake new efforts to reduce groundwater pumping. These efforts are discussed more fully below. As noted in the IS/ND, landowners and local water and wastewater agencies have consistently responded to the problem over more than half a century with a series of measures, described below, designed to reduce or halt the advance of seawater intrusion:

- Constructing Lake Nacimiento (capacity 377,900 acre-feet or AF) in 1957 and Lake San Antonio (capacity 335,000 AF) in 1967 to augment groundwater recharge to the Salinas Valley Groundwater Basin. Reservoir releases in summer percolate through the Salinas River riverbed and banks, which helps supply water for pumping and elevates groundwater levels in the Upper Valley and Forebay Subbasins and indirectly helps to repel seawater intrusion at the coast. The operation of the reservoirs increases groundwater recharge by about 30,000 AF per year (AFY) (RMC, 2003).
- Drilling deeper wells in the coastal area—first to the 400-Foot Aquifer and then to the Deep Aquifer. Moving wells further inland to address seawater intrusion as needed (MCWD, 2015 UWMP).
- Constructing the Salinas Valley Reclamation and Castroville Seawater Intrusion Projects to deliver recycled water to coastal cropland in lieu of pumping groundwater.
- Constructing the Salinas Valley Water Project to deliver surface water to coastal cropland in lieu of pumping groundwater. This project modified the operation of Nacimiento and San Antonio Reservoirs and installed an inflatable dam in the Salinas River near the coast to divert water for irrigation on nearby cropland.
- The Castroville Seawater Intrusion Project (CSIP) is a program that has distributed recycled water from the MRWPCA service area since 1998 (MCWRA, 2006). Tertiary-treated recycled water is produced by the Salinas Valley Reclamation Plant at the MRWPCA Regional Treatment Plant and delivered to agricultural users within the 180/400 Foot and East Side Subbasins of the Salinas Valley Groundwater Basin, thereby reducing groundwater extraction in those areas. This type of redistribution of water resources provides a form of in-lieu groundwater recharge by effectively reducing groundwater extraction in those areas of the basin that are part of the CSIP area. As of 2014, the CSIP was delivering approximately 15,300 AFY of recycled water to farm lands in the CSIP delivery area.
- The Pure Water Monterey Groundwater Replenishment (PWM/GWR) Project will serve northern Monterey County by providing: (1) purified recycled water for recharge of a groundwater basin that serves as drinking water supply; and (2) recycled water to augment the existing Castroville Seawater Intrusion Project's agricultural irrigation supply (See Page 8, IS/ND). The PWM/GWR Project EIR analysis of recharge impacts associated with surface water diversions on Salinas Valley Groundwater Basin recharge found that the overall water balance of inflows and outflows to and from the Salinas Valley Groundwater Basin and the overall groundwater storage volumes and water levels in the 180/400 Foot Aquifer Subbasin would benefit from the PWM/GWR Project due to the provision of up to 5,142 AFY of new tertiary-treated recycled water for irrigation of the CSIP area in lieu of groundwater pumping from these aquifers. (PWM/FWR EIR; Schaaf & Wheeler, 2015c)[1].

The comment letter also asserts that the MCWD intends to provide the production of water as identified in the UWMP through 2035 "from increased groundwater pumping" in the SVGB. This comment ignores the information in the IS/ND and the UWMP on the future water supply projects contemplated by the District.

[1] [1] As documented in the PWM/GWR impact analyses in Section 4.10.4.4 (under Impacts GW-3 and GW-5), the Proposed PWM/GWR Project would have overall, net beneficial impacts on both groundwater quality and groundwater levels, recharge, and storage in the Salinas Valley Groundwater Basin.

- Addendum No. 3 to the RUWAP EIR was prepared in March 2016 addressing shared use of the RUWAP pipeline and storage facilities with the PWM/GWR Project. On April 8, 2016, MCWD adopted the Addendum and approved the Pure Water Delivery and Supply Project Agreement with Monterey One Water providing for combined pipeline facilities and delivery of urban irrigation water from the PWM/GWR for in-lieu groundwater recharge and use of RUWAP pipeline facilities. Per the Agreement, the RUWAP pipeline would be designed, constructed, owned, and operated by MCWD. Under this 2016 Agreement, MCWD has the right to utilize advance treated water for the Ord Community up to and including a net 600 AFY during Phase 1 and a combined total net 1,427 AFY during Phase 2 to implement FORA Board Resolution No. 07-10. On October 30, 2017, the MRWPCA Board approved Addendum No 3. to the PWM/GWR EIR addressing the shared facilities and delivery of advanced purified water to the MCWD customers for urban irrigation subject to final agreements.
- MCWD also has a program of monitoring wells and a required conservation program. As noted in the UWMP, Table 3.1, MCWD water demand in 2015 has decreased from the 2010 water delivery in the former Fort Ord (resultant reduced pumping from the SVGB from 1,816 AFY to 1,332 AFY in 2015), due to customers implementing MCWD's conservation programs. MCWD operates a monitoring well installed between the Monterey Bay and the Marina production wells. That monitoring well serves as an early warning system to identify any seawater intrusion that might later affect MCWD's production wells, located further inland.
- In addition to the PWM/GWR Project and RUWAP Project that are currently under construction and will provide water from other sources than groundwater and MCWD has also identified future supply projects for water augmentation for water supply projects that would not draw water from the SVGB. There have been preliminary studies for the desalination project component of the RUWAP approved under the Hybrid Alternative, including a 2007 Desalination Facility Basis of Design Report for the RUWAP desalination component. That study analyzed locating the 1,500 AFY plant at the former Fort Ord Main Garrison Wastewater Treatment Plant. MCWD has a seawater desalination plant located at its main office adjacent to Marina State Beach. This facility is not currently in use but has a design capacity of 300 AFY.

MCWRA also has proposed Phase II of the Salinas Valley Water Project, which will capture and use additional Salinas River flows. The Salinas Valley Water Project, Phase II will put to beneficial use the water right allocated to MCWRA by Water Right Permit 11043 by further developing surface water resources that will be used to offset groundwater pumping. Reduced groundwater extractions will, in turn, help to halt seawater intrusion in the Salinas River Groundwater Basin. Additionally, the Interlake Tunnel Project is proposed by MCWRA and would divert water from Nacimiento Reservoir to San Antonio Reservoir that would have otherwise been spilled at Nacimiento Dam. The Nacimiento River basin produces nearly three times the average annual flow of the San Antonio River basin, therefore, capturing high Nacimiento River flows and diverting those flows to San Antonio Reservoir increases the overall storage capacity of the system. (See www.mcwra.org). MCWD has also studied water storage and groundwater recharge projects within the Armstrong Ranch.

Approval of a revised LAFCO service area boundary does not increase SVGB pumping from the MCWD as it will not change the existing water and wastewater services provided by MCWD within the Ord Community, or expand the areas planned for service or affect the current and projected land use within the former Fort Ord. It simply allows the customers within the proposed annexation area to vote for and run for the District Board of Directors and as discussed below to include the annexed area within MCWD's exclusive groundwater sustainability agency boundaries under the Sustainable Groundwater Management Act.

F-3: The comment states the IS/ND does not evaluate the effects of increased pumping, and inappropriately relies on the outdated Fort Ord Reuse Plan EIR. As explained above, the Proposed Project will not cause, or allow for, any increase in groundwater pumping. Further, the IS/ND does not rely solely on the information in the Base Reuse Plan and EIR for the SVGB discussion and analysis. Also, the IS/ND concludes that approval of a revised LAFCO service area boundary under the conditions of MCWD currently serving or having the agreements to provide service would not increase SVGB pumping from the MCWD as it will not change the existing water and wastewater services provided by MCWD or expand the areas planned for service or affect the current and projected land use within the former Fort Ord. In reference to the comment on reliance on the Fort Ord Reuse Plan and incorporation by reference, revisions to the document in this Final IS/ND clarify the statements identified. The commenter did not consider that the IS/ND referenced "EIRs" and not solely the 1997 EIR referenced in the document. The intent of the IS/ND was to provide background documentation where appropriate from the number of more recent certified EIRs referenced under Page 23 as clarified in Section 3 of this Final IS/ND. The comment incorrectly implies that the IS/ND relies solely on the Reuse Plan EIR for the Hydrology and Water Quality setting and analysis. Please see Section 3, where Pages 23 and 52 in the IS/ND have been amended to clarify the additional underlying EIRs that are used for the setting and information in this section. These include the PWM/GWR EIR (2015) and the RUWAP EIR and Addenda (2003-2016) and the 2015 UWMP, as well as other documents. These EIRs and UWMP, as well as the discussion presented in Response F-2 above, update the information on groundwater, cumulative and seawater intrusion is based on reliable and current information and also documents that the IS/ND does not rely on the 1997 FORA Reuse Plan for these seawater intrusion topics and analysis. Please also see changes to Section 3, page 52. Regarding the comment on the cooperation on mitigation of seawater intrusion and the development of new water supplies, see Response F-1 and F-2 above.

F-4: The letter states that the IS/ND "implies that there would be no significant impact as long as groundwater pumping stays within the 6,600 AFY allocation of SVGB groundwater that was assigned to MCWD and then sub-assigned to the FORA member agencies". The commenters state that this was the same assumption used in a previous EIR and then argue the content and assertions of another environmental document. This IS/ND does not make such an assertion or statement. See discussion of increase in pumping of the SVGB and the Proposed Project purpose and description above. The proposed boundary adjustment will not change the service provision or the amount of water to be provided for the project annexation areas of the former Fort Ord. The IS/ND conclusions related to water supply impacts are based on the assumptions stated above. With or without the Proposed Project, MCWD would continue to provide potable water service and wastewater collection service to the Army for military facilities and military housing within the Ord Community pursuant to existing long-term utility service contracts. With the Proposed Project, the annexation areas will be provided water and wastewater services pursuant to MCWD's authorities under the County Water District Law (Water Code Section 30000, et seq.). Upon the termination of the legal existence of FORA, MCWD would continue to serve any non-annexed areas because MCWD would be the sole public owner of the water and wastewater systems and rights to serve those areas and MCWD accepted those systems and rights from the Army to further the economic redevelopment of the Ord Community. Annexing areas into the District's service area will provide an acceptable and fair governance structure for those receiving water and wastewater service from the District. Land use decisions will also not be impacted, and water use will not be increased under the proposed boundary adjustment. Also, refer to additional discussion above regarding the SVGB.

F-5: The comment letter states that the IS/ND defines a baseline of 6,600 AFY. However, nowhere in the hydrology/water quality section does the IS/ND claim that 6,600 AFY represents the environmental baseline. This comment appears to be inaccurate and misinformed. Further, the letter implies that the IS/ND does not acknowledge the history of the 6,600 AFY and provides information on historical demand varying. The IS/MND does not contend that 6,600 AFY represents the environmental baseline. Also, as stated on page 49 of the IS/ND, "When the U.S. Army conveyed the water and

wastewater infrastructure through FORA to MCWD, they also conveyed the right to provide up to 6,600 AFY of water from the SVGB, authorized under an agreement between the U.S. Army and the MCWRA. This amount is about equal to the peak historic water use on Fort Ord." Note: The following statement clarifies and amends the note above. See Revisions to the IS/ND (Refer to Revisions to the IS/ND, Section 3.0):

"The Army also conveyed to MCWD 4,871 AFY of the Army's 6,600 AFY of the 1993 MCWRA groundwater allocation for the economic redevelopment of Fort Ord and contractually allows MCWD to use the Army's reserved groundwater allocation to serve military facilities and military housing."

The Final Reassessment of the Base Reuse Plan identified an average water use by the U.S. Army (1988-1992) of about 5,200-acre feet and notes the peak use of 6,600 acre-feet in 1984. The Reassessment Report states the current annual water use on the former Fort Ord is currently 2,220 acre-feet. Table 13, Former Fort Ord Water Allocations, provides information on water allocations and sub-allocations. http://www.fora.org/Reports/FinalReassessment/FinalReassessmentReport121412.pdf. The UWMP identified reduced water delivery (from wells within the SVGB) between 2010 and 2015 as stated above. See Revisions to the IS/ND, Section 3.0.

Again, the Project does not cause, or allow for, any increase in groundwater pumping. Thus, the Project will not cause any change in the physical environment, either directly or indirectly.

The remainder of these comments appear to be addressing policies, water demand and FORA Base Reuse Plan EIR comments which are beyond the scope of this IS/ND.

F-6: The comment letter states that the IS/ND identifies a safe yield and that "MCWD cannot argue that 6,600 AFY represents its share of the safe yield for the SVGB". Nowhere is there a safe yield identified in the IS and no argument is made as asserted. Again, it appears that the comment letter is misconstruing the Project or misreading the IS/ND. The Project would not cause or lead to any increase in groundwater pumping or any physical change in the environment. This comment letter is addressing the Fort Ord Reuse Plan Final EIS, EIR and plan policies not specific to this Proposed Project or IS/ND.

Moreover, notwithstanding the above, "Sustainable Yield" under the Sustainable Groundwater Management Act (SGMA)is discussed in Paragraph 1 of MCWD's November 8, 2018 Response and defined at Water Code Section 10721(v). MCWD has been designated by DWR as the exclusive groundwater sustainability agency (GSA) under SGMA for all lands within its jurisdictional boundaries. Those lands lie within both the Monterey Subbasin and the 180/400 Foot Aquifer Subbasin. The Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) is the GSA for the rest of the SVGB within Monterey County.

The SVBGSA and MCWD entered into the November 9, 2017 Proposition 1 Coordination Agreement pursuant to SGMA (Attachment E). The Coordination Agreement provides that MCWD shall be the designated party and grantee for submitting a grant application for a DWR Proposition 1 grant to fund development of a groundwater sustainability plan (GS Plan) for the Monterey Subbasin. The SVBGSA would in turn be the designated party and grantee for submitting a grant application for grant funds for the development of a GS Plan for the 180/400 Foot Aquifer Subbasin. MCWD and SVBGSA filed timely grant applications with DWR and are awaiting DWR action. In the Coordination Agreement, the parties agreed that the Monterey Subbasin would be divided into the following three management areas: Marina Subarea, Ord Subarea, and Corral de Tierra Subarea. MCWD will manage the Marina Subarea and Ord Subarea in accordance with the Monterey Subbasin GS Plan and the SVBGSA will manage the Corral de Tierra Subarea in accordance with the Monterey Subbasin GS Plan. The GS Plan for the 180/400 Foot Aquifer Subbasin must be adopted by January 31, 2020, since that subbasin is designated as being Critically Overdrafted. The GS Plan for the Monterey Subbasin

has until January 31, 2022, to be adopted since the Monterey Subbasin has not been designated as being Critically Overdrafted although MCWD's goal is to adopt the GS Plan by January 31, 2020. The sustainability goal under each GS Plan is to "achieve sustainable groundwater management by identifying and causing implementation of measures targeted to ensure that the applicable basin [or subbasin] is operated within its sustainable yield" within 20 years of the implement of the GS Plan for that Subbasin. Water Code Sections 10721(t), 10727.2(b). That includes rolling back seawater intrusion to at least the condition and extent which existed on January 1, 2015.

The Coordination Agreement also provides that the GS Plan for the Monterey Subbasin will include review and potential refinement of the portion of the Salinas Valley Integrated Hydrologic Model (SVIHM) that addresses the Monterey Subbasin and nearby subbasins.

F-7: The comment letter challenges the cumulative analysis and asserts the IS/ND may not tier from the Reuse Plan EIR. Specifically, the letter states: The Initial Study claims that cumulative impacts were adequately evaluated in prior environmental documents, presumably the Reuse Plan EIR. The Initial Study, on pages 12 and 13, and 22 and 23, identifies a number of previous certified environmental documents, as well as project level plans and studies, that were relied upon for background analysis of the IS/ND. The references section (pages 83-86) also lists certified EIRs and City and County of Monterey General Plan EIRs that provide cumulative analysis for the area proposed for annexation and the former Fort Ord territory. Please see Revisions to the IS/ND, Section 3.0 for additional certified EIRs listed. The referenced text on page 23 of the IS/ND has been revised to clarify the above assumptions. Please see Changes to the IS/ND Section of this Final IS/ND.

The letter asserts that changed circumstances, new information, and changes in the Reuse Plan itself that have occurred since the Reuse Plan EIR require reexamination of the cumulative analysis and preclude tiering. Accordingly, MCWD is obliged to prepare a new water supply analysis and not to tier from the water supply analysis in the Reuse Plan EIR. As explained in other responses, the Project will not cause, or allow for, any increase in groundwater pumping or any other change in the physical environment, either directly or indirectly. Thus, the Project will not cause or contribute to any project-specific or cumulative impacts. The IS/ND does not rely on the Reuse Plan EIR to support that conclusion. Although the IS/ND discusses tiering, the IS/ND does not rely on any of the other EIRs for its conclusions. A statement has been added to Section 3.0, Revisions to the IS/ND to clarify that the other EIRs provide background only, but were not actually used for "tiering."

See also Response F-8 for discussion of cumulative.

F-8: The comment letter states that the proposed annexation of the Ord Community to MCWD's service area will make a considerable contribution to the existing significant cumulative impact. The comment letter further states that MCWD must acknowledge the existence of a significant cumulative impact to which the annexation will make a considerable contribution, and therefore MCWD may not approve the annexation without preparing an EIR or alternatively, MCWD must deny approval of the ND and the annexation. No evidence is presented to support this assertion and the comments do not acknowledge the underlying project description as stated in the IS/ND.

CEQA requires an EIR "to discuss cumulative impacts when they are significant and the project's incremental contribution is cumulatively considerable." (CEQA Guidelines, § 15130, subd. (a); *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 909 (*City of Long Beach*) [the analysis of cumulative impacts "is only necessary if the impact is significant and the project's incremental effect is cumulatively considerable"].) The CEQA Guidelines define "cumulative impacts" as "two or more individual effects, which, when considered together, are considerable … or compound or … compound or increase other environmental impacts." (CEQA Guidelines, § 15355.) The ultimate goal of the analysis is to determine whether the proposed project's incremental contribution is "cumulatively considerable" and thus significant. (See CEQA Guidelines, § 15130, subd. (a).)

"'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past project, the effects of current projects, and the effects of probable future projects." (Id., § 15065, subd. (a)(3).)

Considering the comments related to the SVGB, there is no evidence supporting the comments assertion that the IS/ND should analyze the buildout of Fort Ord and conclude a cumulatively significant contribution of the Project. The comment incorrectly assumes that the proposed boundary change would result in increased use of Salinas Valley Groundwater, however, the IS/ND is clear that the boundary adjustment if approved by LAFCO would not impact the underlying land use, development or service provision to the annexation properties other than to change the manner in which the property owners of these parcels are represented. The Project consists of SOI amendment and related formation changes. No increased pumping is proposed in connection with this Project. Moreover, the areas are currently being served by MCWD under separate agreements with or without the boundary adjustment.

To clarify, the Final IS/ND document includes additional discussion in Chapter 3, under Cumulative (b), on Page 81.

The adoption of the proposed annexation will not result in development or increased pumping. The proposed annexation does not change land uses or policies as previously analyzed in the Reuse Plan EIR, underlying jurisdiction's land use plans, general plans or approved specific plans/developments. Additionally, future development projects will be subject to site-specific environmental review as discussed in other responses above. Further, the majority of the areas proposed for annexation and SOI amendment are already currently served or approved for planned and entitled development projects. Cumulative as well as project-level, indirect as well as direct, impacts of these approved projects have been adequately analyzed in an earlier EIR or negative declaration. Thus, the Proposed Project would not result in any direct or indirect impacts or additional water use beyond what was allowed or planned under existing conditions. Therefore, implementation of the Proposed Project would not have a significant cumulative impact from cumulative groundwater pumping, nor would the proposed change in boundary have any direct or indirect adverse impacts on groundwater that would result in a cumulatively considerable impact.

The analysis of cumulative impacts is only necessary if the impact is significant and the project's incremental effect is cumulatively considerable. The statement above supports a step-one finding that there is no significant cumulative impact from cumulative groundwater pumping (as there is no change in the service provision with or without the annexation of the territories) in the annexation area and the SOI area. Nor would there be change or impacts from the entire Former Fort Ord territory as this area is under contract for service by MCWD. Therefore, to address the comment that CEQA requires an EIR to reach an express significance conclusion at the "first step" of a cumulative impact analysis, the IS/ND satisfies this requirement by concluding that implementation of the Proposed Project would not have any significant cumulative impact from groundwater pumping.

The comment questions the provision of Tables 5 and 6 in the IS/ND which present the past water use and future water demand under the Fort Ord Reuse Plan and allocation system, as presented in the MCWD UWMP and area planning documents. Notwithstanding the first-tier cumulative conclusion presented above, the IS/ND documents that the current and planned future use of Salinas Valley Groundwater within the Ord Community were considered under the Fort Ord Reuse Plan as well as more recent General Plan EIR and project-level EIRs within the various jurisdictions, as well as the RUWAP EIR and PWM/GWR EIR which were incorporated by reference. The Reuse Plan was adopted in 1997 before MCWD became the water and wastewater service provider for the former Fort Ord. MCWD has reflected the future use of Salinas Valley Groundwater in planning documents prepared while serving the former Fort Ord under agreement with FORA, including the EIR for the RUWAP, and in the District's Urban Water Management Plans (UWMP) for 2001, 2005, 2010 and

2015. The annexation of the former Fort Ord into the MCWD was also considered in the area planning and environmental documents. Moving the District's LAFCO service area boundary does not affect the current and projected land use within the former Fort Ord. It simply allows the customers within the proposed service area to vote for and run for the District Board of Directors. This provision of information from the UWMP does not change the conclusions of the IS/ND and Project would not cause or contribute to any cumulative effects.

Contrary to LandWatch's claim, the IS/ND, when read as a whole, clearly follows the "two-part" test stated in the comment letter. The IS/ND includes Section 4.9, Hydrology and Water Quality, an 11-page chapter and Section 4.18, Utilities and Service Systems, describing existing environmental conditions, analyzing the Project's potential to cause direct, indirect, and cumulative impacts to groundwater and hydrogeology, and water supplies, as well as Section 4.19, a two-page summary determining that the Project would not cause a cumulatively considerable impact to water supplies. The IS/ND concludes, based on substantial evidence, that the Project would not have any incremental contribution to any cumulative groundwater impacts. Additionally, the information presented in the IS/ND including this Final IS/ND provides a sufficient summary of the cumulative effect of past, present, and reasonably probable future projects on the SVBG. On Page 76 and on Page 81, the IS/ND states that the Reuse Plan EIR found that cumulative impacts related to water systems and supplies were considered significant and unavoidable. Additionally, the IS/ND addresses seawater intrusion in the above areas and the discussion acknowledges that there is a problem with groundwater overdraft and seawater intrusion in the Basin. "The SVGB has been in an overdraft condition with seawater intruding at an estimated rate of 11,000 to 18,000 AFY into the 180-foot and 400-foot aquifers" and "MCWD's groundwater withdrawals, including the Ord Community lands, are about 4,200 AFY, or less than 1.0 percent of total annual basin withdrawals of about 524,500 AFY (MCWD 2015 UWMP)" (Page 49, IS/ND). As presented in the responses above and the Draft IS/ND, MCWD proposes projects to augment supply that are outside of the SVGB withdrawals, MCWD has partnered on the PWM/GWR project that would reduce pumping in the SVGB by approximately 5,142 AFY, and also has recycled water supplies under construction that would provide 1427 AFY of non SVGB water. The IS/ND and this Final IS/ND also state that the CSIP project delivery of recycled water to the area has contributed to a recent recovery in groundwater levels in this area (MCWRA 2005, Brown and Caldwell 2015). Further, this IS/ND notes that the MCWRA is proposing a suite of water projects which would serve to slow seawater intrusion and improve the hydrologic conditions of the Basin (see CEQA Guidelines, § 15130, subd. (b).) See response F-2, above. The IS/ND provides all the information required by CEQA and the CEQA Guidelines for the lead agency to determine that the IS/ND's conclusions are supported by substantial evidence. Additionally, the IS/ND appropriately incorporates information from MCWD's UWMP for the former Fort Ord in setting forth quantitative cumulative supply and demand data. This information, together with the IS/ND's description of the SVGB and facts regarding current supply and demand in the 180/400-Foot Aquifer, is more than sufficient to meet CEQA's requirements for the cumulative impact analysis. Added to this, the IS/ND evaluates a proposed boundary adjustment which, if approved, would not impact the amount of water or service provision to the annexation properties in a manner that would increase pumping from the basin.

F-9a: Comment is noted. The IS/ND addresses the Sustainable Groundwater Management Act (SGMA) of 2015 on page 54. The comments states that MCWD would be able to more effectively address the Act's requirements because it would have the authority to levy fees and/or taxes to fund needed projects. This comment is referred to decisionmakers.

F-9b: The statement in the IS/ND has been clarified. See Chapter 3, Changes section.

F-9c: The IS/ND has been clarified; see Chapter 3, Changes section. Note that the Section 4.18., Utilities and Service Systems provides the information regarding the MPWMD service area.

3.0 REVISIONS TO THE DRAFT INITIAL STUDY/NEGATIVE DECLARATION

The following section includes revisions to the text of the Draft IS/ND, 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 4. Initial Study Environmental Checklist

Page 17, Add the following under Notes on **Table 2**, **Section 1.3 Project Description**:

Notes: Map numbers 17: Seaside East, 26: City of Del Rey Oaks, and 27: City of Monterey are not included as they are within the Future Study Area. Map number 13 formally known as the Monterey Downs is not included in the Proposed Project annexation.

1. MPC's total holdings total 26.09 acres and include MPC facilities on Colonel Durham Road in the Surplus II area of Seaside.

*Please note: Eleven hundred acres of the former Fort Ord located in Marina and the County were conveyed to UC MBEST in 1994 for the purpose of developing 4.4 million square feet for research and development on 500 acres, with 600 acres to be managed as open space habitat. Two single-story buildings were developed, and the university is now contemplating reducing the footprint of R&D development to the 70 acres currently served with infrastructure. Although this area proposed for development and not currently developed UC MBEST approached MCWD requesting annexation, MCWD Board voted to annex the property in June 2017 and therefore it was included in this proposal. (See also 2018 Project Refinement, Amendments to Appendix A).
Source: FORA, 2016

Page 18, Amend the text on top of page as follows:

Furthermore, any development that may be proposed in the future would be subject to review and permit approvals from the appropriate jurisdictions at which time the appropriate level of environmental review would be conducted. Each relevant local jurisdiction has adopted their own General Plan amendments/updates, redevelopment/specific plans, and/or project ~~EIR~~s that are consistent with the Reuse Plan ~~EIR~~. MCWD's SOI Amendment and annexation would not increase development potential beyond that envisioned in the adopted planning documents, and more importantly, impacts related to such development would be anticipated to occur with or without the Proposed Project. When General Plans have not undergone consistency determinations, as is the case with the Monterey County General Plan, individual projects within the County have (for example East Garrison, County of Monterey). Consistency determinations for area general plans and projects are available on FORA's website at www.fora.org.

In addition to development projects described in all adopted Water Supply Assessments (WSAs) and EIRs at the former Fort Ord, any future development within the former Fort Ord planning area must comply with CEQA Statute and Guidelines. This applies to all development even if such development is consistent with the Reuse Plan and relevant local General and Redevelopment Plans adopted for the former Fort Ord. During the review, the lead agency must assess the proposed development to ensure that no new significant impacts would occur and/or no worsening in impacts would occur due to the development, compared to the overarching programmatic, planning-level environmental documents. In addition, that review must analyze whether the proposed development will comply with and implement feasible mitigation measures from the planning-level environmental documents that would reduce the significant impacts. In this way, there is an additional level of assurance that impacts will be reduced to a less than significant level if feasible, or

alternatively, that findings of overriding consideration are adopted for any development-related impacts that remain significant and unavoidable.

Page 22, Table 3. Add the following note to **Table 3**:

> Note: this table is in reference to the former Fort Ord area; the City of Seaside and Monterey areas outside of the Ord Community water service provider is Cal Am water.

Page 22 and 23, Amend title and text to: "Use of Previously Prepared EIRs and Planning Documents for Background Information in this IS/ND"

Delete Use of Previously Prepared EIR and first line of paragraph, and amend as follows;

Note: This IS/ND uses previously prepared EIRs and planning documents for background information and setting as discussed below, but does not tier from the previous documents or rely on the conclusions in the previous documents for its conclusions regarding potential environmental impacts of the Project. The conclusions reached in the IS/ND are based on the updated setting, analysis and CEQA checklist discussion provided in Chapter 4.0 of the IS/ND.

Pursuant to State CEQA Guidelines §15153, a lead agency may use an EIR prepared for an earlier project where the Proposed Project is essentially the same as the project previously analyzed in the former EIR. The potential for additional development to occur at the former Fort Ord (i.e., within the Ord Community proposed for inclusion in the District's SOI and service area) due to the provision of new water and wastewater systems is consistent with the assumptions of growth and development in the 1997 Reuse Plan EIR, which reviewed the land uses, development intensities and policies contained in the Reuse Plan. In addition, the following planning and environmental documents at the project-level have been prepared for the Proposed Project area and the former Fort Ord (City of Seaside General Plan and EIR, City of Del Rey Oaks General Plan Update and EIR, City of Marina General Plan/EIR, County of Monterey General Plan/EIR, University of California Monterey Bay Education, Science and Technology (MBEST) Master Plan, California State University Monterey Bay (CSUMB) Master Plan/EIRs, Seaside Main Gate WSA and EIR, Seaside Resort EIR, Marina Heights WSA and EIR, Cypress Knolls WSA and EIR, Dunes on Monterey Bay (University Villages) WSA and EIR and Marina Station EIR (note see References, Chapter 5). In addition, proposed plans to construct and operate new water supply and wastewater facilities are addressed in the RUWAP EIR, consistent with the descriptions in MCWD's 2015 Urban Water Management Plan (UWMP), the Master Plans for Water and Wastewater, and the Capital Improvement Plan (CIPs) and Pure Water Monterey Groundwater Replenishment Project Final EIR (PWM/GWR EIR); these projects would occur with or without approval of the currently Proposed Project. In addition to the Fort Ord Reuse Plan and EIR, the following certified environmental documents were used in the preparation of this Initial Study and are incorporated herein by reference: RUWAP or Regional Urban Water Augmentation Project EIR and Addenda and the PWM/GWR EIR and Addenda (see below).

In using an EIR from an earlier project, CEQA requires that the lead agency shall review the Proposed Project with an initial study, to determine whether the EIR adequately describes:

- The general environmental setting of the project: The above-cited EIRs and planning documents including the RUWAP or Regional Urban Water Augmentation Project EIR and Addenda and the PWM/GWR EIR and Addenda, the Fort Ord Reuse Plan and the 2015 MCWD UWMP adequately describe the environmental setting of the former Fort Ord military base and more specifically, the Ord Community. ~~Except for the construction and operation of~~ Various land development and supporting infrastructure projects have been constructed and are currently under construction, including the PWM/GWR and RUWAP projects and individual development projects. Additional analysis and discussion of the setting of the Salinas Valley Groundwater Basin is included in this Initial Study to update the status of the Ord Community, including the updated allocation and SVBG seawater intrusion status, however this information is also presented in the UWMP for MCWD (2015) and the

PWM/GWR EIR. There have been no other substantial changes in the environmental setting of the proposed area not addressed in these documents and in this IS/ND that would warrant new analyses.

- The significant environmental impacts of the project: As explained in this IS/ND the Proposed Project would not cause or contribute to any significant environmental impacts. The Reuse Plan EIR and the above-cited EIRs adequately evaluate potential significant impacts of planned growth/development in the former Fort Ord and the region as whole, presented policies, programs, and mitigation measures that reduce impacts to a less than significant level except as cited in this IS/ND and the background documents. The District's 2015 UWMP, Master Plans, and the RUWAP EIR, including Addenda, described future water and wastewater infrastructure improvements required to serve the Ord Community. The RUWAP EIR and Addenda both found that their water supply planning quantities were consistent with and constrained by the Reuse Plan in terms of quantity of water. These EIRs were certified as complying with CEQA requirements and are not discussed further herein because whether or not the District amends its SOI and expands its service area to include the Ord Community, these projects may be built. For this reason, these future redevelopment, development, and infrastructure projects may independently cause direct significant impacts; however, they would occur with or without implementation of the Proposed Project or alternatives described above. Further, as described in Chapter 4, Sections 4.1-4-19 of this Initial Study, the Proposed Project is a jurisdictional boundary adjustment and will not change the service area, provision or services or increase the amount of water to be provided for the project annexation areas of the former Fort Ord. As such, the potential for the creation of significant environmental impacts analyzed in the other EIRs would not change with or without the project. Thus, this IS/ND does not tier from the previous documents or rely on the conclusions in the previous documents for its conclusions regarding potential environmental impacts of the project.
- Alternatives and mitigation measures related to each significant impact: As explained in this IS/ND the Proposed Project would not cause or contribute to any significant environmental impacts. As stated above, the Reuse Plan EIR and the above EIRs cover General Plans, projects and water supply infrastructure projects and local redevelopment plans and projects; these EIRs evaluated (or will evaluate in the future) the environmental impacts of both: (1) build-out growth within the Ord Community and the region as a whole (in the cumulative analyses), and (2) the infrastructure required to provide water and wastewater service for the Ord Community. These EIRs also presented (or will present) mitigation to avoid or reduce significant impacts, if adopted in their respective Mitigation Monitoring and Reporting Programs. In addition, for those requiring EIRs, evaluation of alternatives shall be conducted prior to approval of a preferred alternative.

The IS/ND relies upon the 2015 UWMP for MCWD for the background information on MCWD supplies, seawater intrusion and projects for water supply planning. An UWMP is a long-term planning tool required to ensure adequate water supplies to serve existing customers and future demands for water, and which, in this case, assumed the area's water demand in assessing supply needs (Water Code, §§ 10620–10631). MCWD's UWMP addresses seawater intrusion and water supplies for the Proposed Project area and the entire Fort Ord Community. Additionally, a number of EIRs for projects have been concluded with resultant water supply assessments (WSAs) prepared as part of their respective EIRs as reported on Page 12. Both the Legislature and the California Supreme Court recognize that an EIR, in assessing the water supply impacts of a proposed project, may rely heavily on conclusions reached in a WSA prepared pursuant to the Water Code, particularly where the WSA shows that the water demand for the Proposed Project has already been assumed in the planning projections of the operative UWMP. (Pub. Resources Code, § 21151.9; Wat. Code, § 10910, subd. (c)(2); CEQA Guidelines1, § 15155, subd. (b); Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 434–435 (Vineyard).)

The CEQA Guidelines set forth additional methods that may be used to incorporate information from other source documents that are not physically included in an EIR or IS/MND including incorporation by reference (CEQA Guidelines §15150).

As permitted by CEQA Guidelines §15150, the following certified environmental documents were used in the preparation of this Initial Study and are incorporated herein by reference:

- Fort Ord Reuse Authority, 1997. Fort Ord Reuse Plan and EIR (State Clearing House Number 96013022).
- Draft and Final Environmental Impact Report Regional Urban Water Augmentation Project, (State Clearinghouse Number 2003081142) (MCWD 2004) and Addendum No. 1 (2006), Addendum No. 2 (2007) and Addendum No. 3 (2016) to the RUWAP EIR.
- Pure Water Monterey Groundwater Replenishment Project EIR (State Clearing House Number 2013051094) and Addendum No. 3 (2017)
- 2015 UWMP for MCWD

The 1997 Reuse Plan and EIR are available online for review at http://www.fora.org/BRP.html. RUWAP documents are available online at mcwd.org and offices of the MCWD at 11 Reservation Road, Marina, CA. Pure Water Monterey EIR documents are available at http://www.purewatermonterey.org.
The 2015 UWMP is available online for review at http://mcwd.org/engineering_documents.html.

Page 49, Section 4.9, Hydrology and Water Quality, add the following text to first sentence at the top of page 49:

"When the U.S. Army conveyed the water and wastewater infrastructure through FORA to MCWD, they also conveyed the right to provide up to 6,600 AFY of water from the SVGB, authorized under an agreement between the U.S. Army and the MCWRA. This amount is about equal to the peak historic water use on Fort Ord."

This statement is amended to add: The Army also conveyed to MCWD 4,871 AFY of the Army's 6,600 AFY of the 1993 MCWRA groundwater allocation for the economic redevelopment of Fort Ord and contractually allows MCWD to use the Army's reserved groundwater allocation to serve military facilities and military housing.

Page 52, Section 4.9 Hydrology and Water Quality has been amended as follows:

Delete third paragraph.

Add the following above Discussion/Conclusions at bottom of page:

The population and per capita usage information presented in the MCWD 2015 UWMP (See also Utilities and Services Section of this Final IS/ND, Section 3.0), provide per capita water usage and water demand from 2010-2016. These document an overall decrease in water supplied from the SVBG for the former Fort Ord and a decrease in per capita water use district wide. As noted in the UWMP, the District's annual water usage from the SVGB to supply the Ord Community has substantially and steadily declined in the past few years. In 2010, the Ord Community was supplied 2142 AF and in 2016, this was reduced to 1362AF.

Page 65, Section 4.13, Population and Housing, add the following under Table 9:

Table 9a shows the current population estimate on former Fort Ord and the projected 2018 population, according the FORA 2016-17 Annual Report.

Table 9a Current and Projected Former Fort Ord Population Estimate			
Year	**Fort Ord Pop.**	**CSUMB Beds**	**Est. Total**
2016-2017	13,306	2411	14,641
Source: FORA Annual Report 2016-2017			

Per Table 9, the 1997 Fort Ord Base Reuse Plan estimated a projected population for the Year 2015 development scenario as 38,859 (including 10,000 CSUMB students). However, as shown in Table 9a, based on current information, the 2016-17 population was 14,641. As indicated, population and development are not meeting the estimates in the Base Reuse Plan and are actually much lower than the projections. Population estimates are much closer to those projection in the 2015 UWMP (See Table 8 above).

Page 72, Section 4.17 Tribal Cultural Resources has been amended as follows:

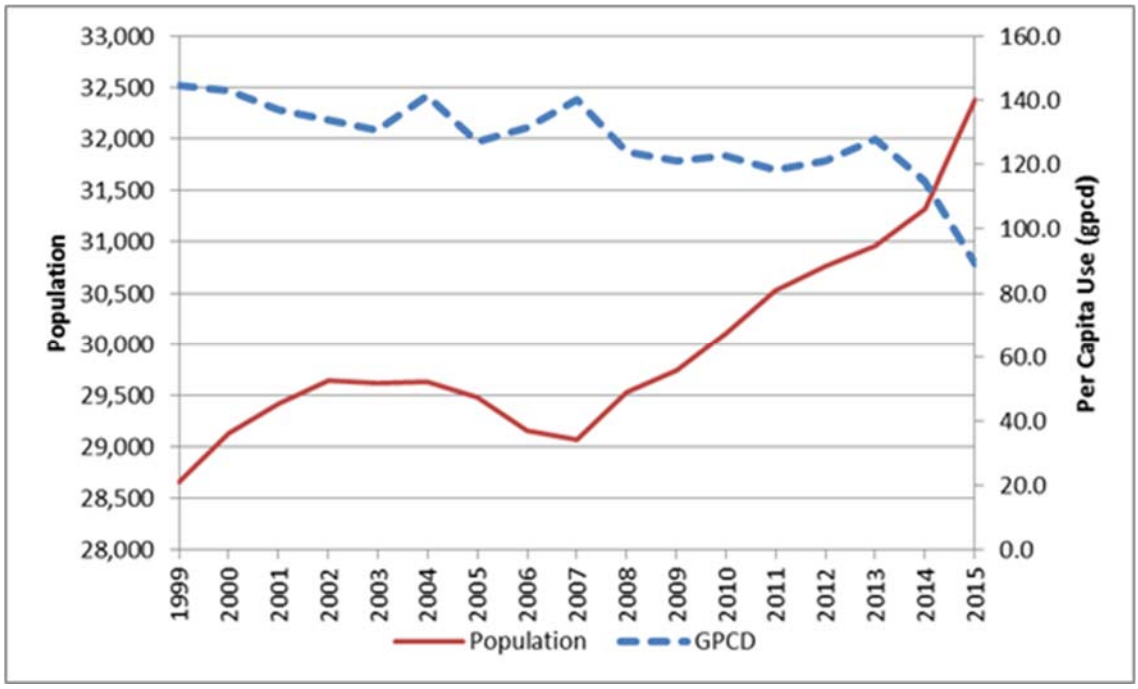
b) The Proposed Project would not directly result in any physical development or construction of infrastructure improvements that would directly affect the environment. Since the Proposed Ord Community SOI Amendment & Annexation 73 Public Draft IS/ND Marina Coast Water District December 19, 2017 Project would not entail the construction of physical improvements or otherwise result in ground-disturbing activities, the Proposed Project would not directly affect tribal cultural resources. Furthermore, no tribal cultural resources or Native American resources have been identified to date, and findings of these resources are unlikely. In addition, pursuant Public Resources Code Section 21080.3.1, the District shall provide formal written notification in accordance with to the California Native American tribe or tribes that are traditionally and culturally affiliated with the Project area if that tribe(s) has requested notification from the District of Proposed Projects, the tribe has 30 days of the notification to request consultation, to determine if the Project may have a significant effect on a tribal cultural resources. No tribes proximate to the project area have submitted a written request for such notification. Therefore, no notification or consultation is required pursuant to Public Resources Code 21080.3.1. ~~The results of this consultation process are pending.~~

Page 80, Section 4.18 Utilities and Service Systems, Item d); add the following text at end of paragraph:

It is acknowledged that the population projections in the Fort Ord Reuse Plan and the projections for development and timing for water demand in the UWMP (and included as Tables 5 and 6 in the IS/ND) are optimistic in comparison to the timing, redevelopment and population increases seen. The UWMP population projection is considered very high but is based on the data provided by the cities to FORA and provides the conservative and highest numbers that would be achieved for future development and redevelopment of the former base.

Population and Per Capita Usage (Figure 3.1 from the MCWD UWMP), presented below and Table 3.11 (from the 2015 UWMP) document the reduction in per capita water demand from 2011-2015 district-wide. These tables below also identify population increases since 1999 and the decreasing trend in annual water use (per-capita usage) for the District population during these periods.

As noted, during the period 1999-2014, the District's service area population increased by 2,667 persons, but the overall water use declined by average 41 acre-feet per year.



Source: Figure 3.1 Population and Per Capita Usage MCWD UWMP

Per Capita Water Demand, 2011-2015, MCWD UWMP			
Year	**Population**	**Water Use (AF)**	**Average gpcd**
2011	30,521	4,047	118.4
2012	30,767	4,174	121.1
2013	30,961	4,431	127.8
2014	31,325	4,026	114.7
2015	32,375	3,228	89.0

Source: Table 3.11 from MCWD UWMP from the MCWD UWMP

The following table details the annual water use from the SVGB for supplies to the Ord Community portion of the MCWD. The table details the amount of water supplied to the Ord Community (from the District annual consumption reports) and shows the reduction of pumping particularly between 2010 compared to 2016.

Annual Water Use from SVGB for Ord Community	
Year	**Usage**
2010	2142 AF
2011	2217 AF
2012	2013 AF
2013	2296 AF
2014	1975 AF
2015	1476 AF
2016	1362 AF

Source: MCWD, Schaaf & Wheeler, 2017

MCWD has an active water conservation program. Under MCWD's water conservation ordinance, all new construction is required to incorporate water saving devices over and above the State building code requirements. Requirements for new construction include the installation of zero water use urinals, high-efficiency toilets; high-efficiency clothes washers, water-efficient landscaping, and ET-based irrigation controls.

Page 82, Cumulative Discussion, Item b) has been amended as follows:

b) CEQA requires that an EIR discuss cumulative impacts, in addition to project-specific impacts. In accordance with CEQA, the discussion of cumulative impacts must reflect the severity of the impacts and the likelihood of their occurrence; however, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Further, the discussion is guided by the standards of practicality and reasonableness. According to Section 15355 of the CEQA Guidelines:

> "Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.
>
> (a) The individual effects may be changes resulting from a single project or a number of separate projects.
>
> (b) The cumulative impact from several projects is the change in the environment, which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.
>
> Section 15130(a)(1) of the CEQA Guidelines further states that a "cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts."
>
> Section 15130(a) of the CEQA Guidelines also requires that an EIR discuss the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. Where a lead agency is examining a project with an incremental effect that is not cumulatively considerable, it need not consider the effect significant but shall briefly describe the basis for its conclusion. As further clarified in Section 15065 of the CEQA Guidelines, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. If the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, 15130(a)(2) of the CEQA Guidelines requires a brief discussion in the EIR of why the cumulative impact is not significant and is not discussed in further detail.
>
> Section 15130(a)(3) of the CEQA Guidelines requires supporting analysis in the EIR if a determination is made that a project's contribution to a significant cumulative impact is rendered less than cumulatively considerable and, therefore, is not significant. CEQA recognizes that the analysis of cumulative impacts need not be as detailed as the analysis of project-related impacts, but instead should "be guided by the standards of practicality and reasonableness" (CEQA Guidelines Section.
>
> 15130(b)). The discussion of cumulative impacts in the EIR focuses on whether the impacts of the proposed projects are cumulatively considerable.

A cumulative impact consists of an impact that is created as a result of the combination of the Proposed Project together with other projects causing related impacts. The potential for cumulative impacts occurs when the independent impacts of the project are combined with impacts of past projects, the effects of other current projects, and the effects of probable future projects to result in impacts that are greater than the impacts of the project alone. The fact that a cumulative impact is on the whole significant does not necessarily mean that the project-related contribution to that impact is also

significant. Instead, under CEQA, a project-related contribution to a significant cumulative impact is only significant if the contribution is cumulatively considerable. An EIR may also determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact (CEQA Guidelines §15130(a)(3)).

The geographic area of the cumulative analysis is the entire area of the former Fort Ord. The RUWAP EIR and the Reuse Plan EIR identified significant unavoidable cumulative impacts associated with traffic and circulation; need for local water supplies; regional transportation system demand; increased demand for law enforcement services and the increased demand for fire protection/emergency services; exposure to hazardous materials; public health and safety transit services demand; and visual resource impacts associated with landscape change along the State Route 1 corridor. Significant unavoidable cumulative impacts were evaluated in the Reuse Plan EIR and FORA adopted "Findings of Overriding Consideration" in relation to these issues. Local jurisdiction planning documents incorporate land uses, land use intensities, and policies, consistent with the Reuse Plan. Mitigation measures address cumulative impacts, including development and enforcement of stormwater detention plan, working with FORA and local law enforcement and fire protection agencies to develop a regional program and funding for these services, and implementation of design guidelines for development along the Highway 1 corridor.

As discussed in the preceding sections, in adopting the Reuse Plan, FORA adopted a "Constrained Development" scenario in which overall land use intensity was significantly reduced from what was evaluated in the Reuse Plan EIR to ensure that the reuse of the former Fort Ord will restrain development to available resources and services. This also serves to minimize cumulative impacts identified in the Reuse Plan EIR. Future proposed development activities and projects will be required to be consistent with the local jurisdiction General Plans and Zoning Ordinances in order to be consistent with the land uses and policies contained in the adopted *Fort Ord Reuse Plan*. The proposed annexation does not change land uses or policies as previously analyzed in the Reuse Plan EIR. The adoption of the proposed annexation will not result in direct development. Additionally, future development projects will be subject to site-specific environmental review as discussed in each section above. Further, the majority of the areas proposed for annexation and SOI amendment are already currently served or approved for planned and entitled development projects. Cumulative as well as project-level, indirect as well as direct, impacts of these approved projects have been adequately analyzed in an earlier EIR or negative declaration.

With regard to cumulative effects for the following issues, Chapter 4, Sections 4.1 to 4.18 indicate that these areas would not result in a potentially significant impact: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, mineral resources, population and housing, land use and planning, noise, and transportation and circulation, public services, recreation, utilities, and energy resources. The Project would not combine with related projects or other cumulative growth to result in significant cumulative impacts. The adoption of the proposed annexation will not result in direct development. Further, the IS/ND identified that the jurisdictional boundary change would not impact or affect the future service provision of water and wastewater to the Former Fort Ord. Regardless of the reorganization of boundaries under this proposed service area, current and future water supply within the Ord Community will continue to be provided by the District. Thus, the reorganization or governance structure proposed under the boundary change would not affect facility expansion or increase needs for supplies for those areas or projects such as to create or increase service systems or public resource impacts. With respect to these issue areas, including potential impacts to SVGB, the Project would have no impact on these resources, and therefore could not combine with other projects to result in cumulative impacts.

Chapter 5, under References and Bibliography, add the following References or replace as shown:

Marina Coast Water District: 2015 Consumer Confidence Report for Central Marina and Ord Community, April 2016

Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2015, approved November 13, 2015.

Marina Coast Water District Eastern Distribution System, Construction of MCWD Well 34, Summary of Operations, prepared by Martin B. Feeney, Consulting Hydrogeologist, July 2011

Water Supply Assessment and Written Verification of Supply for the Proposed Cypress Knolls Residential Project, Byron Buck & Associates, March 22, 2006.

Water Supply Assessment and Written Verification of Supply for the Proposed Resort at Del Rey Oaks, Byron Buck & Associates, December 2007.

Water Supply Assessment and Written Verification of Supply for the Proposed East Garrison Specific Plan Development, Byron Buck & Associates, June 3, 2004.

Water Supply Assessment and Written Verification of Supply for the City of Seaside Main Gate Specific Plan, Byron Buck & Associates, October 9, 2007.

Water Supply Assessment and Written Verification of Supply for the Proposed Marina Station Project, Byron Buck & Associates, January 4, 2006.

Water Supply Assessment and Written Verification of Supply for the Marina Heights Specific Plan, Byron Buck & Associates, December 15, 2003.

Water Supply Assessment and Written Verification of Supply for the Proposed University Villages Specific Plan Development and Marina Community Partners Project, Byron Buck & Associates, January 26, 2005.

Water Supply Assessment for the Monterey-Salinas Transit Whispering Oaks Business Park Project, prepared with Carollo Engineers, November 2010.

Quarterly Water Consumption Reports, Monterey County Water Resources Agency:
2012 Ground Water Summary Report, October 2013.
2013 Ground Water Summary Report, October 2014.
2014 Ground Water Summary Report, October 2015.

Agreement between the United States of America and the Monterey County Water Resources Agency concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency, Agreement No. A-06404, September 21, 1993.

Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands (1996). Document recorded in the Office of the Monterey County Recorder on August 7, 1996, at Reel 3404 Page 749.

Environmental Impact Report/Environmental Impact Statement for the Salinas Valley Water Project. June 2001.

Final Report, Hydrogeologic Investigation of the Salinas Valley Basin near Fort Ord and Marina, Salinas Valley, California, prepared by Harding ESE, April 2001

Salinas Valley Integrated Regional Water Management Functionally Equivalent Plan, prepared by RMC Water and Environment, May 2006

Salinas Valley Water Project Engineer's Report, prepared by RMC Water and Environment, January 2003

Pure Water Delivery and Supply Agreement between MRWPCA and MCWD, April 2016

RBF Consulting. Water Conservation Feasibility Study Draft. September 2003.

RBF Consulting. Regional Urban Recycled Water Distribution Project. 2003.

RMC Water and Environment, MCWD Recycled Water Project Basis of Design Report, 2006

Schaaf & Wheeler, Marina Coast Water District 2010 Urban Water Management Plan, June 2011.

WRIME. Deep Aquifer Investigative Study. May 2003.

United States Census Bureau, American Factfinder website, www.census.gov

REVISIONS TO APPENDICES

Appendix D. Alternative Analysis Text has been added as follows:

2018 Project Refinement from 2017 IS/ND Proposal:

MCWD has refined the proposal by reducing the areas of annexation. As refined, the proposal includes annexing areas only with existing development or entitlements, as shown in New IS/ND Figures 10 and 11. For the purpose of this project, "existing development or entitlement" is defined as parcels with existing MCWD water and wastewater customers and parcels with entitled redevelopment projects, meaning projects with an approved specific plan (for larger tracts), subdivision maps or City/County permitting approvals for use permits or single-lot development.

MCWD is not only contractually obligated to serve these parcels per the 1998 Water/Wastewater Facilities Agreement with FORA, but also has a general obligation to their customers in this area due to their ownership of the water and wastewater infrastructure within the former Fort Ord and an obligation to the approving Agency/City to serve these areas that have already been approved for redevelopment through a jurisdiction's entitlement process. Also, where required, these parcels have received Written Verification of Supply letters from MCWD and approved WSA's. Thus, like the original proposal, the refined project would not cause or lead to any changes in the physical environment. In fact, if anything, the refinements make the proposal even more environmentally benign.

The table below describes the area and location of these parcels.

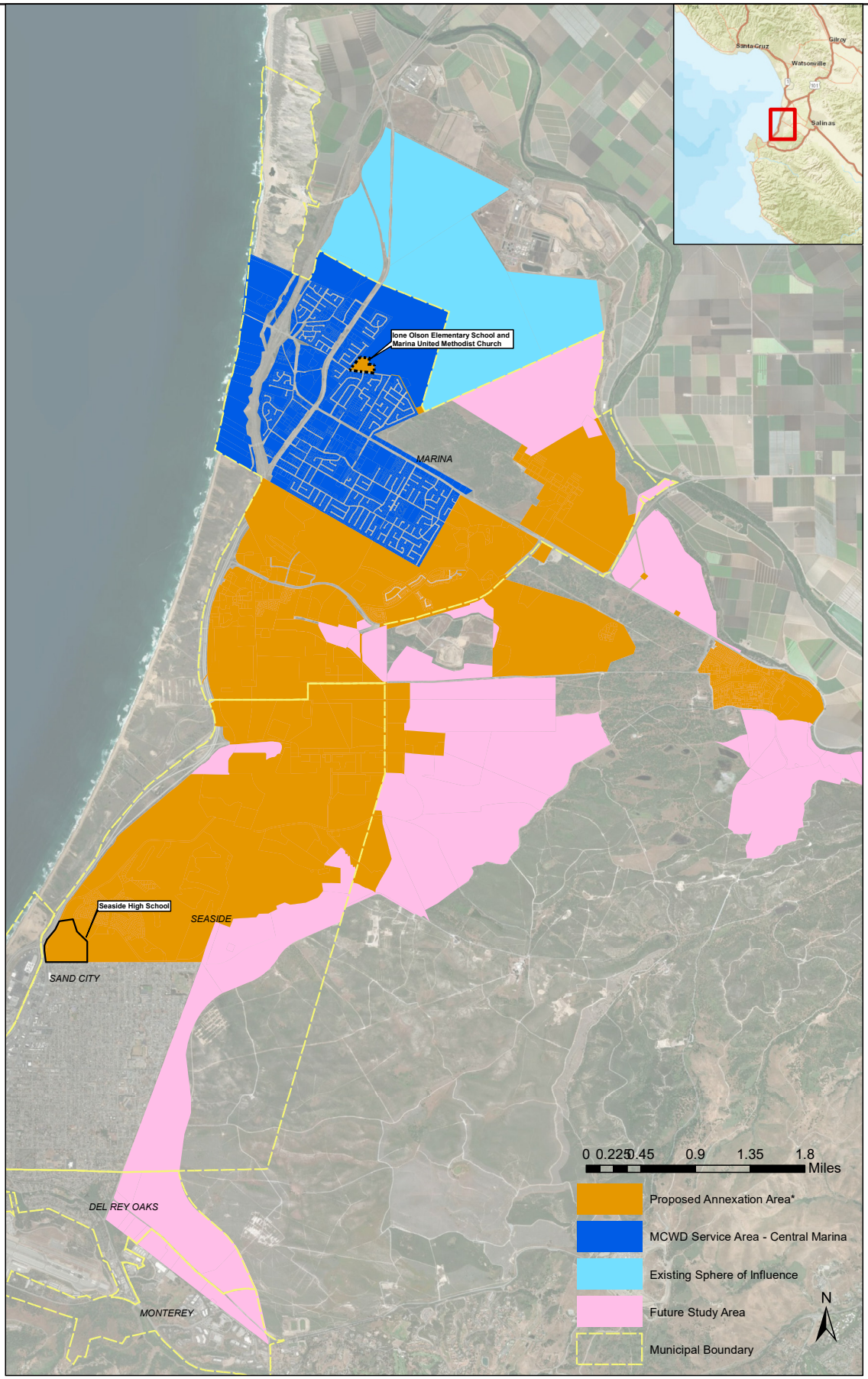
Undeveloped Parcels Removed from MCWD Annexation				
Acres	**Location**	**Owner**	**Zoned**	**Comments**
28.74	NW corner of Gigling Rd and 1st Ave	City of Seaside	Open Space	City considering rezoning. Water and sewer mains cross this parcel.
22.52	S side of Lightfighter, west of GJMB	City of Seaside	Mixed Use	The Army thrift store (closed) is in this parcel. Largely open space.
46.93	E. of 6th Ave ROW, S of Imjin Pkwy	UCSC/MBEST	Mixed Use	Currently open space.
8.27	E side of Imjin Rd, N of 8th St C.O.	FORA	Public Facility	Currently open space.
25.167	W side of Imjin Rd, N of 8th St C.O.	FORA	Office	Currently open space.
4.54	SW corner of Imjin Rd/Imjin Pkwy	MST	Public Facility	Currently open space.
269.72	MBEST east of Blanco	UCSC/MBEST	Office/Research	Currently open space. MCWD Wells 30, 31 and 34 are within this parcel in easements.

Note: APNs (in order above) include: 031-151-012, 031-151-054, 031-101-018, 031-101-050, 031-101-055 and 031-201-013.

Add new Figures 10 and 11.

Add the following text to the SCSD discussion in Appendix D:

SCSD 1: The option of Seaside County Sanitation District (SCSD) annexing the portion of the Ord Community within Seaside which is currently served by MCWD for water and sewer service was requested to be considered in the Alternatives Analysis Appendix C in the Initial Study. This option would result in a governance model similar to that considered in Alternative 1 for serving areas south of Eucalyptus Road, with customers having different water and wastewater service providers. This change does not appear to provide a different or higher level of service to existing customers and would require a not insignificant amount of effort to transfer ownership of the existing system.



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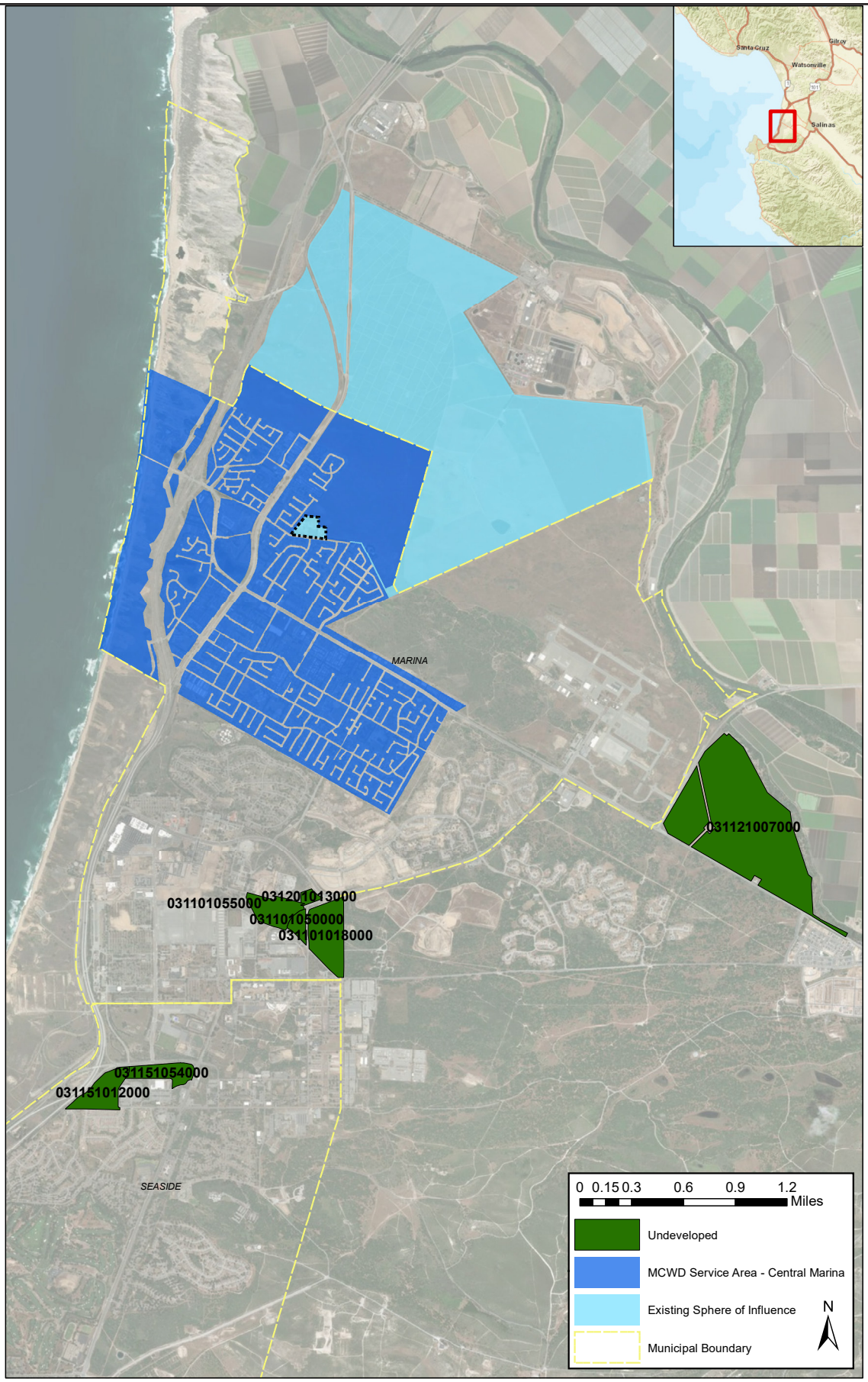
Title:

Reduced Alternative Map

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

Figure
10



Document Path: D:\GIS\GIS_Projects\2010-13 MCWD Fort Ord Annex\Final Products\2017\Undeveloped Parcels.mxd

Title:

Undeveloped Parcels

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

Figure
11

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Attachment A

Attachments to Comment Letters D & F

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Attachment A-1

Attachments to Comment Letter D

Due to the size of the attachments, these are available at the offices of Marina Coast Water District, 11 Reservation Road Marina, CA during regular business hours and on the MCWD website: (http://www.mcwd.org/governance_annexation.html).

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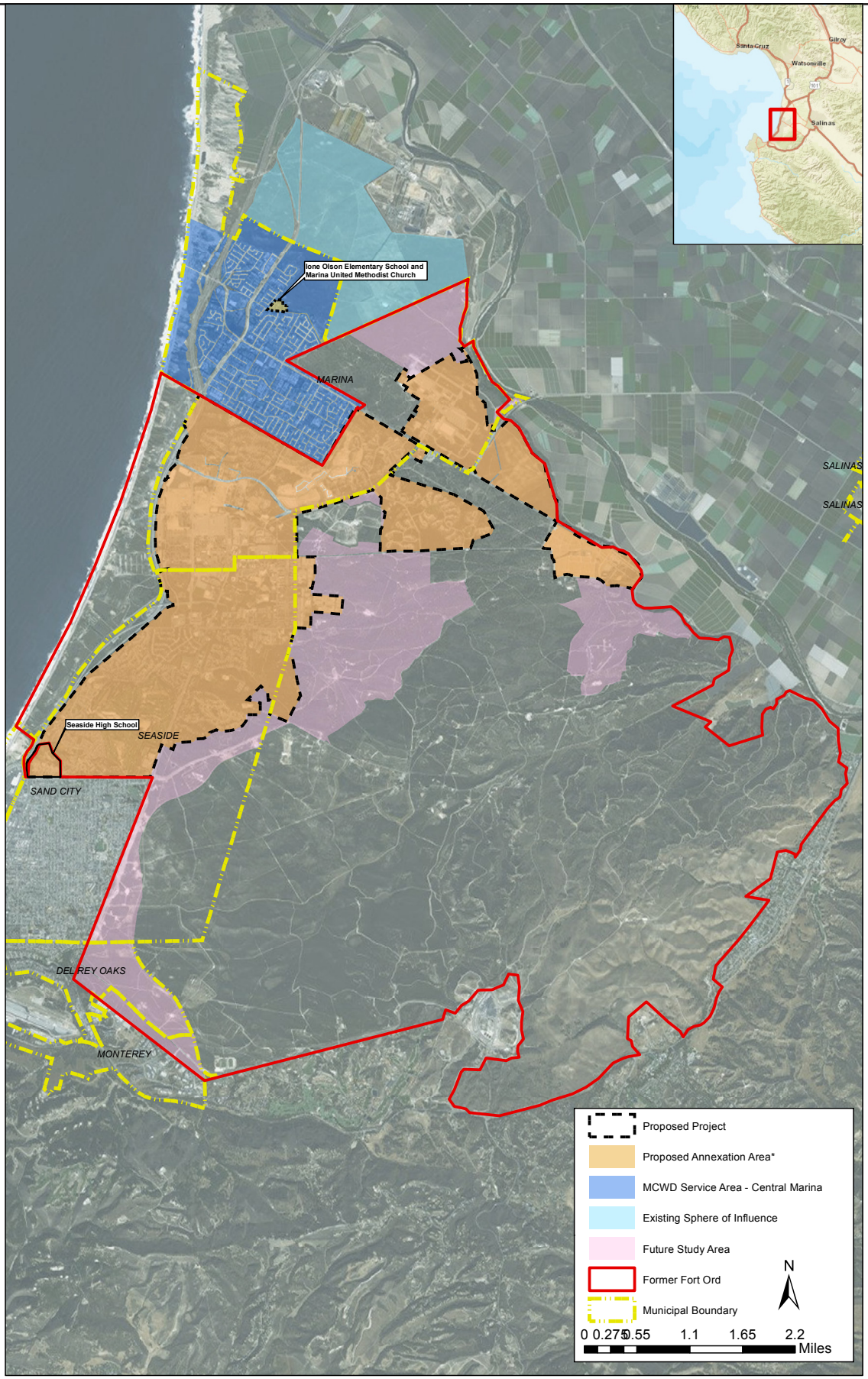

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*Service Area is coterminus with SOI Amendment Area

Title:

MCWD Proposed SOI Amendment and Annexation Area

Monterey | San Jose

Denise Duffy and Associates, Inc.

Environmental Consultants Resource Planners

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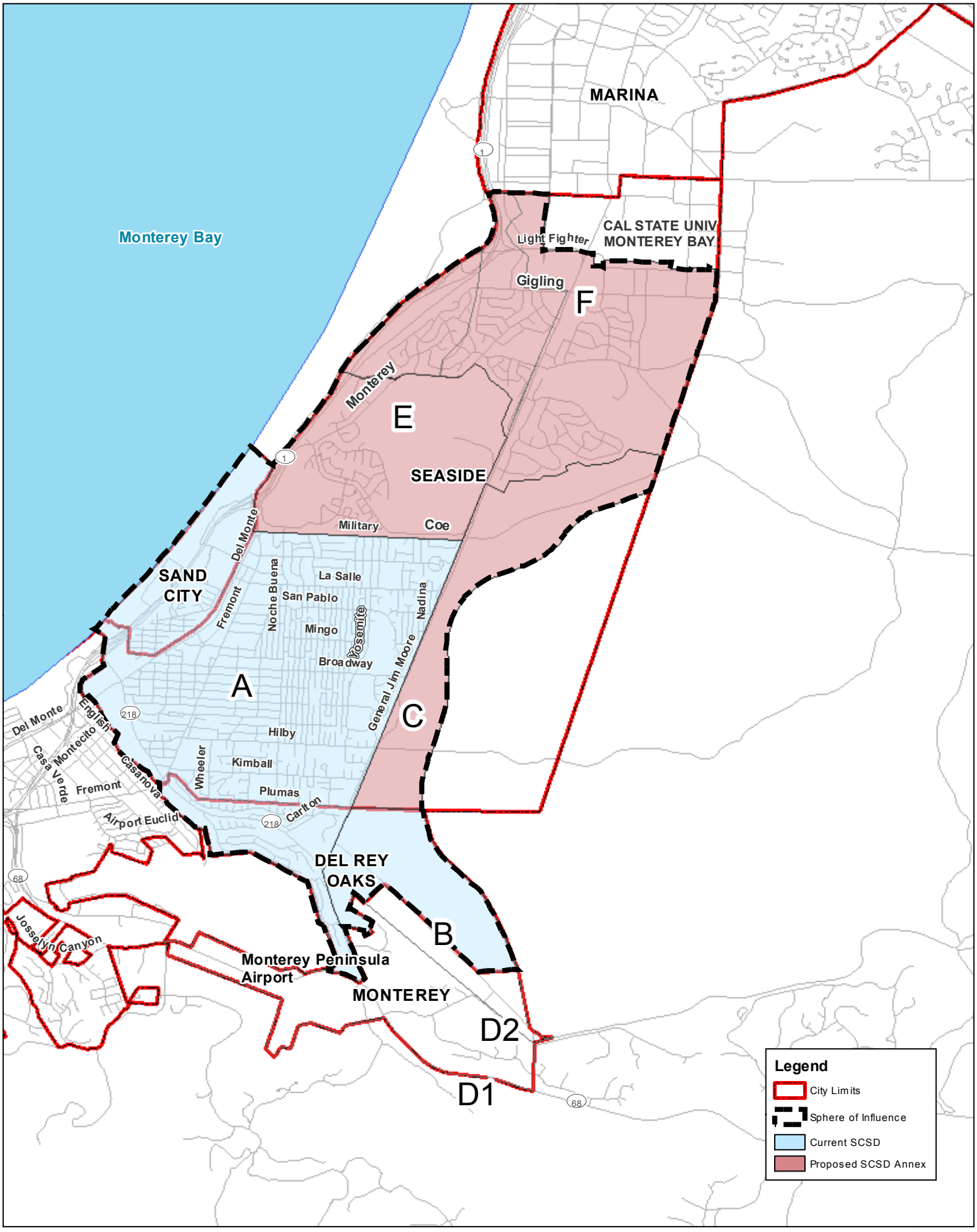
Figure 2



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NTS

SEASIDE COUNTY SANITATION DISTRICT LAFCO APPLICATION

FIGURE 1: PROPOSED ANNEXATION BOUNDARY

NOTES:
BASEMAP PROVIDED BY SCSD.
WALLACE GROUP DID NOT PERFORM BOUNDARY SURVEY SERVICES FOR THIS MAP. NOT A LEGAL DOCUMENT. MAP PRODUCED DECEMBER 2017.

Attachment A-2

Attachments to Comment Letter F

Due to the size of the attachments, these are available at the offices of Marina Coast Water District, 11 Reservation Road Marina, CA during regular business hours and on the MCWD website: (http://www.mcwd.org/governance_annexation.html).

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Attachment B

MCWD Response to Timothy Parker Technical Memorandum

Dated October 8, 2016

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MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099
Home Page: www.mcwd.org
TEL: (831) 384-6131 FAX: (831) 883-5995

November 8, 2016

To: Craig Malin
City Manager
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

Re: Response to Timothy Parker Technical Memorandum Dated October 8, 2016

The City of Seaside has requested that MCWD provide comments on LandWatch's Water Analysis portion of its SEIR comments. Since the Water Analysis comments by LandWatch's M. R. Wolfe & Associates are based upon the Technical Memorandum (TM) dated October 8, 2016, prepared by LandWatch's hydrologist Timothy Parker, MCWD will comment on Mr. Parker's TM. By providing these comments, MCWD is not taking a position either for or against the proposed Monterey Downs Specific Plan.

1. Groundwater Management in California must now be viewed within the framework of the Sustainable Groundwater Management Act (SGMA).

1.1. The Sustainable Groundwater Management Act (SGMA) was enacted in 2014 and became effective on January 1, 2015. Except for adjudicated groundwater basins and subbasins, such as the Adjudicated Seaside Groundwater Basin, SGMA applies to all groundwater basins[1] and subbasins within California. SGMA created a framework for sustainable, local groundwater management for the first time in California history. SGMA's core principles[2] are:

- Groundwater should be locally and collaboratively managed to address unique basin conditions and challenges.
- Groundwater should be managed sustainably.
- The state's role should complement and support the goal of local sustainable groundwater management.
- Water rights should be protected.

1.2. The official DWR-designated groundwater subbasins are the mandated groundwater management unit – "Subbasins are the windows through which DWR views SGMA" and the boundaries of DWR subbasins are the boundaries of any area subject to a new comprehensive groundwater adjudication.

---

[1] The SGMA Water Code Section 10721(b) defines "basin" as subbasin or basin, so everywhere SGMA talks about "basin," so first think "subbasin" and not the larger multi-subbasin Salinas Valley Groundwater Basin.
[2] CalEPA, DWR, SWRCB, et al., Groundwater Legislation Implementation Fact Sheet, December 4, 2014.

In Bulletin 118 (1980), the California Department of Water Resources (DWR) officially designated the following subbasins of the Salinas Valley Groundwater Basin (SVGB):

Number	Name	Area (acres)	DWR Ranking	GS Plan must be adopted by January 31
3-4	Salinas Valley Groundwater Basin			
3-4-01	180/400 Foot Aquifer	84,400	High	**2020**
3-4-02	East Side Aquifer	57,500	High	2022
3-4-04	Forebay Aquifer	94,100	Medium	2022
3-4-05	Upper Valley Aquifer	98,200	Medium	2022
3-4-06	Paso Robles	597,000	High	**2020**
3-4-08	Seaside	25,900	Medium	2022
3-4-09	Langley	15,400	Medium	2022
3-4-10	Corral De Tierra	15,400	Medium	2022

1.3. In addition, the new groundwater adjudication statute requires "the boundaries of the area subject to a comprehensive adjudication shall be consistent with boundaries of a basin," which is defined as having the same meaning as under SGMA, i.e., basin or subbasin.

1.4. On October 18, 2016, DWR announced groundwater basin/subbasin boundary modifications, which will be incorporated into a yet to be adopted interim DWR Bulletin 118. For the SVGB, DWR accepted MPWMD's request (supported by MCWD) to make the Adjudicated Seaside Groundwater Basin a separate subbasin, which encompasses portions of the former Seaside Subbasin and Corral De Tierra Subbasin. In addition, DWR took the remainder of the Seaside Subbasin north of the Adjudicated Seaside Groundwater Basin, which MCWD calls the "Marina Area" since it consists entirely of MCWD's service area, and the remainder of the Corral De Tierra, and merged them into a new "Monterey Subbasin." Because this is a very recent development, these comments will use the existing Bulletin 118 subbasin designations shown above.

1.5. All of MCWD's production wells are located within the Seaside Subbasin. They are located just south of the northern boundary of the Seaside Subbasin and, consequently, draw groundwater from aquifers within both the Seaside Subbasin and the 180/400 Foot Aquifer Subbasin.

1.6. SGMA requires the creation of one or more groundwater sustainability agencies (GSA) within each subbasin to develop and implement a local groundwater sustainability plan or coordinated plans allowing 20 years to achieve groundwater sustainability. The GSA is the primary local agency responsible for achieving SGMA's groundwater sustainability goal within that timeframe. Water Code §10724 does not grant Monterey County exclusive authority to be the GSA in a subbasin if another local agency or agencies have also declared their intent to manage groundwater within all or a portion of a subbasin. SGMA grants the GSA new and additional powers and authorities to those powers and authorities already granted the local agency under its enabling law. For example, a GSA may conduct investigations, measure and limit extraction, require the registration and metering of wells, impose fees for groundwater management, enforce the terms of the groundwater sustainability plan, and construct in-lieu or direct groundwater recharge projects.

The "sustainability goal" is defined as "the existence and implementation of one or more groundwater sustainability plans that achieve sustainable groundwater management by identifying and causing implementation of measures targeted to ensure that the applicable basin [or subbasin] is operated within its sustainable yield." (Water Code, § 10721, subd. (t).) The sustainability goal is to be achieved in the subbasin or basin within 20 years of the implementation of the groundwater sustainability plan. (Water Code, § 10727.2, subd. (b).) "Sustainable yield" is defined as "the maximum quantity of water, calculated over a base period representative of long-term conditions in the basin and including any temporary surplus, that can be withdrawn annually from a groundwater supply without causing an undesirable result." (Water Code, § 10721, subd. (v).)

The required "base period" for purposes of developing groundwater sustainability plans is the period before January 1, 2015. Water Code Section 10727.2(b)(4) states, "[t]he [groundwater sustainability] plan may, but is not required to address undesirable results that occurred before, and have not been corrected by, January 1, 2015."

"Undesirable result" is defined in Water Code Section 10721(w) as follows:

(w) "Undesirable result" means one or more of the following effects caused by groundwater conditions occurring throughout the [Sub]basin:
(1) Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.
(2) Significant and unreasonable reduction of groundwater storage.
(3) Significant and unreasonable seawater intrusion.
(4) Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.
(5) Significant and unreasonable land subsidence that substantially interferes with surface land uses.
(6) Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

1.7. The groundwater sustainability plan for the Marina Area of the Seaside Subbasin must be adopted by January 31, 2022. The sustainability goal for the Marina Area of the Seaside Subbasin must be achieved by 2042, which includes rolling back seawater intrusion within the subbasin to at least the condition and extent which existed on January 1, 2015.

1.8. The GSA or GSAs for the entire 180/400 Foot Aquifer Subbasin must be formed by June 30, 2017. The groundwater sustainability plan for 180/400 Foot Aquifer Subbasin, which is classified as a Critically Overdrafted Basin, must be adopted by January 31, 2020 – two years earlier than the Marina Area. The sustainability goal for the 180/400 Foot Aquifer Subbasin must be achieved by 2040, which includes rolling back seawater intrusion within the subbasin to at least the condition and extent which existed on January 1, 2015.

2. **Mr. Parker (a) confuses MCWRA-designated subareas with the official DWR-designated subbasins, (b) incorrectly assumes that MCWRA's Pressure Subarea has the same boundaries as DWR's 180/400 Foot Aquifer Subbasin, and (c) fails to recognize that all of MCWD's production wells and the Monterey Downs Specific Plan area are located within the Seaside Subbasin.**

2.1. Mr. Parker states at the top of TM page 2, "The Pressure Subarea is one of the eight subbasins making up the Salinas Valley Groundwater Basin (SVGB)." The statement confuses several facts. The Pressure Subarea is not one of the eight official California Department of Water Resources (DWR) subbasins making up the SVGB. The "Pressure Subarea" is one of MCWRA's Proposition 218 designated subareas to levy assessments to fund the Nacimiento and San Antonio Reservoirs and later the Salinas Valley Water Project.

2.2. The Pressure Subarea in fact encompasses three of the above eight DWR-designated subbasins of the SVGB: 180/400 Foot Aquifer, Seaside, and Corral De Tierra. Consequently, Mr. Parker's statement at the bottom of TM page 1, "The project will obtain its water supply from *wells* in the 180/400-Foot Aquifer Subbasin ('180/400-Foot Aquifer' or 'Pressure Subarea')," is not true since (a) MCWD's production wells are not located within the 180/400 Foot Aquifer Subbasin and (b) the Pressure Subarea encompasses three DWR subbasins, not just the 180/400 Foot Aquifer Subbasin. [Emphasis added.] Mr. Parker incorrectly assumed that MCWRA's Pressure Subarea was the same as DWR's 180/400 Foot Aquifer Subbasin.

2.3. The proposed Monterey Downs Specific Plan area is located within the Seaside Subbasin and within what MCWD designates as the Marina Area of the Seaside Subbasin. A very small portion of the specific plan area is located within the Adjudicated Seaside Groundwater Basin.

3. **MCWD's 2010 UWMP was superseded on June 6, 2016, by MCWD's 2015 UWMP.**

3.1. MCWD's 2010 Urban Water Management Plan relied upon the then available seawater intrusion and groundwater information and maps prepared by MCWRA. MCWD defines the "North Marina Area" is that portion of the 180/400 Foot Aquifer Subbasin situated south of the Salinas River. Investigations being conducted in and around the North Marina Area as part of CalAm's Monterey Peninsula Water Supply Project (MPWSP) show protective good groundwater levels that are sufficiently above sea level to prevent seawater intrusion into the Dune Sand Aquifer and the 180-Foot Aquifer located south of the Salinas River, which significantly differs from seawater intrusion maps produced by MCWRA and relied upon by Brown & Caldwell in its 2015 State of the Salinas River Groundwater Basin report.

3.2. Mr. Parker was aware of the 2015 UWMP because in footnote 57, TM page 16, he cites to the "MCWD, 2015 draft UWMP" and provides a link to the June 6, 2016 MCWD Board minutes, which was the Board meeting at which the 2015 UWMP was approved.

3.3. Curtis J. Hopkins, Principal Hydrogeologist, Hopkins Groundwater Consultants, Inc., is MCWD's hydrogeological consultant. Mr. Hopkins prepared the Technical Memorandum dated May 26, 2016, subject: North Marina Area Groundwater Data and Conditions. His report is included in MCWD's 2015 UWMP, which may be found at http://www.mcwd.org/engineering_docs.php.

Mr. Hopkins analyzed the water quality data developed as part of Cal-Am's test slant well project. The following are some of the important findings from pages 7 and 12 of his analysis:

> The significance of these data is that they indicate beneficial conditions have developed (or have always existed) in the North Marina Area of the 180-400 Foot Aquifer Subbasin and may be contrary to information published by the Monterey County Water Resources Agency (MCWRA). The recent investigation that is being conducted in and around the North Marina Area as part of the MPWSP has discovered an occurrence of freshwater within the shallow Dune Sand Aquifer and the underlying 180-Foot Aquifer within the area delineated as seawater intruded by the MCWRA. As previously shown, water level data from wells in the shallow dune sand aquifer appear to show protective water levels that are sufficiently above sea level to prevent seawater intrusion in the shallower sediments. This condition, combined with the lack of pumping in the 180-Foot Aquifer in the North Marina Area, appears to have slowed seawater intrusion in this portion of the coastline.
>
> * * *
>
> These data suggest a change of groundwater conditions in this coastal section of the aquifer or alternatively, they may reveal the groundwater conditions that existed in an area largely lacking historical data. While the freshwater in this area contains salts and nutrients that are derived from overlying land uses that include agriculture, landfill, and wastewater treatment plant and composting facilities, the chemical character is not sodium chloride, which is indicative of seawater intrusion.
>
> * * *
>
> These data indicate a unique condition exists in the North Marina Subarea south of the Salinas River that provides a significant degree of protection against seawater intrusion in the shallower aquifers under the present and recent past hydrologic conditions.

3.4. While not discussed by LandWatch, Mr. Hopkins explained that Cal-Am's proposed MPWSP source water pumping on the CEMEX property would adversely impact the existing groundwater conditions near the CEMEX property and would destroy that existing groundwater protective condition against seawater intrusion.

3.5. As set forth in Section 1.6 above, the GSA or GSAs formed to manage the groundwater within the 180/400 Foot Aquifer Subbasin is now required by SGMA to maintain the protective water levels, which existing on January 1, 2015, because elimination of those protective water levels by, for example CalAm pumping, would result in significant and unreasonable seawater intrusion.

3.6. Mr. Hopkins' work showed that MCWRA's groundwater data for south of the Salinas River was largely lacking and did not portray the current favorable groundwater conditions within the North Marina Area. Consequently, MCWD's 2015 UWMP adopted on June 6, 2016, has a much different understanding of groundwater conditions than in the 2010 UWMP.

4. **Mr. Parker relies on the January 2015 MCWRA Report on the State of the Salinas River Groundwater Basin prepared by Brown & Caldwell, which uses the MCWRA Subarea designations and not the official DWR-designated Subbasins and which also assumes that all MCWRA groundwater data and maps of the area south of the Salinas River were accurate.**

4.1. On TM page 1, Mr. Parker states that he serves on the Technical Advisory Committee to MCWRA in connection with MCWRA's ongoing study of the SVGB that is mandated by Policy PS 3.1 of the 2010 Monterey County General Plan, including the development of a county-wide groundwater model. Mr. Parker notes that "a preliminary report was released on January 2015 by the prime consultant for the PS-3.1 study" and cites to the Brown & Caldwell Report on the State of the Salinas River Groundwater Basin. Brown & Caldwell was required by MCWRA to use the MCWRA subarea designations and not the official DWR subbasins. For example, since the report combines for the Pressure Subarea all the information pertaining to the 180/400 Foot Aquifer, Seaside, and Corral De Tierra Subbasins, the report does not provide specific groundwater information for the Seaside Subbasin or for the Marina Area of the Seaside Subbasin.

4.2. Mr. Hopkins' findings contradict statements in the State of the Salinas River Groundwater Basin report quoted on pages 2-3 of the TM. The TM incorrectly states, "The fact that groundwater elevations are well below the documented protective elections indicates that the P-180 Aquifer continues to be susceptible to seawater intrusion, and it is unlikely that this situation will be reversed in the coming years" at least as applied to the North Marina Area.

5. **MCWD's groundwater management responsibilities and stewardship.**

5.1. MCWD was founded in 1960 and has been effectively managing its groundwater resources for many years. In October 2001, 4,871 AFY of the 6,600 AFY of groundwater allocated by MCWRA to the Army in the 1993 Fort Ord Annexation Agreement was transferred via quitclaim deeds from the Army to FORA and the next day from FORA to MCWD. The Army reserved the right to 1,729 AFY of the allocation.

5.2 As discussed in Section 1.6 above, SGMA requires the creation of one or more groundwater sustainability agencies (GSA) within each subbasin to develop and implement a local groundwater sustainability plan or coordinated plans allowing 20 years to achieve groundwater sustainability. The State Water Resources Control Board (SWRCB) is the State's SGMA enforcement backstop if the locals are unable or unwilling to manage their subbasin. Any portion of a subbasin not within a DWR-recognized GSA by June 30, 2017, will be declared an "Unmanaged Area" and be subject to providing groundwater extraction reports and payment of fees to the SWRCB. The SWRCB could place such Unmanaged Areas on probationary status, develop interim groundwater sustainability plans, and directly manage the Unmanaged Area's groundwater resources.

5.3. Because of MCWD's long-time management of its groundwater resources and its stewardship responsibilities to its customers within its Central Marina and Ord Community service areas, MCWD filed two separate GSA formation notifications with DWR – one for the Marina Area of the Seaside Subbasin, which encompasses the Central Marina service area and a portion of the Ord Community service area and one for that portion of the Ord Community service area within the Corral de Tierra Subbasin (See attached Maps). The boundaries of both

GSAs exclude the Adjudicated Seaside Groundwater Basin, which is managed by the Seaside Basin Watermaster.

5.4. MCWD staff is now also on the Technical Advisory Committee to MCWRA in connection with MCWRA's ongoing study of the SVGB that is mandated by Policy PS 3.1 of the 2010 Monterey County General Plan and MCWD staff looks forward to working with Mr. Parker and in providing input on the development of a county-wide groundwater model by the U.S. Geological Survey.

6. MCWD's Water Supply Planning and Projects for the Ord Community Service Area.

6.1. Water supply planning includes potable water demand reduction through water conservation, use of recycled water in lieu of potable water, and increased potable water supply.

6.2. MCWD's customers have exhibited a superior water conservation ethic and practices than even the rest of California. See http://www.mcwd.org/about_news.html.

6.3. With the commercial operation of Phase 1 of the Pure Water Monterey Project by 2019, MCWD will have 600 AFY of advance treated recycled water for use within the Ord Community. The City of Seaside has a FORA allocation of 453 AFY of recycled water. Using recycled water will result in potable water savings and could free up potable water for other uses.

In 2002, MCWD, in cooperation with FORA, initiated the Regional Urban Water Augmentation Project ("RUWAP") to explore water supply alternatives to provide the additional 2,400 AFY of water supply identified as being needed in the Base Reuse Plan. As the result of an extensive environmental review, FORA and MCWD agreed to adopt a modified hybrid alternative (the "RUWAP Recycled Project"), which would provide 1,427 AFY of recycled water to the Ord Community without the need for seasonal storage. This in turn resulted in the FORA Board adopting in May 2007 Resolution 07-10, which allocated that 1,427 AFY of recycled water to FORA's member agencies having land use jurisdiction, including 453 AFY to the City of Seaside.

On April 8, 2016, MCWD and MRWPCA entered into the Pure Water Delivery and Supply Project Facilities Agreement pursuant to which the Pure Water Monterey's Product Water Conveyance Pipeline will be designed, constructed, owned, and operated by MCWD in accordance with the 1998 MCWD-FORA Water/Wastewater Facilities Agreement. Under this 2016 Agreement, MCWD will have the right to utilize for the Ord Community up to and including a net 600 AFY during Phase 1 and a net 1,427 AFY during Phase 2 to implement FORA Board Resolution 07-10. FORA has agreed to contribute $6 million towards MCWD's Phase 1 capital costs.

Coastal Monterey County now strongly recognizes the very important role recycled water plays in potable water savings and conservation and for in-lieu groundwater use and groundwater management. MCWD encourages all Resolution 07-10 agencies and Ord Community customers to sign up to use this advance treated recycled water.

6.4. MCWD-FORA-PCA water supply planning process. The Base Reuse Plan identified the need for an additional 2,400 AFY of water. As described in Section 6.3, 1,427 AFY of the 2,400 AFY will be supplied from advance treated recycled water, leaving a net 973

AFY of augmentation water needed for the Ord Community. In May 2016, MCWD entered into a water supply planning memorandum of understanding with FORA and MRWPCA to identify new water source(s) to provide that 973 acre-feet of additional potable water, which could include demand reduction water conservation measures, desalination, additional recycled water, and additional groundwater resulting from in-lieu or direct groundwater recharge projects. FORA is the lead agency for this planning process and the three agencies will contribute equally to the planning costs.

6.5. MCWD's SGMA Groundwater Recharge and Management Projects. As an integral part of development of the groundwater sustainability plan for MCWD's GSAs, MCWD will need to identify and develop in-lieu and/or direct groundwater recharge projects for its service areas. The existence of substantial Salinas River flood flows during above normal and wet water years that would otherwise flow to the ocean, the Salinas River Diversion Facility (rubber dam), CSIP pipelines and rights of way, and MCWRA's unexercised SWRCB Water Rights Permit 11043 provide the possibility of 5,000 to 10,000 AF of direct and in-lieu groundwater recharge projects both north and south of the Salinas River near Castroville and Marina.

7. MCWD's Water Supply Assessment and Written Verification of Supply for the Monterey Downs Specific Plan.

MCWD's 2015 UWMP, the work of MCWD's hydrogeologist Curtis Hopkins, and MCWD's groundwater stewardship responsibilities reinforced by SGMA confirm the conclusions set forth in Section 6 of the November 6, 2012 Water Supply Assessment and Written Verification of Supply for the Monterey Downs Specific Plan.

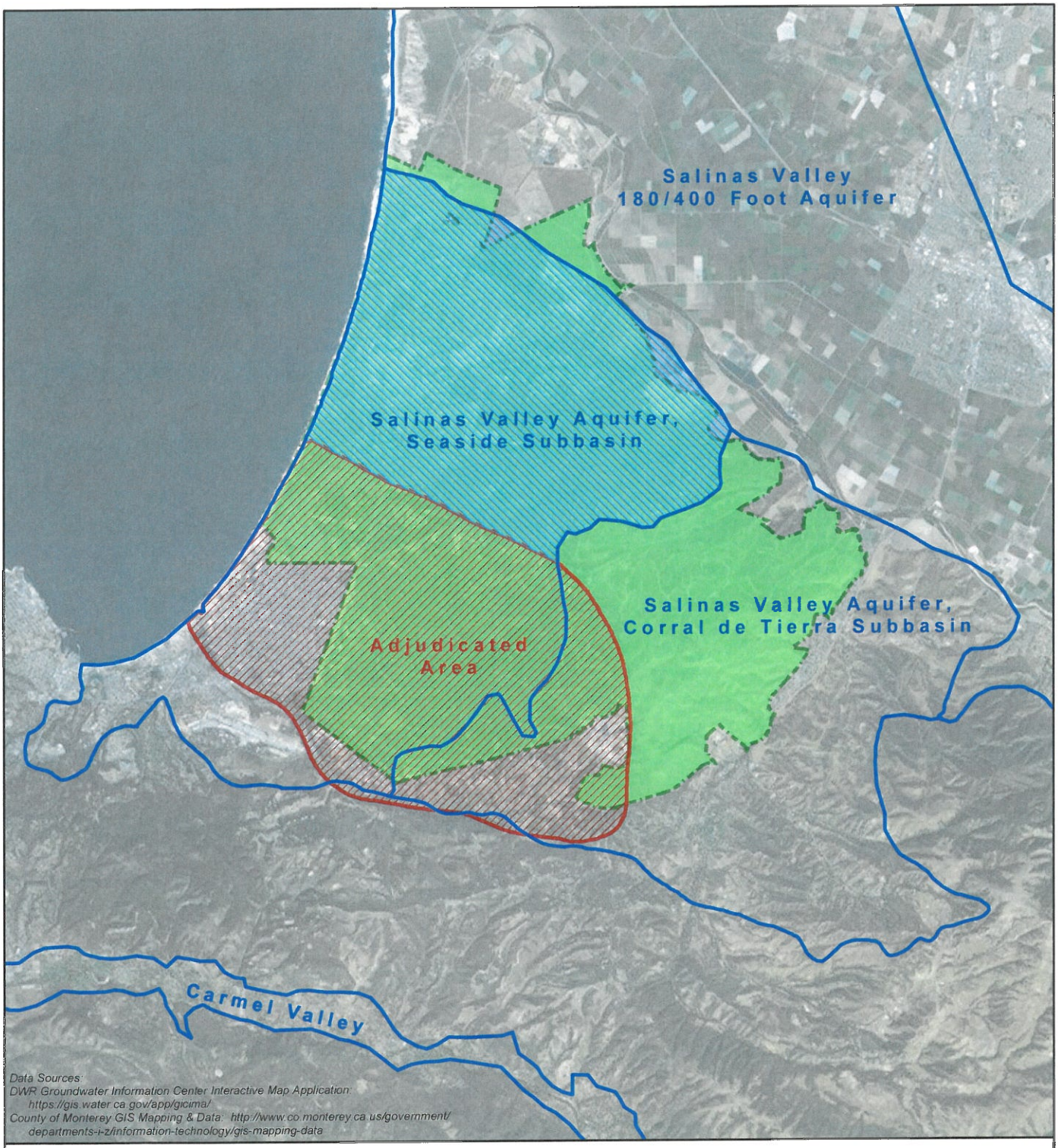

Exhibit 5: MCWD GSA Map - Seaside Area Subbasin

- Marina Coast Water District service area
- Proposed MCWD GSA Area - Seaside Subbasin
- Adjudicated Seaside Groundwater Basin
- Bulletin 118 Groundwater Basin boundary

N

0 1 2 Miles

1 inch = 2 miles

Map Date: September 2016

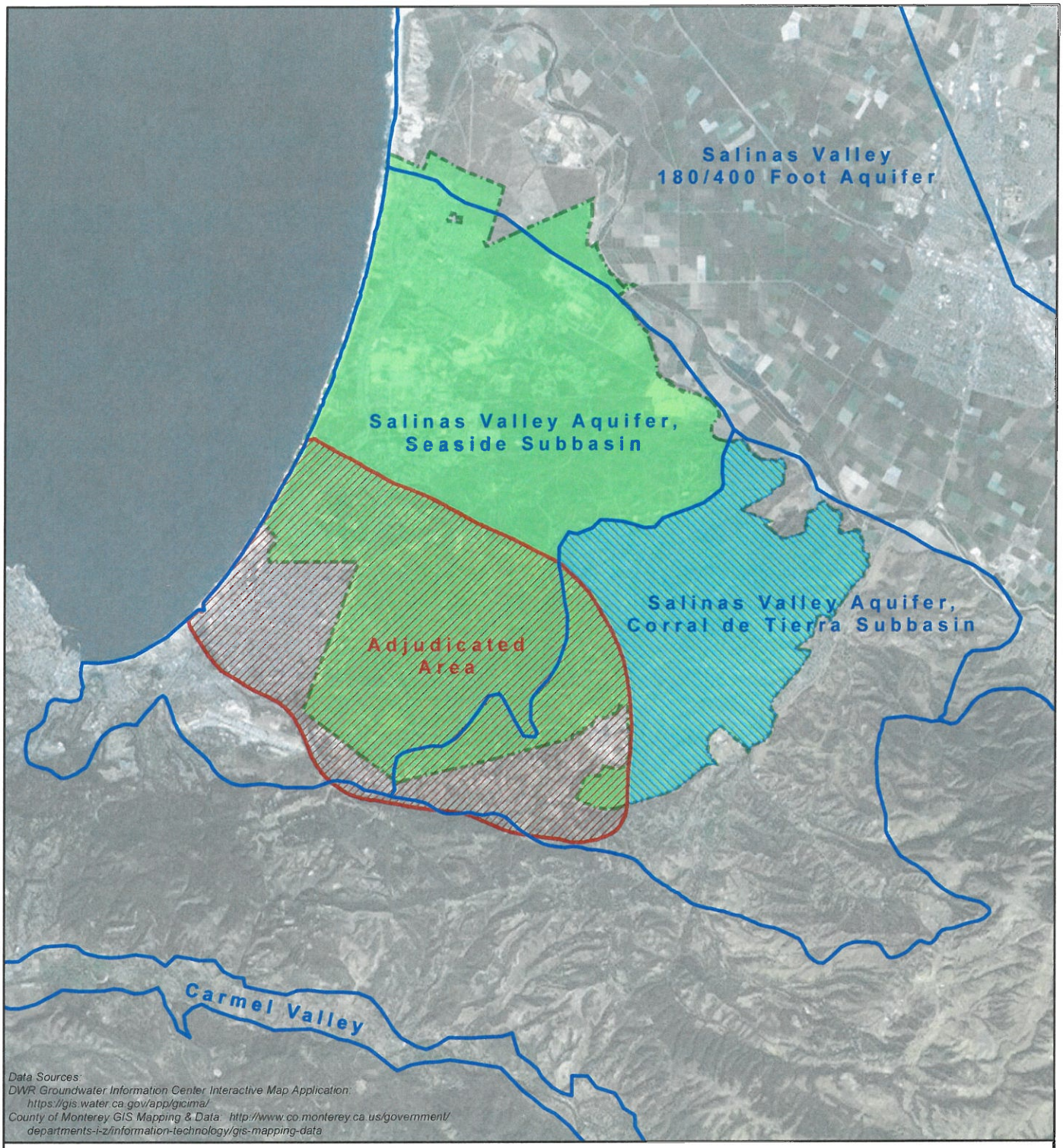

Exhibit 3: MCWD GSA Map - Corral de Tierra Subbasin

- Marina Coast Water District service area
- Proposed MCWD GSA Area - Corral de Tierra Subbasin
- Adjudicated Seaside Groundwater Basin
- Bulletin 118 Groundwater Basin boundary

N

0 1 2 Miles

1 inch = 2 miles

Map Date: September 2016

Attachment C

MCWD Presentation

Comparison of Seawater Intrusion Maps

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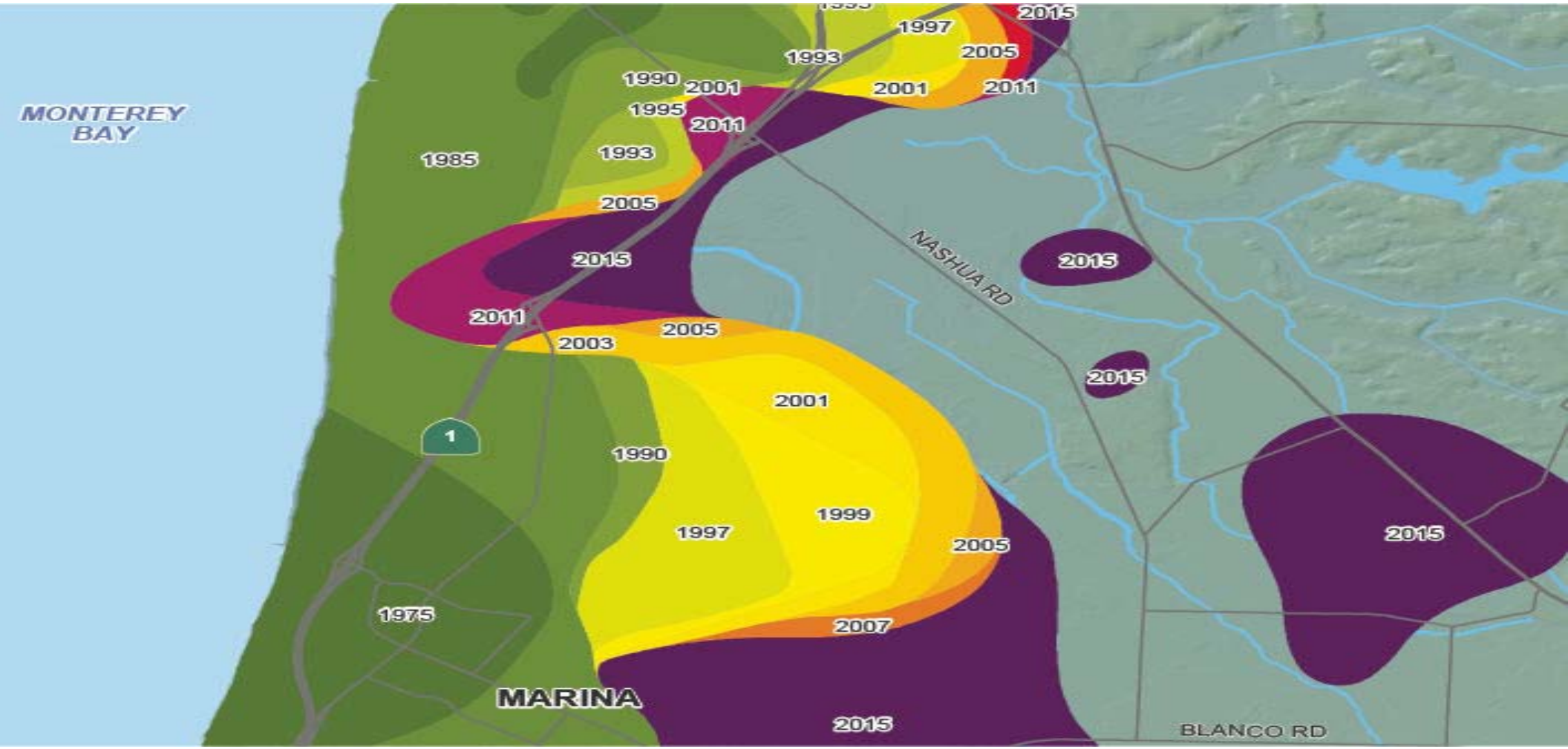


Reference: Official Monterey County Seawater Intrusion
Map for 400 foot aquifer, October 2017

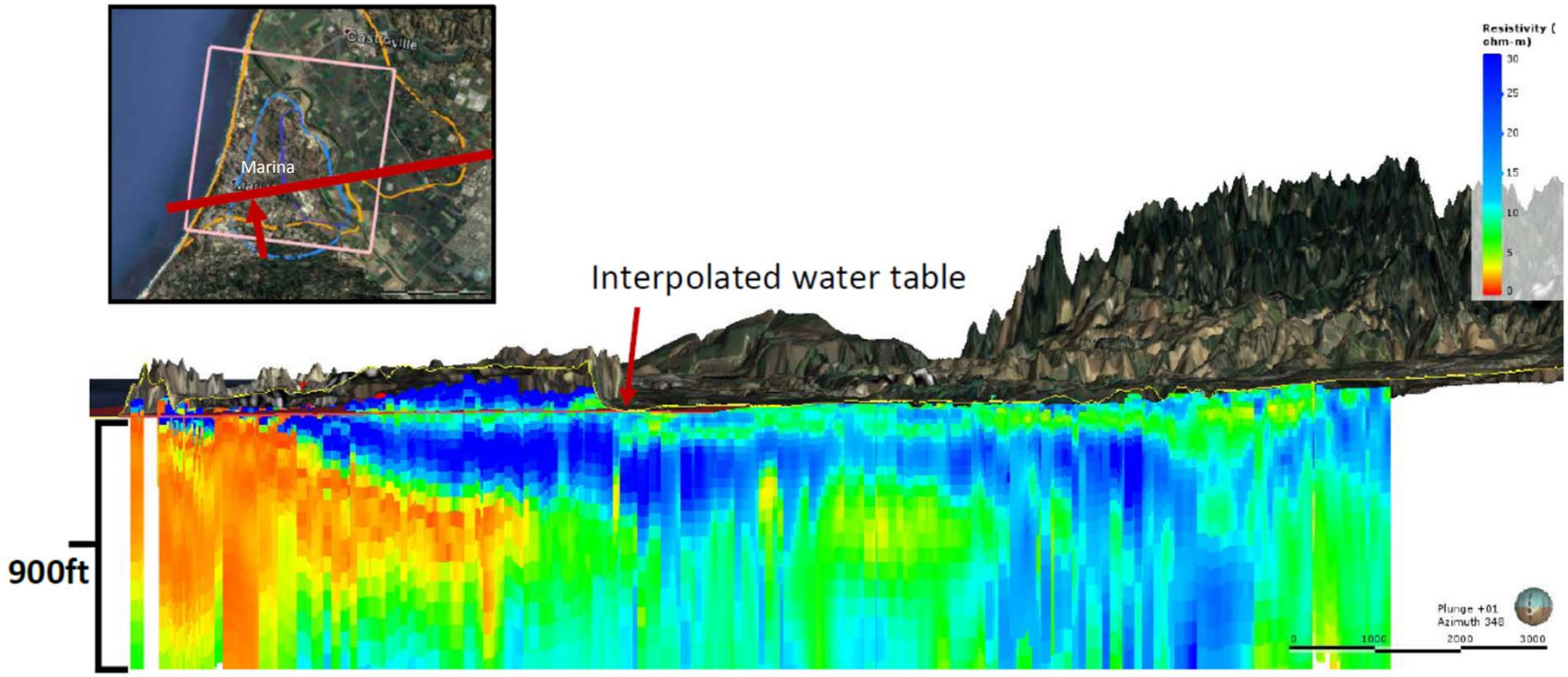
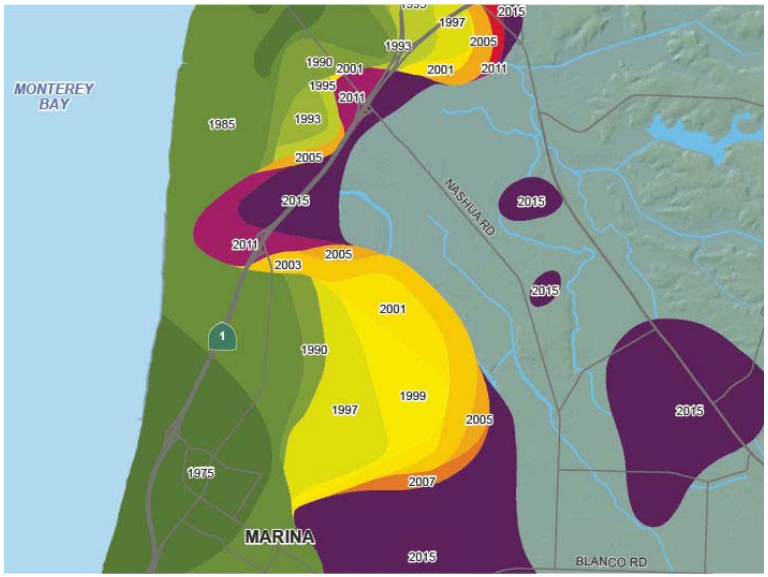


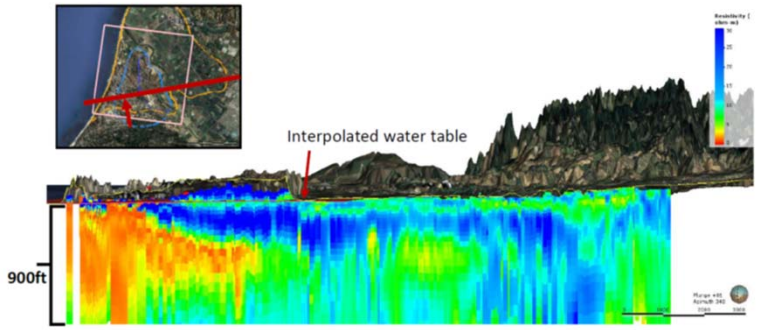
Figure 10: Cross-sectional cutaway view of AEM data, displaying larger-scale structures within the inverted AEM dataset. Interpolated water table surface is shown in red. The large conductive feature on the coast extends inland and downward, while the near-surface resistive body pinches out near the coast.

Source: Preliminary Interpretation of SkyTEM Data Acquired in the Marina Coast Water District by Ian Gottschalk and Rosemary Knight June 16, 2016 Page 15 figure 10 ; see video explaining this Airborne Electromagnetic survey at www.mcwd.org.

Monterey County seawater intrusion map



AIRBORNE Electromagnetic groundwater profile



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Attachment D

MCWD Preliminary SkyTEM Interpretation Report

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Preliminary Interpretation of SkyTEM Data Acquired in the Marina Coast Water District

Ian Gottschalk and Rosemary Knight
June 16, 2017

Objective:

Airborne electromagnetic (AEM) data were collected in the Northern Salinas Valley, CA, within and around the Marina Coast Water District (MCWD). The data were processed and inverted with lateral constraints by Aqua Geo Frameworks (AGF), and the resulting resistivity models given to Stanford. The work described in this report focuses on the region of a suspected isolated freshwater lens. Figure 1 shows the region of interest. "Isolated freshwater lens" is defined here as a water-bearing unit with anomalously low concentrations of total dissolved solids (TDS) in an area otherwise known to be saltwater intruded. Figure 2 shows a highly simplified schematic of the current understanding of the hydrostratigraphy and distribution of fresh and salt water in the region of interest. There is considerable interest in the interpreted isolated freshwater lens, which is suspected to lie in the Dune Sand and 180-Ft and 180-Ft Equivalent Aquifer. The objective of this report is to review the resistivity models obtained through inversion of the AEM data to determine whether we see evidence of the presence of freshwater in the area mapped as the freshwater lens.

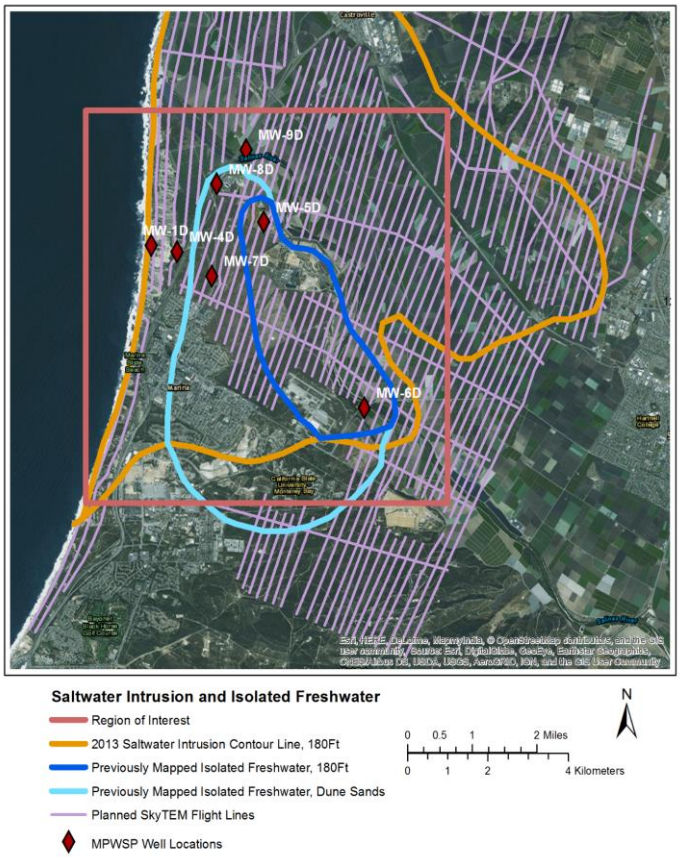

Figure 1: Region of interest (pink box) showing previously mapped saltwater intrusion (orange) extent in the 180-Ft Aquifer and the previously mapped extent of the isolated freshwater (light and dark blue) in the Dune Sand and 180-Ft Aquifers. Also shown are the 7 MPWSP well clusters with geophysical borehole logs as well as continuous data loggers in all screened intervals, and the planned SkyTEM flight lines for the AEM data acquisition

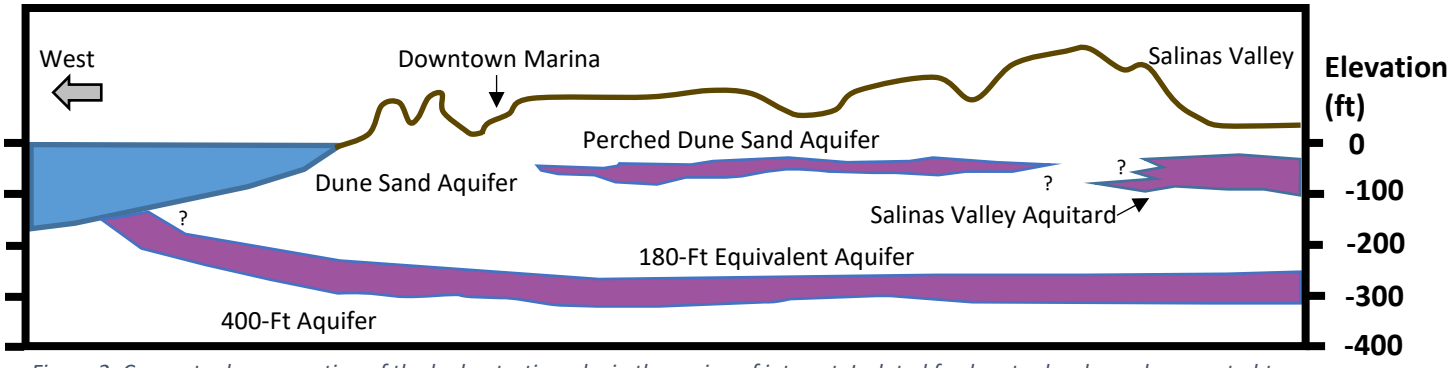

Figure 2: Conceptual cross-section of the hydrostratigraphy in the region of interest. Isolated freshwater has been documented to exist in the 180-Ft/180-Ft Equivalent Aquifers, and in the Dune Sand/Perched Dune Sand Aquifers.

Existing Hydrologic Data:

We have assembled from the study area a database of well location and lithology information. Much of the analysis in this report will use information provided from nine monitoring well clusters drilled by California American Water for its Monterey Peninsula Supply Project (MPWSP), due to the high quality data collected in the wells, and the continuous monitoring within them. These nine MPWSP monitoring well clusters were drilled using a sonic drilling method, with retrieved cores.

Geophysical borehole logs were collected in seven of the monitoring well clusters, shown in Figure 1. Each of the seven well clusters is comprised of three wells, each screened at a different elevation, corresponding roughly to the three aquifers nearest to the ground surface in the region: The Dune Sand Aquifer, the 180-Ft Equivalent Aquifer, and the 400-Ft Aquifer, ranging from highest to lowest elevation. The logs include induction-based resistivity (deep and medium length), spontaneous potential, and gamma radiation. The full geophysical borehole fence diagram for the seven MPWSP well clusters is shown in the Appendix Figure A3. Geophysical logging measurements were collected near the time of drilling which was spring 2015. A baseline geochemical analysis of water from each screened interval was reported approximately 1-2 months after borehole geophysical data collection; wells were bailed before taking a geochemical lab sample. This process has been repeated monthly since then, but the data are not publically available. A continuously logging pressure transducer and electrical conductivity meter was installed in every well in each cluster, and reports submerged pressure, water density, and electrical conductivity every 5 to 15 minutes. Well and transducer specifications are reported by Geoscience Support Services, Inc., shown in the Appendix Table A1. The trend in electrical resistivity on a monthly time scale is negligible, based on the data collected by the continuous data logger in each well; therefore, we consider the lab water quality assessment and the borehole geophysical data to be contemporaneous.

In addition to well lithology (developed from review of the core samples) and geophysical measurements from the MPWSP monitoring wells, previous hydrogeological studies in the area provide a background knowledge of the hydrostratigraphy of the area (Fugro, 1995; Harding, 2001; Kennedy/Jenks, 2004; Geoscience, 2014; Hopkins, 2016).

Overview of SkyTEM Data

635 km of AEM data were acquired in the Marina area May 16-18, 2017, using a SkyTEM 304M system. The locations of the as-flown flight lines are shown in Figure 3, taken from the AGF's QA/QC and Preliminary LCI Report. In this study, we focus on the line-km overlying the study area, shown by the bounding box in the Figure 1.

The inversion of the SkyTEM data by AGF has provided 2-D sections along the SkyTEM flight lines that display the variation in electrical resistivity of the subsurface. The cutaway section in Figure 4 displays data in the region of interest, along with a map of the same area from the 2016 Hopkins Consulting report (Hopkins Consulting, 2016). In all images, we show inverted data considered to be very well determined to determined, with a resistivity standard deviation of <1.5 (Behroozmand et al., 2013). The standard deviation cutoff of 1.5 corresponds to a depth of investigation of nearly 50 mbgs in especially saline regions of the coast, down to over 150mbgs in more resistive inland regions. Inverted resistivities span a wide range in MCWD region of interest, reaching well above 500 ohm-m above the water table in the Fort Ord area, and below 1 ohm-m in zones near the coast.

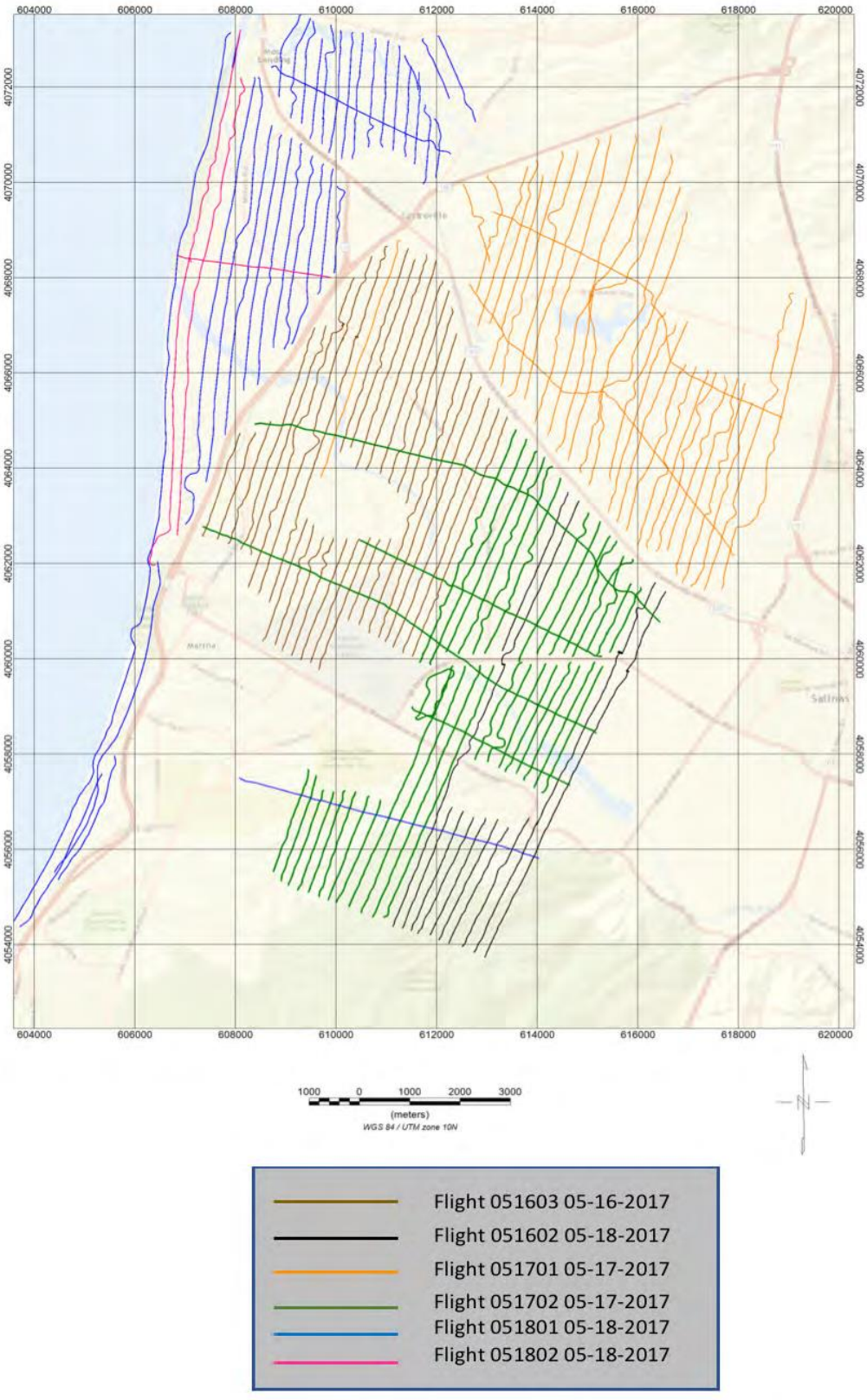

Figure 3: As-flown flight lines in the MCWD SkyTEM data acquisition. From the AGF "QA/QC and Preliminary Laterally Constrained Inversions Report from the Airborne Electromagnetic Survey of Selected Areas Within the Marina Coast Water District"

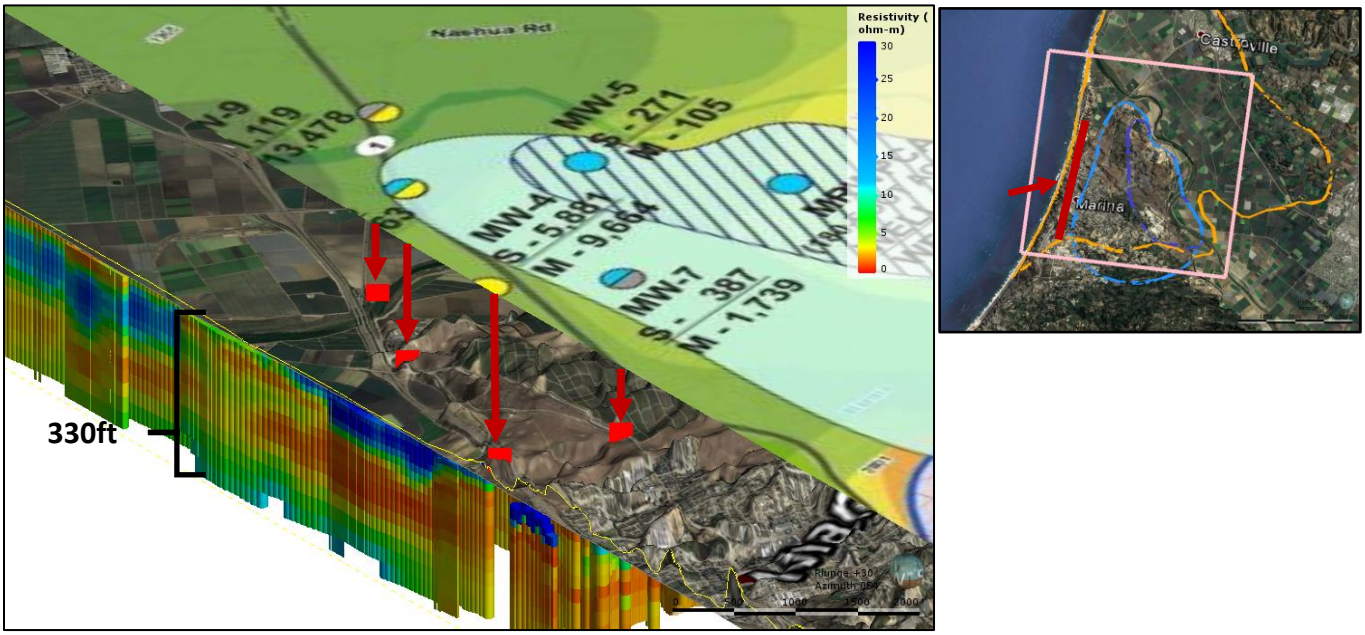

Figure 4: Oblique cutaway view of inverted AEM data in the region of interest, facing northwest from the Monterey Bay. Superimposed above the topography is an image of previously mapped freshwater in the region of interest (Hopkins, 2016). MPWSP wells are shown in red on the topography, and red arrows show the same wells from the superimposed image. The near-surface high-resistivity zone in the Marina area generally extends to the Salinas River.

Figure 5 shows a series of cutaways of the AEM data in the region of interest. Plotted alongside the AEM data are borehole resistivity measurements, for reference. In most locations, borehole resistivity measurements agree very well with the nearest AEM data. This correlation gives us confidence in the AEM data. Although the borehole resistivity measurements were made in 2015, the changes in the subsurface have not made the difference between the datasets very large. Some exceptions are in areas where the pore fluid has changed significantly in the past 2 years (e.g. MW-4 in Figure 5a), which is supported by the trends in EC recorded by the continuous data loggers in the MPWSP wells.

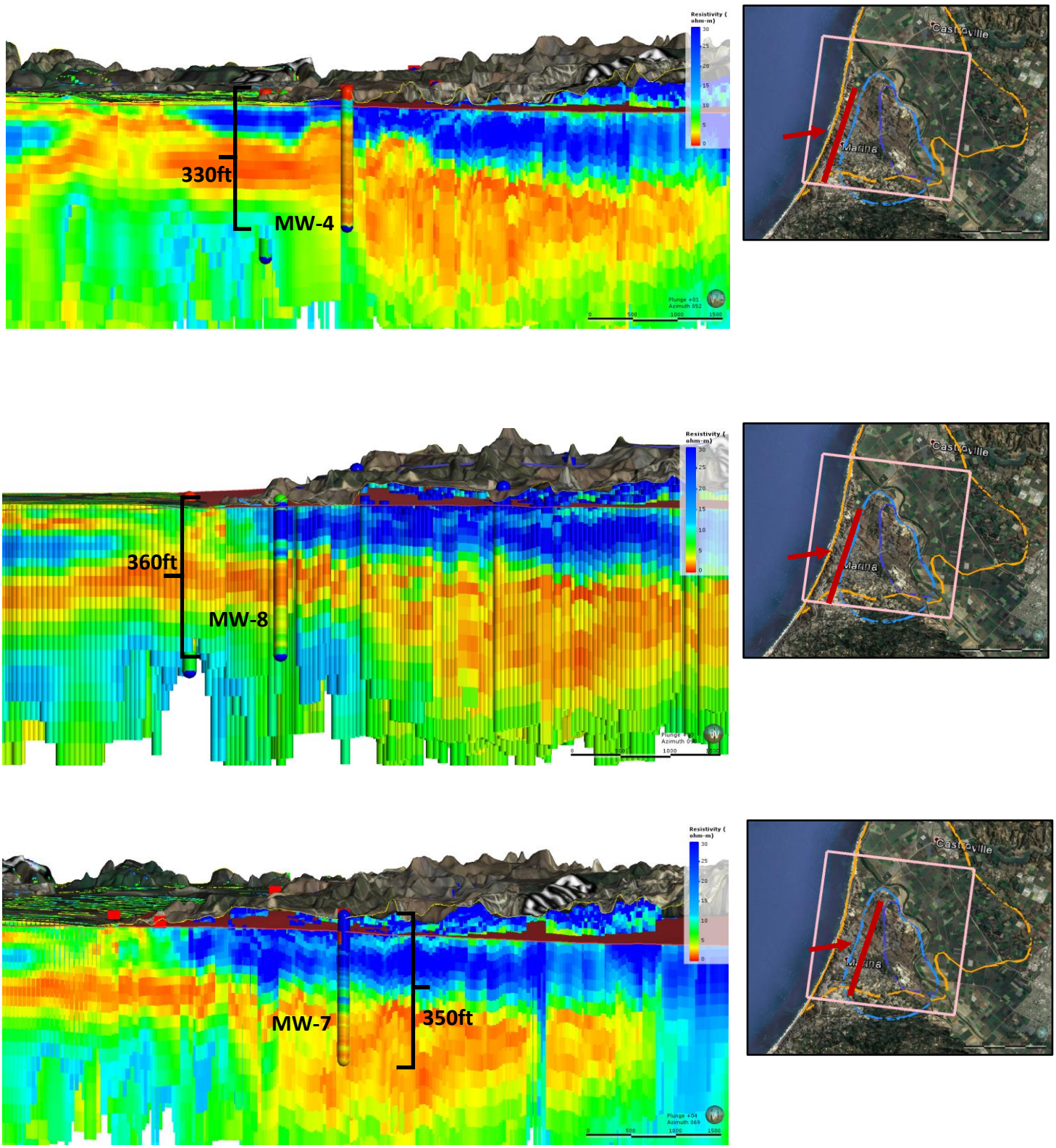

Figure 5: Cutaway slices of AEM data, along with nearby borehole geophysical data (long induction resistivity), and a plan view showing the slice and viewing direction. The top figure shows a notable discrepancy between the geophysical log at the top of MW-4 and the nearby AEM data. This difference emphasizes the changes in water quality since 2015, when MW-4 was logged. The changes observed (increasing in resistivity since 2015) are consistent with the trend of EC in MW-4 since 2015.

Interpretation of the SkyTEM Data

Our objective was review AEM data for the existence of possible freshwater within the region where isolated freshwater had been documented. Resistivity measured by the SkyTEM system is a function of not just water quality, but of sediment mineralogy as well. In order to reliably extract water quality information in the region of interest, our workflow included the following steps:

1) Map the water table in order to separate the unsaturated from saturated zone,
2) Define the resistivity of freshwater and saltwater-saturated zones in order to identify these zones in the AEM data, and
3) Apply the resistivity cut-off values defined above to the data.

1) Mapping the Water Table

1.1) Interpolating a Water Table Surface

In the region of interest, isolated freshwater is suspected to be present in the Dune Sand Aquifer and the 180-Ft/180-Ft Equivalent Aquifer. Since isolated freshwater may be in contact with the unsaturated zone, and both will appear relatively resistive in the AEM data, it is important to delineate between for an accurate assessment of the freshwater resources. Most wells in the region are not screened in the unconfined (Dune Sand) aquifer. However, water table level measurements contemporaneous with the collection of AEM data were available in nine MPWSP wells, recorded by the continuous pressure transducers. A schematic for the conversion used to calculate groundwater elevation from pressure transducer readings is shown in Figure A2 in the appendix, taken from a MPWSP long-term pumping report.

Water table elevations tend to be a muted expression of the surface topography: in high elevation areas, the water table often elevates, and sinks where the topography depresses. In order to model the water table surface to reflect the true water table, control points are needed especially in hilly regions, where the topography changes quickly. In the case of this study, few control points exist in the central and northeastern sections of Marina, where dune deposits create hilly topography (Figure 6b).

Using the available water table data from the MPWSP well measurements, an estimated map of the water table was created with a kriging interpolation. The variogram ranges were calculated automatically from the data, and the groundwater level at the ocean was set at 0m.

Near control points and in regions where topography does not change dramatically, the interpolated water table are expected to reflect the true water table elevation. However, in areas where topography varies quickly, the interpolated water table can be inaccurate. Since the majority of available control points are at lower elevations, the interpolation is biased toward lower elevations. Therefore, in hilly, high elevation regions, the interpolated water table surface is likely to underestimate the elevation of the true water table.

1.2) Applying a Resistivity Cutoff for the Unsaturated Zone

The AEM data itself also helps to define the water table elevation. The absence of water in the subsurface has a profound effect on the resistivity: above the measured water table at control

points, the inverted AEM resistivities are found in the range of 100-1000 ohm-m; however, below the water table at control points, nearly all data are below 50 ohm-m. This stark contrast normally exists at the interface between the unsaturated and saturated zone. By applying a resistivity cutoff to allow only <75 ohm-m data, we can compare the interpolated water table surface with the elevation at which the AEM resistivity spikes. Figures 6c and 6d display the topmost AEM data, between the ground surface and the interpolated water table surface. (In these two figures, the interpolated water table surface is draped with the satellite image of Marina, for spatial reference.) Figure 6c shows data above the interpolated water table, but with no resistivity cutoff. Figure 6d introduces the 75 ohm-m cutoff. With an accurate interpolated water table surface and the appropriate resistivity cutoff, the top of the AEM data in Figure 6d should closely match the interpolated surface. Notice that the areas with few control points and hilly terrain in Figure 6b (e.g. NE of Marina and the coastal dunes) correspond to regions where larger volumes AEM data does not match the interpolated surface.

Because of the dramatic resistivity change between saturated and unsaturated zone in this area, using a resistivity cutoff helps to map out the unsaturated zone in regions where water table data is not available. However, in order not to underestimate the amount of freshwater in the near surface, more water table measurements are critical in hilly, high elevation areas in the region of interest.

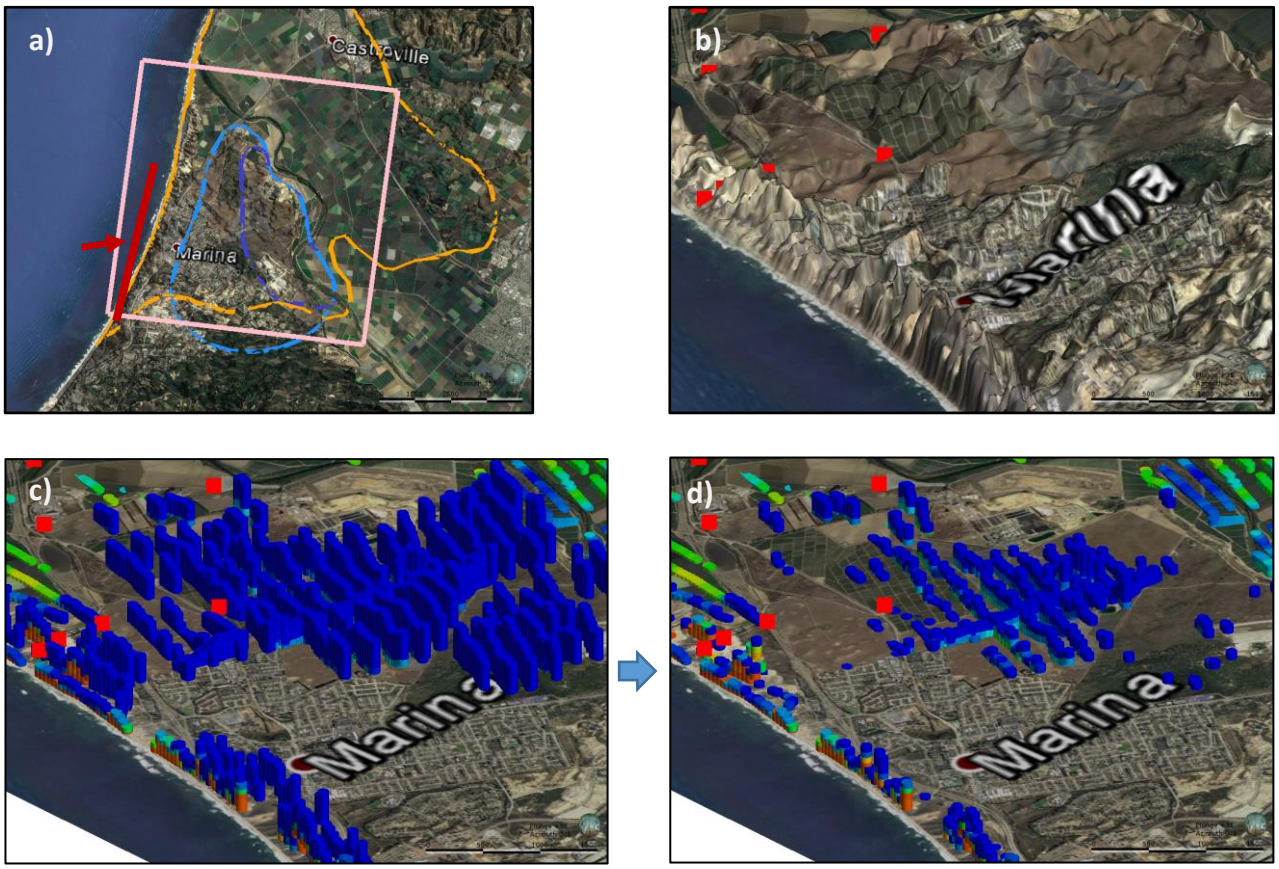

Figure 6: Oblique view of SkyTEM AEM data between the ground surface and the interpolated water table, displaying of few control points on the interpolated water table.
***a**) Plan view showing region of interest, viewed line (red line) and viewing direction (red arrow)*
***b**)Oblique view showing topography of Marina area and control points from which the interpolated water table surface was created (vertical exaggeration x15)*
***c**) All AEM data, bounded beneath by the satellite map of the area set to the elevation of the interpolated water table surface*
***d**) A conservative <75 ohm-m cutoff is applied to the data to remove data which have a high probability of being in the unsaturated zone. Between water table control points, the water table surface smoothly varies. In areas with few control points and hilly terrain (such as in the northern Marina area, the coastal dunes, or the Fort Ord area), the water table surface will deviate from reality.*

Defining the resistivity of freshwater and saltwater-saturated zones

Within the saturated zone, resistivity values vary significantly. In order to use the AEM data to interpolate between and extrapolate beyond water quality information from wells, we need to have information on the bulk resistivity of the various sediments containing water of variable quality; i.e., what is the resistivity of a freshwater-saturated sand unit? What is the resistivity of a saltwater-saturated sand unit? What is the resistivity of a freshwater-saturated clay unit? In a lithologically homogenous subsurface, changes in resistivity can be attributed simply to changes in the pore water resistivity, and therefore to changes in salinity. In the case of this study area, the lithology of the subsurface is documented as being very heterogeneous, where aquifer units contain silt and clay lenses from fluvial and alluvial deposits. The presence of finer-grained—especially clay-bearing —sediment affects the resistivity of the bulk material, and therefore affects the return signal in an AEM survey in the same way that pore water resistivity does.

The ranges of resistivity expected in different sediments and water quality from the coastal Seaside area are reported from a recent study in Table 1 (Goebel et al., 2017). While resistivities vary based on both lithology and salinity, we can conclude that the lowest resistivity values will always correspond to saltwater-saturated sediments and the highest resistivity values will always correspond to freshwater-saturated sediments.

Table 1: Expected resistivities of sediments in coastal Seaside area, CA (adapted from Goebel et al., 2017).

Resistivity (ohm-m)	Sand and Gravel	Silt	Clay
Freshwater Saturated	30–70	N/A	7–12
Saltwater Saturated	0.7–3	1.2–3	1.5–5

We developed the analogous table for the Marina area sediments using the geophysical borehole logs in the seven MPWSP wells and pore water TDS measurements made at the time of the logging, where fresh, brackish and saltwater are defined by total dissolved solids thresholds of <3,000, 3000-10,000, and > 10,000 mg/L, respectively. These thresholds are defined according to the EPA Guidance for the Determination of Underground Sources of Drinking Water. The results are shown in Table 2. Given the quality of the lithology cataloging, data were available for multiple lithology categories, beyond sand, silt, and clay. We see a trend similar to the one found in the Seaside area sediments: saltwater-saturated sediments, regardless of lithology, have the lowest resistivity values. Similarly, freshwater in coarser-grained sediments have a distinctively high resistivity, but freshwater in finer-grained sediments can be convoluted with sediments in brackish water. To make conservative estimate of zones that are freshwater-saturated, we apply a 30 ohm-m cutoff to the data defining all freshwater-saturated sediments. A similar estimate can be made for saltwater-saturated zones by applying a 3 ohm-m cutoff, defining all saltwater-saturated sediments.

Table 2a: Expected resistivities in the coastal Marina area, compiled from MPWSP geophysical well logs (long induction resistivity)

Resistivity (ohm-m)	Gravel/ Boulders	Sand and Gravel	Sand	Silty Sand	Clayey Sand	Silt/Loess	Silty Clay	Clay
Freshwater-saturated	N/A	65.00	31.40	15.37	N/A	N/A	11.58	16.98
Brackish-saturated	N/A	7.36	22.98	N/A	N/A	N/A	N/A	N/A
Saltwater-saturated	1.69	1.58	1.76	1.42	1.58	1.65	N/A	1.68

Table 3b: Summary of expected resistivities in the coastal Marina area

Resistivity (ohm-m)	Range	Average	SD
Freshwater-saturated	11-65	28.06	21.97
Brackish-saturated	7-23	15.17	10.38
Saltwater-saturated	1.4-1.7	1.62	0.11

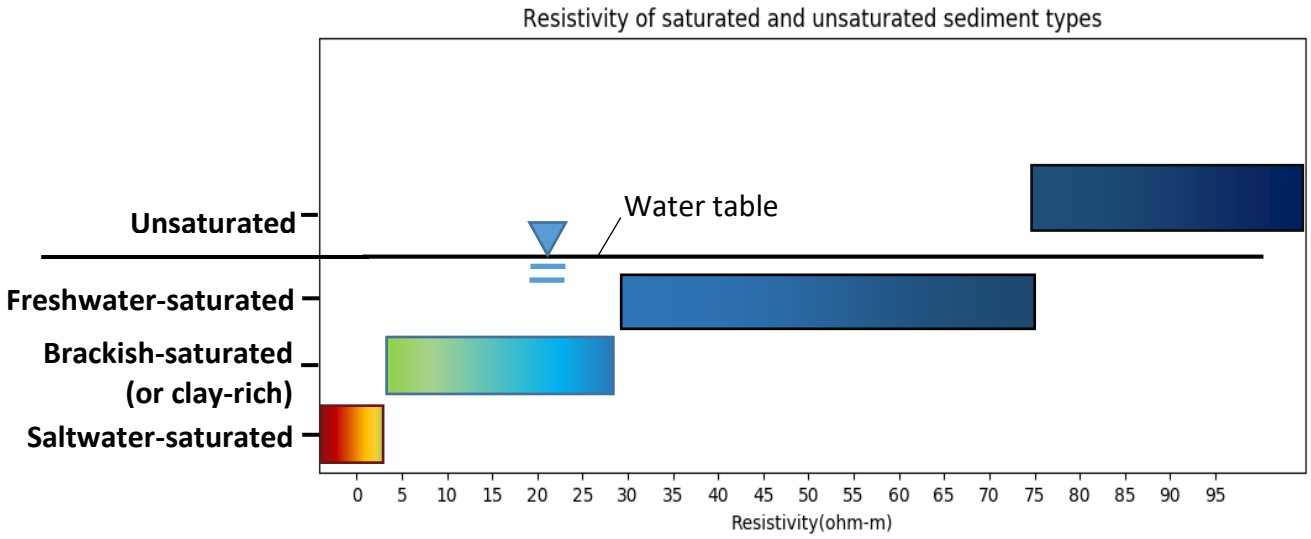

Figure 7: Range of resistivities expected in the region of interest based on Table 2, along with the cutoff values for each classification:
Saltwater-saturated: <3 ohm-m; Freshwater-saturated: 30-75 ohm-m; Unsaturated: > 75 ohm-m.
The range between saltwater-saturated and freshwater-saturated is less certain; sediments could be coarse in brackish water, or clay-rich.

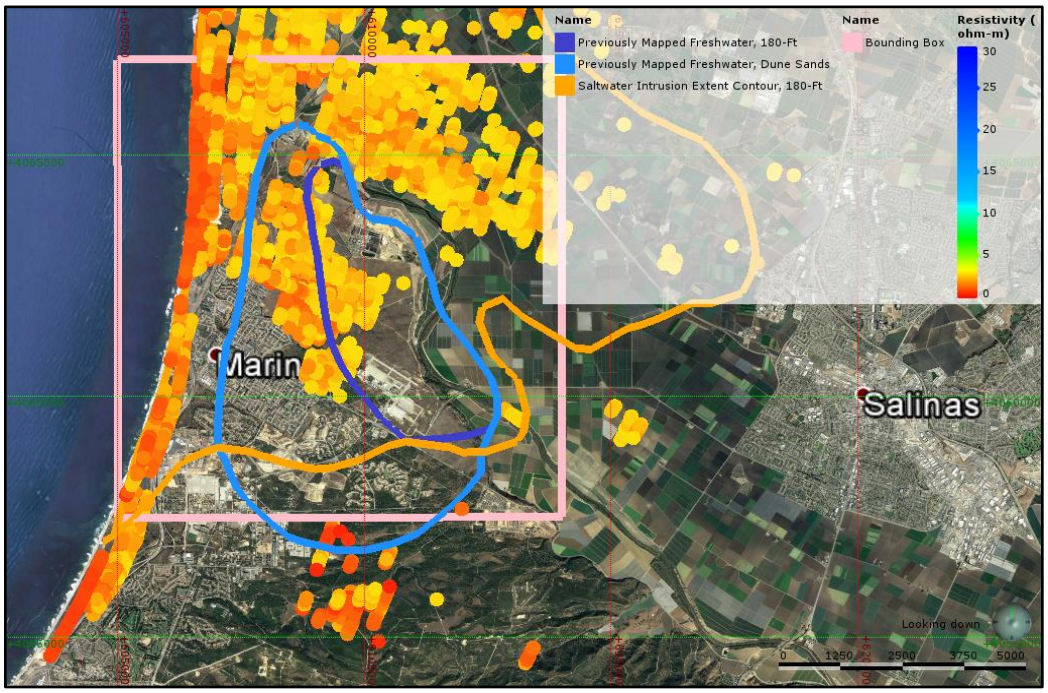

Figure 8a: Plan view showing resistivity below 3 ohm-m to a depth of -150m elevation. Map is shown at -150m elevation

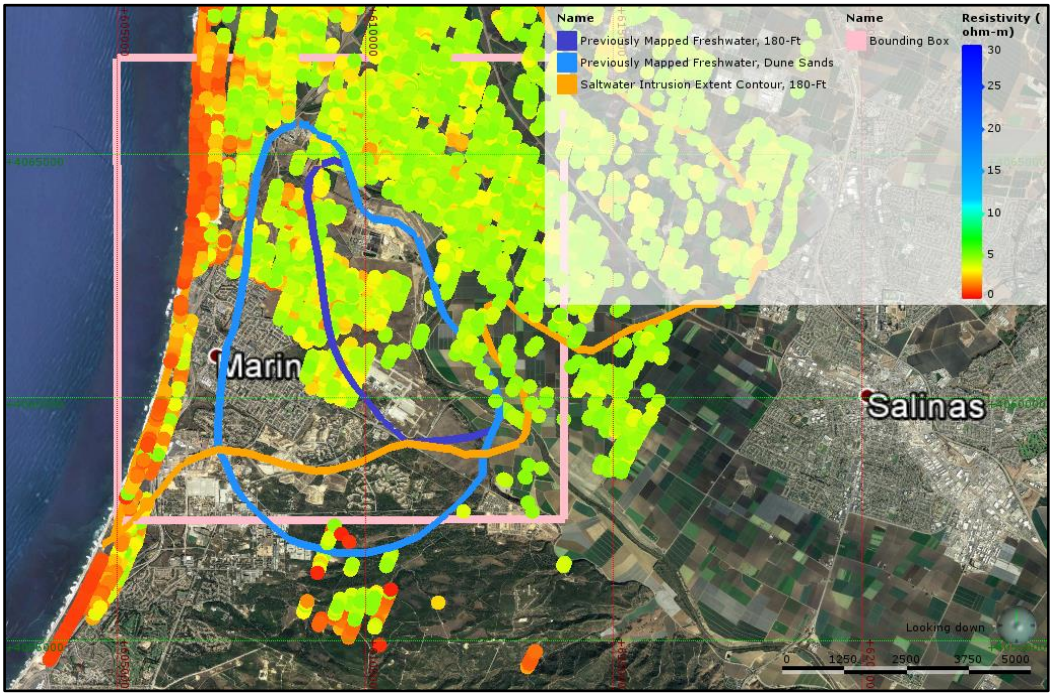

Figure 8b: Plan view showing resistivity below 5 ohm-m to a depth of -150m elevation. Map is shown at -150m elevation

3) Fresh and Saltwater in AEM data

Figure 8 shows the applied saltwater cutoff found from the geophysical well logs (3 ohm-m). Saltwater intrusion tends follow the contours from the previously mapped saltwater intrusion contour in the 180-Ft Aquifer. For comparison, a cutoff of 5 ohm-m is shown in Figure 8b. Figure 9 displays the region of interest with the applied freshwater cutoff found from geophysical well logs (>30ohm-m), and a >20ohm-m cutoff (Figure 9b), for comparison.

It is distinctly clear that areas in the region of interest have a significant volume of freshwater in the near subsurface. In the Marina area, the thickness of freshwater grows, which corresponds to previous water quality measurements in the MPWSP wells, as well as a 2016 report by Curtis Hopkins. The AEM data furthermore show the extension of the isolated freshwater beyond the area formerly thought to contain freshwater in the near surface (in the Dune Sand Aquifer), likely up until near the Salinas River.

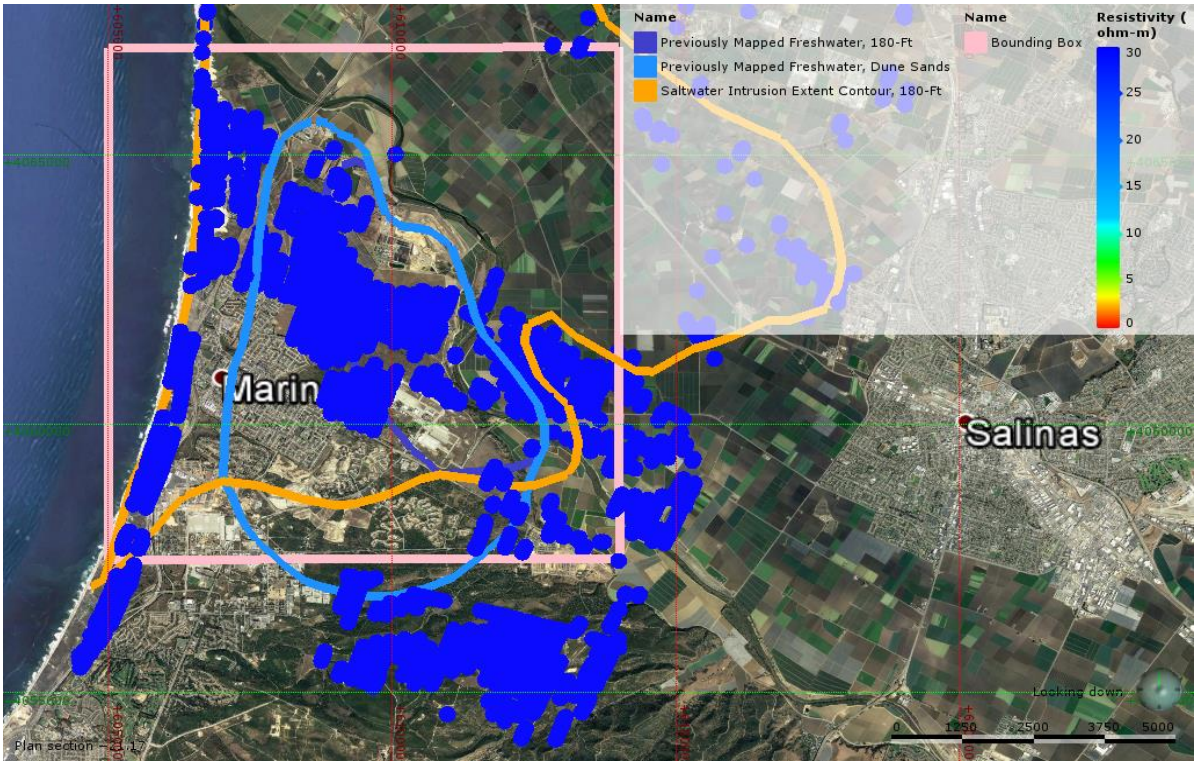

Figure 9a: Plan view showing >30ohm-m resistivities between elevations -100 to 29masl.

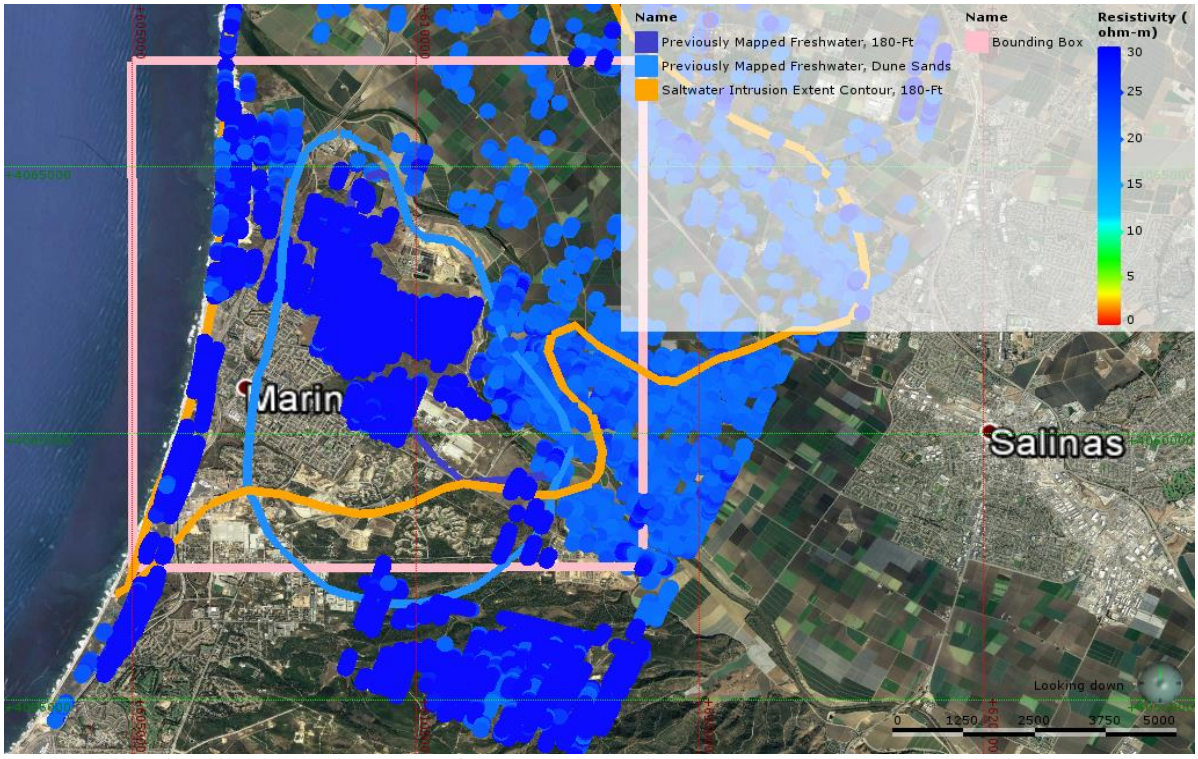

Figure 9b: Plan view showing >20ohm-m resistivities between elevations -100 to 29masl

Summary

We have made a preliminary interpretation of AEM data collected in the Marina region in May 2017. From geophysical logs and water quality measurements, we have conservatively defined an interpolated water table surface, which is likely to underestimate the volume of isolated freshwater in the region of interest. We have compared this interpolated water table, based on few control points, with a conservative resistivity cutoff of <75 ohm-m, to distinguish the saturated zone from the unsaturated zone. Based on borehole geophysical measurements, we defined a lower bound resistivity cutoff of 3 ohm-m to distinguish between freshwater-saturated sediment and saltwater-saturated sediment, considering that saltwater-saturated materials have a uniquely low resistivity range.

The AEM dataset provided by the SkyTEM system and processed by AGF offers an abundance of information into the hydrogeology of the region of interest, in and around the MCWD-operated Salinas Valley Marina Area. The 3-dimensional interactions between fresh and salt water shown by this data can deliver valuable information for groundwater management by MCWD, and offer insight into future action by the District.

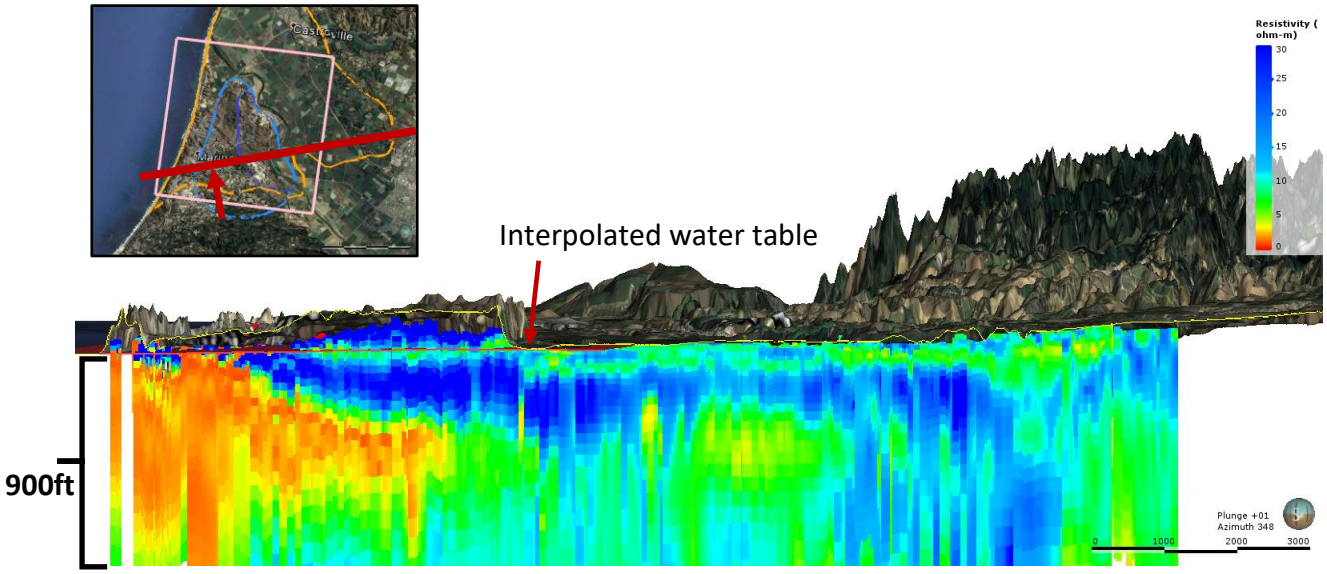

Figure 10: Cross-sectional cutaway view of AEM data, displaying larger-scale structures within the inverted AEM dataset. Interpolated water table surface is shown in red. The large conductive feature on the coast extends inland and downward, while the near-surface resistive body pinches out near the coast.

References

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Appendix

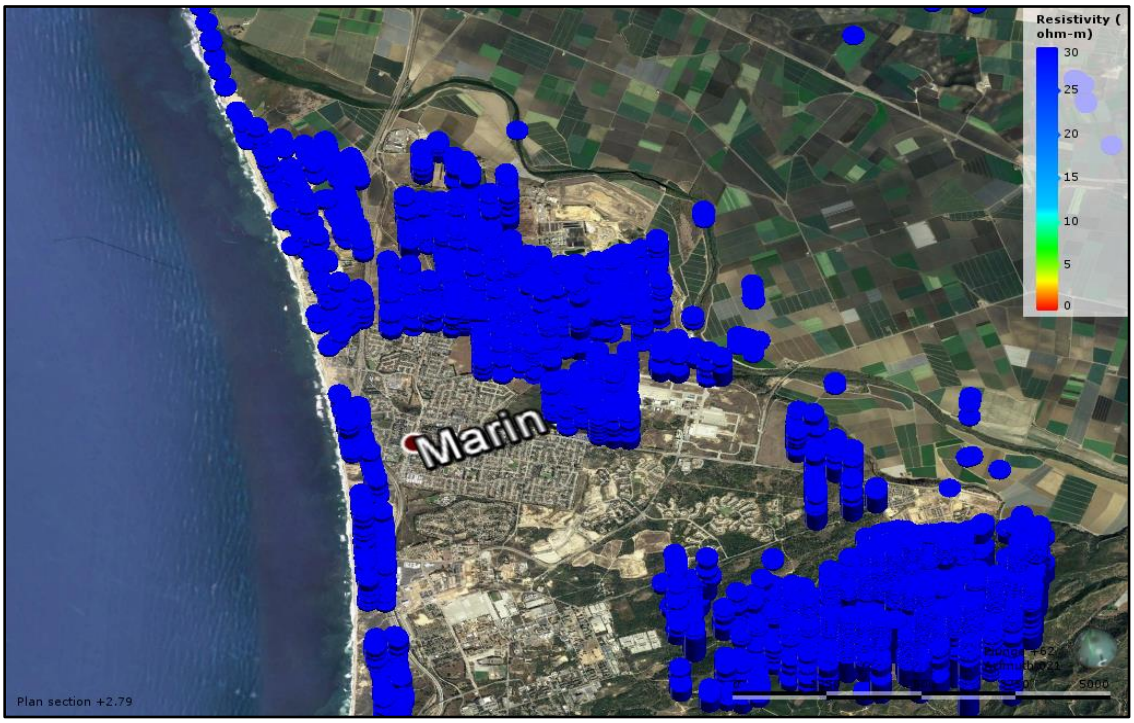


Figure A1a: Plan view showing occurrence of freshwater between elevations -20 to 29masl. Map elevation is set at -20m elevation. From this angle, it is appears that the region of the Salinas River serves as the northern extent for the shallow isolated freshwater zone.

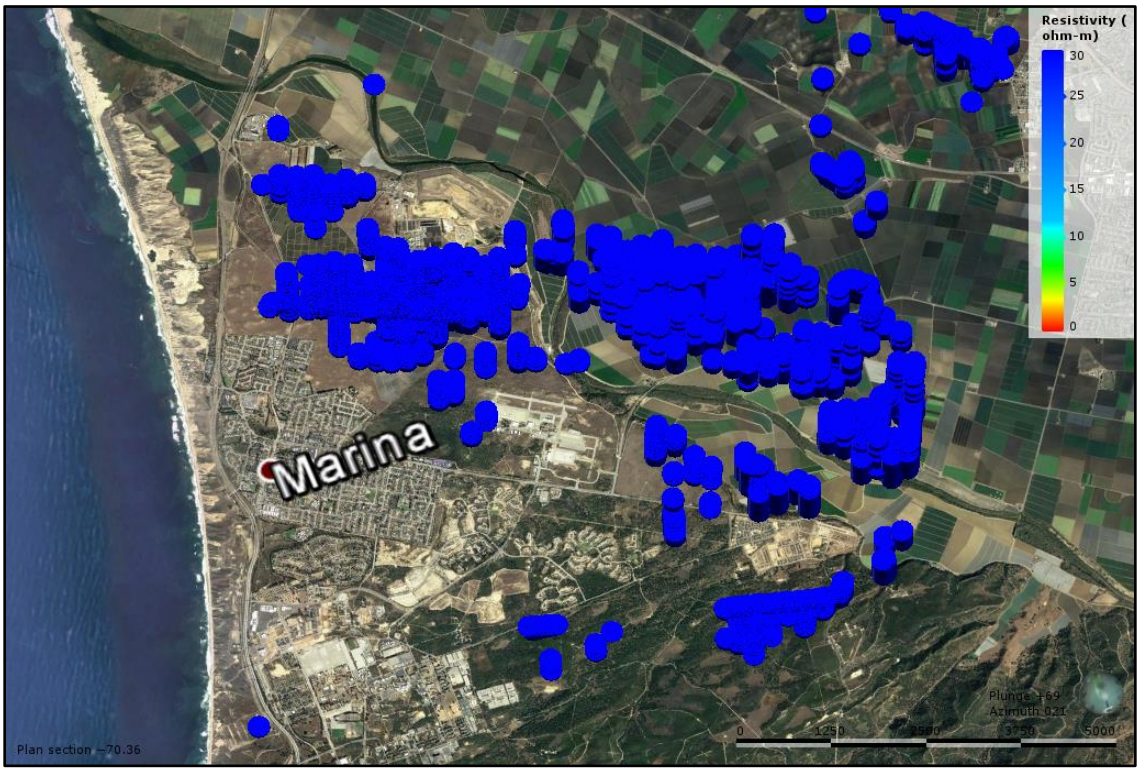


Figure A1b: Plan view between elevations of -20 to -80m. At lower elevations, the isolated freshwater region crosses the Salinas River.

Table A1: Technical specifications for the MPWSP well network. From California American Long Term Pumping Monitoring Report 107

			State Plane Coordinates										
Well Name	Cluster	Reference Point (RP)	Northing	Easting	RP Elevation ft NAVD88	RP Height (ft above GS)	Distance of RP from Slant Well Head (ft)	Top of Screen Interval (ft below GS)	Bottom of Screen Interval (ft below GS)	Transducer Installed Depth (ft below RP)	Survey Date	Data Logging Start Date	Data Collected
MW-1S	MW-1	Top of ABS Transducer Mount	2,154,745.35	5,739,355.82	30.51 [1]	2.65 [1]	211	55	95	76	26-Mar-15	19-Feb-15	Level, Conductivity
MW-1M	MW-1	Top of ABS Transducer Mount	2,154,751.93	5,739,347.94	29.86	2.48	220	115	225	182	26-Mar-15	19-Feb-15	Level, Conductivity
MW-1D	MW-1	Top of ABS Transducer Mount	2,154,753.60	5,739,337.98	29.68 [1]	2.65 [1]	230	277	327	309	26-Mar-15	19-Feb-15	Level, Conductivity
MW-3S	MW-3	Top of ABS Transducer Mount	2,154,599.85	5,739,977.02	37.16	2.66	428	50	90	76	26-Mar-15	4-Mar-15	Level, Conductivity
MW-3M	MW-3	Top of ABS Transducer Mount	2,154,592.96	5,739,988.54	37.35	2.73	441	105	215	182	26-Mar-15	4-Mar-15	Level, Conductivity
MW-3D	MW-3	Top of ABS Transducer Mount	2,154,589.81	5,739,998.68	36.93	2.74	451	285	330	321	26-Mar-15	4-Mar-15	Level, Conductivity
MW-4S	MW-4	Top of ABS Transducer Mount	2,154,170.90	5,741,427.62	41.96	2.26	1,940	60	100	66	26-Mar-15	9-Mar-15	Level, Conductivity
MW-4M	MW-4	Top of ABS Transducer Mount	2,154,172.79	5,741,416.78	41.99	2.15	1,929	130	260	208	26-Mar-15	9-Mar-15	Level, Conductivity
MW-4D	MW-4	Top of ABS Transducer Mount	2,154,174.30	5,741,406.08	41.95	2.15	1,918	290	330	317	26-Mar-15	20-Feb-15	Level, Conductivity
MW-5S(P)	MW-5	Top of ABS Transducer Mount	2,156,239.19	5,748,566.86	80.25 [1]	2.20 [1]	9,135	43	83	71	26-Mar-15	10-Mar-15	Level, Conductivity
MW-5M	MW-5	Top of ABS Transducer Mount	2,156,230.38	5,748,564.26	80.48 [1]	2.31 [1]	9,131	100	310	171	26-Mar-15	10-Mar-15	Level, Conductivity
MW-5D	MW-5	Top of ABS Transducer Mount	2,156,220.77	5,748,560.95	80.06	1.97	9,126	395	435	417	26-Mar-15	19-Feb-15	Level, Conductivity
MW-6S	MW-6	Top of ABS Transducer Mount	2,141,142.87	5,756,164.01	35.89	2.45 [1]	21,436	30	60	54	1-Oct-15	22-Apr-15	Level, Conductivity
MW-6M	MW-6	Top of ABS Transducer Mount	2,141,138.40	5,756,154.35	35.68	2.44 [1]	21,431	150	210	184	1-Oct-15	22-Apr-15	Level, Conductivity
MW-6M(L)	MW-6	Top of ABS Transducer Mount	2,141,133.06	5,756,144.94	35.82	2.42 [1]	21,427	255	325	315	1-Oct-15	22-Apr-15	Level, Conductivity
MW-7S	MW-7	Top of ABS Transducer Mount	2,152,099.25	5,744,148.10	50.64	2.06	5,274	60	80	72	1-Oct-15	13-Aug-15	Level, Conductivity
MW-7M	MW-7	Top of ABS Transducer Mount	2,152,110.46	5,744,146.08	50.29	2.09	5,266	130	220	187	1-Oct-15	13-Aug-15	Level, Conductivity
MW-7D	MW-7	Top of ABS Transducer Mount	2,152,120.50	5,744,144.38	50.24	2.24	5,260	295	345	322	1-Oct-15	13-Aug-15	Level, Conductivity
MW-8S	MW-8	Top of ABS Transducer Mount	2,159,440.33	5,744,871.52	19.96	2.14 [3]	7,116	40	80	61	1-Oct-15	30-May-15	Level, Conductivity
MW-8M	MW-8	Top of ABS Transducer Mount	2,159,430.86	5,744,866.05	19.99	2.17 [2]	7,106	125	215	181	1-Oct-15	30-May-15	Level, Conductivity
MW-8D	MW-8	Top of ABS Transducer Mount	2,159,421.47	5,744,861.04	20.08	2.10 [3]	7,096	300	350	326	1-Oct-15	30-May-15	Level, Conductivity
MW-9S	MW-9	Top of ABS Transducer Mount	2,162,010.77	5,747,345.03	18.42	2.16 [3]	10,677	30	110	71	1-Oct-15	1-Jul-15	Level, Conductivity
MW-9M	MW-9	Top of ABS Transducer Mount	2,162,016.58	5,747,353.64	18.32	2.13 [2]	10,687	145	225	182	1-Oct-15	29-Jun-15	Level, Conductivity
MW-9D	MW-9	Top of ABS Transducer Mount	2,162,022.89	5,747,362.25	18.32	2.15 [3]	10,697	353	393	377	1-Oct-15	26-Jun-15	Level, Conductivity
Well No. 1 [4]	MRWPCA	Well Cover	2,151,622.14	5,750,015.59	114 ft amsl (GS)	1.60	10,898	260	340	299	-	19-Feb-15	Level, Conductivity
Well No. 2 [4]	MRWPCA	Well Cover	2,151,550.18	5,749,987.41	115 ft amsl (GS)	1.65	10,892	260	340	319	-	19-Feb-15	Level, Conductivity
CEMEX Dredge Pond	CEMEX	Top of ABS Transducer Mount	2,155,912.41	5,739,497.26	14.14	8.92*	1,212	-	-	-	26-Mar-15	8-Mar-15	Level, Conductivity
Test Slant Well	CEMEX	Near Ground Surface	2,154,702.56	5,739,561.92	30.86	0	0	46**	231**	305MD	26-Mar-15	1-Apr-15	Level, Conductivity
CEMEX North Well	CEMEX	Well Cover	2,154,284.48	5,741,032.07	39.20	0.25	1,529	244	481	150	1-Oct-15	1-Apr-15	Level, Conductivity
CEMEX South Well [4]	CEMEX	Ground Surface	2,154,213.90	5,740,998.57	31 ft amsl (GS)	0	1,518	400	506	-	-	-	-

Horizontal Datum: NAD83 State Plane Zone 4
Vertical Datum: NAVD88
* RP height above pond water level 5.22 ft NAVD88 (8-11 am 26-Mar-15)
** Top of 18 in. screen = 140 ft x Sin(19) = 46 ft TVD, Bottom of 14 in. screen = 710 x Sin(19) = 231 ft TVD

[1] RP/elevation change on May 17, 2015 - New caps
[2] RP/elevation change on July 17, 2015 - New caps
[3] RP/elevation change on September 24, 2015 - New caps
[4] Estimated - not surveyed.

MD: Measured Depth - lineal feet along the angle of the slant well
GS: Ground Surface - approximate ground surface elevation based on Google Earth

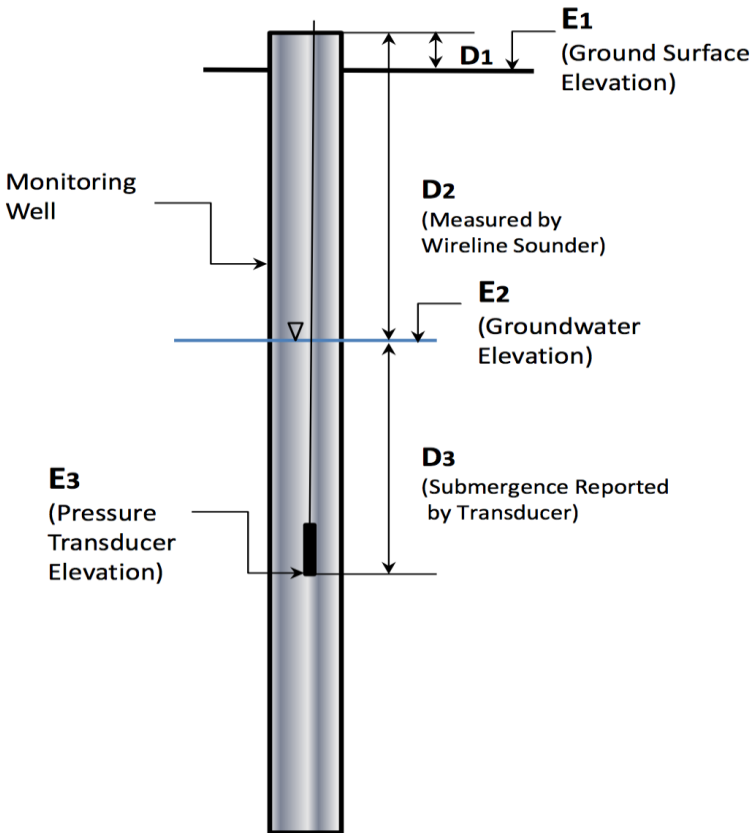


Figure A2: Schematic explaining the measurements taken to convert transducer-reported pressure to groundwater elevation. From California American Long Term Pumping Monitoring Report 107

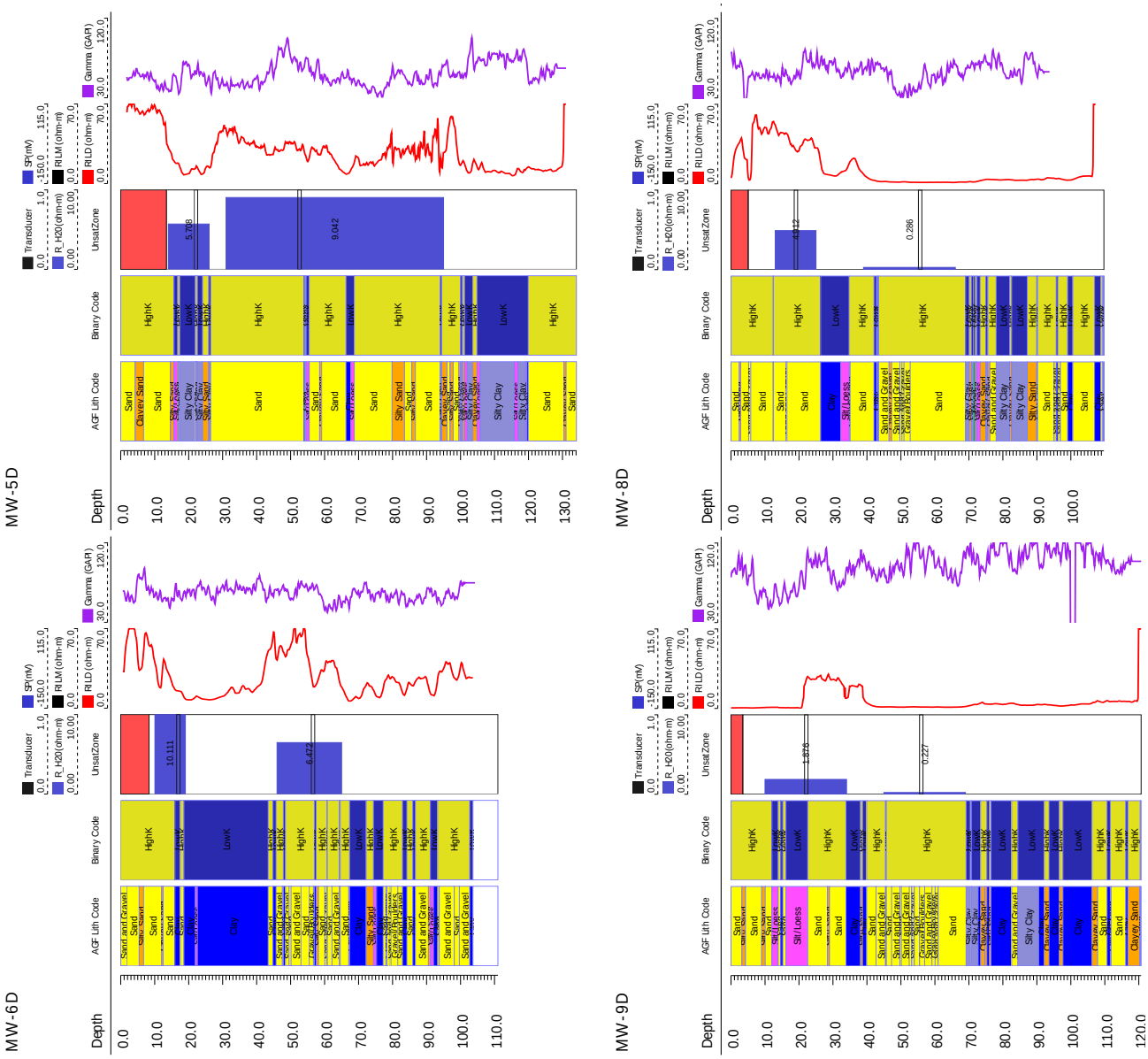
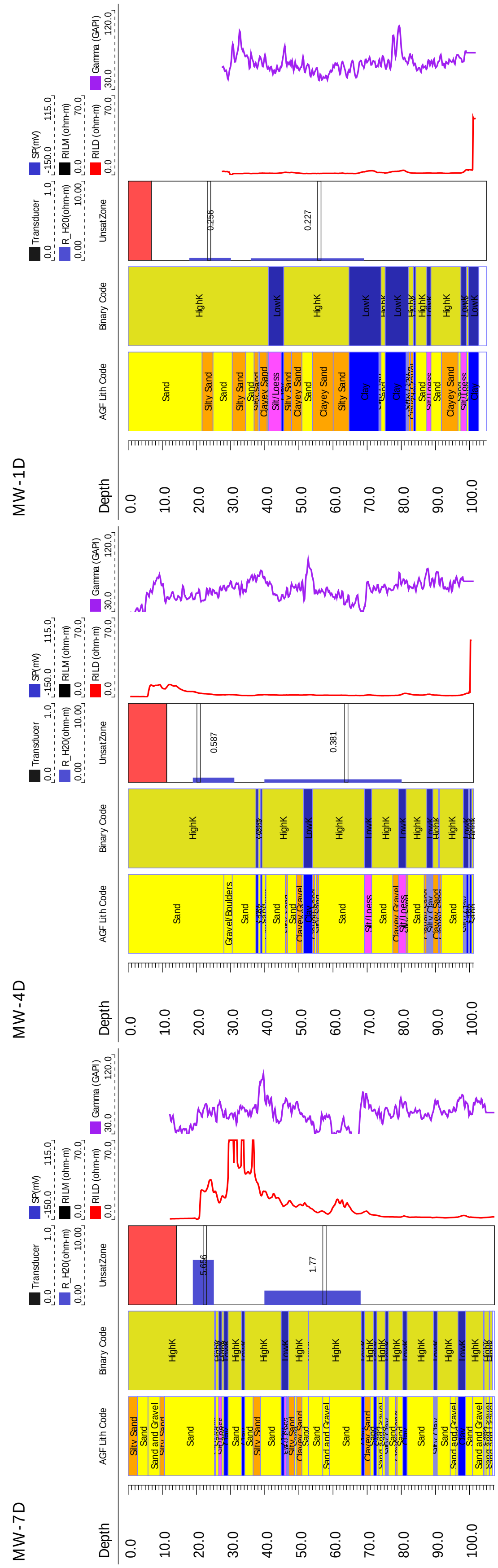


Figure A3: Geophysical borehole logs. Columns from left-to-right: 1) depth (meters below reference point); 2) lithology code; 3) binary lithology classification; 4) top two screened intervals of the well (purple) and the water resistivity from baseline lab samples, unsaturated zone (red block), and the transducer depth (black lines); 5) deep induction resistivity (red), medium induction resistivity (black), and spontaneous potential (blue); 6) gamma radiation (purple).


MW-7D
MW-4D
MW-1D
Depth
AGF Lith Code
Binary Code
UnsatZone
Transducer
R_H20(ohm-m)
SP(mV)
RILM (ohm-m)
RILD (ohm-m)
Gamma (GAPI)
HighK
LowK
Sand
Silty Sand
Clayey Sand
Sand and Gravel
Gravel Boulders
Silt / Loess
Clay
Clayey Gravel
5.656
1.77
0.587
0.381
0.256
0.227
0.0
10.0
20.0
30.0
40.0
50.0
60.0
70.0
80.0
90.0
100.0

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Attachment E

Proposition 1 Coordination Agreement

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PROPOSITION 1 Coordination Agreement

THIS PROPOSITION 1 COORDINATION AGREEMENT (the "Agreement") is made effective as of November 9, 2017 by the Marina Coast Water District Groundwater Sustainability Agency ("MCWD") and the Salinas Valley Basin Groundwater Sustainability Agency ("SVBGSA") regarding proposals for Sustainable Groundwater Planning ("SGWP") Grant Program funds, authorized by the Water Quality, Supply, and Infrastructure Improvement Act of 2014 ("Proposition 1") within the Monterey Subbasin and the 180/400 foot Subbasin, with reference to the following facts:

A. Eligibility criteria for Category 2 proposals for SGWP Grant Program funds, authorized by Proposition 1, only accept one application per Basin/Subbasin; and

B. An eligible agency may be part of the Proposition 1 application as a project proponent, but must identify a single entity that will act as the grant applicant and submit a basin-wide application and receive the grant on behalf of the basin; and

C. If multiple applications are received within a basin for Category 2 projects, DWR will contact the applicants and request that the Parties consolidate one single application for the basin to be submitted before the close of the open filing period; and

D. The applicant must include a Proposal level "Summary" highlighting each project contained in the Proposal and must demonstrate that it encompasses the entire basin or describes why a portion of the basin is not covered in the Proposal.

E. Applicants requesting funding for Category 2 Proposition 1 application must provide documentation of any communications with beneficial users of groundwater in the basin that may potentially be affected by implementation of the project, including, but not limited to DACs, SDACs, agricultural water users, municipal water users, wildlife refuges, or other stakeholders.

F. The Filing Period Closes November 13, 2017 for proposals for SGWP Grant Program funds; and

G. Proposition 1 requires a minimum cost share of 50% of the total project cost.

THEREFORE, in consideration of the facts recited above the Parties agree to the following with regards to Proposition 1 applications:

1. The Parties agree that MCWD shall be the Party responsible for submitting a grant application/proposal to DWR for a Category 2, Tier 2 Groundwater Sustainability Plan grant for the Monterey Subbasin and MCWD shall be the grantee if the proposal is successful. MCWD shall be responsible for the cost of preparing the grant. MCWD will coordinate with SVBGSA and obtain input from SVBGSA in preparation of the grant application/proposal for the Monterey Subbasin.

2. The Parties further agree that SVBGSA shall be the Party responsible for submitting a grant application/proposal to DWR for a Category 2, Tier 1 Groundwater Sustainability Plan grant for the 180/400 Foot Aquifer Subbasin and SVBGSA shall be the grantee if the proposal is successful. SVBGSA shall be responsible for the cost of preparing the grant. SVBGSA will coordinate with MCWD and obtain input from MCWD in preparation of the grant application/proposal for the 180/400 Foot Aquifer Subbasin.

3. A coordination committee including representatives from MCWD and SVBGSA shall be formed for each subbasin.

4. The parties agree that they shall share all data necessary to facilitate the completion of the Proposition 1 applications/proposals.

5. The Proposition 1 application for the Monterey Subbasin will include:

a) A project for the preparation of the GSP by MCWD for the Marina Subarea and the Ord Subarea, as shown on attached Exhibit "A;" and

b) A project for the preparation of a GSP by SVBGSA for the Corral de Tierra Subarea, also as shown on attached Exhibit "A".

6. The Marina, Ord and Corral de Tierra subareas shall be managed as follows:

a) If MCWD is allowed under the Sustainable Groundwater Management Act ("SGMA") to include the Ord Subarea within its Groundwater Sustainability Agency boundaries, MCWD shall manage the Marina and Ord Subareas as part of its GSA under the GSP described in Section 5 (a), above.

b) If MCWD is not allowed under SGMA to include the Ord Subarea within its Groundwater Sustainability Agency boundaries, the Ord Subarea may be designated by the SVBGSA as a Management Area within the boundaries of its GSA, and MCWD shall be allowed to manage the Ord Subarea under the GSP described in Section 5 (a), above.

c) SVBGSA shall manage the Corral de Tierra Subarea.

7. The GSP Project for the Monterey Subbasin will include review and potential refinement of the portion of the Salinas Valley Integrated Hydrologic Model ("SVIHM") that addresses the Monterey Subbasin and nearby subbasins. SVIHM is being developed by the USGS for the entire Salinas River Valley Basin.

8. MCWD will provide matching grant funds for development of the GSP and for SVIHM model review and refinement for the Marina Subarea and Ord Subarea of the Monterey Subbasin. Notwithstanding anything to the contrary, in the event MCWD is prevented from including the Ord Subarea within its GSP or the SVBGSA elects to include the Ord Subarea within its own GSP for the Monterey Subbasin, then SVBGSA shall reimburse

MCWD for all matching funds which MCWD has provided or expended proportionately for the Ord subarea after the effective date of this agreement, and SVBGSA shall be responsible for all matching funds applicable to the Ord Subarea for purposes of the SGWP Grant Program.

9. SVBGSA and MCWD may include additional project(s) in each other's grant applications for the Monterey and 180/400 Foot Aquifer Subbasins if they provide all required information in the appropriate format and demonstrate matching funds by an agreed upon timeframe.

10. The Parties acknowledge that the submission deadline for any Proposition 1 application is November 13, 2017. As such, the Parties agree to the following schedule for coordination of grant applications for the Monterey and 180/400 Foot Aquifer Subbasins:

- Proposition 1 Applicant to share draft Proposition 1 application with other Party (10/20/2017)
- Proposition 1 Applicant to receive feedback on Draft Proposition 1 application from other Party (by 10/27/2017)
- Proposition 1 Applicant to obtain complete information from other Party for any independent Projects (for which other Party is providing matching funds) for inclusion in in Draft Proposition I application (10/27/2017)
- Submit Prop 1 application to DWR by 11/13/2017

In the event either Party fails to provide any of the required information to the submitting Party by the identified dates, then this Agreement shall terminate and either Party may submit a Proposition 1 application on their own behalf, without regard to the other Party.

11. Assuming agreement is reached between the Parties regarding the Proposition 1 applications for the Monterey Subbasin and 180/400 Foot Aquifer Subbasin, the Parties will provide letters of support for each other's Proposition 1 grant applications for the 180/400 Foot Aquifer Subbasin and the Monterey Subbasin by November 3, 2017.

Agreed and acknowledged on November 21, 2017, by the signatures below:

SALINAS VALLEY BASIN
GROUNDWATER SUSTAINABILITY AGENCY

By: [signature]
Gary Petersen

Title: General Manager

APPROVED AS TO FORM: [signature]

Leslie J. Girard
SVBGSA Agency Counsel

MARINA COAST WATER DISTRICT
GROUNDWATER SUSTAINABILITY AGENCY

By: [signature]
Keith Van Der Maaten

Title: General Manager

APPROVED AS TO FORM:
Roger K. Masuda

Roger K. Masuda
MCWDGSA Agency Counsel

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