

MONTEREY COUNTY PLANNING COMMISSION

Meeting: November 14, 2007. Time: 10:30		Agenda Item No.: 9
Project Description: Combined Development Permit consisting of: 1) A Use Permit to allow the construction of the Salinas River Diversion Facility to direct water from the Salinas River into the Castroville Seawater Intrusion Project (CSIP); 2) a Use Permit for development on (riverbank) slopes exceeding 30%; 3) Administrative Permit to allow the removal of trees and vegetation, and construction of facilities in and along the Salinas River in an "S" District; Design Approval; and Grading of 9,056 cubic yards (8,405 cubic yards cut and 651 cubic yards fill).		
Project Location: The project is located along the Salinas River approximately 4.8 miles south and east of the river's outfall to the ocean. The nearest address is 14201 Del Monte Boulevard, Marina (Monterey County Waste Management District)		APN: 175-061-007-000 and 175-061-004-000
Planning File Number: PLN060521		Property Owner: Monterey Regional Waste Management District Applicant: Monterey County Water Resources Agency
Plan Area: Greater Monterey Peninsula and Greater Salinas Area		Flagged and staked: No
Zoning Designation: PQP-D-S and F/40: Public Quasi-Public, Design Control and Site Plan Review Districts and Farmland 40 acre minimum		
CEQA Action: Environmental Impact Report and Addendum		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1) Consider the Environmental Impact Report and Addendum; and
- 2) Approve the Combined Development Permit, Design Approval and Grading for the Salinas River Diversion Facility based on Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions of Approval (**Exhibit D**).

PROJECT OVERVIEW:

The Salinas River Diversion Facility (SRDF) is a necessary component of the Salinas Valley Water Project (SWVP) previously approved by the Monterey County Water Resources Agency. The permit application before the Planning Commission is for a Combined Development Permit, Design Approval and grading for only the Salinas River Diversion Facility component.

The Water Resources Agency acting as Lead Agency under CEQA certified the EIR for the Salinas Valley Water Project on June 4, 2002 and approved an Addendum on July 31, 2007. The County of Monterey serves as a Responsible Agency under CEQA (Section 15096 of the CEQA Guidelines), and in such capacity, must consider the EIR and Addendum as it pertains to the environmental analysis of the Salinas River Diversion Facility. Please see the Discussion in **Exhibit B**.

OTHER AGENCY INVOLVEMENT:

- | | |
|---|-----------------------------|
| ✓ North County Fire Protection District | ✓ Water Resources Agency |
| ✓ Public Works Department | ✓ Monterey County Sheriff |
| ✓ Environmental Health Division | ✓ Agricultural Commissioner |

The above checked agencies and departments have reviewed this project. Conditions recommended by Public Works, Water Resources Agency and Environmental Health Division have been incorporated into the Condition Compliance Reporting Plan (**Exhibit D**).

No Land Use Advisory Committees are currently configured for the Greater Monterey or Greater Salinas Planning Areas

Note: The decision on this project is appealable to the Monterey County Board of Supervisors.

Taven M. Kinison Brown, Senior Planner
(831) 755-5173, kinisonbrowntm@co.monterey.ca.us
November 8, 2007

cc: Planning Commission Members (10); County Counsel; North County Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Sheriff's Department; Agricultural Commissioner; Laura Lawrence, Planning & Building Services Manager; Taven M. Kinison Brown, Senior Planner; Carol Allen; Monterey Regional Waste Management District, Property Owner; Tom Moss, Water Resources Agency, Applicant; File PLN060521; Law Offices of Michael Stamp; Julie Engell, Jan Mitchell; Adjacent Landowners.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Condition Compliance and Mitigation Monitoring Reporting Plan
	Exhibit E	SVWP DEIR, FEIR and Addendum (Electronic Version sent to Commissioners. Hard copy available at RMA - Planning Counter)
	Exhibit F	Applicant's Materials, Descriptions and Plans.

This report was reviewed by _____, Acting Planning and Building Services Manager

EXHIBIT A

(Exhibit A) Project Information for PLN060521

Project Title: SALINAS VALLEY WATER PROJECT	Primary APN: 175-061-007-000-M
Location: 9999	Coastal Zone: No
Applicable Plan: Greater Monterey Peninsula Area Plan	Zoning: PQP-D-S F/40
Permit Type: Use Permit	Plan Designation: PQP and Farmlands
Environmental Status: Environmental Impact Report Prepared	Final Action Deadline (884): 8/20/2008
Advisory Committee: N/A	

Project Site Data:

Lot Size: 5.77	Coverage Allowed: 25%
Existing Structures (sf): None	Coverage Proposed: N/A
Proposed Structures (sf): N/A	Height Allowed: 30
Total Sq. Ft.: N/A	Height Proposed: ~15 feet
	FAR Allowed: N/A
	FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes	Erosion Hazard Zone: Low
Biological Report #: EIR Addend	Soils Report #: EIR Addend
Forest Management Rpt. #: EIR Addend	
Archaeological Sensitivity Zone: Low	Geologic Hazard Zone: VI
Archaeological Report #: EIR Addend	Geologic Report #: EIR Adde
Fire Hazard Zone: Low	Traffic Report #: EIR Addend

Other Information:

Water Source: Salinas River	Sewage Disposal (method): N/A
Water Dist/Co: N/A	Sewer District Name: N/A
Fire District: North County	Grading (cubic yds.): 9,056.0
Tree Removal: Many Non-Protected	

EXHIBIT B

Project Overview

SETTING AND PROJECT DESCRIPTION

This project is a Combined Development Permit to construct the Salinas River Diversion Facility (SRDF), a component of the Salinas Valley Water Project approved by the Board of Supervisors of the Water Resources Agency of Monterey County in June 2002 and modified in July 2007. The Monterey County Water Resources Agency is the project applicant. County's responsibility at this juncture is design level review and consideration of approval of the diversion facility structures.

The Combined Development Permit consists of: 1) A Use Permit to allow the construction of The Salinas River Diversion Facility to direct water from the Salinas River into the Castroville Seawater Intrusion Project (CSIP); 2) a Use Permit for development on (riverbank) slopes exceeding 30%; 3) an Administrative Permit to allow the removal of trees and vegetation, and construction of facilities in and along the Salinas River in an "S" District; Design Approval; and Grading of 9,056 cubic yards (8,405 cubic yards cut and 651 cubic yards fill).

The SRDF site is located approximately 4.8 miles south and west of the Salinas River outfall to the Pacific Ocean. The site is on a 5.7 acre parcel of land in the process of being acquired by the Monterey County Water Resources Agency from the Monterey Regional Waste Management District and crosses the Salinas River to portions of lands owned by Yuki Farms Limited.

The Applicant's plans, exhibits and description of the Salinas River Diversion Facility are attached (**Exhibit F**). These materials include: a cover letter to the project planner, a Design Approval Request form and authorization and acknowledgement from property owners. Additionally the Applicant's materials include:

- Detailed Project Description
- Proposed SRDF Site Photographs
- SRDF Site Location and Surrounding Parcels
- Legal Description and Preliminary Title Report
- Geotechnical Report (Draft)
- Description of Proposed Construction Activities
- Status of Required Permits (Federal State and Local)

ENVIRONMENTAL REVIEW

The Board of Supervisors of the Monterey County Water Resources Agency certified the Final Environmental Impact Report for the Salinas Valley Water Project (SVWP) on June 4, 2002 and approved the Salinas Valley Water Project. Since that time, project refinements have been made to the project affecting land acquisition needs and project costs, water treatment issues and other changes resulting from further consultation with the National Marine Fisheries Service. On July 24, 2007 and July 31, 2007 the Board of Supervisors of the Monterey County Water Resources Agency reviewed the project refinements and an Addendum to the Final Environmental Impact Report which addressed the project modifications. On July 31, 2007 the Board of Supervisors of the Monterey County Water Resources Agency adopted the Addendum to the FEIR, adopted additional findings for the Addendum, approved the proposed modifications to the Salinas Valley Water

Project, approved amendments to the Mitigation Monitoring Program, and directed the Clerk to file a Notice of Determination pursuant to the California Environmental Quality Act.

As the County serves as a Responsible Agency for the Salinas River Diversion Facility project under Section 15096 of the CEQA Guidelines, the County must consider the certified environmental document and the Addendum for the Salinas Valley Water Project in regard to the analysis of the environmental effects of the component the County is being asked to approve. Staff has determined that no additional environmental impacts than those already identified in the environmental documents will result from implementation of the Salinas River Diversion Facility component, and there is no change in the project, no change in circumstances, and no new significant information suggesting the presence of environmental impacts not already analyzed or suggesting increased severity of impacts already analyzed. Staff has noted the Salinas Valley Water Project mitigation measures that have been adopted (by action of the MCWRA) that address the effects of constructing the Salinas River Diversion Facility. Staff has included these adopted mitigation measures as project conditions of approval in **Exhibit D**. The Diversion Facility has a short-term significant unavoidable impact on air quality.

ANALYSIS

Potential impacts to slopes (soils), tree and vegetation removal, grading and construction were identified in the EIR and Addendum and are addressed in the following paragraphs.

Slopes - Sheet 4 of 12 in the application packet shows the portion of the river banks in excess of 30% slope to be affected by the project. There is no way to avoid affecting the banks of a river when damming a river. Construction at the diversion facility site and banks includes the shaping of the river banks and river bottom to accommodate the construction and placement of the river diversion facility. See Mitigation Measure 5.3.3 (Condition 10), Mitigation Measure 5.5.3 (Conditions 11, and 13) and Mitigation Measure 5.5.3a from the Amended Mitigation Monitoring Program (Condition 12). While the project would directly affect river bank slopes, implementation of the above mitigation measures that address Hydrology and Flooding, Riparian Habitat, Terrestrial Biology, and Grading as conditions of project approval will mitigate these potentially significant environmental impacts to levels that are less than significant.

Estimated Vegetation Removal is anticipated to impact approximately 2.8 acres and includes: Singing Nettle, Wild Black Berry, Poison Oak, Rush, Arundo (bamboo) and other species fully described in the Draft EIR/EIS, and Final EIR/EIS Volumes I and II as referenced in the Applicant's Project Description pages 7-9 (**Exhibit F**). See Mitigation Measure 5.3.3 (Condition 10), Mitigation Measure 5.5.3 (Conditions 11, and 13) and Mitigation Measure 5.5.3a from the Amended Mitigation Monitoring Program (Condition 12). While the project would directly remove vegetation, implementation of the above mitigation measures that address Hydrology and Flooding, Riparian Habitat, Terrestrial Biology, and Grading as conditions of project approval will mitigate these potentially significant environmental impacts to levels that are less than significant.

Estimated Tree Removal is anticipated to impact approximately 1.84 acres.

Tree Species	# of Trees Removed	Trunk Diameter
Willow	+/- 194	2"- 6"
Willow	+/- 134	6" and larger
Cottonwood	+/- 17	6" and larger
Total	+/- 345	

See Mitigation Measure 5.3.3 (Condition 10), Mitigation Measure 5.5.3 (Conditions 11, and 13) and Mitigation Measure 5.5.3a from the Amended Mitigation Monitoring Program (Condition 12). While the project would directly remove trees, implementation of the above mitigation measures that address Hydrology and Flooding, Riparian Habitat, Terrestrial Biology, and Grading as conditions of project approval will mitigate these potentially significant environmental impacts to levels that are less than significant.

Grading The site will require a combination of cut and fill, and will have a net cut and export of approximately 7,754 cubic yards. Placement of the removed soils will be at a location to be determined; Trucking and Air Quality impacts associated with grading activities are addressed in the Draft and Final EIR/EIR for the Salinas Valley Water Project. See Mitigation Measure 5.3.3 (Condition 10), Mitigation Measure 5.5.3 (Conditions 11, and 13) and Mitigation Measure 5.5.3a from the Amended Mitigation Monitoring Program (Condition 12), Mitigation Measure 5.7.3 (Condition 14) and Mitigation Measure 5.10.3 (Condition 15). Implementation of the above mitigation measures that address Hydrology and Flooding, Riparian Habitat, Terrestrial Biology, and Grading as conditions of project approval will mitigate these potentially significant environmental impacts to levels that are less than significant.

Construction Impacts Potential Cultural Resource, Traffic, Air Quality, and Noise impacts arising from the construction of the Salinas River Diversion Facility have been addressed in the Salinas Valley Water Project EIR and Addendum. Staff has included in the Conditions and Mitigation Matrix (**Exhibit D**) the following mitigation measures: Mitigation Measure 5.5.3a from the Amended Mitigation Monitoring Program (Condition 12), Mitigation Measure 5.7.3 (Condition 14), Mitigation Measure 5.10.3 (Condition 15), Mitigation Measure 5.11.3 (Condition 16), and Mitigation Measure 5.12.3 (Condition 17). Implementation of the above mitigation measures that address Terrestrial Biology, Cultural Resources, Traffic, stationary sources for Air Quality and Noise Impacts as conditions of project approval will mitigate these potentially significant environmental impacts to levels that are less than significant. Approval of the Salinas River Diversion Facility will have unavoidable adverse short-term construction Air Quality impacts to adjacent agricultural areas. Implementation of the proposed mitigation measures and conditions of approval would reduce construction-related PM₁₀ emissions by 50% or greater. However, resultant emissions from proposed construction activities would remain above the applicable MBUAPCD threshold for the period of construction. A Statement of Overriding Considerations has been incorporated into the Findings and Evidence of **Exhibit C**.

Following site preparation there will be the addition of surface scour protection through the placement of gabion mattresses, Armorflex blocks, gravel reinforced concrete piles, and vinyl sheet piles. As construction continues, the balance of the above ground facilities will be installed: the Diversion Dam and Intake Structures, Fish Bypass Facilities, Fish Screen and Ladder, Pump Station, Pipeline connecting to the Existing Castroville Seawater Intrusion Project Irrigation Distribution System. Electrical power will be supplied by an overhead 21,000 volt line that runs within 1,200 feet of the SRDF pump station location.

Access to the SRDF will be provided primarily from the west for day-to-day operations, but will also have an eastern access for occasional maintenance needs. Both access points will be gated to secure against vehicular trespass.

Design Approval – Materials to construct the facility will primarily consist of steel, concrete and rock. No fence will surround the site and much of the facility/equipment will be painted in earth tones or be concrete grey in color. Yellow and orange will be minimally added where safety

practices would require, but overall the facility is proposed to blend with the surroundings. The facility will not be illuminated in the traditional sense that one could observe the lights from a distance, but minor safety lights or “equipment-on”, “equipment-off” lights will be used so that technicians and service persons can determine how the facility is functioning at a glance. Staff has included a standard condition of approval that any illumination be unobtrusive.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, Greater Salinas Area, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents. The County is serving as a Responsible Agency on this project.
 - (b) The project is located along the Salinas River approximately 4.8 miles south and east of the river's outfall to the ocean. The nearest address is 14201 Del Monte Boulevard, Marina (Monterey County Waste Management District) (Assessor's Parcel Number 175-061-007-000 and 175-061-004-000), Greater Monterey Peninsula Area Plan and Greater Salinas Area. The parcel is zoned PQP-D-S and F/40: Public Quasi Public Design Control and Site Plan Review Districts and Farmland 40 acre minimum. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
 - (c) The project planner conducted a site inspection on July 24, 2007 and August 6, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) The Salinas River Diversion Facility is similar in character, and intensity to those uses listed as requiring Use Permits in the Farmland zoning District (Section 21.30.050).
 - (e) The Salinas River Diversion Facility is similar in character, and intensity to those uses listed as requiring Use Permits in the Public/Quasi-Public Zoning District (Section 21.40.050).
 - (f) The project was not referred to the Greater Salinas Area Land Use Advisory Committee (LUAC) for review as there is presently no Land Use Advisory Committee assembled. The project was not referred to the Greater Monterey Peninsula Area Land Use Advisory Committee (LUAC), because at the time the application was made, staff believed the Greater Monterey Peninsula Area LUAC was not meeting due to a lack of members.
 - (g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060521.
 - (h) On November 14, 2007 the Planning Commission of the County of Monterey held a duly noticed public hearing at which the Planning Commission considered the EIR and Addendum and considered all testimony, evidence, and the administrative record as a whole in regard to the proposed Salinas River Diversion Facility Project.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Public Works Department, Environmental Health Division, and the Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

(b) An Environmental Impact Report and Addendum have been certified and considered by the Lead Agency which determined the site physically suitable for the proposed development of the Salinas River Diversion Facility. See Finding 4.

(c) The Salinas Valley Water Project, of which the Salinas River Diversion Facility is a component, has been approved by the Water Resources Agency of the County of Monterey (Lead Agency) June 4, 2002. Modifications to the project were approved by the Lead Agency on July 31, 2007.

(d) Staff conducted a site inspection on July 24, 2007 and August 6, 2007 to verify that the site is suitable for this use.

(e) Materials in Project File PLN060521.

3. **FINDING: DEVELOPMENT ON SLOPES IN EXCESS OF 30%** - The project, as conditioned, is consistent with the Regulations for Development on Slopes in Excess of 30%, Section 21.64.230 of the Monterey County Zoning Ordinance (Title 21). There exists no feasible alternative which would allow development to occur on slopes less than 30%.

EVIDENCE: (a) Sheet 4 of 12 in the application packet shows the portion of the river banks in excess of 30% slope to be affected by the project. Embankment and scour protection is proposed along approximately 400 lineal feet of the Salinas River at the Salinas River Diversion Facility location.

(b) There is no way to avoid affecting the banks of a river when damming a river. Construction at the diversion facility site and banks includes the shaping of the river banks and river bottom to accommodate the construction and placement of the river diversion facility.

(c) An Environmental Impact Report and Addendum have been certified and considered by the Lead Agency which determined the site physically suitable for the proposed development of the Salinas River Diversion Facility. See Mitigation Measure 5.3.3 (Condition 10), Mitigation Measure 5.5.3 (Condition 11 and 13) and Mitigation Measure 5.5.3a from the Amended Mitigation Monitoring Program (Condition 12).

(d) Staff conducted a site inspection on July 24, 2007 and August 6, 2007 to verify that no feasible alternative to impacting streambed banks exists for this project design which involves construction of a dam.

(e) The application, plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Planning File No. PLN060521.

4. **FINDING: NO SUPPLEMENTAL OR SUBSEQUENT EIR IS NEEDED** - No Supplemental or Subsequent EIR is needed pursuant to Public Resources Code Section 21166, or California Code of Regulations, Title 14, Sections 15162 or 15163 because, since certification of the Salinas Valley Water Project Final EIR (June 4, 2002) and EIR Addendum (July 31, 2007) by the

Lead Agency, the Water Resources Agency of Monterey County, there has been no change in the project, no change in circumstances, and no new significant information demonstrating the presence of environmental impacts not already analyzed or demonstrating a substantial increase in the severity of impacts already analyzed.

- EVIDENCE:** (a) There have not been any substantial changes to the project, no change in circumstances, and no new significant information which requires major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects. The RMA-Planning Department has recommended that the Monterey County Planning Commission adopt mitigation measures contained in the Final EIR that address the construction impacts of the Salinas River Diversion Facility. The materials upon which the RMA-Planning Department recommendation and Planning Commission decision is based are located in the Planning Department, 168 W. Alisal Street, 2nd Floor, Salinas, CA.
- (b) Final Environmental Impact Report (EIR) and EIR Addendum. A Final Environmental Impact Report (EIR) and EIR Addendum have been prepared and certified by the Monterey County Water Resources Agency Board of Supervisors and are on file (File# PLN060521) in the Planning Department. All mitigation measures identified in the Environmental Impact Report pertaining to construction of the Salinas River Diversion Facility Component of the Salinas Valley Water Project and all project changes required to decrease significance of effects on the environment have been incorporated into the approved project or are made conditions of approval. A Condition Compliance and Mitigation Monitoring Reporting Plan (hereafter “the MMRP”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The MMRP is incorporated herein by reference. As further described below, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen significant environmental effects identified in the Final EIR and Addendum, except for one significant and avoidable impact as identified below. The Environmental Impact Report reflects the independent judgment and analysis based upon the findings and conclusions drawn in the Environmental Impact Report and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Water Resources Agency located at 893 Blanco Circle, Salinas is the custodian of the documents and the materials that constitute the record of proceedings upon which the certification of the Final Environmental Impact Report and subsequent adoption of the Addendum to that document is based. The RMA-Planning Department, located at 168 West Alisal Street, Salinas is the custodian of the documents and materials which constitute the record of proceedings upon which the RMA-Planning Department’s recommendation and Planning Commission’s decision is based.
- (d) Impact Summary.
- (i) Hydrology and Flooding. Construction of the Salinas River Diversion Facility and its subsequent operation by the Lead Agency will purposefully and directly affect hydrological components of the Salinas River project area and the potential for flooding exists.

MCWRA has adopted mitigation measures and the County has incorporated as conditions of approval to this permit the following mitigation measures for potential hydrology and flooding impacts: If root zone problems and/or water logging occurs on agricultural areas due to the ponding upstream of the proposed surface diversion structure, then the MCWRA will install a subsurface drainage system to remove excess water from affected agricultural areas. This subsurface drainage system will consist of a tile drain system placed beneath the soil surface. The excess water collected in the tile drain system will be recaptured and returned to the project. (Reference Section 5.3.3 of the Salinas Valley Water Project EIR {Condition 10}). Therefore, impacts to hydrology and flooding are a potentially significant impact that can be mitigated to a less than significant level.

- (ii) Riparian Habitat. Construction of the Salinas River Diversion Facility, will directly affect Riparian Habitat. Vegetation removal is anticipated to impact approximately 2.8 acres and includes: Singing Nettle, Wild Black Berry, Poison Oak, Rush, Arundo (bamboo) and other species fully described in the Salinas Valley Water Project Draft EIR/EIS, and Final EIR/EIS Volumes I and II. Estimated tree removal is anticipated to impact approximately 1.84 acres and includes approximately 345 Willows and Cottonwoods. MCWRA has adopted mitigation measures and the County has incorporated as conditions of approval to this permit that will mitigate for the loss of riparian habitat through replacement and/or restoration at least a minimum ratio of 1:1 (2.5 acres) that will be determined during the permitting process. The restoration will include a combination of new plantings and restoration of areas invaded by non-native species, at a ratio to be decided upon by the involved agencies. Mitigation for this impact will include development of a detailed riparian restoration plan, prepared by MCWRA and approved by CDFG and USFWS. The goal of the restoration plan will be to eventually establish mature stands of riparian habitat near the banks of the lower Salinas River. The exact location and planting design will be developed through consultation with CDFG and USFWS. Performance standards will be included to ensure that 80% coverage in replacement trees is achieved over a 5-year period checked by aerial photo coverage. Annual reports over the 5-year period identifying planting success and monitoring efforts will be submitted by MCWRA to CDFG and USFWS. (Reference Mitigation Measure 5.3.3 {Condition 10}, Mitigation Measure 5.5.3 {Condition 11 and 13} and Mitigation Measure 5.5.3a from the Amended Mitigation Monitoring Program {Condition 12}). Therefore, impacts to riparian habitat resources are a potentially significant impact that can be mitigated to a less than significant level.
- (iii) Terrestrial Biology. The Addendum to the SVWP EIR identifies additional mitigation measures to reduce potential impacts to California tiger salamanders and avian species to below the level of significance for all construction activities to take place within potential habitat for California Tiger Salamander. MCWRA has adopted mitigation measures and the County has incorporated as conditions of approval to this permit mitigation and conditions for all construction activities to take place within potential habitat for California tiger

salamander as detailed in Section 5.5.3 of the Salinas Valley Water Project EIR as amended and supplemented by new Section 3a. (Reference Mitigation Measure 5.5.3a from the Amended Mitigation Monitoring Program {Detailed description of all required measures included in Condition 12}). Therefore, impacts to terrestrial biology are a potentially significant impact that can be mitigated to a less than significant level.

- (iv) Grading. The Salinas River Diversion Facility site will require a combination of cut and fill, and will have a net cut and export of approximately 7,754 cubic yards. Placement of the removed soils will be at a location to be determined; Trucking and Air Quality impacts associated with grading activities are addressed in the Draft and Final EIR/EIR for the Salinas Valley Water Project. Additionally MCWRA has adopted and the County has incorporated as conditions of approval to this permit the following mitigation measure for potential impacts on grading activities in the Salinas River channel: “Authorization for fills shall be secured from USACE via a Section 404 permit and from CDFG via Section 1600 agreement from CDFG, as appropriate.” Grading and dam construction plans will include measures to minimize erosion and runoff downstream into the lower portions of the Salinas River and the lagoon. Appropriate runoff controls such as berms, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants downstream. (Reference Mitigation Measure 5.3.3 {Condition 10}, Mitigation Measure 5.5.3 {Condition 11 and 13}, Mitigation Measure 5.5.3a from the Amended Mitigation Monitoring Program {Condition 12}, Mitigation Measure 5.7.3 {Condition 14} and Mitigation Measure 5.10.3 {Condition 15}). Therefore, impacts from grading activities are a potentially significant impact that can be mitigated to a less than significant level.
- (v) Cultural Resources. MCWRA has adopted and the County has incorporated as conditions of approval to this permit the following mitigation measures for potential impacts on undiscovered cultural resources: Prior to the initiation of construction or ground disturbing activities, all construction personnel shall be alerted to the possibility of buried cultural remains, including prehistoric and/or historic resources. Personnel shall be instructed that upon discovery of buried cultural materials, work in the immediate area of the find shall be immediately halted and the MCWRA shall be notified. Once the find has been identified by a qualified archaeologist, then the MCWRA shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find is found to be important per Appendix K of CEQA. If buried human remains are encountered during construction, work shall be immediately halted, and the MCWRA and the coroner shall be immediately notified. If the remains are determined to be Native American, then the Native American Heritage Commission (NAHC) will be notified within 24 hours as required by Public Resources Code 5097. The NAHC shall notify designated Most Likely Descendants that will provide recommendations for the treatment of the remains within 24 hours. The NAHC will mediate any disputes regarding treatment of remains.

During construction and operations, personnel and equipment shall be restricted to the project site. (Reference Mitigation Measure 5.7.3 {Condition 14}). Therefore, impacts to cultural resources are a potentially significant impact that can be mitigated to a less than significant level.

- (vi) Traffic and Circulation. MCWRA has adopted and the County has incorporated as conditions of approval to this permit the following mitigation measures for the project's construction-related road and lane closure impacts: For the expanded distribution system, if necessary, Monterey County, Caltrans, the City of Salinas or the City of Marina will approve construction traffic controls for all potential pipeline routings within their respective jurisdictions. Traffic control at temporary pipeline construction sites shall employ road closure construction period traffic management techniques as detailed in the Uniform Manual of Traffic Control Devices and/or the Caltrans Traffic Manual (Chapter 5). Signing shall be employed along the construction route, notifying drivers of construction locations, times of construction, degree of expected delays, and possible alternate routes. (Reference Mitigation Measure 5.10.3 {Condition 15}). Therefore, impacts to traffic and circulation are a potentially significant impact that can be mitigated to a less than significant level.
- (vii) Air Quality. The MCWRA has adopted and the County has incorporated as conditions of approval to this permit mitigation measures for the project's potential impacts to Air Quality for Short-term Construction Impacts and Stationary Sources of emissions as detailed in Section 5.11.3 of the Salinas Valley Water Project EIR and Condition 16 of this permit. The MCWRA will apply for permits from the MBUAPCD. Stationary source operational impacts to air quality resources are a potentially significant impact that can be mitigated to a less than significant level. Short-term construction air quality impacts are significant and unavoidable, and specific economic, legal, social, technological or other considerations make mitigation to a level of insignificance infeasible. Project related construction emissions of PM₁₀ would exceed the MBUAPCD's construction emission thresholds of 82 pounds per day. Construction emissions of PM₁₀ would have a potentially significant effect on adjacent agricultural crops. Implementation of the proposed mitigation measures would reduce construction-related PM₁₀ emissions by 50% or greater. However, resultant emissions from proposed construction activities would remain above the applicable MBUAPCD threshold. Therefore this impact would be considered significant and unavoidable.
- (viii) Noise. The MCWRA has adopted and the County has incorporated as conditions of approval to this permit mitigation measures for the project's impacts for Short-term Construction Related Noise Impacts and Long-term Operational Noise Impacts as detailed in Section 5.12.3 of the Salinas Valley Water Project EIR and Condition 19. Therefore, short-term and long-term noise impacts are a potentially significant impact that can be mitigated to a less than significant level.

5. FINDING: ALTERNATIVES WERE CONSIDERED AND REJECTED. Specific economic, legal, social, technological, or other considerations make infeasible

the mitigation measures or project alternatives identified in the Final EIR and Addendum.

- EVIDENCE:** (a) The Board of Supervisors of the Monterey County Water Resources Agency considered the project alternatives to the Salinas Valley Water Project and selected Alternative A (June 2002, July 2007). The Salinas River Diversion Facility is a component of the Salinas Valley Water Project Alternative A. No other alternative for the Salinas River Diversion Facility project is feasible because the applicant has selected the Salinas Valley Water Project. The Monterey County Water Resources Agency determined that none of the other alternatives to the SWVP were feasible because among other reasons, they would not meet the objectives of the applicant.
- (b) Modification to the Salinas Valley Water Project were made in July of 2007 which moved the Salinas River Diversion Facility component of the Salinas Valley Water Project to an environmentally superior location. The MCWRA decided to move the Salinas River Diversion Facility to a new location approximately 200 upstream in order to reduce proximity to a regional landfill. The same habitat types are present at the new location, surrounding land uses are the same, the distance to the nearest residence (about 3,500 feet) is the same and channel width at the SRDF is the same. (BOS WRA Resolution No. 07-294).

6. FINDING: STATEMENT OF OVERRIDING CONSIDERATION. Having reduced all the effects of the proposed Salinas River Diversion Facility by adopting mitigation measures into project approval as conditions, and balanced the benefits of the proposed Salinas River Diversion Facility against potentially unavoidable adverse short-term construction Air Quality impacts to adjacent agricultural areas, the Planning Commission hereby determines that the specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the potential unavoidable adverse impacts to short-term construction Air Quality impacts, and that the unavoidable adverse effects are therefore acceptable, based on the following overriding considerations, each of which is sufficient to outweigh the project's unavoidable adverse effects:

- (a) Seawater intrusion has been a recognized problem in the Salinas Valley for over 50 years. When seawater intrudes into a groundwater basin, it contaminates the water in that basin and makes water unfit for human consumption and unsuitable for agricultural use. Water users in the Salinas Valley, both urban and agricultural, rely almost entirely on groundwater as the source of their water supplies. Failing to halt seawater intrusion therefore would jeopardize the supply of water to over 150,000 people and prevent farmers from growing crops on some of the world's most fertile agricultural lands. Further, the direct economic impacts of failing to halt seawater intrusion, as described in the Final EIR/EIS and Addendum are estimated to range between \$32 to more than \$100 million annually. The overall economic effect on the Monterey region would be much greater. For all these reasons it is imperative that there be project that will halt seawater intrusion. The Salinas River Diversion Facility (project) is a necessary component of the Salinas Valley Water Project.
- (b) The MCWRA Board of Supervisors has determined that the Salinas Valley Water project, of which the construction of the Salinas River Diversion

Facility is a component, is the preferred project among alternatives examined to halt seawater intrusion with the least adverse impacts on the environment.

7. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

8. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

9. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80.040 Monterey County Zoning Ordinance (Title 21).

<p align="center">EXHIBIT D</p> <p align="center">Monterey County Resource Management Agency</p> <p align="center">Planning Department</p> <p align="center">Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: Salinas River Diversion Facility</p> <p>File No: PLN060521 APNs: 175-061-007-000 and 175-061-004-000</p> <p>Approved by: Planning Commission Date: November 14, 2007</p>
---	--

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development permit PLN060521 allows for the construction of the Salinas River Diversion Facility, a component of the Salinas Valley Water Project. The components of the Combined Development permit include: 1) A Use Permit to allow the construction of The Salinas River Diversion Facility to direct water from the Salinas River into the Castroville Seawater Intrusion Project (CSIP); 2) a Use Permit for development on (Riverbank) slopes exceeding 30%; 3) an Administrative Permit to allow the removal of trees and vegetation, and construction of facilities in and along the Salinas River in an "S" District; Design Approval; and Grading of 9,056 cubic yards (8,405 cubic yards cut and 651 cubic yards fill). The property is located approximately 4.8 miles south and east of the Salinas River's outfall to the ocean. The nearest address is 14201 Del Monte Boulevard, Marina (Monterey County Waste Management District) (Assessor's Parcel Numbers 175-061-007-000 and 175-061-004-000), Greater Monterey and Greater Salinas Area Plans.</p> <p>This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 175-061-007-000 and 175-061-004-000 on November 14, 2007. The permit was granted subject to <u>17</u> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
4.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
Public Works						
5.		PWSP01 - CONSTRUCTION MANAGEMENT PLAN (NON-STANDARD) Prior to issuance of Grading Permits or Building Permits, applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impact during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and location of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the	Prior to issuance of Grading Permits or Building Permits, applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval.	Owner/ Applicant	Prior to issuance of Grading Permits or Building Permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		construction/grading phase of the project. (Public Works)				
Water Resources Agency						
6.		WRASP01 - ZONE A1-A30 ELEVATION REQUIREMENTS (NON-STANDARD) All electrical utilities shall be constructed at a minimum elevation of <u>24.8</u> feet mean sea level (NGVD 1929). The applicant shall submit plans showing the proposed elevation of all attendant utilities and certification from a registered civil engineer or licensed land surveyor that a reference marker has been established at the construction site. (Water Resources Agency)	Submit plans showing the proposed elevation of attendant utilities, and a letter certifying a reference marker has been established at the site.	Owner/ Applicant	Prior to issuance of any grading or building permits	
7.		WRASP02 - FLOODPROOFING PLAN (NON-STANDARD) The applicant shall submit a floodproofing plan prepared by a registered civil engineer. The proposed pipe line shall be designed so that below the base flood level it is water tight and capable of resisting hydrostatic loads, hydrodynamic loads, and the effects of buoyancy. (Water Resources Agency)	Submit a floodproofing plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
8.		WRASP03 FLOODPROOFING CERTIFICATION (NON-STANDARD) The applicant shall provide certification from a registered civil engineer that all electrical utilities were constructed at a minimum elevation of <u>24.8</u> feet mean sea level (NGVD 1929) and the pipeline is resistant to flotation, collapse, and lateral movement. (Water Resources Agency)	Submit a letter, prepared by a registered civil engineer, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to final inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
Environmental Health Division						
9.		<u>EHSP03 (NON-STANDARD)</u> To demonstrate compliance with cross-connection requirements, a yearly monitoring and inspection report of all backflow devices required by CCR Title 17 and 22 shall be submitted to the Director of Environmental Health for review and approval. (Environmental Health)	Submit necessary annual reports and testing results to the Environmental Health Division for review and approval.	CA Licensed Engineer /Owner/ Applicant	Continuous (Annually) First Report due one year from operation of the facility and continuing annually thereafter.	
Mitigation Measures Particular to Construction Impacts of the Salinas River Diversion Facility						
10.	5.3.3	<u>Hydrology and Flooding</u> MCWRA has adopted the following mitigation measures for potential hydrology and flooding impacts: If root zone problems and/or water logging occurs on agricultural areas due to the ponding upstream of the proposed surface diversion structure, then the MCWRA will install a subsurface drainage system to remove excess water from affected agricultural areas. This subsurface drainage system will consist of a tile drain system placed beneath the soil surface. The excess water collected in the tile drain system will be recaptured and returned to the project. (MCWRA)	Section 5.3.3 of the Salinas Valley Water Project DEIR	MCWRA	Continuous	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
11.	5.5.3	<p><u>Riparian Habitat</u></p> <p>MCWRA will mitigate for the loss of riparian habitat through replacement and/or restoration at least a minimum ratio of 1:1 (2.5 acres) that will be determined during the permitting process. The restoration will include a combination of new plantings and restoration of areas invaded by non-native species, at a ratio to be decided upon by the involved agencies. Mitigation for this impact will include development of a detailed riparian restoration plan, prepared by MCWRA and approved by CDFG and USFWS. The goal of the restoration plan will be to eventually establish mature stands of riparian habitat near the banks of the lower Salinas River. The exact location and planting design will be developed through consultation with CDFG and USFWS. Performance standards will be included to ensure that 80% coverage in replacement trees is achieved over a 5-year period checked by aerial photo coverage. Annual reports over the 5-year period identifying planting success and monitoring efforts will be submitted by MCWRA to CDFG and USFWS. (MCWRA)</p>	Section 5.5.3 of the Salinas Valley Water Project EIR	MCWRA	Continuous for 5 years	
12.	5.5.3 Section 3a.	<p><u>Terrestrial Biology</u></p> <p>MCWRA will implement the following mitigation measures for all construction activities to take place within potential habitat for California tiger salamander.</p> <ul style="list-style-type: none"> a. Ground-disturbing construction activities must not occur at night or during rain. b. Ground-disturbing construction activities must be conducted during the dry season between March 15 and October 15. c. Prior to ground-disturbing activities, any areas with 	<p>Section 5.5.3 of the Salinas Valley Water Project EIR as amended and supplemented by new Section 3a.</p> <p>The Addendum to the SVWP EIR identifies additional mitigation measures to reduce potential impacts to California tiger salamanders and avian species to below the level of significance.</p>	MCWRA	During Construction	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>dense concentrations of small mammal burrows must be flagged by a USFWS-approved biologist and avoided as much as possible.</p> <p>d. A USFWS-approved biologist must conduct a brief training session for all project personnel before any project-related activities begin within the project area. At a minimum, the training must include a description of the CTS, their habitat, regulatory framework, the measures to be implemented during work activities to protect the species, and a review of project boundaries.</p> <p>e. Prior to commencing excavation in upland areas that could injure or kill individual CTS, a pre-construction survey must be conducted immediately preceding the activity. A USFWS-approved biologist for the project must carefully search all obvious potential hiding places for CTS, such as large downed woody debris or small mammal burrows. Any CTS found within these upland project areas must be captured and relocated into suitable habitat outside of the project area.</p> <p>f. A USFWS-approved biologist must be onsite during all ground-disturbing activities to monitor for the presence of CTS. The USFWS-approved biologist must have the authority to stop construction activities when CTS are encountered or unintended indirect effects to CTS habitat occur, until appropriate corrective measures are taken. If a CTS is observed within a designated work area and cannot be avoided, all work must stop until the animal leaves the work area or until it is captured and relocated outside the work area by a USFWS-approved biologist.</p>				

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>g. Prior to any construction or habitat enhancement activities, USFWS-approved biologists must identify appropriate areas to receive translocated CTS in the project area. These areas must be in proximity to the capture site but outside any area likely to be adversely impacted by construction activities, support suitable vegetation, and be free of exotic predatory species (e.g., bullfrogs, crayfish) to the best of the USFWS-approved biologists' knowledge. Specifically, any accidentally exposed CTS found during project activities must be relocated to another small mammal burrow outside of construction activities.</p> <p>h. CTS must be captured with bare hands or vinyl gloves only. USFWS-approved biologists must not use soaps, oils, creams, lotions, repellants, or solvents of any sort on their hands before and during periods when they are capturing and relocating this species.</p> <p>i. The USFWS-approved biologist must limit duration of handling and captivity of CTS to a minimum. While in captivity, individuals of this species must be kept in a cool, moist, aerated environment, such as a bucket containing a damp sponge. Containers used for holding or transporting this species must not contain standing water.</p> <p>j. If trenches are left open overnight, the trench area must be surrounded by silt fencing, installed in coordination with the USFWS-approved biologist, to ensure that the CTS do not enter the project area and become trapped in the trench. The bottom six inches of silt fencing must be folded over (facing away from the project area) and weighed down with rebar, rocks, or other suitable material to prevent</p>				

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>CTS from squeezing under the silt fence and entering the trench area. Any trenches left open overnight must be inspected by the USFWS-approved biologist within two hours of sunrise each morning to remove any CTS that may have inadvertently entered the trench.</p> <p>k. The project proponent/lead agency must request written approval from USFWS of any biologist employed to capture, move, and survey for CTS in the project area and to conduct the training sessions. The request must be in writing and be received by the USFWS at least 15 days prior to the onset of activities onsite.</p> <p>l. To ensure that diseases are not conveyed to the project worksite by the USFWS-approved biologists, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force must be followed at all times.</p> <p>m. All staging areas, equipment storage areas, and project boundaries must be defined with fencing.</p> <p>n. Pets shall be prohibited from the project site.</p> <p>o. During project activities, all trash that may attract predators to the site shall be properly contained and removed from the worksite.</p> <p>p. If more than one CTS adult or juvenile is found dead or injured during construction activities in any single calendar year, the project applicant/lead agency must contact the USFWS office immediately so that the Service can review the project activities to determine if additional protective measures are needed. Project activities may continue pending the outcome of the review, provided that the proposed</p>				

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		protective measures are fully implemented.				
13.	5.5.3	<p><u>Grading</u> MCWRA has adopted the following mitigation measure for potential impacts on grading activities in the Salinas River channel:</p> <ul style="list-style-type: none"> • Authorization for fills shall be secured from USACE via a Section 404 permit, and from CDFG via Section 1600 agreement from CDFG, as appropriate. <p>Grading and dam construction plans will include measures to minimize erosion and runoff downstream into the lower portions of the Salinas River and the lagoon. Appropriate runoff controls such as berms, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants downstream. (MCWRA)</p>	Section 5.5.3 of the Salinas Valley Water Project EIR	MCWRA	During Grading	
14.	5.7.3	<p><u>Cultural Resources</u> MCWRA has adopted the following mitigation measures for potential impacts on undiscovered cultural resources: Prior to the initiation of construction or ground disturbing activities, all construction personnel shall be alerted to the possibility of buried cultural remains, including prehistoric and/or historic resources. Personnel shall be instructed that upon discovery of buried cultural materials, work in the immediate area of the find shall be immediately halted and the MCWRA</p>	Section 5.7.3 of the Salinas Valley Water Project EIR	MCWRA	Prior to the initiation of construction or ground disturbing activities.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>shall be notified. Once the find has been identified by a qualified archaeologist, then the MCWRA shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find is found to be important per Appendix K of CEQA.</p> <p>If buried human remains are encountered during construction, work shall be immediately halted, and the MCWRA and the coroner shall be immediately notified. If the remains are determined to be Native American, then the Native American Heritage Commission (NAHC) will be notified within 24 hours as required by Public Resources Code 5097. The NAHC shall notify designated Most Likely Descendants that will provide recommendations for the treatment of the remains within 24 hours. The NAHC will mediate any disputes regarding treatment of remains.</p> <p>During construction and operations, personnel and equipment shall be restricted to the project site. (MCWRA)</p>				
15.	5.10.3	<p><u>Traffic and Circulation</u></p> <p>MCWRA has adopted the following mitigation measures for the project's construction-related road and lane closure impacts:</p> <p>For the expanded distribution system, if necessary, Monterey County, Caltrans, the City of Salinas or the City of Marina will approve construction traffic controls for all potential pipeline routings within their respective jurisdictions. Traffic control at temporary pipeline construction sites shall employ road closure construction period traffic management techniques as detailed in the Uniform Manual of Traffic Control Devices and/or the Caltrans Traffic Manual (Chapter 5). Signing shall be</p>	Section 5.10.3 of the Salinas Valley Water Project EIR	MCWRA	During Construction	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		employed along the construction route, notifying drivers of construction locations, times of construction, degree of expected delays, and possible alternate routes. (MCWRA)				
16.	5.11.3	<p><u>Air Quality</u> MCWRA has adopted the following mitigation measures for the project's potential impacts to Air Quality:</p> <p>Short-term Construction Air Quality Impacts, The construction contractors shall implement MBUAPCD recommended mitigation measures for construction emissions for the project components in the NCCAB. The MCWRA will apply for a permit (authority to construct) from the MBUAPCD. Specific measures shall be approved by the MBUAPCD as part of the permitting process prior to project construction and shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily unless weather conditions moisten the soil already. Frequency should be based on the type of operation, soil, and wind exposure. • Prohibit all grading activities during periods of high wind (over 15 mph). • Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days) except within the Salinas River channel. • Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area, except within 	Section 5.11.3 of the Salinas Valley Water Project EIR.	MCWRA	During Construction and Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>the Salinas River channel.</p> <ul style="list-style-type: none"> • Maintain at least 2 feet of freeboard on all haul trucks. • Plant vegetative ground cover in disturbed areas as soon as possible. • Cover or water inactive storage piles. • Install wheel washers at the entrance to construction sites for all exiting trucks. • Sweep streets if visible soil material is carried out from the construction site. • Post a publicly visible sign that specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the MBUAPCD shall be visible. • Limit the area under construction, as feasible, at any one time. <p>The MCWRA shall implement the following measures for <u>stationary sources of emissions</u> that are subject to MBUAPCD permitting authority:</p> <ul style="list-style-type: none"> • Submit the required permit to operate applications to the MBUAPCD prior to the construction or installation of individual point sources of emissions, such as water treatment plants or internal combustion engines of greater than 50 horsepower. Such applications are required to include facility diagrams, proposed equipment specifications, and emission factors. • Prior to the approval of the permit to operate for proposed point sources, the MBUAPCD shall determine if the point source could emit toxic and carcinogenic chemicals at levels that exceed 				

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		the exposure limits or cancer risk levels specified in AB 2588. If the MBUAPCD determines that such emissions could occur, MCWRA will prepare and receive approval from MBUAPCD for an AB 2588 health risk assessment (HRA) to determine the potential health risks associated with the proposed point source. MCWRA will modify the project design, as determined by the MBUAPCD, to ensure that resultant risk levels do not exceed AB 2588 thresholds. (MCWRA)				
17.	5.12.3	<p>Noise MCWRA has adopted the following mitigation measures for the project's significant or potentially significant noise impacts:</p> <p>Short-Term Construction-Related Noise Impacts The following mitigation measures shall be required for all noise-generating construction activities. These measures shall apply to construction of the Alternative A diversion facilities:</p> <ul style="list-style-type: none"> • All construction vehicles or equipment fixed or mobile, including generators, shall be equipped with properly operating and maintained mufflers. • All electrical generators proposed to operate on a 24-hour basis and within 2,500 feet of noise-sensitive receptors shall be placed within an enclosure to reduce operational noise levels to below the noise standards of the relevant jurisdiction. • With the exception of electrical generator 	Section 5.12.3 of the Salinas Valley Water Project EIR.	MCWRA	Construction and Operational Phases	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>operation, all construction activities shall be limited to the hours of operation established by ordinances or other standards in the respective jurisdiction in which the construction activities occur.</p> <p>Long-term Operational Noise Impacts The pumping plants and all pump motors shall be located within an enclosed structure or with adequate setback and screening to achieve acceptable noise levels at the property lines of nearby sensitive receptors, in accordance with the Monterey County Noise Control Ordinance. Examples of noise screening include, but are not limited to, the use of vegetation, berms, wood and masonry fencing. Enclosure of the noisy equipment would reduce associated noise levels by approximately 20 dBA. This mitigation measure applies to the air compressors associated with the Nacimiento spillway modification (Alternative A and B) and well pump motors of the subsurface storage facility, and the diversion pumps along the Salinas River, as proposed for Alternative B. (MCWRA)</p>				

Rev. 03/12/07