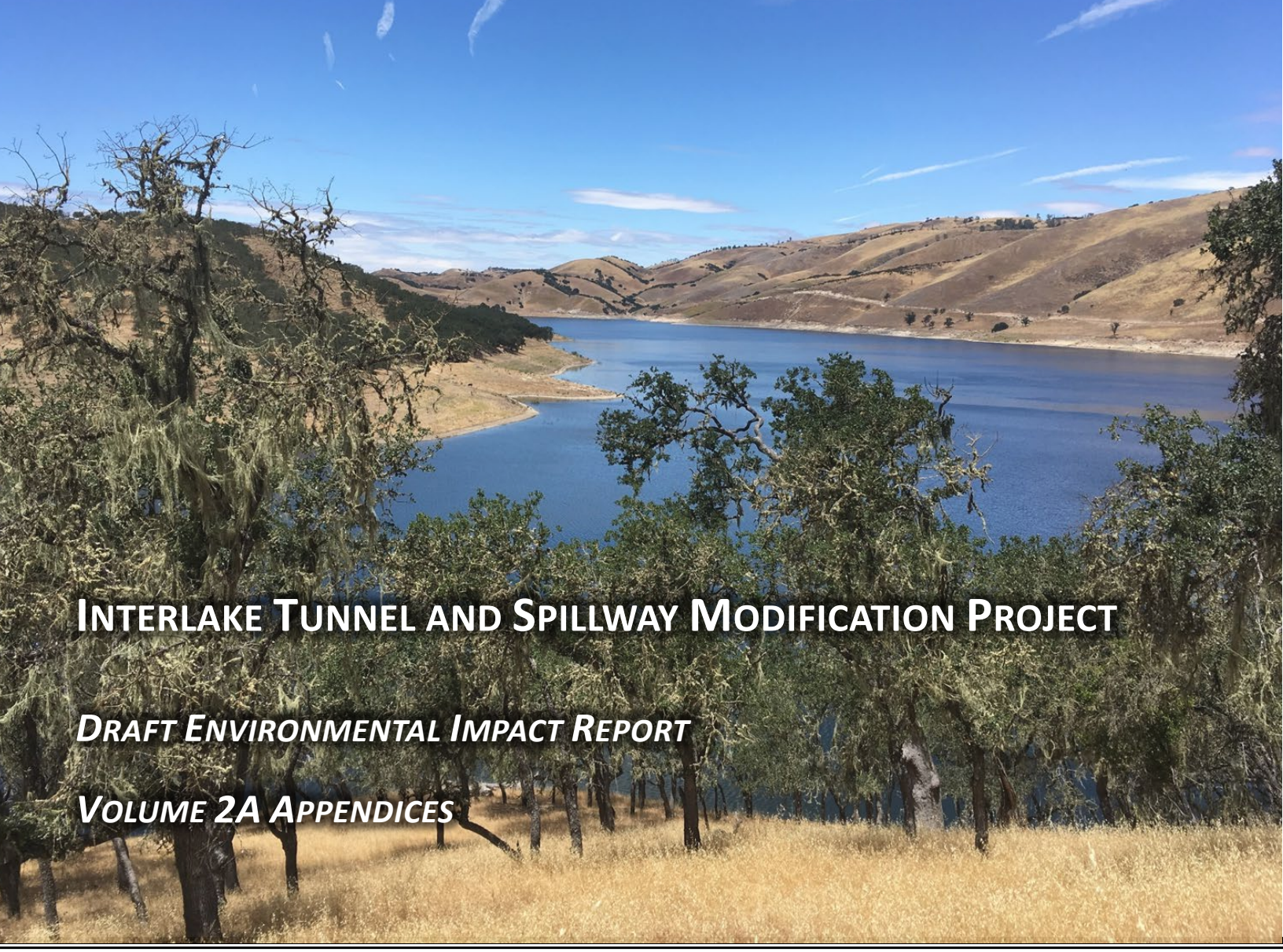

INTERLAKE TUNNEL AND SPILLWAY MODIFICATION PROJECT

DRAFT ENVIRONMENTAL IMPACT REPORT

VOLUME 2A APPENDICES

Monterey County Water Resources Agency
1441 Schilling Place, North Building
Salinas, CA 93901

Tel: (831) 755-4860
Fax: (831) 424-7935
Email: tunnelEIR@co.monterey.ca.us

MONTEREY COUNTY WATER RESOURCES AGENCY
1947

Document Information

Project Name: Interlake Tunnel and Spillway Modification Project

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Appendix A

Memorandum of Agreement between California Department of Fish and Wildlife and the Monterey County Water Resources Agency

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MEMORANDUM OF AGREEMENT
between
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
and
THE MONTEREY COUNTY WATER RESOURCES AGENCY

regarding the

NACIMIENTO RESERVOIR INTERLAKE TUNNEL PROJECT AND SAN ANTONIO SPILLWAY MODIFICATION PROJECT

RECITALS

A. The California Department of Fish and Wildlife ("CDFW") is a Department of the California Natural Resources Agency, functioning as a trustee agency of the State of California that manages California's diverse fish, wildlife and plant resources, and the habitats upon which they depend; and

B. The Monterey County Water Resources Agency ("Agency") is a flood control and water agency established in 1990 by special act of the state legislature codified at Water Code Appendix Chapter 52, and is the successor to the Monterey County Flood Control and Water Conservation District established in 1947, also by special act of the state legislature; and

C. The Agency and CDFW recognize the unique potential to partner with each other, the County of Monterey, landowners, and other partners to develop improved water management, storage, and conservation that can benefit local water needs and use, the agricultural community, improve watershed health and resiliency, and the conservation of native fishes, including steelhead in the Salinas River watershed. This MOA represents the initiation of a partnership to pursue these benefits; and

D. The Agency proposes to construct a tunnel connecting the Nacimiento and San Antonio Reservoirs in San Luis Obispo and Monterey Counties, respectively, ("Tunnel Project"). The purpose of the tunnel is to fully utilize the existing storage capacity in San Antonio Reservoir, thus providing for increased aquifer recharge capability to enhance Basin sustainability, and, concomitantly providing additional flood management capability through a reduction in flood event volumes and a reduction in flood spills from the Nacimiento Reservoir; and

E. The Agency also proposes to raise the spillway at the San Antonio Reservoir ("Spillway Modification Project") in Monterey County in conjunction with the Tunnel Project in order to further increase the storage capacity of San Antonio Reservoir, which additional storage capacity increases the benefits obtained from construction of the tunnel alone and increases the Agency's aquifer recharge capability (collectively, the Tunnel Project and Spillway Modification Project are referred to as the "Projects"). The Spillway Modification Project is considered as part of this agreement, because it would affect the

transfer of White Bass between the Nacimiento and San Antonio Reservoirs when a tunnel links the resevoirs, and this Memorandum of Agreement is focused on the Tunnel Project and White Bass management. CDFW and the Agency will work with the Division of Safety of Dams to investigate and determine the feasibility of including a structure that would prevent the movement of live White Bass through the San Antonio Reservoir's spillway; and

F. The Agency intends to design the Tunnel Project to approximately 60% design completion utilizing design build procurement documents, conduct a Proposition 218 vote to obtain funding and then issue a design-build contract for the remaining design and construction; and

G. The Agency intends to construct the Spillway Modification Project utilizing the design-bid-build method of procurement; and

H. White Bass (*Morone chrysops),* native to St. Lawrence-Great Lakes, Hudson Bay and Red River Basin, and Mississippi River basins from Quebec to Manitoba and south to Louisiana, are present in the Nacimiento Reservoir and have periodically been physically observed in the Nacimiento River, a tributary of the Salinas River. White Bass were introduced to Nacimiento Reservoir in 1965, but concerns about the spread of the fish during the 1970s resulted in management actions to eradicate the species in all but Nacimiento and subsequent regulatory and state code changes to preclude White Bass from any waters of California other than Nacimiento Reservoir; and

I. Thus far, White Bass have not been detected in the San Antonio Reservoir but have been detected in the Salinas River. White Bass are a non-native species listed by state regulation as Detrimental as they may alter/affect existing sport fisheries resulting in a shift from more preferred gamefish to a fishery dominated by White Bass. Additionally, they pose a threat to native fish species, including vulnerable steelhead. Steelhead trout inhabiting the Salinas River Basin are part of the South-Central California Coast Evolutionary Significant Unit (SCCC-ESU) as defined by the National Marine Fisheries Service (NMFS). The NMFS listed steelhead trout in the SCCC-ESU as a federally threatened species under the Federal Endangered Species Act and CDFW is a co-manager for the SCCC-ESU; and

J. California Fish and Game Code (F&G) Section 6400 makes it unlawful to place, plant or cause to be planted in any waters of the State any live white bass without first submitting it for inspection and securing written permission from CDFW. F&G Section 6400.5 makes it unlawful to transport or possess any live white bass unless it is first submitted for inspection to, and written permission is obtained from CDFW; and

K. The CDFW and the Agency have been conferring in relation to the Agency's request for written permission from CDFW under F&G Sections 6400 and 6400.5, in the event of incidental passage of White Bass from the Nacimiento Reservoir to the San Antonio Reservoir; and

L. CDFW and the Agency have identified specific physical structures and parameters to the structures, including a contemporary fish exclusion screen ("fish screen"), a tunnel intake, and physical components of the tunnel outlet, and operating conditions that from an engineering perspective can be reasonably and feasibly incorporated into the Tunnel Project design to prevent or inhibit the opportunity for the movement or survival of White Bass through the Tunnel while maintaining the tunnel diversion flow; and

M. CDFW acknowledges that it has received from the Agency a document prepared by the Agency and titled Regional Context and Potential Ecological Benefits, interlake Tunnel and Spillway Modification Project (2015); and

N. By entering into this MOA, CDFW and the Agency intend that CDFW, as a California Environmental Quality Act (CEQA) responsible and trustee agency, will provide guidance to the Agency in the completion of Agency's Interlake Tunnel and Spillway Modification Projects Environmental Impact Report (EIR) that analyzes the potentially significant effects arising from implementation of both Projects, including an analysis of the possible incidental passage of White Bass through the Tunnel; and

O. CDFW has provided a path to coverage under the California Fish and Game Code for the Agency in the event that White Bass move through the tunnel, despite the Agency's incorporation of certain measures, in consultation with CDFW, to avoid or minimize White Bass passage or survival through the Tunnel; and

P. The Agency and CDFW have established, a centralized and coordinated method for the internal communication within the CDFW, and between CDFW as a whole and the Agency, in the Agency's application for the necessary permits from the CDFW for the Projects; and

Q. CDFW desires to cooperate with and assist the Agency in the Tunnel Project with respect to implementing, maintaining and monitoring measures to prevent or inhibit the passage and survival of White Bass out of the Nacimiento and San Antonio Reservoirs; and

R. The Agency is willing to incorporate reasonably feasible measures into the Projects, which prevent or inhibit White Bass to viably pass into San Antonio Reservoir and spawn or escape the reservoir and which also contributes to protection for the Steelhead in the Salinas River and its tributaries.

S. Through this Agreement, CDFW and the Agency wish to identify those features of the Tunnel Project that would facilitate CDFW's granting of permission under sections 6400 and 6400.5 of the Fish and Game Code.

NOW THEREFORE, CDFW and Agency agree as follows:

1. Effective Date and Term.

This Memorandum of Agreement (MOA) will be effective as of the date last signed by either of the parties and shall remain in effect for 25 years after construction of the Projects have been certified by the Agency as complete. This MOA may be amended annually by mutual written agreement of the parties.

2. Agency Projects Principles.

A. It is the Agency's position that the Projects provide flood control, water recharge, and conservation stream flows that will generally be beneficial. Also, the Agency anticipates that the mitigation measures incorporated as a result of the EIR and agency consultations will result in Projects that are beneficial to stakeholders and the region.

B. Is is the Agency's position that feasibility of the Projects includes technological, engineering, environmental, and economic factors. The Projects must be developed incorporating feasible design and operational features. Feasibility includes what is technologically feasible, environmentally desirable and economically viable.

C. In order to design and environmentally assess the Projects and prepare a Proposition 218 engineer's report that comprehensively captures the true and full costs of the Projects, it is the Agency's position that there must be relative certainty concerning the design features, construction, operational and maintenance costs, and readily available sources of funding.

D. Agency and CDFW will identify a coordinated and timely path for the processing of those analyses, applications, and associated reviews necessary to prepare the Projects for final CDFW regulatory permit review and decision.

3. Commitments of the Parties.

A. Design of the Tunnel Project

I. Agency.

a. Incorporate into the design–build contract the incremental cost to design and construct an intake structure in Lake Nacimiento sufficient to accommodate the installation of a fish screen and associated intake and outlet characteristics to provide a low probability of White Bass entering the tunnel while also maintaining the tunnel diversion flow. The intake structure will include the incremental improvements over a conventional basic intake structure to provide an entrance and approach channel suitable to accommodate the installation of the fish screen. The Agency and CDFW have agreed to design parameters and acceptable ranges for a fish screen and associated intake structure. Those parameters are attached as Exhibit A.

i. For each design submittal to CDFW, CDFW shall provide its comments on said design specifications and drawings to the Agency within a reasonable time frame after the Agency provides those design specifications and drawings to CDFW. The Agency shall incorporate those CDFW changes that are in accordance with the design parameters and acceptable ranges for each parameter as mentioned above into the final design specifications and drawings at Agency's cost and expense.

ii. If prior to or after completion of the Projects, either (a) CDFW determines that White Bass are established in Lake San Antonio or (b) Fish and Game Code Section 6400 or Section 6400.5 is changed to allow White Bass in Lake San Antonio, the Parties will meet and confer as provided in sections 3.C.II.i and 3.D below.

B. CEQA Process

I. The Parties agree that the Agency shall serve as the Lead Agency for the purposes of the California Environmental Quality Act (CEQA) because the Agency is the public agency that must provide the initial approval of the proposed projects.

II. CDFW shall serve as responsible agency under CEQA because it will be responsible for issuing certain permits for the projects, including (without limitation) authorization under Section 1600 et seq. (streambed alteration) and 6400 and 6400.5 of the Fish and Game Code. CDFW is also a Trustee Agency under CEQA and this MOA is not intended to affect CDFW's role as a CEQA Trustee Agency.

III. The Agency shall prepare the Interlake Tunnel and Spillway Modification Projects EIR that will:

a. Analyze the potentially significant environmental effects related to the potential movement of White Bass from Nacimiento Reservoir to San Antonio Reservoir and the Salinas River.

b. Use the foregoing facility descriptions in the "project description" for the EIR.

c. Thoroughly analyze and discuss potential intake locations, designs and impacts of the proposed Projects on State and federally listed and special status species.

d. Mitigate, to the extent feasible, any significant adverse effect on the environment from the proposed project that may result from the movement of White Bass from Nacimiento Reservoir to San Antonio Reservoir or other locations in the Salinas Valley.

e. Use an integrated groundwater and surface water flow model developed through Monterey County's Salinas River Groundwater Basin Investigation to evaluate reservoir releases that will avoid and minimize the impacts of the projects on downstream habitat. The modeling assumptions and constraints in the analysis shall be clearly outlined in the EIR and discussed as part of the scoping process with CDFW and NMFS. Notwithstanding the prior sentence, the Agency shall make the final determination on all modeling assumptions and constraints.

IV. CDFW shall serve as a Responsible Agency under CEQA and shall:

a. Provide timely comments on drafts of the EIR and any other documents/models circulated to CDFW by the Agency for review and comment.

b. CDFW shall commence its process to review and issue the permits needed for the construction and operation of the Projects pursuant to timelines provided in the Fish and Game Code, and where no timelines are provided in Code in a timely manner, given available CDFW staffing and resources, provided that the project to be implemented conforms to the design specifications and drawings requested by CDFW and the Agency has certified its EIR for the Projects.

C. Subsequent Fisheries Monitoring

I. If financial and staff resources become available for these Projects, two (2) years after the completion of the Tunnel Project, CDFW will commence monitoring for White Bass in both reservoirs, the Salinas River, and relevant tributaries to the Salinas River. CDFW will endeavor to make fisheries monitoring a multiple party activity, including NMFS and other interested and able fisheries and water organizations. The Agency will endeavor to participate in monitoring if financial and staff resources are available.

II. If any life stage of White Bass are detected in San Antonio Reservoir or the Salinas River, CDFW will consider potential options to: 1) contain; and 2) eradicate White Bass. CDFW shall immediately inform the Agency of the detection and will confer with the Agency and other appropriate fisheries and water management organizations.

i. CDFW and the Agency shall meet and confer to re-evaluate reservoir and tunnel management to determine if different management actions or additional physical attributes to the Project are feasible and would better control White Bass immigration to the San Antonio Reservoir, San Antonio River, or Salinas River. The Agency shall cooperate in CDFW's discussions and planning.

D. If different management actions or additional physical attributes to the projects are identified as feasible and would better control White Bass distribution and movement, the Parties shall meet and confer to determine the most appropriate method for moving forward with implementing such management actions or additional physical attributes, while preserving the Project Objectives as presented in the EIR. At a minimum, the Parties agree to assist each other to identify potential funding sources and the process for acquiring that Funding.

The Agency and CDFW agree that:

I. The Agency is responsible for costs associated with constructing and implementing the projects as described in the final (certified) EIR and applicable designs approved by the Agency.

II. Construction of the projects is dependent upon availability of local assessments, supplemented by some state financial assistance. Implementation of design, operational and other project features is dependent upon timely availability of supplemental funding.

III. Contingent on available funds and staffing becoming available for monitoring, CDFW will lead for fisheries monitoring associated with the reservoirs, the Salinas River, and associated tributaries in the watershed after completion of the Project. CDFW will be responsible for coordinating with the Agency, NMFS, United States Fish and Wildlife Service, and other organization that may be part of such monitoring.

IV. Within the limitations of its mandates and its resources, and in pursuing the activities undertaken in this MOA, if CDFW becomes aware of funding sources or opportunities that might be available for elements of the Projects, CDFW will bring those opportunities to the attention of the Agency.

V. In the event the result of the Proposition 218 election identified in Recital F is not affirmative in securing funding for the remaining design and construction of the Projects, then this MOA shall be null and void.

E. Construction

The Agency shall incorporate all the measures proposed by CDFW, reflected in Exhibit A__, to protect against the adverse impacts of expanding White Bass through the tunnel into San Antonio Reservoir.

F. CDFW anticipates that, based on the information it currently has, it will be able to authorize the incidental transfer of White Bass between the Nacimiento and San Antonio Reservoirs under California Fish and Game Code sections 6400 and 6400.5 if the Agency constructs the tunnel incorporating those measures specified in this MOA and in accordance with the mitigation measures appearing in the Tunnel Project's certified EIR to avoid or minimize White Bass passage or survival through the Tunnel Project.

4. General Provisions.

A. No Assignment.

Neither party shall assign or transfer this MOA, or any part thereof, without the written consent of the other Party at least 30 days prior to the assignment or transfer.

B. Independent Contractor.

Nothing in this MOA shall be construed or interpreted to make the Agency or any Agency employee anything but independent contractors and in all the Agency's activities and operations pursuant to this MOA, neither the Agency nor Agency employee shall for any purposes be considered employees or agents of the CDFW.

C. Authority to Bind the CDFW.

It is understood that the Agency, in the performance of any and all duties under this MOA, has no authority to bind the CDFW to any agreements or undertakings with respect to any and all persons or entities with whom the Agency deals in the course of business.

D. Authority to Bind the Agency.

It is understood that the CDFW, in the performance of any and all duties under this MOA, has no authority to bind the Agency to any agreements or undertakings with respect to any and all persons or entities with whom the CDFW deals in the course of business. This section does not affect CDFW's administration and enforcement of the Fish and Game Code including but not limited to issuing permits and approvals under that code.

E. Notices.

I. Notices permitted or required to be given to the respective parties under this MOA shall be deemed given (1) when personally delivered to the Agency or CDFW; (2) when personally delivered to the party's principal place of business during normal business hours (i.e., to the CDFW offices in Sacramento, California, or to the Agency's office in Salinas, California), by leaving the notice with any person apparently in charge of the office and advising such person of the import and contents of the notice; (3) twenty-four (24) hours after the notice is transmitted by fax machine to the other party, to the fax number indicated below; or (4) three (3) days after the notice is deposited in the U.S. mail (by first class, certified, registered, or express mail), with postage fully prepaid, addressed to the party as indicated below. All notices shall be in writing.

II. Notices mailed to the parties shall be addressed as follows:

To CDFW:	To the Agency:
Charlton H. Bonham Director California Department of Fish and Wildlife 1416 Ninth Street Sacramento, CA 95814 Phone: 916-653-7667 Fax: 916-653-7387	David E. Chardavoyne General Manager Monterey County Water Resources Agency 1441 Schilling Place / PO Box 930 Salinas, CA 93901 Phone: 831-755-4860 Fax: 831-424-7935

The mailing addresses, addressees, and fax numbers specified in this paragraph may be changed by either party, by giving notice to the other in the manner provided herein.

F. Modifications.

This MOA may be modified or amended only by prior-to 3-day written agreement of the parties. No waiver or modification of this MOA or of any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by the parties hereto.

G. No Waiver.

I. No covenant or condition of this MOA can be waived except by the written consent of the CDFW. Forbearance or indulgence by the CDFW in any regard whatsoever shall not constitute a waiver of the covenant or condition to be performed by the Agency. The CDFW shall be entitled to invoke any remedy available to the CDFW under this MOA or by law or in equity despite said forbearance or indulgence.

II. No covenant or condition of this MOA can be waived except by the written consent of the Agency. Forbearance or indulgence by the Agency in any regard whatsoever shall not constitute a waiver of the covenant or condition to be performed by the CDFW. The Agency shall be entitled to invoke any remedy available to the Agency under this MOA or by law or in equity despite said forbearance or indulgence.

H. Sole Agreement.

This MOA contains the entire agreement of the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this MOA shall be of no force or effect excepting a subsequent modification in writing, signed by the parties hereto.

I. Venue.

If any party herein initiates an action to enforce the terms hereof or declare rights Hereunder, the parties agree that venue thereof shall be the County of Monterey, State of California.

J. Construed Pursuant to California Law.

The parties hereto agree that the provisions of this MOA will be construed pursuant to the laws of the State of California.

IN WITNESS WHEREOF, CDFW, AGENCY, and COUNTY have caused this Memorandum of Agreement to be executed:

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Dated: Nov. 5, 2018

By: _____
Charlton H. Bonham, Director

Dated: 6 December 2018

MONTEREY COUNTY WATER RESOURCES AGENCY

By: _____
David E. Chardavoyne, General Manager

Dated: 12/5/18

BOARD OF SUPERVISORS OF THE MONTEREY COUNTY WATER RESOURCES AGENCY

By: _____
Luis Alejo, Chair, BOARD OF SUPERVISORS OF THE MONTEREY COUNTY WATER RESOURCES AGENCY

Exhibit A

Monterey County Water Resources Agency
Interlake Tunnel and Spillway Modification Project

Fish Screen Design Parameters and Operational Criteria
(White Bass Exclusion)

The following criteria and parameters guide the design, construction, and operation of a fish screen and water intake structure. The criteria and parameters are reasonably determined to minimize or avoid the passage of White Bass through the proposed Interlake Tunnel using feasible design features and equipment.

The fish screen design requires a rotating cylindrical wedgewire screen with external and internal brush cleaning systems equivalent to screens manufactured by Intake Screens, Inc. (ISI).

Criteria	Units	Value	Comments
Max. Normal Nacimiento Water Surface Elevation (WSEL)	ft	800.0	
Min. Nacimiento Tunnel Operations WSEL	ft	760.0	
Maximum Top of Screen Elevation	ft	760.0	Criterion applies if screen opening size is 0.5 mm, which is expected to provide White Bass exclusion down to the larvae size.
		740.0	Criterion applies if the fish screen opening size is greater than 0.5 mm. This top of screen elevation provides at least 20 ft of submergence for all tunnel operations. This reduces the potential occurrence of White Bass at the tunnel inlet since White Bass are expected to be in the top 20 ft of the water column.
Minimum Bottom of Screen Elevation	ft	728.5	
Average Design Flow	cfs	600	
Maximum Design Flow	cfs	1,400	
Screen Approach Velocity	fps	0.4 – 2.0	
Maximum Added Head Loss	ft	< 2	

Screen Opening Size Range	mm	0.5 min – 1.75 max	Preference is given to 0.5 mm since White Bass eggs and larvae can be smaller than 1.75 mm. Typical screen opening size of 1.75 mm in the narrow direction is per NMFS fish screen design criteria which was set for minimizing entrainment of salmonid fry and maximizing fish protection.
Screen Porosity (min)	%	22	
Screen Guides and Seals Gap	mm	0.5 min – 1.75 max	No gaps greater than the maximum screen opening defined above.
Porosity Control (for flow distribution)	-	Yes	
Max. Head Differential for Screen Structural Integrity	ft	10	Provide continuous screening whenever there is tunnel flow. A quick closure feature for the downstream valve at San Antonio Reservoir will be included to shut down tunnel flow if the Maximum Added Head Loss occurs.
Post-Construction Evaluation	-	See comment	1. All components of the fish screen will be inspected to verify conformance with the screen opening size criterion. 2. A post construction hydraulic evaluation will be conducted at a high tunnel flow to confirm that the cleaning systems works well at the higher end of the range of design approach velocities.

Criteria	Units	Value	Comments
Tunnel inside diameter	Ft	Not less than 10.0	
Operations and Maintenance Plan	-	See comment	An O&M plan will, at a minimum, outline operational criteria, frequency of inspections and any maintenance requirements.
Fish Screen Cleaning System	-	See comment	External and internal brush cleaning systems capable of operating continuously.
Debris Management System	-	See comment	Floating debris booms at the entrance to the approach channel, trash rack in the intake approach channel, collected debris removal systems.

WSEL = water surface elevation; fps = feet per second, cfs = cubic feet per second, ft = feet, in = inch, mm = millimeter, % = percent
NMFS = National Marine Fisheries Service
MCWRA = Monterey County Water Resource Agency

Appendix B

Notice of Preparation, Initial Study, and Scoping Comments

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Interlake Tunnel and Spillway Modification Project

Notice of Preparation/Initial Study

April 2016

Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Table of Contents

LIST OF FIGURES

A. PROJECT DESCRIPTION

1. Introduction

As the lead agency responsible for compliance with the California Environmental Quality Act (CEQA), the Monterey County Water Resources Agency (MCWRA) has determined that the Interlake Tunnel and Spillway Modification Project (project or proposed project) could have the potential to result in a significant impact on the physical environment, and is preparing an Environmental Impact Report (EIR) to evaluate the environmental effects of the project while providing ample opportunity for public disclosure and participation in the planning and decision making process. The proposed project consists of a tunnel which would be capable of diverting water from Nacimiento Reservoir to San Antonio Reservoir, and an increase in the elevation of the spillway at San Antonio Reservoir to increase its storage capacity. Further details of the proposed project are provided below.

The purpose of the draft EIR process is to identify and evaluate possible environmental impacts of the project, and consider mitigation measures and feasible alternatives to avoid, reduce, or compensate for any significant impacts on environmental resources, while still achieving the primary project objectives.

This document, which serves as the Notice of Preparation (NOP) required by CEQA and the State CEQA Guidelines (California Code of Regulations (CCR) title 14, section 15000 et seq.) contains a brief description of the project, including its goals and objectives, and possible environmental impacts (as described in the attached Initial Study). It also provides an overview of the opportunities for participation in review of the EIR, along with contact information.

2. Background

MCWRA is responsible for managing, protecting, and enhancing water supply and water quality, as well as providing flood protection, in the County of Monterey. MCWRA was formed under Chapter 699 of the Statutes of 1947 as the Monterey County Flood Control and Water Conservation District (District). In 1990, the District was renamed the MCWRA and its mandate was updated to provide for the control of flood and storm waters, conservation of such waters through storage and percolation, control of groundwater extraction, protection of water quality, reclamation of water, exchange of water, and the construction and operation of hydroelectric power facilities.

Construction of Nacimiento Dam was completed in 1957 and San Antonio Dam in 1967. Both dams, and the associated reservoirs, were constructed and are owned by MCWRA and serve as flood control, water conservation, and recreation facilities.

Nacimiento Reservoir fills approximately three times faster than San Antonio Reservoir, resulting in the possibility of unused storage in San Antonio Reservoir when Nacimiento Reservoir is at capacity and releasing flood spills. A tunnel connection would provide the conveyance means to transfer water from Nacimiento Reservoir to San Antonio Reservoir

before it is spilled in a flood release. Additionally, water could be transferred from Nacimiento Reservoir at appropriate times to maximize the net storage of the combined reservoirs.

The project has been under consideration since the late 1970s and was included in the MCWRA July 1991 Water Facilities Capital Plan as an approach to better manage flood and conservation flows in the Salinas River watershed. More recently, the project was included in the 2013 Greater Monterey County Integrated Regional Water Management Plan. In May 2014, a group of Salinas Valley growers revitalized the urgency for the project due to the ongoing multi-year drought.

The proposed modification of the San Antonio spillway has been envisioned as a method to enhance the proposed interlake tunnel, but would not be constructed without the interlake tunnel, without which the spillway modification is not warranted.

3. Project Purpose and Objectives

The purpose of the proposed project is to develop a multi-benefit project for the Salinas River Basin to improve water supply sustainability, water quality and flood management. The proposed project is intended to meet the following objectives:

- Minimize flood releases from Nacimiento Reservoir and reduce associated downstream flood damages;
- Increase the overall surface water supply available from Nacimiento and San Antonio Reservoirs by maximizing the opportunity for water to be collectively stored in the reservoirs;
- Improve the hydrologic balance of the groundwater basin in the Salinas Valley and reduce seawater intrusion;
- Continue to meet environmental flow requirements
- Minimize impact on existing hydroelectric production
- Preserve recreational opportunities in the reservoirs; and
- Protect agricultural viability and prime agricultural land.

4. Project Location

The proposed project would be constructed within, between and adjacent to Nacimiento and San Antonio Reservoirs. These reservoirs are located in the Salinas River Basin, northwest of Paso Robles, California in Monterey and San Luis Obispo counties as shown in **Figure 1**. Nacimiento Dam and its reservoir are located in northern San Luis Obispo County, approximately 20 miles inland from the coast. The Nacimiento Dam is situated 10 miles upstream from the confluence of the Nacimiento and Salinas Rivers. San Antonio Dam and its reservoir are located in southern Monterey County, several miles north of Nacimiento Reservoir. The San Antonio Dam is situated 5 miles upstream from the confluence of the San Antonio and Salinas Rivers.

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Figure 1
Project Location

Proposed Project Elements

Interlake Tunnel and Spillway Modification Project

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The project would primarily occur within locations owned by MCWRA, although portions of the tunnel would be located beneath privately owned land.

5. Existing Facilities and Operations

MCWRA operates Nacimiento and San Antonio Reservoirs, conjunctively, for water supply (groundwater recharge) and flood management purposes. The reservoirs are considered the most prominent elements of the region's water infrastructure. The average annual releases (excluding flood control releases) from these reservoirs to the Salinas River is approximately 200,000 acre-feet, based on hydrologic modeling (EPC 2014).

5.1 Nacimiento Dam and Reservoir

The earth-filled dam at Nacimiento Reservoir, completed in 1957, has a crest elevation of 825 feet above mean sea level (msl). The dam has a spillway elevation of approximately 788 feet which can be raised to 800 feet through the use of two inflatable Obermeyer spillway gates (MCWRA 2015). At 800 feet, the maximum storage capacity is 377,900 acre-feet.

5.2 San Antonio Dam and Reservoir

The earth-filled dam at San Antonio Reservoir, completed in 1967, has a crest elevation of 802 feet above msl and a spillway crest elevation of 780 feet. When the reservoir is full, it has a maximum storage capacity of 335,000 acre-feet. The maximum elevation during flood stage is 802 feet, with a temporary capacity of approximately 477,000 acre-feet.

5.3 Salinas Valley Groundwater Basin

The Salinas River and Salinas Valley Groundwater Basin comprise a linked surface water-groundwater hydrologic setting. Salinas River surface water discharge (streamflow) is highly dependent upon groundwater conditions, and groundwater conditions are equally dependent on recharge by precipitation (infiltration) and streamflow contributions (MCWRA 2014). For example, groundwater pumping affects surface flows, and similarly, seepage of groundwater contributes to streamflows.

6. Project Description

The proposed project is comprised of two separate but interrelated components, a water conveyance tunnel from Nacimiento Reservoir to San Antonio Reservoir, and modifications to the existing spillway at San Antonio Reservoir. The key project features are shown in **Figure 2**.

The proposed project includes the following elements:

- interlake tunnel,
- tunnel intake facility at Nacimiento Reservoir,
- tunnel outlet facility at San Antonio Reservoir,
- San Antonio dam spillway capacity increase,
- removal and replacement of infrastructure surrounding San Antonio Reservoir, and

- disposal of spoils.

The main elements of the proposed project are described in Section 6.2, *Project Elements*, below.

6.1 Project Work Areas

Proposed project activities would occur within the work areas shown in Figure 2. Work areas would include the inlet/outlet structures for the tunnel at the Nacimiento and San Antonio Reservoirs, modifications to the San Antonio Dam spillway, sites of removal and replacement of infrastructure around the San Antonio Reservoir rim, staging and stockpile locations, spoils handling and disposal sites, and access roads. MCWRA may conduct geotechnical investigations along the tunnel alignment prior to construction. While there may be some access points along the tunnel to allow for maintenance, the majority of the surface overlying the tunnel alignment between the tunnel openings would not be disturbed for the proposed project. There would be no direct work downstream from the dams, and the project does not include work on the San Antonio, Nacimiento, or Salinas Rivers.

6.2 Project Elements

Interlake Tunnel

The proposed interlake tunnel would be a gravity flow water conveyance tunnel approximately 12,000 feet (2.3 miles) long connecting the Nacimiento and San Antonio Reservoirs. Two conceptual alignments are shown in Figure 2. Conceptual design envisions a reinforced concrete lined tunnel with an inside finished diameter of 10 feet and a slope from Nacimiento to San Antonio of -0.4 percent. The tunnel will be designed to accommodate internal pressures and seismic activity in the region.

San Antonio Dam Spillway Modification

The proposed modification to the spillway at the San Antonio Reservoir would provide a 10-foot increase in the maximum lake elevation, effectively increasing the storage capacity of the reservoir by approximately 59,000 acre-feet.

San Antonio Lake Level Rise

Potential Tunnel Exit Work Areas

Spillway Modification Work Area

Conceptual Tunnel Alignments

Tunnel Intake Work Area

San Antonio Lake

Nacimiento Reservoir

Salinas River

San Antonio River

Nacimiento River

Bradley

Bradley Rd

Interlake Road

Vista Rd

Nacimiento Lake Dr

Hames Creek

Jolon Rd

New Pleyto Rd

Pleyto Cemetery Rd

Interlake Rd

Harris Creek

Copperhead Creek

Sapaque Rd

Bryson Hesperia Rd

Smith Rd

Gulch House Creek

Kavanaugh Creek

Cantinas Creek

Deer Creek

Waller Creek

Turtle Creek

Sapaque Creek

Flaherty Creek

Finlayson Rd

Lynch Canyon Rd

Wendy Wy

Tierra Redonda Rd

Bee Rock Rd

Oak Shores Dr

Shoreline Dr

Skylar Ln

Eagle

Flying Dr

Heritage Loop Rd

Robin Dr

Camp Roberts

Tower Rd

Ohio Ave

G14

G18

G19

101

Detail Area

King City

Lake San Antonio

San Antonio River

Nacimiento River

Lake Nacimiento

Paso Robles

Cambria

Atascadero

0 2.5 5 10
Miles

N

0 0.5 1 2
Miles

Proposed Project Elements

Figure 2
Proposed Project

Interlake Tunnel and Spillway Modification Project

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7. Permits and Approvals

In addition to MCWRA, the EIR for the proposed project will be used by various regulatory agencies issuing permits, as well as other approvals and consultations for the proposed project. Specifically, information about the proposed project and the environmental analysis will be used by several agencies as part of their decision-making process regarding regulations applicable to the proposed project. A list of these agencies is provided below.

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service
- State Water Resources Control Board
- Central Coast Regional Water Quality Control Board
- California Department of Fish and Wildlife
- Monterey Bay Unified Air Quality Management District
- San Luis Obispo County Air Pollution Control District
- County of Monterey
- County of San Luis Obispo

8. Topics to be Analyzed in the EIR

MCWRA has prepared this NOP pursuant to CEQA Guidelines section 15082. Attached to the NOP is an Initial Study which provides a preliminary environmental impact analysis for the proposed project. The Initial Study evaluates the proposed project as it is currently envisioned.

Based on the proposed project's potential for significant impacts on the environment, MCWRA has decided to prepare an EIR. The EIR will further assess the proposed project's effects on the environment, to identify significant impacts, and to identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts. Only those topics identified in the Initial Study as having potentially significant adverse effects will be further evaluated in the EIR. The word "significant" is only used in the Initial Study related to the significance of an environmental impact. The Initial Study reviewed the following topics:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use / Planning
- Mineral Resources
- Noise Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

- Hydrology / Water Quality

Responses received to this NOP may modify or add to the preliminary assessment of potential issues addressed in the EIR.

The draft EIR will also identify a range of reasonable alternatives to the project which could feasibly attain most of the basic objectives of the project but avoid or substantially lessen any of the significant effects of the Project, and it will evaluate the comparative merits of the alternatives, including the No Project alternative.

9. Environmental Process and Public Scoping Meeting

This NOP initiates the CEQA process through which MCWRA will refine the range of issues and project alternatives to be addressed in the draft EIR. Comment is invited on the proposal to prepare the EIR and on the scope of issues to be included in the EIR.

Please submit any comments within 45 days of receipt of this notice to MCWRA (see Section 10, *Contact Information*, below). In conjunction with the 45-day review period for the NOP, MCWRA will hold two scoping meetings to provide an additional opportunity to learn about the project, ask questions, and provide comments about the scope and content of the information to be addressed in the draft EIR. The scoping meetings will be held on the following dates and locations:

Monday, May 16, 2016 at 3:00 p.m.
Agricultural Center Conference Room
1428 Abbott Street
Salinas, CA 93901

Tuesday, May 17, 2016 at 6:30 p.m.
Bradley Union School District Community Building
65600 Dixie Street
Bradley, CA 93426

After the 45-day review and comment period for the NOP is complete, a draft EIR will be prepared in accordance with CEQA, as amended (Public Resources Code §21000 et seq.), and the State Guidelines for Implementation of CEQA (CCR §15000 et seq.).

Once the draft EIR is completed, it will be made available for a 45-day public review and comment period. Copies of the draft EIR will be sent directly to those agencies commenting on the NOP, and will also be made available to the public at a number of locations, including MCWRA offices, and public libraries in the area. Information about availability of the draft EIR will also be posted on the following website: www.mcwra.co.monterey.ca.us

10. Contact Information

For further information or to submit comments, contact the following:

Robert Johnson, Assistant General Manager
Monterey County Water Resources Agency
893 Blanco Circle, Salinas, CA 93901
(831) 755-4860
tunnelEIR@co.monterey.ca.us

Additional information relevant to the Project and the draft EIR can also be found online at the following website: www.mcwra.co.monterey.ca.us.

B. ENVIRONMENTAL CHECKLIST

1. Overview

Project title:	Interlake Tunnel and Spillway Modification Project
Lead agency name and address:	Monterey County Water Resources Agency 893 Blanco Circle, Salinas, CA 93901
Contact person and phone number:	Robert Johnson, (831) 755-4860
Project location:	The project would be located in the Tierra Redondo Quadrangle. The tunnel inlet work area is located in Township 25S, Section 9, Range 10E. The tunnel outlet work area is located in Township 24S, Section 33, Range 10E. The San Antonio Dam spillway work area is located in Township 24S, Section 34, Range 10E. The tunnel alignment is in Township 24S; Sections 4, 9 and 33; Range 10E.
Land designation:	Land zoning designations for the parcels are open space or rural country. Surrounding land use includes low-density residential, rural country and some small-scale agriculture.

2. Environmental Factors Potentially Affected

The environmental factors checked below would potentially be affected by this project (i.e., the project would involve at least one impact that is a "Potentially Significant"), as indicated by the checklist on the following pages.

X	Aesthetics		Agricultural and Forestry Resources	X	Air Quality
X	Biological Resources	X	Cultural Resources	X	Geology / Soils
X	Greenhouse Gas Emissions	X	Hazards and Hazardous Materials	X	Hydrology / Water Quality
X	Land Use / Planning		Mineral Resources	X	Noise
X	Population / Housing		Public Services	X	Recreation
X	Transportation/Traffic	X	Utilities / Service Systems	X	Mandatory Findings of Significance

3. Evaluation of Environmental Impacts

The degree of change from existing conditions caused by the project is compared to the impact evaluation criteria to determine if the change is significant. Where it is determined that one or more significant impacts could result from implementation of the project, mitigation measures would be developed to reduce or eliminate the significant impacts. Existing conditions serve as a baseline for evaluating the impacts of the project.

The following terminology is used in this document to describe the various levels of environmental impacts associated with the project:

- A finding of *no impact* is identified if the analysis concludes that the proposed project would not affect a particular environmental topical area in any way.
- An impact is considered *less than significant* if the analysis concludes that the proposed project would not cause a substantial adverse change in the environment.
- An impact would be considered *potentially significant* if the analysis concludes that the proposed project could cause a substantial adverse effect on the environment. Proposed projects that potentially produce a significant impact(s) warrant the greater level of analysis and consideration provided by an EIR.

4. CEQA Environmental Checklist

I. AESTHETICS: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	X		
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a designated scenic highway?	X		
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	X		
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	X		

Explanations

a, b, c) Substantial adverse changes to scenic vistas, scenic highways, and the existing visual character and quality of the site – *Potentially Significant*

The area around the San Antonio and Nacimiento Reservoirs is almost entirely undeveloped and, as a result, broad vistas of the natural environment are abundant from adjacent roads and recreational areas. Furthermore, Nacimiento Lake Drive also known as County Road G14 at Nacimiento Reservoir, and Interlake Road in Monterey County, winds between and connects San Antonio and Nacimiento Reservoirs. Interlake Road is a County Scenic Highway in both Monterey County and San Luis Obispo County (Caltrans 2016). San Antonio Reservoir is occasionally visible from this scenic route, and Nacimiento Reservoir more so, as the scenic highway crosses over the Nacimiento Dam that creates the Nacimiento Reservoir. In addition, distant views of the San Antonio Dam spillway are available from the terminus of Vista Road.

Based on preliminary review of Google Earth, and as shown in **Figure 3**, there are potential residences near the proposed tunnel alignment, near Nacimiento Lake Drive, and County Road G14. There are no residences within approximately 0.25 mile of the tunnel intake work area or the tunnel exit area. As shown in Figure 3, there is a potential recreation area (e.g., a boat ramp) at the tunnel intake area and other potential recreation areas approximately 0.5 mile south of this work area.

The tunnel intake work area and proposed intake facility at the north end of Nacimiento Reservoir may be visible from potential recreation areas to the south of the work area. In addition, depending on topography and the presence of intervening vegetation, distant views from potential residences near the tunnel intake and exit work areas may have distant views of these areas.

San Antonio Lake

New Pleyto Rd

Nacimiento Lake Dr

G19

San Antonio Lake Level Rise

Potential Tunnel Exit Work Areas

Spillway Modification Work Area

Tunnel Intake Work Area

Conceptual Tunnel Alignments

Area of Potential Residences and Recreation Facilities

Interlake Road

Eagle Creek

Vista Rd

Harris Creek

Kavanaugh Creek

Cantinas Creek

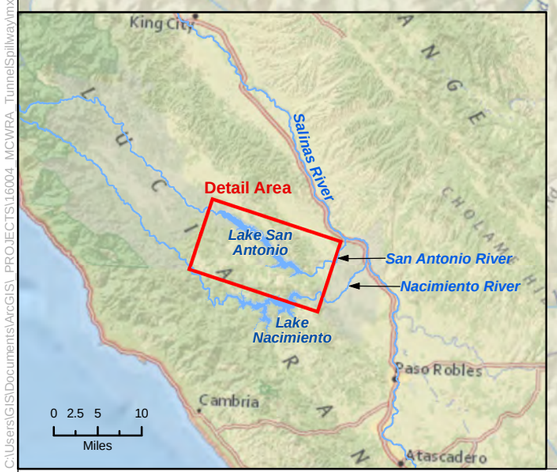
Wendy Wy

Tierra Redonda Rd

Bee Rock Rd

Fivrod Dr

G14



0 0.5 1 2
Miles

Potential Sensitive Receptors

Recreation Area

Proposed Project Elements

Figure 3
Potential Sensitive Receptors in the Project Vicinity

Interlake Tunnel and Spillway Modification Project

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While San Antonio Reservoir is currently closed to the public at the time of preparing this Initial Study, views of the work areas, the spillway modification, and other improvements to the San Antonio Reservoir may be visible from this reservoir and surrounding recreational facilities.

Although the locations of staging and spoil disposal areas have not yet been determined, during construction, the presence of heavy construction equipment, staging areas, and spoil disposal areas may be partially visible from potential residences and recreational areas, and from Nacimiento Lake Drive/Interlake Road. The types of construction activities that could be visible include vegetation removal and grading activities, excavation, tunnel construction, and dust generated from these activities.

Once construction is complete, the new above-ground facilities (depending on height), such as the Nacimiento intake facility, San Antonio tunnel outlet facility, and modified San Antonio Dam spillway may be visible from scenic corridors, public viewpoints, Nacimiento Reservoir, San Antonio Reservoir, and surrounding camping/day use facilities at both reservoirs. Although the proposed above-ground facilities would likely have a similar character to other dam infrastructure, because the locations and designs of these facilities have not been developed, impacts on aesthetic resources are considered potentially significant. As most potential residences are located over 0.25 mile away from proposed aboveground facilities, no substantial adverse effects to residential views are anticipated.

In addition, the increased normal submergence level within San Antonio Reservoir would alter the visual character of the reservoir. For example, the flooding out of trees located along the existing reservoir's perimeter may cause some trees to die, depending on the timing and extent of inundation for different species, which would temporarily alter the visual character of San Antonio Reservoir.

The EIR will further evaluate these topics. The analysis will also consider critical viewpoints that could be affected by the proposed project. Critical viewpoints will be identified during a comprehensive site survey based on visibility of the project elements, and presence of aesthetic resources and sensitive viewer groups, among other factors. Visual simulations of the proposed facilities and the increased normal submergence level would be developed to help determine the extent of visual impacts, if necessary.

d) Substantial adverse changes to light and glare – *Potentially Significant*

The proposed project would not include any new permanent sources of nighttime lighting. However, the proposed above-ground components have the potential to increase glare in the project area through the introduction of hardscape surfaces. In addition, project construction would introduce temporary sources of light and glare, such as from high-intensity lighting during any nighttime construction activities. These impacts are considered potentially significant. The EIR will further evaluate this topic and will consider the location of sensitive viewer groups in the project vicinity.

II. AGRICULTURAL AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?		X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?		X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Protection (as defined by Government Code section 51104(g)?		X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?		X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?		X	

Explanations

a-e) Conflicts or Loss of Agricultural Lands or Forestry Resources – *Less than Significant*

According to the California Department of Conservation's Farmland Mapping and Monitoring Program, the majority of land surrounding San Antonio Reservoir is designated as Grazing Land (CDC 2015a) and some lands are designated as Other Land and Urban and Built-up Land. Lands surrounding Nacimiento Reservoir are designated as Grazing Land, Urban and Built-up Land, and Farmland of Local Potential (CDC 2015b). None of the land immediately surrounding San Antonio Reservoir is under a Williamson Act contract. Some of the lands between the two reservoirs is Non-Prime Agricultural land that is under a Williamson Act contract; however, the proposed tunnel alignment would not traverse lands subject to a

Williamson Act contract (CDC 2012a and 2012b). In addition, there is no forest land within the project area.

Construction of the proposed project would be confined to the San Antonio and Nacimiento Reservoir basins and lands immediately adjacent to the San Antonio Reservoir footprint. The maximum surface water elevation at San Antonio Reservoir would increase by approximately 10 feet, which would inundate lands identified as resource rural residential (5 plus acres per unit) in the Monterey County General Plan (County of Monterey 2010, see Figure LU9) as well as grazing land. No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or lands under a Williamson Act contract would be converted by, or conflict with, the proposed project. For these reasons, there is no potential for construction-related impacts to agricultural resources or forestry resources.

Once construction is complete, operation of the two reservoirs would result in changes to downstream flows, which would affect the quantity and timing that water is received by agricultural users. Operation of the proposed project is expected to have a beneficial effect to agricultural resources and will be evaluated further in the EIR.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of applicable air quality plans?	X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	X		
d) Expose sensitive receptors to substantial pollutant concentrations?	X		
e) Create objectionable odors affecting a substantial number of people?		X	

Explanations

a-b) Conflict with air quality plans and violate any air quality standard or contribute substantially to an existing or projected air quality violation – *Potentially Significant*

The proposed project would be located in Monterey and San Luis Obispo Counties, which are within the North Central Coast and South Central Coast air basins, respectively, and within the jurisdictions of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and the San Luis Obispo County Air Pollution Control District (SLOCAPCD). Both the North Central Coast and South Central Coast air basins are in nonattainment for the California Ambient Air Quality Standards for ozone and particulate matter (PM_{10}) (CARB 2015). Apart from an area within San Luis Obispo County that is outside of the project area and is in nonattainment for the federal ozone standard, these air basins are designated as unclassified or in attainment for all other federal and state air quality standards (USEPA 2015 and 2016; CARB 2015). To achieve attainment for these standards, the MBUAPCD has prepared the following air quality plans: a 2005 Particulate Matter Plan, a 2007 Federal Maintenance Plan for ozone, a 2008 Air Quality Management Plan (for ozone), and a 2012 Triennial Plan to document the MBUAPCD's progress toward attaining the state ozone standard (MBUAPCD 2005, 2007, 2008, and 2013). The SLOCAPCD prepared a 2001 Clean Air Plan to address ozone precursor emissions and achieve the state's ozone standard (SLOCAPCD 2001).

The proposed project would generate short-term emissions of criteria pollutants, including ozone precursors and particulate matter, during construction activities from equipment use, mobile emissions (vehicle and truck trips), and grading or other sediment-disturbing activities. During operation of the proposed project, there may be increased emissions from

potentially increased worker maintenance trips and/or the use of stationary sources that are associated with the various required mechanical and electrical equipment (such as pumps or generators). These emissions would have the potential to conflict with the applicable air quality plans and/or violate or contribute to an air quality standard exceedance. Therefore, this impact would be potentially significant. The EIR will further evaluate short-term and long-term impacts related to these topics, based on project-specific design, operation, and construction details. Potential pollutant emissions generated by the proposed project will be calculated for all components and phases of the project, and compared to the significance thresholds established by the MBUAPCD and SLOCAPCD with consideration of each district's CEQA guidance documents. The proposed project's consistency with the air quality management plans will also be further evaluated.

c) Cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area – *Potentially Significant*

As discussed above, the proposed project would be located in air basins with existing ozone and PM_{10} state nonattainment designations. Thus, the proposed project's generation of construction- and/or operation-related emissions have potential to contribute a cumulatively considerable net increase of a criteria pollutant. The EIR will further evaluate this topic, based on project-specific design, operation, and construction details, and using the cumulative impact thresholds and guidance provided by the MBUAPCD and SLOCAPCD.

d) Expose sensitive receptors to substantial pollutant concentrations – *Potentially Significant*

The project site is generally located in a remote area of Monterey and San Luis Obispo Counties; but as shown in Figure 3, there are some potential sensitive receptors (i.e., residences) located near and along the tunnel alignment and other work areas. However, hauling trips for the project's construction could occur near sensitive receptors and potentially expose sensitive receptors to diesel exhaust. In addition, the proposed project's construction activities, particularly tunneling activities, could result in the potential exposure of construction workers to diesel exhaust. Recreationists at Nacimiento Reservoir could potentially be exposed to criteria pollutants during construction activities. The proposed project may overlie or disturb soils which contain naturally occurring asbestos and therefore the project could substantially expose sensitive receptors to asbestos (SLOCAPCD 2016; CDC 2000). In addition, the construction-related diesel emissions could result in a potentially significant impact on construction workers or other sensitive receptors. The EIR will further evaluate this topic based on project-specific design, operation, and construction details, and if necessary, by conducting a health risk assessment for exposure to diesel fumes and/or naturally occurring asbestos.

e) Create objectionable odors affecting a substantial number of people – *Less than Significant.*

Construction equipment and trucks for the proposed project could potentially generate odor-causing emissions. However, due to the remote location of the proposed project and the temporary nature of construction-related odors, the proposed project is unlikely to create objectionable odors that affect a substantial number of people. During operation, the reservoir operations would unlikely affect water quality in a manner that results in objectionable odors. Apart from recreationists at San Antonio Reservoir, there are no nearby sensitive receptors. Therefore, this impact would be less than significant.

IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	X		
d) Interfere substantially with the movement of any native resident or migratory species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X	

Explanations

a) Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species - *Potentially Significant*

Terrestrial Special-Status Species. Special-status terrestrial species that have potential to occur in the project area include, but are not limited to, bald eagle *(Haliaeetus leucocephalus)*, California red-legged frog (*Rana draytonii*), least Bell's vireo (*Vireo belli pusillus)*, arroyo toad (*Bufo californicus)*, western pond turtle (*Actinemys marmorata*), yellow-breasted chat (*Icteria virens*)*,* and yellow warbler (*Setophaga petechia)* (MCWRA and USACE 2001)*.* There may also be special-status plants in the project vicinity including: Lemmon's jewelflower (*Caulanthus lemmonii*), pale-yellow layia (*Layia heterotricha*), dwarf calycadenia (*Calycadenia villosa*), and yellow-flowered eriastrum (*Eriastrum luteum*).

The majority of tunnel-related construction activities would occur underground with surface activity occurring at the tunnel portals, which are within the submerged lake boundary zone. Other work areas include access roads, staging areas, the San Antonio outlet valve power actuator facility and the expansion of the San Antonio spillway. Construction activities in these work areas could potentially affect habitat suitable for the special-status animal and plant species mentioned above. The EIR will evaluate these potential impacts further. The evaluation would involve conducting database searches from the California Natural Diversity Database, preparing maps of habitat types in the project area, and field reconnaissance.

During project operation, in the event that there are any special-status plants along the perimeter of San Antonio Reservoir, increased surface water levels could potentially flood these plant communities. This issue will be further evaluated in the EIR.

Aquatic Special-Status Species. The San Antonio River, Nacimiento River, and Salinas River, downstream of the project area, are all designated critical habitat for federally threatened South-Central California Coast steelhead (*Oncorhynchus mykiss*). Nacimiento River may have spawning habitat for steelhead. Drawdown of both the San Antonio and Nacimiento Reservoirs for construction, to the extent needed could, result in construction-related effects on the San Antonio and Nacimiento Rivers downstream of the two reservoirs. Specifically, turbidity levels in discharges are expected to gradually increase as the reservoir is lowered. In addition, operational releases from both the San Antonio Dam and Nacimiento Dam would have effects on steelhead habitat. Such effects would be evaluated further in the EIR.

No aquatic special-status species are known to exist in the reservoirs themselves.

b) Substantial adverse effect on any riparian habitat or other sensitive natural community - *Potentially Significant*

Based on review of the Salinas Valley Water Project EIS/EIR, habitats surrounding the two reservoirs include Blue Oak Woodland (*Quercus douglasii)* (a California Department of Fish and Wildlife-designated sensitive natural community), annual grassland, and chaparral. Open spaces on the hillsides are dominated by annual grassland used for livestock grazing. Blue Oak Woodland habitat is dominated by open stands of mature blue oaks and California foothill pines (*Pinus sabiniana)* around the reservoirs. Dense patches of chaparral occur on some of the steeper slopes in the project area. It is also possible that serpentine geology exists, which often supports sensitive natural communities and special-status plant species. Construction of the proposed intake/outlet tunnel facilities could potentially affect these habitats. During project operation, the increased surface water level at San Antonio Reservoir may temporarily inundate sensitive communities. This is a potentially significant impact and will be further evaluated in the EIR.

Downstream of the project area, riparian habitat occurs along the banks of the Nacimiento and San Antonio Rivers. During project operation, the increased summer releases from San Antonio Reservoir could foster growth of invasive vegetation, such as giant reed (*Arundo* sp.), or generally increase the growth rate of instream vegetation and change the riparian habitat composition. Project-related impacts on riparian habitat are considered potentially significant, and the operational effects on riparian habitat downstream of the project area will be further evaluated in the EIR.

c) Substantial adverse effects on federally protected wetlands – *Potentially Significant*

Both reservoirs are considered jurisdictional waters and any fringe wetlands that exist below the rim of the reservoirs are considered federally protected wetlands. Construction of

proposed facilities at both reservoirs (e.g., the tunnel intake facility at Nacimiento Reservoir and tunnel outlet facility at San Antonio Reservoir) could potentially affect jurisdictional wetlands or waters of the U.S. or state. As such, construction-related effects on protected wetlands and waters of the U.S. and state are considered potentially significant and would be evaluated in the EIR.

In addition, during project operation, raising of surface water levels at San Antonio Reservoir would flood portions of the fringe wetlands. It is anticipated that this impact would be offset as these habitats would eventually re-establish along the new rim of San Antonio Reservoir. Nonetheless, for the purpose of this Initial Study, this impact and is considered a potentially significant impact and would be evaluated in further detail in the EIR.

d) Substantial interference with wildlife movement, established wildlife corridors, or the use of native wildlife nursery sites – *Potentially Significant*

Once the proposed project is operational, transferring of water from Nacimiento Reservoir to San Antonio Reservoir could also result in transfer of aquatic species such as white bass (*Morone chrysops)*, a non-native fish species that was introduced to the reservoir in 1965 by California Department of Fish and Game (now California Department of Fish and Wildlife). The proposed intake may be designed and/or equipped with components to preclude white bass from entering the tunnel and transferring these species from Nacimiento Reservoir to San Antonio Reservoir. This is considered a potentially significant impact and will be evaluated further in the EIR.

Altered reservoir operations as a result of the proposed project could affect native fish, specifically nests which could be dewatered as a result of changing reservoir levels. This is considered a potential significant impact and will be evaluated further in the EIR.

In addition, changes in future releases from the reservoirs could affect steelhead passage conditions. It is anticipated that increased releases during the dry season would be beneficial due to a larger wetted area of the channel during the dry season compared to baseline conditions. However, this topic will be evaluated further in the EIR and will consider flow velocity, temperature, other water quality parameters, spawning, holding and rearing habitat and rearing habitat and refugia, sediment transport/geomorphology, predation, lagoon opening/closure regimes, and other issues/parameters.

e) Conflict with local policies or ordinances protecting biological resources – *Potentially Significant*

The proposed project could result in conflicts with local Monterey County or San Luis Obispo County policies or ordinances protecting biological resources. As a thorough review of relevant biological resources policies and ordinances has not yet been conducted for this Initial Study, this issue will be evaluated further in the EIR.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state HCP - *No Impact*

There are no habitat conservation or natural community conservation plans that cover the project area. Therefore, the project would not conflict with provisions of such plans and there would be no impact.

V. CULTURAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X		
d) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?	X		
e) Disturb any human remains, including those interred outside of formal cemeteries?	X		

Explanations

a-b) Adverse change in the significance of a historical resource or an archaeological resource - *Potentially Significant*

Historical resources are defined under CCR 15064.5 as cultural resources listed in or determined to be eligible for the California Register of Historical Resources (CRHR); resources included in a local register of historical resources; or any object, building, structure, site, area, place, record, or manuscript determined to be historically significant by a lead agency. The locations of any historical resources in the project area are currently unknown, although the San Luis Obispo County General Plan (County of San Luis Obispo 2010, see Figure CR-1) indicates that many known cultural resources are present around Nacimiento Reservoir, and the Monterey County General Plan (County of Monterey 2008) identifies the entire area around San Antonio Reservoir as sensitive for cultural resources. Potential impacts to historical resources would occur if these resources are present and would be physically disturbed by proposed project activities, either as a result of project construction (e.g., from ground disturbance) or operations (e.g., shoreline erosion of archeological deposits and/or damage to historic structures as a result of increased levels in San Antonio Reservoir). Impacts on archaeological or architectural resources which cause de-listing from the CRHR, or render the resources ineligible for listing in the CRHR, would also be considered significant.

The EIR will further evaluate these topics based on project-specific design and construction details.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature – *Potentially Significant*

The project area is underlain by geological formations that are largely derived from marine sediments. As a result, most of the paleontological resources in the region are of marine lifeforms, such as micro-organisms (e.g. foraminifera or diatoms), or mollusks and barnacles. Although paleontological resources are not uncommon in the region, no significant paleontological finds have been recorded in close proximity to the project (County of Monterey 2008). It is possible that tunnel construction could encounter paleontological resource through boring activities, but the nature of the work would not be conducive to identifying any such resources, as they would be obliterated. As a result, there could be potentially significant impacts related to paleontological resources. This topic will be further evaluated in the EIR.

d) Adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 - *Potentially Significant*

The project is within a geographic area associated with the Salinan, Costanoan/Ohlone, and Esselen California Native American tribes who have a traditional and cultural affiliation with the region. Assembly Bill 52, which was enacted on July 1, 2015, requires that a state lead agency consult with California Native American tribes with a traditional and cultural affiliation to a project area in order to determine if any tribal cultural resources (TCRs) would be affected by the proposed project. PRC 21074 defines TCRs as resources that are historical resources under CCR 15064.5; cultural landscapes that meet the criteria of CCR 15064.5; and as unique archaeological sites pursuant to PRC 21083.2. There is the potential for TCRs to be located in the project area and for the project to have an adverse change to any such resources.

MCWRA will consult with local tribes about the presence of TCRs, if any, within the project area and, should any be identified, the protection of TCRs from project-related actions. The consultation efforts and the identification of TCRs, if present, will be analyzed in the EIR.

e) Disturbance of any human remains, including those interred outside of formal cemeteries - *Potentially Significant*

Human remains are not currently known to exist within the project area; however, they may be present without any surface manifestation and, as a result, could be disturbed by project activities. The EIR will address the potential presence of human remains and the possibility of impacting human remains during project construction.

VI. GEOLOGY AND SOILS: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death related to:			
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.		X	
ii. Strong seismic ground shaking?		X	
iii. Seismic-related ground failure, including liquefaction?		X	
iv. Landslides?	X		
b) Result in substantial soil erosion or the loss of topsoil?	X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?			X

Explanations

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Seismic-related rupture of a known earthquake fault - *Less than Significant*

The nearest Alquist-Priolo Fault zones are the Los Osos Fault system, approximately 19 miles west, and the San Andreas Fault system, approximately 22 miles east (CGS 2015; USGS 2016). The Rinconada Fault zone – San Marcos section, runs in a northwestern direction along the northeastern boundary of San Antonio Reservoir. This fault is considered "potentially active" with the last known rupture occurring during the late Quaternary Period

(last 700,000 years). The Rinconada fault is not designated as an Alquist-Priolo fault zone (USGS 2016). The project would be built to accommodate seismic activity in the region. Regardless, the EIR will further evaluate the extent to which the project could expose people or structures to substantial adverse effects resulting from the rupture of a known earthquake fault.

ii. Strong seismic ground shaking - *Less than Significant*

The proposed project would be designed and constructed in accordance with the California Building Code and California Department of Water Resources Division of Safety of Dams (DSOD) standards and requirements. DSOD would be responsible for reviewing and approving plans and specifications for the proposed modifications to the San Antonio spillway, the tunnel intake facility at Nacimiento Reservoir, and tunnel outlet facility at San Antonio Reservoir to ensure dam safety. The DSOD takes seismically induced stresses into consideration for dam construction and modifications. While the proposed project would be designed and constructed to DSOD requirements which will ensure that the facilities can withstand strong seismic ground shaking in the event of a large magnitude earthquake, the EIR will further evaluate the extent to which the project could expose people or structures to substantial adverse effects related to strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction – *Less than Significant*

Liquefaction is the temporary transformation of saturated and very low cohesion or cohesionless soils into a viscous liquid as a result of ground shaking. Liquefaction may occur in water-saturated sediment during moderate to great earthquakes. Upon preliminary review of the Natural Resources Conservation Service Web Soil Survey, the most common soils associations in the project area include Santa Lucia Reliz (SLR), Linne-Calodo complex, and Balcom-Calleguas complex (NRCS 2016). The soil units within the project area are composed primarily of channery clay loam or clay loams. Underlying geologic units in the area are predominately late Pilocene or Milocene marine deposits (CGS 1958). These soil and geological units would not be anticipated to become unstable or to liquefy during a seismic event. Regardless, the EIR will further evaluate the extent to which the project could expose people or structures to substantial adverse effects related to seismic-related ground failure.

iv. Landslides - *Potentially Significant*

The geographic area between San Antonio Reservoir and Nacimiento Reservoir is fairly hilly with several very steep slopes. Based on topographical mapping (USGS 2015), some areas may be prone to landslides under wet conditions and/or seismic induced events. However, MCWRA will locate the tunnel intake portals away from known landslide zones. During construction activities, there is some potential for open excavation areas to fail. With proper safety procedures, required inspections, the risk of collapse caused by a landslide are expected to be minimal. Landslide effects will be evaluated further in the EIR.

b) Substantial soil erosion or the loss of topsoil - *Potentially Significant*

Current plans do not anticipate the need for lowering reservoir levels at the beginning of construction. However, weather conditions and the project schedule may necessitate the lowering of reservoir levels whereby water would be released from both reservoirs at flow rates greater than typical conditions. Increased flow rates in the San Antonio and Nacimiento Rivers have the potential to scour or erode downstream habitat; however, the ramping rates for flow changes are not expected to be large enough to cause substantial scour along the stream channels. Regardless, this topic will be evaluated further in the EIR.

Project construction activities would have the potential to contribute to accelerated erosion. During construction, clearing, grubbing and grading activities would remove ground cover and expose and disturb soil on slopes and at the proposed tunnel excavation portals. Exposed and disturbed soil would be vulnerable to erosion from runoff during construction, and soil particles could get entrained in the runoff. Altered drainage patterns due to construction work could also redirect runoff and potentially worsen any erosion problems. A construction general permit would need to be obtained from the Central Coast Regional Water Quality Control Board, which will require preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP). MCWRA and/or its contractor(s) would be required to comply with various erosion protection measures outlined in the SWPPP. This will be evaluated further in the EIR.

In addition, construction earthwork may involve removing a substantial volume of topsoil in preparation of the tunnel portal sites. This work may occur in previously undisturbed areas. In addition, tunnel spoils, depending upon how they are disposed of, may be susceptible to erosion. These impacts are considered potentially significant and will be further evaluated in the EIR.

Once project construction is complete, raising the level of San Antonio Reservoir 10 feet could potentially cause erosion by wave action and water fluctuation in areas that previously were not inundated. These impacts are considered potentially significant and will be evaluated further in the EIR.

c) Location on a geologic unit or soil that is unstable or that would become unstable as a result of the Proposed Project and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse - *Potentially Significant*

See the discussion for criteria a., iii and iv, above. As described above, the proposed tunnel would traverse under a steep and hilly terrain. Construction-related ground-disturbing or excavation activities at the tunnel portals could alter the soil stability in those immediate locations. Excavation and trenching for the tunnel portals and other proposed structures, as well as reservoir dewatering, may create unstable slopes. These impacts are considered potentially significant and will be evaluated further in the EIR.

d) Location on expansive soil – *Less than Significant*

Soils that contain a relatively high percentage of clay minerals have the potential to shrink and swell with changing moisture conditions. The most common soils associations in the project area include SLR, Linne-Calodo complex, and Balcom-Calleguas complex (NRCS 2016) and are composed primarily of channery clay loam or clay loams. These soil units have a low to moderately low plasticity index rating and are not considered expansive soils. This impact would be less than significant.

e) Create substantial risks to life or property or have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems – *No Impact*

The project would not involve construction of septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur.

VII. GREENHOUSE GAS EMISSIONS: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	X		
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purposed of reducing the emissions of greenhouse gases?	X		
c) Encourage activities that result in the use of substantial amounts of fuel or energy, or use these resources in a wasteful manner?	X		

Explanations

a) Generate a net increase in greenhouse gas emissions which may have a significant impact on the environment - *Potentially Significant*

The proposed project would generate short-term direct emissions of greenhouse gases (GHGs) during construction activities through the combustion of fossil fuels by construction equipment, worker vehicles and construction-related trucks. During operation, the proposed project could directly emit GHGs through a variety of stationary (i.e., fossil-fueled mechanical equipment) and mobile (worker or equipment vehicles) sources. Furthermore, potential energy use by electrical equipment for the proposed project could indirectly emit GHGs if the electricity used was generated by the consumption of fossil fuels. Therefore, the proposed project would generate a net increase in GHG emissions that would potentially have a significant impact.

The EIR will further evaluate this topic, based on project-specific design, operation, and construction details, quantify GHGs emitted during project construction and operation, and make an impact determination based upon the available GHG impact thresholds and/or guidance provided by the MBUAPCD and SLOCAPCD. For the proposed project's operation-related GHG estimates, the analysis will focus on the net change in GHG emissions through a comparison to the current GHG emissions associated with operation of the facilities, including worker commuting, operations and maintenance equipment.

b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases – *Potentially Significant*

As described above, the proposed project's construction and operation would directly and possibly indirectly result in GHG emissions. If these GHG emissions exceed established thresholds or if other aspects of the proposed project (including its design or operation) conflicted with goals and objectives identified in the adopted plans, policies, or regulations, this would result in a potentially significant impact. Plans potentially applicable to the proposed project include the SLOCAPCD's *Greenhouse Gas Thresholds and Supporting*

Evidence document (SLOCAPCD 2012), San Luis Obispo County's *EnergyWise Plan* (i.e., climate action plan) (County of San Luis Obispo 2011), the *Integrated Climate Change Adaptation Planning in San Luis Obispo County* document (The GEOS Institute 2010), and the MBUAPCD's draft *Guidelines for Implementing the California Environmental Quality Act* (2016). An assessment of the proposed project's consistency with all policies contained in the above-mentioned documents has not yet been performed, therefore this impact is considered potentially significant. The EIR will further evaluate this topic based on project-specific design, construction, and operation details.

c) Encourage activities that result in the use of substantial amounts of fuel or energy, or use these resources in a wasteful manner – *Potentially Significant*

Because the specific fuel or energy use requirements for the proposed project's construction and/or operation have not been yet evaluated, the potential for the proposed project to use substantial amounts of fuel or energy, or use these resources in a wasteful manner is considered potentially significant. The EIR will further evaluate this topic based on project-specific design, construction, and operation details. The EIR analysis will consider the proposed project's short-term and long-term fuel and energy use compared to the existing energy use, identify potential energy sources (i.e., renewable), and determine if fuel or energy resources would be used in a wasteful manner or in substantial amounts. The analysis will consider changes, if any, in hydropower generation at Nacimiento Reservoir.

VIII: HAZARDS AND HAZARDOUS MATERIALS: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, storage or disposal of hazardous materials?	X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	X		
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	X		
e) Be located within an airport land use plan area or, where such a plan has not been adopted, be within 2 miles of a public airport or public use airport and result in a safety hazard for people residing or working in the study area?			X
f) Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the study area?			X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		X	
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	X		

Explanations

a, b) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment - *Potentially Significant*

Once construction is complete, operation of the proposed project would be unlikely to result in permanent use of any new hazardous materials that are currently not used at the two reservoirs. However, during project construction, hazardous materials, such as fuel, oil, lubricants, or other hazardous construction materials would be used to power construction

equipment and perform construction activities. Potentially significant impacts could occur if these hazardous materials were released into the environment from improper transport, use, storage, or disposal. As described in Section IX, *Hydrology and Water Quality,* the project would need to prepare a SWPPP as part of its compliance with applicable National Pollutant Discharge Elimination permits. As part of the SWPPP, MCWRA and/or its contractor would be required to implement various best management practices that would minimize the potential for adverse impacts regarding the release of hazardous materials into the environment. The EIR will further evaluate this topic, based on project-specific construction details.

c) Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school - *Potentially Significant*

The Cappy Culver Elementary School is located approximately 2 miles from the Nacimiento Reservoir construction work area. As described above, construction and operation of the project would include the use, storage, and/or transport of hazardous materials. Because the haul routes for the proposed project have not yet been determined, this school could be within 0.25 of one of the project haul routes. As such, this issue is considered potentially significant and will be evaluated further in the EIR.

d) Located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment - *Potentially Significant*

The project is not on the Cortese List pursuant to Government Code Section 65962.5. Based on a review of State Water Resources Control Board's Geotracker and California Department of Toxic Substances Envirostor databases, there is no existing hazardous material contamination on the project work areas (SWRCB 2016; DTSC 2016). However, the Monterey Formation, through which the tunnel will be constructed is known to contain hydrocarbons (oil). Therefore, there is the potential for discovery of previously unknown contamination during ground excavation activities. If hazardous levels of contaminants are encountered, a significant impact on construction workers, the public, and environment could result. This issue will be further evaluated in the EIR.

e, f) Located within an airport land use plan area or, where such a plan has not been adopted, be within 2 miles of a private airport, a public airport, or a private airstrip, and result in a safety hazard for people residing or working in the study area - *No Impact*

The nearest airport to the project site is the McMillan Airport on the Camp Roberts Military Reservation, at a distance of approximately 7.25 miles. Other landing strips are found on Fort Hunter Liggett Military Reservation about 9 miles away and the San Ardo Field at about 9 and 12 miles away, respectively. Thus, there are no airports, public or private, within 2 miles of the project site and there would be no public safety hazard impacts related to airports.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan - *Less than Significant*

The County of Monterey Office of Emergency Services (OES) maintains and implements the Monterey County's Emergency Response Plan (plan). The plan provides an organizational

framework and the duties of the various Monterey County departments to ensure coordination amongst the departments during times of emergency (County of Monterey County 2010, S-2). Monterey County Parks Department may also have an emergency response plan and MCWRA has an Emergency Action Plan to follow during a dam failure event. Similarly, the County of San Luis Obispo, through its OES, provides services to the community and County of San Luis Obispo departments to prepare for effective response to all types of disasters and has an Emergency Operations Plan to coordinate the various County departments (San Luis Obispo County 2016). At this time, there is no official adopted emergency response plan to coordinate the County departments, although specific departments have plans. Any short-term lane closures or detours on nearby roads during construction have the potential to interfere with implementation of these emergency response plans. However, once construction is complete, none of the elements proposed by the project would have an effect on these programs or services. MCWRA would comply with the appropriate emergency response plans during the project's construction phase to ensure that applicable safety measures are in place in the event of an emergency. Therefore, potential impacts on adopted emergency response plans would be less than significant.

Construction-related roadway closures or detours that could affect the provision of emergency services in the vicinity of the work site are discussed in Section XVI, *Transportation and Traffic*.

h) Expose People or Structures to a Significant Risk of Loss, Injury, or Death Involving Wildland Fires, Including Where Wildlands Are Adjacent to Urbanized Areas or Where Residences Are Intermixed with Wildlands - *Potentially Significant*

The primary fire season in the project area extends from late summer through fall when air temperatures are high and conditions are driest. Fire hazards in the rural inland portions of Monterey and San Luis Obispo counties are influenced by topography and wind patterns. The area around San Antonio Reservoir is largely in a high wildland fire zone, with minor portions of the shoreline falling under the moderate category (Monterey County 2010b, Exhibit 4.13.1). Fire protection services are provided by the California Division of Forestry (CDF), with the exception of the northwest end of the reservoir, which is under the protection of the U.S. military (Monterey County 2010b, Exhibit 4.11.1). Lands surrounding Nacimiento Reservoir are considered to be in a very high fire hazard area (County of San Luis Obispo 2016), and are under the protection of CDF. However, the project work areas are not located in a fire hazard area or within the wildland-urban interface. While a slight possibility exists that construction equipment could cause a fire, the risk of exposure of people or structures to fire danger would be very small, and emergency response would be available to respond to any fires.

During the summer time, CAL FIRE sometimes uses water from Nacimiento and San Antonio Reservoirs for firefighting purposes. Thus, during construction, the lowering of reservoir levels and potential dewatering of the reservoirs (if necessary) could affect CAL FIRE's ability to respond to wildland fires and temporarily increase risks to people and structures in the event a wildland fire occurs. This impact is considered potentially significant and will be evaluated further in the EIR.

IX. HYDROLOGY/WATER QUALITY: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	X		
c) Substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	X		
d) Substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	X		
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	X		
f) Otherwise substantially degrade water quality?	X		
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?			X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	X		
j) Inundation by seiche, tsunami, or mudflow?		X	

Explanations

a, f) Violate any water quality standards, waste discharge requirements or otherwise substantially degrade water quality - *Potentially Significant*

Several aspects of the proposed project's construction phase have the potential to degrade water quality in a manner that could exceed water quality standards and/or otherwise degrade water quality. Although current plans do not anticipate the need for lowering reservoir levels at the beginning of construction, weather conditions and, the project schedule may necessitate the lowering of reservoir levels. Should water levels at both reservoirs need to be lowered at the beginning of the construction phase, coffer dams would likely be constructed to maintain dry construction areas for the intake structure at Nacimiento Reservoir and outlet facility at San Antonio Reservoir. During reservoir lowering, water from the reservoirs may be discharged downstream to San Antonio Creek and Nacimiento Creek, which are tributaries of the Salinas River.

Water discharged from the two reservoirs would be expected to contain elevated levels of suspended solids, high water temperatures, low dissolved oxygen levels, and potentially elevated mercury levels, especially as the water level in the reservoirs decline. Discharges of poor quality water from both reservoirs could degrade water quality conditions in both creeks, and could also affect water quality conditions of the Salinas River further downstream.

During construction of the tunnel intake (at Nacimiento Reservoir) and tunnel outlet (at San Antonio Reservoir), the excavation areas along the perimeter of the reservoirs would require dewatering of any nuisance inflows. These inflows as well as any runoff from exposed soils in nearby work areas are likely to contain high concentrations of particulates (high suspended solids) and potentially residual petroleum products from construction equipment. If such material is discharged to the reservoirs, these pollutants would potentially exceed water quality standards or otherwise degrade beneficial uses.

MCWRA and/or its contractor(s) would be required to obtain a Construction General Permit from the Central Coast Regional Water Quality Control Board and consistent with that permit will need to prepare and implement a SWPPP. The SWPPP would include stormwater control measures designed to minimize adverse effects to water quality during construction. Potential water quality degradation from construction of the proposed project will be evaluated further in the EIR. The EIR will identify measures that could reduce construction-related water quality impacts to a reduced level of significance.

Once construction is complete, water through the tunnel from Nacimiento Reservoir to San Antonio Reservoir could potentially transfer contaminants in Nacimiento Reservoir to San Antonio Reservoir. In particular, the EIR will evaluate the transfer of mercury (Hg), which is known to be present in both reservoirs, from Nacimiento Reservoir through the Interlake Tunnel to San Antonio Reservoir. Hg is a toxic constituent that bioaccumulates in the food chain of aquatic organisms and terrestrial wildlife, and is ultimately a human health concern primarily through the consumption of contaminated fish. Methylmercury (MeHg) is a bioavailable form of Hg that is produced from inorganic Hg by specific types of aquatic bacteria in rivers and reservoirs. For the proposed project, the concern is how the water transfers could lead to increased levels of MeHg in San Antonio Reservoir or to downstream areas. Total Hg transported to areas where methylation occurs has a direct impact on the levels of MeHg produced. MeHg production has been shown to be a function of Hg concentrations in sediment in many different watersheds, including the Delta (Krabbenhoft et al. 1999 and Heim et al. 2003). This potentially significant impact will be evaluated in the EIR and, as relevant, would consider the State Water Resource Control Board's management measures and approaches.

In addition, during project operation, the increased water level at San Antonio Reservoir could result in turbidity impacts in newly inundated shoreline areas that are susceptible to erosion. This issue will be evaluated further in the EIR.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or lowering of the local groundwater table level – *Potentially Significant*

Both Nacimiento Reservoir and San Antonio Reservoir provide a surface supply for groundwater recharge in the valley downstream. During construction, the reservoir water levels would be lowered, thus reducing availability of water during normal release periods for recharge of groundwater basins downstream.

During construction of the tunnel, excavation may encounter groundwater which will be addressed with grouting and a watertight tunnel lining to prevent inflows into the tunnel and to limit any impacts to the groundwater levels. Such work is not anticipated to substantially deplete groundwater supplies, and such work would likely be covered by the project's Construction General Permit.

Operation of the proposed project would increase releases from the reservoirs during the dry season and thereby support groundwater recharge downstream of the project area. This particular impact is anticipated to be beneficial. However, the operational changes regarding conveyance and diversion of water for groundwater basin recharge, required releases pursuant to the Salinas Valley Water Project flow prescription, sea water intrusion, and groundwater levels in the Salinas River Groundwater Basin will be evaluated further in the EIR.

In addition, depending on the depth, the proposed tunnel could potentially affect groundwater (e.g., that found in bedrock fractures) underlying the tunnel alignment. The tunnel could therefore potentially disrupt the fracture aquifer system which supplies water to overlying land uses.

The potentially significant impacts described above will be evaluated further in the EIR.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, resulting in substantial erosion or siltation on-site or off-site, or create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff - *Potentially Significant*

Project construction may involve lowering water levels at both reservoirs and potentially increased discharges to San Antonio and Nacimiento Rivers. In addition, substantial excavation would be needed when constructing the tunnel portals, the intake structure at Nacimiento Reservoir, and the outlet structure at San Antonio Reservoir. These excavation activities could alter the existing local drainage patterns in the project work areas, such that indirect erosion or siltation would occur. Potential erosion from these activities will be addressed in the SWPP presented in Section VI, *Geology and Soils*.

While no project components would be constructed downstream of the San Antonio Dam or Nacimiento Dam, operation of the reservoirs would result in altered releases from the reservoirs which could substantially affect drainage patterns downstream or contribute sources of polluted runoff. In particular, operation of the proposed project is expected to

reduce the number of spill events, which may result in fewer geomorphically effective flows (i.e., channel forming flows), reduced sediment transport during storm events, and the downstream extent of such effects. Operational flow releases may result in some local geomorphic effects along the rivers immediately downstream of the reservoirs, but once on the main stem of Salinas River, such effects may not be significant due to the size of the watershed and scale of uncontrolled flows in the river. Nonetheless, the alteration of downstream river flows associated with the anticipated change in spill events and reservoir releases would be evaluated further in the EIR.

These potentially significant impacts will be evaluated further in the EIR.

d, e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff resulting in flooding on-site or off-site; or create runoff that would exceed the existing stormwater systems - *Potentially Significant*

The proposed project would result in modifications to the spillway at San Antonio Reservoir and construction of the inlet/outlet structures for the tunnel at the two reservoirs. These modifications would not substantially increase runoff from the project area itself such that flooding on-site or off-site would occur or that the local stormwater drainage system would need to be upgraded. The spillway modifications at San Antonio Reservoir are intended to allow the reservoir to accommodate increased water storage capacity of the reservoir of approximately 59,000 acre-feet, and would increase the ability for the two reservoirs to capture flood flows which would otherwise spill from the reservoir, a beneficial impact related to flooding. This issue will be further evaluated in the EIR.

g, h) Place housing within a 100-year flood hazard area, place structures within a 100-year flood hazard area resulting in impeding or redirect flood flows– *No Impact*

Portions of the tunnel intake facility at Nacimiento Reservoir, the tunnel outlet facility at San Antonio Reservoir, and the spillway modifications, would be within the 100-year flood hazard area. However, they would be designed to be submerged and withstand flood flows. Furthermore, both the Nacimiento Dam and San Antonio Dam were constructed in part to protect people against large flood events, and one of the objectives of the proposed project is to enhance flood protection for the Salinas Valley through increased flood storage capacity. As such, the project is expected to have a beneficial effect with regard to potential risk of injury or death involving flooding. Regardless, this issue will be further evaluated in the EIR.

The proposed project does not involve placement of housing within a flood hazard area. Therefore, criterion g) is not applicable to the proposed project.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam – *Potentially Significant*

The potential for dam failure as a result of the increased spillway height and storage in San Antonio Reservoir is considered a potentially significant impact that will be evaluated further in the EIR.

j) Contribute to inundation by seiche, tsunami, or mudflow – *Less than Significant*

The project area is located too far inland to be influenced by a tsunami event.

While the probability is low, as project construction would occur at two large inland water bodies (Nacimiento and San Antonio Reservoirs), the project could temporarily expose construction workers to seiche and mudflow hazards. Potential for mudflow is limited in the inland portions of the County but there is a remote possibility that mudflows could inundate areas where significant slopes are located (County of Monterey 2010). However, project components would be constructed consistent with DSOD standards and are not anticipated to increase mudflow or seiche hazards. This impact would be less than significant, but will be further evaluated in the EIR.

X. LAND USE AND PLANNING: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	X		
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X

Explanations

a) Divide an established community - *No Impact*

The proposed project would be confined to the reservoir areas and, at San Antonio Reservoir, lands immediately adjacent to the existing reservoir footprint. The tunnel would be constructed underground between the two reservoirs. The project area consists of open space lands with few residences. As such, the project would not divide an established community.

b) Conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect – *Potentially Significant*

The project has the potential to result in potential conflicts with land use policies or plans adopted for the purpose of avoiding or mitigating an environmental effect. The proposed project will be reviewed against existing land use policies from both Monterey County and San Luis Obispo County, including General Plans, Area Plans, and any other specific plans associated with the vicinity.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan - *No Impact*

The proposed project is not located in an area covered by a habitat conservation plan or natural community conservation plan. Therefore, no impact would occur.

XI. MINERAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X

Explanation

a, b) Loss of availability of mineral resources - *No Impact*

Based on review of the Monterey County General Plan EIR, there are no known mineral resource zones, mines or quarries within the project work areas around San Antonio Reservoir. According to Exhibit 4.5.1 of the Monterey County General Plan EIR, there are a few oil wells and non-metallic mineral mines in the vicinity of the southeastern end of San Antonio Reservoir (County of Monterey 2010). There are no mines or other known resources in the vicinity of the Nacimiento Reservoir work areas (County of San Luis Obispo 2010). The proposed project elements and activities would not directly affect mineral production sites or prevent future availability of mineral resources. As a result, the project would have no impact on mineral resources.

XII. NOISE: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	X		
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing levels without the project?	X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X

Explanations

a, b, d) Temporary construction noise and vibration noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state or federal standards - *Potentially Significant*

Operation of heavy construction equipment in the project work area during the construction phase would temporarily increase noise and groundborne vibration levels. Potential noise and/or vibration needs to be evaluated to determine the extent to which it would be audible at sensitive noise receptors (e.g., residences and campgrounds) near the project work area. In addition, heavy trucks accessing the project work areas through local roads would temporarily increase traffic noise levels, and would also be potentially audible at properties along these roads.

Although the construction generated noise and/or vibrations would be short-term and temporary, increased levels could potentially exceed the construction noise limits established by Monterey and San Luis Obispo Counties. This impact is considered potentially significant. The EIR will further evaluate this topic based on project-specific construction details.

c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project - *Less than Significant*

Operation of the project facilities is not anticipated to result in substantial changes in noise levels. The discharge of water into San Antonio reservoir from the tunnel when the outlet is

not submerged would generate noise as the hydraulic energy is dissipated from the San Antonio energy dissipation structure. In addition, because water passing through the modified San Antonio Dam could occur at a more frequent rate than has occurred in the past, noise generated from water passing through the dam could be greater than existing conditions. However, such changes would not be substantial and there are no sensitive receptors in the vicinity of these locations. This impact would be less than significant.

e, f) For a project located within an airport land use plan area, or, within 2 miles of a public airport, a public-use airport, or in the vicinity of a private airstrip would the project expose people residing or working in the project site to excessive noise levels - *No Impact*

As discussed in Section VIII, *Hazards and Hazardous Materials,* the nearest airport to the project site is the McMillan Airport on the Camp Roberts Military Reservation, approximately 7.25 miles away. Other nearby landing strips are found on Fort Hunter Liggett Military Reservation about 9 miles away and the San Ardo Field at about 9 and 12 miles away, respectively. Thus, there are no public or private airports within 2 miles of the project area and there would be no impact related to exposing project workers to excessive noise levels from nearby airports.

XIII. POPULATION AND HOUSING: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	X		
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	X		
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	X		

Explanations

a) Induce population growth in the project area, either directly or indirectly – *Potentially Significant*

Throughout the project's construction phase, workers would be temporarily employed at the project site. It is anticipated that regional labor could meet the construction workforce requirements. While some workers might temporarily relocate from other areas, the increase would likely be minor and short-term (approximately 2 years). Existing MCWRA staff would conduct long-term operation and maintenance of the project facilities. The project would not result in the construction of new homes. With the exception of any new access roads leading to project facilities (e.g., intake structure at Nacimiento Reservoir) and relocating any existing roads around the perimeter of San Antonio Reservoir, the project would not extend new roads into undeveloped areas. No new long-term employment opportunities or substantial population growth would occur in the project area due to construction of the proposed project.

Once construction is complete, reservoir operations would result in increased water storage in the two reservoirs. Increased water storage and supply could induce population growth in the surrounding areas. Indirect effects on population growth are considered a potentially significant impact that would be evaluated further in the EIR. The EIR analysis would identify any growth impacts as a result of how the water would be managed and applied to meet current and planned future demands, while also meeting other project objectives. The EIR evaluation would take into account recent settlement agreements and adopted land use plans and policies.

In addition, the EIR evaluation would also consider secondary impacts of growth on resources, such as available water resources, air quality, biological resources, cultural/paleontological, prime agricultural lands and agricultural operations, transportation and traffic, and other applicable resource topics.

b, c) Displace substantial numbers of existing housing or substantial numbers of people, necessitating the construction of replacement housing elsewhere – *Potentially Significant*

The proposed project is not expected to displace substantial numbers of existing housing or people such that it would require the construction of new housing. However, once

construction is complete, the potential increase to the maximum water levels at San Antonio Reservoir could impact roads leading to existing scattered homes or private properties and roads would be relocated as necessary to ensure access. It is unlikely that any homes would be affected by increased surface water levels at San Antonio Reservoir. This issue will be evaluated further in the EIR.

XIV. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Fire protection?		X	
b) Police protection?		X	
c) Schools?		X	
d) Parks?		X	
e) Other public facilities?		X	

Explanations

a-e) Need for Additional or Physically Altered Public Services or Facilities — *Less than Significant*

As noted in Section XIII, *Population and Housing*, above, construction of the proposed project would employ construction workers at the project site, which would likely come from the regional labor force. While some construction workers could temporarily relocate from other areas, the project would not result in a substantial increase in the local population. During construction, potential incidents could require law enforcement, fire protection or emergency services. However, such increases in incidents would not be anticipated to be of a magnitude that they would adversely affect response times or other performance objectives of such public services. Potential conflicts with emergency response plans are addressed in Section IX, *Hazards and Hazardous Materials,* and construction-related effects on emergency access are described in Section XVI, *Transportation and Traffic.*

The proposed project would not result in a permanent increase in the local population. Operation and maintenance activities would be similar to other ongoing maintenance activities and include routine inspections of the Nacimiento intake facility, San Antonio Reservoir outlet facility, tunnel, and modified spillway at San Antonio Reservoir. As a result, the project would not result in substantial increases in the demand for police protection, fire protection, schools, or other public services. Note that secondary effects on public services would be discussed in the EIR's growth analysis, as mentioned in Section XIII, *Population and Housing*, above.

It should be noted that portions of recreational facilities may be inundated as a result of raising the spillway at San Antonio Reservoir. Impacts on parks and recreational resources are discussed in Section XV, *Recreation*, below.

XV. RECREATION: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	X		
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	X		

Explanations

a) Increase use of existing parks or recreational facilities – *Potentially Significant*

During construction of the proposed project, some recreational facilities near the tunnel inlet at Nacimiento Reservoir may be temporarily closed. There is also the potential that reservoir elevations would be lowered during construction, which could compromise the use of existing boat ramps at the reservoirs, and perhaps cause temporary closure in some instances. Short-term closure of some recreational facilities and uses at the two reservoirs could temporarily increase use of other existing recreational lakes and facilities in Monterey and San Luis Obispo Counties. In addition, the lowering of the water level at both reservoirs during construction, if necessary, could effect on-water recreational opportunities and thereby increase use of other recreational lakes in the project vicinity. While a short-term impact, this impact is considered potentially significant and will be evaluated further in the EIR.

As noted in Section XIII, *Population and Housing*, the proposed project would not result in construction of homes or businesses and therefore would not increase the number of residents in the project vicinity. As such, once the project is completed, the project would not increase the use of recreational parks or other recreational facilities in the area.

b) Creation of new or altered recreational facilities – *Potentially Significant*

Recreational facilities at San Antonio Reservoir currently include a marina, several day use areas, 26 miles of trails, and 500 campsites (See Monterey 2016) on the south shore, and day use areas and a boat launch on the north shore. The proposed project would rarely allow the level of the reservoir to rise approximately 10 feet, but this occasional increase could potentially inundate some of the existing recreational facilities. The impacts to existing recreational facilities associated with San Antonio Reservoir's new inundation level will be analyzed in the EIR. This will include consideration of infrastructure on the north and south shores, including boat ramps, infrastructure associated with the South Shore marina, campgrounds, picnic and swimming areas, and associated infrastructure such as parking lots, Recreational Vehicle hookups, restrooms, showers, campsites, etc. The EIR analysis will consider the elevation of these facilities and identify the need for removal, relocation, and reconstruction where applicable.

Recreational access would also be temporarily restricted around the inlet and outlet portals at Nacimiento and San Antonio Reservoirs during the construction phase. Reservoir dewatering to keep the work area dry could affect recreational opportunities, including swimming, boating, water-skiing, camping, and fishing. This impact is considered potentially significant and will be evaluated further in the EIR.

In addition, potential changes in reservoir levels due to the operation of the project have the potential to result in conflicts with established recreational opportunities at the reservoirs. This impact could be considered potentially significant and will be evaluated further in the EIR.

XVI. TRANSPORTATION/TRAFFIC: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	X		
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	X		
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	X		
e) Result in inadequate emergency access?	X		
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?		X	

Explanations

a, b) Conflict with applicable circulation plans, ordinances or policies; conflict with an applicable congestion management program – *Potentially Significant*

Construction activities would result in an increase in roadway traffic in both Monterey County and San Luis Obispo County. While the haul route(s) has not yet been determined, initial mobilization and import of construction equipment and materials could use Nacimiento Lake Drive, Vista Road, and possibly Interlake Road. Hauling of spoils from tunneling to disposal sites may also use these roadways. Although not many, there are some residences in the project vicinity that would be temporarily affected by short-term traffic increases.

All construction contractor parking, equipment, and materials would be stored at designated staging areas.

Traffic patterns would return to similar conditions once construction is complete. Operational traffic would include MCWRA personnel conducting inspections and routine maintenance and would be at a level similar to current operations. There would be no permanent changes to level of service standards, travel demands, or congestion after project construction.

Nonetheless, transportation effects during the construction phase (lasting approximately 2 years) constitute a potentially significant impact that will be further evaluated in the EIR.

c) Change in air traffic patterns - *No Impact*

There are no airports in the near vicinity of the project area. As such, the project would not affect existing air traffic patterns during construction.

d) Increased hazards due to design features - *Potentially Significant*

During the construction phase, initial mobilization and import of project materials from off-site locations, and spoils disposal, would result in heavy vehicles and equipment accessing the work areas via Nacimiento Lake Drive, Vista Road, and possibly Interlake Road. While there are few residences nearby, the presence of large, slow-moving equipment along these roads could result in temporary safety hazards.

The project involves construction of new access roads at Nacimiento Reservoir (e.g., near the intake structure) and at San Antonio Reservoir to access the tunnel portal location. The project may also require improvements to existing roads around the perimeter of San Antonio Reservoir to avoid potential inundation due to future reservoir operations and high water flow events. New access roads and necessary roadway improvements would be designed and constructed according to applicable road standards and improved roadways would provide at least the same traffic capacity as the existing roads. While increased hazards due to design of future roads are not expected to be substantial, this impact will be further evaluated in the EIR.

e) Inadequate emergency access – *Potentially Significant*

In the event that project construction requires temporary lane closures or detours on Nacimiento Lake Drive, Vista Road, Interlake Road, and other nearby roads such as the entrance gate to Nacimiento Resort, such closures or detours have the potential to interfere with implementation of County emergency response or emergency evacuation plans, including access for emergency providers (police and fire).

As described above, the project may also require improvements to existing roads around the perimeter of San Antonio Reservoir to avoid future inundation. While the road improvements would likely be designed and constructed according to applicable County road standards, because these designs have not yet been developed, impacts regarding inadequate emergency access are considered potentially significant. This issue will be further evaluated in the EIR.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities – *Less than Significant*

The project would not conflict with or prevent implementation of adopted policies, plans, or programs regarding alternative transportation. There are no public transit services that would be affected in the project vicinity. There are no bicycle lanes on Nacimiento Lake

Drive or Vista Road. Existing bicycle lanes on Interlake Road would not be permanently removed or altered as part of the project.

XVII. UTILITES AND SERVICE SYSTEMS: Would the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?		X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?		X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	X		
g) Comply with federal, state, and local statutes and regulations related to solid waste?	X		

Explanations

a, b, e) Exceed wastewater treatment requirements of the Regional Water Quality Control Board, require the construction of new water or wastewater treatment facilities, or result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments - *Less than Significant*

During project construction, portable toilets would be provided at the construction work areas and wastewater generated from construction employees would be disposed at an appropriate wastewater treatment facility. The project would comply with all State, Regional Water Quality Control Board and local requirements related to disposal of sewage, and daily wastewater generated at the construction sites would not exceed wastewater treatment requirements. While the project may require construction of new restroom facilities to replace any that would otherwise be affected by the increased reservoir levels at San Antonio Reservoir, the project would not result in the generation of additional wastewater requiring treatment and disposal. As such, the project would have less-than-significant

impacts associated with wastewater treatment requirements and wastewater treatment demands.

c) Require the construction of new stormwater drainage facilities or expansion of existing facilities – *Potentially Significant*

The project may involve construction of new stormwater drainage facilities on new access roads both in the vicinity of Nacimiento Reservoir and San Antonio Reservoir. Aside from new access roads, the project does not include any other facilities that would substantially result in increased impervious surfaces that could increase stormwater flows. See Sections VI, *Geology and Soils*, and IX, *Hydrology and Water Quality,* for further discussion of potential stormwater drainage impacts associated with the project during and after project construction. This impact would be less than significant.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources – *Less than Significant*

During project construction, water needed for dust control purposes would likely be trucked in to the work areas. Operation of the project would not increase water supply demand. The project would increase water supply sustainability for Monterey County by increasing the collective amount of water stored in Nacimiento Reservoir and San Antonio Reservoir.

f, g) Comply with all applicable regulations related to solid waste and have available landfill capacity to accommodate the project's solid waste disposal needs, and comply with federal, state and local statutes and regulations related to solid waste - *Potentially Significant*

Active landfills in Monterey County include the Johnson Canyon Sanitary Landfill and Marina Landfill (CalRecycle 2016a). Landfills in San Luis Obispo County include the City of Paso Robles Landfill, Camp Roberts Landfill, and Cold Canyon Landfill (CalRecycle 2016b).

Project construction would generate solid waste associated with various construction activities. Tunnel construction would involve excavation of a substantial volume of soil, and waste would also be generated from site demolition and modifications due to construction of modifications to the spillway at the San Antonio Reservoir. Although spoil disposal sites have not yet been determined, the majority of spoils removed from the tunnel portals and tunnel excavation are expected to be disposed locally. Some or all of the demolition debris generated by the San Antonio Dam spillway modifications could be recycled, reused, and/or disposed of locally, while other material may require disposal at one of the operating landfills in Monterey County or San Luis Obispo County. However, because the project's soil excavation volumes and other demolition/debris volumes and the extent to which such material could be recycled or reused have not yet been evaluated, impacts on remaining landfill capacity and compliance with applicable solid waste regulations are considered potentially significant, and will therefore, be evaluated further in the EIR.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE: Does the project:	Potentially Significant Impact	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	X		
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)	X		
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	X		

Explanations

a) Potentially Significant Impacts. Construction activities of the proposed project could result in potentially significant impacts on special-status plant and animal species and cultural and historical resources. These issues will be evaluated in the project EIR.

b) Potentially Significant Impacts. As defined by the State of California, cumulative impacts reflect “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” (CEQA Guidelines, § 15355[b]).

The degree to which project effects would contribute to a significant cumulative impact will be evaluated in the EIR. To meet the adequacy standard established by the CEQA Guidelines section 15130, the EIR will identify past, present, and reasonably probable future projects producing related or cumulative impacts. Other projects or plans in the geographic scope of the proposed project may include projects in the Salinas River watershed, such as the Salinas Valley Water Project and the Salinas River Stream Maintenance Program.

c) Potentially Significant Impacts. Construction activities of the proposed project could result in direct adverse impacts on people due to effects, such as air pollutant and GHG emissions. Operation of the proposed project could substantially benefit people through providing increased water supply sustainability and enhanced flood protection for the Salinas Valley through increased water storage capacity at San Antonio Reservoir. This topic will be evaluated in the EIR.

C. DETERMINATION

On the basis of this initial evaluation:

	I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
X	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have an impact on the environment that is "potentially significant" or "potentially significant unless mitigated" but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and (2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Project, nothing further is required.

David E Chardavoyne 25 April 2016

Signature Date

David Chardavoyne
General Manager

Monterey County Water
Resources Agency

D. LIST OF INITIAL STUDY PREPARERS

Monterey County Water Resources Agency

Elizabeth Krafft	Senior Hydrologist/ILT Environmental Project Manager

Phenix Environmental

Laurie Warner Herson	Environmental Services Program Manager

Horizon Water and Environment

Michael Stevenson	Project Manager, Senior Reviewer and Quality Assurance/Quality Control
Jill Sunahara	Project Description
Kevin Fisher	Biological Resources
Janis Offermann	Cultural Resources, Aesthetics, Land Use, Noise, Utilities, Public Services, Agricultural Resources, Mineral Resources
Megan Giglini	Air Quality, GHG Emissions
Allison Chan	Biological Resources, Hydrology and Water Quality, Transportation/Traffic
Brian Piontek	Geology, Soils, and Seismicity
Julie Allison	Technical Editor

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Interlake Tunnel and Spillway Modification Project
Initial Study/Notice of Preparation (IS/NOP) Comments Appendix

The following agencies, organizations, and individuals provided written comments in response to the Notice of Preparation (NOP) by submitting letters and/or electronic mail (email) or by submitting handwritten comments on speaker or comment cards submitted during the Interlake Tunnel and Spillway Modification Project Environmental Impact Report (EIR) public scoping period.

The attached comments are arranged chronologically, and the lists below are arranged alphabetically within each category, with the comment number provided in parenthesis.

Federal Agencies

- National Marine Fisheries Service (NMFS) (Alecia Van Atta) (50)

State Agencies

- California Department of Fish and Wildlife (Julie Vance) (51)
- Central Coast Regional Water Quality Control Board (Jon Rohrbough) (27)
- Department of Water Resources, Division of Safety of Dams (Andrew Mangney) (10)
- Native American Heritage Commission (Gayle Totton) (5)
- State Clearinghouse and Planning Unit (Scott Morgan) (2)
- State Water Resources Control Board (Justine Herrig) (30)

Local and Regional Agencies

- Cal Fire San Luis Obispo (Michael Salas) (35)
- San Luis Obispo County Department of Public Works (Mark Hutchinson) (49)
- San Luis Obispo Air Pollution Control District (Andy Mutzinger) (39)

Native American Tribes

- Xolon Salinan Tribe (Karen White) (6)

Organizations

- Cal Shasta (Rick Morehouse) (40)
- Fort Hunter Liggett and Camp Parks (Liz Clark) (26)
- Monterey Bay Native Plant Society (J.Pittman) (7, 11)
- Monterey Farm Bureau (Norm Groot) (41)
- Salinas Valley Water Coalition (Nancy Isakson) (42)
- The Otter Project (Steve Shimek) (44, 45)
- Tri-Counties Club, Inc. (Joyce Hunter) (43)

Individuals/Landowners/Local Residents

- Becchine, Virginia (20)
- Beech, David (13, 14)
- Belluomini, Matt (3)

- Bengard, Bardin (34)
- Beswick, Duane (4)
- Blois, Steve (17, 28)
- Capps, Bill (8)
- Carrothers, Bill (36, 46)
- Dietz, Robert (21)
- Dupree, Glen (18)
- Freeman, Larry (31)
- Gasperson, Steve (33)
- Green, Ray (22, 25)
- Gularte, Wayne (19)
- Heath, Richard (23)
- Kauker, Barry (29)
- Lingor, Rich (15)
- Newswanger, Sarah (32)
- Nielsen, Mark (12, 24, 37)
- Norton, Bill (9)
- Potthoff, Brice (16)
- Pritchard, Danny and Cheryl (47)
- Sgheiza, Tom (30)
- Sowerby, Deborah (48)

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Notice of Preparation

April 28, 2016

To: Reviewing Agencies

Re: Interlake Tunnel and Spillway Modification Project
SCH# 2016041085

Attached for your review and comment is the Notice of Preparation (NOP) for the Interlake Tunnel and Spillway Modification Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Robert Johnson
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901-4455

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2016041085
Project Title Interlake Tunnel and Spillway Modification Project
Lead Agency Monterey County Water Resources Agency

Type NOP Notice of Preparation
Description Note: Review Per Lead

The project is comprised of two separate but interrelated components, a water conveyance tunnel from Nacimiento Reservoir to San Antonio Reservoir, and modifications to the existing spillway at San Antonio Reservoir. The project includes the following elements: interlake tunnel (gravity flow), tunnel intake facility at Nacimiento Reservoir, tunnel outlet facility at San Antonio Reservoir, San Antonio dam spillway capacity increase, removal and replacement of infrastructure surrounding San Antonio Reservoir, and disposal of spoils. The proposed modifications of the spillway at the San Antonio Reservoir would provide a 10 ft increase in the max lake elevation, effectively increasing the storage capacity of the reservoir by approximately 59,000 acre ft.

Lead Agency Contact

Name Robert Johnson
Agency Monterey County Water Resources Agency
Phone 831-755-4860 **Fax**
email
Address 893 Blanco Circle
City Salinas **State** CA **Zip** 93901-4455

Project Location

County Monterey, San Luis Obispo
City
Region
Cross Streets various
Lat / Long
Parcel No. various
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways Salinas River, Nacimiento River, San Antonio River
Schools Cappy Culver ES
Land Use Various

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

Reviewing Agencies Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 4; Native American Heritage Commission; State Lands Commission; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 3; Caltrans, District 5; State Water Resources Control Board, Division of Drinking Water

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

Document Details Report
State Clearinghouse Data Base

Date Received 04/28/2016 *Start of Review* 04/28/2016 *End of Review* 06/13/2016

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

Print Form

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2016041085

Project Title: Interlake Tunnel and Spillway Modification Project

Lead Agency: Monterey County Water Resources Agency
Contact Person: Robert Johnson
Mailing Address: 893 Blanco Circle
Phone: 831-755-4860
City: Salinas Zip: 93901
County: Monterey

Project Location: County: Monterey and San Luis Obispo City/Nearest Community: Bradley
Cross Streets: Various Zip Code: Various
Longitude/Latitude (degrees, minutes and seconds): Various ° ′ ″ N / ° ′ ″ W Total Acres: Various
Assessor's Parcel No.: Various Section: Various Twp.: Range: Base:
Within 2 Miles: State Hwy #: Waterways: Salinas River, Nacimiento River, and San Antonio River
Airports: Railways: Schools: Cappy Culver Elementary School

Document Type:

CEQA: ☒ NOP ☐ Draft EIR
☐ Early Cons ☐ Supplement/Subsequent EIR
☐ Neg Dec (Prior SCH No.)
☐ Mit Neg Dec Other:

NEPA: ☐ NOI Other: ☐ Joint Document
☐ EA ☐ Final Document
☐ Draft EIS ☐ Other:
☐ FONSI

Governor's Office of Planning & Research
APR 28 2016
STATE CLEARINGHOUSE

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☒ Other: Water Infrastructure

Development Type:

☐ Residential: Units Acres
☐ Office: Sq.ft. Acres Employees
☐ Commercial: Sq.ft. Acres Employees
☐ Industrial: Sq.ft. Acres Employees
☐ Educational:
☐ Recreational:
☒ Water Facilities: Type tunnel, dam MGD

☐ Transportation: Type
☐ Mining: Mineral
☐ Power: Type MW
☐ Waste Treatment: Type MGD
☐ Hazardous Waste: Type
☐ Other:

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☒ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☒ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☐ Other:

Present Land Use/Zoning/General Plan Designation:

Various

Project Description: *(please use a separate page if necessary)*

The Project is comprised of two separate but interrelated components, a water conveyance tunnel from Nacimiento Reservoir to San Antonio Reservoir, and modifications to the existing spillway at San Antonio Reservoir. The project includes the following elements: interlake tunnel (gravity flow), tunnel intake facility at Nacimiento Reservoir, tunnel outlet facility at San Antonio Reservoir, San Antonio dam spillway capacity increase, removal and replacement of infrastructure surrounding San Antonio Reservoir, and disposal of spoils. The proposed modification of the spillway at the San Antonio Reservoir would provide a 10-foot increase in the maximum lake elevation, effectively increasing the storage capacity of the reservoir by approximately 59,000 acre-feet.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

NOP Distribution List

KD

County: Monterey/San Luis Obispo **SCH#** 2016041085

Resources Agency

- [x] **Resources Agency**
  Nadell Gayou
- [ ] **Dept. of Boating & Waterways**
  Denise Peterson
- [ ] **California Coastal Commission**
  Elizabeth A. Fuchs
- [ ] **Colorado River Board**
  Lisa Johansen
- [ ] **Dept. of Conservation**
  Elizabeth Carpenter
- [ ] **California Energy Commission**
  Eric Knight
- [ ] **Cal Fire**
  Dan Foster
- [ ] **Central Valley Flood Protection Board**
  James Herota
- [ ] **Office of Historic Preservation**
  Ron Parsons
- [x] **Dept of Parks & Recreation**
  Environmental Stewardship Section
- [ ] **California Department of Resources, Recycling & Recovery**
  Sue O'Leary
- [ ] **S.F. Bay Conservation & Dev't. Comm.**
  Steve McAdam
- [x] **Dept. of Water Resources**
  Resources Agency
  Nadell Gayou

Fish and Game

- [ ] **Depart. of Fish & Wildlife**
  Scott Flint
  Environmental Services Division
- [ ] **Fish & Wildlife Region 1**
  Curt Babcock
- [ ] **Fish & Wildlife Region 1E**
  Laurie Harnsberger
- [ ] **Fish & Wildlife Region 2**
  Jeff Drongesen
- [ ] **Fish & Wildlife Region 3**
  Craig Weightman
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  Julie Vance
- [ ] **Fish & Wildlife Region 5**
  Leslie Newton-Reed
  Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6**
  Tiffany Ellis
  Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6 I/M**
  Heidi Calvert
  Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Wildlife M**
  Becky Ota
  Marine Region

Other Departments

- [ ] **Food & Agriculture**
  Sandra Schubert
  Dept. of Food and Agriculture
- [ ] **Depart. of General Services**
  Public School Construction
- [ ] **Dept. of General Services**
  Cathy Buck/George Carollo
  Environmental Services Section
- [ ] **Delta Stewardship Council**
  Kevan Samsam
- [ ] **Housing & Comm. Dev.**
  CEQA Coordinator
  Housing Policy Division

Independent Commissions,Boards

- [ ] **Delta Protection Commission**
  Michael Machado
- [ ] **OES (Office of Emergency Services)**
  Monique Wilber
- [x] **Native American Heritage Comm.**
  Debbie Treadway
- [ ] **Public Utilities Commission**
  Supervisor
- [ ] **Santa Monica Bay Restoration**
  Guangyu Wang
- [x] **State Lands Commission**
  Jennifer Deleong
- [ ] **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Cal State Transportation Agency CalSTA

- [ ] **Caltrans - Division of Aeronautics**
  Philip Crimmins
- [ ] **Caltrans – Planning HQ LD-IGR**
  Terri Pencovic
- [ ] **California Highway Patrol**
  Suzann Ikeuchi
  Office of Special Projects

Dept. of Transportation

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  Rex Jackman
- [ ] **Caltrans, District 2**
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  Eric Federicks – South
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- [ ] **Caltrans, District 12**
  Maureen El Harake

Cal EPA

Air Resources Board

- [ ] Airport & Freight
  Cathi Slaminski
- [ ] Transportation Projects
  Nesamani Kalandiyur
- [ ] Industrial/Energy Projects
  Mike Tollstrup
- [ ] **State Water Resources Control Board**
  Regional Programs Unit
  Division of Financial Assistance
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- [x] **State Water Resources Control Board**
  Div. Drinking Water # 05-06
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  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [x] **State Water Resouces Control Board**
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  Division of Water Rights
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  CEQA Tracking Center
- [ ] **Department of Pesticide Regulation**
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] **RWQCB 1**
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- [ ] **RWQCB 2**
  Environmental Document Coordinator
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- [ ] **RWQCB 6V**
  Lahontan Region (6)
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- [ ] **RWQCB 7**
  Colorado River Basin Region (7)
- [ ] **RWQCB 8**
  Santa Ana Region (8)
- [ ] **RWQCB 9**
  San Diego Region (9)

- [ ] **Other** _____
- [ ] _____
  Conservancy

Last Updated 4/25/2016

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Memorandum

Date: May 2, 2016

To: All Reviewing Agencies

From: Scott Morgan, Director

Re: SCH # **2016041085**

Monterey Interlake Tunnel and Spillway Modification Project

The Lead Agency has corrected some information regarding the above-mentioned project. Please see the attached materials for more specific information. All other project information remains the same.

cc: Robert Johnson
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

NOP Distribution List

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- [ ] **RWQCB 7**
  Colorado River Basin Region (7)
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  Santa Ana Region (8)
- [ ] **RWQCB 9**
  San Diego Region (9)

- [ ] **Other** _____
  _____
  _____
- [ ] _____
  Conservancy

Last Updated 4/25/2016

Interlake Tunnel and Spillway
Matt Belluomini to: tunneleir
05/02/2016 11:18 AM

From: Matt Belluomini/FNS/PFG/PARKER
To: tunneleir@co.monterey.ca.us

Robert Johnson,

Dear Robert, I just received the postcard noting the tunnel project. I am so glad to hear this is finally moving forward. It is so sad to see how lake San Antonio has run dry. From strictly a survival issue of all farmers who draw from the San Antonio water, to all the lost recreation activities that once made the lake such a great destination, this project must move forward. It will also be nice if the lake spillway level is increased, I would imagine it will add such nicer lake views for all. It would also be nice if the state or county sold some lake front lots like over at Nacimiento, if that ever happens, please put me on the list of potential buyers.

I hope that the enviromentalists don't block this project because of a rare filed mouse pest, or some type of bug or spider that is found in that area. As the water slowly rises, the mouse and spider can simply move a little higher and build his new home. . All joking aside, this would really re-invigorate the area, bring hundreds new and long term jobs, bring in more tourist revenue and taxes, and allow families from both Northern and Southern Ca. to enjoy both Lakes once again. I would really like to see a large investment into Lake San Antonio on the boating side of things. The boat docks at San Antonio area really in need of replacement and it would be nice that have those nice cement docks similar to the ones used at Nacimiento. I would be very interested in renting on a yearly basis if the docks were covered so my boat would not be out in the sun all year long. If you have any influence on Nacimiento, I would be willing to rent from them if they had covered berths as well...

In summary, I am in full 100% support of the tunnel being built, and hopefully this project can be done quickly and ready for next seasons rain fall..

I will try to make the Salinas meeting on May 16th...

Kind Regards.

Matt Belluomini
408-776-2020

Lake Address
Matt Belluomini
78201 Interlake Road
Bradley, Ca 93426

Home address.
8611 Williams Drive
Gilroy, Ca 95020

tunnelEIR

From: Duane Beswick <DBeswick@cdsdoors.net>
Sent: Tuesday, May 03, 2016 10:14 AM
To: tunnelEIR
Subject: Interlake Tunnel

Dear Robert,

Can you guarantee me 100% that this tunnel will not disrupt any ground water aquifers or any disruption to the surrounding private wells. And, if you cannot guarantee, what is your plan if you take out people's wells out of the surrounding area and at whose expense? And, if you cannot guarantee me 100% or have a plan to get me water than my vote is totally against this from happening. Please respond asap so I can make the appropriate decision's where I am going to take this.

Thanks,
Duane Beswick
805-472-2199 office
805-472-2356 fax

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov
Twitter: @CA_NAHC

5

May 5, 2016

Robert Johnson
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

sent via e-mail:
tunnelEIR@co.monterey.ca.us

RE: SCH# 2016041085 Interlake Tunnel and Spillway Modification Project, Draft Environmental Impact Report, Monterey and San Luis Obispo Counties, California

Dear Mr. Johnson:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
   a. A brief description of the project.
   b. The lead agency contact information.
   c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
   d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
   a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
   a. Alternatives to the project.
   b. Recommended mitigation measures.

c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
   a. Type of environmental review necessary.
   b. Significance of the tribal cultural resources.
   c. Significance of the project's impacts on tribal cultural resources.
   d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
   a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
   b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
   a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
   b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
    a. Avoidance and preservation of the resources in place, including, but not limited to:
       i. Planning and construction to avoid the resources and protect the cultural and natural context.
       ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
    b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
       i. Protecting the cultural character and integrity of the resource.
       ii. Protecting the traditional use of the resource.
       iii. Protecting the confidentiality of the resource.
    c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
    d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
    e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
    f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
    a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
    b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
    c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

This process should be documented in the Cultural Resources section of your environmental document.

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have been already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
    a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
    b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
    a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
    b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
    c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5,

subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,

Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse

tunnelEIR **6**

From: Karen White <blukat41@yahoo.com>
Sent: Thursday, May 05, 2016 6:32 PM
To: tunnelEIR
Subject: Initial Study Report

Good Evening,
Karen White here, from the Xolon Salinan Tribe, would it be possible to email the Interlake Tunnel and Spillway Initial Study report? We have a committee reviewing all AB52 consult requests and we do not all live in the same area.
This would help expedite our consult process.
Thank you for your help,
Karen White
Council Chair, Xolon Salinan Tribe

Sent from Yahoo Mail for iPad

Krafft, Elizabeth A. Ext.4864

From: Johnson, Robert
Sent: Friday, May 13, 2016 8:14 AM
To: Buche, Brent Ext.8982; Krafft, Elizabeth A. Ext.4864
Cc: 'Laurie Warner Herson'; Michael Stevenson (michael@horizonh2o.com)
Subject: FW: Requesting a copy of the EIR

Laurie and Michael:

Thanks for the e-mail language that the Agency can use when responding to these types of requests. Here is the request sent to J. Pittman (do not know the first name).

See you next week –
Rob

Robert Johnson
Deputy General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Phone: 831.755.4860
Fax: 831.424.7935
1 Peter 5:6-7

From: Johnson, Robert
Sent: Friday, May 13, 2016 8:12 AM
To: 'jmpittman22@gmail.com'
Subject: RE: Requesting a copy of the EIR

Dear J. Pittman:

Thank you for your inquiry regarding the Monterey County Water Resources Agency Interlake Tunnel Environmental Impact Report (EIR). The EIR is not yet available; we are at the early stages of the CEQA analysis, and have released an Initial Study/Notice of Preparation (IS/NOP) for public review. That document is available on our agency's website at following URL (see the Important Information at the top of the home page):

http://www.mcwra.co.monterey.ca.us/index.php

The IS/NOP is the first step in the CEQA process, initiating a public scoping period during which the Agency is requesting input from agencies and members of the public regarding the key environmental issues that should be addressed in the EIR. We will consider these comments during preparation of the EIR.

The scoping comment period extends until June 13th. We would greatly appreciate any input you have by that time. In addition, we will be holding two public meetings next week, as follows:

May 16, 2016 at 3:00 p.m.
Agricultural Center Conference Room
1428 Abbott Street
Salinas, CA 93901

May 17, 2016 at 6:30 p.m.
Bradley Union School District Community Building
65600 Dixie Street
Bradley, CA 93426

At these meetings, we will be providing an overview of the project and the environmental process, and request comments from attendees. Please feel free to attend one or both of these meetings, and invite others who you think may be interested.

Let me know if you have any further questions regarding the project, and thank you for your interest.

Best regards,
Robert Johnson

Robert Johnson
Deputy General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Phone: 831.755.4860
Fax: 831.424.7935
1 Peter 5:6-7

Begin forwarded message:

From: tunnelEIR <tunnelEIR@co.monterey.ca.us>
Date: May 11, 2016 at 7:23:49 PM PDT

Subject: FW: Requesting a copy of the EIR

From: J Pittman[SMTP:JMPITTMAN22@GMAIL.COM]
Sent: Wednesday, May 11, 2016 7:23:33 PM
To: tunnelEIR
Subject: Requesting a copy of the EIR
Auto forwarded by a Rule

Could you send me a copy of the tunnel EIR. Electronic is fine, if paper, then send to :
J. Pittman - Monterey Bay California Native Plant Society
19180 El Cerrito Way
Aromas, CA 95004

From: Bill Capps[SMTP:PASOFLYER@GMAIL.COM]
Sent: Thursday, May 12, 2016 9:49:51 PM
To: Bill norton
Cc: tunnelEIR; john stelly; Andy & Denise Powell; jeff Allen; gene petersen; Ken,Vicky Derscheid
Subject: Re: Tunnel EIR Objections
Auto forwarded by a Rule

great job Bill. Very good thoughts. I will present them to Rob Johnston on Tuesday. Hope you and Kathy have a great trip
Bill

On Thu, May 12, 2016 at 8:56 PM, Bill norton <Bnorton222@aol.com> wrote:

1. Unacceptable loss of water levels that are already historically low.
2. Loss of water access for many Nacimiento Lake communities.
3. Loss of monetary income from less and less fishing, boating, camping and tourist visits.
4. Unavoidable invasion of the prolific White bass into Lake San Antonio.
5. Unavoidable invasion of quagga mussels into and out of S A / Nacimiento if and when present.
6. Effects of lower water levels tendency to warm lake water and its effect on fish in Nacimiento .
7. Rendering almost useless the Obermyer dam project as not needed if water is transferred to S A instead of being stored with much greater capacity with the Obermyer improvement.
8. Lessening by potentially huge amounts the water promised to SLO communities.
   Sequestered water in S A cannot be sent back to Nacimiento to meet this obligation of some 17000 acre feet per year.
9. Colossal costs of building and maintaining the tunnel and necessary valving, intake screening, debris prevention and labor costs to do so.
10. Colossal water price increases to your farmers and vintners who have already exceeded their reliable water resources.
11. A suggestion to Monterey Water Resources Board: Raise your spillway at San Antonio as you please and prevent extremely negative sentiment on you forever.
Let your investment in raising the Nacimiento spillway do its job.

Thank you Mr. Robert Johnson, Assistant General Manager, for presenting these and many other points at your EIR meeting.

Sincerely,
William Norton
Nacimiento Lake Property Owner,
President, Laguna Vista Boat Club
6265 Nacimiento Lake Drive

Bnorton222@aol.com

Sent from Bill's iPad

Krafft, Elizabeth A. Ext.4864

From: Johnson, Robert
Sent: Friday, May 13, 2016 7:37 AM
To: Buche, Brent Ext.8982; Krafft, Elizabeth A. Ext.4864
Subject: FW: Tunnel EIR Objections

FYI for you too…

From: Laurie Warner Herson [mailto:laurie.warner.herson@phenixenv.com]
Sent: Thursday, May 12, 2016 9:03 PM
To: Johnson, Robert
Cc: Michael Stevenson
Subject: Fwd: Tunnel EIR Objections

FYI

Sent from my iPad

Begin forwarded message:

> **From:** tunnelEIR <tunnelEIR@co.monterey.ca.us>
> **Date:** May 12, 2016 at 8:57:00 PM PDT
> **To:** Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
> **Subject: FW: Tunnel EIR Objections**
>
> ---
> From: Bill norton[SMTP:BNORTON222@AOL.COM]
> Sent: Thursday, May 12, 2016 8:56:55 PM
> To: tunnelEIR
> Cc: bill capps; john stelly; powellelectric@cox.net; jeff Allen;
> gene petersen; Ken,Vicky Derscheid; Bill Norton
> Subject: Tunnel EIR Objections
> Auto forwarded by a Rule
>
> 1. Unacceptable loss of water levels that are already historically low.
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Sincerely,
William Norton
Nacimiento Lake Property Owner,
President, Laguna Vista Boat Club
6265 Nacimiento Lake Drive
Bnorton222@aol.com

Sent from Bill's iPad

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY
EDMUND G. BROWN JR., Governor

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

10

MAY 13 2016

Mr. Robert Johnson, Assistant General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, California 93902-0930

SCH#2016041085: Notice of Preparation/Initial Study – Intake Tunnel and Spillway Modification Project
Monterey County

Dear Mr. Johnson:

We have reviewed your submittal entitled *Intake Tunnel and Spillway Modification Project Initial Study*, dated April 2016, for the above referenced project. The project entails constructing a tunnel to send water from Nacimiento to San Antonio Reservoir and enlarging San Antonio Dam by modifying the spillway. The spillway modification will raise the maximum water storage elevation by 10-feet and add 59,000 acre-feet of storage.

Nacimiento Dam, No. 1008 and San Antonio Dam, No. 1008-2 are under our jurisdiction for dam safety. Based on the information provided, the tunnel work will not impact the safety of the dams. However, an enlargement application, together will plans, specifications, and the appropriate filing fee must be filed with the Division of Safety of Dams for the spillway modification at San Antonio Dam. All dam safety related issues must be resolved prior to approval of the application, and the work must be performed under the direction of a Civil Engineer registered in California. Sharon Tapia, our Design Engineering Branch Chief, is responsible for the application process and can be reached at (916) 227-4660.

If you have any questions or need additional information, you may contact Area Engineer William Vogler at (916) 227-4625 or me at (916) 227-4631.

Sincerely,

Andrew J. Mangney

Andrew J. Mangney, Regional Engineer
Central Region
Field Engineering Branch
Division of Safety of Dams

cc: (See attached list.)

RECEIVED
MAY 20 2016
WATER RESOURCES AGENCY

cc: Ms. Nadell Gayou
Resources Agency Project Coordinator
Environmental Review Section
Division of Statewide Integrated Water Management
901 P Street
Sacramento, California 95814

Governor's Office of Planning and Research
State Clearinghouse
Post Office Box 3044
Sacramento, California 95812-3044

Krafft, Elizabeth A. Ext.4864

From: Johnson, Robert
Sent: Friday, May 13, 2016 8:14 AM
To: Buche, Brent Ext.8982; Krafft, Elizabeth A. Ext.4864
Cc: 'Laurie Warner Herson'; Michael Stevenson (michael@horizonh2o.com)
Subject: FW: Requesting a copy of the EIR

Laurie and Michael:

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Robert Johnson
Deputy General Manager
Monterey County Water Resources Agency
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Salinas, CA 93901

Phone: 831.755.4860
Fax: 831.424.7935
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Subject: RE: Requesting a copy of the EIR

Dear J. Pittman:

Thank you for your inquiry regarding the Monterey County Water Resources Agency Interlake Tunnel Environmental Impact Report (EIR). The EIR is not yet available; we are at the early stages of the CEQA analysis, and have released an Initial Study/Notice of Preparation (IS/NOP) for public review. That document is available on our agency's website at following URL (see the Important Information at the top of the home page):

http://www.mcwra.co.monterey.ca.us/index.php

The IS/NOP is the first step in the CEQA process, initiating a public scoping period during which the Agency is requesting input from agencies and members of the public regarding the key environmental issues that should be addressed in the EIR. We will consider these comments during preparation of the EIR.

The scoping comment period extends until June 13th. We would greatly appreciate any input you have by that time. In addition, we will be holding two public meetings next week, as follows:

May 16, 2016 at 3:00 p.m.
Agricultural Center Conference Room
1428 Abbott Street
Salinas, CA 93901

May 17, 2016 at 6:30 p.m.
Bradley Union School District Community Building
65600 Dixie Street
Bradley, CA 93426

At these meetings, we will be providing an overview of the project and the environmental process, and request comments from attendees. Please feel free to attend one or both of these meetings, and invite others who you think may be interested.

Let me know if you have any further questions regarding the project, and thank you for your interest.

Best regards,
Robert Johnson

Robert Johnson
Deputy General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Phone: 831.755.4860
Fax: 831.424.7935
1 Peter 5:6-7

Begin forwarded message:

From: tunnelEIR <tunnelEIR@co.monterey.ca.us>
Date: May 11, 2016 at 7:23:49 PM PDT

Subject: FW: Requesting a copy of the EIR

From: J Pittman[SMTP:JMPITTMAN22@GMAIL.COM]
Sent: Wednesday, May 11, 2016 7:23:33 PM
To: tunnelEIR
Subject: Requesting a copy of the EIR
Auto forwarded by a Rule

Could you send me a copy of the tunnel EIR. Electronic is fine, if paper, then send to :
J. Pittman - Monterey Bay California Native Plant Society
19180 El Cerrito Way
Aromas, CA 95004

Krafft, Elizabeth A. Ext.4864

From: Johnson, Robert
Sent: Friday, May 13, 2016 1:03 PM
To: 'mnielsen@ptc.com'; 'bnorton222@aol.com'; 'jdgpa@aol.com'; 'vshelby@co.slo.ca.us'; 'briceinpaso@wildblue.net'; 'richard.heath@aol.com'; 'hbatrum@hotmail.com'; 'powellelectric@cox.net'
Cc: Buche, Brent Ext.8982; Chardavoyne, David E. x8906; 'Laurie Warner Herson'; Krafft, Elizabeth A. Ext.4864
Subject: Response to questions regarding the Interlake Tunnel and Spillway Modification Project

Importance: High

Ladies and Gentlemen:

Thank you all for your inquiry regarding the Monterey County Water Resources Agency Interlake Tunnel and Spillway Modification Project. We know you all have tremendous interest in this project and the process the Agency has to go through to get to completion.

The Agency is in the early stages of the CEQA process/analysis, therefore there is no new information to provide at this time. The Agency has released an Initial Study/Notice of Preparation (IS/NOP) for public review. That document is available on the Agency's website at following URL (see the Important Information at the top of the home page):

http://www.mcwra.co.monterey.ca.us/index.php

The IS/NOP is the first step in the CEQA process, initiating a public scoping period during which the Agency is requesting input from agencies and members of the public regarding the key environmental issues that should be addressed in the EIR. We will consider these comments during preparation of the Environmental Impact Report (EIR).

The scoping comment period extends until June 13th. We would greatly appreciate any input you have by that time. In addition, we will be holding two public meetings next week, as follows:

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Bradley, CA 93426

At these meetings, we will be providing an overview of the project and the environmental process, and request comments from attendees. Please feel free to attend one or both of these meetings, and invite others who you think may be interested.

Let me know if you have any further questions regarding the project, and thank you for your interest.

Also, in responding to Willian Norton's e-mail, there were a number of cc'ed individuals. I am hoping Mr. Norton can forward this message to those folks since I do not e-mail addresses for them.

The cc list is as follows: Cc: bill capps; john stelly; powellelectric@cox.net; jeff Allen; gene petersen; Ken,Vicky Derscheid. I sent an e-mail to powellelectric@cox.net since that e-mail address was in the cc list.

Thanks in advance for forwarding this message.

Best regards,
Robert Johnson

Robert Johnson
Deputy General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Phone: 831.755.4860
Fax: 831.424.7935
1 Peter 5:6-7

Speaker Card

Name: DAVID BEECH
Address: 1450 MANOR RD MONTEREY Date: 93940
Comment(s):

WOULD LIKE TO SPEAK TO FORMAL COMMENT ON EAR GIVING MORE EMPHASIS TO BENEFICIAL IMPACTS.

HARDCOPY HANDOUT AVAILABLE

PUBLIC COMMENT

TO MONTEREY COUNTY WATER RESOURCES AGENCY

Re:

Interlake Tunnel and Spillway Modification Project
Notice of Preparation/Initial Study
April 2016

16 May, 2016

I am writing, as a resident of Monterey County, in support of the Interlake Tunnel and Spillway Modification Project.

This project is an obviously good idea, whose approval and execution are long overdue. Any reasonable way in which we can capture, and put to good use, more of the rainwater that falls on Monterey County (and, by courtesy, San Luis Obispo County) deserves to be adopted and funded.

As a newcomer to the study of this project, I would like to thank the staff of MCWRA and their consultants for the attractive and informative website, and the solid work that has gone into this NOP.

I would just like to suggest that on page 2, after the objective

- ♣ Improve the hydrologic balance of the groundwater basin in the Salinas Valley and reduce seawater intrusion;

the following additional objective be inserted:

- Minimize the quantity of surface water that is wasted by flowing from the Salinas River into the ocean.

The two objectives are related, in that both are concerned with the benefits that can be obtained by skillful management of the extra water that can be stored in Lake San Antonio.

The implications for the draft EIR appear to be mostly in the follow-up work that is promised in Section IX HYDROLOGY/WATER QUALITY, which will address **beneficial** impacts, i.e. the real purpose of the project.

Since I am not an expert in the field, I can only ask the common-sense question: does this provide an opportunity for some out-of-the-box thinking about strategies for making controlled releases from the two reservoirs? This seems to be the principal tool for using the increased combined capacity to meet some of the objectives. For example,, would the back-up capability provided by a nearly full Lake San Antonio allow Lake Nacimiento to be drawn down further than previously by controlled releases in the dry season, thus improving the hydrological balance while still further reducing wet season spillage and flooding? I.e. most of the insurance against the next drought could be carried in Lake San Antonio?

Specifically in relation to the new objective proposed above (minimization of wasted water), there are two aspects that should be considered in the EIR to evaluate the beneficial impact.

First, a pattern of controlled releases (frequency and speed of flow) should be proposed that maximizes the amount of water that can be used and/or stored in the Salinas Valley before it reaches the seaward end of the river.

Second, consideration should be given to a "last dip" possibility that any surface water that still could not otherwise be prevented from flowing out to sea, might be permitted to be used to mitigate water shortages in other parts of Monterey County.

Respectfully submitted,

David Beech

1450 Manor Road
Monterey CA 93940

dbeech@comcast.net

MONTEREY COUNTY WATER RESOURCES AGENCY:
INTERLAKE TUNNEL AND SPILLWAY MODIFICATION PROJECT

Public Meeting Comment Form

Name:	Rich Lingor
Group/Organization (optional):	
Mailing Address:	69752 Jolon
Telephone No. (optional):	831 234 9986
Email (optional):	Blugilrik@gmail.com

Comments/Issues:
White bass are found as deep as 80' in winter

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS (POSTMARKED NO LATER THAN JUNE 13, 2016) TO:

MAIL: Monterey County Water Resources Agency
Attn: Robert Johnson, ILT Scoping Comments
893 Blanco Circle
Salinas, CA 93901

EMAIL: tunnelEIR@co.monterey.ca.us

There are 3 areas of concern:

1. Lake Nacimiento
2. Lake San Antonio
3. Property owners in-between

1. When will the water be released, at what level will it be released and at what time of year?

2. When the spillway is raised, you also move the 1000 feet that you claim from the high water mark. Will this back water onto private property or onto roads, driveways and wells?

3. The tunnel is to run through a known fault area. How will you protect the property that it will run underneath (homes, roads, wells).

On the map that we have seen, there are no property lines, so we don't know who or what will be effected.

The tunnel plan calls for one valve at the bottom of the tunnel. How do you turn off the flow of water if there is a problem in the tunnel?

We have been told there will be an inspection tunnel down to the main tunnel. How will you get to these? There are NO roads to the area. When it rains, it's all mud and you can't move out there. There are springs that run for a time after it rains.

The tunnel as proposed at this time will run through water tables of surrounding property owners. Will you make sure we don't lose our water and if we do. how will you replace it? This must be a legal document that is binding in perpetuate. These are people waiting for promises to be kept from 1959.

Brice Potthoff
4145 Eagle Creek Lane
Bradley, CA 93426

805 472-2543

Steve & Barbara Blois
6075 Nacimiento Shores Rd.
Bradley, CA 93426

Phone: 805 732-0005

May 16, 2016

Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Attn: Mr. Robert Johnson, Assistant General Manager

Re: Interlake Tunnel and Spillway Modification Project
Project Environmental Impact Report

Dear Mr. Johnson,

Thank you for the opportunity to comment on the subject project and provide some input. I own a house on Lake Nacimiento, and also am a director at several large water districts in Southern California. I have accumulated some knowledge and interest in water over the years. In summary, I am generally supportive of the project, as it increases storage capacity at a relatively cheap cost (as opposed to building a new dam). My only real concern is that it will lower the average water level in Lake Nacimiento, particularly during the summer months. This can be solved by raising the tunnel inlet by 20 feet, which I would find more acceptable. Following are my specific comments and requests:

1) Be sure that "Recreation" beneficial uses are addressed in the EIR. The lower average lake levels in Nacimiento Reservoir will adversely affect these uses, causing numerous unintended consequences, all of which should be examined and mitigated.
2) Mention is made in the ECORP study (Interlake Tunnel & San Antonio Enlargement Project Simulation Modeling, dated Nov. 11, 2014) that numerous tunnel sizes were examined, but I see only the 10 foot diameter alternative. It may be that the larger tunnel sizes realize no appreciable water supply gains, but a larger tunnel size might very well mitigate the "recreation" beneficial uses by raising the average water levels in Nacimiento Reservoir. Larger tunnel sizes, combined with raising the inlet elevation, should be studied in light of these other benefits that would accrue.
3) The Hollenbeck flow study assumes that the tunnel will be "steel lined, light rust". This assumption does not match the "segmented concrete tunnel liner" that the project summary describes.

e-mails: sblois@verizon.net b_blois@yahoo.com

Steve & Barbara Blois
6075 Nacimiento Shores Rd.
Bradley, CA 93426

Phone: 805 732-0005

4) The EPC report (section 5.5.3, pg. 19) states that the maximum tunnel flow rate under all studied conditions is 750 cfs, which is well below the stated tunnel flow capacity of 1700 cfs. A higher flow rate would tend to allow raising the tunnel inlet. This would increase the flow rate, which the tunnel evidently has the capacity to handle.

5) If the inlet structure elevation were raised from 760' to 780', this would provide a greater slope gradient for the tunnel, thus increasing flow capacity. Again, I request that this alternative be studied, especially in light of the lesser negative effects on "Recreational" beneficial uses.

6) If the tunnel depletes the local aquifers, which the local property owners use for their private water supplies, what is the proposed plan for replacing these supplies? Will a separate water supply system need to be constructed to serve these local landowners (& water right holders), and where will that supply come from? Most water tunnels I am familiar with have all tended to deplete the aquifers through which they run; this tunnel will be no different.

7) I see no mention in any of the studies or reports about the project's effect on property values around Lake Nacimiento, or for that matter, any other adjacent or nearby properties. While the project's resultant increase in water supply to the farmers in the Salinas Valley will undoubtedly raise those property values, a lower average lake level will absolutely decrease the value of property on Lake Nacimiento, especially those properties immediately adjacent to the water. This has the effect of a "taking" of property. This should be studied and quantified so it can be mitigated.

8) I find it most interesting that San Antonio Reservoir, as modeled with a 10' tunnel and beneficial uses, would have spilled five times instead of the two times it actually did spill without the tunnel. This is shown in the tables in Appendix D of the ECORP report. Yet I do not see any accounting of this negative effect in any of the water supply summaries; the Nacimiento spill amounts are the only ones listed. The San Antonio spills need to be included in the calculations. Perhaps an operational change to not fill San Antonio as quickly (i.e. raise the inlet elevation) would change this.

e-mails: sblois@verizon.net b_blois@yahoo.com

Steve & Barbara Blois
6075 Nacimiento Shores Rd.
Bradley, CA 93426

Phone: 805 732-0005

I look forward to finding the answers to my concerns in the EIR and hope many of my suggestions can be incorporated into the project, or at least mitigated. Again, I am generally supportive of this project, but it must be modified so as not to harm Lake Nacimiento property owners. If that can be done, I would be very much an ardent supporter of the Interlake Tunnel project! Please do not hesitate to contact me if you have any questions, concerns, or ideas you wish to discuss regarding this project.

Sincerely,

Steve Blois

e-mails: sblois@verizon.net b_blois@yahoo.com

Speaker Card

Name: GLEN DUPREE
Address: 18900 PORTOLA DR, SALINAS, CA 93908 **Date:** 5/16/16
Comment(s):

ALTERNATIVE OF CANAL? - CAN AN OPEN CANAL BE CONSTRUCTED AT A LOWER COST?

Speaker Card

Name: Wayne Carlisle
Address: PO Box 616 Gonzales CA 93926
Date: 5/18/16
Comment(s):

This project budget has gotten out of hand - and if there's no guarantee of setting in perpetual laws about only releasing to Salinas in case of the Nacimiento being too full based on protocols of each Month of the tolerable levels, then I encourage denial of this project because the impact on our valley water recharge will be greatly reduced; for example we have Nacimiento 35% full and they have no planned releases this is a crime against the tax payers who created these dams only for the purpose of recharge and flood control.

tunnelEIR

From: Johnson, Robert
Sent: Wednesday, May 18, 2016 9:00 AM
To: 'ginnybe@pacbell.net'
Cc: tunnelEIR
Subject: RE: Interlake EIR

Dear Ms. Becchine:

Thank you for your inquiry regarding the Monterey County Water Resources Agency Interlake Tunnel Environmental Impact Report (EIR). The EIR is not yet available; we are at the early stages of the CEQA analysis, and have released an Initial Study/Notice of Preparation (IS/NOP) for public review. That document is available on our agency's website at following URL (see the Important Information at the top of the home page):

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The scoping comment period extends until June 13th. We would greatly appreciate any input you have by that time.

Let me know if you have any further questions regarding the project, and thank you for your interest.

Best regards,
Robert Johnson

Robert Johnson
Deputy General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Phone: 831.755.4860
Fax: 831.424.7935
1 Peter 5:6-7

From: Virginia Becchine[SMTP:GINNYBE@PACBELL.NET]
Sent: Tuesday, May 17, 2016 4:28:35 PM
To: tunnelEIR
Subject: Interlake EIR
Auto forwarded by a Rule

I would like to request a copy of the Environmental Impact Report for the Interlake Tunnel Project. If it is available on line please supply the web site. Since the comment period ends June 13, 2016 I would appreciate a quick reply. Thank you.

Virginia Becchine

Oak Shores

Speaker Card

Name:
Address: **Date:**
Comment(s):

Bob Dietz 5-17-16

How much will this reduce
to water based at Woodland

Speaker Card

Name: RAHGREEN
Address: 6675 Normanto Moon Tol Date: 3/17/16
Comment(s):

FEB 2015 Presentation showed flexibility in design with no operational plan available
what is operational plan as to how it affects Nacimiento Lake levels

~~Report~~ Using last 50 years of rain data apply the operational plan and project lake levels based upon that data and compare with actual data

Speaker Card

Name: RICHARD HEATH
Address: RURAL LAND NEAR EAGLE CREEK LANE Date: 5/17/2016
Comment(s):

UNFAVORABLE OPINION ON YOUR GROUT PLAN TO EXCLUDE LOCAL NATIVE WATER FROM TUNNEL. IT WILL FAIL AND THOSE OWNING OVER WILL SUFFER CATASTROPHIC LOSS OF GW WELLS. See RED LINE TUNNEL, SAN JACINTO TUNNEL, PERRIS SUIT. YOUR DOCUMENT WOULD BE A FATALLY PRE-JUDGED "EIR" OUTCOME.

AS I ONCE TOLD LORRIE RUNTE.

Speaker Card

Name: Mark Nielsen
Address:
Date: 5/17/2016
Comment(s):

will the EIR consider a power generation plant at the San Antonio outlet works.

this would be to allow for power generation options ~~instead of during the summer~~ instead of an inclination to release more water from Lake Nacimiento.

Speaker Card

Name: RAHGREEN
Address: 6675 Normanto Moon Tol Date: 3/17/16
Comment(s):

FEB 2015 Presentation showed flexibility in design with no operational plan available
what is operational plan as to how it affects Nacimiento Lake levels

~~Report~~ Using last 50 years of rain data apply the operational plan and project lake levels based upon that data and compare with actual data

tunnelEIR

From: tunnelEIR
Sent: Thursday, May 19, 2016 11:44 AM
To: 'Clark, Elizabeth R (Liz) CIV USARMY IMCOM CENTRAL (US)'
Cc: Houston, Gary A CIV (US); Cipolla, Lisa M CIV USARMY USAG (US); Laurie Warner Herson (laurie.warner.herson@phenixenv.com); michael@horizonh2o.com
Subject: RE: [Non-DoD Source] Notice of Preparation of an EIR for the MCWRA Interlake Tunnel and Spillway Modification Project

Hello Ms. Clark,
Thank you for your reply and the contact information. We are currently finalizing the schedule and have not yet determined when the surveys will take place. Once we have that, we'll be able to better coordinate with you to determine access. In the meantime, we are looking for information regarding requirements for accessing the areas of Ft Hunter Liggett around San Antonio Reservoir so that the surveys can be completed once they are scheduled.
Thank you,
Elizabeth Krafft
Monterey County Water Resources Agency

-----Original Message-----
From: Clark, Elizabeth R (Liz) CIV USARMY IMCOM CENTRAL (US) [mailto:elizabeth.r.clark14.civ@mail.mil]
Sent: Wednesday, May 18, 2016 5:15 PM
To: tunnelEIR
Cc: Houston, Gary A CIV (US); Cipolla, Lisa M CIV USARMY USAG (US)
Subject: RE: [Non-DoD Source] Notice of Preparation of an EIR for the MCWRA Interlake Tunnel and Spillway Modification Project

Hello Mr. Johnson -
FHL received the attached letter requesting to meet with appropriate staff to identify biological and cultural conditions. I left a message and sent an email per the letter and received the email notice below. If you would like to set up a meeting per the letter request, please contact me, our Cultural Resources Manager Lisa Cipolla, or our Env. Div. Chief Mr. Gary Houston (cc'd) to set up a meeting.

Liz Clark
NEPA and Conservation Programs Manager
Dir. Of Public Works, Env. Division
Fort Hunter Liggett and Camp Parks
831-386-2791

-----Original Message-----
From: Allison Chan [mailto:allison@horizonh2o.com]
Sent: Wednesday, May 18, 2016 10:55 AM
Subject: [Non-DoD Source] Notice of Preparation of an EIR for the MCWRA Interlake Tunnel and Spillway Modification Project

_____

To Whom it May Concern,

On April 28, 2016, the Monterey County Water Resources Agency (MCWRA) filed a Notice of Preparation of an Environmental Impact Report (EIR) for the Interlake Tunnel and Spillway Modification Project. The Project would consist of a tunnel approximately 2 miles in length which would be capable of diverting water from Nacimiento Reservoir in San Luis Obispo County to San Antonio Reservoir in Monterey County, and increase the elevation of the spillway at San Antonio Reservoir to in-crease its storage capacity. The Notice of Preparation is available online at:
Caution-www.mcwra.co.monterey.ca.us <
Caution-http://www.mcwra.co.monterey.ca.us >

MCWRA requests input from interested individuals, public agencies, and other parties regarding the scope and content of the EIR during the public scoping period. The scoping period begins on April 28, 2016 and ends on June 13, 2016. During this period, MCWRA held two scoping meetings on the following dates listed below.

May 16, 2016 at 3:00 p.m.

Agricultural Center Conference Room

1428 Abbott Street

Salinas, CA 93901

May 17, 2016 at 6:30 p.m.

Bradley Union School District Community Building

65600 Dixie Street

Bradley, CA 93426

To submit comments, contact the following:

Mail: Robert Johnson, Assistant General Manager

Monterey County Water Resources Agency

893 Blanco Circle

Salinas, CA 93901

Email: tunnelEIR@co.monterey.ca.us <
Caution-mailto:tunnelEIR@co.monterey.ca.us >

Krafft, Elizabeth A. Ext.4864

From: Johnson, Robert
Sent: Friday, May 20, 2016 3:57 PM
To: Krafft, Elizabeth A. Ext.4864; 'Laurie Warner Herson'
Subject: FW: Notice of Preparation for the Interlake Tunnel and Spillway Modification Project draft EIR

For inclusion with other comments

From: Rohrbough, Jon@Waterboards [mailto:Jon.Rohrbough@waterboards.ca.gov]
Sent: Friday, May 20, 2016 2:29 PM
To: Johnson, Robert
Subject: Notice of Preparation for the Interlake Tunnel and Spillway Modification Project draft EIR

Hello, Mr. Johnson:

We received the Notice of Preparation for the Interlake Tunnel and Spillway Modification Project draft EIR. The Central Coast Water Board will have more comments on the draft EIR, but at this point the only comment I have on the scoping process is that the EIR should evaluate the hydrologic and fisheries impacts of transferring surface water from the Nacimiento Creek watershed to the San Antonio Creek watershed. Export of surface water from one watershed to another certainly appears to qualify as "substantially altering the existing drainage pattern of the course of a stream or river."

As always, we also encourage potential applicants for CWA Section 401 Water Quality Certification to contact us early in process of project development and design. We are available to work with you to help you reduce the project's impacts on waters other State.

Sincerely,

Jon Rohrbough, P.E.
Water Resource Control Engineer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
(805) 549-3458

tunnelEIR

From: Steve Blois <sblois@verizon.net>
Sent: Saturday, May 21, 2016 1:11 PM
To: tunnelEIR
Subject: Interlake Tunnel Project comments
Attachments: scoping comment letter, 5-16-16.doc

Please consider the attached letter as my comments and concerns regarding the Interlake Tunnel project. I attended the May 16, 2016 scoping meeting in Monterey, where I submitted this same letter and read it into the record. I want to be sure the letter is addressed, and therefore include it here once again.

I do have one additional thought that I would like you to address. Have you considered building a dam downstream of Nacimiento, somewhere on the military base, that could be used as an "afterbay"? This would allow Nacimiento to be kept fuller during the rainy season, as it would capture any spills that might occur as a result of large storm events. It also could be completely emptied without any adverse effects. It might be cheaper and simpler than a tunnel to San Antonio. It might also have benefits for the military base. Thanks for your consideration.

Cordially,
Steve Blois
President
Valley Vista Consulting, Inc.
115 Valley Vista Drive
Camarillo, CA 93010
C (805) 732-0005
F (805) 293-8677
Director, Calleguas Municipal Water District
Director, Metropolitan Water District of So. California
www.vvci.net

tunnelEIR

From: Barry Kauker <bkauker@yahoo.com>
Sent: Tuesday, May 24, 2016 2:33 PM
To: tunnelEIR
Subject: Interlake Tunnel

Thank you for putting together the Interlake Tunnel and Spillway Input meeting in Salinas on May 16. I found the presentation and everyone's comments very informative. I want to start by saying that I am 100 percent behind this project and feel that it is in everyone's best interest to maximize water storage to ensure a ready supply to support the valley's needs. I am a landowner on the West side of the Bee Rock arm of Lake San Antonio and will have a front row seat on watching the tunnel construction. As an Mechanical Engineer, I am excited to be able to see how this project progresses. I understand that there will be construction traffic, equipment, noise, dust, etc. and I am fine with that. I only have a few concerns and comments:

I utilize the county easement through the Bee Rock arm to access my property so I will most likely be sharing this road with the construction traffic. I looked through the initial study and did not find any references to the easement so I wanted to make sure that any realignment of it was addressed in your full report. At high lake levels the lake comes close to the current easement so once the spillway is modified you may need to recut the road higher on the hillside.

The tunnel exit will be highly visible from my property as well as from the lake traffic. This arm of the lake is a favorite spot for many boaters so I am hopeful that the outflow will be designed to blend into the surrounding area as best as possible.

The tunnel will not be going under my property but it will traverse properties of my neighbors on the East side of the arm. I understand that tunnels tend to change the dynamics of the aquifers above them. I would ask that monies are built into the plan to cover any costs associated with mitigating any effect the tunnel may have on the wells above.

I know their has been some pushback from the residents surrounding Lake Nacimiento regarding the elevation of the entrance to the tunnel but I still believe lower is better for everyone. Interconnected lakes can equalize the drawdown so both lakes would drain slower over the dry season while maintaining the downstream flow needs.

Feel free to give me a call if you have any questions regarding the Bee Rock easement. Thanks again for putting this project together!!

Barry Kauker

bkauker@yahoo.com
408-234-7102

30

From: Tom Sgheiza <classic4u@razzolink.com>
Date: 5/28/16 8:53 PM (GMT-04:00)
To: "Chambliss, Winifred S. x4896" <ChamblissWS@co.monterey.ca.us>
Subject: Interlake connection from Nacimiento to San Antonio Lake

If you guys would like to save millions of dollars on the project, simply pump or siphon the excess water from Nacimiento over the small hills in the Bee Rock area.
The water would naturally flow into Bee Rock creek and down to San Antonio Lake.
Check it out!!

MONTEREY COUNTY WATER RESOURCES AGENCY:
INTERLAKE TUNNEL AND SPILLWAY MODIFICATION PROJECT

Public Meeting Comment Form

Name:	Larry Freeman
Group/Organization (optional):	
Mailing Address:	11130 NACIMIENTO LAKE DR,
Telephone No. (optional):	BRADLEY, CA 93426
Email (optional):	

Comments/Issues: Keep the NACI INLET AT THE SPILLWAY ELEVATION - AS HIGH AS POSSIBLE!

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS (POSTMARKED NO LATER THAN JUNE 13, 2016) TO:

MAIL: Monterey County Water Resources Agency
Attn: Robert Johnson, ILT Scoping Comments
893 Blanco Circle
Salinas, CA 93901

EMAIL: tunnelEIR@co.monterey.ca.us

tunnelEIR

From: tunnelEIR
Sent: Friday, June 03, 2016 4:21 PM
To: 'Sarah Newswanger'
Subject: RE: Proposed Lake Tunnel Report

Ms. Newswanger,

Thank you for your inquiry regarding the Monterey County Water Resources Agency Interlake Tunnel Environmental Impact Report (EIR). The EIR is not yet available; we are at the early stages of the CEQA analysis, and have released an Initial Study/Notice of Preparation (IS/NOP) for public review. That document is available on our agency's website at following URL and contains the project purpose and objectives as well as a section regarding project permits and approvals: http://www.mcwra.co.monterey.ca.us/index.php

Additional information regarding the project is available on the website at:
http://www.mcwra.co.monterey.ca.us/interlake_tunnel/interlake_tunnel.php

We will add you to our contact list and you will receive notification when the Draft EIR is complete.
Regards,
Elizabeth Krafft
Monterey County Water Resources Agency

From: Sarah Newswanger [mailto:Sarah@sobini.com]
Sent: Thursday, June 02, 2016 2:44 PM
To: tunnelEIR
Cc: Cami Winikoff; Mark Amin; Shana Fox
Subject: Proposed Lake Tunnel Report

Hello,
Cami Winikoff and Mark Amin are interested in getting the EIR report. Also can you please email back and let us know:

1-List of reasons for project
2-How often does the water overflow at nacimiento where this tunnel would actually capture the water in san antonio?
3-How long would project take to complete?
4-What are the steps to project being approved?

Thanks for your help,

Sarah Newswanger | **Sobini Films, Inc.**
Office of Cami Winikoff
sarah@sobini.com
Office | 310.581.7307

tunnelEIR

From: Steve Gasperson <slgasper@aol.com>
Sent: Friday, June 03, 2016 12:13 PM
To: tunnelEIR
Subject: Tunnel Project Lake Naciemento

Attn: Robert Johnson,

I have attended both meetings that the public has been offered. I am very concerned with the tunnel proposal for the following reasons.

Lake Naciemento Water Recreation

Proposed Tunnel lake elevation- from what I have learned the proposed elevation would keep our lake at around 40% capacity at best. We have on average 13 years of low water vs 2 years of high water.

Property values- I own 2 homes in Oak Shores on the lake. This will kill our property values. I can assure you that a class action lawsuit will be filed if we suffer property value loses.

My personal boat slip floats at 38% minimum water level. My slip has been on the ground the past 2 seasons. This proposal will make it almost impossible to ever use my slip.

The amount of money this project will cost vs the benefit is not a wise investment. We do not get the needed rain here for this to pay off.

I look forward to hearing from you and to attending future meetings.

I appreciate you taking my ideas into consideration

Steve Gasperson
Cell 916-806-4029
Home 805-472-2007
Oak Shores

tunnelEIR

From: Bardin Bengard <BardinB@bengardranch.com>
Sent: Monday, June 06, 2016 4:16 PM
To: tunnelEIR
Subject: Tunnel project

To whom it may concern,
As a farmer and landowner in the Salinas Valley I have some concerns regarding the proposed tunnel project.

1. How is this project going to be economically feasible given the frequency of spilling the Nacemeinto reservoir? The large capital outlay and water being generated in the form of spilling not occurring seems to seriously raise the cost of actual acre feet of water for storage generated.
2. How is the water going to be delivered to benefit the north end of the valley where it is needed? Currently water is being pulled out of conservation releases at a 1:1 ratio before reaching San Lucas. Unabated pumping of conservation releases defeats the purpose of recharging the overdraft condition in the north end of the valley.
3. At the current assessment schedules, the north end of the valley pays a disproportionately high share of the costs and receives a disproportionately lower share of the water. This inequity must be addressed and controlled to maintain the viability of the basin.
4. Alternative plans could be developed to provide underground storage in areas of overdraft. Use of high percolation areas in zones of groundwater depression could serve as a storage area of water. There is a lot of aquifer space near and on the east side of Salinas for storage and distribution of groundwater. Dilution of concentration effects would also prove beneficial to the basin.

Please consider these questions and alternatives before embarking on a high cost, low yielding project.

Bardin Bengard
CEO Bengard Ranch

831-422-9021

CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805.543.4244 • Fax: 805.543.4248
www.calfireslo.org

Scott M. Jalbert, Unit Chief

NOP

June 10, 2016

Monterey County Water Resource Agency
P.O Box 930
Salinas, CA 93902

Subject: Interlake Tunnel and Spillway project

Ms. Krafft,

I have reviewed the Notice of Preparation submitted for the Interlake Tunnel and Spillway Modification Project located at the Nacimiento and San Antonio Reservoirs. The proposed project is comprised of two separate but interrelated components, a water conveyance tunnel from Naimiento Reservoir to San Antonio Reservoir, and modifications to the existing spillway at San Antonio Reservoir.

The project is within a ***"Very High"*** fire severity zone with an approximate 10-15 minute response time from the nearest CAL FIRE San Luis Obispo County Fire Station. The project and applicant shall comply with the 2013 California Fire Code (CFC), the 2013 California Building Code (CBC), the Public Resources Code (PRC) and any other applicable fire laws.

Operational Concerns:

Confined Space/Trench Rescue Operations:
A Rescue Plan will be required and approved by CAL FIRE San Luis Obispo County Fire. These plans shall address how operations will be conducted during permit required confined space and trenching. That mitigation are in place, safety requirements, general operations, evacuation plan, and emergency contact procedures. During construction, and ongoing maintenance; CAL FIRE/San Luis Obispo County Fire requires notification 24 hours in advance of any excavation or confined space entry operations which meet the definitions as outlined in Federal, state and local codes, and/or laws for permit required operations.

Notification can be sent via email to our dispatch center and chief officers and exercised during phase of construction. Notification provides both project personal and CAL FIRE/County Fire the ability to work efficiently and effectively as a team to mitigate accidents required and/or that exceed resources/capabilities of assigned rescue teams. Additionally, mitigation of an accident involving confined space or trenching operations will require the response of San Luis Obispo County Fire Department Urban Search and Rescue team who are trained to provide this advanced level of specialized rescue. Cal OSHA – General Industry and Construction Safety Orders - CCR Title 8, Sections 1502, 5156, 5157, and 5158. California Fire Code 101.2 & 101.3.

Federal workplace safety regulations are ceded to the State's Cal OSHA, which must meet or exceed Federal regulations, San Luis Obispo County Code of Ordinances Section 16.10.010.

Fire Safety and Evacuation Plans

Project shall provide a written Fire Safety plan whose contents shall be in accordance with sections California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans). This plan shall include inundation emergencies.

Fire Protection Plan:

A fire protection plan is required. This is a document prepared for a specific project or development proposed for a Wildland-Urban Interface Fire area. It describes ways to minimize and mitigate potential for loss from wildfire exposure. When required by the enforcing agency for the purposes of granting modifications, a fire protection plan shall be submitted. *California Fire Code 4902.1.*

Any proposed/future building site or temporary housing shall be built with a "Defensible Space". *PRC 4291* requires all structures to provide a 100 foot clearance free of flammable vegetation. This does not mean all vegetation must be removed but that the vegetation shall not provide a means of readily transmitting fire. Building sites should be located so that the structure is not directly above or below a topographic "chimney." The construction type should be designed to withstand a wildfire. This would include a class A roof, unexposed venting, fire resistant exterior walls, unexposed rafters, windows appropriately placed, LPG tanks properly placed, fire resistive decks and balconies, and other fire resistive construction techniques. All landscaping should be of fire resistive plants, preferably natives. **A Wildland Fire/Vegetation Management Plan must be developed and approved by CAL FIRE San Luis Obispo County.**

Hazardous Materials:

All Hazardous Materials on site shall comply with prevention, control, and mitigation of dangerous conditions related to storage, dispensing, use, and handling of hazardous materials. *California Fire Code 5001.1*

Fire Safety during Construction:

Prior to construction, an operational water supply system and established access roads must be installed. *CFC Section 503.1 & 508*. During construction all applicable Public Resources Codes must be complied with to prevent a wildfire. These will include the use of spark arresters, adequate clearance around welding operations, smoking restrictions and having extinguishers on site. *Industrial Operations Fire Prevention Field Guide* will assist the applicant.

Commercial Access Road:

The grade for all roads, streets, private lands and driveways shall not exceed 16 percent unless approved by fire code official. Design criteria shall be in accordance with San Luis Obispo County Public Works public improvement standards. Roads 12%-16% shall be nonskid asphalt or concrete surface as specified in San Luis Obispo County public improvement standards, specifications and drawings.

All roads shall:

- Be able to support Fire Apparatus
- Provide a vertical clearance of 13'6"
- Provide a 10 foot fuel modification zone on both sides

Secondary Access:

CAL FIR/ San Luis Obispo County will require more than one Fire Apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climate conditions or factors that could limit access.

CFC 503.1.2 Additional Access. ***In the event that project construction requires temporary lane closures or detours on Nacimiento Lake Drive, Vista Road, Interlake road, and other nearby roads such as the entrance gate to Nacimiento resort.***

Potential Relocation of access Roads:

After completion of construction, the potential increase to the maximum water levels at San Antonio Reservoir could impact roads leading to existing scattered homes or private properties and roads would be relocated as necessary to ensure access. CAL FIRE/San Luis Obispo County will require that all primary and secondary access roads shall meet all standards listed above.

Gates:

All access points (gates) shall install a Knox key box for fire department emergency access. The box shall be installed prior to final inspection of the building. An order form is available from the Prevention Bureau, call for more information at (805) 543-4244.

- Must be setback from the road 75 feet from the intersection.
- Must automatically open with no special knowledge.
- Must have a KNOX switch for fire department access.
- Gate shall have an approved means of emergency operation at all times. *CFC 503.6*
- Gate must be 2 feet wider than the road on each side.
- Gates must have a turnaround located at each gate.
- *All proposed gates must be reviewed and approved by CAL FIRE San Luis Obispo County Fire prior to installation.*

If I can provide additional information or assistance on this matter, please do not hesitate to contact me at (805) 593-3422.

Sincerely,

Michael Salas

Michael Salas

Battalion Chief/Fire Marshal
CAL FIRE San Luis Obispo County

Cc
David Chardavoyne General Manager

Bill Carrothers
42 Stone St., Unit 4
Salinas, CA 93901-2672
June 11th, 2016

Monterey County Water Resources Agency
Attn: Robert Johnson, ILT Scoping Comments
893 Blanco Circle
Salinas, CA 93901

Re: Comments regarding the proposed Interlake Tunnel and Spillway Modification Project.

Dear Mr. Johnson:

I. Introduction

The earliest record I have relating to the Proposed Interlake Tunnel is from the Board of Supervisors Final Revised Meeting Agenda for June 3, 2014. Item 20.1 states:

> *Consider authorizing negotiations with the Monterey County Water Resources Agency for a funding agreement to fund preliminary activities necessary to commence environmental review for the Interlake Tunnel Project in an amount not to exceed $2.5 million, said funds to be reimbursed to Monterey County if the Project is approved and financed. (ADDED VIA ADDENDUM)*

At the time the ILT was being proposed, the Salinas Valley Watershed was in the second year of a drought, and surface storage enhancement proposals were (and still are) popular. The idea behind the Interlake tunnel project, linking Nacimiento and San Antonio reservoirs to maximize water storage capacity, was proposed as a public works project that would add, each year, from 20,000 to 100,000 acre feet of water to the Salinas River watershed[1]. The plan calls for linking Lake San Antonio, which has never filled to capacity since construction was completed in 1967[2], to Lake Nacimiento, which fills about three times more rapidly than Lake San Antonio.[3]

Perhaps the first newspaper account of the proposed Tunnel and Spillway Modification Project was written by reporter Dennis L. Taylor, who wrote:

"The concept behind the project is to store water in Lake San Antonio that would otherwise be released from the spillway at neighboring Lake Nacimiento when it reaches

[1] Comments of Mr. David Chardavoyne, MCWRA Director.
[2] Comments of Robin Browder, retired meteorologist.
[3] Comments of Mr. David Chardavoyne.

capacity. It is estimated the tunnel could move up to 12,000 acre feet annually to (Lake) San Antonio, which has more capacity because it gets less rainfall and fills at a rate of one-third that of Nacimeinto."[4]

During times of abundant rainfall, the two reservoirs are managed to release more than 1,000 acre-feet per day during the summer and early fall, when agricultural water demands peak. Unfortunately, the continuing drought conditions have prevented this from happening since 2013, and the subsequent groundwater pumping from the Salinas Valley has caused groundwater levels to fall to record lows. With no more rain in the current forecast, and the end of the rainy season in sight, it remains questionable whether enough water will be on hand to make the releases this year.[5]

II. Defects of the proposal

The basic premise of this plan, however, depends on a critical assumption: sooner or later, El Niño, the powerful rainstorm, will arrive and fill up every water storage system to capacity, and beyond. For the Nacimiento Reservoir, the maximum storage capacity is 377,900 acre- feet. For the San Antonio Reservoir the maximum storage capacity is 335,000 acre feet. The total long term capacity of the two reservoir system is 712,000 acre-feet. In addition, the San Antonio Reservoir can store an additional quantity of water, up to 477,000 acre feet[6]

The bad news for Monterey County, however, is that El Niño rescued Northern California, but never made it to Central and Southern California. At present, the San Antonio Reservoir holds a measly 18,875 acre-feet of water, which is about six percent of capacity. This is around 4,000 acre feet **less** than what's considered to be its "minimum pool". Since the lake hit its all-time low of 10,254 acre-feet at the beginning of the year, El Niño rains have added less than 9,000 acre feet to storage. Lake Nacimeiento, meanwhile, has risen over 24 feet since January, reaching its highest level since September 2013, yet the 123,000 acre-feet now in storage amounts to only 33% of capacity. The whole concept that the State of California should invest thirty million dollars in a project that fails to collect the quantities of water needed to prevent further seawater brine intrusion into our badly stressed 180 foot and 400 foot aquifers, and equally wrong, collects and stores meager amounts of water in the wrong places, is typical of the dysfunctional management of the MCRWA, and grounds for the immediate recall of all of the Board members who even proposed this boondoggle.

So what does all this data show? If - back in the Fall of 2014-Superman, aka "the man of steel", had decided to complete the entire project as a *pro bono* gift to Monterey County, would we be better off? Hardly! Had Superman rounded up all the White Bass in Lake Nacimiento, and transferred them elsewhere, and completed all of the work in the Scope of Work for the project, all we would have on our hands would be a stranded asset. Meanwhile, the drought goes

[4] Dennis L. Taylor, *Water officials seek $20M for tunnel. The Californian, August 2, 2014.*
[5] Keith Vandevere, *Xuasuan Today.* May, 2016.
[6] Monterey County Water Resources Agency, *Interlake Tunnel and Spillway Modification Project, Notice of Preparation/Initial Study*. April 2016.

on-tunnel or no tunnel. The Interlake Tunnel project suffers from a serious catch: what if you build a water storage facility, or storage facility enhancement (like the Tunnel) and the reservoirs behind the dam(s) never fill? The "build the dam(s) and the rains will come" fallacy has failed in several locations, most notably on the Murray and Darling Rivers in Southeast Australia. Monterey County does not need to repeat Australia's mistakes. To compound this disaster, selecting an arrogant, ignorant, uninformed meeting manager like Michael Stevenson, "Principal" of Horizon Water and Environment, to try to ramrod through another over-hyped disaster of a public works project shows criminal incompetence. All of the parties who have been involved with the promotion of this Super Sized Fiasco need to be relieved of any further responsibility, and recommended for positions with the Donald Trump Presidential Campaign, where they can vie to be the first to be fired.

In place of the Interlake Tunnel Project, the successful implementation of Aquifer Storage and Recovery installations in the Pressure, East Side, Forebay, and Upper Valley Aquifers can add up to 3,340,000 acre-feet[7] of treated storm waters to the aquifers most impacted by overdraft. By charging those who pump water from these aquifers a user fee to fund the recharge of these aquifers, the county can begin the restoration of its groundwater resources, and halt the advance of salt water brine along the coast. The sooner we accept responsibility for the stewardship of our remarkable groundwater resources, the sooner we will duplicate the successes of Santa Clara, Orange, and other Southern California Counties.

Bill Carrothers
Salinas, California
June 11, 2016

[7] *State of the Salinas River Groundwater Basin Report,* Brown and Caldwell, December 10, 2014.

tunnelEIR

From: Johnson, Robert
Sent: Monday, June 13, 2016 1:22 PM
To: 'Mark Nielsen'
Cc: tunnelEIR; Krafft, Elizabeth A. Ext.4864
Subject: RE: Question for interlake Tunnel EIR

Dear Mr. Nielsen:

Thank you for your question/comment regarding the Interlake Tunnel Project.

I think the answer to your question lies in the analyses yet to be performed as part of the Interlake Tunnel Project Environmental Impact Report process. I will accept this question as a comment, and have copied the Comment email address to incorporate it into the process.

Thanks again for your comment –

Robert Johnson

Robert Johnson
Deputy General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Phone: 831.755.4860
Fax: 831.424.7935
1 Peter 5:6-7

From: Mark Nielsen [mailto:marknielsen1@gmail.com]
Sent: Friday, June 10, 2016 6:00 PM
To: Johnson, Robert
Cc: 'Mark Nielsen'
Subject: Question for interlake Tunnel EIR

Mr Johnson,

I have a question for the Interlake Tunnel EIR regarding possible mitigations for issues that might arise from the Interlake Tunnel.

If the tunnel drilling project were to adversely affect the private wells and water table of the property owner in the surrounding area, could water be brought from the water facility used at the Oak Shores development? They may be able to supply water, which could be piped along the roadway to the needed individuals.

Respectfully submitted,

Mark

State Water Resources Control Board

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JUN 13 2016

In Reply Refer to:
JMH: 266.0

Robert Johnson
Monterey County Water Resources Agency
tunnelEIR@co.monterey.ca.us

Dear Mr. Johnson:

POTENTIAL UNAUTHORIZED DIVERSION OF WATER RELATED TO NOTICE OF PREPARATION/INITIAL STUDY FOR INTERLAKE TUNNEL AND SPILLWAY MODIFICATION PROJECT (SCH # 2016041085) IN MONTEREY AND SAN LUIS OBISPO COUNTIES

Potential Unauthorized Diversion of Water

Staff from the State Water Resources Control Board, Division of Water Rights (Division) has determined that the project may divert water in such a manner that may require a water right approval. You should contact the Division to determine whether a water right permit or other water right approval is needed. Information on water rights and the permitting process is available at the Division's web site at:

http://www.waterboards.ca.gov/waterrights/

If a water right approval is needed, the State Water Board will act as a Responsible Agency for this project. Accordingly, the State Water Board may need to rely on the Lead Agency's California Environmental Quality Act (CEQA) document to support the Division's evaluation of the requested approval. The Lead Agency should therefore ensure that any CEQA document prepared for the project considers all potential direct and indirect environmental impacts associated with the diversion and use of water.

Unauthorized diversion and use of water is considered a trespass and subject to enforcement action under Water Code sections 1052 and 1831. Pursuant to Water Code section 1052, any diversion of water not covered by a valid basis of right may be subject to Administrative Civil Liability of up to $500 per day without further notice. The State Water Board also may issue a Cease and Desist Order in response to an unauthorized diversion or threatened unauthorized diversion pursuant to Water Code section 1831.

Some diverters claim rights to divert independent of a permit, license, registration or certification issued by the State Water Board, such as diversions under riparian or pre-1914 rights. With limited exceptions, Water Code section 5101 requires that a Statement of Water Diversion and Use be filed for these diversions. Water Code section 5107 (c)(1) provides that the State Water Board may impose a civil liability of $1,000, plus $500 per day for each additional day on which the violation continues if the person fails to file a statement within 30 days after the board has called the violation to the attention of that person. These penalties are in addition to any penalties that may be imposed if the diverter does not hold a valid right or diverts in excess of what is authorized under that right. This letter serves as your notice of the statement requirement and potential penalty.

Potential Changes to Existing Water Rights

Staff have reviewed the project and have determined that the following would need to occur in order to use the existing water rights for Nacimiento and San Antonio Reservoirs to implement the project:

1. File a Petition for Change regarding storage capacity under License 12624 (Application 16761).

2. File Petitions for Change to add a point of diversion to offstream storage and a point of rediversion under water right License 7543 (Application 16124) and/or Permit 21089 (Application 30532).

Comments Specific to the Notice of Preparation/Initial Study (NOP/IS)

Staff have reviewed the NOP/IS and have provided the following comments for consideration when developing the Environmental Impact Report:

1. Include discussion on the current and proposed operations of Nacimiento and San Antonio Reservoirs. Include topics such as the number of occurrences and magnitude of spills during various water-year types (i.e. dry, normal, wet), as well as, potential changes to the operation of the Salinas River Diversion Facility.

2. Under Section IV: Biological Resources, the NOP/IS noted that increased surface water levels at San Antonio Reservoir could potentially flood plant communities. Include a survey documenting the plant communities that may be flooded and include an analysis on any special-status plant species that may be located within those plant communities. Evaluate the impacts on the removal of any trees, shrubs, or other vegetation within this potential flooded area and include measures to mitigate any loss of vegetation.

3. Furthermore under Section IV: Biological Resources, the NOP/IS noted that increasing the water surface level could potentially flood fringe wetlands, but it is anticipated that this impact would be offset by the eventual re-establishment of wetlands along the new rim of the reservoir. Include a wetland analysis or survey to document the current wetlands located along the rim of the reservoir, and include discussion of measures that will be taken to ensure that there is no loss of wetlands caused by the proposed project.

If you have any questions, or require additional information please contact me at (916) 341-5759 or via e-mail at Justine.Herrig@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Justine Herrig, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

Justine Herrig, Environmental Scientist
Permitting & Licensing Section
Division of Water Rights

ec: Bill Stevens
National Marine Fisheries Service
william.stevens@noaa.gov

Annette Tenneboe
California Department of Fish and Wildlife
Annette.Tenneboe@wildlife.ca.gov

Lisa McCann
Central Coast Regional Water Quality Control Board
Lisa.McCann@waterboards.ca.gov

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Wade Horton, Director
County Government Center, Room 206 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

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June 10, 2016

RECEIVED
JUN 13 2016
WATER RESOURCES AGENCY

Robert Johnson, Assistant General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Subject: San Luis Obispo County Department of Public Works Comments on the Interlake Tunnel and Spillway Modification Project (project) Notice of Preparation/Initial Study (NOP).

Dear Mr. Johnson,

Thank you for the opportunity to comment on the Interlake Tunnel and Spillway Modification Project (project) Notice of Preparation/Initial Study (NOP). The San Luis Obispo County Department of Public Works supports the efforts to maximize the efficient use of our shared water resources, and looks forward to exploring opportunities to partner with the Monterey County Water Resources Agency on the development as well as the operation of this project.

We understand that the project includes construction of an approximately 10-foot-diameter, 2.3-miles-long tunnel connecting the Nacimiento and San Antonio Reservoirs. The project also includes raising the San Antonio Dam Spillway by approximately 10 feet, thereby increasing capacity of the reservoir by approximately 59,000 acre feet. We have reviewed the NOP and offers the following comments:

1. While we recognize the project description has not been fully developed, it is challenging to comment on the scope of the EIR based on the information provided. The basic physical improvements are described, but the proposed operations of the tunnel are not provided. For example, Page 2 of the NOP suggests that the tunnel would be operated such that *"…water could be transferred from Nacimiento Reservoir at appropriate times to maximize the net storage of the combined reservoirs."* The Project Description in the EIR should therefore clearly define the phrase "appropriate times" and describe how the water transfer would affect the long-term, average elevation of Nacimiento Lake. Once this has been described, resulting impacts to resources such as, but not limited to, water, recreation, biological, and aesthetic, can be properly evaluated. We suggest that the Project Description include an "operations plan" that describes specifically under what conditions Nacimiento Reservoir water would be transferred to San Antonio Reservoir and how this is consistent with the 1959 Agreement.

2. Page 37 of the NOP reads "*Operation of the proposed project would increase releases from the reservoirs during the dry season and thereby support groundwater recharge downstream of the project area.*" The EIR should explain if and how the project would result in increased releases from the Nacimiento Reservoir during the dry season, and what affect this would have on existing average water levels in the reservoir. A comprehensive operations plan would help guide the evaluation.

3. We would appreciate an opportunity to review any proposed operations plan when available, and ask that it be made available prior to completion of the Draft EIR.

4. The NOP analysis consistently describes potential impacts (e.g. biological, cultural, geology and soils) related to raising water levels in the San Antonio Reservoir, but does not describe any potentially corresponding impact related to a lower water level in Nacimiento Reservoir. This implies that the only water that would be transferred to San Antonio Reservoir would otherwise have been released downstream by Nacimiento Reservoir. The EIR should clarify the proposed operation of the tunnel during the dry and rainy seasons, and evaluate water level affects related to construction and operation of the project.

5. The project objectives included in the NOP include *"Continue to meet environmental flow requirements."* The EIR should describe what currently constitutes an "environmental" flow requirement, and how the project will continue to meet them during construction and operation of the project.

6. The project description should describe whether or not the interlake tunnel would be capable of pumping water back into the Nacimiento Reservoir in the event it was determined necessary due to an unforeseen environmental or safety concern.

7. Given the relatively shallow slope proposed for the interlake tunnel, the EIR should also evaluate the possibility of organisms being transferred from San Antonio to Nacimiento Reservoir.

8. The EIR should clearly identify potential locations for spoils disposal and the associated haul routes. In addition to elevated air emissions that may affect sensitive receptors (e.g. schools, residences) along the haul routes during construction, truck traffic could impact public road surfaces as well as traffic levels during the dry season when recreational traffic is already peaking along Nacimiento Lake Drive and Interlake Road, for example.

9. The County agrees that the visual impacts are potentially significant and requests a visual impact assessment, which includes visual simulations, as well as a discussion of temporary and permanent impacts to views from Nacimiento Lake and surrounding public spaces that will result from construction and operation of the project.

10. The County agrees that the tunnel has the potential to impact local groundwater supplies and alter the function of wells that are located in the fractured bedrock along the tunnel alignment. The EIR should describe these potential impacts and include a specific monitoring program to ensure any short or long-term impacts to local groundwater wells are identified. Further, the EIR should include contingency measures that would be employed in the event that data shows that the wells have been impacted by the tunnel.

11. The Recreation section of the EIR should clarify this statement from page 48 of the NOP "*In addition, potential changes in reservoir levels due to the operation of the project have the potential to result in conflicts with established recreational opportunities at the reservoirs.*"

Thank you again for the opportunity to comment on the NOP for this important project. We look forward to receiving additional information regarding both the construction and proposed operation of the project as soon as the information is available. If you have any questions on this letter or would like to discuss the project further, please do not hesitate to contact me at mhutchinson@co.slo.ca.us or at (805) 781-5458. Also, the San Luis Obispo County Department of Planning and Building has prepared comments on the NOP. Their comments, which include contact information are attached.

Sincerely,

MARK HUTCHINSON
Deputy Director of Public Works

Enclosure

c: James Caruso, Department of Planning and Building

File: CF 230.30.01 Agency Request

L:\Management\2016\June\PW Interlake Tunnel NOP Comments.docxKM.mj

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

DATE: **JUNE 1, 2016**

TO: **KEITH MILLER, PUBLIC WORKS DEPT**

FROM: **JAMES CARUSO, SENIOR PLANNER**

SUBJECT: **MONTEREY COUNTY WATER RESOURCE AGENCY INTERLAKE TUNNEL NOTICE OF PREPARATION (NOP)**

This Department has reviewed the Notice of Preparation for the Interlake Tunnel project. The Department has one comment on the Notice of Preparation. Pursuant to Government Code section 65402, the Monterey County Water Resources Agency will need to request a general plan conformity report from San Luis Obispo County. However, no County building or land use permits are necessary for the Interlake Tunnel project pursuant to Government Code section 53091.

If you have any questions regarding the processing of the application, please feel free to contact me at (805) 781- 5702.

c: Ellen Carroll

976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • TTY/TDD RELAY - 711

planning@co.slo.ca.us • FAX: (805) 781-5624 • http://www.slocounty.ca.gov/planning.htm

CAL-SHASTA CLUB, INC.
Recreation at its Best
4500 Gage Irving Road
Paso Robles CA 93446

June 13, 2016

Monterey County Water Resources
893 Blanco Circle
Salinas, CA 93901

Re: EIR Scoping
Interlake Tunnel

Cal-Shasta Club was incorporated in 1959 and represents 120 families who own property in Cal-Shasta Club.

At our Board meeting on Saturday June 11, 2016 the Interlake tunnel was once again discussed. The Board of Directors and members directed me to relay our concerns over the proposed Interlake tunnel.

- The current proposed elevation for the Tunnel at 745 is too low. The stated purpose of the Tunnel is catch excess water from Lake Nacimiento before it goes over the dam and transfer it to Lake San Antonio. A much higher elevation like 785 would accomplish this goal. MCWRA has presented no engineering information to justify having the tunnel at elevation 745. Placing the tunnel at elevation 745 has the potential to greatly decrease property values for owners around the lake. It would be much less expensive and have less environmental impact if the tunnel was higher. Considerable distance and money can be saved by putting the tunnel at a higher elevation.

- The 1991 Boyle Engineering report that identified the concept of the tunnel also identified the Jerrett Reservoir as a significant improvement to water supply and quality to Lake Nacimiento. At 135,000 acre feet of storage, it provides a huge additional water source for the system and by controlling the release of the water improves water quality. The Boyle Report states that both the Jerrett reservoir and the Tunnel work together, The Jerrett Reservoir should be given equal consideration with the tunnel. It appears to provide considerably more water benefit and a lower per acre foot cost than the tunnel and probably with less environmental impact.

- We recommend that you explore partnering with SLO County and the stakeholders of the Nacimiento Pipeline Project to improve funding sources in exchange for providing them additional water allocations. SLO county users could benefit greatly from more water allocation, increasing the property values, recreational activities and water quality for their residents.

We look forward to seeing the above mentioned concerns being addressed.

Sincerely,

Rick Morehouse
President

FARM BUREAU
MONTEREY

1140 Abbott Street, Suite C, Salinas, CA 93901 • PO BOX 1449, Salinas, CA 93902
office (831) 751-3100 • www.montereycfb.com

June 13, 2016

Mr Robert Johnson
Assistant General Manager,
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

VIA: Email to tunnelEIR@co.monterey.ca.us

RE: Inter-lake Tunnel and Spillway Modification Project
Notice of Preparation of Environmental Impact Report

Dear Mr. Johnson:

On behalf of the Board of Directors of Monterey County Farm Bureau, I submit these comments about the proposed Inter-lake connection between Lake Nacimiento and Lake San Antonio, including spillway modifications for the San Antonio dam:

- Water rights are important part of any project, and no less so in this instance. We suggest that the environmental impact report include a full accounting of available water rights for both the Nacimiento and San Antonio watersheds to determine, without question, how much water could be utilized for transfer between the two reservoirs, without impacting the individual water rights of Salinas Valley landowners.
- Given the concerns about reservoir releases during the on-going drought, management of the water supplies between the two reservoirs may trigger the need for review of the NOAA/NMFS biological opinion for the Salinas Valley Water Project. Impacts to groundwater recharge should be carefully considered throughout the environmental studies, determining if changes to the biological opinion would adversely impact the ability to recharge the upper valley basin during months of reservoir conservation releases. Thus, operational parameters of the reservoirs must be studied and analyzed in the environmental report, noting adverse impacts to groundwater recharge if federal fish mitigation requirements change due to the project.
- The County of Monterey is developing a new groundwater assessment model for the Salinas River Groundwater Basin and plans to have preliminary information available in the fall of 2016. The intent of this new groundwater model is to aid in assessing how current and new projects will impact the sustainability of the

FARM BUREAU
MONTEREY

1140 Abbott Street, Suite C, Salinas, CA 93901 • PO BOX 1449, Salinas, CA 93902
office (831) 751-3100 • www.montereycfb.com

groundwater basin in aggregate. We would expect that the environmental studies would take into account that this modeling is key to determining not only potential impacts of the inter-lake connection project, but also assessing the long-term benefits of this project when viewed in concert with other projects already built in the basin.

- We suggest that a drought contingency plan be evaluated as part of the environmental impacts of this project; management of drought conditions has been reactive rather than proactive to this point in time. The project analysis provides an opportunity to include drought contingency planning in overall water resource management of the Salinas River Groundwater Basin.
- The project proposes significant impacts to flood management, without providing specifics on how the project will do so. Full analysis is needed to determine the extent of flood protection this project may offer.
- As with an environmental study, impacts of the proposed project include a review of alternatives available within the Salinas Valley watershed area. Feasibility of all considered alternatives needs to be fully analyzed in the environmental review process, with assessments of all impacts and benefits.

We look forward to reviewing the draft environmental impact report on this project when available.

Sincerely,

Norman C. Groot
Executive Director

From: N. Isakson[SMTP:NISAKSON@MBAY.NET]
Sent: Monday, June 13, 2016 4:14:44 PM
To: Johnson, Robert; tunnelEIR
Subject: NOP interlake tunnel comments 061316.pdf
Auto forwarded by a Rule

Rob, please find attached the SVWC's comments to the Agency's NOP for the Interlake Tunnel and Spillway Modification Project.

Please confirm your receipt of these comments.

Thank you

Nancy

Nancy Isakson, President
Salinas Valley Water Coalition
(831) 224-2879
(831) 886-1528 FAX

Tri-Counties Club, Inc. 43

P. O. Box 314
San Luis Obispo, CA 93406

June 13, 2016

Robert Johnson, Assistant General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Dear Mr. Johnson and Board of Directors, MCWRA

The Board of Directors of Tri-Counties Club, Inc., on the behalf of our Membership, is writing to provide input regarding the scope and content of the EIR for the Interlake Tunnel and Spillway Modification Project.

Tri-Counties Club, Inc. represents 86 property owners at Lake Nacimiento. As active Members who enjoy the Lake for recreational purposes, we are extremely interested in how it is managed and any construction that could have a potential impact on the quality of recreation and the ecology of the Lake. In response to your request for input, the Board of Directors voted on Saturday June 11, 2016 to send the following concerns about the proposed Interlake Tunnel.

First, the current proposed elevation for the Tunnel at 745 is too low. The stated purpose of the Tunnel is to catch excess water from Lake Nacimiento, before it goes over the dam, and to transfer it to Lake San Antonio. A much higher elevation, like 785, would accomplish this goal more effectively. The lower elevation only endangers Lake Nacimiento's elevation and ecology depending on how the operation manual for the Tunnel is written. Since both Reservoirs are shaped like martini glasses, considerable distance and construction cost can be saved by putting the Tunnel at a higher elevation which would, in addition, reduce the environmental impact to Lake Nacimiento.

Second, the 1991 Boyle Report, that identified the concept of the Tunnel, also identified the concept of the Jarrett Reservoir. This new Reservoir would provide a significant improvement to the drinking water supply and to the quality of Lake Nacimiento by separating the storage of the water sources. At 135,000 acre feet of storage, Jarrett Reservoir provides a huge additional water source for the system and by controlling the release of the water, improves water quality. The Boyle Report states that both the Jarrett Reservoir and the Tunnel work together and should be given equal consideration. The Jarrett Reservoir appears to provide considerably more water benefit than the Tunnel and provides for less of an environmental impact on Lake Nacimiento.

We recommend that you explore partnering with San Luis Obispo County and the Stakeholders of the Nacimiento Pipeline Project to improve your funding sources in exchange for providing them additional water allocations from the Jarrett Reservoir. SLO County users could benefit greatly from additional water allocation as it would increase property values, allow for new construction, support recreational activities, and improve water quality for the residents.

We appreciate your request for input on the scope and content of the EIR and your attention to our concerns.

Sincerely,

Joyce Hunter

Board of Directors, Tri-Counties Club, Inc
Joyce Hunter, Commodore
Cell: (805) 748-0688
bjcockrill@att.net

The Otter Project
www.otterproject.org

P.O. Box 269
Monterey, CA 93942
831/663-9460

June 13, 2016

Robert Johnson, Assistant General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Via Email: tunnelEIR@co.monterey.ca.us

Re: NOP Interlake Tunnel Project

Dear Mr. Johnson and MCWRA Staff:

We appreciate the opportunity to comment on this early phase of the Interlake Tunnel Project. We recognize the efforts MCWRA is putting forward to provide flood control and water supply to the growers (92% of water consumption) and municipalities (8% of water consumption). The Interlake Tunnel Project could make significant strides in improving water quality, protecting sensitive aquatic habitats, and restoring groundwater and pushing back saltwater intrusion, unfortunately in these areas we feel the project falls short.

We want to be very clear: We could be in support of this project if it better shared the water. The example most on point to our concerns is the project purpose statement: "Continue to meet environmental flow requirements." While other project purposes are to "improve," "minimize," or "increase, the most critical environment factor – flow – is stated as maintaining an inadequate status quo. We urge project proponents to understand that days of continuous flow in the Salinas River – from the dams to the sea -- are critically important to the ESA threatened south central coast steelhead population.

We believe the flow requirements spelled out in the NMFS Biological Opinion for the Salinas Valley Water Project are not being met by current MCWRA operations. Further, we believe the water quality improvement requirements are also not being met. And finally, we believe the Biological Opinion itself is inadequate and must be revisited and revised to take into account drought and a changing climate, and the presence of steelhead in the San Antonio River. So to "[c]ontinue to meet environmental flow requirements" that are already not being met AND are inadequate falls far short. Our concerns with the Biological Opinion are expressed in our 60-Day Notice Letter dated June 2, 2016 which is attached and should be considered as an integral part of this letter.

Flows: The EIR must model the number of flows days – continuous flow from dams to ocean – during the steelhead passage season (late fall and winter) given varying climatic scenarios, including prolonged drought. Given that the Biological Opinion is currently being challenged, we request that the modeling include flow days 20, 50, and 100 percent above the number of flow-days currently prescribed in the BiOp. Further, these fow-days should be optimal volume

flows developed in coordination with the NMFS (as opposed to minimal volume flows that add stress and the potential for increased predation). The project must *improve* steelhead recovery, not just maintain the mere existence of a critically threatened population.

The San Antonio River: In 2015 the presence of steelhead in the San Antonio River became well known. Until that time, the San Antonio water temperature was considered too warm to support steelhead. With this new finding, the EIR must consider the San Antonio as steelhead habitat and the river should be maintained at optimal temperature for steelhead recovery: This will require additional minimum summertime flow. The EIR should consider an alternative enhanced flow of 60 cfs (or other flow as suggested by the NMFS) on the San Antonio in all project modeling and projections.

Water Quality: "Temperature" is a water quality parameter and surface water temperature and dissolved oxygen should be modeled for varying flow conditions on the San Antonio and Nacimiento Rivers and on the mainstem of the Salinas River in 10 mile increments from dams to the sea. As stated above, the San Antonio River, in addition to the Nacimiento and Salinas -- must be maintained at temperatures optimal for steelhead.

Cumulative Impacts: The project must be evaluated in the context of all the "live" projects and project proposals currently in place or being planned including but not limited to: water right 11043, Pure Water Monterey, Salinas Valley Water Project, Salinas Industrial Pond diversion, and an enlargement of CSIP.

The project EIR must acknowledge, consider, and evaluate the cumulative impacts of 1) stopping or diverting flows optimal flows from the few short months available for steelhead migration when all projects are operational, and 2) the impact on Salinas Lagoon water temperatures and dissolved oxygen when the new storage and diversion does not allow water flow to reach and cool the lagoon during the summer months.

Project Alternatives: We request that an alternative be considered that is optimal for the recovery of steelhead trout. This alternative would maintain optimal water temperature and dissolved oxygen, and would provide for an adequate number of fish passage days, at optimal flow (adequate and optimal should be defined in consultation with NMFS).

Thank you for this opportunity to comment and we look forward to working together as this project develops and progresses.

Sincerely,

Steve Shimek
Executive Director
exec@otterproject.org

Attachment: 60-Day Notice Letter

StanfordLawSchool
MillsLegalClinic

Environmental Law Clinic

Crown Quadrangle
559 Nathan Abbott Way
Stanford, CA 94305-8610
Tel 650 725-8571
Fax 650 723-4426
www.law.stanford.edu

June 2, 2016

Via Certified U.S. Mail
and Electronic Mail

Honorable Penny Pritzker
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue, N.W., Room 5516
Washington, D.C. 20230
PPritzker@doc.gov

Ms. Eileen Sobeck
Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration
1315 East-West Highway
Silver Spring, MD 20910
eileen.sobeck@noaa.gov

Mr. Dave Hart
Board of Directors Chair
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901
c/o chamblissws@co.monterey.ca.us

Lieutenant Colonel John C. Morrow
U.S. Department of the Army
San Francisco District, Corps of Engineers
1455 Market Street, 16th Floor
San Francisco, California 94103
John.C.Morrow@usace.army.mil

Sixty-Day Notice of Intent to Sue for Endangered Species Act and Clean Water Act Violations in Relation to the Salinas Valley Water Project

Dear Secretary Pritzer, Ms. Sobeck, Mr. Hart, and Lieutenant Colonel Morrow:

On behalf of The Otter Project, we write to notify the National Marine Fisheries Service ("NMFS"), Monterey County Water Resources Agency ("MCWRA"), and the U.S. Army Corps of Engineers ("Army Corps") of our intent to sue over ongoing violations of Sections 7 and 9 of the Endangered Species Act in connection with the ongoing operation of the Salinas Valley Water Project, as well as ongoing violations of the Section 404 Clean Water Act permit issued by the Army Corps to MCWRA for that project.

STATUTORY BACKGROUND

The Endangered Species Act ("ESA") was enacted, in part, to provide a "means whereby the ecosystems upon which endangered species and threatened species depend may be conserved [and] a program for the conservation of such endangered species and threatened species." 16 U.S.C. § 1531(b). Species may be listed as endangered or threatened if they are in danger of extinction or likely to become so in the foreseeable future. 16 U.S.C. §§ 1532(6), (20). Once a species is listed, the statute prohibits any person, including any agency, from causing harm to the species unless authorized by either the National Marine Fisheries Service or the U.S. Fish and Wildlife Service (collectively, "Service").

The Clean Water Act was enacted to restore and maintain the chemical, physical and biological integrity of the nation's waters through national goals such as prohibiting the discharge of toxic pollutants and providing for the protection and propagation of fish, shellfish and wildlife. 33 U.S.C. § 1251.

A. ESA Section 9 Prohibition on Take of Listed Species

The ESA generally prohibits "take" of listed species. 16 U.S.C. § 1538(a). The term "take" means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." 16 U.S.C. § 1532(19). The term "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering." 50 CFR § 17.3 (2006). The term "harass" means "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering." *Id*.

A person or agency may avoid liability for unlawful take under Section 9 through compliance with the Section 7 consultation provisions described below. After Section 7 consultation is completed, however, *only* take activity "in compliance with the terms and conditions specified in" the resulting biological opinion and incidental take statement "shall not be considered to be a prohibited taking of the species concerned. 16 U.S.C. § 1536(o)(2). Accordingly, a person who fails to comply with an incidental take statement is not shielded from Section 9 liability for actions that harm or harass a listed species.

B. ESA Section 7 Consultation and Duty to Reinitiate

Section 7(a)(2) of the ESA requires federal agencies to "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the adverse modification of [the critical] habitat of such species . . . ." 16 U.S.C. § 1536(a)(2). Once a federal agency determines that its action "may affect listed species or critical habitat," it must consult with the authorized representative of appropriate Service. 50 C.F.R. § 402.14(a); *see id.* § 402.02 (definitions).

Following consultation, the Service will provide the federal action agency with a written biological opinion that details how the proposed agency action affects listed species and their critical habitat. Where the Service determines that the proposed action will jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat, the biological opinion also must suggest "reasonable and prudential alternatives" that the Secretary believes will avoid jeopardy and adverse modification. 16 U.S.C. § 1536 (b)(3)(A); 50 C.F.R. § 402.14.

If the Service concludes that the proposed action, with implementation of these reasonable and prudent alternatives, will not cause jeopardy or adverse modification of critical habitat, the Service will also issue an incidental take statement. 16 U.S.C. § 1536(b)(4). The incidental take statement "specifies those reasonable prudent measures" that are "necessary or appropriate to minimize such impact" and "sets forth the terms and conditions . . . that *must* be complied with" by the Federal agency and applicant to implement those measures. 16 U.S.C. § 1536(b)(4) (emphasis added); *see also* 50 C.F.R. § 402.14(i)(1).

The ESA requires the Service and the federal agency to reinitiate formal consultation when "discretionary Federal involvement or control over the action" has been retained or is authorized by law and any of the following circumstances apply:

(a) the amount or extent of take specified in the incidental take statement is exceeded;
(b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;
(c) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or
(d) a new species is listed or critical habitat designated that may be affected by the identified action.

50 C.F.R. § 402.16

C. Clean Water Act Section 404 Permits

The Clean Water Act prohibits the discharge of dredged or fill material into waters of the United States without a permit from the Army Corps of Engineers ("Army Corps"). 33 U.S.C. §§ 1311(a), 1344(a); 33 C.F.R. § 320.3. Failure to comply with the terms of a Section 404 dredge and fill permit is unlawful, 33 U.S.C. §§ 1311(a), and subjects the permittee to civil liability. 33 U.S.C. § 1344 (s)(4)

FACTUAL BACKGROUND

A. Status of Steelhead Trout in the Salinas River Watershed

The Salinas River watershed is a large river system that extends from valleys between coastal mountain ranges over a hundred miles into the Pacific Ocean. The watershed is a spawning site, rearing habitat, and migration route for South-Central California Coast ("S-CCC") Steelhead Trout, a threatened species. Steelhead trout are anadromous fish, meaning they are born in fresh water, migrate to the ocean, and then return to fresh water to spawn. Biological Opinion and Incidental Take Statement for the Salinas Valley Water Project (June 21, 2007) ("2007 BiOp"), at 23, available at http://www.westcoast.fisheries.noaa.gov/publications/recovery_planning/salmon_steelhead/domains/south_central_southern_california/nmfs_bo_salinas_valley_water_project_opinion_6-21-07pdf.pdf. Because steelhead experience several different life-history stages that require use of all portions of a river system, they serve as an indicator of the health of watersheds. Steelhead require gravelly areas for spawning, increasingly deeper water as they grow into adolescence, woody debris to protect them from predation, and cool flowing waters with ocean access for migration. See Peter B. Moyle, et al.,"Salmon, Steelhead, and Trout in California: Status of an Emblematic Fauna," (2008) ("Moyle Report"), at 80, available at https://watershed.ucdavis.edu/pdf/SOS-Californias-Native-Fish-Crisis-Final-Report.pdf.

Adult steelhead migrate to the fresh waters of the Salinas River and its tributary rivers such as the Arroyo Seco, San Antonio, and Nacimiento between November and June, with peak migration in March. Spawning begins shortly after the adult fish reach spawning areas, which are gravel "nests" or the downstream end of pools. After four to eight weeks, depending on water temperatures, young steelhead emerge from the gravel and move into shallow, low velocity areas in side channels. They travel to deeper water as they grow. After one or more years, these juveniles – called smolts – biologically and physiologically adapt in preparation of their March through late May or June process of downstream migration and entry into saltwater. Steelhead may go through this extraordinary life cycle and migrate between saltwater and freshwater to spawn multiple times. *See generally*, NMFS, South-Central California Coast Steelhead Recovery Plan (Dec. 2013) ("Recovery Plan"), at Chapter 2, available at http://www.westcoast.fisheries.noaa.gov/publications/recovery_planning/salmon_steelhead/domains/south_central_southern_california/nmfs_bo_salinas_valley_water_project_opinion_6-21-07pdf.pdf; *also* Moyle Report at 79-85.

The steelhead population has experienced a dramatic decline in the Salinas Watershed. Historically, an estimated 25,000 adult fish returned to the Central Coast region. Recovery Plan at xi. Now less than 500 return to the region. Id. And while 4,750 adult steelhead returned to the Salinas River in 1965, Moyle Report at 81, the most adult steelhead to return since 2010 were a mere 43 steelhead that were detected in 2013. Attachment A (Letter from NMFS to MCWRA, dated Oct. 6, 2015), at 2. In 2011 and 2012, 13 and 17 steelhead returned to the Salinas River, respectively. *Id.* No steelhead returned to the Salinas River in 2010, 2014, and 2015. *Id.*

B. History of Consultation for the Salinas River Water Project

After listing the South-Central California Coast Steelhead – the population of steelhead that inhabit the Salinas River and its tributaries – as a threatened species in 1997, NMFS has been significantly involved in management of the declining Salinas watershed population, including through development of the Recovery Plan and consultation with agencies and entities conducting activities that may result in take of the species. NMFS attributes the steelhead population declines in the Salinas watershed to water development, agriculture, flood control programs, forestry practice, mining, and urbanization. Recovery Plan at xi. Specifically:

> Habitat modification of natural flow regimes by dams and other water control structures have resulted in increased water temperatures, changes in fish community structures, depleted flow necessary for migration, spawning, rearing, flushing of sediments from spawning gravels, and reduced gravel recruitment. In addition to these systemic threats to steelhead habitat, dams and other water control structures have also resulted in increased direct mortality of adult and juvenile steelhead.

Id. at 3-2.

MCWRA, a local agricultural water agency, conducts extensive water and wastewater management activities throughout the Salinas River watershed, including dam operations and water diversion activities that directly impact freshwater habitat quality and availability for steelhead. Most significantly, MCWRA's Salinas Valley Water Project ("Water Project") included increased the spillway capacity of the Nacimiento Dam and a seasonal river diversion facility ("Salinas River Diversion Facility") with a small dam and diversion structure to impound and distribute increased spring, summer, and early fall reservoir releases from the San Antonio and Nacimiento Dams to provide surface water deliveries for irrigation. 2007 BiOp at 6.

In 2002, MCWRA applied to the Army Corps for a Clean Water Act Section 404 permit to construct the Salinas River Diversion Facility as part of the Water Project. 2007 BiOp at 3. The Army Corps then initiated ESA Section 7 consultation with NMFS because the Water Project would affect ESA-listed steelhead trout and its critical habitat. *Id.* at 4, 7. After years of reviewing engineering plans and analyzing river flows, NMFS issued the a final Biological Opinion and Incidental Take Statement to the Army Corps on June 21, 2007. *Id.* at 6. The 2007 BiOp incorporated the "Salinas Valley Water Project Flow Prescription for Steelhead Trout in the Salinas River" and its supplements ("Flow Prescription") (Oct. 11, 2005), at 31, available at http://www.mcwra.co.monterey.ca.us/

flow_monitoring/ documents/2005%20FlowPrescriptionWithAppendicesAndErrata.pdf. In November 2007, the Army Corps issued MCWRA a Clean Water Act Section 404 permit for the diversion facility and conditioned that permit on MCWRA's adherence to the requirements in the Biological Opinion and Incidental Take Statement. Attachment B, (Department of the Army Permit No. 24976S) ("Corps Permit"). NMFS subsequently issued a letter modification of the BiOp with respect to the take limit on sampling activities. Attachment C (Letter from NMFS to Army Corps, dated Apr. 25, 2012) at 2.

The Water Project was constructed in 2010. The Salinas River Diversion Facility portion of the project is located at river mile 4.8, at a lagoon with a sandbar that is sometimes open, allowing river flow to reach the ocean, and sometimes closed, directing river flow into the Old Salinas River channel. BiOp at 8. The Salinas River Diversion Facility is operated seasonally from April 1 through October 31 and includes a small dam and intake structure, fish bypass facilities, a pump station, and a pipeline connection to the Castroville Seawater Intrusion Project. *Id.* at 7-8. The Water Project also increased the Nacimiento Dam spillway capacity and changed the amount, frequency, and schedule for releases of water from the Nacimiento and San Antonio reservoirs. *Id.* at 8-9.

C. MCWRA's Noncompliance with the Biological Opinion/Incidental Take Statement

Since 2007, MCWRA has failed to implement key elements of the Salinas Valley Water Project as outlined in the "project description" of the BiOp. MCWRA also has repeatedly violated the nondiscretionary "terms and conditions" imposed by NMFS as part of the Incidental Take Statement. NMFS explicitly detailed specific items of BiOp non-compliance in its January 28, 2011 letter to the Army Corps. See Attachment D. Despite the fact that these identified violations by MCWRA are ongoing, NMFS and the Army Corps have not reinitiated consultation or taken any other steps to address them.

1. Flow Prescription

Since 2007, MCWRA has repeatedly failed to comply with the Flow Prescription outlined in the BiOp, and NMFS and the Army Corps have permitted these violations to continue. Moreover, in recent drought years, MCWRA has implemented new actions that are beyond the scope of the BiOp, and may jeopardize S-CCC steelhead and its critical habitat. NNMFS and the Army Corps are aware of these attempts to evade ESA protections.

The Flow Prescription relies on triggers based on reservoir conditions and stream flow to initiate passage flows for adult upstream migration, smolt downstream migration, and juvenile and adult downstream migration. The Flow Prescription also requires that MCWRA maintain spawning and rearing habitat in the Nacimiento River. BiOp at 16. For spawning, MCWRA must provide reservoir releases of 60 cfs from the Nacimiento Reservoir beginning the eighth day after the first adult steelhead passage day after January 1 through May 31. *Id.* at 16-17. For rearing, MCWRA must release a minimum of 60 cfs throughout the year as long as the water surface elevation of the Nacimiento Reservoir is

above 687.8 feet mean sea level (msl). *Id.* at 17.

The BiOp allows for some limited flexibility in the Flow Prescription during drought conditions: "Under drought conditions, the MCWRA will evaluate reservoir storage with regard to the continuation of minimum releases. When the water surface of Nacimiento Reservoir is at or below elevation 748 feet msl recommendations may be presented to NMFS for a reduction of the minimum flow criterion." Flow Prescription at 31. But that flexibility does not permit agencies to use a drought as a perpetual excuse to avoid the protections for steelhead required by the ESA and incorporated into the BiOp. Indeed, any modifications or adaptations to the Flow Prescription must be "mutually agreed upon" by MCWRA and NNMFS. BiOp at 10. As described below, in 2014 and 2015, MCWRA deviated from the Flow Prescription without NMFS's agreement.

On March 18, 2014, MCWRA requested permission from NMFS to reduce flows from Nacimiento Reservoir from 60 cfs to 25 cfs, thereby prolonging flow into Nacimiento River for as long as possible during a drought. Attachment E (Letter from MCWRA to NMFS, dated Mar. 18, 2014), at 2. In response, NMFS explained that lower flow volume is likely to cause increased temperature and reduced flow velocity, thereby "result[ing] in adverse impacts to the quality and quantity of S-CCC steelhead habitat, which could result in take of S-CCC steelhead." Attachment F (Letter from NMFS to MCWRA, dated Apr. 25, 2014), at 2. NMFS suggested additional protective measures, but emphasized that the measures did not exempt MCWRA from any resulting take. *Id.* The MCWRA Board unanimously voted to reduce minimum releases to 25 cfs following the conditions suggested by NMFS. Attachment G (MCWRA Board of Directors Meeting Minutes, dated June 2, 2014). Releases remained below 60 cfs – in noncompliance with the BiOp – for approximately one year, from June 2014 until June 2015. Attachment H (Letter from MCWRA to NMFS, dated July 31, 2015), Attachment 2, at 2-3 (chronicling history of reservoir release communications).

Yet just after MCWRA restored Nacimiento releases to the 60 cfs volume required by the BiOp, while confronting the same drought conditions, MCWRA proposed increasing flow releases from Nacimiento Reservoir to 250 or 300 cfs. Attachment I (Letter from NMFS to MCWRA, dated July 1, 2015), at 1. NMFS indicated that it "strongly objects to the proposed increase" and that the flow increase would "likely result in adverse consequences to the federally threatened Salinas River population of [SCCC steelhead] because there will not be adequate water supplies reserved in the reservoir to maintain stream flows for fish in the Salinas River." *Id.* Noting MCWRA's previous request to conserve water releases, NMFS stated that it was "alarmed to hear the [Board of Directors] is considering such an aggressive increase in flow releases that will provide temporary benefits to a very limited number of stakeholders and beneficial uses" – namely, providing surface water and recharge to the King City and Greenfield area. *Id.* at 2. NMFS emphasized that MCWRA would not be exempt from any resulting take. *Id.* at 3.

MCWRA proposed a water release plan for the Nacimiento and San Antonio Rivers that NMFS warned exceeded the scope of the 2007 BiOp. NMFS explained: "MCWRA needs to obtain a section 10(a)(1(B) permit from NMFS, receive incidental take coverage

through a section 7 consultation between NMFS and another federal agency, or implement the project without causing take of a listed species." Attachment J (Letter from NMFS to MCWRA, dated Aug. 5, 2014), at 1-2. Ultimately, MCWRA went forward with its proposed increased flow: it began increasing releases from San Antonio Reservoir from 5 cfs on August 28, 2015 to a maximum rate of 200 cfs on September 4, 2015, gradually reducing them back down to 5 cfs at the end of the month, while Nacimiento Reservoir releases stayed at 60 cfs. Attachment K (MCWRA Board of Directors Update, dated Sept. 28, 2015). MCWRA's unilateral decision to increase flows, in spite of NMFS's jeopardy warnings, was not authorized by the 2007 BiOp and required Section 7 consultation.

The BiOp requires annual adaptive management to ensure effectiveness of the Flow Prescription. Terms and Condition 28 of the 2007 BiOp states: "If the annual evaluation indicates the flow prescription is not performing as expected, MCWRA shall develop modified flow prescriptions," which "shall be mutually agreed upon by MCWRA and NMFS prior to implementation." BiOp at 105. "These modifications should include consideration of any opportunities to improve steelhead habitat conditions if they are identified." *Id*. In accordance with this requirement, and because the ongoing drought is no longer an unexpected or temporary state, MCWRA must develop a new Flow Prescription that sufficiently protects endangered steelhead in light of changed conditions.

MCWRA has violated the Flow Prescription incorporated into the 2007 BiOp and has also violated the adaptive management obligations set forth in Terms and Conditions 28, by failing to modify the Flow Prescription to achieve effective protections for steelhead in light of changed circumstances. NMFS and the Army Corps have unlawfully failed to reinitiate consultation or take any other action in response to these clear violations.

2. Fish Screen

As part of the Salinas River Diversion Facility, MCWRA agreed to construct a fish screen at the inlet of the Old Salinas River Channel. BiOp at 9. The purpose of the fish screen is to prevent fish from migrating into the Old Salinas River Channel, an impaired water body, and dying at a rate that exceeds allowable take. Attachment D at 2. To date, MCWRA has not installed the fish screen. Although NMFS criticized MCWRA for its failure to design, permit or construct the fish screen, Attachment D, neither it nor the Army Corps has reinitiated consultation or taken any other action to compel MCWRA to remedy this violation.

3. Pesticide Reductions

Under Terms and Conditions 26 of the 2007 BiOp, MCWRA is required to install a Vegetated Treatment System within the Blanco Drain to reduce pesticide loads and to implement other measures in the event that the system is inadequate. BiOp at 103. The terms of the Flow Prescription incorporated into the BiOp required that MCWRA's Vegetated Treatment System reduce the levels of two particular pesticides by 50 to 75 percent. Flow Prescription at 26. Within three years of the Water Project's startup, MCWRA was required to achieve the required minimum 50 percent reduction. *Id.*

The Vegetated Treatment System was poorly designed, poorly implemented and ineffective. Attachment D at 2-4. An ineffective system does not satisfy the requirements of the BiOp. To date, MCWRA has not constructed an effective system to reduce the pesticide load to the Salinas River by 50 percent. Although NMFS is aware of this violation and criticized MCWRA for its ineffective system, neither it nor the Army Corps has reinitiated consultation or taken any other action to compel MCWRA to remedy this violation.

4. Water Quality Monitoring

The BiOp imposes water quality monitoring requirements on MCWRA. Specifically, "pesticide concentrations for Blanco Drain will be monitored and recorded for the period of April through the first significant storm flow discharge to the Salinas River no less than four times during the SRDF operating season (once in April, June, August, and October)." BiOp at 20. MCWRA has repeatedly failed to fulfill its water quality monitoring requirements.

On March 26, 2010, NMFS objected to MCWRA's failure to conduct sufficient monitoring, which it deemed necessary to understand how the Salinas River Diversion Facility affects "water quality, specifically toxicity levels." Attachment L (Letter from NMFS to MCWRA, dated Mar. 26, 2010), at 1. Yet MCWRA failed to properly monitor the input and output of the Blanco Drain to assess the effectiveness of contaminant reduction by the Vegetated Treatment System. Attachment D at 2-4. NMFS further directed that monitoring should include pesticides beyond chlorpyrifos and diazinon, in order to "give a true account of the toxicity levels in the water entering the Salinas River from the Blanco Drain." *Id.* at 3. MCWRA did not take any action in response to this directive.

NMFS subsequently warned MCWRA that data were "inconclusive to evaluate the risk and impacts of the Blanco Drain discharge water to S-CCC steelhead" due to five deficiencies:

(l) inconsistent monitoring design;
(2) no data collection or analyses on sediment and water toxicity;
(3) detection of diazinon in water column at levels high enough to effect S-CCC steelhead and their critical habitat (Table 2);
(4) no comparison or use of [reporting limits] or effective concentrations that may affect the species; and
(5) no information on [non-detect] concentration below reporting limits that may impact S-CCC steelhead.

Attachment M (Letter from NMFS to MCWRA, dated May 21, 2013), at 2. Accordingly, NMFS again admonished MCWRA to develop a robust sampling regime and to incorporate new discoveries on the exposure and risk of different pesticides to S-CCC steelhead. *Id.* at 3. Although MCWRA has not complied with this directive, neither NMFS nor the Army

Corps have reinitiated consultation or taken any other action to compel MCWRA to correct these violations of the 2007 BiOp.

5. Steelhead Monitoring

Under Term and Condition 27, MCWRA must conduct biological monitoring of adult steelhead escapement and juvenile smolt migration. MCWRA has failed to fulfill multiple biological monitoring requirements.

For example, first, MCWRA has only installed three rotary screw traps rather than the required four to quantify downstream migration of smolts in the Arroyo Seco and Salinas Rivers. BiOp at 103; Attachment D at 5. Second, for three years, MCWRA also failed to install a system for monitoring adult escapement. *Id.* at 4-6. The monitoring equipment must be operated from December 1 through March 31 to monitor adult migration numbers once the lagoon is breached. BiOp at 103; Attachment D at 5. Although the system was in place at one point, MCWRA indicated that it was "subsequently destroyed by high flows from the March 19 – 27, 2011 storms and was unable to be replaced." MCWRA has not indicated how it will fund a replacement monitoring system. *E.g.*, MCWRA Board of Directors Meeting Agenda (May 23, 2016), at 6 (Budget "goal" indicating that agency needs to develop a sustainable funding source for the fish monitoring requirements), available at http://www.mcwra.co.monterey.ca.us/board_of_directors/agenda/2016/5%20Regular%20BOD%20Meeting%20Agenda%20and%20Packet%20052316.pdf.

6. Section 404 Permit

By violating the Terms and Conditions of the 2007 BiOp, as described above, MCWRA is also violating its Clean Water Act Section 404 permit, which incorporates those provisions by reference and authorizes MCWRA to construct the Salinas Valley Diversion Facility "conditional" on complete compliance. Corps Permit at 2. Noncompliance constitutes a permit violation. *Id.*

D. New Information Affecting Steelhead Survival and Requiring Additional Consultation

Additionally, new circumstances in the Salinas River Watershed – changes in pesticide use, drought, and the presence of fish in the San Antonio River – have altered the baseline environmental conditions on which the 2007 BiOp's protections were premised. These changes undermine the sufficiency of the measures prescribed by NMFS in 2007 to protect threatened steelhead from harm as a result of MCWRA's ongoing water diversion activities.

1. Pesticide Use

The Biological Opinion focuses primarily on chlorpyrifos and diazinon, but since 2007, new information has come to light about the application rate of pesticides in the

Salinas Valley region and the adverse effect of different pesticide classes on steelhead. This new information requires NMFS and the Army Corps to reinitiate consultation.

The application rate of different pesticides in the Salinas Valley region has changed. When the BiOp was issued in 2007, chlorpyrifos and diazinon were applied in amounts 4 and 100 times greater, respectively, than in 2013. Compare 2007 Annual Pesticide Use Report Indexed by Chemical – Monterey County, http://www.cdpr.ca.gov/docs/pur/pur07rep/chemcnty/monter07_ai.pdf, with 2013 Annual Pesticide Use Report Indexed by Chemical – Monterey County, http://www.cdpr.ca.gov/docs/pur/pur13rep/chemcnty/monter13_ai.pdf. NMFS has also concluded that it is "reasonable to assume that concentrations of chlorpyrifos and diazinon are likely decreasing in the Salinas River watershed due to:

(1) prohibitions on the use of chlorpyrifos and diazinon by state and federal regulatory agencies;
(2) agricultural community increased use of other organophosphates (OPs); and
(3) implementation of pesticide specific TMDLs and agricultural orders to reduce use in the Lower Salinas River.

Attachment M at 2-3. The use of pyrethroids and neonicotinoids has also increased.

As volumes of chlorpyrifos and diazinon have decreased in application, NMFS has started to look at the impacts of other substitute pesticides. Since November 2008, NMFS has issued seven biological opinions related to the U.S. Environmental Protection Agency's proposed registration of 31 active pesticide ingredients, analyzing their effects on listed Pacific salmonids and their critical habitats. "Pesticide Consultations with EPA," http://www.nmfs.noaa.gov/pr/ consultation/pesticides.htm. For S-CCC steelhead, NMFS concluded that the following 16 pesticides could jeopardize the fish's continued existence and/or adversely modify designated critical habitat: 2, 4-D butoxypropyl ester, carbaryl, carbofuran, chlorothalonil, chlorpyrifos, diazinon, malathion, methidathion, naled, oryzalin, pendimethalin, phosmet, trifulalin, diflubenzuron, fenbutatin oxide, and propargite. See May 21, 2013 Letter at 3 (first 13 pesticides); Biological Opinion on EPA's Registration of Pesticides Containing Diflubenzuron, Fenbutatin Oxide, and Propargite at 559 (final 3 pesticides). Many of these pesticides are currently applied for agricultural use in the Salinas Valley. *See generally* 2013 Annual Pesticide Use Report Indexed by Chemical – Monterey County, http://www.cdpr.ca.gov/docs/pur/pur13rep/chemcnty/monter13_ai.pdf.

2. Drought

The Biological Opinion assumed precipitation would follow historical wet and dry year patterns, *see, e.g.*, BiOp at 12-13, and the Water Project would operate as planned. Neither assumption has proved correct, however. California has experienced a severe, multi-year drought that began years after NMFS issued the Biological Opinion in 2007. The Flow Prescription only contemplated water releases from the Nacimiento and San Antonio Reservoirs for steelhead flows in the Salinas River when combined water storage is above 150,000 acre-feet for smolt outmigration or 220,000 acre-feet for adult upstream

migration and juvenile passage to the lagoon. Flow Prescription at 3. The Flow Prescription does allow for 2 cfs of flow to the lagoon during dry years where flows for migration are not triggered. Id. Due to the drought, reservoir storage capacity has not exceeded the migration-flow trigger levels for years, relieving MCWRA from any obligation to provide conservation releases. Due to declining reservoir storage and low rainfall, there have been no fish passage days since 2011, effectively precluding steelhead reproduction. Attachment A at 1-2. As a result, steelhead trout receive essentially no conservation flow benefit from the BiOp that was crafted with the object of protecting the species.

Moreover, the effects of drought are exacerbated by MCWRA's large-scale repair and maintenance projects. For example, in August 2015, MCWRA asserted that it needed to reduce the San Antonio Reservoir to dead pool so it could conduct necessary dam maintenance activities. Attachment N (Letter from NMFS to MCWRA, dated Sept. 2, 2015), at 1. Although NMFS recommended that MCWRA explore "all feasible alternatives to conduct the maintenance before drying up the river," *id.*, MCWRA went forward with its plan and reduced the San Antonio Reservoir to "dead pool." Such new information and changed operations may cause effects on steelhead that were not previously considered in the 2007 BiOp.

3. Presence of Fish in San Antonio River

New information on the presence of steelhead in San Antonio River requires NMFS to revisit the BiOp. When the BiOp was issued in 2007, NMFS believed that steelhead were not present in the San Antonio River, and accordingly did not prescribe sufficient flow protections in that water body. *See* BiOp at 55 ("Current flow and temperature parameters in the San Antonio River downstream of San Antonio Reservoir preclude rearing, and spawning gravel is thought to be limited[.]") When MCWRA shut down the San Antonio Dam in 2013 for repairs and maintenance, the water became too warm to support steelhead, leading to fish deaths on September 19, 2013. The discovery dead fish demonstrates that the San Antonio can support – and was supporting – steelhead trout. Accordingly, the BiOp must be amended to protect steelhead and their San Antonio River habitat.

LEGAL VIOLATIONS

The forgoing facts demonstrate that NMFS, the Army Corps, and MCWRA are in ongoing violation of both the Endangered Species Act and the Clean Water Act. First, NMFS and the Army Corps had a duty to reinitiate consultation in response to MCWRA's ongoing noncompliance with the requirements, terms, and conditions of the 2007 BiOp Statement and in response to new information about changed conditions or changed project circumstances, but unlawfully has failed to do so. Second, NMFS unlawfully modified the BiOp in 2012, that modification is invalid, and reinitiation of consultation is required. Third, as a result of MCWRA's noncompliance with the 2007 BiOp, MCWRA and the Army Corps are in violation of the Section 9 "take" provision of the ESA. Fourth, MCWRA and the Army Corps are in violation of the Clean Water Act because of

MCWRA's noncompliance with the terms and conditions of its section 404 permit, and the Army Corps' failure to redress this failure.

A. ESA Section 7 Violation by NMFS and Army Corps for Failure to Reinitiate Consultation

NMFS and the Army Corps are required to reinitiate formal consultation because both federal agencies retained discretionary involvement and control over the Salinas Valley Water Project, 50 C.F.R. § 402.16, and because changed conditions and subsequent modification of the Water Project have revealed new information about impacts on steelhead trout not previously considered in the BiOp. 50 C.F.R. § 402.16(b)-(c). Each agency has an independent duty to reinitiate consultation. See Envtl. Prot. Info. Ctr. v. Simpson Timber Co., 255 F.3d 1073, 1076 (9th Cir. 2001) ("The duty to reinitiate consultation lies with both the action agency and the consultation agency"). Failure to reinitiate consultation violates the ESA. Sierra Club v. Marsh, 816 F.2d 1376 (9th Cir. 1987) (abrogated on other grounds by Cottonwood Envtl. Law Ctr. v. U.S. Forest Serv., 789 F.3d 1075, 1085 (9th Cir. 2015)).

1. NOAA Fisheries and the Army Corps Retained Discretionary Involvement and Control

NMFS retained discretionary involvement and control over the Salinas Valley Water Project through, among other things, Terms and Conditions 28, which established an Adaptive Management Strategy that "shall continue in an iterative fashion for the life of the project." BiOp at 105. Under that condition, MCWRA is required to annually evaluate the effectiveness of the Flow Prescription and modify it when performance is inadequate, and both MCWRA and NMFS must "mutually agree[]" to the modified plan. BiOp at 105. The monitoring provisions in Term and Conditions 21 and 27 are further evidence of NMFS's continuing role in overseeing implementation of the project. BiOp at 101-04.

The Army Corps retained discretionary involvement and control over the Salinas Valley Water Project through the Incidental Take Statement, which imposes on the Corps "a continuing duty to regulate the activity covered by this incidental take statement." BiOp at 95. Furthermore, the BiOp provided that "If the Army Corps: (1) fails to assume and implement the terms and conditions, or (2) fails to require any permittee to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to any permit, grand document, or contract, the protective coverage of section 7(o)(2) may lapse." *Id.* Finally, the Section 404 permit itself is conditioned on compliance with the BiOp. Corps Permit at 2.

2. Noncompliance with the Biological Opinion

MCWRA's noncompliance with the requirements, terms, and conditions of the 2007 BiOp obligated NMFS and the Army Corps to reinitiate consultation pursuant to 50 C.F.R. § 402.16(b) ("new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered") and 50

C.F.R. § 402.16(c) ("the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion"). As described above, MCWRA has failed to effectively reduce pesticide loads in the Blanco Drain by 50 percent (Term and Condition 26) and to fulfill its adaptive management obligations related to the Flow Prescription (Term and Condition 28). These mitigation measures were deemed "necessary and appropriate to minimize take of SCCC steelhead" by NOAA Fisheries. BiOp at 97. Additionally, MCWRA's failure to adequately monitor water quality and steelhead constitute "subsequent modifications" that require the agencies to reinitiate consultation. MCWRA's failure to install the fish screen and adhere to the Flow Prescription, as described in the Project Description, are also "subsequent modifications" of the Project as it was understood in 2007.

An agency's failure to undertake mitigation measures relied on by NMFS in issuing a biological opinion constitutes "new information" triggering the duty to reinitiate conservation. Sierra Club v. Marsh, 816 F.2d 1376 (9th Cir. 1987) (holding that reinitiation was required when it became apparent that mitigation measure specified in the biological opinion – the preservation of 188 acres of marshland for a flood control project – "had been delayed and might not take place at all." Similarly, an agency's failure to meet monitoring requirements on which the "not likely to adversely affect" determination was premised constitutes a "subsequent modification" triggering the duty to reinitiate consultation. Forest Guardians v. Johanns, 450 F.3d 455, 463-465 (9th Cir. 2006)

3. New Information on Pesticide Use, the Drought, and Presence of Fish in the San Antonio River

Since NMFS issued the BiOp in 2007, new information and changed circumstances that may directly affect the survival of steelhead in the Salinas watershed have been revealed. Of most significance, changes in agricultural pesticide use, a severe drought, and the demonstrated presence of steelhead in the San Antonio River all constitute – conditions that were not present or known in 2007 – all constitute "new information [which] reveals effects of the action that may affect listed species or qualify habitat in a manner or to an extent not previously considered" triggering an obligation on the part of NMFS and the Army Corps to reinitiate consultation. 50 C.F.R. § 402.16(b). The agencies' failure to do so is an ongoing violation of the ESA, actionable under 16 U.S.C. section 1540(g).

More generally, NMFS's conclusions in the 2007 BiOp were premised on routine operating assumptions for the MCWRA dam and water diversion system that have proved substantially incorrect. System failures, repairs, maintenance, and adjustments to external conditions have dramatically affected river flows over the course of the last several years, in a manner that was not contemplated or considered in the BiOp. NMFS and the Army Corps cannot simply ignore these substantial changes and pretend that the system and the Water Project are functioning as originally described by MCWRA. Rather, because these operational changes constitute new information not previously considered in the BiOP, the agencies must reinitiate consultation and reconsider the project impacts on steelhead trout survival.

B. Unlawful Failure by NMFS to Specify Numerical Take Limit in Modified BiOp

As explained above, NMFS arbitrarily and capriciously modified the BiOp's Incidental Take Statement in 2012. That modification is invalid and reinitiation of consultation is required.

In general, incidental take statements must "set a 'trigger' that, when reached, results in an unacceptable level of incidental take, invalidating the safe harbor provision, and requiring the parties to re-initiate consultation. Ideally, this "trigger" should be a specific number." Arizona Cattle Growers' Ass'n v. U.S. Fish & Wildlife, Bureau of Land Mgmt., 273 F.3d 1229, 1249 (9th Cir. 2001). The ideal of specifying a "numerical limitation" comes from Congress. Oregon Nat. Res. Council v. Allen, 476 F.3d 1031, 1037-38 (9th Cir. 2007) (citing H.R.Rep. No. 97-567, at 27 (1982), reprinted in 1982 U.S.C.C.A.N. 2807, 2827) (finding that quantifying take of owls in terms of acreage of habitat lost was insufficient). When no numerical limit on take is specified, the Service must establish that a numerical limit could not be practically obtained. Ctr. for Biological Diversity v. Bureau of Land Mgmt., 422 F. Supp. 2d 1115, 1137-38 (N.D. Cal. 2006) (concluding that issuance of an incidental take statement with no numerical limit on desert tortoises that could be taken was arbitrary and capricious and therefore invalid and rejecting Service's assertions that it was "impractical" to estimate the number of desert tortoise in an area because a previous biological opinion *did* make such a numerical estimation).

Similarly here, NMFS originally established a numerical take limit for monitoring purposes, but later arbitrarily backpedaled and eliminated any fixed numerical limit. The original 2007 BiOp specified: "no more than 500 juvenile steelhead to be captured from fish sampling activities with mortality not to exceed 3% of total juveniles captured." In a subsequent letter purporting to modify this BiOp term, NMFS stated "If mortalities of juveniles from fish sampling events are greater than 3%, incidental take is exceeded." Attachment C at 2. The modified Incidental Take Statement thus removes any numerical limit for take during fish sampling. This modification is especially troublesome given the changed circumstances and dramatic reductions in returning fish, discussed above. Capture of steelhead – even for sampling – is a form of take under the ESA, 16 U.S.C. § 1532(19), and NMFS improperly failed to quantify capture in the modified Incidental Take Statement.

C. Unlawful ESA Section 9 Take by Army Corps and MCWRA

MCWRA and the Army Corps are in ongoing violation of the Section 9 "take" provision of the ESA by engaging in or permitting activities causing harm and habitat modification to steelhead without authorization to do so. The Incidental Take Statement does not shield the agencies from liability for takes when those agencies fail to satisfy the terms and conditions of the underlying 2007 BiOp. MCWRA is liable under Section 9 because its habitat modifications actually kill or injure steelhead by impairing essential behavioral patterns, including migrating, breeding, rearing, and sheltering. The Army Corps, as the agency to which the BiOp was issued, it is liable under the ESA for any

resulting violations by the federal permit holder.

1. MCWRA Is Taking Threatened Steelhead by Acting Contrary to the Biological Opinion and Incidental Take Statement

The Special Conditions section of MCWRA's section 404 permit makes it clear: MCWRA must follow the Biological Opinion and the Terms and Conditions of the Incidental Take Statement that NMFS issued to Army Corps in order to be shielded from section 9 take liability. MCWRA failed to follow the requirements of the Biological Opinion and Incidental Take Statement, and its actions have taken steelhead.

First, the Ninth Circuit has repeatedly stated that an agency is exempt from ESA section 9 liability if – and only if – it complies with the terms and conditions of its incidental take statement. *See, e.g.*, National Wildlife Federation v. NMFS, 422 F.3d 782, 790 (9th Cir. 2005); Ariz. Cattle Growers' Ass'n v. United States Fish & Wildlife, 273 F.3d 1229, 1239 (9th Cir.2001) ("if the terms and conditions of the Incidental Take Statement are disregarded and a taking does occur, the action agency or the applicant may be subject to potentially severe civil and criminal penalties under Section 9."). A citizens' group may sue for noncompliance with an Incidental Take Statement. South Yuba River Citizens League v. National Marine Fisheries Service, 629 F.Supp.2d 1123 (E.D. Cal. 2009) (noting that plaintiffs could bring a citizen suit alleging that take had occurred in violation of the ITS's conditions).

Second, because incidental take statements depend upon biological opinions, if a biological opinion is revoked or altered, or the circumstances upon which the biological opinion was based change, then the incidental take statement no longer shields the agency from take liability. Oregon Natural Resources Council v. Allen, 476 F.3d 1031, 1032, 1036-37 (9th Cir. 2007). Noncompliance with the biological opinion or circumstances that change the conditions on which it was based render the protections of a corresponding incidental take statement obsolete. *See id.* at 1032, 1034, 1036-37 (when the number of acres used by an endangered owl that the Service incorporated in the Biological Opinion was invalidated, a new Incidental Take Statement was necessary).

Third, "[w]hen reinitiation of consultation is required, the original biological opinion loses its validity, as does its accompanying incidental take statement, which then no longer shields the action agency from penalties for takings." Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt., 698 F.3d 1101, 1108 (9th Cir. 2012) (citing Or. Natural Resources Council, 476 F.3d at 1037; U.S. Fish & Wildlife Serv. & Nat. Marine Fisheries Serv., Endangered Species Consultation Handbook: Procedures for Conducting Consultation and Conference Activities under Section 7 of the Endangered Species Act 4–23 (1998)).

For all three of the above reasons, the Incidental Take Statement from the 2007 BiOp no longer shields MCWRA from Section 9 take liability. First, MCWRA violated BiOp by failing to construct a fish screen, failing to reduce pesticides, failing to properly monitor the water quality or fish, and failing to follow the flow prescription. Second,

changed pesticide use and the drought, as well as changes to the underlying Water Project operational assumptions of the original consultation, alter the conditions upon which the BiOp was based. And third, these facts render the existing BiOp inadequate and invalid.

MCWRA has harmed and harassed steelhead trout in violation of the Section 9 take provision by not complying with the Flow Prescription that NMFS incorporated in the Biological Opinion and Incidental Take Statement. From June 2014 until June 2015 MCWRA maintained flows lower than what NMFS required for a finding of no jeopardy in its BiOp. Similarly, by choosing to dramatically increase reservoir releases from the Nacimiento Dam in the summer of 2015, MCWRA caused there to be inadequate water supplies reserved in the reservoir to maintain required stream flows to protect fish in the Salinas River. Lowering flows below what the steelhead require for migration to spawning habitat "significantly disrupt[s] normal behavior patterns" and modifies the steelhead's habitat to the point of "impairing essential behavioral patterns, including breeding, feeding, or sheltering." 50 CFR § 17.3 (2006) (defining harass and harm).

Indeed, MCWRA's operations in the Salinas River watershed have resulted in actual fish deaths. For example, when MCWRA shut down the San Antonio dam in 2013 for maintenance, the waters became too warm, water chemistry changed, and endangered steelhead died. Additionally, by not constructing a fish screen or reducing pesticide concentrations, MCWRA has likely caused injury or death by exposure to poor water quality.

Each individual steelhead death or injury violates the ESA's prohibition against the take of listed species. 16 U.S.C. §§ 1532(19), 1538(a)(1)(B) (prohibiting killing or harm to a listed species); Strahan v. Coxe, 127 F.3d 155, 165 (1st Cir. 1995) (a single injury to one member of a listed species constitutes a take); Loggerhead Turtle v. County Council of Volusia County, Florida, 92 F. Supp. 2d 1296, 1301 (M.D. Fla. 1995) ("The future threat of even a single taking is sufficient to invoke the authority of [the ESA].")

2. The Army Corps Failed to Satisfy the Biological Opinion and Incidental Take Statement and is Liable for Steelhead Takes

Army Corps' failure to implement the Incidental Take Statement in the 2007 BiOp exposes the agency to liability for any Section 9 takes that occurred. The language in the Incidental Take Statement makes it clear that the Army Corps has "a continuing duty" to ensure MCWRA's compliance with the BiOp. Its failure to do so constitutes an actionable violation of the ESA.

Moreover, the Army Corps is liable under ESA Section 9 for facilitating unlawful take. MCWRA may only lawfully operate the Water Project pursuant to the Army Corps' Clean Water Act Section 404 permit. By authorizing the Water Project and failing to take necessary steps to ensure compliance with the Terms and Conditions of the 2007 BiOp, the Army Corps is causing or contributing to the unlawful take of steelhead trout in the Salinas River watershed. Strahan v. Coxe, 127 F.3d at 163 (where private party could not legally operate without governmental permit, the agency issuing permit "just as clearly" falls

within Section 9's take prohibition and may be deemed liable under the ESA); *see also* Ctr. for Biological Diversity v. C.L., No. 1:14-CV-258-BLW, 2016 WL 233193, at *7 (D. Idaho Jan. 8, 2016); Loggerhead Turtle, 92 F. Supp. 2d at 1307 (holding that an agency's regulation may cause take where it facilitates, rather than prohibits, a violation of the ESA); Palila v. Hawaii Dept. of Land and Natural Resources, 852 F.2d 1106, 1110 (9th Cir. 1988) (a State violates Section 9 when it permits activity that harms a protected species by destroying its habitat).

D. Clean Water Act Violation by MCWRA and Army Corps

MCWRA has violated the Clean Water Act by failing to comply with its Section 404 permit, which constitutes an actionable violation of "an effluent standard or limitation." 33 U.S.C. § 1365(a)(1). The definition of an effluent standard or limitation includes "an unlawful act under subsection (a) of section 1311 of this title." Id. § 1365(f). In turn, the definition of an unlawful act under section 1311(a) includes the discharge of any pollutant in non-compliance with section 1344, which outlines permitting for dredge and fill operations. Id. §§ 1311(a), 1344(a). See Envtl. Def. Fund v. Tidwell, 837 F. Supp. 1344, 1350 (E.D.N.C. 1992) (finding a discharger liable under section 1365(f) for failing to obtain a permit under section 1344, and thereby violating an effluent standard under section 1311(a)). By failing to comply with the Incidental Take Statement in the 2007 BiOp, MCWRA has violated and is continuing to violate the mandatory conditions of its Section 404 permit. That violation is actionable under the citizen suit provisions of the Clean Water Act, 33 U.S.C. § 1365.

The Army Corps has violated the Clean Water Act by failing to redress MCWRA's permit violations, a duty that is "not discretionary." 33 U.S.C. § 1365(a)(2). Under section 1344, if the Army Corps finds, on the basis of any information available, a "violation of any condition or limitation set forth in a permit," then "the Secretary *shall* issue an order requiring such person to comply with such condition or limitation, or the Secretary *shall* bring a civil action in accordance with paragraph (3) of this subsection." 33 U.S.C. 1344(s)(1) (emphasis added). The word "shall" denotes mandatory action. The Army Corps' failure to issue a compliance order or bring a civil action to redress MCWRA's noncompliance violates the Clean Water Act and is actionable under the Clean Water Act citizen suit provision, 33 U.S.C. § 1365, and/or the Administrative Procedures Act, 5 U.S.C. §§ 701-706.

CONCLUSION

If NMFS, the Army Corps, and MCWRA do not act within 60 days to correct these violations, The Otter Project[1] intends to commence suit in federal court to redress the

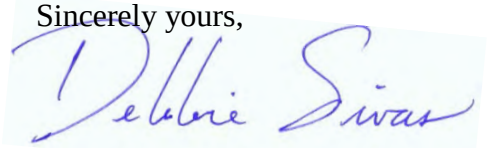
[1] The Otter Project is a California non-profit organization dedicated to protecting the State's watersheds and coastal environments for the benefit of California sea otters and humans through science-based policy and advocacy. The Otter Project has an interest in protecting water quality and watershed function in the Salinas River. The organization has approximately 3000 members. The Otter Project's contact information is as follows: Steve

ongoing harm to listed species. The Otter Project is entitled to seek injunctive and declaratory relief, as well as attorney fees, against any or all of the parties named in this letter. 16 U.S.C. § 1540(g); 33 U.S.C. § 1365; Marbled Murrelet v. Babbitt, 83 F.3d 1060, 1066 (9th Cir. 1996) ("A reasonably certain threat of imminent harm to a protected species is sufficient for issuance of an injunction under section 9 of the ESA."). An appropriate remedy would be to reinitiate and complete consultation on the Water Project and suspend the Clean Water Act Section 404 permit for the project until the consultation process is complete and new biological opinion/incidental take statement is issued.

Time is of the essence here. Several projects that MCWRA is planning in the Salinas Watershed, including the channel maintenance project, removal of invasive arundo, the Interlake Tunnel between the Nacimiento and San Antonio Reservoirs, Pure Water Monterey, and use of the 11043 water right. Individually, these projects are cause for concern and will require Army Corps' permits and/or Section 7 consultation with NMFS. Collectively, they could spell extinction for the Salinas River watershed steelhead trout. Accordingly, the agencies must take immediate, affirmative steps to understand the cumulative threats to the species and to put in place sufficient protections to ensure its continued survival.

We look forward to working with you to achieve our shared goal of preserving steelhead and would be happy to discuss these issues with you further. Thank you for your timely attention to this urgent matter.

Sincerely yours,



Mary Rock, Certified Law Student
Michelle Wu, Certified Law Student
Deborah A. Sivas, Supervising Attorney

Shimek, Chief Executive, The Otter Project, PO Box 269, Monterey, California 93942, telephone: 831.663.9460, email: exec@otterproject.org.

From: Steve Shimek[SMTP:EXEC@OTTERPROJECT.ORG]
Sent: Monday, June 13, 2016 11:47:44 PM
To: tunnelEIR
Cc: Johnson, Robert
Subject: Interlake Tunnel NOP Comment
Auto forwarded by a Rule

Please see attached. Thank you! When convenient, please acknowledge receipt.

Steve Shimek

Steve Shimek
Executive Director and Founder
The Otter Project and Monterey Coastkeeper
PO Box 269
Monterey, CA 93942
831-663-9460 (office. Always try first)
831-241-8984 (cell)
exec@otterproject.org
www.otterproject.org

The Otter Project
www.otterproject.org

P.O. Box 269
Monterey, CA 93942
831/663-9460

June 13, 2016

Robert Johnson, Assistant General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Via Email: tunnelEIR@co.monterey.ca.us

Re: NOP Interlake Tunnel Project

Dear Mr. Johnson and MCWRA Staff:

We appreciate the opportunity to comment on this early phase of the Interlake Tunnel Project. We recognize the efforts MCWRA is putting forward to provide flood control and water supply to the growers (92% of water consumption) and municipalities (8% of water consumption). The Interlake Tunnel Project could make significant strides in improving water quality, protecting sensitive aquatic habitats, and restoring groundwater and pushing back saltwater intrusion, unfortunately in these areas we feel the project falls short.

We want to be very clear: We could be in support of this project if it better shared the water. The example most on point to our concerns is the project purpose statement: "Continue to meet environmental flow requirements." While other project purposes are to "improve," "minimize," or "increase, the most critical environment factor – flow – is stated as maintaining an inadequate status quo. We urge project proponents to understand that days of continuous flow in the Salinas River – from the dams to the sea -- are critically important to the ESA threatened south central coast steelhead population.

We believe the flow requirements spelled out in the NMFS Biological Opinion for the Salinas Valley Water Project are not being met by current MCWRA operations. Further, we believe the water quality improvement requirements are also not being met. And finally, we believe the Biological Opinion itself is inadequate and must be revisited and revised to take into account drought and a changing climate, and the presence of steelhead in the San Antonio River. So to "[c]ontinue to meet environmental flow requirements" that are already not being met AND are inadequate falls far short. Our concerns with the Biological Opinion are expressed in our 60-Day Notice Letter dated June 2, 2016 which is attached and should be considered as an integral part of this letter.

Flows: The EIR must model the number of flows days – continuous flow from dams to ocean – during the steelhead passage season (late fall and winter) given varying climatic scenarios, including prolonged drought. Given that the Biological Opinion is currently being challenged, we request that the modeling include flow days 20, 50, and 100 percent above the number of flow-days currently prescribed in the BiOp. Further, these fow-days should be optimal volume

flows developed in coordination with the NMFS (as opposed to minimal volume flows that add stress and the potential for increased predation). The project must *improve* steelhead recovery, not just maintain the mere existence of a critically threatened population.

The San Antonio River: In 2015 the presence of steelhead in the San Antonio River became well known. Until that time, the San Antonio water temperature was considered too warm to support steelhead. With this new finding, the EIR must consider the San Antonio as steelhead habitat and the river should be maintained at optimal temperature for steelhead recovery: This will require additional minimum summertime flow. The EIR should consider an alternative enhanced flow of 60 cfs (or other flow as suggested by the NMFS) on the San Antonio in all project modeling and projections.

Water Quality: "Temperature" is a water quality parameter and surface water temperature and dissolved oxygen should be modeled for varying flow conditions on the San Antonio and Nacimiento Rivers and on the mainstem of the Salinas River in 10 mile increments from dams to the sea. As stated above, the San Antonio River, in addition to the Nacimiento and Salinas -- must be maintained at temperatures optimal for steelhead.

Cumulative Impacts: The project must be evaluated in the context of all the "live" projects and project proposals currently in place or being planned including but not limited to: water right 11043, Pure Water Monterey, Salinas Valley Water Project, Salinas Industrial Pond diversion, and an enlargement of CSIP.

The project EIR must acknowledge, consider, and evaluate the cumulative impacts of 1) stopping or diverting flows optimal flows from the few short months available for steelhead migration when all projects are operational, and 2) the impact on Salinas Lagoon water temperatures and dissolved oxygen when the new storage and diversion does not allow water flow to reach and cool the lagoon during the summer months.

Project Alternatives: We request that an alternative be considered that is optimal for the recovery of steelhead trout. This alternative would maintain optimal water temperature and dissolved oxygen, and would provide for an adequate number of fish passage days, at optimal flow (adequate and optimal should be defined in consultation with NMFS).

Thank you for this opportunity to comment and we look forward to working together as this project develops and progresses.

Sincerely,

Steve Shimek
Executive Director
exec@otterproject.org

Attachment: 60-Day Notice Letter

Krafft, Elizabeth A. Ext.4864

From: Johnson, Robert
Sent: Monday, June 13, 2016 11:12 AM
To: 'cih5102@earthlink.net'
Cc: Campa, Teresa x4844; Franklin, Howard x8902; Krafft, Elizabeth A. Ext.4864
Subject: RE: Phone call - Bill Carrothers

Dear Mr. Carrothers:

The Agency has received your comments on the Interlake Tunnel Project. You have requested that we check the facts in your comments.

It is not standard practice to fact check comment letters within this process.

Comments on your comments will be provided as part of the EIR process.

Thank you for your comments –
Robert Johnson

Robert Johnson
Deputy General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Phone: 831.755.4860
Fax: 831.424.7935

From: Campa, Teresa x4844
Sent: Monday, June 13, 2016 11:00 AM
To: Johnson, Robert; Franklin, Howard x8902
Subject: Phone call - Bill Carrothers

Bill Carrothers
Asking if we've received comments on Interlake Tunnel Project via email sent on 6/11/16. Would like to make sure the facts are correct.
831-754-3697
Email: cih5102@earthlink.net

tunnelEIR

From: Danny & Cheryl Pritchard <dccc78@yahoo.com>
Sent: Monday, June 13, 2016 6:43 AM
To: tunnelEIR
Subject: Interlake Tunnel and Spillway Modification Project

To Whom It May Concern:

We are opposed to the Interlake Tunnel and Spillway Modification Project tunnel between Nacimiento Lake and San Antonio Lake.

As property owner's on Lake Nacimiento, we feel this would be detrimental to our property values.

Please reconsider your proposal of the tunnel's height, or we will never have a full lake again, and our properties will be valued less. Property values are a very important aspect in this proposal, and the Interlake Tunnel and Spillway Modification Project is take the rights away from the property owners, and their opinions

We oppose the Interlake Tunnel and Spillway Modification Project.

Danny & Cheryl Pritchard

"If we ever forget that we are One Nation Under God, then we will be a nation gone under."
Ronald Reagan

LAW OFFICES OF
PATRICK J. MALONEY

2425 WEBB AVENUE, SUITE 100
ALAMEDA, CALIFORNIA 94501-2922

PATRICK J. "MIKE" MALONEY (510) 521-4575 THOMAS S. VIRSIK
FAX (510) 521-4623
e-mail: PJMLAW@pacbell.net

Via U.S. Mail and email: tunnelEIR@co.monterey.ca.us
June 13, 2016

Robert Johnson, Assistant General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Re: Interlake Tunnel and Spillway Modification Project
Comments to Notice of Preparation/Initial Study, April 2016

Mr. Johnson:

This office represents Delicato Family Vineyard and the Orradre interests. The Notice of Preparation/Initial Study will be referred to collectively as the "NOP" while the interlake tunnel and spillway modification will similarly be referenced collectively as the "Project" unless otherwise stated. The below comments are divided into sections for the sake of convenience, not necessarily priority. The NOP fails to acknowledge or recognize certain legal and practical realities, which suggest that any EIR to follow will be materially inadequate or misleading.

A. NOP Strongly Implies, But Fails to Acknowledge, the Sustainable Groundwater Management Act (2014 and 2015) ("SGMA")

The NOP recites at various points that the Project may improve water "sustainability" but does not acknowledge that the Project as described will be – likely before completion and operation – subject to SGMA in one or more ways. See e.g., pages 2, 53 (at d), and 54 (at c). The NOP explicitly recognizes that in the Salinas Valley, the legal distinction between surface and ground water is hydrologically a fiction. "The Salinas River and Salinas Valley Groundwater Basin comprise a linked surface water – groundwater hydrological setting." Page 5 at 5.3. Under SGMA, "interconnected" surface water is included in groundwater management, thus the NOP's statement that the two constitute a "linked" system acknowledges that the Project and its effects are subject to SGMA. Yet the NOP entirely omits any acknowledgement, much less discussion, thereof.

In addition, the 1991 Boyle Engineering report on which the Project was based (available at the MCWRA website under the Interlake Tunnel tab) noted: "Water rights

adjudication may be necessary with San Luis Obispo County as the water would be diverted from that county." See Appendices, Page B-15 last line and B-13 thereof. As the MCWRA is aware, the agents / agencies / predecessors of the water entities of Monterey and San Luis Obispo Counties ("SLO") negotiated a certain 1959 agreement for the delivery of water from the Nacimiento reservoir based on certain San Antonio reservoir compromises. Will the Project modify that agreement? And irrespective of the answer, how may or must the 1959 agreement be reconciled with overall Basin management under SGMA? As part of SGMA the Legislature provided a streamlined method to reach a water rights determination while meeting the overall SGMA standards. See AB 1390, SB 226 (2015). Such a determination may be useful, if not necessary, given the pre-1914 appropriative rights (i.e., not listed on the face of any MCWRA permits or licenses), landowner overlying rights, the SLO rights (however characterized), and the 2003/4 so-called Orradre settlement (¶ 3). Without the finality such a proceeding will bring, post-Project operation (of releases, the tunnel, the two reservoirs) may lead to a morass of competing claims and an inability to meet SGMA deadlines. See below at C for more on reoperation concerns.

B. Bulletins 19 and 52 Omitted to the Detriment of Sound Planning and Analyses

The NOP's list of references omits a number of critical ones. In addition to the Boyle Engineering report noted above, the NOP lacks any explicit reference to the core engineering studies of the Salinas Valley – known as Bulletins 52 and 19. Bulletin 52 (its several volumes and later supplements) by the Department of Water Resources described the principal subareas of the Valley, e.g., Pressure, Forebay. A later study by the State Water Resources Board, Bulletin 19 (February 1956) studied a palate of potential projects, including reservoirs and conveyance facilities to address the known seawater intrusion problem at the Coast. Bulletin 19 studied and described, among other projects, what became in later years the Nacimiento and San Antonio reservoirs. Bulletin 19 warned against building storage facilities without an engineered means of conveyance to the seawater intruded areas or what that Bulletin referred to as a "conduit" for the water. See pages 181, 183, 194, 205, 210-211, and 219-220.

> Alleviation of present overdrafts in the Pressure and East Side Units could be best accomplished by development of a supplemental water supply at one or more of the foregoing sites, and delivery of the conserved water to areas of need by means of a conduit. Use of the Salinas River channel to convey the supplemental water would result in excessive transmission losses and ineffective management of both surface and ground water storage facilities.

Pages 219-220. The NOP recognizes that delivery of water via the River channel could foster invasive vegetation (thus reducing how much water passes), which may change habitat. NOP at 23. But the same dynamic (and the generally pervious nature of much of the channel) is not otherwise noted in the NOP, which recognition would militate towards an alternative more narrowly focused on projects specific to the northern seawater

intrusion crisis, rather than a massive project of questionable efficacy with possible adverse affects throughout the Valley. The very existence and operation of the two present reservoirs support the credibility of Bulletin 19's approach and analyses of over half a century ago. If later analyses suggest that the River channel is equal to an engineered conduit for transporting stored water to the northern areas in need of it, the NOP has failed to identify such analyses.

C. Reoperation of Reservoirs and Project Must be Realistically Analyzed

While the NOP does not use the specific term "reoperation," it acknowledges that the Project will allow changes to the current ways in which water is collected, stored, moved, and released. See pages 2 (at top), 23 (at a and b), and 37. "[T]he operational changes regarding conveyance and diversion of water for groundwater basin recharge, required releases for the Salinas Valley Water Project flow prescription, sea water intrusion, and groundwater levels in the Salinas Valley Groundwater Basin will be evaluated further in the EIR."

Thus, the EIR will need to devote substantial focus on reoperation parameters, e.g., what results or metrics are prohibited, encouraged, and/or required? As discussed above at A, reoperation may be limited by preexisting rights, contracts, agreements, as well as procedural and substantive compliance with SGMA. It is critical that the scope of reoperation and its likely effect on projected outcomes be well understood so that the public and the decision-makers can properly compare less expensive and impactful alternatives. Some claim that the Salinas Valley Water Project's actual benefits and operations do not match the EIR's projection of the operations and benefits. A similar adverse outcome for the new Project can only be avoided by an analysis of the realistic scope of how the Project can be properly and lawfully operated, rather than what it may be capable of as a matter of hypothetical engineering assumptions.

A realistic analysis of the scope of (re)operation is necessary for several other reasons. First, the Project will likely be financed (in whole or part) through one or more Proposition 218 levies. The operation of the Project will affect benefits created by the Project, which affects the potential Proposition 218 levies. Second, if operations remain within existing parameters despite the Project, no new CEQA analysis may be necessary. Nacimiento Regional Water Management Advisory Committee v. MCWRA (1993) 15 Cal.App.4th 200.

Thank you for the opportunity to provide comments on Project analyses, which need to be done or strengthened.

Very truly yours,

Thomas S. Virsik
Thomas S. Virsik

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

June 16, 2016

Robert Johnson
Monterey County Water Resources Agency
P.O. Box 930
Salinas, CA 93902

SUBJECT: APCD Comments Regarding Proposed Interlake Tunnel for the Nacimiento and San Antonio Reservoirs and San Antonio Reservoir Spillway Modification

Dear Mr. Johnson:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the Initial Study (IS) and Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the project identified in the subject line above. The IS/NOP materials sent to the APCD for review stated that the Nacimiento Reservoir fills approximately three times faster than San Antonio Reservoir, resulting in the possibility of unused storage in the San Antonio Reservoir when Nacimiento Reservoir is at capacity and releasing flood spills. To minimize the loss of storage potential during Nacimiento Reservoir flood events, the proposed project would include a water conveyance tunnel between Nacimiento and San Antonio Reservoirs. The EIR will evaluate the air quality impacts associated with the construction and operation of the project's proposed tunnel and modification to the existing San Antonio Reservoir spillway that would increase its storage capacity.

General EIR Recommendations

Of the two phases, the APCD anticipates that the EIR will find the construction phase to be the phase with the greatest potential for significant air quality impacts. In the EIR, please compare the construction air quality impacts against the APCD thresholds of significance in Table 2-1 of the 2012 CEQA Air Quality Handbook (CEQA Handbook) which is available on the following web page: slocleanair.org/rules-regulations/land-use-ceqa.php.

The IS stated that the EIR will evaluate sensitive receptor impacts from the project's design, construction, and operation and if necessary conduct a health risk assessment for exposure to diesel toxic emissions and/or naturally occurring asbestos (NOA). Regarding the construction phase, the APCD's policy is not to require HRA evaluations for short term construction impacts. For the operational phase, a health risk assessment may be necessary if the project will use a diesel engine to assist in moving water through the tunnel. If a diesel engine will be used for this purpose and it is 50 hp or larger, then that

engine would need to be permitted with the APCD and APCD' Engineering and Compliance Division staff would evaluate the diesel risk as part of the permitting process.

Although the SLO County portion of the construction phase will not require a risk assessment, diesel emissions near sensitive receptors (e.g. residences within 1000 feet of construction activities) would need to be minimized with idling restrictions. Those restrictions can be found in the CEQA Handbook Section 2.1.1 Special Conditions for Construction Activity.

Regarding NOA, the portion of the project that is in San Luis Obispo County does not appear to be close to the NOA buffers that are shown in the APCD's 2016 NOA map: the map link is also found on the above listed web page. Therefore, the APCD does not recommend that the EIR require NOA controls unless NOA is discovered during the project's construction phase.

The following are other APCD comments that are pertinent to this project.

1. Contact Person:
   Andy Mutziger
   Air Pollution Control District
   3433 Roberto Court
   San Luis Obispo, CA 93401
   (805) 781-5912

2. Permit(s) or Approval(s) Authority:
   Construction Permit Requirements
   Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

   The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the CEQA Handbook.
   - Power screens, conveyors, diesel engines, and/or crushers;
   - Portable generators and equipment with engines that are 50 hp or greater;
   - Electrical generation plants or the use of standby generator;
   - Internal combustion engines;
   - Rock and pavement crushing;
   - Unconfined abrasive blasting operations;
   - Tub grinders;
   - Trommel screens; and,
   - Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

   To minimize potential delays, prior to the start of the project, please contact the APCD Engineering and Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.

Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator; and
- Internal combustion engines.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering and Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.**

Lead During Demolition

Demolition of structures coated with lead based paint is a concern for the APCD. Improper demolition can result in the release of lead containing particles from the site. Sandblasting or removal of paint by heating with a heat gun can result in significant emissions of lead. Therefore, proper abatement of lead before demolition of these structures must be performed in order to prevent the release of lead from the site. **Depending on removal method, an APCD permit may be required. Approval of a lead work plan by the APCD is required and must be submitted ten days prior to the start of the demolition. For more information, contact the APCD Engineering and Compliance Division at (805) 781-5912 or for specific information regarding lead removal, please contact Cal-OSHA at (818) 901-5403. Additional information can also be found on line at http://www.epa.gov/lead.**

Demolition/Asbestos

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). **If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include, but are not limited to, 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant and, 3) applicable removal and disposal requirements of identified ACM. Please contact the Engineering and Compliance Division at (805) 781-5912 and also go to slocleanair.org/business/asbestos.php for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of slocleanair.org/business/onlineforms.php.

Developmental Burning
Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Engineering and Compliance at (805) 781-5912.

3. Environmental Information:
The project under development has the potential for significant impacts to local air emissions, ambient air quality, sensitive receptors, and the implementation of the Clean Air Plan (CAP). A complete air quality analysis should be included in the DEIR to adequately evaluate the overall air quality impacts associated with implementation of the proposed project. This analysis should address both short-term (construction) and long-term (operational) emissions impacts including traditional air pollutants, air toxics and greenhouse gas emissions. The following is an outline of items that should be included in the analysis:

The CEQA Handbook can be used as guidance for assessing the air quality impacts for this project and defining mitigation measures.

a) A description of existing air quality and emissions in the impact area, including the attainment status of the APCD relative to state and federal air quality standards, and any existing regulatory restrictions to development should be included. The most recent CAP should be consulted for applicable information and the APCD should be consulted to determine if there is more up to date information available.

b) A detailed description of all phases of the project should be included in the EIR. Based on the description, a detailed quantitative air emissions analysis at the project scale needs to be completed and all emissions from each phase of the project need to be quantified. A complete emission analysis should be performed on all relevant construction and operational phase emission sources using the latest approved version of CalEEMod (www.caleemod.com), EMFAC, OFF-ROAD, AP-42 "Compilation of Air Pollutant Emission Factors" or other APCD approved emission calculator tools. This analysis should include both stationary and mobiles sources, regardless if APCD permits are needed for the equipment. All assumptions used in the air emissions calculations should be included in the DEIR. Modeling results should include detailed output reports that include data input parameters, assumptions, and default modification if applicable. The quantitative analysis needs to address criteria pollutants, greenhouse gases, air toxics, and diesel particulate matter and must be compared to APCD's CEQA threshold.

c) As indicated above, greenhouse gases should be quantified as part of the project. The short term greenhouse gas impacts from the construction should be amortized over the life of the project and added to the operational phase impacts. Additionally, if the project will result in any loss and or conversion of vegetated land (i.e., cropland, forestland, grassland, wetlands, other) the GHG emissions associated with that loss or conversion should be quantified and mitigated as appropriate.

d) See the "General EIR Comments" section for guidance on the circumstances of when this project would require a health risk assessment and who would conduct that assessment.

e) The EIR should include feasible alternatives to the proposed project that could effectively minimize air quality impacts. A thorough emission analysis should be conducted for each of the proposed alternatives identified. All calculations and assumptions used should be fully documented in an appendix to the EIR.

f) A cumulative impact analysis should be performed to evaluate the combined air quality impacts of this project and impacts from existing and proposed future development in the area. This should encompass all planned construction activities within one mile of the project.

g) Mitigation measures to reduce or avoid significant air quality impacts should be recommended. The DEIR should address any proposed off-site mitigation measures and describe feasible mitigation measures to reduce air quality impacts on-site. Off-site mitigation may be required in the event that emissions cannot be reduced on-site below APCD specified thresholds.

4. Permit Stipulation/Conditions:
   APCD recommends that the EIR's reference section include the CEQA Handbook.

5. Alternatives:
   Any alternatives described in the EIR should involve the same level of air quality analysis as described in section 3 listed above.

6. Reasonably Foreseeable Projects, Programs or Plans:
   None at this time.

7. Relevant Information:
   As mentioned earlier, the CEQA Handbook should be referenced in the DEIR for determining the significance of impacts and level of mitigation recommended.

8. Further Comments:
   None at this time.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,

Andy Mutziger
Air Quality Specialist

AJM/ihs

CC: Gary Willey, APCD Engineering and Compliance Division Manager

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

June 17, 2016

Robert Johnson, Assistant General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, California 93901-4455

Re: Interlake Tunnel and Spillway Modification Project, Notice of Preparation/Initial Study

Dear Mr. Johnson:

Thank you for the opportunity to comment on Monterey County Water Resources Agency's (MCWRA) Interlake Tunnel and Spillway Modification Project, Notice of Preparation/Initial Study (NOP). The proposed project consists of a tunnel which would be capable of diverting water from Nacimiento Reservoir to San Antonio Reservoir, and an increase in the elevation of the spillway at San Antonio Reservoir to increase its storage capacity. The Salinas River, and Nacimiento and San Antonio Rivers, tributaries of the Salinas River, have been designated by NOAA's National Marine Fisheries Service (NMFS) as critical habitat for the South-Central California Coast (S-CCC) steelhead (*Oncorhynchus mykiss*) Distinct Population Segment, which is listed as threatened under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1536 *et seq*.).

Recent monitoring by MCWRA since 2010 suggests the total run size of S-CCC steelhead in the Salinas River watershed is quite low (Cuthbert *et al.* 2011; Cuthbert *et al.* 2013). Since monitoring began in 2010, the highest annual number of adult steelhead detected at the MCWRA's trap location was 43 during the winter of 2012-13 (Cuthbert *et al.* 2013). Due to low rainfall and declining reservoir storage levels over the past four years, there have not been any fish passage days since 2011. Since October 2013, passage for any life stage has not been possible because significant stretches of the lower Salinas River have remained dry. Therefore, the lack of river flow has precluded all steelhead reproduction for at least the last three years, and the potential for successful reproduction the previous three years was very low, if any.

NMFS offers the following comments on the proposal to prepare an Environmental Impact Report (EIR) and on the scope of issues to be included in the EIR.

Recovery plan implementation

In December 2013, NMFS issued its final *South-Central California Steelhead Recovery Plan* (NMFS 2013). NMFS is actively working with various agencies and responsible parties to implement the actions identified in the recovery plan and it is critical that this project be designed to not preclude the recovery of threatened S-CCC steelhead in the Salinas River watershed. The EIR should thoroughly assess the potential effects of project alternatives on the Salinas River steelhead populations by presenting: (1) the current status of steelhead and their habitat as part of the EIR's

environmental setting; and (2) the effects of the project alternatives on streamflow, water temperature, and other physical/aquatic habitat conditions in terms of steelhead life history and habitat requirements as part of the EIR's environmental impact analysis.

Federal ESA incidental take coverage

As noted in the NOP, the EIR for the proposed project will be used by various regulatory agencies issuing permits, including the U.S. Army Corps of Engineers (Corps). Issuance of a Corps permit provides an opportunity for this project to comply with the ESA via a section 7 consultation between NMFS and the Corps. We recommend MCWRA begin discussions with NMFS to determine how this project and MCWRA's reservoir releases will comply with the ESA.

Sustainable Groundwater Management Act

On January 1, 2015, the Sustainable Groundwater Management Act (SGMA) took effect, requiring that California groundwater be managed as a sustainable resource. To avoid state management of their groundwater aquifers, local governments may form Groundwater Sustainability Agencies (GSA) that will carry out groundwater management and meet SGMA requirements and timelines. The main goal of SGMA is to ensure the sustainable management of groundwater basins throughout the state, where sustainable groundwater management is defined as…"*the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results*" (Section 10721 of the Act). Of the six "undesirable results" listed within the Act, the one of most concerns to NMFS is …"*depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water*" (Section 10721 of the Act). The Salinas River channel overlies the Salinas Valley Groundwater Basin, and excessively pumping groundwater that is hydrologically connected to surface flow can both decrease river depth and impair water quality, impacting beneficial uses of that water. The EIR should describe how the proposed project will avoid depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

NMFS appreciates the opportunity to comment on MCWRA's Interlake Tunnel and Spillway Modification Project, NOP. If you have any questions concerning this letter, please contact Joel Casagrande at (707) 575-6016, Joel.Casagrande@noaa.gov, or William Stevens at (707) 575-6066, William.Stevens@noaa.gov.

Sincerely,

for Alecia Van Atta
Assistant Regional Administrator
California Coastal Area Office

cc: Katerina Galacatos, U.S. Army Corps, San Francisco
Jacob Martin, U.S. Fish and Wildlife Service, Santa Cruz
Julie Vance, California Department of Fish and Wildlife, Fresno
Jon Rohrbough, Central Coast Regional Water Quality Control Board, San Luis Obispo
Copy to Chron File

Literature Cited

Cuthbert, R., Ainsley, S., and D. Demko. 2011. Salinas River Basin Adult Steelhead Escapement Monitoring. 2011 Annual Report. Prepared for the Monterey County Water Resources Agency. FishBio, Oakdale, California. 33 pp.

Cuthbert, R., Cuthbert, P., and A. Fuller. 2013. Salinas River Basin Adult Steelhead Escapement Monitoring. 2013 Annual Report. Prepared for the Monterey County Water Resources Agency. FishBio, Oakdale, California. 27 pp.

NMFS (National Marine Fisheries Service). 2013. South-Central California Coast Steelhead Recovery Plan. West Coast Region, California Coastal Area Office, Long Beach, California (http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/south_central_southern_california_coast/south_cental_southern_california_coast_recovery_plan_documents.html).

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

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June 7, 2016

Robert Johnson, Deputy General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, California 93901-4455
E-mail: johnsonr@co.monterey.ca.us

Subject: Notice of Preparation, SCH No. 2016041085
Interlake Tunnel and Spillway Modification Project

Dear Mr. Johnson:

The California Department of Fish and Wildlife (CDFW) appreciate the opportunity to review the Notice of Preparation (NOP) for the Interlake Tunnel and Spillway Modification Project (Project) and provide the following comments.

Project Description

According to the NOP, the proposed Project is comprised of two separate but interrelated components, the construction of an approximately two mile water conveyance tunnel from Nacimiento Reservoir to San Antonio Reservoir and modifications to the existing spillway at San Antonio Reservoir. The Project description includes the following elements: interlake tunnel (gravity flow), tunnel intake facility at Nacimiento Reservoir, tunnel outlet facility at San Antonio Reservoir, San Antonio Dam spillway capacity increase, removal and replacement of infrastructure surrounding San Antonio Reservoir, and disposal of spoils. The proposed modifications of the spillway at the San Antonio Reservoir would provide a 10-foot increase in the maximum lake elevation, effectively increasing the storage capacity of the reservoir by approximately 59,000 acre-feet (af).

The proposed Project will be constructed within, between and adjacent to Nacimiento and San Antonio Reservoirs. These reservoirs are located in the Salinas River Basin, northwest of Paso Robles, in Monterey and San Luis Obispo Counties. Nacimiento Dam and its reservoir are located in northern San Luis Obispo County, approximately 20 miles inland from the coast and 10 miles upstream from the confluence of the Nacimiento and Salinas Rivers. San Antonio Dam and its reservoir are located in southern Monterey County, north of Nacimiento Reservoir and 5 miles upstream from the confluence of the San Antonio and Salinas Rivers.

Project Purpose and Need

According to the NOP, the purpose of the proposed Project is to develop a multi-benefit project for the Salinas River Basin to improve water supply sustainability, water quality and flood management. The proposed Project is intended to meet the following objectives:

- Minimize flood releases from Nacimiento Reservoir and reduce associated downstream flood damages;
- Increase the overall surface water supply available from Nacimiento and San Antonio Reservoirs by maximizing the opportunity for water to be collectively stored in the reservoirs;
- Improve the hydrologic balance of the groundwater basin in the Salinas Valley and reduce seawater intrusion;
- Continue to meet environmental flow requirements;
- Minimize impacts to existing hydroelectric production;
- Preserve recreational opportunities in the reservoirs; and
- Protect agricultural viability and prime agricultural land.

Recreational Fisheries, Introduction of White Bass to San Antonio Reservoir

The Salinas River is the Central Coast's largest river and has the fourth largest watershed in California, flowing 170 miles from the mountains in southern San Luis Obispo County northward to Monterey Bay. The Salinas River watershed, which includes the Nacimiento River, San Antonio River, Estrella River, and Arroyo Seco River, encompasses approximately 4,780 square miles. It supplies water for central coast cities from San Luis Obispo to Salinas as well as one of the most productive agricultural valleys in the United States, the Salinas Valley. The Salinas River flows into one of one of the world's most diverse marine ecosystems, the Monterey Bay National Marine Sanctuary. The Salinas River is designated by the State Water Resources Control Board (State Water Board) as one of the most critical watersheds in California due to degrading habitats, exportation, over-use and non-point pollution impacts on water quality. The Project may result in these conditions worsening unless its impacts are appropriately mitigated.

San Antonio Reservoir

San Antonio Reservoir is located in southern Monterey County on the San Antonio River and began operations in 1967. San Antonio Dam is located 5 miles west of Bradley and 3 miles north of Nacimiento Dam. At full pool, the reservoir has a volume of 335,000 af, surface elevation of 780 feet, and a maximum depth of 180 feet. San Antonio Reservoir yields on average about 13 percent of the total water in the Salinas River system. Average annual release is about 63,000 af but has been as high as 310,000 af.

The fish assemblage found in Lake San Antonio is a mixture of introduced sport fish, introduced forage fish and native fish. Unless the Project is designed to prevent or minimize to the greatest extent possible the transfer of fish from Nacimiento, an introduction of water from Nacimiento into San Antonio has the potential to change the fisheries composition of San Antonio to resemble that of Nacimiento. White bass, occurring in Nacimiento, could be introduced to San Antonio and hybridize with striped bass. Since white bass have not been detected in San Antonio, a CDFW approved monitoring program should be implemented to determine the presence of white bass in San Antonio reservoir. Further, a long-term CDFW approved monitoring program should be implemented following construction to evaluate species composition.

Raising the dam to increase maximum storage capacity, plus the diversion of water from Nacimiento into San Antonio, will result in increased fluctuations between maximum and minimum storage levels. Greater fluctuations in surface water elevation can impact fish species composition, as some species spawn in deeper waters and are less impacted by increased fluctuations in elevation than species which spawn in shallow waters. Spotted bass is another species that occurs in Nacimiento and not San Antonio. Spotted bass, which tend to spawn deeper than both largemouth bass and smallmouth bass, are more tolerant to fluctuating lake levels. Because of this, they may outcompete both other species leading to a population of smaller, less desirable largemouth bass and smallmouth bass. Therefore, over time the increased fluctuations in water level can also contribute to a change in the species composition for recreational fisheries.

The DEIR should discuss appropriate measures to prevent or minimize to the maximum extent possible the transfer of new fish species from Nacimiento into San Antonio Reservoir, and the impact to the fisheries should these measures fail. Additional impacts that can potentially change the species composition for fisheries should also be thoroughly discussed.

Nacimiento Reservoir

Nacimiento Reservoir is located on the Nacimiento River about 18 miles northwest of Paso Robles in San Luis Obispo County. It was created by the construction of the Nacimiento Dam, completed in 1957. At maximum pool, the reservoir's storage

capacity is 377,900 af with a surface elevation of 800 feet and a surface area of 5,400 acres. The maximum depth of the lake is 175 feet, with annual fluctuations usually ranging from 30 to 70 feet.

Largemouth bass are one of the primary sport species sought by anglers in Nacimiento Reservoir. White bass were introduced to Lake Nacimiento in 1965, and are voracious pelagic predators that compete with striped bass and other piscivorous fishes. CDFW currently regards the white bass as an undesirable non-native species due to its predation of desirable species including both native and protected species. White bass are currently classified as a "Detrimental Species" under the California Code of Regulations, Title 14, Section 671; Detrimental Species are so designated because they pose a threat to native wildlife, the agriculture interests of the State or to public health or safety.

CDFW is concerned that reservoir releases may result in white bass becoming established in the Salinas River, its tributaries, or the Salinas River lagoon, and prey on juvenile steelhead. White bass are already occasionally captured in the Salinas River during sampling events, and large numbers of reservoir fish species, including white bass, were seen in the Nacimiento River below Nacimiento Dam following reservoir flood control releases during the spring of 1996. The proposed Project would move water from Lake Nacimiento to Lake San Antonio, and therefore may result in the spread of white bass to yet another reservoir, and in so doing potentially increase the likelihood of white bass introduction to the Salinas River from the San Antonio watershed, where they would prey upon the vulnerable steelhead population.

Tunnel Placement and Design

Incorporating a deep water intake in Lake Nacimiento would provide a lower probability of white bass entering the tunnel. The lower probability would depend upon lake level fluctuations as the lower the lake level, the higher probability of white bass to the proximity of the intake. With higher lake levels it is expected the deep water intake will be located at a water elevation below the normal habitat of white bass and within a zone of typically low dissolved oxygen where fish and their eggs and larvae have a low probability of survival. Potential intake locations, designs, and mitigation measures are recommended to be thoroughly analyzed and discussed in the DEIR for the project, including a comprehensive risk assessment of introducing white bass into the San Antonio Reservoir, the Salinas River and its tributaries in the event any of the mitigation measures fail. It is also advised that Monterey County Water Resources Agency (MCWRA) consult with CDFW prior to the final determination of the location for the deep water intake. As an additional precaution to restrict white bass, the tunnel portal should be equipped with a conventional fish grate consisting of intersecting bars with openings of 1.75 mm or less.

Salinas River

Except for uncontrolled flows during winter storms, the river hydrology is regulated by the two main storage reservoirs (Lake Nacimiento and Lake San Antonio). Thus, changes to how water is stored and released in these reservoirs associated with Project implementation would result in substantial changes to the Salinas River and its associated natural resources without measures in place to avoid such changes. Flood control releases are made to maintain adequate storage capacity during runoff periods. In wet years, these releases can continue into the summer. During times when the Salinas River is dry, MCWRA makes releases from the reservoirs to keep water flowing downstream to the area between Chualar and Spreckels (7 to 13 miles downstream of Chualar Bridge). The objective of these releases is to recharge the groundwater aquifer. During wet years, 100,000 af may be released in this way; during dry years, as much as 230,000 af. When natural runoff is sufficient to maintain flow in the Salinas River, releases from the reservoirs are cut back to minimum levels, typically 3 cubic feet per second (cfs) (2 cfs per water right) from San Antonio and 25 cfs from Nacimiento. The purpose of these releases is to maintain fish in good condition that exist downstream of the dams (Fish and Game Code Section 5937). Per existing water rights, these minimum flows may be reduced under conditions of low reservoir storage, and during drought conditions (Nacimiento at or below 748 feet or 132,900 af storage) when minimum release required from Nacimiento Reservoir is reduced to 10 cfs. When the level of Nacimiento Reservoir falls below 689 feet (22,000 af storage), MCWRA is not required to make releases to the river.

Steelhead trout inhabiting the Salinas River Basin are a part of the South-Central California Coast Evolutionary Significant Unit (ESU) as defined by the National Marine Fisheries Service (NMFS). The NMFS listed steelhead trout in the South-Central California Coast ESU as a federally threatened species effective October 17, 1997 (Federal Register Vol. 62, No. 159). The South-Central California Coast ESU is considered by NMFS to be distinct from the Southern California ESU to its south and the Central California Coast ESU to its north. NMFS's recovery plan for South-Central California Coast Steelhead (SCCCS) identifies the Salinas River, including Nacimiento and San Antonio Rivers as a Core 1 recovery stream for the ESU. This designation identifies that the Salinas River is one of the highest priority watersheds for recovery of steelhead within this ESU. Critical recovery actions for this ESU include alleviating threats to instream flows and impediments to fish passage.

The South-Central California Coast ESU includes steelhead populations in streams from the Pajaro River (inclusive) to (but not including) the Santa Maria River. In the mid-1960s, CDFW estimated that the ESU was composed of 27,750 spawning steelhead of which an estimated 500 spawned in the Salinas Basin. Five major streams (Pajaro River, Salinas River, Carmel River, Little Sur River, and Big Sur River) supported 4,750 spawners in the mid-1960s but support fewer than 500 in

recent years with recent surveys in the Salinas River, primarily in the Arroyo Seco tributary, indicating that run averages may be much smaller. South-Central California Coast steelhead is regarded by the State as imperiled as it is vulnerable to extirpation and recovery of these populations is a high priority for steelhead management in the State.

Habitat conditions for steelhead in the Salinas Basin are distinct from most other streams in the South-Central California Coast ESU of winter steelhead. The Salinas River drains an inland valley separated from the ocean by the coastal mountains. The Salinas tributaries that support steelhead drain the eastern side of the coast range whereas most of the other streams are on the west side of the coast range and drain directly to the ocean. The geographic orientation of the Salinas Valley experiences a different micro-climate than other watersheds in the SCC ESU and influences steelhead habitat conditions, including stream temperature during the summer rearing periods and the duration and frequency of streamflow conditions suitable for migration. Therefore, steelhead in the Salinas River may experience a greater number of years when access to the ocean is not possible due to low streamflow in comparison to other coastal streams in the region. Migration of adults from the ocean may begin later in the season, and seaward migration of juveniles may be truncated in the spring as compared to the other coastal drainages.

Any changes to the Salinas river flow volumes and timing of releases associated with the proposed Project could worsen conditions for steelhead. Therefore, CDFW advises the DEIR to comprehensively evaluate the potential for impacts to this species, including its habitat, as a consequence of temporal differences in flow volumes as a result of the Project.

Water Rights, Current Flow Prescriptions, and Fish Passage

After construction, the Project will divert water from the Nacimiento Reservoir to San Antonio Reservoir that would have otherwise been spilled or released at Nacimiento Dam. By modifying the existing spillway at San Antonio Dam with a crest control device, San Antonio Reservoir's maximum lake elevation would effectively increase by 10 feet and water storage capacity increase by approximately 59,000 af. It is our understanding that for Water Right Application 16761 (A016761), MCWRA will need to file a petition for change for terms and conditions to modify the storage capacity at San Antonio Reservoir. They will need to file another petition for change to add a point of diversion to offstream storage on Nacimiento Reservoir under A016124 and/or A030532. Pursuant to Water Code Sections 1701.3 (b)(2) and 1703 MCWRA will be required to consult with CDFW.

The current flow prescriptions for habitat maintenance under Water Right Licenses 7543 (Nacimiento), and 12624 (San Antonio), are consistent with the 2007 Salinas Valley Water Project (SVWP) biological opinion (NMFS 2007) issued to the United

States Army Corps of Engineers (Corps) by the NMFS. The reservoir releases and resulting streamflow conditions developed for the Salinas Valley Water Project (SVWP) were designed to meet MCWRA's water supply goals and minimize impacts to federally listed threatened SCCCS DPS and their designated critical habitat. The *Salinas Valley Water Project Flow Prescription for Steelhead Trout in the Salinas River* (MCWRA 2005; flow prescription) relies on triggers primarily based on combined reservoir storage and mean daily stream flow to initiate releases from the reservoirs to maintain upstream passage conditions that are similar to conditions that existed historically. Under the SVWP, MCWRA is to achieve, on a 10-year average, the median number of upstream passage days (within a 10 percent variance, and based on water year type) that occurred historically.

Both the Spillway Modification Project and the Interlake Tunnel Project, individually and in combination, would allow MCWRA to manage reservoir levels differently than under existing conditions. These changes have the potential to significantly compromise fish passage for federally threatened steelhead in the Salinas River and contribute to the further decline of the watershed's population.

The CDFW recommends that a comprehensive water operations model be developed that clearly outlines assumptions and constraints used in its development. We further recommend that this model be developed in consultation with CDFW and the NMFS. This will ensure transparency and the elimination of unnecessary disputes regarding model outputs and subsequent analyses.

Under existing conditions, reservoir storage operations have significantly affected the magnitude and frequency of flows supporting steelhead migrations in the mainstem Salinas River, and have reduced peak discharges from the dams resulting in the aggradation of sediment and vegetation throughout the lower Salinas River. As the result of the combination of pumping and reservoir storage, the flow of the Salinas River to the lagoon and ocean has been reduced from 533,000 af per year (Simpson 1946) to approximately 238,000 af per year (EDAW 2001). The average annual controlled releases from MCWRA's reservoirs are approximately 200,000 af per year (MCWRA 2015). The proposed Project could exacerbate these two problems in the Salinas River by further reducing steelhead passage days and channel aggradation. Thus, the Project has the potential to impact downstream aggradation and SCCC steelhead in the Salinas River in a manner and to an extent not considered in either the SVWP biological opinion or existing water rights licenses.

The Project will result in diversion of water that would have otherwise been released from Nacimiento Reservoir. The DEIR should evaluate any effects of the Project on reservoir releases and spill events, and associated effects on river health and steelhead migration opportunities. It should also discuss how the Project will affect the flow prescriptions in Biological Opinion for the SVWP, conditions in the current Water Right Licenses, and other related agreements.

The DEIR should discuss whether the Project will have a cumulative effect on stream flow or flow prescriptions in the Salinas and Old Salinas River channels based on current diversions proposed by MCWRA for Water Right Application 32263 A.

Water Quality - Mercury Contamination

Methylmercury can be harmful to the human nervous system and affect human development. When mercury is present in the sediment of a reservoir, small aquatic organisms transform it into methylmercury in their bodies (methylation). When small fish or other small aquatic wildlife feed on these organisms they consume the methylmercury in the organisms. Methylmercury accumulates in the tissue and biomagnification occurs as the concentration level is consumed and transferred to other trophic levels. Predatory fish such as white and spotted bass that eat smaller fish consume all the methylmercury in their prey; therefore predatory fish have the highest levels of methylmercury in their tissue.

In many areas of the Nacimiento River and San Antonio watersheds, the natural mercury levels in soil tend to be relatively high, since the area has numerous naturally occurring cinnabar (mercuric sulfide) deposits and mine sites. Mercury, while it has a definable point source, also behaves as a nonpoint source as it is carried from the point source in sediment as it runs off in rain events. Estimates from the Central Coast Regional Water Quality Control Board (Regional Board) Lake Nacimiento Loading Model indicate that approximately 77 to 93 percent of the total mercury loading into the Nacimiento Reservoir enters from the Las Tablas Creek drainage area (Las Tablas Creek and Lake Nacimiento, TMDL, 2002).

The Buena Vista and Klau Mines are located upstream of Nacimiento Reservoir along the Las Tables River, which is a major tributary to the reservoir. The United States Environmental Protection Agency labeled the Klau/Buena Vista Mines a Superfund Site, and they were placed on the National Priority List on April 16, 2006. Though no longer active, these mines have been identified as the primary point and nonpoint source of mercury contamination in the Nacimiento River watershed. The extent of the mercury contamination from the mines includes: 1) the 320 acre mercury mine site property, 2) seven miles of Las Tablas Creek downstream from the mine which includes a man-made reservoir of 7 acres with a 15 foot depth, and 3) Lake Nacimiento reservoir at the end of Las Tablas Creek which covers 1,800 acres is 14 miles long and up to 180 feet deep and is used for irrigation and drinking water.

Mercury levels are a concern from fish taken out of both Nacimiento and San Antonio Reservoirs. Fish sampling conducted in Lake Nacimiento has resulted in fish consumption advisories due to the mercury content of fish tissue exceeding United States Food and Drug Administration guidelines (Rice et al., 1994, p. 1; Rasmussen and Blethrow, 1990, p. L-12, L-13). Results of sampling in 2015 indicate that fish sampled from Nacimiento Reservoir were found to contain over double the amount of

mercury from those sampled in San Antonio Reservoir (CDFW 2015, http://www.mywaterquality.ca.gov/safe_to_eat/data_and_trends/). Only two species that are found in both reservoirs were tested. They are black bass and common carp. Black bass taken from San Antonio Reservoir were found to contain 0.40 parts per million (ppm) mercury while black bass taken from Nacimiento Reservoir contained 1.0 ppm mercury. Common carp taken from San Antonio Reservoir were found to contain 0.23 ppm mercury while common carp taken from Nacimiento Reservoir were found to contain 0.48 ppm mercury. In summary, fish sampled from Nacimiento Reservoir were found to contain twice the level of mercury as San Antonio Reservoir.

Fish tissue levels of mercury that cause a fish consumption advisory are considered an impact to the Commercial and Sport Fishing beneficial use designated for Lake Nacimiento (Las Tablas Creek and Lake Nacimiento, TMDL, 2002). An unscreened tunnel would allow for the mixing of fish species. Because of this, mercury advisory warnings that pertain to the fish in Nacimiento Reservoir would be required to pertain to all fish species found in San Antonio Reservoir as well, and would similarly impact any Commercial and Sport Fishing beneficial use designation for the lake.

Contaminated sediment and fines, and aquatic species could be transferred from Nacimiento into San Antonio via an unscreened tunnel possibly increasing the mercury loading of San Antonio Reservoir.

Project-related reservoir drawdown and construction could also result in the release of contaminated sediment and aquatic species downstream of the reservoirs and ultimately into the Salinas River. Mitigating these effects should be a part of the DEIR's analysis of measures to prevent or minimize to the maximum extent possible the transfer of new fish species into San Antonio Reservoir as commented above.

Water Quality – Dissolved Oxygen and Temperature

The placement of the tunnel could result in impacts to dissolved oxygen and temperature within the reservoirs. Building the tunnel entrance near the bottom of Nacimiento could divert water into San Antonio with lower temperature than surface water, but also low dissolved oxygen levels. Water released from near the surface would be higher in temperature, but also have a higher concentration of dissolved oxygen. The DEIR should thoroughly discuss how the tunnel placement will affect temperature, dissolved oxygen, lake stratification, and impacts to the fisheries. This is in addition to the discussion above of tunnel placement to restrict transfer of white bass into San Antonio.

Introduction of Quagga and Zebra mussels

Quagga (*Driessena bugensis*) and zebra (*Dreissena polymorpha*) mussels are highly invasive species and CDFW has devoted numerous resources to educate the public and prevent their further introduction into California's streams and lakes. Currently there is no known screen design to prevent the passage of the veliger (pelagic microscopic larvae) form of quagga or zebra mussel. Introduction of either species into Nacimiento would result in the scenario of dispersal of veligers into San Antonio via the proposed tunnel. Even though current monitoring efforts by CDFW have not detected these species within Nacimiento or San Antonio Reservoirs, the impacts for the potential introduction and spread of quagga and zebra mussels should be analyzed in the DEIR.

Special Status Species

Based on a review of the California Natural Diversity Database (CNDDB) and other CDFW resources, Project-related activities including, but not limited to, construction, downstream releases, changes to water quality, disturbance to serpentine soils, and surface water elevation increases to San Antonio Reservoir could impact the following special status plant and wildlife species and habitats known to occur in the area:

Valley oak woodland, vernal pool habitat, State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), State endangered and State fully-protected bald eagle (*Haliaeetus leucocephalus*), State fully-protected golden eagle (*Aquilla chrysaetos*), State and federally endangered least Bell's vireo (*Vireo belli pusillus*), State Candidate tricolored blackbird (*Agelaius tricolor*), State and federally threatened and State Species of Special Concern (SSSC) California red-legged frog (*Rana draytonii*), federally endangered and SSSC arroyo toad (*Bufo californicus*), State and federally threatened California tiger salamander (*Ambystoma californiense*), federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*); the following SSSC: American badger (*Taxidea taxus*), prairie falcon (*Falco mexicanus*), foothill yellow-legged frog (*Rana boylii*), burrowing owl (*Athene cunicularia*), western pond turtle (*Emys marmorata*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), western spadefoot (*Spea hammondii*), and silvery legless lizard (*Anniella pulchra*).

State threatened and California Rare Plant Rank (CRPR) 1B.1: Santa Lucia purple amole (*Chloragalu purpureum* var. *purpureum*).

CRPR 1B.1: dwarf calycadenia (*Calycadenia villosa*), Mason's neststraw (*Stylocline masonii*), prostrate vernal pool navarretia (*Navarretia prostrata*), pale-yellow layia (*Layia heterotricha*).

CRPR 1B.2: Lemmon's jewelflower (*Caulanthus lemmonii*), yellow-flowered eriastrum (*Eriastrum luteum*), Jolon clarkia (*Clarkia jolonensis*), San Antonio collinsia (*Collinsia Antonia*), Davidson's bush-mallow (*Malacothamnus davidsonii*), Robbins' nemacladus (*Nemacladus secundiflorus* var. *robbinsii*), round-leaved filaree (*California macrophylla*), hooked popcornflower (*Plagiobothrys uncinatus*).

CDFW Jurisdiction

Trustee Agency Authority: CDFW is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 [commencing with Section 21000] of the Public Resources Code).

California Endangered Species Act: CDFW is responsible for administering the California Endangered Species Act (CESA) (Fish and Game Code Section 2050, et seq.). "Take" of any species that is listed, or a candidate to be listed, under CESA is prohibited unless authorized by CDFW. If the Project could result in the take of any listed or candidate species, CDFW would need to issue an Incidental Take Permit for the Project to authorize that activity.

Lake and Streambed Alteration Agreement: CDFW has regulatory authority over certain activities occurring in streams and/or lakes that could substantially adversely affect any fish or wildlife resource, pursuant to Fish and Game Code sections 1600 *et seq*. If a Project would substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or deposit or dispose of debris, waste, sediment, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, notification to CDFW is required.

Notification to CDFW for this Project would be required for the proposed surface water diversion and rediversion, in addition to stream crossings and other jurisdictional features. For projects of this nature, consultation with CDFW is recommended well in advance of Project implementation. A substantial diversion of water from a river, stream, or lake is subject to Fish and Game Code (Code) sections 1600 et seq., and failure to notify is a violation of the Code. It is important to note that CDFW is required to comply with CEQA in the issuance of a lake and streambed alteration agreement (LSAA). The LSAA process is administered through the Central Region Office in Fresno and can be initiated by contacting the Lake and Streambed Alteration Program at (559) 243-4593.

Fish Placement, Transport or Possession of White Bass: Pursuant to Fish and Game Code Section 6400, it is unlawful to place, plant, or cause to be placed or planted, in any of the waters of the State, any live fish, any fresh or salt water animal, or any aquatic plant, whether taken without or within the State, without first submitting it for inspection to, and securing the written permission of CDFW.

In addition to Section 6400, it is unlawful to transport or possess any live white bass (*Marone chrysops*), whether taken within or without the state, unless it is first submitted for inspection to, and written permission is obtained from CDFW (Fish and Game Code Section 6400.5)

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited. The State fully protected golden eagle and the State endangered and fully protected bald eagle are known to occur in the vicinity of the site. Projects within occupied territories have the potential to significantly impact the species. CDFW recommends that focused surveys be conducted by experienced biologists prior to Project implementation. To avoid impact to the species, surveys should be conducted following survey methodology developed by CDFW (CDFG, 2010). In the event that the species is found within ½-mile of the site, implementation of avoidance measures are warranted. CDFW recommends that a qualified wildlife biologist be on-site during all ground disturbing/construction related activities and that a 0.5-mile no-disturbance buffer be put into effect. If the 0.5-mile no-disturbance buffer cannot feasibly be implemented, CDFW should be contacted to assist with providing and implementing additional avoidance measures. Mitigation measures for fully protected raptor species should be fully addressed in the CEQA document prepared for the Project.

Bird Protection: CDFW has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). In the event that Project-related vegetation removal will occur, it is advised that appropriate avoidance and minimization measures for raptors and other nesting birds potentially present in the Project site vicinity be addressed in the DEIR.

Water Rights: Adding a point of diversion (Nacimiento) to offstream storage (San Antonio) will likely require approval of the State Water Resources Control Board (SWRCB) under a change petition pursuant to Water Code Section 1701. A change for terms and conditions to modify the storage capacity at San Antonio will also likely require approval of the SWRCB under a change petition pursuant to Cal. Code Regs,

Title 23, Section 791(e). CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights change petition process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic ecosystems, which in turn are reliant upon adequate flows of water. CDFW therefore has a material interest in assuring that adequate water flows within streams for the protection, maintenance and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities.

Federally Listed Species: CDFW also recommends consulting with the United States Fish and Wildlife Service (USFWS) on potential impacts to federally listed species including, but not limited to San Joaquin kit fox, least Bell's vireo, California red-legged frog, California tiger salamander. Similarly, for potential effects to SCCCS DPS and its critical habitat, CDFW recommends consultation with the NMFS. Consultation with the USFWS and NMFS in order to comply with FESA is advised well in advance of Project implementation.

The following provides additional comments and recommendations regarding the NOP and DEIR.

1. The DEIR should provide an analysis of impacts to State- and federally listed species, including but not limited to those species listed above.

2. Surveys for special status plant and wildlife species should be conducted using appropriate survey methodologies and during appropriate time of year. Soil and habitat type should be mapped to locate serpentine, vernal pool, and other endemic plant and animal species.

3. The DEIR should discuss how Project-related reservoir releases will be implemented so as to avoid and minimize impacts to downstream habitat, including but not limited to transport of suspended sediment, lateral and downcutting scour, introduction of contaminants such as mercury, or introduction of non-native aquatic species.

4. The DEIR should provide environmental impact avoidance and minimization measures related to sediment removal and disposal during Project-related activities.

5. The DEIR should provide a plan to monitor for sediment and contaminants, including mercury, that may be present in downstream reservoir releases, and to monitor contaminants in the water diverted from Nacimiento Reservoir into San Antonio Reservoir. This should include a plan to monitor for sediment (NTU's), total dissolved solids (TDS), and total suspended

sediment (TSS) in the water column. The plan should include measures to comply with Regional Board total daily maximum loads.

6. Reservoir drawdown for Project-related construction should occur after obtaining all pertinent permits and authorizations from CDFW and other appropriate regulatory agencies.

7. The DEIR should provide a plan to avoid or minimize transfer of mercury from Nacimiento Reservoir into San Antonio Reservoir.

8. The DEIR should include measures to prevent transfer of white bass and other fish from Nacimiento Reservoir into San Antonio Reservoir.

9. The DEIR should evaluate cumulative impacts the Project will have on the Salinas River watershed, including the lagoon. Cumulative impacts should include an analysis of the relationship of all flow prescriptions, and surface and ground water diversions that the project may affect, including existing water right applications. The CDFW recommends that a comprehensive water operations model be developed that clearly outlines assumptions and constraints used in its development. We further recommend that this model be developed in consultation with CDFW and the NMFS. This will ensure transparency and the elimination of unnecessary disputes regarding model outputs and subsequent analyses.

10. The DEIR should include a discussion of all Memorandums of Understanding, formal and informal state and local agreements, federal biological opinions, and water rights affected by the Project. The discussion should evaluate impacts to flow prescriptions and related potential impacts to the Nacimiento, San Antonio, and Salinas watersheds.

Depending upon the information provided in the DEIR, CDFW may have additional comments and recommendations regarding potential Project-related impacts and avoidance, minimization, and mitigation measures. If you have any questions regarding these comments, please contact Annette Tenneboe, Senior Environmental Scientist (Specialist) by telephone at (559) 243-4014, extension 231; by electronic mail at annette.tenneboe@wildlife.ca.gov, or by writing to the California Department of Fish and Wildlife at 1234 East Shaw Avenue, Fresno, California 93710.

Sincerely,

Julie A. Vance
Regional Manager

ec: Office of Planning and Research
State Clearinghouse

Justine Herrig, (justine.herrig@waterboards.ca.gov)
SWRCB, Division of Water Rights

Lisa McCann (lisa.mccann@waterboards.ca.gov)
Central Coast Regional Water Quality Control Board

Joel Casagrande (joel.casagrande@noaa.gov)
William Stevens (William.Stevens@noaa.gov)
NOAA Fisheries West Coast Region

Roger Bloom
Linda Connolly
Annee Ferranti
Joshua Grover
Andy Gordus
Stafford Lehr
Dean Marston
Margaret Paul
James Rosauer
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Interlake Tunnel and Spillway Modification Project Environmental Impact Report

Scoping Meeting

Agricultural Center Conference Room
1428 Abbott Street
Salinas, CA 93901

Monday, May 16, 2016 - 3:00 p.m.

APPEARANCES:
DAVID CHARDAVOYNE, MCWRA
MICHAEL STEVENSON, Horizon Consulting
RON DRAKE, EPC Consultants

MONDAY, MAY 16, 2016 - 3:00 P.M.

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DAVID CHARDAVOYNE: Good afternoon, and welcome. And glad to -- glad to see you're here and that you have an interest in our Interlake Tunnel and Spillway Modification Project. It's a project that we're pretty excited about.

My name is Dave Chardavoyne. I'm the General Manager of the Monterey County Water Resources Agency. As you know, or may know, we have a board of directors, a nine-member board of directors, and we also have a Water Resources Agency Board of Supervisors who are the same individuals that are on the Board of Supervisors of the County.

So there's plenty of good oversight on this project, but it actually has been around for a long time. Originally in the Boyle report it was listed in the 1970s. But because of the drought in the last four to five years the project has been resurrected and is now, I would say, a priority one project. At the Water Resources Agency we have numerous priority one projects, but this one is on top.

Where are we at? We've done the conceptual engineering, and we have an idea of what the costs are, we have an idea of what the benefits are, and we have

gotten approval of the Agency Board of Supervisors in December to move ahead with the project. It consists of an interlake tunnel connecting the two lakes, you will learn more about this this afternoon, and it also includes a spillway modification to provide more storage.

So the benefits of the project are it reduces flood events by 60 percent, so that's a big benefit, as we all know, for the valley. It provides, on the average, an additional 8- to 20,000 acre feet of new water. When we say "new water," that's water that would have gone into the ocean. And it adds 59,000 acre feet of storage at San Antonio Reservoir.

This section is all about the CEQA process, which is the California Environmental Quality Act. And you will learn a little more about that this afternoon too. So it's all about environmental this afternoon.

And I would like to introduce a couple of members of our team who will be speaking. Ron Drake from EPC Consultants. EPC Consultants are the program manager for this project. At the Agency we have no one who knows about tunnels and no one who has the ability to commit the time to this size project, and EPC, tunnel projects are their business.

Also with us is, and who will be leading the

environmental discussion, is Michael Stevenson of Horizon Consulting, and he heads up the environmental work on this project.

Helping him are Phenix Consulting, Denise Duffy & Associates, and Dudek Consulting.

So we have a pretty substantial team. We're really proud of the support and expertise that these groups bring to this project.

So I'd like to at this point turn the microphone over to Michael.

MICHAEL STEVENSON: Thanks, Dave.

So as Dave said, my name is Michael Stevenson. I'm with Horizon Water and Environment, and I'm helping lead the CEQA evaluation and environmental impact analysis of this project.

Right at the outset, I want to mention that we have a Spanish translator here, German Criollo, from the Water Resources Agency. Does anyone need a Spanish translation during today?

(Inquiry made.)

HERMAN TRIOLO: No one.

MICHAEL STEVENSON: Okay. Sounds good.

So I'm going to talk for just a couple of minutes about what we're going to be doing here today, then I'll turn it over to Ron Drake. He's going to

provide an overview of the project itself. Once he's done with that, I'm going to discuss the CEQA process and the scoping -- the scoping period that we're in right now. And then once I'm done with my presentation, we are going to request your public comments.

So when you got here today you would have received a couple of things at the front desk there. The first is a speaker card. It's this blue thing here. If you want to give a comment today, an oral comment, please write your name and your address down on this -- on one of these forms. When we're done with our presentation we're going to collect these forms and we will then call upon people to give their comments. We have a wireless microphone, so we'll move around the audience.

If you don't want to speak today, or even if you do, if you also want to submit a written comment, we have these public meeting comment forms. And for these you can just write your comment down on there, put your contact information in there so we notify you as the project develops. And this can just get folded over, stapled, put a stamp on, and dropped in the mail.

We also encourage people to send comments in via e-mail; in fact, that's preferable if you can send those by e-mail. And the e-mail address to send them to

is right at the bottom of this form here.

Finally, for those of you who have not seen it or don't have a copy already, we have a copy of the Initial Study/Notice of Preparation. These are at the front desk. So if you need one of these, this is the document that's currently being circulated for your review.

So the purpose of this meeting, Dave mentioned CEQA, the California Environmental Quality Act. It was a law that was passed back in the 1970s that requires public agencies to consider and disclose the environmental effects of their actions before they take them.

So because of the Interlake Project, that triggers CEQA. The very first step in the CEQA process is called scoping, and this is the point at which we go out to you all, members of the public and public agencies, and ask for your input as to what we should be looking at in our environmental impact report. What are the key impacts we should be thinking about? Are there mitigation measures? Are there alternative approaches that we should be taking towards this project? Do you have any background or baseline information that would support us as we do our environmental analysis? So we're really looking to hear from you.

We haven't started the environmental analysis process yet, so we don't have all the answers about what the impacts might be. If there are questions about how the project will be designed or constructed, we do know that we will make our best effort to answer it, but really the purpose of this meeting is to gather information from you.

So in terms of our meeting protocol, if you could please silence your cell phones, if you haven't already.

Restrooms are right out the door to your right, inside this building, if you need to use them.

We would like to request that just one person speak at a time, so don't interrupt someone if they're giving a public comment. We encourage you to have your comments be clear and succinct and effectively capture what you are trying to say.

We do have a court reporter here today who is taking a transcript of today's meeting, so we are going to have a copy of that available, and all of your comments are being recorded today.

And if you do have differing points of view from people who are speaking, please be respectful of those people and their right to that point of view.

So with that, I'm going to turn it over to Ron,

and he's going to talk about a little bit about the project itself.

RON DRAKE: Thank you, Michael. I'm Ron Drake, and I'm with EPC Consultants.

Our role on the project is program manager for the Agency to try to address all the issues and move the project to a successful completion at some point. I'm here to give you a little bit of a background and a quick description on what the project is.

As I think all of you know, it's a drainage tunnel, water tunnel between Lake Nacimiento and Lake San Antonio. It starts in San Luis Obispo County and crosses the county line as it comes into the San Antonio Reservoir. There are a couple of alignments that we've been considering, and those will be designed -- or dealt with once we get into the design part of the project.

The second part of the project is a modification of the spillway at San Antonio which will give us a fairly cheap increase in net storage in San Antonio Reservoir.

The project is not new. It's been talked about since the 1970s, and finally we're going to try to make it happen, I hope. Essentially what we're doing is we're trying to utilize the unused storage in San Antonio by diverting water from Nacimiento through a

tunnel to San Antonio and avoiding spills or floods from Nacimiento all the way to the ocean and causing flood damage in the Salinas Valley.

There is unused storage in San Antonio just because of the hydrology. I'll show you a picture of that in just a minute. So raising the spillway, which is part of this project, would further reduce flood control -- flood spillage, and help flood control, but add additional storage.

A couple of little sort of graphics here that show why the tunnel is the way it is, the fundamentals about it. Nacimiento, for various reasons, fills up three times faster than San Antonio. So when Nacimiento is full, San Antonio Reservoir is only a third full. And we have spills to the ocean out of Nacimiento while we still have room for storage in San Antonio. So it's pretty logical that if we built a tunnel, essentially a culvert or drainageway, if you will, from Nacimiento to San Antonio, we can divert the water over to San Antonio and utilize the current storage facility that we have there now at San Antonio.

But an interesting thing is we could also potentially increase the storage in San Antonio with a simple modification of the spillway, essentially raise the high water level elevation by 10 feet, and that

would add approximately 59,000 acre feet of additional storage for not very much money for that much storage.

So it's a two-part project, the tunnel project and the spillway modification. Obviously if we can't get the tunnel built, the spillway makes no sense, but with the tunnel, the spillway gives us a chance to capture more water.

So the bottom line, the tunnel provides flood control, reduced spills to the ocean, and reduced flood damage in the Salinas Valley, and also increases the net storage of those reservoirs for use at times when the Salinas Valley needs it.

But the project itself is a 10-foot tunnel in the general alignment as shown here between Lake Nacimiento and San Antonio. The final alignment has not been designed. That's subject to geotechnical exploration and final design. There's a few faults we need to look out for, and there will be some refinements to this, but generally it's in the range of 10- to 12,000 feet long and 10 feet in diameter.

And then at the spillway for San Antonio, shown on the map here, we intend to do some modification of the spillway which provides the opportunity for that reservoir to hold 59,000 more acre feet of water, if it was filled to the high level.

There are elements that are part of the CEQA process that Michael is heading up, and number one is the tunnel itself, that's the primary element. But it has a portal at each end, one at Nacimiento and one at (technical interruption). There's a portal at each end. There's an intake portal at Nacimiento and a discharge or an outlet facility at San Antonio. And then there will be modifications at the spillway in San Antonio and likely mechanical gates, but not yet designed there, to increase the capacity.

But by increasing the capacity, in a sense you're raising the maximum level of the lake. There are some slight impacts around the reservoir that will require replacement and removal of some infrastructure and things up at the north end of the lake, and then also an environmental element is disposal of spoils from the tunnel itself. So those are the primary project elements that Michael and the environmental team are looking at.

This is the approximate location of the spillway modification. That's what it looks like today. As I said, it will likely be probably some mechanical gates, but, again, not designed, but it will be in that vicinity. And it very simply increases the storage capacity by almost 60,000 acre feet.

There are several project objectives that we worked on through the course of this project. Primarily, it's a flood control project. It avoids a significant amount of flood damage and, as Dave said, I think it reduces floods by 60 percent, based on historical experience. And it also increases the overall water supply that allows the valley to use that water and replenish aquifers, which then helps to reduce seawater intrusion. So it's a very beneficial project providing water to replenish the aquifers.

One of the primary -- or another objective is to meet the environmental requirements, which is the environmental flows for steelhead and other fish in the Salinas River.

We want to make sure that the project maintains its capability of the hydroelectric production, which is a revenue source for the Agency, so we intend to try to maintain that, and also to preserve, to the extent possible, the recreational opportunities in both reservoirs, particularly Lake Nacimiento. So we're sensitive to the lake elevation and what happens as waters move from Lake Nacimiento to San Antonio. And, lastly, to really focus on the agricultural community and the viability of the ag industry as a result of making more water available to the Salinas Valley.

Project schedule. We started planning work in 2014, and we are towards the end of that. The environmental work has started in January. We're now trying to get funding put together so that we can kick off the engineering for both the tunnel and the spillway, which we hope to get started in August or so.

And somewhere around the middle of '17 we should have a notice of a Proposition 218 election, which is asking all the property owners and all the beneficiaries of the project in Monterey County to consider a tax assessment to help pay for part of this.

We do have state legislation underway now, trying to get 25 million, and we'll see if that's successful. But the key to the project is Prop 218 financing, which will be probably in later 2017. Followed by construction, which we hope to start in 2018 and be complete in 2019.

So that's a quick overview. I'm going to turn it back to Michael now for the CEQA part of the presentation.

MICHAEL STEVENSON: Thanks, Ron.

So I mentioned earlier CEQA stands for the California Environmental Quality Act. And the basic purposes are these ones that are described here. It's to inform government decision-makers and the public

about the environmental effects of public activities; identify ways to avoid or mitigate those impacts; prevent the impacts through use of alternatives or mitigation measures that are feasible; and disclosing to the public why an agency is moving forward with an action despite its significant environmental effects.

CEQA looks at a number of different resource topics. So this list is actually from the CEQA guidelines, and we're preparing an environmental impact report that's going contain a chapter for each of these topics. So within each chapter we'll be looking at specific issues. So for hydrology and water quality, for instance, we'll be looking at issues like groundwater recharge, effects on wells. For biology, biological resources, we'd be considering issues such as the spread of white bass, downstream effects on steelhead, and so forth. Effects on lake levels and associated boating in Nacimiento will be addressed in the recreation chapter. So this is kind of the framework within which we're going to be looking at the different environmental impacts.

In terms of the EIR process, so under CEQA there is a number of different environmental documents that you can prepare. The EIR, environmental impact report, is the highest level of CEQA documentation. For

that type of a document the process begins with your Initial Study and your Notice of Preparation, which was released here in April, and that triggers a 30-day public scoping period. We're actually extending that scoping period a little bit longer. It's a little over 45 days. And that's where we are right now. We're in the middle of public scoping that's going to end on June 13th.

Once the public scoping is complete, we're going to take all the comments we received from you, consider those, embark on our environmental analysis, and prepare what's called a draft environmental impact report. We anticipate that that's going to be released for the public to review in early 2017, and at that time that will trigger another round of public input and a minimum of a 45-day review period. We're going to be doing more public meetings and inviting you out to give us comments, tell us: Did we get our analysis right, are there additional issues we should be considering, and are there changes that we should be making to the analysis or the document.

Once that public review period is complete we prepare what's called a final EIR. What that does is it takes all of the comment letters we will have received from you, reproduces those, and provides responses to

each comment that was raised in your letters. The final EIR will also contain any changes to the draft EIR that arise from your letters as well. We anticipate that that is going to happen in late summer, early fall next year of 2017.

Once that has been completed, there will be a public notice, and then the Monterey County Water Resources Agency Board of Directors will consider whether or not to certify the EIR and adopt it and whether or not to approve the project and move forward.

And so the final step in the CEQA process is to file an NOD, or Notice of Determination, and that is the formal end of the CEQA process for the Agency. As you can see here, that's anticipated in the fall of next year.

So, once again, the purpose of scoping is to give you all the opportunity to provide us input as we embark on the environmental analysis. And scoping comments can focus on issues such as environmental issues, either adverse or beneficial; potential mitigation measures where we do have significant adverse impacts; any information you have regarding the characteristics of the existing environment baseline conditions so we have that information to measure our impacts; and also resources that may be cumulatively

affected. In CEQA, a cumulative impact is an impact where maybe this project doesn't have a great impact, but when you consider all the other things going on in the past and into the future, you put those together and you may have a larger impact, and that's a cumulative impact. So those are the types of things we are looking to gain your input on during the scoping period here.

And the way to submit your comments, as I mentioned there is the comment form, you can send them to Robert Johnson here at this e-mail address. And as I said, we will collect those comments until 5:00 p.m., close of business on Monday, June 13th.

So that concludes our presentation. At this time I'd like to collect your speaker cards, and then we will start receiving your public comments. So if you do want to speak, please hold up your card, and we're going to go around and collect those, take just a couple of minutes, and then we'll start doing the public comments.

(Pause.)

MICHAEL STEVENSON: All right. So we have got four cards here. Anybody else wants to give one?

Okay. You will still have an opportunity at the end. Let me call the first person's name, and I'll bring you the microphone. When you do, please stand up to speak, and please state your name and your

affiliation if you're representing anyone.

The first person is Steve Blois. Raise your hand.

STEVE BLOIS: So I get to figure out how to make this work, huh?

MICHAEL STEVENSON: Yeah.

STEVE BLOIS: So who do I talk to? The audience?

MICHAEL STEVENSON: Sure.

STEVE BLOIS: Or who's taking notes?

MICHAEL STEVENSON: Sure. We're taking notes.

STEVE BLOIS: I'm somewhat confused.

So my name is Steve Blois. By way of background, I'm a director of several large water agencies in southern California, notably Calleugas Water District, which serves 630,000 people in Ventura County and owns a tunnel. I'm also a director of the Metropolitan Water District of Southern California, which owns the Colorado River Aqueduct and numerous tunnels, and one of which is the San Jacinto tunnel, 13.2 miles long, which I had the opportunity to inspect last year. So I have a little bit of knowledge about water and tunnels.

However, that's not why I'm here today. I also happen to own a house on Nacimiento. So in that

capacity I have a personal interest in this project. I'm generally supportive of the project, because it's a fairly cheap way to add new storage without building a new dam, which is what California needs right now.

However, I think the project needs a little tweaking. Notably, we need to figure out some way to raise the average water level in the lake. As a homeowner on the lake, that concerns me. My property happens to be as close as it's legally possible to get to the water's edge. And I built the house eight years ago. I hade a wonderful vista in 2011 for three or four months when the lake was full. But I've also owned that property since I was a teenager, so I can remember many years when the lake was dry. So I've seen it all.

And I also remember the Boyle report from many, many years ago. They have been talking about this tunnel for a long time.

Today I want to make some comments. I actually have a letter that I will turn in with my comment card, but I want to give a verbal report on that letter. So really I have eight things that I want to be addressed in the environmental impact report.

First is I want the recreational beneficial uses to be studied. I want to figure out the average lake levels in the Nacimiento Reservoir and how they

will adversely affect those uses, causing numerous unintended consequences, all of which should be examined and mitigated.

Number 2, mention is made in the E-Corp Study, the Interlake Tunnel and San Antonio Enlargement Project Simulation Modeling, dated November 20th, 2014, that numerous tunnel sizes were examined, but I only see the 10-foot diameter alternative. It may be that the larger tunnel sizes realize no appreciable water supply gains, but a larger tunnel size might very well mitigate the water levels -- the average water levels in the lake and the recreational beneficial uses. Larger tunnel sizes combined with raising the inlet elevation should be studied in light of these other benefits that might accrue.

Thirdly, the Hollenbeck Flow Study -- this is a nitpick. The Hollenbeck Flow Study assumes that the tunnel will be steel-lined, light rust. This assumption doesn't match the segmented concrete tunnel liner that the project summary describes.

The EPC report -- thank you, Ron Drake -- Section 553 states that the maximum tunnel flow rate under all study conditions is 750 cfs, which is well below the stated tunnel flow rate capacity of 1700 cfs. A higher flow rate would tend to allow raising the

tunnel level. This would increase the flow rate, which the tunnel evidently has the capacity to handle.

If the inlet structure were raised from 760 feet to 780 feet, this would provide a greater slope gradient for the tunnel, thus again increasing flow capacity. Again, I request that this alternative be studied, especially in light of the lesser negative effects on the recreation beneficial uses.

Number 6, if the tunnel depletes the local aquifers, which the local property owners use for their private water supplies, what is the proposed plan for replacing these supplies? Will a separate water supply system need to be constructed to serve these local landowners and their water right holders? And where will that supply come from? Most tunnels that I'm familiar with have all tended to deplete the aquifers through which they run. This tunnel will be no different.

7, I see no mention in any of the studies or reports about the project's effect on property values around Lake Nacimiento or, for that, any of the other adjacent or nearby properties. While the project's resulted increase in water supply to the farmers in the Salinas Valley will undoubtedly raise those property values, a lower average lake level will absolutely

decrease the value of properties on Lake Nacimiento, and especially those properties immediately adjacent to the water. This has the effect of the taking of the property. This should be studied and quantified so it can be mitigated.

Lastly, I find it most interesting that San Antonio Reservoir, as modeled with a 10-foot tunnel and beneficial uses; i.e., the increase of the spillway, would have spilled five times instead of the two times it actually did spill without the tunnel. This is shown in the tables in Appendix D of the E-Corp report, yet I don't see any accounting of this negative effect in any of the water supply summaries. The Nacimiento spill amounts are the only ones listed. These San Antonio spills need to be included in the calculations. Perhaps an operational change to not fill San Antonio quite as quickly by maybe increasing the inland elevation would help with this effort.

So thank you for my comments. I appreciate it. Who gets the letter?

MICHAEL STEVENSON: All right. Thank you very much for your comment.

The next speaker is Wayne Gularte.

WAYNE GULARTE: Thank you for the opportunity to speak today. I'm a local farmer in Salinas Valley.

I represent my company, Rincon Farms, Incorporated. I'm speaking on behalf of not only myself, but a lot of firms I talk to in this valley.

I'm going to kind of be on the other side of the other side of the dam from what our previous speaker, Steve, just talked about. The environmental impact right now that I see, it's multi-fold.

Okay. We have a lake here that, as far as I know the farmers and landowners of Salinas Valley here, the dam was paid for a lot by them. And we paid for these for the purpose of flood control and water recharge. And right now there's a lot of guys that are pretty upset in this valley right now, because it's our understanding -- not 100 percent sure -- but that the 35 percent that's there it's not even going to get released.

And we had water in there -- what I can recall, and someone correct me if I am wrong -- that the goal was at one time to get that down to 20 percent. If we got the lake level down to 20 percent, and then they reduced the releases. So now we've got 35 percent sitting in there, we're not going to get any of that water.

We talked about property values that are going to get lost. All the farm land of the Salinas Valley,

those property values are going to get lost. Because we're monitoring our wells and we're not getting -- we're losing water, okay. The water tables are still going lower. And guys are going to start running out of more and more out there in the farms in Salinas Valley. You're going to have the environmental impact of wells with lost water. We've got lost jobs in the valley, because there's not going to be much ground farming because we've run out of water.

I think we really ought to take a hard look -- our problem -- or my problem is the people I've talked to, we should have protocols set in concrete here. If we're going to build this tunnel -- first of all, which I think has gone way out of budget. Looking at the last numbers I've read, it's just gotten ridiculous. We shouldn't even build it now.

But also, even if it is built, where are the protocols? We need some protocols set in concrete of when that water is going to get diverted over to San Antonio. We should only be diverting that water to San Antonio in emergency situations where there's -- you know, on a month-by-month basis it looks like we're going to get that -- you know, when it's January, February, March, April, the same kind of protocol we had before, when it looks like it's too high and we're going

to get some flooding going on, then we start talking about doing some diversion over to San Antonio.

Otherwise -- and I hear guys say, "Let's tear these dams down." They're getting sick of all this. I hear people saying this stuff. No, we don't want to tear them down, but the point is we should have a program. If there's going to be diversion over to San Antonio, we should make sure it's only for the purposes of preventing floods -- flood control, and not for the reason of just being able to go push it over there to San Antonio and then just have more lake storage and then never be able to release any of this water. That's not what these dams were put there for in the first place.

I, for one, would be against this project, unless there is a protocol set in stone, that can't be changed that this is the reason to put this interlake tunnel in is for the diversion only in case of excess flood waters coming out of Nacimiento. The way they monitor the whole Santa Maria Basin, Cummings, Arroyo Seco, Conklins, all that stuff when they make their decisions.

So the environmental impact on that, if it's not -- if it's not set in those kind of ways, to me, is a huge loss in the groundwater recharge that we should

have had. Thank you.

MICHAEL STEVENSON: All right. David Beech.

DAVID BEECH: My name is David Beech. I'm speaking for myself and my wife just as the ordinary residents, not farmers.

But I did resonate with what Wayne was just saying, because I grew up in England in the richest agricultural part of the country, and I worked in the fields. I remember some long days out there, and there's not a shortage of water there, generally, but I do understand the needs of agriculture in the valley.

And I've written out this comment, and there will be some copies on the table if anyone's interested afterwards.

I'm in support of the tunnel in general terms. But what I want to say, to my surprise, is along the lines that Wayne was talking about of how is that additional water going to be used? The EIR, the NOP concentrates a lot on a very conscientious job on the possible adverse impacts. This is an environmental impact report. But my comment is along the lines of we should be paying a lot more attention in the EIR to the beneficial impact and analysis of those, and that certainly includes waters -- the plan for the controlled releases, given this additional water.

I mean, a thought that had occurred to me, not being an expert at all, is that if you've got this extra water available, you're always keeping a certain amount in reserve for the next drought. And so can the filling up of San Antonio be used as the big insurance policy against the next drought? And that would allow you -- not good for homeowners, but from the use of the water point of view -- to draw down Nacimiento further than is currently done, because that's currently a lot of your insurance policy. But if you have more in San Antonio, then that means, of course, if you are drawing down more on Nacimiento, that you are less liable to get the filing up and the spillage in the wet season when you don't want it.

And so my comment is, first of all, looking at the objectives, I thought they were a bit light on the benefits. When it gets to Section 9 on the hydrology and the water quality, it's mostly promises that says there will be further studies of this included in the EIR. So I'm hoping that they will certainly include a lot of this kind of analysis and out-of-the-box thinking, given this substantial amount of extra water what's the best way to use it and to balance the two reservoirs.

And so the extra objective that I suggested,

and starting on page 2, is to say, besides the objective that's already there that says improve the hydrologic balance and reduce seawater intrusion, there should be an objective that says, "minimize the quantity of surface water that's wasted by flowing from the Salinas River into the ocean." So, of course, part of that, you can avoid wasting it by making better use of it within the valley.

I don't know anything about the technology of how you use these controlled releases, the frequency with which you do them, and flow rate that you use. How does that affect how much goes -- of the surface water down river? Doesn't sound like it percolates into the aquifers and so forth.

But that's the general area where I felt this NOP was on the light side. There is a lot of analysis which should show up in the EIR, because the seller's project you have to sell the benefits, and so I see that's substantial, because in Monterey County we have a lot of rain that falls, if we can store it and use it effectively -- if we average out not just the seasonal but the year-after-the-year kind of variation.

And already we must have a good working relationship with San Luis Obispo County, because what we're talking about is Nacimiento in San Luis Obispo

County, and that's fed by rainfall in that county. So that's water which was of no use to them because it was the wrong side of the watershed for them. And so Monterey County is able to benefit from all of that San Luis Obispo water.

I'm also thinking what about right down at the other end of the river, down near the mouth of the river. Get past the rubber dam. There's freshwater in normal winters supplying out thousands of -- I heard even as much as 250,000 acre feet in the winter going out into the ocean. How can we capture that?

Well, there's even a possibility of what I call a last dip. But after everyone in the valley has taken as much as they can, when the water gets that far and it's about to be wasted, is there a possibility of others in the water of being able to pull off the surface water at that point? It's not harming anyone else if it's not used that way, if it's flowing out into the ocean.

And so that's the essence of what I would like to see in the EIR, a more thorough analysis of how this additional water can be used in a beneficial way.

MICHAEL STEVENSON: Thank you. All right. Glen Dupree. I believe Glen left, but he wrote: "Alternative of canal? Can an open canal be constructed

at a lower cost?"

All right. I see that we have a latecomer here who is filling out a speaker card. Do you want to speak today?

BILL CARROTHERS: I'd love to.

MICHAEL STEVENSON: Okay. Is there anyone else who also hasn't had a chance to speak to who would like to today? One other.

SPEAKER MICHAEL: I just had a quick question about the project, not really a comment.

Hello, my name is Michael. I'm just curious. Is it gravity feed, that Nacimiento is much higher and so there's no pumping involved? It's just when it gets to the spillway gravity takes it down to San Antonio? Is that correct?

MICHAEL STEVENSON: Yes, it would be a gravity system.

All right. Chris Bunn.

CHRIS BUNN: I'm a farmer out in the Blanco area. I just guess, you know, we see the price of everything going up, and I think the price of water is going to go up. We are so blessed to have our own basin and control our own watershed along with San Luis Obispo.

I just think whatever it takes to make this

project work, we need to work it, because there is not going to be any future dams being built, we know that. Underground storage is tough. We're hoping for a saltwater reclamation project for the city maybe some day.

But I think we need to really look at this honestly and say, hey, what it's going to cost for water ten years from now? If you think this is expensive, it's going to get really expensive. And I think we need to meet some of these concerns, and especially tout the benefits. I think we are weak on the benefits, like this gentleman said.

But, gee whiz, this is for everybody in this valley from the headwaters down there all the way to the ocean. It benefits the whole valley. I just think if we get too tough on it, we're just going to kill it, and where are we going next?

You know, we did the seawater intrusion project out there on Blanco, we've done the rubber dam. Those are all helpful things. I can see, you know, a future with river rubber dams up and down the valley some day, probably little water districts, maybe some off-site storages. But here's two dams that are sitting there for not only flood control but gaining more water.

Ron, what's the final number? What are we

talking about here? 10,000 acre feet?

RON DRAKE: I'm sorry?

CHRIS BUNN: On the average, Ron, what are we talking about of water? Maybe 10,000 acre feet a year?

RON DRAKE: You mean between the reservoirs?

CHRIS BUNN: Yeah. Actual water. What? 5 to 10 or 5 to 8? Or what is it?

RON DRAKE: It's in the range of 8 to 20, and that's what we're going to do is define that to the optimum sort of projection, but 8,000 to 20,000.

CHRIS BUNN: And then storage-wise, what are we talking about? The flood control, we're saving there, we're protecting. We're talking about something else and we kind of forget about the flood control.

RON DRAKE: A significant amount. If you look at the history over the last 41 years or so, 47 years, I think we cut the floods in half, or a 60 percent reduction in floods.

CHRIS BUNN: And we're fighting just to get these rivers cleaned up. I mean, that's one big issue right there. So if this would help from flooding, that would be advantageous.

So all these properties along the lake are being threatened by any raise of water? Is that the concern from a lot of the owners there, if we raise the

water too much?

RON DRAKE: No.

CHRIS BUNN: Lowering it?

RON DRAKE: Lowering it, yes. The lake property owners are concerned about lowering the level.

CHRIS BUNN: That happens when there's a flood -- I mean, when there's a drought.

RON DRAKE: Right.

CHRIS BUNN: When there's a flood and we want to keep water back, is that going to threaten these houses too? Or is it too high?

RON DRAKE: No.

CHRIS BUNN: To me, that's a win-win.

But anyway, my main premise is, you know, water is so precious and we are involved in so much fighting over water between different parts of the valley and the peninsula, we need to work out something that will work for everybody, because this is a win-win thing, I think.

MICHAEL STEVENSON: All right. Thank you.

Bill Carrothers?

BILL CARROTHERS: Thank you. Good afternoon, ladies and gentlemen. My name is Bill Carrothers, and I think I know many of you. I'm sure that a few of you I still haven't met yet. But I have some comments on this and a much better approach using aquifer storage and

recovery.

The closest experience that we have experienced to this is the Australian experience. They built dams on the Murray River and the Darling River during the Great Dry, and they never filled up. If you look down at the Nacimiento, Lake Nacimiento and Lake San Antonio, they haven't risen very much. Robert will tell you that they are not exactly a promising candidate for flow here.

Lake Nacimiento and Lake San Antonio were brilliant additions by a previous generation. They together -- when they are working well and when you are getting good flow into the Salinas River, they make up fully one third of all the extracted water that is taken out of the ground.

Would you attest to that, Ron?

RON DRAKE: I'm not going -- we're not talking about numbers for that.

BILL CARROTHERS: Okay. Now, there's a different approach here that I'd like to suggest, and that is we look upon this magnificent river and its watershed, which is the third largest in the entire coast zone here and a treasure, as an asset for all of us instead of just a few.

If we simply ask that those we take out by

extraction with wells pay a fee on a per-acre-foot basis in order to recharge it, which will be the future, we're going to have to collect water during those exceptional times when we really have a major flood going on. And we need capacity with a capital "C" to take those, grab the water when we've got it.

In flood times, we have enough. The excess is far and above all of the water rights, and that is what is the approach of the scalping reservoir and other things, recharge basins, all these things. And we can easily, by asking our farm friends, to pay a fee for the aquifer storage and recovery or the percolation systems. Both work very well. We cannot only maintain our groundwater levels, we can rebuild them to what they were when our first ancestors came back -- came here.

When the first farming took place, I think it was about in 19-something -- anyway, up along the coast we had artesian wells. We had that -- the aquifers were that full. Average cost for a season an acre was about $25, just to move it around.

We can have that kind of capacity. There's pretty good evidence that the future may bring us not just 5-year droughts but 30-year droughts. I think all of you who are serious about farming and know how important that is will realize that a system that is

basically a boondoggle, that we don't have -- I have repeatedly asked Mr. Chardavoyne -- a good and honorable man who has been remarkably cooperative to me -- what is the marginal cost of each acre foot here?

Well, the answer is extremely difficult to project, because Mr. Chardavoyne has no crystal ball to tell what the future will bring. How much water we have entering those lakes and the capacity for storing them and so forth may be anywhere from zero to an ungodly amount. But we know that whenever we have a flood, aquifer storage and recovery will work beautifully, superbly.

And, therefore, I would suggest to you let's look at other alternatives. I suggest to you that we're never going to see a true working desal plant, because the one we have already is a totally -- it's what is known as a trapped asset. It's sitting on the beach over at Marina. It will never be able to produce water on a regular basis that's affordable and that we can't get elsewhere for less. And being open to greater visions and better pictures of the future is going to do -- is going to serve us a whole lot better than being frozen in the old ideas of dams and these things.

I do not deny that the rubber dams, the modifications to existing dams that work well, but the

good places are gone for that type of storage. And never forget that you lose a lot of water from transpiration from those systems. They are open to the sun, the heat, and they evaporate.

And those of you who are looking for better solutions than the old ones, I have several plans, Peter. Number one is changing a few of the archaic water laws that make -- distinguish between groundwater and surface water and make them totally different under the law. My proposal is to sell pipes to the well owners and allow the attorneys to make incredible money from these water law arguments, to put a hex sign on the well pipes and say, okay, by the grace and the power that is vested in me as an attorney in the great State of California, that which is groundwater entering on this end of the pipe shall be considered surface water when it leaves on this side of the pipe.

If at the same time we go ahead and we charge the attorneys -- I'll tell you something. Anthony Lombardo, Tony Lombardo, has made well over a million dollars just on these petty little arguments about worthless, worthless groundwater. It's all saline, won't grow anything. And if we simply charge him, and all of the other crazy attorneys that haven't accomplished anything, about 10 percent of what their

gross earnings are for the privilege of putting -- selling those pipes and putting their little mark on them and so forth, here's a great source of income for the State of California.

I have several publications, several other things. The new Lois Wolk groundwater law, several other things. The procedure for coming up with a brand new -- or the new -- what is it? -- consensus group and so forth. If any of you would like copies, I'll be glad to give the Kronus piece and so forth. We are ready for progress. This project is not progress. It's been around since -- oh, well, that's my message. Let's get with the program. Let's get real. The future is now.

MICHAEL STEVENSON: Thank you. All right. Do we have anyone else who would like to provide a comment today?

UNIDENTIFIED SPEAKER: I just have a question. Are you guys going to go over alternatives that you have analyzed today at all, or are you just taking comments?

MICHAEL STEVENSON: The question is are we going to go over alternatives that we've analyzed. So the environmental impact report will contain an alternatives analysis that's going to look at different possible approaches for the project. Those alternatives haven't been defined at this time. We're requesting

during the scoping period that members of the public who have alternatives to suggest, please provide those, and we'll consider those as we do the environmental evaluation.

UNIDENTIFIED SPEAKER: How long is that period?

MICHAEL STEVENSON: We're anticipating conducting the environmental analysis, releasing the draft environmental impact report for public review in early 2017.

UNIDENTIFIED SPEAKER: I have a question. You mentioned it has to go to a vote and taxes, right? I mean, doesn't the State have a number one priority, as the gentleman said, have the money there to do it without a vote and paying some taxes? I mean, no one wants to pay any taxes. I imagine most of us in this room are in complete, 100 percent support of this project, I'm guessing, except this gentleman here.

What are the taxes that you think are going to be needed? Is there -- did I hear a number thrown out? I forget.

MICHAEL STEVENSON: Right. I know that there's going to be a Proposition 218 process which will establish what sort of rate changes may be necessary in order to pay for the project. The Agency's also seeking funding from the State, so they are pursuing multiple

avenues right now. I don't think there's been a final determination on the cost. That would be part of the engineering design.

UNIDENTIFIED SPEAKER: Okay. So this is not coming right from the governor's office saying get this done now?

MICHAEL STEVENSON: No. This is a local initiative.

Any other comments?

All right. Well, then we'll wrap up. We're going to have another meeting tomorrow night down in Bradley, for anyone who wants to go. We'll be presenting the same information. Please let anyone down in that area know who may want to attend.

And we appreciate your participation, and have a good afternoon. Thank you.

UNIDENTIFIED SPEAKER: Excuse me. I have one more question. On any of these comments that are being made, are they going to be accessible by anybody?

MICHAEL STEVENSON: Yeah.

UNIDENTIFIED SPEAKER: Is the information being presented online somewhere so that somebody could have access?

MICHAEL STEVENSON: All of the comments that are being provided today are being recorded by a court

reporter and there will be a transcript that's going to be available on the environmental impact report.

All right. Thank you, everyone.

(Time noted: 4:00 p.m.)

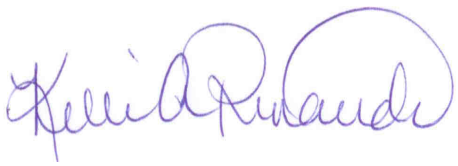
CERTIFICATE OF COURT REPORTER

The foregoing hearing was held before me, KELLI A. RINAUDO, Certified Shorthand Reporter, License No. 6411, RMR, CRR, CCRR, and RDR, for the State of California.

The oral remarks and comments were taken by me in machine shorthand at the time and place therein named, and thereafter, under my direction transcribed into longhand.

I further certify that I am not of counsel or attorney for either or any of the parties to said hearing, nor in any way interested in the outcome of the cause named in said caption, and that I am not related to any party thereto.

Executed June 3, 2016.



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KELLI A. RINAUDO
Certified Shorthand Reporter
License 6411 RMR, CRR, CCRR, RDR

Interlake Tunnel and Spillway Modification Project Environmental Impact Report

Scoping Meeting

Bradley Union School District
Community Building
65600 Dixie Street
Bradley, CA 93426

Tuesday, May 17, 2016 - 6:30 p.m.

APPEARANCES:
DAVID CHARDAVOYNE, MCWRA
MICHAEL STEVENSON, Horizon Consulting
RON DRAKE, EPC Consultants

TUESDAY, MAY 17, 2016 - 6:30 P.M.

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DAVID CHARDAVOYNE: Good evening. While everybody's sitting down, I would like to welcome you and say that we really appreciate you taking the time to be here and to discuss and give your questions on the Interlake Tunnel and Spillway Modifications Project.

My name is Dave Chardavoyne. I'm the General Manager of the Monterey County Water Resources Agency. The proposed project is, as I said, the Interlake Tunnel and Spillway Modifications Project, and you will learn a little bit more about it tonight. It is a project of the Water Resources Agency. It is not a project of Monterey County itself.

This project actually goes back to at least the 1970s and was included in a capital projects plan in 1991 called the Boyle report. It was resurrected in the last couple years due to the drought. And the drought showed that we needed to manage the water in our reservoirs better.

So far we've done conceptual engineering, we have an estimated cost, we have the benefits, and we've gotten a "go" decision by the Agency Board of Supervisors.

The benefits are three-fold. One is flood

control. It reduces flood releases by 60 percent. It provides, on the average, somewhere between 8,000 and 20,000 feet of additional water that does not go to the ocean, and it provides for an additional 59,000 acre feet of storage at the San Antonio Reservoir.

I'd like to introduce our team this evening. Mr. Ron Drake is with EPC Consultants. We engaged EPC Consultants to be the program manager on this project. We at the Agency did not assume that we had an expertise in tunnel projects, nor did we have the time or resources to be able to project manage this project, so we've engaged EPC Consultants. Their business is tunnels.

Secondly, I'd like to introduce Michael Stevenson at the table. Michael is with Horizon Consulting, and he heads up the environmental team, and the environmental team includes Denise Duffy & Associates, Phenix Consulting, and Dudek Consulting. So we have the full environment team. I'm very proud of the team that the Agency has assembled to work through this project both on the environmental and on the technical end. So with that, I'd like to turn the podium over to Michael Stevenson. Thank you.

MICHAEL STEVENSON: Good evening, everyone, and thank you for being here. Thank you, Dave.

So I'm going to give a brief kind of introduction to our meeting and why we're here tonight. I'm going to turn it over to Ron Drake to talk about the Interlake Tunnel and Spillway Modification Project, and then I'm going to give an overview of CEQA, the California Environmental Quality Act, and then we're going to receive your public comments.

So why are we here tonight? So we're at the very beginning of a process to prepare an environmental impact report for this project. We're doing that in compliance with CEQA, which is a law that requires all public agencies to consider the environmental effects of their actions and look at mitigation measures and alternatives which could reduce those effects.

So at the beginning of the process is what's called scoping, where we're going out to members of the public and agencies to get your input about what are the key environmental issues, what topics should we be looking at in our EIR, and how might we consider to mitigate or reduce our environmental effects. So we don't have all the answers right now. We haven't completed the environmental analysis. We're just in the beginning. We're looking to get your input on what those key issues are that we should be looking at while we do our evaluation.

In terms of our process tonight, we do ask that everybody please silence your cell phones during the meeting.

We're going to ask that while people are providing their comments, one person please speak at a time and don't interrupt other speakers.

We encourage you to make clear and succinct comments to effectively capture your points. We do have a court reporter here, so there is a meeting transcript being taken. That transcript is going to be published in the draft EIR, so the proceedings of the meeting tonight will be made publicly available.

We'd like to ask everyone if you do hear a point of view that differs from your own, please be respectful of everyone's point of view.

Each speaker -- we're anticipating a lot of people who want to talk to tonight, so we're asking people to please restrict your comments to three minutes. If three minutes isn't enough time, we also encourage you to provide comments in writing.

All right. So with that I'm going to turn it over to Ron Drake.

RON DRAKE: Thank you, Michael.

As Dave said, I'm with EPC Consultants. We're the program manager for the Water Agency. Our mission

is try to help the Agency get this project developed. My job tonight is to give you a quick kind of summary overview of what the project is.

I think most of you know the idea. It's a tunnel that transfers high water from Lake Nacimiento to San Antonio and also a modification of the spillway at San Antonio to increase the capacity there.

The project -- I think Larry, or one of these guys here, has a clipboard full of stuff they have been collecting since the '70s. I'm anxious to see some of that. This project's not new. It's been around for a long time, and we've talked about this tunnel project to utilize the storage in San Antonio since the '70s.

As you know from living in the area, Nacimiento fills up faster than San Antonio does, and the tunnel project would permit the flood control by moving some of the excess water in Nacimiento over to San Antonio. So this project has really two key elements to it: Flood control and also utilizing the unused storage that's in the existing San Antonio Reservoir.

Just some fundamentals that I think you're all pretty aware of, and that is that because of the hydrology and the watershed, the Nacimiento project fills three times -- or the Nacimiento Reservoir fills three times faster than San Antonio, and at any given

time San Antonio is one-third full. And when Nacimiento is full, it floods to the ocean, and we still have storage capacity at San Antonio. So the tunnel, very fundamentally, would move that excess water from Nacimiento over to San Antonio to effectively increase the net storage of both reservoirs and reduce flooding down the river in the Salinas Valley.

An added element. If the tunnel is built for not a lot of money, we can increase the capacity of San Antonio with a small modification to the spillway, effectively raising the maximum elevation another 10 feet and adding 59,000 acre feet of storage.

So it's a two-part project. The spillway doesn't make sense unless the tunnel is built. But if we can build a tunnel and try to create that additional storage, it's a good project. So fundamentally it has two primary roles: Flood control first and increased storage in the reservoir second.

The tunnel alignment is still conceptual, but generally it runs sort of in a north/south direction as is shown on this graphic from Lake Nacimiento in San Luis Obispo County to a portal location in the Bee Rock area at San Antonio. There's more specifics about this alignment that will be developed during design in terms of keeping it away from faults and wells and all sorts

of things to find the optimum alignment for the tunnel.

But our current concept is a 10-foot diameter, about 12,000 feet long -- 10- to 12,000 feet long. Also shown on this graphic is the location of the San Antonio Spillway Modification Project, which is right at the spillway itself.

From an environmental scoping standpoint, there's project elements that we need to talk about, and that's what we're here tonight to hear is your comments about these elements. One of them is the tunnel itself, and then the tunnel has a portal or an intake facility at the Nacimiento side and an outlet facility at San Antonio, and there's also a modification at the spillway itself.

And then as a result of increasing water elevation, lake elevation, in San Antonio, there's potential infrastructure and some facilities that may need to be relocated that are impacted by the reservoir, so that's another consideration, as is the disposal of spoils from the tunnel excavation.

This is a photograph of where the spillway modification would be. That's a picture of where the spillway is now in San Antonio. And it would be some devices that are installed there, likely gates. That's still not yet designed, but that's where the

modification would be in that area to provide increased capacity in the reservoir.

There's several benefits, multi -- sort of multi-faceted benefits for the project, which I talked a little bit about. But, first of all, it minimizes flood releases and reduces the downstream flood damage in the Salinas Valley. It can be significant, so it's a very significant part of the project is flood control.

It increases the overall storage of water, as noted there, and we maximize the opportunity for both reservoirs to collect as much water as possible and then to release that water at an opportune time to replenish the aquifers in the Salinas Valley. That then helps improve the hydraulic balance and works towards avoiding further seawater intrusion into the Salinas Basin.

One of the requirements is that we continue to meet the minimum flow requirements for steelhead and other NOAA fisheries requirements. The Agency intends to try to maintain and maximize electricity production out of the hydroelectric plant at Nacimiento. But an important thing is that we want to preserve the recreational opportunities in both lakes to the maximum extent possible.

And, lastly, it's a significant contributor to the viability of agriculture in the Salinas Valley. And

those folks largely are the ones that will pay for this project as part of a Proposition 218 election which will happen several months down the road.

A quick look at the schedule. We have started working on this in 2014, about, you know, 30 years after other folks started looking at it. And we're now into -- we started the environmental process, which is tonight as part of that. And in August or so we hope to be able to have funding in place to kick off the engineering and design for the tunnel and the spillway.

And as I mentioned, about mid 2017 we hope to have documentation in place and cost estimates developed for a Proposition 218 initiative to raise the funding to build the project with construction starting hopefully in 2018, maybe as early as late 2017, depending how things go.

So that's a very quick overview of the project and the schedule. But tonight's meeting is designed to take input on the environmental aspects. So with that, I'm going to turn this back over to Michael.

MICHAEL STEVENSON: Okay. Thanks, Ron.

So I was talking about CEQA earlier. So here is a little bit more specific information about what the purposes of CEQA are: To inform governmental decision-makers and the public about the potential

environmental effects of their actions; identify ways to avoid or minimize that environmental damage; use alternatives to accomplish that as well; and also where environmental harm is unavoidable, to disclose to the public the reasons for taking that action, what those overriding considerations might be for why you would move forward with a project that has significant environmental effects.

In terms of our process, and I discussed this a little bit earlier, the Initial Study and Notice of Preparation is currently out for public review. That's this document right here. It's available on the Water Resources Agency website for download. If you go to the front page, it's right there at the top. The release of this document started a 30-day -- or, I'm sorry -- in this case it's a 46-day public scoping period. So during that period we're encouraging you all and others to submit your comments in writing, and also here tonight, on what the scope and the content of the environmental analysis should be.

From there we're going to take the information that we've gotten from you and begin preparing our Draft EIR. And that process is going to go into the first part of 2017, so we anticipate releasing that EIR in early 2017. That will initiate another minimum of a

45-day public review period where we're going to send it back out to you all to take another look at. You can give us your input at that time. We're going to be doing more public meetings, receiving your comments to see, did we get the issues right, was our analysis on target, are there any additional mitigation measures or alternatives that we should be looking at.

Once that public review period is over, we're going to take all of your comments and prepare a final EIR. And that final EIR, what it contains is copies of all those comment letters as well as responses to each of the comments you provided. In addition, the final EIR will contain any changes to the draft EIR based on the comments, so any updates, and that's anticipated to be released in the fall of next year.

A public notice will then go out, and the final steps in the CEQA process will be after that public notice, a minimum of 10 days. The board of directors for the Agency will consider whether or not to certify the EIR and whether to approve the project and move ahead with it and file a Notice of Determination, which is the final procedural step under CEQA.

In terms of the contents of the environmental impact report, CEQA has a number of resource topics that it mandates the agencies look at. This is the list that

comes from CEQA. The EIR, there will be a chapter for each of the topics here.

As an example, say, for hydrology and water quality, that's going to look at issues such as potential effects on groundwater recharge, effects on any wells that are located in the area of the tunnel, potential for transfer of mercury between the reservoirs. The biological research chapter will look at things like white bass and potential for spread of that, downstream effects on steelhead. The recreation chapter will look at effects on reservoir levels and recreational activities in both reservoirs. So this is just a list of those topics.

And as I said, the purpose of scoping is really to get your early input. So when you got here tonight and you signed in, there was a couple of documents that you were provided. One is a scoping comment form. So this is a piece of paper that you can write your comments on and go ahead and hold it up and put a stamp on it and you can mail it to the Agency.

We also really strongly encourage you to send your comments in by e-mail; in fact, that's preferred for us. It's easier for us to manage it. The e-mail address that you can send those comments to is right here at the bottom. You are welcome to send as many as

comments as you like. If you send us a comment, five days later you think of some other things that you would like to provide, go ahead and do that.

And then also there's these blue cards. These are speaker cards. So if you're interested in giving comments tonight, please fill out your name and your address on this speaker card. We're going to be, at the conclusion of this presentation, collecting all of your cards. If you don't have one, we can give one to you. And then I'm going to be calling people up to the microphone right here to give your comments.

So the process will be that I'm going to call the person's name and also tell the person who is next in line so that they can be ready to come up here. When you have one minute left, I'm going to let you know, and then when you have 15 seconds of the 3 minutes. So there will be three minutes to give comments.

And the comment period will expire on Monday, June 13th, so close of business on Monday, June 13th. And at the bottom here, this is the Water Resources Agency's website. All of the project documents will be posted there for your downloading.

So with that, we're going to conclude this part of the presentation and collect your comment cards, your speaker cards, and start calling people up to talk. So

let's take a couple of minutes and get these cards.

(Pause.)

MICHAEL STEVENSON: All right. So I'd like to call our first speaker today who is going to be Richard Heath, followed by Bill Carrothers. So, Richard?

If everyone can please state your name and if you have an affiliation, that would be great for the court reporter.

RICHARD HEATH: Thank you. I'm not sure which way to face.

I'm Richard Heath. I've got to do this in three minutes. We've had 46 years on that ridge and a hundred years of paying taxes, and I've owned a piece of your property or your county land for quite a while.

I'm really sorry. I respect very much engineering and staff time. I spent ten years in elected office, sub-agency Metropolitan, and turned down a seat on the Metropolitan Board of Directors.

But, I'm sorry, I have to speak directly, because this refers to a lot of peoples' problems here. Specifically being an owner above or near the alignment of your tunnel, your NOP is deficient and prejudgmental. And if that foreshadows what your EIR is going to come out with, you know, respectfully I have got to be honest, you guys have already decided what you're going

to do and what you're going to say.

Your plan, for example, to grout that tunnel and think you're going to protect the ground that I depend on and a bunch of these people depend upon? You talk about agriculture. I provided free water to a neighboring rancher for 25 years for livestock. I did that with groundwater you're going to take away.

This is my opinion. I mean, you can look at the Red Line Tunnel, you can look at the Metropolitan San Jacinto Tunnel, the Poorman decision. You won't have quite the same engineering condition. You won't have the flow. You won't have the Venturi effect and so forth. Mr. Drake, I'm kind of addressing you, sir.

But you're not -- it isn't going to work. So what you're going do to -- and it's been brought to you before and it's not even in your NOP. You haven't reacted to what you've been told before. And a few of the things in there are non-specific to me, but all the other folks that are recreational and residential users around the lake, you haven't addressed some of their things.

But let me just focus on mine, selfishly, if I may, and somebody wave when I've gone too long. What you're going to do isn't going to work. There could be an alternative. The money that you want to spend on

this might be able to provide an alternative such as more efficient use of the existing hydrogeologic operation of the two reservoirs independently.

MICHAEL STEVENSON: One minute.

RICHARD HEATH: Thank you. You don't have to put mercury and methylmercury compounds into San Antonio.

By the way, I learned to ski on Nacimiento and I hate those bass, so that could be my problem.

But seriously. You also don't have to worry about the transmigrating biologic populations -- white bass and, God forbid, (indiscernible) ever get started.

I'm very, very disappointed. I have to address the NOP, because all the things I have heard at NWRC and other meetings that have come up before, it is not reflected in a very prejudgmental NOP, and I'm concerned with that. I know you want to build this project. I should be on your side. I'm a water guy. I was a treasurer of a 25-MGD plant that came in from the concept of water and below budget and time. I ought to be a big water project guy, and I have been. I was secretary of the National Water Resource Association Municipal Caucus. And I ought to be on your side --

MICHAEL STEVENSON: Time.

RICHARD HEATH: -- but you're not doing it

right. I'm sorry. With respect.

MICHAEL STEVENSON: Thank you.

All right. We're going to call Bill Carrothers, followed by Deborah Sowerby?

BILL CARROTHERS: I don't need the microphone. I want to address the group.

MICHAEL STEVENSON: We'd prefer if you could speak into the microphone.

BILL CARROTHERS: That microphone won't serve me very well. I want to address the whole group, not look sidewise at people over here.

MICHAEL STEVENSON: Okay. Start.

BILL CARROTHERS: Can all of you hear me?

(Response.)

BILL CARROTHERS: Great. I'll dispense with this crazy microphone gang here.

I live in the Salinas area 90 miles north of here, and that's where the rubber hits the road. That's where we have so much saltwater intrusion problems, that's where we have declining well levels. This is where you guys are actually in better shape down here than we are up there.

And I am very concerned about the two things we need, water quantities and water qualities. They are important. And this document that I have been so

grateful to receive from this gentleman lists the entire capacity of the Nacimiento Reservoir as 377,900 acre feet. And if the San Antonio Dam is filled up, it's 477,000. Well, if we fill up the aquifers instead that are underfilled by collecting those rain events, the Pineapple Express and that sort of thing, let's look at the bible, the Brown and Caldwell report.

Now, taking a look at the various aquifers right here. The pressure zone. The available storage capacity that we could use, 380,000 acre feet. The east side, the most critically affected one, fill that up with aquifer storage and recovery water or percolation, either one.

MICHAEL STEVENSON: One minute.

BILL CARROTHERS: I need more time than that. Please don't interrupt.

1,130,000 acre feet; the forebay, 1,190,000 acre feet; the upper valley, 640,000 acre feet. The total, 3,340,000 acre feet.

Storage is underground, folks. We'll get that kind of rainfall over time in those Pineapple Express. And they come so quick -- really, really, really quickly. I mean, it's just, wham. Collect it all. Aquifer storage and recovery is the perfect way to do it. I have never heard of a single fish being pumped up

from the groundwater reservoir saying, "Put me back in the river." It's never been seen.

MICHAEL STEVENSON: Time.

BILL CARROTHERS: And I suggest that we do something -- don't -- don't dink around with this petty little thing and get serious about the problem here.

When we build up those reservoir levels through making a simple charge for you use so many acre feet, you pay for the aquifer storage and recovery capacity to replace it. Look --

MICHAEL STEVENSON: Mr. Carrothers, we're going to have to ask you to stop speaking.

BILL CARROTHERS: -- as a bank that you pay back and take a loan from, instead of something you rob from and destroy. It makes a huge difference. Now --

MICHAEL STEVENSON: Sir, thank you for your comments. You can provide them in writing as well if you like.

BILL CARROTHERS: So those of you who want to join me at the -- join me at the collaboration group for SGMA, please do. We need to hear your voices, and we need real solutions, not gamey guff.

MICHAEL STEVENSON: Thank you, Mr. Carrothers.

BILL CARROTHERS: Here's the Australian experience.

MICHAEL STEVENSON: Mr. Carrothers, you need to stop now.

BILL CARROTHERS: Here's the bible. You need to wake up and grow up.

UNIDENTIFIED SPEAKER: Rules are rules.

MICHAEL STEVENSON: All right. We're calling up Deborah Sowerby, followed by Bruce --

BRICE POTTHOFF: Brice Potthoff.

DEBORAH SOWERBY: Thanks, Michael.

I kind of have three questions. The first question: Ron Drake showed a slide that looked like it had a completely different alignment of the pipeline that connects with the south end of Bee Rock Basin. It's different than the configuration on page 15, which is Figure 3, so I'm wondering if that was the right slide. I thought we had -- there was an old slide from way back from many years ago when they were going to align it and it was at the south end of Bee Rock. There was a different spot showing on that particular side. Just curious, because it went right under our property.

Is that the slide that was shown? So the one in here has the Y split on it. And so the other question I had is in regards to why does it have a Y? So your slide that you showed went directly to this end of Bee Rock Basin as opposed to going straight across.

RON DRAKE: Right.

DEBORAH SOWERBY: Okay. Just curious. I wanted to see if that was different.

Can I ask? I don't know if it's possible to ask a question. But why is there two with the way the pipeline varies off to the Y.

RON DRAKE: Those are not tunnel alignment drawings. That's just a conceptual general vicinity of the tunnel. The tunnel has not been designed. We don't know its precise location. And it has not been designed. There's been no geotech analysis, no well surveys. None of that work has been done yet.

DEBORAH SOWERBY: Okay.

RON DRAKE: We don't know of its exact alignment, so it's conceptual.

DEBORAH SOWERBY: So the pictures on the big posters back there --

RON DRAKE: Are totally conceptual. That's the general vicinity.

DEBORAH SOWERBY: Okay. Thank you.

The third one is, is there -- I think in our June -- I don't know if it was in June or July that we had the meeting at Nacimiento Resort. My biggest question was, is there any clear understanding of where our aquifer or where our groundwater actually is or how

deep or where it sits at? Because obviously for us property owners that sit right above it, our concern, my biggest concern as an agricultural business on our property with our sheep, and I notice that wasn't checked on here as one of the concerns, that I thought "ag" should be checked.

I was curious if there was anything that -- and I haven't seen it in here -- that shows where our aquifer or our groundwater basin is at.

RON DRAKE: That has not yet been done, but it will be done.

DEBORAH SOWERBY: That will be done. So before anything starts going through, we're going to know if it it's going to impact that --

RON DRAKE: Yes.

DEBORAH SOWERBY: -- and disrupt anything going on, because I don't want to be losing my water. Okay. Those were my three questions. Thank you.

MICHAEL STEVENSON: Thank you.

All right. Larry Murray is next.

BRICE POTTHOFF: Your microphone.

Okay. I have three areas of concern: There's Lake Nacimiento, Lake San Antonio, and the property in between. That's more dear to me, because that's where I live.

The big thing with Nacimiento is when will the water be released, at what level? And they have talked about poisoning the water and killing all the fish. If they do that, what are they going to do with the eagles and all the other protected birds and all the rest of that?

And then when the spillway is raised over on the San Antonio side, is it going to affect any of the property? They have 1,000 foot from the high water to their properties, whoever is there. And are they assuming they are going to change and take other people's property?

And then when the tunnel goes through, there also's a fault area. That's part of the reason that that line hasn't been decided. There's also some slides. And will it affect homes, roads, like Deborah says, wells, and all the rest of that?

The plan calls to have a valve at the bottom of the tunnel. Now, my concern is if you have an earthquake and you break your tunnel, how the hell are you going to turn the water off?

And then there's another one on the tunnel that says it's going to have an inspection -- from what I've heard by talking to people -- so they are going to have inspection tunnels down to the main tunnel. Now, if

you're going to do that, you're going to have that on other people's property. When it rains out there, that's called mud. And I'm out there quite often. When it rains, I am not out there.

As is proposed, it's a nice concept. The problem is the implementation. When the County put the dam in at Nacimiento, they made promises to people in 1959.

MICHAEL STEVENSON: One minute.

BRICE POTTHOFF: They still haven't met those promises. Now, if they make a promise to us, it needs to be on paper legally and in perpetuity so that all of us are protected, every single one of us.

That's it. Thank you.

MICHAEL STEVENSON: Larry Murray is next, followed by Bob Dietz.

LARRY MURRAY: Good evening. My name is Larry Murray. I'm a resident at Oak Shores. I've owned my property there and a house since 1981. I built the house.

My question to you is a comment that the former gentleman just made. When will the flood gate be opened, at what level? Can you tell me that?

RON DRAKE: The purpose of tonight is to take your questions. It's not been designed yet, so we don't

have that answer.

LARRY MURRAY: Okay. Do we have a decision on where we're going with the white bass? Is that also something that needs to be decided? I mean, I've read things in the paper. I mean, these are things that I'm very concerned about, because I'm a fisherman.

And I am -- I know from previous issues of poisoning lakes, that it's a terrible, terrible, terrible mistake. And I believe it was Davis Lake that got poisoned. Look it up and you will see. It's unacceptable.

The mercury transfer coming over, everything can be filtered out, but that's going to be a great expense. The mercury in the water will then be ingested by the fish that are in San Antonio who aren't receiving that. So these are all things that I'm concerned about.

And also this job, when it's initiated, do you anticipate it to be a prevailing-wage job?

RON DRAKE: Yes.

LARRY MURRAY: Yes. Okay. Thank you.

MICHAEL STEVENSON: Yes. All right. We would like to invite Bob Dietz, followed by Ray Green.

BOB DIETZ: Thank you for the time to be able to speak.

My name is Bob Dietz. I'm a resident at Oak

Shores. My family, my parents first built the house that I live in now in 1975, and our family has been in that house ever since.

So, anyway, we're there. We've had use of the private docks there. And my concern is the recreational use of the lake, and if we are cutting -- if we're lowering the level of Nacimiento by sending water out the spillway, that means that the docks that are set up are not going to be usable because they are going to be up on the land would be my understanding. And would the project make adjustments to the lake so that people that have these docks are able to move those down into the lake to be able to use them based on the new height of the lake?

So I know mine's kind of slanted toward recreation, and I realize the need for agriculture and the water that they require, but, you know, I'm really concerned about the lake and the quality of life for people that live there. Thank you.

MICHAEL STEVENSON: I'd like to call Ray Green.

RAY GREEN: At the February 2015 meeting when you presented this plan to a bunch of us over at Heritage, you stressed how flexible the design was in terms of all the possible things you could do with it. And at that meeting you were unable to provide any input

on what the real operational plan for this versatile facility would be; therefore, there's really no way to project or guess how it affects, when it affects the lake levels.

To that end, I would -- since there is such a huge difference between the inflow of heavy rain and the relatively small capacity of the tunnel, it's a very proactive management plan in order to be anything at all.

So to that end, I would suggest that you utilize the rainfall data from the last 50 years on a monthly basis and plot it against -- apply the projected operational plan to that data and plot what the actual lake level would be in relation to what it actually was. I think that would give us all a feel for what the real impact of this is going to be to the lake dwellers, if you will. I represent a group of 30 property owners that's just close by Oak Shores. Thanks.

MICHAEL STEVENSON: Okay. Thank you.

So that concludes everyone who has turned in a speaker card. Was there anyone else who would still like to provide a comment tonight? Looks like we have one more.

If you can just state your name into the microphone, that would be great.

MARK NIELSEN: My name is Mark Nielsen. I'm the president of NRWMAC. I actually live in Los Angeles, but I have a place in Rancho Del Lago.

Just one question. I just want to know if the EIR has considered a power generation plant at the San Antonio outlet works. This is because it would allow for power generation options instead of your inclination to release water from Nacimiento.

And obviously my motivation for that is I would like to see the lake levels -- or we would like to see the lake levels at Nacimiento a lot higher and more consistent in the summer. If you're motivated to put water out through the outlet works there, just power generation, it might be great if you had a better option and you do that out of San Antonio and keep the water level at Nacimiento a little more constant.

That's what I have. Thank you. I appreciate it.

MICHAEL STEVENSON: Thank you. All right. Anyone else?

BILL CARROTHERS: Just a question. No comment.

This is for David Chardavoyne. Four years into drought and drought conditions, and we're looking at a fifth, El Nino has come and gone. What are the present levels in terms of percentage in Nacimiento and San

Antonio in terms of percentage of capacity?

DAVID CHARDAVOYNE: Nacimiento is about 35 percent and San Antonio is 7 or 8 percent.

UNIDENTIFIED FEMALE: Can't hear you.

MICHAEL STEVENSON: He said that Nacimiento is about 35 percent and San Antonio is around 7 percent.

BILL CARROTHERS: Thank you.

MICHAEL STEVENSON: Dave also asked me to just clarify for people that people have been asking about issues relating to white bass and mercury and how is the reservoir going to be operated.

One of the things that the Water Agency is doing right now is conducting a modeling effort to help define how the reservoir would be operated and what the implications would be for different operational scenarios. So they are taking the existing operational criteria for the reservoirs and then they are going to be adding on this tunnel in the spillway and looking at how you would balance different objectives to define how the reservoir would be operated and what the downstream effects would be.

This is going to include looking at things such as mercury transfer between the reservoirs, which our understanding, based on some of the research that's been done so far, is that should not be a substantial issue,

but it's something that we're going to be investigating in detail in the environmental impact report.

I also know that the Water Resources Agency is working collaboratively with the Department of Fish and Wildlife to define measures to address the white bass concern, and that's something that's going to be conducted through a full public process and it's going to be directly addressed in the environmental impact report.

So for those of you kind of have questions, well, where is this heading, we're working on it, and we're working with some of the agencies that have authority over these resources to make sure that the Water Resources Agency is acting in the best interest of the environment and the people of Monterey and San Luis Obispo counties.

RAY GREEN: If I may, you submitted a plan for white bass that's going to cost $5,000,000, you submitted it last November. What is that plan?

MICHAEL STEVENSON: My understanding is that we haven't received comments back from the Department of Fish and Wildlife on that, but I'd defer to Mr. Chardavoyne.

DAVID CHARDAVOYNE: We have not gotten any official response from the Department of Fish and

Wildlife, but we have been working with them closely, and we are encouraged that the result will be something that's acceptable to them and acceptable to the project.

RAY GREEN: Can you tell us what the plan is?

DAVID CHARDAVOYNE: The plan that we submitted on the 19th of November was to have a deep-water intake that would be below the zone that white bass inhabit, and then also have a screen before the water entered the tunnel.

RAY GREEN: Thank you.

UNIDENTIFIED MALE: What was the elevation of that deep-water intake?

DAVID CHARDAVOYNE: I don't recall.

UNIDENTIFIED MALE: Excuse my ignorance, but could you address me as a layman, and I have no agenda here, what is the white bass issue we're talking about?

DAVID CHARDAVOYNE: The white bass issue -- and that's an excellent question. Because unless you're kind of immersed in this thing, you go, like, "What is it?"

Sometime ago back, I guess it was, in the '60s -- in the 1960s the California Department of Fish and Wildlife decided to place some sport fish in Nacimiento, and they selected white bass. White bass is not a native fish. It is native to the Midwest. And

it's a very aggressive fish. I understand that fishermen like it.

But once they were planted in Nacimiento, then Fish and Wildlife decided it's probably not a good idea to have an invasive fish be transported anywhere, so they put in the code that no white bass can leave Nacimiento alive. So that's the issue.

UNIDENTIFIED MALE: So those fish are theoretically not in San Antonio --

DAVID CHARDAVOYNE: To our knowledge --

UNIDENTIFIED MALE: -- generally speaking?

DAVID CHARDAVOYNE: -- they are not in San Antonio.

UNIDENTIFIED MALE: Can you kind of quell a fear that potential poisoning will be done?

DAVID CHARDAVOYNE: Yeah, we have -- that approach of poisoning fish certainly was one of the options that was discussed with FIsh and Wildlife, that was discussed with the Department of Water Resources. The conclusion was just as I think somebody said here, it doesn't work too well, and that caused us to make sure that we have looked at all the other options. And we actually engaged a panel of 15 experts from across the nation to help us come up with a solution that we presented on November 19th.

So, I mean, this has taken a considerable amount of effort at a considerable cost to address this issue. We think we're just about there. Again, nothing official has been released by California Department of Fish and Wildlife.

UNIDENTIFIED MALE: How can we access that report? Is there a website that I can see that report at?

DAVID CHARDAVOYNE: I think, you know, as soon as California Fish and Wildlife -- this is part of the negotiation between the Agency and them, and as soon as they rule on that, then we can make the information available.

UNIDENTIFIED FEMALE: I have a question. The tunnel is going to go right under our property. This is a personal question. I want to know what it's going to do if you start getting my water. I have a great well. It pumps a lot of gallons a minute. And what are you going to do if you start taking my water?

DAVID CHARDAVOYNE: Well, the thing is is that we can't put a tunnel through and destroy people's water supplies, okay? So we have got to figure out -- and this is part of the analysis, the environmental analysis: What do we need to do to protect the environment, in which case, the water supply, to the

effect that or to the extent that they are affected by the tunnel project?

One of the things that we do have to do and we're kind of constrained on moving ahead at this point in time is we have to do some geotechnical exploration to be able to answer those kind of questions. What is the risk? What are the mitigation measures that need to be done? And what remediation measures might be required?

So we have a ways to go. Where we're at, as I mentioned in the introductory remarks, is we've done the conceptual engineering. The project works. It's pencilled out. It's feasible. But to answer all the detailed questions, and a lot of the detailed questions, we need to do a lot more work on this project.

UNIDENTIFIED MALE: Dave, all of our property is about between 14- and 1500 feet above sea level, and you're talking about putting your tunnel through at 740. Most of our wells are somewhere between 4- and 700 feet. That puts us all in the same neighborhood, meaning your tunnel going through our aquifer, and therein lies the real concern of the majority of these people.

So when I say we're seriously worried about how you present your solution and implement it and it goes on forever and ever, because counties, states, and

cities have a habit of saying, "Oh, those guys made that promise and it wasn't us." So whatever it is, it needs to be on paper, legal, binding, end of subject.

I mean, I'm being a little upset here, but I apologize. You know me.

DAVID CHARDAVOYNE: Your know, as this project goes ahead, we're aware of your concerns, and we know that, you know, there's going to have -- as the tunnel goes through, that there's going to have to be easement agreements and indemnifications and everything else. We're not there yet. We have got to do our modeling, we have got to do our environmental work.

One of the challenges we have is that engineering design and environmental work go hand in hand. Because of some funding issues, we're behind on starting the engineering work. So the sooner we can get to the engineering work, the sooner we can do more of the environmental and the sooner the analysis is more robust.

One of the other aspects of this project is that the County of Monterey, you may know, as part of a settlement agreement on the General Plan is doing a basin groundwater study, a very sophisticated study of the surface groundwater interface along the Salinas -- in the Salinas River groundwater basin. It is being

performed by the USGS. And actually the program manager, similar to EPC being the program manager on this project, the program manager on the County's basin groundwater study is the Water Resources Agency.

So when that gets to a certain point, then we are going to be rolling in the modeling of the reservoirs into this basin groundwater study. So those two studies are linked and there are a little bit of some timing issues there. But I think the end product will be very good, very robust, and be able to give us the answers we need.

UNIDENTIFIED MALE: Mr. Chardavoyne, can I just kind of respectfully put you on the spot and ask you to continue answering the lady's question? Just early conceptual ideas. You know some and I know some.

What would you do when her place doesn't have water anymore? You started with indemnification. Maybe you can expand that list of things that -- I'm not saying you are committing to them, as Brice pointed out the need for a commitment -- but just some of the other choices to revitalize her property when the groundwater is gone.

DAVID CHARDAVOYNE: Well, you know, you're making an assumption that the groundwater is going to be gone.

UNIDENTIFIED MALE: Absolutely.

DAVID CHARDAVOYNE: I think we need to do the engineering to be able -- and the geotechnical to be able to answer those questions, so I don't want to deal in hypotheticals.

UNIDENTIFIED MALE: Give me three more minutes and I'll give you all the engineering you need. Creation of a water district, local agency, deeper wells. I'm sorry. I'll shut up.

DAVID CHARDAVOYNE: Just to give you some background. I studied civil engineering. I went into the Air Intelligence Agency, and I was overseas for a number of years. I came back and went to take my PE exam, and I could only pass it in the electrical section.

JIM IRVING: I want to go back to the EIR. So a comment. I'm Jim Irving. I'm a resident whose family's ranch was flooded by Lake Nacimiento, so I have a very long history with the lake.

But in the project description, I want to make sure that the project description is not just tunnel construction but it's also lake operation. That needs to be defined in the project description so it's fully answered and it's not just a subsidiary topic, lake operation, for San Antonio or for Nacimiento, and so

that in the defining topic you make it a combined thing, that way you will address it completely. Thank you.

BRICE POTTHOFF: Legal and binding.

MICHAEL STEVENSON: Right. Just to address that quickly. So we are supposed to address the whole of the action, so we'll be looking at both construction and operational issues as well as related activities. So we're not allowed to focus on just one part of the project that would make our analysis legally deficient, so we'll be looking at the whole thing.

Okay. Do you have a question back there?

UNIDENTIFIED MALE: Yeah. I just wanted to remind the gentleman that initially he said that the project was looking to start late 2017 or early 2018. It sounds like you've got a lot more work to do, to me, than to be starting in there. Sounds like there is quite a bit of thought that still needs to go in there, because there's a lot of unknowns.

I would encourage everybody involved to not rush into this, because the lake's been there since the '50s now. And we're in a bind. We're definitely in a bind. And I can see the advantage to this project, but there's a lot of things that need to be answered. So I would relook at your schedule. Thank you.

MICHAEL STEVENSON: Okay. You know, I

appreciate that everyone has a lot of questions. What I'm going to suggest -- because the purpose of this meeting is really to receive your comments -- is that staff are going to be here for a few minutes afterwards. If you have some more questions, you want to talk to me, you want to talk to Mr. Chardavoyne, other agency staff, we're happy to talk with you.

But if no one has anymore formal comments that they wanted to provide, what I'd like to do is encourage everyone to -- oh, we have one more.

RANDY HILLMEYER: Thank you. My name is Randy Hillmeyer. I'm from the Oak Shores area. I was here more to listen. Excuse me.

You had made a comment about the white bass, and somebody said the proposal that was placed that I was listening to, that if the intake was deep enough, that the fish weren't in that area. I guess, I didn't quite get that, because I have never seen it. So could you give me a little comment on what that was?

RON DRAKE: Well, fish inhabit different layers of the lake, so they are talking about putting it in a portion of the lake that the fish don't go that keep.

UNIDENTIFIED MALE: Okay. My point being then let's just say it was at 740 where the intake was, that would be appropriate if the lake was at 780 or 800 feet.

But when the lake gets down to 750, you're only 10 foot deep. You're going to tell me the fish don't go there then? That's just my thought. Maybe I'm missing something. Thank you.

MICHAEL STEVENSON: Thank you.

RON DRAKE: I can address that a little more. As Dave said, we are still in discussions and negotiations with California Fish and Wildlife. And what we're trying to do is figure -- you know, there's a state law that says white bass can't leave Nacimiento alive. So we've been trying to figure it out. And we put a task force together and had all these fish biologists and folks from all around the country to kind of come up with a foolproof solution of how do we keep white bass from moving through the tunnel.

The bottom-line answer is there is no guaranteed solution. So what we've negotiated is a fish screen, a normal 1.75 mm fish screen at the tunnel portal. And then also to minimize -- not eliminate, but minimize fish, white bass, is to keep the intake to the tunnel at a deeper elevation, which would be essentially 20 feet below where the minimum lake level would be for the tunnel to actually operate. So there's a 20-foot buffer, which the white bass, from the biologists, are generally in that upper 20 feet.

It's not failsafe. It's just a solution to try to negotiate a way around the law. We have to do monitoring to see if it actually works. There's a bunch of elements to this. It's not finished yet. We're making progress with the State, but we're not there yet.

BRICE POTTHOFF: Are you talking about the entrance to the tunnel not being at 740 but be it at something less than that?

RON DRAKE: Yeah. I believe the invert of our tunnel is -- I don't have the knowledge in my head. But the idea is that we would have a tunnel portal, but the entrance, the intake pipe, it would be deeper. Not at the bottom of the lake, not down a dead pool, but deeper such that it would preclude, to the extent possible, any white bass actually getting into it. Doesn't guarantee it. The fish screen helps.

UNIDENTIFIED MALE: Say the lake is at 780, 785 and the screen is down at 730 and the white bass are down there. Okay? So what happens when the lake is at 745 and there's no (indiscernible) at your intake at 720 or 725 is now going to be where the white bass are when the lake goes down?

RON DRAKE: The screen will be at the tunnel itself. So the intake pipe will be deeper and so water will come in, up through the intake pipe, but the screen

will be right at the tunnel. But, you know, we're not here to talk about the technical part. We're a long ways from getting that --

UNIDENTIFIED MALE: Don't fish lay eggs?

RON DRAKE: Yes. And those larva and eggs are an issue, and that's why it's not -- you cannot come up with a hundred percent solution. It's a state law. If we move the fish, we break the law. So we're trying to find a way around it.

Again, I have got to turn this back over to the environmentalist or we'll never get out of here.

MICHAEL STEVENSON: All right. Thanks, everyone. I appreciate there's a lot of questions. And the reason why we're here is to get this input so that we can make sure that we know what we need to be addressing. These types of questions about differences in lake depth and the fish access to the tunnel, this is exactly the input that we're looking for. So what we'd like to encourage everyone to do is please put your comments in writing. That's the best way to provide your comments. That way they are documented for the record.

All of your scoping comments will be summarized in a scoping report as well as reproduced in the draft EIR, and we're going to be look at those. Our

environmental team is going to be looking at all the comments as they conduct their analysis and consider these issues. The point of this analysis will be to resolve these questions and address them to the extent that information is available.

So with that, what I'd like to do is wind down the meeting now. We appreciate you all coming. As I said before, staff are going to be here, so please come talk to us and we're happy to discuss these issues more. Thank you very much for attending.

(Time noted: 7:37 p.m.)

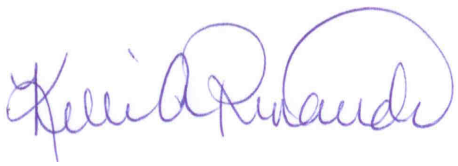
CERTIFICATE OF COURT REPORTER

The foregoing hearing was held before me, KELLI A. RINAUDO, Certified Shorthand Reporter, License No. 6411, RMR, CRR, CCRR, and RDR, for the State of California.

The oral remarks and comments were taken by me in machine shorthand at the time and place therein named, and thereafter, under my direction transcribed into longhand.

I further certify that I am not of counsel or attorney for either or any of the parties to said hearing, nor in any way interested in the outcome of the cause named in said caption, and that I am not related to any party thereto.

Executed June 3, 2016.



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KELLI A. RINAUDO
Certified Shorthand Reporter
License 6411 RMR, CRR, CCRR, RDR

Appendix C

Consistency with Local Laws, Regulations, and Policies

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Table 1. Consistency with Applicable Plans and Policies for Hydrology and Water Resources

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
2010 Monterey County General Plan*, Chapter 3, *Conservation and Open Space Element			
Policy OS-3.1: Best Management Practices (BMPs) to prevent and repair erosion damage shall be established and enforced.	The project is consistent with this policy; it would require a SWPPP and associated erosion control plan that would use best management practices (BMPs) to prevent or repair damage from erosion. Chapter 2 addresses erosion control and identifies Avoidance and Minimization Measures for erosion control.	N/A	N/A
Policy OS-3.3: Criteria for studies to evaluate and address, through appropriate designs and BMPs, geologic and hydrologic constraints and hazards conditions, such as slope and soil instability, moderate and high erosion hazards, and drainage, water quality, and stream stability problems created by increased stormwater runoff, shall be established for new development and changes in land use designations.	The project is consistent with this policy; it would not preclude the establishment of criteria or studies to evaluate drainage, water quality, erosion, or other hydrologic constraints. These studies would be completed as part of the planning and permitting process.	N/A	N/A
Policy OS-3.5: The County shall regulate activity on slopes to reduce impacts to water quality and biological resources.	The project is consistent with this policy. Project design features would be compatible with regulations regarding slopes to reduce impacts on water quality. Chapter 2 addresses soil and grading and identifies Avoidance and Minimization Measures for managing disturbed soils and protecting water quality.	N/A	N/A
Policy OS-3.7: Voluntary preparation and implementation of a coordinated resource management plan shall be	The project is consistent with this policy. Project design features would be compatible with coordinated resource management plans in the watershed.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
encouraged in watersheds of State designated impaired waterways.	Chapter 2 addresses resource management and identifies Avoidance and Minimization Measures for controlling and preventing spills and appropriate staging to protect watersheds.		
Policy OS-3.8: The County shall cooperate with appropriate regional, state, and federal agencies to provide public education/ outreach and technical assistance programs on erosion and sediment control, efficient water use, water conservation and re-use, and groundwater management. This cooperative effort shall be centered through the Monterey County Water Resources Agency.	The project is consistent with this policy. It would not affect cooperation with regional, state, and federal agencies regarding public education/outreach and technical assistance programs on erosion and sediment control, efficient water use, water conservation and re-use, and groundwater management.	N/A	N/A
Policy OS-4.2: Direct and indirect discharges of harmful substances into marine waters, rivers or streams shall not exceed state or federal standards.	The project is consistent with this policy. Temporary, intermittent discharges may occur during construction, but discharges would not exceed state or federal standards, as specified in the policy, and would not represent inconsistency with this policy. Avoidance and minimization measure (**AMM**) **GEN-1** through **AMM GEN-6**, and **AMM GEN-8** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs.	N/A	N/A
Policy OS-4.3: Estuaries, salt and freshwater marshes, tide pools, wetlands, sloughs, river and stream mouth areas, plus all waterways that drain and have impact on State designated Areas of Special Biological Significance (ASBS)	The project is consistent with this policy. Project design features including **AMM GEN-6**, and **AMM GEN-8** (see Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
shall be protected, maintained, and preserved in accordance with state and federal water quality regulations.	AMMs) would bring ensure the project is in accordance with state and federal water quality regulations.		
Policy OS-5.22: In order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a Stream Setback Ordinance.	The project is consistent with this policy. It would not affect development of adoption of a Stream Setback Ordinance. Temporary, intermittent periods with increased sediment or other water quality impacts may occur but would be minimized to the extent feasible and would not represent inconsistency with this policy. **AMM GEN-1** through **AMM GEN-6**, and **AMM GEN-8** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs.	N/A	N/A
2010 Monterey County General Plan*, Chapter 4, *Safety Element			
Policy S-2.1: Land Use planning to avoid incompatible structural development in flood prone areas shall be the primary means of minimizing risk from flood hazards.	The project is consistent with this policy. The project would not place development in flood-prone areas.	N/A	N/A
Policy S-2.2: Uses such as agriculture, passive to low intensity recreation, and open space/ conservation are the most acceptable land uses in the 100-year floodplain to lessen the potential for loss of life, injury, property damage, and economic and social dislocations to the maximum extent feasible.	The project is consistent with this policy. The project would not be located in the 100-year floodplain, would not change land uses within the floodplain, and would not change the 100-year floodplain.	N/A	N/A
Policy S-2.3: All new development, including filling, grading, and construction, within designated 100-year floodplain areas shall conform to the guidelines of FEMA and the National	The project is consistent with this policy. Project construction and design features would conform to Federal Emergency Management Agency (FEMA) guidelines and ordinances established by the	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Flood Insurance Program and ordinances established by the County Board of Supervisors. With the exception of the construction of structures, Routine and Ongoing Agricultural Activities shall be exempt from this policy.	County Board of Supervisors. All runoff control would be sized using the 10-year storm, per the Monterey County Code of Ordinances. Compliance with flood hazard ordinances and county floodplain regulations would ensure the project conforms to FEMA guidelines.		
Policy S-2.4: Monterey County shall strive to improve its National Flood Insurance Program Community Rating System classification.	The project is consistent with this policy. The project would not preclude improvements to the County's National Flood Insurance Program or the community rating system.	N/A	N/A
Policy S-2.6: Drainage and flood control improvements needed to mitigate flood hazard impacts associated with potential development in the 100-year floodplain shall be determined prior to approval of new development and shall be constructed concurrently with the development.	The project is consistent with this policy. Project design features related to drainage and flood control improvements would be determined prior to approval. Compliance with flood hazard ordinances and county floodplain regulations would ensure the project conforms to FEMA guidelines.	N/A	N/A
Policy S-2.8: Alternative project designs and densities to minimize development in the floodplain shall be considered and evaluated.	The project is consistent with this policy. The project would not place development within the floodplain.	N/A	N/A
Policy S-2.9: New insurable buildings on existing lots of record shall be located outside the floodplain where possible.	The project is consistent with this policy. The project would not place insurable buildings in the floodplain.	N/A	N/A
Policy S-2.11: All insurable buildings rebuilt or remodeled within a FEMA designated 100-year floodplain shall be elevated consistent with the guidelines of the National Flood Insurance Program if the cumulative work over a 10-year period exceeds 50-percent (50%) of the appraised value of the structure.	The project is consistent with this policy. The project would not build or remodel structures within the FEMA 100-year floodplain.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Relocation to locations outside of the 100-year floodplain shall be encouraged.			
Policy S-3.1: Post-development, off-site peak flow drainage from the area being developed shall not be greater than pre-development peak flow drainage. On-site improvements or other methods for storm water detention shall be required to maintain post-development, off-site, peak flows at no greater than pre-development levels, where appropriate, as determined by the Monterey County Water Resources Agency.	The project is consistent with this policy. Stormwater facilities would be designed to completely retain all water from storms less than or equal to the 95th-percentile 24-hour rainfall event. Project design features include surface landscaped areas, a bioretention swale, and riparian areas to maintain post-development and off-site drainage. Peak flows would not be greater than pre-development levels. Incorporation of sustainable site design features such as a bioretention swale and vegetation would reduce stormwater runoff flows and maintain post-development and off-site drainage.	N/A	N/A
Policy S-3.2: Best Management Practices to protect groundwater and surface water quality shall be incorporated into all development.	The project is consistent with this policy. It would not preclude the use of BMPs to protect groundwater and surface water quality. Project design features, including a landscaped open space and a bioretention swale, would protect water quality. **AMM GEN-1** through **AMM GEN-6**, and **AMM GEN-8** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs.	N/A	N/A
Policy S-3.3: Drainage facilities to mitigate the post-development peak flow impact of new development shall be installed concurrent with new development.	The project is consistent with this policy. Project design features and operations related to drainage would manage peak flows. The project would provide peak-flow management benefits. Incorporation of sustainable site design features such	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	as a bioretention swale would reduce stormwater runoff flows. The design of the stormwater retention facility would be based on the runoff volume generated by a single 95th-percentile 24-hour rainfall event.		
Policy S-3.4: A County Flood Management Program that helps reduce flood risks shall be established consistent with FEMA requirements at a minimum. The program shall consider both structural and non-structural solutions to address flooding.	The project is consistent with this policy. It would also be consistent with the county Flood Management Program and associated FEMA requirements. The project would provide structural solutions to address flooding. Real-time decision-making process for operation of the project include reducing or delaying Interlake Tunnel transfers to prevent uncontrolled spillway releases.	N/A	N/A
Policy S-3.5: Runoff Performance Standards that result in an array of site planning and design techniques to reduce storm flows plus capture and recharge runoff shall be developed and implemented, where appropriate, as determined by the Monterey County Water Resources Agency.	The project is consistent with this policy. In addition, it would be in compliance with Central Coast RWQCB Post-Construction Requirements and Monterey County runoff performance standards. The project would provide recharge benefits in downstream groundwater basins.	N/A	N/A
Policy S-3.6: An inventory of areas where there is a high probability of accelerated erosion, sedimentation, and/or chemical pollution shall be maintained as part of the County's GIS mapping database.	The project is consistent with this policy. It would not affect the County's geographic information service (GIS) mapping database regarding erosion, sedimentation, and/or chemical pollution.	N/A	N/A
Policy S-3.9: In order to minimize urban runoff affecting water quality, the County shall require all future development within urban and suburban areas to implement Best Management Practices (BMPs) as approved in the Monterey	The project is consistent with this policy. It would not preclude the use of BMPs or low-impact development techniques to minimize runoff that could affect water quality. Project design features that incorporate low-impact development	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Regional Storm Water Management Program which are designed to incorporate Low Impact Development techniques. BMPs may include, but are not limited to, grassy swales, rain gardens, bioretention cells, and tree box filters. BMPs should preserve as much native vegetation as feasible possible on the project site.	include a bioretention swale. Incorporation of sustainable site design features such as a bioretention swale and vegetation would reduce stormwater runoff flows and associated pollutants.		
Monterey County Code of Ordinances			
Title 16 Environment, Chapter 16.08: Grading	The project is consistent with this policy. The Monterey County Water Resources Agency (MCWRA) and the project contractor(s) would follow all pertinent grading requirements during construction of the project. **AMM GEN-1** through **AMM GEN-6**, and **AMM GEN-8** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs.	N/A	N/A
Title 16 Environment, Chapter 16.12: Erosion Control	The project is consistent with this policy. MCWRA and the project contractor(s) would follow all pertinent erosion control requirements during construction of the project including implementing a SWPPP and an associated erosion control plan. Chapter 2 addresses erosion control and identifies Avoidance and Minimization Measures for erosion control.	N/A	N/A
Title 16 Environment, Chapter 16.14: Urban Stormwater Quality Management and Discharge	The project is consistent with this policy. MCWRA and the project contractor(s) would follow all pertinent stormwater quality management and discharge	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	requirements during construction of the project. Chapter 2 addresses spill prevention and control and identifies Avoidance and Minimization Measures for managing stormwater quality and discharge.		
Title 16 Environment, Chapter 16.16: Regulations for Floodplains in Monterey County	The project is consistent with this policy. MCWRA would follow all pertinent Monterey County floodplain regulations. The project would provide flood management benefits by minimizing flood hazard risks through structural solutions to address flooding.	N/A	N/A
San Luis Obispo County General Plan, Conservation and Open Space Element			
Policy BR 4.1: Protect Stream Resources: Protect streams and riparian vegetation to preserve water quality and flood control functions and associated fish and wildlife habitat	The project is consistent with this policy. Potential indirect impacts in the lower reaches of the San Antonio and Nacimiento Reivers due to fluctuations in river flows would not be substantial based on the comparisons to the SVOM modeling results and baseline conditions, and indirect impacts to the Salinas River riparian system is expected to be less than significant as downstream flows and groundwater recharge would not change substantially under the proposed project and Tunnel-Only Alternative compared to baseline conditions. In addition, the riparian habitat communities in these areas are well-adapted to fluctuations in flow and inundation.	N/A	N/A
Policy BR 4.3: Alluvial Well Extractions: Require discretionary projects that depend on alluvial well extractions and stream diversion to monitor the long-term effects on surface streamflow and	The project is consistent with this policy. It would not change the requirements of projects that depend on alluvial well extractions and stream diversions to	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
riparian vegetation. Identify and implement contingencies for maintaining streamflow (e.g., minimum bypass flows, alternate water sources, decreased pumping rates, groundwater discharge).	monitor long-term effects on surface streamflow and riparian vegetation.		
Policy BR 4.4: Vegetated Treatment Systems (Low Impact Development Techniques): Promote use and maintenance of engineered, vegetated treatment systems such as constructed wetlands, vegetated swales, or vegetated filter strips where they will reduce nonpoint source pollution from private and public development.	The project is consistent with this policy. It would not preclude the use of low-impact development techniques to reduce nonpoint-source pollution. Project design features that incorporate low-impact development include a bioretention swale and vegetation to reduce pollutants associated with stormwater runoff.	N/A	N/A
Policy BR 4.7: Contamination from pesticides: Contamination from the use of commercial, residential, and public application of pesticides and herbicides into all inland and coastal waters, including, but not limited to rivers, streams, wetlands, and intertidal areas shall be eliminated.	The project is consistent with this policy. Project design features and operations would not require the use of pesticides and herbicides that could contaminate waters, including, but not limited to, rivers, streams, wetlands, and intertidal areas. **AMM GEN-1** and **AMM GEN-3** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs.	N/A	N/A
Policy BR 4.8: Runoff from County Lands: Reduce and control fertilizer and pollutant runoff from County owned and managed lands.	The project is consistent with this policy. Project design features and operations would reduce and manage fertilizer and pollutant runoff. **AMM GEN-1** and **AMM GEN-3** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Policy BR 4.9: Pesticide Reduction: Encourage all landowners and pesticide applicators to consult with agencies such as the Natural Resource Conservation Service, U.C. Cooperative Extension, and Resource Conservation Districts to 1) reduce pesticide use, explore use of integrated pest management, 2) consider environmental impacts in choosing pesticides, and 3) otherwise reduce contamination of surface water and groundwater from pesticides.	The project is consistent with this policy. MCWRA and the project contractor(s) would consult with agencies to reduce pesticide use and contamination of surface water and groundwater from pesticides. **AMM GEN-1** and **AMM GEN-3** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs.	N/A	N/A
Policy BR 7.4: Sedimentation: Support efforts on public and private lands to keep Chorro Creek, Los Osos Creek, and other watercourses free of excessive sediment and other pollutants to maintain freshwater flow into the Morro Bay National Estuary and the Monterey Bay National Marine Sanctuary, nurture steelhead trout, and support other plant and animal species. On County-owned lands, implement Best Management Practices in order to reduce sediment transport to coastal waters.	The project is consistent with this policy. It would not preclude implementation of measures to manage excessive sediment and pollutants, maintain freshwater flows, and reduce sediment transport to coastal waters. The project, which would be partly built on County-owned lands, would implement BMP to reduce sediment transport. **AMM GEN-1** through **AMM GEN-6**, and **AMM GEN-8** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs.	N/A	N/A
Policy SL 1.2: Promote Soil Conservation Practices in All Land Uses: Require erosion and sediment control practices during development or other soil-disturbing activities on steep slopes and ridgelines. These practices should disperse stormwater so that it infiltrates the soil rather than running off, and protect downslope areas from erosion.	The project is partially consistent with this policy. It would not preclude implementation of erosion and sediment control practices during soil-disturbing activities. Project design features, including surface landscaped areas, a bioretention swale, and riparian areas, would allow stormwater to infiltrate the soil and reduce runoff. **AMM GEN-6** and **AMM GEN-8** would minimize impacts.	**MM GSP-2**	**MM GSP-2** would reduce the loss of topsoil during project operation by requiring the planting of erosion-resistant plants along the slopes most susceptible to water erosion. With this mitigation measure in place, the project would be fully consistent with **Policy SL 1.2**.

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs. Operations of the proposed project at San Antonio Reservoir could result in some erosion of hillsides and removal of topsoil.		
Policy SL 1.3: Minimize Erosion associated with New Development: Avoid development, including roads and driveways, on the steeper portions of a site except when necessary to avoid flood hazards, protect prime soils, and protect sensitive biological and other resources. Avoid grading and site disturbance activities on slopes over 30%. Minimize site disturbance and protect existing vegetation as much as possible.	The project is partially consistent with this policy, Project design features would minimize site disturbance and protect existing vegetation as much as possible to minimize erosion. **AMM GEN-6** and **AMM GEN-8** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs. Operations of the proposed project at San Antonio Reservoir could result in some erosion of hillsides and removal of topsoil.	**MM GSP-2**	**MM GSP-2** would reduce the loss of topsoil during project operation by requiring the planting of erosion-resistant plants along the slopes most susceptible to water erosion. With this mitigation measure in place, the project would be fully consistent with **Policy SL 1.3**.
Policy SL 2.1: Protect Watersheds and Aquifer Recharge Areas: Give high priority to protecting watersheds, aquifer-recharge areas, and natural drainage systems when reviewing applications for discretionary development.	The project is consistent with this policy. The project would provide aquifer recharge benefits in downstream groundwater basins.	N/A	N/A
Policy WR 2.1: Groundwater quality assessments: Prepare groundwater quality assessments, including recommended monitoring, and management measures.	The project is consistent with this policy. It would not preclude preparation of a groundwater quality assessment. The project would provide groundwater benefits in downstream groundwater basins.	N/A	N/A
Policy WR 2.2: Groundwater basin reporting programs: Support monitoring	The project is consistent with this policy. It would support groundwater basin reporting programs in the Salinas Valley	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
and reporting programs for groundwater basins in the region.	Groundwater Basin. The project would provide groundwater benefits in downstream groundwater basins.		
Policy WR 2.4: Groundwater recharge: Where conditions are appropriate, promote groundwater recharge with high-quality water.	The project is consistent with this policy. The project would provide groundwater recharge benefits in downstream groundwater basins.	N/A	N/A
Policy WR 2.5: Groundwater banking programs: Encourage groundwater-banking programs.	The project is consistent with this policy. The project would provide groundwater recharge benefits in downstream groundwater basins.	N/A	N/A
Policy WR 3.1: Prevent water pollution: Take actions to prevent water pollution, consistent with federal and state water policies and standards, including, but not limited to the federal Clean Water Act, Safe Drinking Water Act, and National Pollutant Discharge Elimination System (NPDES).	The project is consistent with this policy. Furthermore, it would be consistent with federal and state water policies and standards, including, but not limited to, the federal Clean Water Act, Safe Drinking Water Act, and National Pollutant Discharge Elimination System (NPDES). **AMM GEN-1** through **AMM GEN-6**, and **AMM GEN-8** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs.	N/A	N/A
Policy WR 3.2: Protect watersheds Protect watersheds, groundwater and aquifer recharge areas, and natural drainage systems from potential adverse impacts of development projects.	The project is consistent with this policy. The project would provide groundwater and aquifer recharge benefits in downstream groundwater basins. **AMM GEN-1** through **AMM GEN-6**, and **AMM GEN-8** would minimize impacts. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1, *Hydrology and Water Quality*, for a full listing of applicable AMMs.	N/A	N/A
Policy WR 3.3: Improve groundwater quality: Protect and improve	The project is consistent with this policy. The project would provide groundwater	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
groundwater quality from point and non-point source pollution, including nitrate contamination; MTBE and other industrial, agricultural, and commercial sources of contamination; naturally occurring mineralization, boron, radionuclides, geothermal contamination; and seawater intrusion and salts.	quality benefits and reduce seawater intrusion. The bioretention swale would treat runoff and allow stormwater to infiltrate into the ground. The project is expected to change existing rates of seawater intrusion in the underlying aquifers as a result of increased groundwater recharge.		
Policy WR 3.5: Support Resource Conservation Districts: Continue support of and partnerships with Resource Conservation Districts to encourage education and technical assistance regarding erosion and sediment control in agricultural and other land use practices.	The project is consistent with this policy. Support of resource conservation districts and education and technical assistance regarding erosion and sediment control would not be affected. Temporary, intermittent increased erosion or release of sediment may occur, but would be minimized to the extent feasible and would not represent inconsistency with this policy. Chapter 2 addresses erosion control and identifies Avoidance and Minimization Measures for erosion control.	N/A	N/A
Policy WR 3.6: Prevent pollution of water sources: The County will collaborate with private and nonprofit land managers, Resource Conservation Districts, recreation providers, Community Services Districts, and other stakeholders to prevent pollution or contamination of potable water sources, such as Nacimiento Reservoir and Lopez Lake. The County will also coordinate with the Nacitone Watershed Plan.	The project is consistent with this policy. Temporary, intermittent release of pollutants may occur during construction, but would be minimized to the extent feasible and would not represent inconsistency with this policy. BMPs would be implemented to prevent pollution or contamination of Nacimiento Reservoir. **AMM GEN-1** through **AMM GEN-6**, and **AMM GEN-8** would minimize impacts on surface and groundwater quality. See Section 4.1.4.4, *Impacts and Mitigation Measures*, in Section 4.1,	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	Hydrology and Water Quality, for a full listing of applicable AMMs.		
Policy WR 4.7: Low Impact Development: Require Low Impact Development (LID) practices in all discretionary and land division projects and public projects to reduce, treat, infiltrate, and manage urban runoff.	The project is consistent with this policy. Project design features incorporating Low impact development (LID) include a bioretention swale to reduce, treat, infiltrate, and manage runoff. Incorporation of sustainable site design features such as a bioretention swale and vegetation would reduce stormwater runoff flows and associated pollutants.	N/A	N/A
Policy WR 6.1: Integrated management: Pursue an integrated management approach for waterway projects that includes flood management, sea level rise, water quality protection, groundwater recharge, and ecosystem enhancement objectives.	The project is consistent with this policy. It would be consistent with an integrated management approach for waterway projects. The project would provide groundwater recharge benefits.	N/A	N/A
Policy WR 6.2: Region-wide permitting: The County should coordinate with applicable state, regional, and local permitting agencies to develop and implement a region-wide permitting program that will provide consistent watershed or regional implementation measures.	The project is consistent with this policy. It will comply with the applicable state, regional, and local permitting such as the MS4 permit and be consistent with watershed or regional implementation measures such as the Water Quality Control Plan for the Central Coastal Basin (Basin Plan).	N/A	N/A
Policy WR 6.3: Drainage problems: Consider drainage problems in the context of an entire watershed. Drainage and flood management plans should address property owner and developer responsibilities. These plans should use an integrated watershed approach that incorporates flood management, water quality, water supply, groundwater, and	The project is consistent with this policy. Drainage in the context of the entire watershed was considered in project design and operation, as required by Central Coast RWQCB Post-Construction Requirements and Monterey County Code of Ordinances. The project would provide groundwater recharge benefits on a watershed/basin scale.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
ecosystem protection and enhancement objectives on a watershed/basin scale.			
Policy WR 6.4: Integrated drainage approach: Assure that proposed development integrates ecosystem enhancement, drainage control, and natural recharge as applicable.	The project is consistent with this policy. The project would provide drainage control and natural recharge benefits.	N/A	N/A
Policy WR 6.5: Stream channelization: Prohibit channelization or major alteration of streams. Minor work in streambeds may be necessary to protect valuable farmland from erosion.	The project is consistent with this policy. It would not involve major permanent alterations of streams. Stream alterations may occur but would be temporary and intermittent and would not represent inconsistency with this policy.	N/A	N/A
Policy WR 6.6: Relocation of stream courses: Discourage the relocation of stream courses and encourage the use of levees and/or bypass/overpass channels along the borders of the floodway where flood protection is necessary. When an artificial channel is needed for flood protection, require landscaping and replanting of vegetation adjacent to the channel.	The project is consistent with this policy. It would not involve relocation of a stream course. The project would involve a tunnel for flood protection. Design features include surface landscaped open space, vegetation, and riparian areas.	N/A	N/A
Policy WR 6.7: Areas prone to flooding: Develop a public information and education program in areas of the county prone to flooding and drainage problems to discourage new development in those areas and to inform residents and property owners about how to deal with drainage and flood control problems, use best management practices, and get assistance.	The project is consistent with this policy. It would not preclude public information and education programs related to flooding and drainage problems in the county.	N/A	N/A
San Luis Obispo County General Plan, Safety Element			

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Policy S-8: Flood Hazards: Strictly enforce flood hazard regulations both current and revised. FEMA regulations and other requirements for the placement of structures in floodplains shall be followed. Maintain standards for development in flood-prone and poorly drained areas.	The project is consistent with this policy. It would comply with FEMA regulations, flood hazard ordinances, and regulations for floodplain in Monterey County. The project would not place structures within the floodplain.	N/A	N/A
Policy S-9: Reduce Flood Damage: Reduce flood damage in areas known to be prone to flooding, such as Los Osos, Avila Valley, Santa Margarita, Cambria, Oceano and others.	The project is consistent with this policy. Areas known to be prone to flooding in San Luis Obispo County would not be affected by the project.	N/A	N/A
Policy S-11: Tsunami: Access information to increase the understanding and response to tsunamis.	The project is consistent with this policy. It would not preclude access to information regarding the understanding and response to tsunamis.	N/A	N/A
Policy S-12: Dam Failure: Minimize the risk of dam failure.	The project is consistent with this policy. It would not change the potential for failure of a dam. The project would increase the volume of stored water and the height of the San Antonio dam, minimizing the risk of dam failure. Project design would be in compliance with the Division of Safety of Dams requirements and dams would be routinely monitored and inspected to minimize risk of dam failure. Real-time decision-making process for operation of the project include reducing or delaying Interlake Tunnel transfers to prevent uncontrolled spillway releases.	N/A	N/A
San Luis Obispo County Ordinances			

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Chapter 12.08: Urban Storm Water Quality Management and Discharge Control	The project is consistent with this policy. MCWRA would follow all pertinent stormwater quality management and discharge control requirements. Chapter 2 addresses spill prevention and control and identifies Avoidance and Minimization Measures for managing stormwater quality and discharge.	N/A	N/A
Chapter 19.02.050: Drainage and grading regulations	The project is consistent with this policy. MCWRA and the project contractor(s) would implement a SWPPP and associated drainage management measures to control drainage and follow all pertinent drainage and grading requirements. Chapter 2 addresses drainage and grading and identifies Avoidance and Minimization Measures for spoils management and grading.	N/A	N/A
San Luis Obispo County Code of Ordinances			
Title 19, Chapter 19.11: Stormwater Management	The project is consistent with this policy. MCWRA would follow all pertinent stormwater management requirements including the MS4 permit. Chapter 2 addresses spill prevention and control and identifies Avoidance and Minimization Measures for stormwater management.	N/A	N/A
Title 19, Chapter 19.12: Grading and Excavation	The project is consistent with this policy. MCWRA and the project contractor(s) would implement a SWPPP to manage soils during grading and excavation and follow all pertinent grading and excavation requirements during construction. Chapter 2 addresses grading and identifies Avoidance and	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	Minimization Measures for spoils management.		
Title 22, Article 3, Chapter 22 Section 10.155: Stormwater Management	The project is consistent with this policy. MCWRA would follow all pertinent stormwater management requirements such as the MS4 permit and RWQCB stormwater requirements.	N/A	N/A
Title 22, Article 3, Chapter 22, Article 14.060: Flood Hazard Area	The project is consistent with this policy. Project design and features would consider all pertinent flood hazard requirements as required by Central Coast RWQCB Post-Construction Requirements.	N/A	N/A
Title 22, Article 5, Chapter 22.52: Grading and Drainage	The project is consistent with this policy. MCWRA and the project contractor(s) would implement a SWPPP and associated drainage and soil management measures and follow all pertinent grading and drainage requirements. Chapter 2 addresses grading and drainage and identifies Avoidance and Minimization Measures for spoils management and managing stormwater drainage.	N/A	N/A

Sources: County of Monterey 2010c, 2010d; County of San Luis Obispo 2010b, 1999.

Table 2. Consistency with Applicable Plans and Policies for Geology, Soils, Seismicity, and Paleontological Resources

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
2010 Monterey County General Plan*, Chapter 4, *Safety Element			
Policy S-1.1: Land uses must be sited and measures applied to reduce potential for loss of life or injury, property damage, and economic and social dislocations from geologic hazards in the high and moderate hazard susceptibility areas	The project is consistent with this policy. None of the project construction or operations and maintenance activities would exacerbate existing seismic risk. Neither the proposed project nor the Tunnel-Only Alternative would substantially increase the risk of reservoir-induced seismicity. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits, thereby reducing risk of landslide or other ground failure associated with construction.	N/A	N/A
Policy S-1.3: Site-specific geologic studies may be used to verify the presence or absence and extent of the hazard on the property proposed for new development and to identify mitigation measures for any development proposed.	The project is consistent with this policy. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits. These standards include requirements for site-specific geologic and soils studies.	N/A	N/A
Policy S-1.5: Structures in areas at high risk from geologic hazards will not be permitted unless measures recommended by a registered engineering geologist are implemented to reduce the hazard to an acceptable level. Development shall be discouraged in the following areas: a. Areas within 50 feet of active faults. Within State or County Earthquake Fault Zones, trenching or other	The project is consistent with this policy. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits. These standards include requirements for site-specific geologic and soils studies.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
suitable methodology shall be used to determine the location of the fault. a. b. Areas within or adjacent to large active landslides. Large active landslides are those that are economically or technically infeasible to mitigate because of their rate of movement or size and volume.			
Policy S-1.6: New development shall not be permitted in areas of known geologic or seismic hazards unless measures recommended by a California certified engineering geologist or geotechnical engineer are implemented to reduce the hazard to an acceptable level. Areas of known geologic or seismic hazards include: a. Moderate or high relative landslide susceptibility. b. High relative erosion susceptibility. c. Moderate or high relative liquefaction susceptibility. d. Coastal erosion and seacliff retreat. e. Tsunami run-up hazards.	The project is consistent with this policy. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits. These standards include requirements for site-specific geologic and soils studies.	N/A	N/A
Policy S-1.7: Site-specific reports addressing geologic hazard and geotechnical conditions shall be required as part of the planning phase and review of discretionary development entitlements and as part of review of ministerial permits in accordance with the California Building Standards Code as follows: a. Geotechnical reports prepared by State of California licensed Registered Geotechnical Engineers are required	The project is consistent with this policy. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits. These standards include requirements for site-specific geologic and soils studies. The project does not include the construction of habitable structures.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
during building plan review for all habitable structures and habitable additions over 500 square feet in footprint area. Additions less than 500 square feet and non-habitable buildings may require geotechnical reports as determined by the pre-site inspection. b. A Registered Geotechnical Engineer shall be required to review and approve the foundation conditions prior to plan check approval, and if recommended by the report, shall perform a site inspection to verify the foundation prior to approval to pour the footings. Setbacks shall be identified and verified in the field prior to construction. c. All new development and subdivision applications in State- or County-designated Earthquake Fault Zones shall provide a geologic report addressing the potential for surface fault rupture and secondary fracturing adjacent to the fault zone before the application is considered complete. The report shall be prepared by a Registered Geologist or a Certified Engineering Geologist and conform to the State of California's most current Guidelines for evaluating the hazard of surface fault rupture. d. Geologic reports and supplemental geotechnical reports for foundation design shall be required in areas with moderate or high landslide or			

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
liquefaction susceptibility to evaluate the potential on- and off-site impacts on subdivision layouts, grading, or building structures. e. Where geologic reports with supplemental geotechnical reports determine that potential hazards effecting new development do not lead to an unacceptable level of risk to life and property, development in all Land Use Designations may be permissible, so long as all other applicable General Plan policies are complied with. f. Appropriate site-specific mitigation measures and mitigation monitoring to protect public health and safety, including deed restrictions, shall be required.			
Policy S-1.8: As part of the planning phase and review of discretionary development entitlements, and as part of review of ministerial permits in accordance with the California Building Standards Code, new development may be approved only if it can be demonstrated that the site is physically suitable, and the development will neither create nor significantly contribute to geologic instability or geologic hazards.	The project is consistent with this policy. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits. These standards include requirements for site-specific geologic and soils studies.	N/A	N/A
Policy OS-3.1: Best Management Practices to prevent and repair erosion damage shall be established and enforced	The project is consistent with this policy. Construction of the proposed project and the Tunnel-Only Alternative would require preparation of and adherence to an SWPPP as part of requirements of the	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	Construction General. The SWPPP would enumerate the BMPs that would be implemented to prevent soil erosion and require permittees under the General Permit to conduct annual monitoring and reporting to ensure that the BMPs are correctly implemented and effective. Chapter 2 addresses erosion control and identifies Avoidance and Minimization Measures for erosion control, specifically **AMM GEN-6** and **AMM GEN-8** (a complete list of AMMs incorporated to reduce impacts related to erosion are discussed in Section 4.2.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.2 *Geology, Soils, and Seismicity and Paleontological Resources.)*		
Policy OS-3.5: The County shall regulate activity on slopes to reduce impacts to water quality and biological resources: 1) Non-Agricultural. a) Development on slopes in excess of twenty five percent (25%) shall be prohibited except as stated below; however, such development may be allowed pursuant to a discretionary permit if one or both of the following findings are made, based upon substantial evidence: 1. there is no feasible alternative which would allow development to occur on slopes of less than 25%; 2. the proposed development better achieves the resource	The project is consistent with this policy. The proposed project and Tunnel-Only Alternative do not propose development on slopes that are in excess of 25 percent.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
protection objectives and policies contained in the *Monterey County General Plan*, accompanying Area Plans, and all applicable master plans. b) Development on slopes greater than 25-percent (25%) or that contain geologic hazards and constraints shown on the County's GIS Geologic (Policy S-1.2) or Hydrologic (Policy PS-2.6) Hazard Databases shall require adequate special erosion control and construction techniques and the discretionary permit shall: 1. evaluate possible building site alternatives that better meet the goals and policies of the general plan; 2. identify development and design techniques for erosion control, slope stabilization, visual mitigation, drainage, and construction techniques; and 3. minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety. c) Where proposed development affecting slopes in excess of twenty five percent (25%) does not exceed ten percent (10%), or 500 square feet of the total			

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
development footprint (whichever is less), a discretionary permit shall not be required. d) It is the general policy of the County to require dedication of a scenic easement on a slope exceeding twenty five percent (25%).			
Policy OS-7.1: Important representative and unique paleontological sites and features shall be identified and protected. If significant fossil deposits are found during grading activities, data recovery shall obtain a sample from such deposits prior to their destruction.	The project is partially consistent with this policy. The proposed project and the Tunnel-Only Alternative would involve construction-related ground disturbance that could damage as-yet-undiscovered paleontological resources. In addition, wave action in the area exposed through increased inundation under the proposed project could expose as-yet-undiscovered paleontological resources through the erosion of soft materials. Operation of the Tunnel-Only Alternative would not result in impacts on paleontological resources.	**MM GSP-3** and **MM GSP-4** See Section 4.2, *Geology, Soils, Seismicity, and Paleontological Resources*, for a full description of these mitigation measures.	Implementation of **MM GSP-3** and **MM GSP-4** would ensure that any as-yet-undiscovered paleontological resources identified during construction would be identified and conserved. In addition, any potentially erosion-related impacts to paleontological resources as result of wave action would occur in geologic units that are already disturbed through erosion from wave action. Because no new geologic units would be disturbed through wave action, the impact from operations on paleontological resources would not be significant. With these mitigation measures in place, the project would be fully consistent with **Policy OS-7.1**.

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Policy OS-7.2: Information on the location and significance of the County's paleontological resources shall be compiled and used in the environmental and development review process. This compilation process shall involve consulting with knowledgeable academic professionals.	The project is partially consistent with this policy. The proposed project and the Tunnel-Only Alternative would involve construction-related ground disturbance that could damage as-yet-undiscovered paleontological resources. In addition, wave action in the area exposed through increased inundation under the proposed project could expose as-yet-undiscovered paleontological resources through the erosion of soft materials. Operation of the Tunnel-Only Alternative would not result in impacts on paleontological resources.	**MM GSP-4** See Section 4.2, *Geology, Soils, Seismicity, and Paleontological Resources*, for a full description of this mitigation measure.	**MM GSP-4** would ensure that any paleontological resources discovered during ground disturbance would be documented through consultation with a qualified paleontological resources specialist. With this mitigation measure in place, the project would be fully consistent with **Policy OS-7.2**.
Policy OS-7.3: Development proposed within high and moderate sensitivity zones and known fossil bearing formations shall require a paleontological field inspection prior to approval. Routine and Ongoing Agricultural Activities are exempted from this policy in so far as allowed by state or federal law.	The project is inconsistent with this policy. The proposed project and the Tunnel-Only Alternative would involve construction-related ground disturbance that could damage as-yet-undiscovered paleontological resources. In addition, wave action in the area exposed through increased inundation under the proposed project could expose as-yet-undiscovered paleontological resources through the erosion of soft materials. The Tunnel-Only Alternative would not result in impacts on paleontological resources.	**MM GSP-4** See Section 4.2, *Geology, Soils, Seismicity, and Paleontological Resources*, for a full description of these mitigation measures.	**MM GSP-4** would ensure that any paleontological resources discovered during ground disturbance would be documented through consultation with a qualified paleontological resources specialist. With this mitigation measure in place, the project would be fully consistent with **Policy OS-7.3**.
Policy OS-7.4: Development proposed in low sensitivity zones are not required to have a paleontological survey unless there is specific additional information that suggests paleontological resources are present.	The project is inconsistent with this policy. Some ground disturbance associated with construction of the proposed project and the Tunnel-Only Alternative would occur in low sensitivity zones. However, these zones are adjacent to geologic units with high paleontological sensitivity. The proposed project and the Tunnel-Only Alternative would involve construction-related	**MM GSP-4** See Section 4.2, *Geology, Soils, Seismicity, and Paleontological Resources*, for a full description of these mitigation measures.	**MM GSP-4** would ensure that any paleontological resources discovered during ground disturbance would be documented through consultation with a qualified paleontological resources specialist. With this mitigation measure in place, the project would be fully

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	ground disturbance that could damage as-yet-undiscovered paleontological resources. In addition, wave action in the area exposed through increased inundation under the proposed project could expose as-yet-undiscovered paleontological resources through the erosion of soft materials. The Tunnel-Only Alternative would not result in impacts on paleontological resources.		consistent with **Policy OS-7.4**.
Policy OS-7.5: Policies and procedures shall be established that encourage development to avoid impacts to sensitive paleontological sites including: a. designing or clustering development to avoid paleontological deposits; b. requiring dedication of permanent conservation easements where subdivisions and other developments can be planned to provide for such protective easements.	The project is consistent with this policy. The proposed project and Tunnel-Only Alternative do not include cluster development.	N/A	N/A
Monterey County Grading Permit			
Section 16.08.110: describes the requirement for geotechnical and engineering geology reports to accompany applications for grading permits	The project is consistent with this policy. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits. These standards include requirements for site-specific geologic and soils studies.	N/A	N/A
***San Luis Obispo County General Plan*, Safety Element**			
Policy S-18: Fault Rupture Hazards: Locate new development away from active and potentially active faults to reduce damage from fault rupture. Fault studies may need to include mapping and	The project is consistent with this policy. The proposed project would raise the spillway at San Antonio Reservoir, through which the Rinconada fault	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
exploration beyond project limits to provide a relatively accurate assessment of a fault's activity. The County will enforce applicable regulations of the Alquist-Priolo Earthquake Fault Zoning Act pertaining to fault zones to avoid development on active faults.	passes but does not include new development.		
Policy S-19: Reduce Seismic Hazards: The County will enforce applicable building codes relating to the seismic design of structures to reduce the potential for loss of life and reduce the amount of property damage.	The project is consistent with this policy. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits, thereby reducing risk of landslide or other ground failure associated with construction.	N/A	N/A
Policy S-20: Liquefaction and Seismic Settlement: The County will require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the currently adopted Uniform Building Code.	The project is consistent with this policy. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits, thereby reducing risk of liquefaction or seismic settlement.	N/A	N/A
Policy S-21: Slope Instability: The County acknowledges that areas of known landslide activity are generally not suitable for residential development. The County will avoid development in areas of known slope instability or high landslide risk when possible, and continue to encourage that developments on sloping ground use design and construction techniques appropriate for those areas.	The project is consistent with this policy. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits, thereby reducing risk of landslide or other ground failure associated with construction.	N/A	N/A
***San Luis Obispo County General Plan*, Conservation and Open Space Element**			

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Policy SL 1.1: Prevent Loss of Topsoil in All Land Uses. Minimize the loss of topsoil.	The project would be partially consistent with this policy. Project features and AMMs, including **AMM GEN-6** would avoid or minimize potential impacts related to erosion. The proposed project and Tunnel-Only Alternative would result in the loss of topsoil during construction and operations of the project period. The Tunnel-Only Alternative would not cause loss of topsoil during the operations period.	**MM GSP-1**; and **MM GSP-2**. See Section 4.2, *Geology, Soils, Seismicity, and Paleontological Resources*, for a full description of these mitigation measures.	Implementation of **MM GSP-1** would reduce construction-related impacts by requiring development of a soil storage and handling plan, which would specify the thickness of the topsoil that should be salvaged. The plan would also address issues regarding storage, the handling of salvaged topsoil, and application processes for savaged topsoil. In addition, **MM GSP-2** would reduce the loss of topsoil during project operations by requiring the planting of erosion-resistant plants along the slopes most susceptible to water erosion. With these mitigation measures in place, the project would be fully consistent with **Policy SL 1.1**.
Policy SL 1.2: Promote Soil Conservation Practices in All Land Uses. Require erosion and sediment control practices during soil-disturbing activities on steep slopes and ridgelines.	The project is consistent with this policy. Construction of the proposed project and the Tunnel-Only Alternative would require preparation of and adherence to an SWPPP as part of requirements of the Construction General. The SWPPP would enumerate the BMPs that would be implemented to prevent soil erosion and require permittees under the General Permit to conduct annual monitoring and reporting to ensure that the BMPs are correctly implemented and effective. In addition, project features and AMMs,	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	including **AMM GEN-6**, would avoid or minimize potential impacts related to erosion. Chapter 2 addresses erosion control and identifies Avoidance and Minimization Measures for erosion control (a complete list of AMMs incorporated to reduce impacts related to erosion are discussed in Section 4.2.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.2 *Geology, Soils, and Seismicity and Paleontological Resources).*		
Policy SL 1.3: Minimize Erosion Associated with New Development – Avoid development, including roads and driveways, on the steeper portions of a site except when necessary to avoid flood hazards, protect prime soils, and protect sensitive biological and other resources. Avoid grading and site disturbance activities on slopes over 30%. Minimize site disturbance and protect existing vegetation as much as possible.	The project is consistent with this policy. Construction of the proposed project and the Tunnel-Only Alternative would require preparation of and adherence to an SWPPP as part of requirements of the Construction General Permit. The SWPPP would enumerate the BMPs that would be implemented to prevent soil erosion and require permittees under the Construction General Permit to conduct annual monitoring and reporting to ensure that the BMPs are correctly implemented and effective. In addition, project features and AMMs, including **AMM GEN-6**, would avoid or minimize potential impacts related to erosion. Chapter 2 addresses erosion control and identifies Avoidance and Minimization Measures for erosion control (a complete list of AMMs incorporated to reduce impacts related to erosion are discussed in Section 4.2.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.2 *Geology, Soils, and Seismicity and Paleontological Resources).*	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Policy CR 4.5: Paleontological Resources. Protect paleontological resources from the effects of development by avoiding disturbance where feasible.	The project is inconsistent with this policy. The proposed project and the Tunnel-Only Alternative would involve construction-related ground disturbance that could damage as-yet-undiscovered paleontological resources. In addition, wave action in the area exposed through increased inundation under the proposed project could expose as-yet-undiscovered paleontological resources through the erosion of soft materials. The Tunnel-Only Alternative would not result in impacts on paleontological resources.	**MM GSP-3**; and **MM GSP-4**. See Section 4.2, *Geology, Soils, Seismicity, and Paleontological Resources*, for a full description of these mitigation measures.	Implementation of **MM GSP-3**, and **MM GSP-4**would ensure that any as-yet-undiscovered paleontological resources identified during construction would be identified and conserved. With these mitigation measures in place, the project would be fully consistent with **Policy OS-7.1**.
San Luis Obispo County Grading Permit			
Chapter 19.12: describes requirements for engineering grading, including requirements for soils engineering and engineering geology reports to accompany applications for grading permits	The project is consistent with this policy. Construction would adhere to CBSC requirements, as well as Monterey County and San Luis Obispo County grading permits. These standards include requirements for site-specific geologic and soils studies.	N/A	N/A

Sources: County of Monterey 2010c, 2010d; County of San Luis Obispo 1999, 2010b.

Table 3. Consistency with Applicable Plans and Policies for Biological Resources

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
***2010 Monterey County General Plan*, Chapter 3, Conservation and Open Space Element**			
Policy OS-1.3: To preserve the County's scenic qualities, ridgeline development shall not be allowed.	The project is consistent with this policy. Proposed development would not involve ridgeline development.	N/A	N/A
Goal OS-4: Protect and conserve the quality of coastal, marine, and river environments, as applied in areas not in the coastal zone.	The project is consistent with this policy. The proposed project would not directly impact coastal, marine, or river environments. Indirect impacts to river environments would be minimized through project design features **AMM GEN-1** through **AMM GEN-6**, **AMM GEN-8**, and **AMM IO-1** through **AMM BIO-5** (see full list in Section 4.3.4.4, *Applicable Avoidance and Minimization Measures* in Section 4.3, *Biological Resources*.	N/A	N/A
Policy OS-4.1: Federal and State listed native marine and freshwater species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant shall be protected. Species designated in Area Plans shall also be protected.	The project is partially consistent with this policy. Proposed project impacts would be avoided or minimized to the extent feasible through project design features **AMM GEN-1** through **AMM GEN-6**, **AMM GEN-8**, and **AMM IO-1** through **AMM BIO-5** (see full list in Section 4.3.4.4, *Applicable Avoidance and Minimization Measures* in Section 4.3, *Biological Resources*.. Nevertheless, construction and operation of the proposed project could impact federal or state listed native freshwater species.	**MM BIO-3.1**, **MM BIO-3.2**, **MM BIO-4.1, MM BIO-4.2**, **MM BIO-5.1**, **MM BIO-7.1, MM BIO-8.4**, **MM BIO-8.5**, **MM BIO-8.6**, and **MM BIO-8.16** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	**MM BIO-3.1** will put in place a survey protocol to avoid sensitive natural communities during construction that may support listed species. **MM BIO-3.2** will require compensatory mitigation for project impacts to sensitive natural communities. **MM BIO-4.1** will put in place a survey protocol to avoid listed plant species communities during construction. **MM BIO-4.2** will require exclusion fencing around listed plants found on site and compensatory mitigation for

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
			project impacts to listed plant populations. **MM BIO-5.1** will put in place a survey protocol immediately prior to construction activities. **MM BIO-7.1** will include habitat enhancements to compensate for reduced fish productivity in the Nacimiento Reservoir. **MM BIO-8.4** will put in place a survey protocol to assess habitat and conclude presence or absence of state or federal listed freshwater amphibian species during ESA consultation and prior to project implementation. **MM BIO-8.5** will put in place protective measures during construction to avoid and minimize impacts to listed amphibian species if they are present or their habitats. **MM BIO-8.6** will require compensatory mitigation for project impacts to state or federal listed freshwater species occupied habitats. **MM BIO-8.16** will ensure that project operations do not impact key components of future peak flow events necessary for channel and habitat maintenance required by state and federal listed freshwater species

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
			that may utilize the study area for the life of the project. With these mitigation measures in place, the project would be fully consistent with **Policy OS-4.1**.
Policy OS-4.3: Estuaries, salt and fresh water marshes, tide pools, wetlands, sloughs, river and stream mouth areas, plus all waterways that drain and have impact on State designated Areas of Special Biological Significance (ASBS) shall be protected, maintained, and preserved in accordance with state and federal water quality regulations	The project is consistent with this policy. No State designated Areas of Special Biological Significance (ASBS) occur in the study area.	N/A	N/A
Policy OS-5.1: The extent and acreages of critical habitat shall be inventoried to the extent feasible and mapped in GIS. Conservation of listed species shall be promoted.	The project is partially consistent with this policy. Proposed development would not affect critical habitats, and potential impacts on listed species would be avoided or minimized to the extent feasible through project design features **AMM GEN-1** through **AMM GEN-6**, **AMM GEN-8**, and **AMM IO-1** through **AMM BIO-5** (see full list in Section 4.3.4.4, *Applicable Avoidance and Minimization Measures* in Section 4.3, *Biological Resources)*. However, operations of the proposed project could be inconsistent with conservation of listed species.	**MM BIO-3.1**, **MM BIO-3.2**, **MM BIO-4.1, MM BIO-4.2**, **MM BIO-5.1**, **MM BIO-7.1, MM BIO-8.4**, **MM BIO-8.5**, **MM BIO-8.6**, and **MM BIO-8.16** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	See rational presented for **Policy OS-4.1.** With these mitigation measures in place, the project would be fully consistent with **Policy OS-5.1**.
Policy OS-5.4: Development shall avoid, minimize, and mitigate impacts to listed species and critical habitat to the extent feasible.	The project is partially consistent with this policy. Proposed development would not affect critical habitats, and potential impacts on listed species would be avoided or minimized to the extent feasible through project design features	**MM BIO-3.1**, **MM BIO-3.2**, **MM BIO-4.1, MM BIO-4.2**, **MM BIO-5.1**, **MM BIO-7.1, MM BIO-8.4**, **MM BIO-8.5**, **MM BIO-8.6**, and **MM BIO-8.16**	See rational presented for **Policy OS-4.1.** With these mitigation measures in place, the project would be fully consistent with **Policy OS-5.4**.

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	AMM GEN-1 through **AMM GEN-6**, **AMM GEN-8**, and **AMM IO-1** through **AMM BIO-5** (see full list in Section 4.3.4.4, *Applicable Avoidance and Minimization Measures* in Section 4.3, *Biological Resources*). However, operations of the proposed project could be inconsistent with this policy regarding impacts to listed species.	See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	
Policy OS-5.9: Tree removal that requires a permit shall be established by Area Plans.	The project is partially consistent with this policy. Tree removal would be minimized, but trees that meet the Area Plan tree requirements could be slated for removal. The project construction contractor would apply for a tree removal permit during construction. However, trees impacted by inundation of San Antonio Reservoir would require further mitigation.	**MM BIO-3.1** and **MM BIO-3.2** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	**MM BIO-3.1** will put in place a survey protocol to avoid sensitive natural communities during construction that may support listed species. **MM BIO-3.2** will require compensatory mitigation for project impacts to sensitive natural communities. With these mitigation measures in place, the project would be fully consistent with **Policy OS-5.9**.
Policy OS-5.10: Regulations for tree removal, including Timberland Conversion, shall be established and maintained by ordinance, implementing Area Plan policies that address the following: a. Criteria when a permit is required including: 1. number of trees, 2. minimum size of tree, 3. Post Timberland conversion land-use b. How size is measured for each protected species of tree, and what constitutes a landmark tree depending on the rate of growth for that species. c. Hazardous trees d. Pest	The project is partially consistent with this policy. Tree removal would be minimized, but trees that meet the Area Plan tree requirements could be slated for removal. The project would apply for a tree removal permit during construction. However, trees impacted by inundation of San Antonio Reservoir would require further mitigation.	**MM BIO-3.1** and **MM BIO-3.2** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	See rationale provided for **Policy OS-5.9**. With these mitigation measures in place, the project would be fully consistent with **Policy OS-5.10**.

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
and disease abatement e. Replacement criteria f. Ensure minimal removal			
Policy OS-5.12: The California Department of Fish and Game shall be consulted and appropriate measures shall be taken to protect Areas of Special Biological Significance (ASBS).	The project is partially consistent with this policy as no Areas of Special Biological Significance (ASBS) will be impacted. The Project will consult with the California Department of Fish and Wildlife (CDFW) to protect sensitive natural communities.	**MM BIO-3.1**, and **MM BIO-3.2** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	See rationale provided for **Policy OS-5.9**. With these mitigation measures in place, the project would be fully consistent with **Policy OS-5.12**.
Policy OS-5.16: A biological study shall be required for any development project requiring a discretionary permit and having the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare, or threatened species. An ordinance establishing minimum standards for a biological study and biological surveys shall be enacted. A biological study shall include a field reconnaissance performed at the appropriate time of year. Based on the results of the biological study, biological surveys may be necessary to identify, describe, and delineate the habitats or species that are potentially affected. Feasible measures to reduce significant impacts to a less than significant level shall be adopted as conditions of approval.	The project is consistent with this policy. A biological study has been prepared and used in the analysis of potential habitat for listed species and potential impacts on listed species habitat.	N/A	N/A
Policy OS-5.18: Prior to disturbing any federal or state jurisdictional areas, all	The project is consistent with this policy. A delineation of potentially jurisdictional	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
applicable federal and state permitting requirements shall be met, including all mitigation measures for development of jurisdictional areas and associated riparian habitats.	areas has been prepared and verified by the U.S. Army Corps of Engineers (USACE) and a biological assessment is being prepared for USFWS and CDFW.. The project would obtain all necessary permits such as Sections 404 and 401 of the Clean Water Act, and Section 1600 of the CDFG code as well as Section 7 of the federal Endangered Species Act and meet all requirements prior to project implementation.		
Policy OS-5.24: The County shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat. The County shall require that expansion of its roadways and public infrastructure projects provide movement opportunities for terrestrial wildlife and ensure that existing stream channels and riparian corridors continue to provide for wildlife movement and access.	The project is consistent with this policy. The proposed project would retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat.	N/A	N/A
Policy OS-5.25: Occupied nests of statutorily protected migratory birds and raptors shall not be disturbed during the breeding season (generally February 1 to September 15).	The project is partially consistent with this policy. The project may impact occupied nests.	**MM BIO-8.8** and **MM BIO-8.11** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	With these mitigation measures in place, the project would be fully consistent with **Policy OS-5.25** by surveying for and avoiding all occupied nests during construction activities that take place during the nesting season.
Monterey County Ordinance, Chapter 16.60 – Preservation of Oak and Other Protected Trees			
No oak or madrone tree six inches or more in diameter two feet above ground	The project is partially consistent with this policy. Tree removal would be	**MM BIO-3.1**, and **MM BIO-3.2**	See rationale provided for **Policy OS-5.9**. With these

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
level shall be removed in the North County Area Plan or Toro Area Plan areas without approval of the permit(s) required in Section 16.60.040.	minimized, but trees that meet the Area Plan tree requirements could be slated for removal. The project construction contractor would apply for a tree removal permit during construction. However, trees impacted by inundation of San Antonio Reservoir would require mitigation.	See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	mitigation measures in place, the project would be fully consistent with this ordinance.
No oak, madrone or redwood tree six inches or more in diameter two feet above ground level shall be removed in the Carmel Valley Master Plan area without approval of the permit(s) required in Section 16.60.040.	The project is partially consistent with this policy. Tree removal would be minimized, but trees that meet the Area Plan tree requirements could be slated for removal. The project construction contractor would apply for a tree removal permit during construction. However, trees impacted by inundation of San Antonio Reservoir would require mitigation.	**MM BIO-3.1** and **MM BIO-3.2** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	See rationale provided for **Policy OS-5.9**. With these mitigation measures in place, the project would be fully consistent with this ordinance.
No native tree six inches or more in diameter two feet above ground level shall be removed in the Cachagua Area Plan area without approval of the permit(s) required in Section 16.60.040.	The project is partially consistent with this policy. Tree removal would be minimized, but trees that meet the Area Plan tree requirements could be slated for removal. The project construction contractor would apply for a tree removal permit during construction. However, trees impacted by inundation of San Antonio Reservoir would further mitigation.	**MM BIO-3.1** and **MM BIO-3.2** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	See rationale provided for **Policy OS-5.9**. With these mitigation measures in place, the project would be fully consistent with this ordinance.
No oak tree may be removed in any other area of the County of Monterey designated in the applicable area plan as Resource Conservation, Residential, Commercial or Industrial (except Industrial, Mineral Extraction) without approval of the permit(s) required in Section 16.60.040.	The project is partially consistent with this policy. Tree removal would be minimized, but trees that meet the County tree requirements could be slated for removal. The project construction contractor would apply for a tree removal permit during construction. However, trees impacted by inundation	**MM BIO-3.1** and **MM BIO-3.2** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	See rationale provided for **Policy OS-5.9**. With these mitigation measures in place, the project would be fully consistent with this ordinance.

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	of San Antonio Reservoir would require mitigation.		
No landmark oak tree shall be removed in any area except as may be approved by the Director of Planning. Landmark oak trees are those trees which are twenty-four (24) inches or more in diameter when measured two feet above the ground, or trees which are visually significant, historically significant, or exemplary of their species.	The project is consistent with this policy. No landmark oak trees are slated for removal.	N/A	N/A
County of San Luis Obispo General Plan, Conservation and Open Space Element			
Goal BR-3: Maintain the acreage of native woodlands, forests, and trees at 2008 levels.	The project is consistent with this policy. The proposed project would maintain acreages at 2008 levels.	N/A	N/A
Policy BR-3.1: Native Tree Protection. Protect native and biologically valuable trees, oak woodlands, trees with historical significance, and forest habitats to the maximum extent feasible.	The project is consistent with this policy. Native tree protection would be enforced during construction, and operations would not affect native trees.	N/A	N/A
Policy BR 3.2: Protection of Native Trees in New Development. Require proposed discretionary development and land divisions to avoid damage to native trees (e.g., Monterey Pines, oaks) through setbacks, clustering, or other appropriate measures. When avoidance is not feasible, require mitigation measures.	The project is consistent with this policy. Native tree protection would be enforced during construction, and operations would not affect native trees.	N/A	N/A
Policy BR 3.3: Oak Woodland Preservation. Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat.	The project is consistent with this policy. Oak woodland protection would be enforced during construction, and operations would not affect this habitat.	N/A	N/A
Policy OS 2.3: Best Management Practices on Public Lands Utilize best	The project is consistent with this policy. BMPs would be enforced during	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
management practices such as integrated pest management, invasive species control, erosion and water quality control, and holistic forestry management as natural resource management tools, and consult with the Natural Resource Conservation Service, U.C. Cooperative Extension, and Resource Conservation Districts.	construction and operations. Chapter 2 identifies BMPs as well as Avoidance and Minimization Measures to be implemented on Public Lands during construction and operations.		

Source: County of Monterey 2010c; County of San Luis Obispo 2010b.

Table 4. Consistency with Applicable Plans and Policies for Cultural Resources

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Monterey County General Plan			
Policy OS-6.1: Important representative and unique archaeological sites and features shall be identified and protected for all parcels with undisturbed natural conditions (i.e., ungraded properties), consistent with State Office of Historic Preservation guidelines and definitions employed on a statewide basis, including Phase I, II, and III studies.	The project partially is consistent with this policy. The project is consistent with the identification portion of this policy. In support of the proposed project, research was conducted to identify unique archaeological resources within the study area. This included a desktop survey, a pedestrian survey, a record search of CHRIS, and a search of the NAHC's Sacred Lands Files. MCWRA also conducted consultation with local Tribes to identify tribal cultural resources and areas of sensitivity within the study area. The project is inconsistent with the portion of this policy that calls for the protection of these resources. Construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could destroy as yet–undocumented archaeological resources that may meet the California Environmental Quality Act (CEQA) definition for a unique archaeological resource.	**MM CUL-1.1, MM CUL-1.2, and MM CUL-1.3** See Section 4.4, *Cultural Resources*, for a full description of these mitigation measures.	**MM CUL-1.1** would allow for MCWRA's general contractors participating in project-related ground disturbance to receive cultural resource–sensitivity training prior to conducting work. This would allow for early identification should an inadvertent discovery be made during ground disturbance. **MM CUL-1.2** would put an Unanticipated Discovery protocol in place to allow for the proper treatment of archaeological resources encountered during project-related ground disturbance. Should an archaeological resource be encountered during project construction activities, the archaeological resource will be evaluated to determine if it meets the CEQA definition of a unique archaeological resource, and, if warranted, recommendations would be made for the treatment of the resource. **MM CUL-1.3** would require development of a Data Recovery Plan to be implemented prior to

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
			operation of the proposed project. The implementation of the Data Recovery Plan would provide for the adequate treatment (including documentation and preservation) of the archaeological resources. With these mitigation measures in place, the project would be fully consistent with **Policy OS-6.1**.
Policy OS-6.2: Information on the location and significance of the County's archaeological resources shall be compiled and used in the environmental and development review process. The County shall rely on and participate in the statewide inventory work of the California Native American Heritage Commission and the State Office of Historic Preservation. All Phase I, II, and III studies, and records of Native Californian consultation, shall be filed with appropriate state agencies and local tribes, as well as local data source compilations maintained by the County. The County shall work with local tribes to update County GIS maps showing high, moderate, and low archaeological sensitivity areas.	The project is consistent with this policy. In support of the proposed project, research was conducted to identify archaeological resources within the study area. This research included a record search of CHRIS and a search of the NAHC's Sacred Lands Files. In addition, MCWRA conducted consultation with local Tribes to identify tribal cultural resources and areas of sensitivity within the study area. All technical documents will be submitted to CHRIS.	N/A	N/A
Policy OS-6.3: New development proposed within moderate or high sensitivity zones, or within 150 feet of a known recorded archaeological and/or	The project is consistent with this policy. In support of the proposed project, research was conducted to identify archaeological resources within the	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
cultural site, shall complete a Phase I survey including use of the regional State Office of Historic Preservation or the California Native American Heritage Commission's list of sacred and traditional sites. Routine and Ongoing Agricultural Activities shall be exempted from this policy in so far as allowed by state or federal law.	study area. This included a desktop survey, a pedestrian survey, a record search of CHRIS, and a search of the NAHC's Sacred Lands Files. MCWRA also conducted consultation with local Tribes to identify tribal cultural resources and areas of sensitivity within the study area.		
Policy OS-6.5: Policies and procedures shall be established that encourage development to avoid impacts to sensitive archaeological sites including: a. designing or clustering development to avoid archaeological site deposits, historic sites and resources, and Native Californian cultural sites; b. requiring dedication of permanent conservation easements where subdivisions and other developments can be planned to provide for such protective easements.	The project is partially consistent with this policy. Construction for the proposed project would involve ground disturbance that could destroy as yet–undocumented cultural resources. Operation of the proposed project would lead to the inundation of known cultural resources. The inundation of these resources potentially could result in erosion and possible destruction. The project was not designed to avoid archaeological resources, nor were any permanent conservation easements dedicated in order to protect archaeological resources.	**MM CUL-1.1, MM CUL-1.2, MM CUL-1.3, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	**MM CUL-1.1** would allow for MCWRA's general contractors participating in project-related ground disturbance to receive cultural resource–sensitivity training prior to conducting work. This would allow for early identification should an inadvertent discovery be made during ground disturbance. **MM CUL-1.2** would put an Unanticipated Discovery protocol in place to allow for the proper treatment of cultural resources encountered during project-related ground disturbance. This protocol calls for historical or unique archaeological resources to be avoided by project construction activities. However, when avoidance is not feasible, mitigation measures, such as data recovery, should be implemented, as specified in

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
			the CEQA Guidelines. Data recovery would be implemented for known archaeological resources that would be inundated during the operation of the project. **MM CUL-1.3** would require development of a Data Recovery Plan to be implemented prior to operation of the proposed project. The implementation of the Data Recovery Plan would provide for the adequate treatment (including documentation and preservation) of the archaeological resources. **MM TCR-1** provides protocol in the event that a tribal cultural resource inadvertently is discovered during the project. This protocol includes avoidance and preservation in place, the planning of greenspaces and parks, and the development of permanent conservation easements to protect tribal cultural resources. With these mitigation measures in place, the project would be fully consistent with **Policy OS-6.5**.
Policy OS-8.1: Unique burial sites shall be identified and protected. All Native	The project is consistent with this policy. No known burial sites were identified	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Californian cemeteries, burials, shrine sites, and sacred place locations shall be preserved in place to the greatest extent possible and as permitted by law. In cases where such sites and locations cannot be retained in place without modification, governing requirements in the Government Code, Health and Safety Code, California Environmental Quality Act and Native American Religious Freedom Act shall be taken into account in consulting with local Native Californian Tribal Groups with documented aboriginal ties to the study area and shall be carried out, as necessary, with the assistance and input of the California Native American Heritage Commission. Documentation of descent shall be based on Genealogical Proof Standards	within the project site. However, in the event of an inadvertent discovery, MCWRA and the project contractor(s) would be required to comply with all government codes, health and safety codes, and CEQA.		
Policy OS-8.2: Information on the location and significance of the County's burial sites shall be compiled and used in the environmental and development review process. All such data sources shall be recorded with the State Office of Historic Preservation coincident with development review.	The project is consistent with this policy. In support of the proposed project, a record search of CHRIS was conducted, and no known burial sites or human remains were identified within the location of the proposed project.	N/A	N/A
Policy OS-8.3: Development proposed at sites where known burials or human cemeteries are located shall in no case modify, disturb, excavate, or develop within such locations until all steps in compliance with CEQA, Native American Heritage Commission, Health and Safety Code and Government Code, and in	The project is consistent with this policy. No known burial sites were identified within the location of the proposed project. However, in the event of an inadvertent discovery, MCWRA and the project contractor(s) would be required to comply with all government codes, health and safety codes, and CEQA.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
accordance with any completed MOU with a local tribe, have been completed. Routine and Ongoing Agricultural Activities are exempted from this policy in so far as allowed by state or federal law. In the case of any conflict of interpretation, state requirements for the protection of burial sites are applicable and shall be implemented in good faith.			
Policy OS-8.4: Policies and procedures shall be established that encourage development to avoid impacts to burial sites including: a. designing or clustering development to avoid archaeological deposits that typically contain human remains and to avoid any known cemeteries or other concentrations of human remains; b. requiring dedication of permanent conservation easements if subdivisions and other developments can be planned to provide for such protective easements; c. In all cases where human remains are identified through CEQA review, archaeological research, ethnohistoric research, inadvertent grading disturbance, or historic record research, the County shall consult with the designated "most likely descendants" as identified by any Memorandum of Understanding (MOU) adopted pursuant to Policy OS-8.7. In the event no MOU is executed, the Native American Heritage	The project is partially inconsistent with this policy. Although no known burial sites were identified within the proposed project, construction for the proposed project would involve ground disturbance that could affect as yet–undocumented burial sites, and operation of the proposed project could lead to the inundation of as yet–undocumented burial sites. The inundation of these burial sites potentially could result in erosion and possible destruction. Although no known burial sites were identified within the project site, the project was not designed to avoid archaeological resources, nor were any permanent conservation easements dedicated in order to protect archaeological resources.	**MM CUL-1.1, MM CUL-1.2, MM CUL-1.3, MM CUL-2.1, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	**MM CUL-1.1** would allow for MCWRA's general contractors participating in project-related ground disturbance to receive cultural resource-sensitivity training prior to conducting work. This would allow for early identification should an inadvertent discovery be made during ground disturbance. **MM CUL-1.2** would put an Unanticipated Discovery protocol in place to allow for the proper treatment of archaeological resources encountered during project-related ground disturbance. This protocol calls for historical or unique archaeological resources to be avoided by project construction activities. However, when avoidance is not feasible, mitigation measures, such as data recovery, should be implemented, as specified in

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Commission shall be consulted to help determine the appropriate Tribal Group in that portion of the County where the burial remains are identified.			the CEQA Guidelines. Data recovery would be implemented for three known archaeological resources that will be inundated during the operation of the project. **MM CUL-1.3** would require development of a Data Recovery Plan to be implemented prior to operation of the proposed project. The implementation of the Data Recovery Plan would provide for the adequate treatment (including documentation and preservation) of the archaeological resources. **MM CUL-2.1** would require implementation of a protocol for the proper treatment of human remains, if encountered. **MM TCR-1** provides protocol in the event that a tribal cultural resource (including burial sites) inadvertently is discovered during the project. This protocol includes avoidance and preservation in place, the planning of greenspaces and parks, and the development of permanent conservation easements to protect tribal cultural resources. With

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
			these mitigation measures in place, the project would be fully consistent with **Policy OS-8.4**.
Policy OS-8.5: Efforts by historical, educational or other organizations to improve the public's recognition of the County's cultural heritage and the citizen's responsibilities for burial site preservation shall be encouraged. The County shall establish a Native Californian Advisory Panel that could provide technical assistance to staff in determining how best to address monitoring and site treatment consistent with the policies in this General Plan. Decisions about human remains and heritage resources shall be made in consultation with Tribal representatives consistent with procedures established in Policy OS-8.1.	The project is partially consistent with this policy. Research was conducted to identify burial sites and tribal cultural resources within the study area. MCWRA also conducted consultation with local Tribes to identify burial sites. During this process, no known burial sites were identified within the proposed project. However, construction for the proposed project and Tunnel-Only Alternative would involve ground disturbance that could affect as yet–undocumented burial sites. Operation of the proposed project could lead to the inundation of as yet–undocumented burial sites. The inundation of these burial sites potentially could result in erosion and possible destruction.	**MM CUL-2.1** and **MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	**MM CUL-2.1** would require implementation of a protocol for the proper treatment of human remains, if encountered. **MM TCR-1** provides protocol in the event that a tribal cultural resource (including burial sites) inadvertently is discovered during the project. With these mitigation measures in place, the project would be fully consistent with **Policy OS-8.5**.
San Luis Obispo County General Plan			
Policy CR 3.1: Historic Preservation. The County will provide for the identification, protection, enhancement, perpetuation, and use of features that reflect the County's historical, architectural, Native American, archaeological, cultural, and aesthetic heritage.	The project is partially consistent with the policy. The project is consistent with the identification portion of this policy. In support of the proposed project, research was conducted to identify cultural resources within the study area. This included a desktop survey, a pedestrian survey, a record search of CHRIS, and a search of the NAHC's Sacred Lands Files. MCWRA also conducted consultation with local Tribes to identify tribal cultural resources and areas of sensitivity within the study area. The	**MM CUL-1.1, MM CUL-1.2, MM CUL-1.3, MM CUL-2.1, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	See rational for **Policy OS-8.4**. With these mitigation measures in place, the project would be fully consistent with **Policy CR 3.1**.

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	project is inconsistent with the conservation portion of this policy. Construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could destroy as yet–undocumented cultural resources. Operation of the proposed project would lead to the inundation of known cultural resources. The inundation of these resources potentially could result in erosion and possible destruction.		
Policy CR 4.1: Non-development Activities. Discourage or avoid non-development activities that could damage or destroy Native American and archaeological sites, including off-road vehicle use on or adjacent to known sites. Prohibit unauthorized collection of artifacts. (Also refer to Implementation Strategy CR 2.1.3.)	The project is partially consistent with this policy. Non-development activities related to construction for the proposed project or Tunnel-Only Alternative could destroy as yet–undocumented cultural resources. Non-development activities related to operation of the proposed project would lead to the inundation of known cultural resources. The inundation of these resources potentially could result in erosion and possible destruction.	**MM CUL-1.1, MM CUL-1.2, MM CUL-1.3, MM CUL-2.1, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	See rational for **Policy OS-8.4**. With these mitigation measures in place, the project would be fully consistent with **Policy CR 4.1**.
Policy CR 4.2: Protection of Native American Cultural Sites. Ensure protection of archaeological sites that are culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance. Protect sites that have religious or spiritual value, even if no artifacts are present. Protect sites that contain artifacts, which may have intrinsic value, even though their archaeological context has been disturbed.	The project is partially consistent with this policy. Construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could destroy as yet–undocumented tribal cultural resources.	**MM CUL-1.1, MM CUL-1.2, MM CUL-2.1, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	**MM CUL-1.1** would allow for MCWRA's general contractors participating in project-related ground disturbance to receive cultural resource–sensitivity training prior to conducting work. This would allow for early identification should an inadvertent discovery be made during ground disturbance. **MM CUL-1.2** would put an Unanticipated

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
			Discovery protocol in place to allow for the proper treatment of archaeological resources encountered during project-related ground disturbance. **MM CUL-2.1** would provide protocol for proper treatment of human remains, if encountered. **MM TCR-1** would provide for the protection of tribal cultural resources in the event they are encountered during project-related activities. With these mitigation measures in place, the project would be fully consistent with **Policy CR 4.2**.
Policy CR 4.3: Cultural Resources and Open Space. The County supports the concept of cultural landscapes and the protection and preservation of archaeological or historical resources as open space or parkland on public or private lands.	The project is partially consistent with this policy. Construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could destroy as yet–undocumented cultural resources. Operation of the proposed project would lead to the inundation of known cultural resources. The inundation of these resources potentially could result in erosion and possible destruction. The project was not designed to avoid archaeological resources, nor were any open spaces or parklands established to protect archaeological resources.	**MM CUL-1.1, MM CUL-1.2, MM CUL-1.3, MM CUL-2.1, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	See rational for **Policy OS-8.4**. With these mitigation measures in place, the project would be fully consistent with **Policy CR 4.3**.

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Policy CR 4.4: Development Activities and Archaeological Sites. Protect archaeological and culturally sensitive sites from the effects of development by avoiding disturbance where feasible. Avoid archaeological resources as the primary method of protection.	The project is partially consistent with this goal. Construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could destroy as yet–undocumented cultural resources. Operation of the proposed project would lead to the inundation of known cultural resources. The inundation of these resources potentially could result in erosion and possible destruction.	**MM CUL-1.1, MM CUL-1.2, MM CUL-1.3, MM CUL-2.1, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	See rational for **Policy OS-8.4**. With these mitigation measures in place, the project would be fully consistent with **Policy CR 4.4**.
Policy CR 4.6: Resources-Based Sensitivity. Protect archaeological resources near streams, springs and water sources, rock outcrops, and significant ridgetops, as these are often indicators of the presence of cultural resources.	The project is partially consistent with this policy. Construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could destroy as yet–undocumented archaeological resources. Operation of the proposed project would lead to the inundation of known archaeological resources. The inundation of these resources potentially could result in erosion and possible destruction.	**MM CUL-1.1, MM CUL-1.2, MM CUL-1.3, MM CUL-2.1, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	See rational for **Policy OS-8.4**. With these mitigation measures in place, the project would be fully consistent with **Policy CR 4.6**.

Source: County of Monterey 2010c; County of San Luis Obispo 2010b.

Table 5. Consistency with Applicable Plans and Policies for Tribal Cultural Resources

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Monterey County General Plan			
Policy OS-6.2: Information on the location and significance of the County's archaeological resources shall be compiled and used in the environmental and development review process. The County shall rely on and participate in the statewide inventory work of the California Native American Heritage Commission and the State Office of Historic Preservation. All Phase I, II, and III studies, and records of Native Californian consultation, shall be filed with appropriate state agencies and local tribes, as well as local data source compilations maintained by the County. The County shall work with local tribes to update County GIS maps showing high, moderate, and low archaeological sensitivity areas.	The project is consistent with this policy. In support of the proposed project, research was conducted to identify tribal cultural resources within the study area. This research included a record search of CHRIS and a search of the NAHC's Sacred Lands Files. In addition, MCWRA conducted consultation with local Tribes to identify tribal cultural resources and areas of sensitivity within the study area. All technical documents will be submitted to CHRIS.	N/A	N/A
Policy OS-6.3: New development proposed within moderate or high sensitivity zones, or within 150 feet of a known recorded archaeological and/or cultural site, shall complete a Phase I survey including use of the regional State Office of Historic Preservation or the California Native American Heritage Commission's list of sacred and traditional sites. Routine and Ongoing Agricultural Activities shall be exempted from this policy in so far as allowed by state or federal law.	The project is consistent with this policy. In support of the proposed project, research was conducted to identify tribal cultural resources within the study area. This included a desktop survey, a pedestrian survey, a record search of CHRIS, and a search of the NAHC's Sacred Lands Files. MCWRA also conducted consultation with local Tribes to identify tribal cultural resources and areas of sensitivity within the study area.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Policy OS-6.5: Policies and procedures shall be established that encourage development to avoid impacts to sensitive archaeological sites including: a. designing or clustering development to avoid archaeological site deposits, historic sites and resources, and Native Californian cultural sites; b. requiring dedication of permanent conservation easements where subdivisions and other developments can be planned to provide for such protective easements.	The project is partially consistent with this policy. Although no tribal cultural resources were identified within the proposed project, the project was not designed to avoid tribal cultural resources, nor were any permanent conservation easements dedicated in order to protect tribal cultural resources. Construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could destroy as yet–undocumented tribal cultural resources. Operation of the proposed project could lead to the inundation of as yet–undocumented tribal cultural resources. The inundation of these resources potentially could result in erosion and possible destruction. Although no tribal cultural resources were identified within the project site, the project was not designed to avoid archaeological resources, nor were any permanent conservation easements dedicated in order to protect archaeological resources.	**MM CUL-1.1, MM CUL-1.2, MM CUL-2.1, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	**MM CUL-1.1** would allow for MCWRA's general contractors participating in project-related ground disturbance to receive cultural resource–sensitivity training prior to conducting work. This would allow for early identification should an inadvertent discovery be made during ground disturbance. **MM CUL-1.2** would put an Unanticipated Discovery protocol in place to allow for the proper treatment of archaeological resources encountered during project-related ground disturbance. **MM CUL-2.1** would provide a protocol for the proper treatment of human remains, if encountered. In addition, **MM TCR-1** provides protocol in the event that a tribal cultural resource inadvertently is discovered during the project. This protocol includes avoidance and preservation in place, the planning of greenspaces and parks, and the development of permanent conservation easements to protect tribal cultural resources. With these mitigation measures in

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
			place, the project would be fully consistent with **Policy OS-6.5**.
Policy OS-8.1: Unique burial sites shall be identified and protected. All Native Californian cemeteries, burials, shrine sites, and sacred place locations shall be preserved in place to the greatest extent possible and as permitted by law. In cases where such sites and locations cannot be retained in place without modification, governing requirements in the Government Code, Health and Safety Code, California Environmental Quality Act and Native American Religious Freedom Act shall be taken into account in consulting with local Native Californian Tribal Groups with documented aboriginal ties to the study area and shall be carried out, as necessary, with the assistance and input of the California Native American Heritage Commission. Documentation of descent shall be based on Genealogical Proof Standards	The project is consistent with this policy. No known burial sites were identified within the proposed project. However, in the event of an inadvertent discovery, MCWRA and the project contractor(s) would be required to comply with all government codes, health and safety codes, and CEQA.	N/A	N/A
Policy OS-8.2: Information on the location and significance of the County's burial sites shall be compiled and used in the environmental and development review process. All such data sources shall be recorded with the State Office of Historic Preservation coincident with development review.	The project is consistent with this policy. In support of the proposed project, a record search of CHRIS was conducted, and no known burial sites or human remains were identified within the location of the proposed project.	N/A	N/A
Policy OS-8.3: Development proposed at sites where known burials or human cemeteries are located shall in no case	The project is consistent with this policy. No known burial sites were identified within the location of the proposed	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
modify, disturb, excavate, or develop within such locations until all steps in compliance with CEQA, Native American Heritage Commission, Health and Safety Code and Government Code, and in accordance with any completed MOU with a local tribe, have been completed. Routine and Ongoing Agricultural Activities are exempted from this policy in so far as allowed by state or federal law. In the case of any conflict of interpretation, state requirements for the protection of burial sites are applicable and shall be implemented in good faith.	project. However, in the event of an inadvertent discovery, MCWRA and the project contractor(s) would be required to comply with all government codes, health and safety codes, and CEQA.		
Policy OS-8.4: Policies and procedures shall be established that encourage development to avoid impacts to burial sites including: a. designing or clustering development to avoid archaeological deposits that typically contain human remains and to avoid any known cemeteries or other concentrations of human remains; b. requiring dedication of permanent conservation easements if subdivisions and other developments can be planned to provide for such protective easements; c. In all cases where human remains are identified through CEQA review, archaeological research, ethnohistoric research, inadvertent grading disturbance, or historic record research, the County shall consult with the designated "most likely descendants" as identified	The project is inconsistent with this policy. Although no known tribal cultural resources (including burial sites) were identified within the project site, construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could affect as yet–undocumented burial sites, and operation of the proposed project could lead to the inundation of as yet–undocumented burial sites. The inundation of these burial sites potentially could result in erosion and possible destruction. Although no known burial sites were identified within the project site, the project was not designed to avoid archaeological resources, nor were any permanent conservation easements dedicated in order to protect archaeological resources.	**MM CUL-2.1, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	**MM CUL-2.1** would require implementation of a protocol for the proper treatment of human remains, if encountered. **MM TCR-1** provides protocol in the event that a tribal cultural resource (including burial sites) inadvertently is discovered during the project. This protocol includes avoidance and preservation in place, the planning of greenspaces and parks, and the development of permanent conservation easements to protect tribal cultural resources. With these mitigation measures in place, the project would be fully consistent with **Policy OS-8.4**.

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
by any Memorandum of Understanding (MOU) adopted pursuant to Policy OS-8.7. In the event no MOU is executed, the Native American Heritage Commission shall be consulted to help determine the appropriate Tribal Group in that portion of the County where the burial remains are identified.			
Policy OS-8.5: Efforts by historical, educational or other organizations to improve the public's recognition of the County's cultural heritage and the citizen's responsibilities for burial site preservation shall be encouraged. The County shall establish a Native Californian Advisory Panel that could provide technical assistance to staff in determining how best to address monitoring and site treatment consistent with the policies in this General Plan. Decisions about human remains and heritage resources shall be made in consultation with Tribal representatives consistent with procedures established in Policy OS-8.1.	The project is partially consistent with this policy. Research was conducted to identify burial sites and tribal cultural resources within the study area. MCWRA also conducted consultation with local Tribes to identify burial sites. During this process, no known burial sites were identified within the project site. However, construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could affect as yet–undocumented burial sites and operation of the proposed project could lead to the inundation of as yet–undocumented burial sites. The inundation of these burial sites potentially could result in erosion and possible destruction.	**MM CUL-2.1, and MM TCR-1** See Section 4.4, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, for a full description of these mitigation measures.	See rationale for **Policy OS-8.4**. With these mitigation measures in place, the project would be fully consistent with **Policy OS-8.5**.
San Luis Obispo County General Plan			
Policy CR 3.1: Historic Preservation. The County will provide for the identification, protection, enhancement, perpetuation, and use of features that reflect the County's historical, architectural, Native American, archaeological, cultural, and aesthetic heritage.	The project is partially consistent with the policy. The project is consistent with the identification portion of this policy. In support of the proposed project, research was conducted to identify tribal cultural resources within the study area. This included a desktop survey, a pedestrian survey, a record search of CHRIS, and a	**MM TCR-1** See Section 4.5, *Tribal Cultural Resources*, for a full description of this mitigation measure.	**MM TCR-1** would provide for the protection of tribal cultural resources in the event they are encountered during project-related activities. With this mitigation measure in place, the project would be fully

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	search of the NAHC's Sacred Lands Files. MCWRA also conducted consultation with local Tribes to identify tribal cultural resources and areas of sensitivity within the study area. The project is inconsistent with the conservation portion of this policy. Construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could destroy as yet–undocumented tribal cultural resources. Operation of the proposed project could lead to the inundation of as yet–undocumented tribal cultural resources. The inundation of these resources potentially could result in erosion and possible destruction.		consistent with **Policy CR 3.1**.
Policy CR 4.1: Non-development Activities. Discourage or avoid non-development activities that could damage or destroy Native American and archaeological sites, including off-road vehicle use on or adjacent to known sites. Prohibit unauthorized collection of artifacts. (Also refer to Implementation Strategy CR 2.1.3.)	The project is inconsistent with this policy. Non-development activities related to construction for the proposed project or Tunnel-Only Alternative could destroy as yet–undocumented tribal cultural resources. Non-development activities related to operation of the proposed project could lead to the inundation of as-yet-undocumented tribal cultural resources. The inundation of these resources potentially could result in erosion and possible destruction.	**MM TCR-1** See Section 4.5, *Tribal Cultural Resources*, for a full description of this mitigation measure.	See rationale for **Policy CR 3.1**. With this mitigation measure in place, the project would be fully consistent with **Policy CR 4.1**.
Policy CR 4.2: Protection of Native American Cultural Sites. Ensure protection of archaeological sites that are culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity	The project is inconsistent with this goal. Construction for the proposed project or Tunnel-Only Alternative would involve ground disturbance that could destroy as yet–undocumented tribal cultural resources. Operation of the proposed	**MM TCR-1** See Section 4.5, *Tribal Cultural Resources*, for a full description of this mitigation measure.	See rationale for **Policy CR 3.1**. With this mitigation measure in place, the project would be fully consistent with **Policy CR 4.2**.

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
through previous disturbance. Protect sites that have religious or spiritual value, even if no artifacts are present. Protect sites that contain artifacts, which may have intrinsic value, even though their archaeological context has been disturbed.	project could lead to the inundation of as yet–undocumented tribal cultural resources. The inundation of these resources potentially could result in erosion and possible destruction.		

Source: County of Monterey 2010c; County of San Luis Obispo 2010b.

Table 6. Consistency with Applicable Plans and Policies for Transportation

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
2010 Monterey County General Plan*, Chapter 2, *Circulation			
Policy C-1.1*:* The acceptable level of service for county roads and intersections shall be LOS D, except as follows: a. Acceptable level of service for county roads in Community Areas may be reduced below LOS D through the Community Plan process. b. County roads operating at LOS D or below at the time of adopting this general plan shall not be allowed to be degraded further, except in Community Areas where a lower LOS may be approved through the Community Plan process. *c.* Area Plans prepared for County Planning Areas may establish an acceptable level of service for county roads other than LOS D. The benefits that justify less than LOS D shall be identified in the Area Plan. Where an Area Plan does not establish a separate LOS, the standard LOS D shall apply.	The project is consistent with this policy. The estimated maximum increase in traffic during operation of the proposed project or Tunnel-Only Alternative would remain within the carrying capacity of regional roadways and would not affect traffic flow substantially. Therefore, operation and maintenance would not generate a significant increase in traffic and would not result in LOS degradation over the long term.	N/A	N/A
2010 Monterey County General Plan*, Chapter 5, *Safety			
Policy S-5.14: All public thoroughfares, private roads, and deeded emergency access routes shall be considered potential evacuation routes. The Monterey County Coordinated Emergency Response Plans shall provide basic information on the evacuation routes for specific areas. The routes listed	The project is partially consistent with this goal and policy. A temporary increase in passenger vehicles and truck traffic during construction could slow traffic within the study area, causing delays for emergency vehicles. However, construction traffic impacts related to traffic flow would be minimal. In	**MM TRA-1** See Section 4.6, *Transportation*, for a full description of this mitigation measure.	**MM TRA-1** includes provisions to minimize hazards created by inundation. This would include posting notices and signage to advise drivers of potential inundation occurring along the

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
in Table S-1 (of the *Monterey County General Plan* Transportation Element), as well as any other route deemed appropriate to the situation, shall be considered "Predesignated Emergency Evacuation Routes" and may be employed during tactical situations at the discretion of the Monterey County Sheriff and/or the Incident Commander.	addition, the extra traffic would be temporary. Conditions would return to normal at the completion of construction. Traffic increase during operation will be very minimal, and the proposed project would not interfere with emergency access or alter existing emergency routes. The proposed project, apart from the Tunnel-Only Alternative, could result in periodic inundation of some local roadways around San Antonio Reservoir. Inundation could temporarily limit access to emergency access vehicles and could create safety hazards when the new maximum water surface elevation is reached.		roadways. Detour signs, directing motorists to alternate routes, would also be posted 24 hours prior to expected inundation. This would give emergency responders adequate time to plan alternate emergency access route and would not result in consistency with the stated goal and policy. With this mitigation measure in place, the project would be fully consistent with **Policy S-5.14**.
***San Luis Obispo County General Plan*, *Land Use and Circulation Elements*, Framework for Planning (Inland)**			
General Design Guideline 7*:* All dwellings and structures should be readily accessible to emergency and service vehicles.	The project is consistent with this guideline. Though the project could result in inundation of some roadways, inundation is expected to occur along the reservoir and would not isolate any dwellings or structures such that they will not be readily accessible to emergency and service vehicles.	N/A	N/A

Source: County of Monterey 2010b, 2010d; County of San Luis Obispo 2015a.

Table 7. Consistency with Applicable Plans and Policies for Hazards and Hazardous Materials

Applicable Local and Regional Plan/ Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
***2010 Monterey County General Plan*, Chapter 4, Safety Element**			
Policy S-5.14: All public thoroughfares, private roads, and deeded emergency accesses shall be considered potential evacuation routes. The Monterey County Coordinated Emergency Response Plans shall provide basic information on the evacuation routes for specific areas. The routes listed in Table S-1 (the list includes both Interlake Road and Nacimiento Lake Drive), as well as any other route deemed appropriate to the situation, shall be considered "Predesignated Emergency Evacuation Routes" and may be employed during tactical situations at the discretion of the Monterey County Sheriff and/or the Incident Commander.	The project is inconsistent with this policy. Project operation could result in the impairment or interference with an emergency response plan or emergency evacuation plan because portions of some local roadways around San Antonio Reservoir would be subject to temporary and periodic inundation.	**MM TRA-1** See Section 4.6, *Transportation*, for a full description of this mitigation measure.	**MM TRA-1** includes provisions to minimize hazards created by inundation. This would include posting notices and signage to advise drivers of potential inundation occurring along the roadways. Detour signs, directing motorists to alternate routes, would also be posted 24 hours prior to expected inundation. This would give emergency responders adequate time to plan alternate emergency access route and would not result in consistency with the stated policy. With this mitigation measure in place, the project would be fully consistent with **Policy S-5.14**.
Monterey County Operational Area Emergency Operations Plan (EOP)			
This plan describes the Operational Area's emergency organization; its roles, responsibilities, and authorities; and the actions taken during an emergency. The EOP addresses both response and recovery efforts and discusses the principles, concepts, and procedures that the Monterey County Office of	The project is inconsistent with this plan. Project operation could result in the impairment or interference with an emergency response plan or emergency evacuation plan because portions of some local roadways around San Antonio Reservoir would be subject to temporary and periodic inundation. I	**MM TRA-1** See Section 4.6, *Transportation*, for a full description of this mitigation measure.	See rationale for **Policy S-5.14**. With this mitigation measure in place, the project would be fully consistent with this plan.

Applicable Local and Regional Plan/ Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Emergency Services (OES) and its partners use during an emergency.			
***San Luis Obispo County General Plan*, Safety Element**			
Policy S-26: Hazardous Materials: Reduce the potential for exposure to humans and the environment by hazardous substances.	The project is partially consistent with this policy because of the potential exposure to hazardous building materials during demolition activities. **AMM GEN-1** through **AMM GEN-5** would minimize the potential for releases associated with the handling of hazardous materials. Nevertheless, asbestos materials could be encountered during construction of the San Antonio Dam Spillway Modification associated with the proposed project.	**MM HAZ-1** See Section 4.7, *Hazards and Hazardous Materials*, for a full description of this mitigation measure.	**MM HAZ-1** would protect construction personnel involved in demolition activities by providing survey, notification, and safety and disposal requirements. With this mitigation measure in place, the project would be fully consistent with **Policy S-26**.
Program S-68: Review commercial projects which use, store, or transport hazardous materials to ensure necessary measures are taken to protect public health and safety.	The project is consistent with this program; the project would comply with federal and state regulations and implement site-specific BMPs and AMMs including **AMM GEN-1** through **AMM GEN-5** (see Section 4.7.4.4, *Applicable Avoidance and Minimization Measures*, in Section 4.7, *Hazards and Hazardous Materials,* for a full listing of applicable AMMs) to reduce potential impacts related to hazardous materials use by minimizing the potential for the release of hazardous materials into the environment.	N/A	N/A
Standard S-69: Work with Caltrans to require all transport of hazardous materials to follow Caltrans approved routes.	The project is consistent with this standard; the project would comply with federal and state regulations related to hazardous materials transport by minimizing people and environmental exposure to potential hazardous materials spills during transport. To	N/A	N/A

Applicable Local and Regional Plan/ Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	prevent potential discharges into the surrounding area, a SWPPP will be implemented that complies with Construction General Permit requirements (Order 2009-0009-DWQ, NPDES No. CAR000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ). **AMMs GEN-1 – AMM GEN-5** minimize the potential for releases associated with the handling of hazardous materials (see Section 4.7.4.4, *Applicable Avoidance and Minimization Measures*, in Section 4.7, *Hazards and Hazardous Materials,* for a full listing of applicable AMMs)		
Policy S-27: Pesticide Hazards: Reduce the potential for pesticide exposure to humans and the environment.	The project is consistent with this policy; the project would comply with federal and state regulations and implement AMMs, including **AMM GEN-1** and **AMM GEN-4** (see Section 4.7.4.4, *Applicable Avoidance and Minimization Measures*, in Section 4.7, *Hazards and Hazardous Materials,* for a full listing of applicable AMMs) to reduce potential impacts related to pesticides and herbicides used during maintenance by minimizing the potential for the release of these materials into the environment.	N/A	N/A
Program S-70: Inform residents along approved haul routes of the potential for hazard release.	The project is consistent with this program; the project would comply with federal and state regulations related to hazardous materials transport by minimizing people and environmental exposure to potential hazardous materials spills during transport. To prevent potential discharges into the surrounding area, a SWPPP will be	N/A	N/A

Applicable Local and Regional Plan/ Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	implemented that complies with Construction General Permit requirements (Order 2009-0009-DWQ, NPDES No. CAR000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ). **AMMs GEN-1 – AMM GEN-5** minimize the potential for releases associated with the handling of hazardous materials (see Section 4.7.4.4, *Applicable Avoidance and Minimization Measures*, in Section 4.7, *Hazards and Hazardous Materials,* for a full listing of applicable AMMs)		
Program S-72: Work with pesticide applicators (including commercial applicators and other users such as homeowners) to ensure necessary measures are taken to protect public health and safety.	The project is consistent with this program; the project would comply with federal and state regulations and implement AMMs, including **AMM GEN-1** and **AMM GEN-4** (see Section 4.7.4.4, *Applicable Avoidance and Minimization Measures*, in Section 4.7, *Hazards and Hazardous Materials,* for a full listing of applicable AMMs) to reduce potential impacts related to pesticides and herbicides used during maintenance by minimizing the potential for the release of these materials into the environment.	N/A	N/A
San Luis Obispo County Emergency Operations Plan			
Part 3: Response Operations	The project is inconsistent with this plan. Project operation would result in the impairment or interference with an emergency response plan or emergency evacuation plan because portions of some local roadways around San Antonio Reservoir would be subject to temporary and periodic inundation; **AMM GEN-10** and **AMM GEN-13** (see Section 4.7.4.4, *Applicable Avoidance and Minimization*	**MM TRA-1** See Section 4.6, *Transportation*, for a full description of this mitigation measure.	See rationale for **Policy S-5.14.** With this mitigation measure in place, the project would be fully consistent with this plan.

Applicable Local and Regional Plan/ Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	Measures, in Section 4.7, *Hazards and Hazardous Materials,* for a full listing of applicable AMMs) would be implemented to minimize potential impacts on local emergency response, including implementation of the County EOP.		

Source: County of Monterey 2010d, 2020; County of San Luis Obispo 1999, 2016.

Table 8. Consistency with Applicable Plans and Policies for Noise and Vibration

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
2010 Monterey County General Plan, Safety Element			
S-7.4: New noise generators may be allowed in areas where projected noise levels (Figure 10) are "conditionally acceptable" only after a detailed analysis of the noise reduction requirements is made and needed noise mitigation features are included in project design.	The project is consistent with this policy because the introduction of operational noise to the project area, would not exceed allowable levels.	N/A	N/A
S-7.5: New noise generators shall be discouraged in areas identified as "normally unacceptable." Where such new noise generators are permitted, mitigation to reduce both the indoor and outdoor noise levels will be required.	The project is consistent with this policy because the introduction of operational noise to the project area, would not exceed allowable levels.	N/A	N/A
S-7.6: Acoustical analysis shall be part of the environmental review process for projects when: a. Noise sensitive receptors are proposed in areas exposed to existing or projected noise levels (Figures 9 and 10) that are "normally unacceptable" or higher according to General Plan Table S-2 ("Land Use Compatibility for Community Noise"). b. Proposed noise generators are likely to produce noise levels exceeding the levels shown in the adopted Community Noise Ordinance when received at existing or planned noise-sensitive receptors.	The project is consistent with this policy because operational noise associated with the operation of the proposed project or Tunnel-Only Alternative would be in compliance with local noise limitations. The Project must abide by the Monterey County Code, Chapter 10.60, Noise Control, which restricts operational noise associated with the project (see Section 4.8.2.3 *Local Laws, Regulations, and Policies* in Section 4.8, *Noise*).	N/A	N/A
S-7.8: All discretionary projects that propose to use heavy construction equipment that has the potential to create vibrations that could cause	The project is consistent with this policy because project construction would not result in vibration levels in excess of	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
structural damage to adjacent structures within 100 feet shall be required to submit a pre-construction vibration study prior to the approval of a building permit. Projects shall be required to incorporate specified measures and monitoring identified to reduce impacts. Pile driving or blasting are illustrative of the type of equipment that could be subject to this policy.	applicable structural damage or annoyance criteria at nearby residences.		
S-7.9: No construction activities pursuant to a County permit that exceed "acceptable" levels listed in Policy S-7.1 shall be allowed within 500 feet of a noise sensitive land use during the evening hours of Monday through Saturday, or anytime on Sunday or holidays, prior to completion of a noise mitigation study. Noise protection measures, in the event of any identified impact, may include, but not be limited to: • Constructing temporary barriers, or • Using quieter equipment than normal.	The project is consistent with this policy because no construction during the evening hours of Monday through Saturday or anytime on Sunday or holidays is proposed within 500 feet of noise-sensitive land uses.	N/A	N/A
S-7.10: Construction projects shall include the following standard noise protection measures: • Construction shall occur only during times allowed by ordinance/code unless such limits are waived for public convenience. • All equipment shall have properly operating mufflers; and • Lay-down yards and semi-stationary equipment such as pumps or	The project is partially consistent with this policy because project construction could occur outside of the standard daytime hours generating noise levels in excess of local standards; however, all equipment would be properly muffled, and lay-down yards and semi-stationary equipment would be located as far as feasible from noise-sensitive land uses	**MM NV-1a** See Section 4.8, *Noise*, for a full description of this mitigation measure.	**MM NV-1a** would reduce construction noise impacts during non-daytime hours such that adverse effects would be reduced. With this mitigation measure in place, the project would be fully consistent with **Policy S-7.10**.

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
generators shall be located as far from noise-sensitive land uses as practical.			
San Luis Obispo County General Plan, Noise Element			
Policy 3.3.1: The noise standards in this chapter represent maximum acceptable noise levels. New development should minimize noise exposure and noise generation.	The project is partially consistent with this policy because of the introduction of construction noise to the project area, which may exceed allowable levels. Project design features, including **AMM GEN-7** would help reduce noise from construction activities.	**MM NV-1a** See Section 4.8, *Noise*, for a full description of this mitigation measure.	**MM NV-1a** would minimize noise exposure and noise generation such that noise impacts would be below the allowable limits for all noise and vibration topics; the project would be consistent with this policy with implementation of this measure. With this mitigation measure in place, the project would be fully consistent with **Policy 3.3.1**.
Policy 3.3.5: Noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated as follows and shall be the responsibility of the developer of the stationary noise source: … b. Noise levels shall be reduced to or below the noise level standards in Table 3-2 from the General Plan where the stationary noise source will expose an existing noise-sensitive land use (which is listed in the Land Use element as an allowable use within its existing land use category) to noise levels which exceed the standards in General Plan Table 3-2 …	The project is consistent with this policy because the introduction of operational noise to the project area, would not exceed allowable levels.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
c. Noise levels shall be reduced to or below the noise level standards in General Plan Table 3-2 where the stationary noise source will expose vacant land in the Agriculture, Rural Lands, Residential rural, Residential Suburban, Residential Single-Family, Residential Multi-Family, Recreation, Office and Professional, and Commercial Retail land use categories to noise levels which exceed the standards in General Plan Table 3-2. …			

Source: County of Monterey 2010d; County of San Luis Obispo 1992.

Table 9. Consistency with Applicable Plans and Policies for Air Quality

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
2010 Monterey County General Plan*, Chapter 3, *Open Space and Conservation Element			
Policy OS-10.6: The Monterey Bay Unified Air Pollution Control District's air pollution control strategies, air quality monitoring, and enforcement activities shall be supported.	The project would be consistent with this policy. The County is responsible for implementing this policy; however, the MCWRA would be required to comply with all mandatory rules and regulations of the Monterey Bay Air Resources District (MBARD)[1].Specifically, the project would implement **AMM GEN-7** and **AMM GEN- 8** during construction to help reduce vehicle exhaust emissions and to control dust emissions. Additionally, the project would have to comply with MBARD Rules 400, 402 through 404, and Rule 1000, as discussed in Section 4.09, *Air Quality*.	N/A	N/A
Policy OS-10.8: Air quality shall be protected from naturally occurring asbestos by requiring mitigation measures to control dust and emissions during construction, grading, quarrying, or surface mining operations. This policy shall not apply to routine and ongoing agricultural activities, except as required by state and federal law.	The project would be consistent with this policy. The County is responsible for implementing this policy; however, MCWRA would be responsible for complying with the policy. The project is not located in an area where naturally occurring asbestos is present. No sensitive receptors would be exposed to naturally occurring asbestos. Furthermore, although not needed for consistency, the project would implement measure **AMM GEN-8** during construction, which would aid the County in controlling dust emissions.	N/A	N/A

[1] The Monterey Bay Unified Air Pollution Control District is a former name; the current name is the Monterey Bay Air Resources District.

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Policy OS-10.9: The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met. The County of Monterey will require that future construction operate and implement MBARD PM_{10} control measures to ensure that construction-related PM_{10} emissions do not exceed MBARD's daily threshold for PM_{10}. The County of Monterey shall implement MBARD measures to address off-road mobile-source and heavy-duty equipment emissions as conditions of approval for future development to ensure that construction-related NO_X emissions from non-typical construction equipment do not exceed MBARD's daily threshold for NO_X.	The project would be inconsistent with this policy, because construction would result in PM_{10} emissions that exceed MBARD's threshold of significance. The County is responsible for implementing this policy; however, the proposed project would be responsible for complying with the policy. The project design would also include **AMM GEN-7** and **AMM GEN-8** (see Section 4.9.4.3, *Applicable Avoidance and Minimization Measures*, in Section 4.9, *Air Quality,* for a full listing of applicable AMMs) to minimize impacts from construction.	**MM AQ-1** See Section 4.9, *Air Quality*, for a full description of this mitigation measure.	To reconcile the inconsistency, MCWRA will implement **MM AQ-1** during construction, which would aid the County in achieving consistency with this policy. The measures would reduce dust and exhaust-related emissions during construction, which would reduce the potential affect sensitive receptors. With these mitigation measures in place, the project would be fully consistent with **Policy OS-10.9**.
San Luis Obispo County General Plan, Conservation and Open Space Element			
Policy AQ 3.2: Attain Air Quality Standards. Attain or exceed federal or state ambient air quality standards (the more stringent if not the same) for measured criteria pollutants.	The project would be inconsistent with this policy. The County is responsible for implementing this policy; however, MCWRA would be responsible for complying with the policy. To determine consistency, the proposed project's emissions are compared to the SLOAPCD's thresholds of significance. The proposed project would result in emissions during construction that would	**MM AQ-1** and **MM AQ-2** See Section 4.9, *Air Quality*, for a full description of this mitigation measure.	To reconcile the inconsistency, MCWRA will implement **MM AQ-1** and **MM AQ-2** during construction, which would aid the County in achieving consistency with this policy. The measures would reduce dust-related emissions during construction, which

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	exceed the PM_{10} dust threshold and thus would conflict with this policy. The project design would also include **AMM GEN-7** and **AMM GEN-8** (see Section 4.9.4.3, *Applicable Avoidance and Minimization Measures*, in Section 4.9, *Air Quality,* for a full listing of applicable AMMs) to minimize impacts from construction.		would reduce the potential for conflicts with the ambient air quality standards. With these mitigation measures in place, the project would be fully consistent with **Policy AQ 3.2**.
Implementation Strategy AQ 3.2.1: Use of APCD's CEQA Guidelines. The County's CEQA process will use the APCD's CEQA Guidelines to determine significance of impacts and to identify minimum project design and mitigation requirements.	The project would be consistent with this policy. The County is responsible for implementing this policy; however, the project uses the SLOCAPCD CEQA Guidelines to evaluate impacts, which is consistent with this policy.	N/A	N/A
P**olicy AQ 3.4**: Toxic Exposure. Minimize public exposure to toxic air contaminants, ozone, particulate matter, sulfur dioxide, carbon monoxide, nitrogen oxides, and lead.	The project would be inconsistent with this policy. The County is responsible for implementing this policy; however, MCWRA would be responsible for complying with this policy. The project would not result in any significant health risks to sensitive receptors because there are no receptors near where construction will occur. Nevertheless, the project would result in emissions during construction that would exceed the PM_{10} dust threshold and thus would conflict with this policy. The project design would also include **AMM GEN-7** and **AMM GEN-8** (see Section 4.9.4.3, *Applicable Avoidance and Minimization Measures*, in Section 4.9, *Air Quality,* for a full listing of applicable AMMs) to minimize impacts from construction.	**MM AQ-2** See Section 4.9, *Air Quality*, for a full description of this mitigation measure.	To reconcile the inconsistency, MCWRA will implement **MM AQ-2** during construction that would aid the County in achieving consistency with this policy. The measures would reduce dust and exhaust-related emissions during construction, which would reduce the potential for the public's exposure to toxic air contaminant and criteria pollutant emissions. With this mitigation measure in place, the project would be fully consistent with **Policy AQ 3.4.**
Policy AQ 3.8: Reduce Dust Emissions. Reduce PM_{10} and PM2.5 emissions from	The project would be inconsistent with this policy. The County is responsible for	**MM AQ-1**	To reconcile the inconsistency, MCWRA will

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
unpaved and paved County roads to the maximum extent feasible.	implementing this policy; however, MCWRA would be responsible for complying with the policy. To determine consistency, the proposed project's emissions are compared to the SLOAPCD's thresholds of significance. The proposed project would result in emissions during construction that would exceed the PM_{10} dust threshold and thus would conflict with this policy. The project design would also include **AMM GEN-8** (see Section 4.9.4.3, *Applicable Avoidance and Minimization Measures*, in Section 4.9, *Air Quality,* for a full listing of applicable AMMs) to minimize impacts from construction.	See Section 4.9, *Air Quality*, for a full description of this mitigation measure.	implement **MM AQ-1** during construction that would aid the County in achieving consistency with this policy. The measures would reduce emissions during grading and ground disturbance activities, which would reduce the potential for dust emissions to occur from unpaved or paved roads. With this mitigation measure in place, the project would be fully consistent with **Policy AQ 3.8.**
Implementation Strategy AQ 3.8.1: Reduce Particulate Matter Emissions from County Roads. Implement all APCD particulate matter emission controls.	The project would be inconsistent with this policy. The County is responsible for implementing this policy; however, MCWRA would be responsible for complying with the policy. To determine consistency, the proposed project's emissions are compared to the SLOAPCD's thresholds of significance. The proposed project would result in emissions during construction that would exceed the PM_{10} dust threshold and thus would conflict with this policy. The project design would also include **AMM GEN-8** (see Section 4.9.4.3, *Applicable Avoidance and Minimization Measures*, in Section 4.9, *Air Quality,* for a full listing of applicable AMMs) to minimize impacts from construction.	**MM AQ-1** See Section 4.9, *Air Quality*, for a full description of this mitigation measure.	To reconcile the inconsistency, MCWRA will implement **MM AQ-1** during construction that would aid the County in achieving consistency with this policy. The measures would reduce emissions during grading and ground disturbance activities, which would reduce the potential for dust emissions to occur from unpaved or paved roads. With this mitigation measure in place, the project would be fully consistent **Implementation Strategy AQ 3.8.1.**

Source: County of Monterey 2010c; County of San Luis Obispo 2010b.

Table 10. Consistency with Applicable Plans and Policies for Agricultural Resources

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
2010 Monterey County General Plan*, Chapter 6, *Agriculture Element			
Policy AG-1.1: Land uses that would interfere with agricultural operations on viable farmlands designated as Important Farmland by FMMP shall be prohibited.	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect Important Farmland directly as a result of construction. The proposed project and Tunnel-Only Alternative would provide benefits to downstream Important Farmland by improving water supply reliability.	N/A	N/A
Monterey County General Plan: South County Area Plan			
Policy SC-6.1: Conservation of Irrigated and non-irrigated farmlands in South County Planning Area shall be encouraged.	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect Important Farmland directly as a result of construction. The proposed project and Tunnel-Only Alternative would provide benefits to downstream Important Farmland by improving water supply reliability.	N/A	N/A
Monterey County General Plan, Land Use Plan, South County			
The County of Monterey land use plan shows the following land use designations related to agriculture: • Farmlands (40–160 acre minimum) • Permanent Grazing (10–160 acre minimum) • Rural Grazing (10–160 acre minimum)	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect farmlands zoned by the County of Monterey. Although the proposed project would affect grazing land zoned by the County of Monterey through the increased inundation area, this policy only states land use designation and does not include requirements for how grazing land must be treated. The Tunnel-Only Alternative would not affect grazing land.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Monterey County Zoning Ordinance			
Monterey County Zoning Ordinance: The County of Monterey zoning ordinance establishes the following zoning districts related to agriculture (21.08.010): • Agricultural Industrial (AI) • Farmlands (F) • Rural Grazing (RG) • Permanent Grazing (PG) In addition, the zoning ordinance establishes combining districts related to agriculture (21.08.020): • Limited Agricultural	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect farmlands zoned by the County of Monterey. The proposed project would affect grazing land zoned by the County of Monterey through the increased inundation area of San Antonio Reservoir. The Tunnel-Only Alternative would not affect grazing land.	N/A	N/A
Monterey County Right to Farm Ordinance			
Monterey County Right to Farm Ordinance: promotes the long-term protection, conservation, and enhancement of productive and potentially productive agricultural land and minimizes potential conflict between agricultural and nonagricultural land uses within Monterey County	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect Important Farmland directly as a result of construction. The proposed project and Tunnel-Only Alternative would provide benefits to downstream Important Farmland by improving water supply reliability.	N/A	N/A
San Luis Obispo County General Plan, Agriculture Element			
Policy AGP11: Agricultural Water Supplies/Maintain water resources for production agriculture to prevent loss of agriculture due to competition for water from urban and suburban development.	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would provide benefits to downstream Important Farmland by improving water supply reliability.	N/A	N/A
Policy AGP17: Agricultural Buffers/Protect land designated Agriculture by using natural or man-	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
made buffers adjacent to non-agricultural land uses.	Important Farmland directly as a result of construction.		
Policy AGP18: Location of Improvements/ Locate new buildings, access roads, and structures so as to protect agricultural land.	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect Important Farmland directly as a result of construction.	N/A	N/A
Policy AGP24: Conversion of Agricultural Land/Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect Important Farmland directly as a result of construction.	N/A	N/A
***San Luis Obispo County General Plan, Land Use and Circulation Element*, Framework for Planning (Inland)**			
The *County of San Luis Obispo General Plan* Land Use Element shows the following land use designation related to agriculture: • Agriculture	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect Important Farmland directly as a result of construction. The proposed project and Tunnel-Only Alternative would provide benefits to downstream Important Farmland by improving water supply reliability.	N/A	N/A
San Luis Obispo County Zoning Ordinance			
The County of San Luis Obispo zoning ordinance establishes the following zoning district related to agriculture (22.04.020): • Agriculture (AG)	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect Important Farmland directly as a result of construction. The proposed project and Tunnel-Only Alternative would provide benefits to downstream Important Farmland by improving water supply reliability.	N/A	N/A
San Luis Obispo County Right to Farm Ordinance			

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
The purpose of the ordinance is to reduce the loss of agricultural resources by clarifying the circumstances under which agricultural operations could be considered a nuisance and advise purchasers of residential and other property near agricultural operations of potential problems associated with the purchase of the property.	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect Important Farmland directly as a result of construction. The proposed project and Tunnel-Only Alternative would provide benefits to downstream Important Farmland by improving water supply reliability.	N/A	N/A
San Antonio and Nacimiento Rivers Watershed Management Plan			
Goal: Ensure that agriculture (farming and ranching) remains a vibrant and economically viable part of these watersheds; Objective 3: Improve coordination and communication among regulatory entities, private, and public entities to manage land and water resources in an effective and environmentally conscious manner.	The project would be consistent with this policy. The proposed project and Tunnel-Only Alternative would not affect Important Farmland directly as a result of construction. The proposed project and Tunnel-Only Alternative would provide benefits to downstream Important Farmland by improving water supply reliability.	N/A	N/A

Sources: County of San Luis Obispo 2010a, 2015a, 2015b; County of Monterey 2010e, 2010f, 2012; Nacitone Watersheds Steering Committee and Central Coast Salmon Enhancement, Inc. 2008.

Table 11. Consistency with Applicable Plans and Policies for Recreation

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
2010 Monterey County General Plan*, *Land Use Element			
Policy LU-7.1: Priorities for multiple uses of the major water bodies shall be established. Recreation shall be secondary to water supply, flood control and hydroelectric generation.	The project is consistent with this policy, because it would not preclude the use of either reservoir for water supply, flood control, or hydroelectric generation and would enhance water supply and flood protection.	N/A	N/A
Policy LU-7.2: Compatibility between multiple uses of major water bodies and surrounding land uses shall be considered.	The project is consistent with this policy because it would not change the compatibility between uses provided by the reservoirs and surrounding land uses.	N/A	N/A
2010 Monterey County General Plan*, Chapter 5, *Public Services Element			
Policy PS-11.3: In cooperation with other park and public lands agencies, an equitable geographic distribution of neighborhood, community, and regional park facilities commensurate with the needs of the surrounding residents shall be established.	The project is consistent with this policy because it would not substantially affect the use and availability of neighborhood, community, and regional park facilities to surrounding residents.	N/A	N/A
Policy PS-11.4: Park development that includes interpretive and recreational services, including youth camping, shall be encouraged. Maintenance of existing facilities shall be prioritized.	The project is consistent with this policy. Existing interpretive and recreational services and the maintenance of existing facilities would not be affected. An increase in temporary, intermittent inundation of some recreational facilities around San Antonio Reservoir may occur, but would be minimized to the extent feasible and would not represent inconsistency with this policy.	N/A	N/A
Policy PS-11.5: The County shall encourage full utilization of park and	The project is consistent with this policy because it would not preclude the use of park and recreation facilities. An increase	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
recreation facilities owned and/or operated by other agencies.	in temporary, intermittent inundation of some recreational facilities around San Antonio Reservoir may occur, but would be minimized to the extent feasible and would not represent inconsistency with this policy.		
Policy PS-11.7: Accessibility, in terms of affordability, physical access and hours of operation of the County's park and recreation facilities shall be assured to the maximum extent practicable.	The project is consistent with this policy. It would not affect the affordability of park and recreation facilities. An increase in temporary, intermittent inundation of some recreational facilities around San Antonio Reservoir may occur and interrupt access but would be minimized to the extent feasible and would not represent inconsistency with this policy.	N/A	N/A
Monterey County General Plan*: *South County Area Plan			
Policy SC-5.5: Commercial recreational facilities for boating, water sports, camping, and similar uses at any proposed park site shall be of moderate size, compatible with surrounding uses, and consistent with all resource protection and hazard avoidance policies.	The project is consistent with this policy because it would not alter the scale of existing recreational facilities compared to surrounding uses and does not propose any new recreational facilities.	N/A	N/A

Source: County of Monterey 2010a, 2010f, 2013.

Table 12. Consistency with Applicable Plans and Policies for Aesthetics and Visual Resources

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
2010 Monterey County General Plan*, Chapter 2, *Circulation Element			
Policy C-5.3: Guidelines shall be developed to assure that development and land use in the Scenic Highway Corridors are compatible with the surrounding area using techniques that include, but are not limited to: • placement of utilities underground, where feasible; architectural and landscape controls; outdoor advertising restrictions; • encouragement of area native plants, especially on public lands and dedicated open spaces; and cooperative landscape programs with adjoining public and private open space lands.	The project is consistent with this policy because project design and features are compatible with existing operations at San Antonio Reservoir. Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and debris and that visible dust clouds are minimized (see section 4.13.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).	N/A	N/A
Policy C-5.4: Land use controls shall be applied or retained to protect the Scenic Highway Corridor and to encourage sensitive selection of sites and open space preservation within such areas. Where land is designated for development at a density that would create a substantial adverse visual impact, the landowner shall be encouraged to voluntarily dedicate a scenic easement to protect the Scenic Highway corridor.	The project is consistent with this policy because project design and features are compatible with existing operations at San Antonio Reservoir, and existing land uses would be largely retained. Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and debris and that visible dust clouds are minimized (see section 4.13.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Policy C-5.6: Special scenic treatment and design within the rights-of-way of officially designated State Scenic Highways and/or County Scenic Roads shall be implemented and may include highway directional signs, guardrails and fences, lighting and illumination, provision of scenic outlooks, road lanes, frontage roads, vegetation, grading, and highway structures.	The project is consistent with this policy because project design and features are compatible with existing features at San Antonio Reservoir, and existing land uses would be largely retained. Lighting levels from the Interlake Road would not be affected. Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and debris and that visible dust clouds are minimized (see section 4.13.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).	N/A	N/A
2010 Monterey County General Plan*, Chapter 1, *Land Use Element			
Policy LU-1.13: All exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced of the lighting source, and off-site glare is fully controlled. Criteria to guide the review and approval of exterior lighting shall be developed by the County in the form of enforceable design guidelines, which shall include, but not be limited to guidelines for the direction of light, such as shields, where lighting is allowed.	The project is consistent with this policy because the project would not create nuisance light and glare at San Antonio Reservoir. Section 21.63.010 of the Monterey County Code states that the design guidelines are intended to "enhance the preservation of Monterey County's environmental and visual resources such as views of the night sky, sensitive public viewsheds, and natural landscapes" by adopting design guidelines for exterior lighting for new development including criteria for siting and design.	N/A	N/A
Policy LU-7.1: Priorities for multiple uses of the major water bodies shall be established. Recreation shall be	The project is consistent with this policy because the project prioritizes water supply, flood control, and hydroelectric generation over recreation.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
secondary to water supply, flood control and hydroelectric generation.			
Policy LU-7.2: Compatibility between multiple uses of major water bodies and surrounding land uses shall be considered.	The project is consistent with this policy because the project prioritizes water supply, flood control, and hydroelectric generation and maintains recreation.	N/A	N/A
Policy OS-1.9: Development that protects and enhances the County's scenic qualities shall be encouraged. All Routine and Ongoing Agricultural Activities are exempt from the viewshed policies of this plan, except as noted in Policy OS-1.12.	The project is consistent with this policy because project design and features largely retain the character and natural beauty at San Antonio Reservoir. Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and debris and that visible dust clouds are minimized (see section 4.13.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).	N/A	N/A
Policy OS-1.10: Recognizing the value of trails in Monterey County, policies to establish a trails program, including bike paths (Class 1), and walking and equestrian facilities used by the general public.	The project is consistent with this policy because the project maintains trails at San Antonio Reservoir consistent with existing conditions.	N/A	N/A
Policy OS-1.12: The significant disruption of views from designated scenic routes shall be mitigated through use of appropriate materials, scale, lighting and siting of development. Routine and Ongoing Agricultural Activities shall be exempt from this policy, except large-scale agricultural processing facilities, or facilities	The project is consistent with this policy because it would not damage or disrupt views from Interlake Road.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
governed by the Agricultural and Winery Corridor Plan.			
Policy OS-5.6: Native and native compatible species, especially drought resistant species, shall be utilized in fulfilling landscaping requirements.	The project is consistent with this policy because the project would use native seeding for erosion control.	N/A	N/A
Policy OS-5.11: Conservation of large, continuous expanses of native trees and vegetation shall be promoted as the most suitable habitat for maintaining abundant and diverse wildlife.	The project is consistent with this policy because the project would not damage native trees.	N/A	N/A
Monterey County General Plan, South County Area Plan			
Policy SC-2.1: Additional scenic routes shall not be designated in the South County Planning Area.	The project is consistent with this policy because it does not designate any new scenic routes in the South County Planning Area.	N/A	N/A
Policy SC-5.5: Commercial recreational facilities for boating, water sports, camping, and similar uses at any proposed park site shall be of moderate size, compatible with surrounding uses, and consistent with all resource protection and hazard avoidance policies.	The project is consistent with this policy because it does not create any new recreational facilities.	N/A	N/A
Monterey County Code of Ordinances			
Preservation of Oak and Other Protected Trees Ordinance: Section 16.60.030 of the Preservation of Oak and Other Protected Trees Ordinance provides standards for tree permits required for actions affecting trees and standards for agricultural areas, and exemptions.	The project is consistent with this ordinance because the project would not damage protected trees in Monterey County.	N/A	N/A
Design Guidelines for Exterior Lighting Ordinance: Section 21.63.010 of the Design Guidelines for Exterior	The project is consistent with this policy because the project would not create nuisance light and glare at San Antonio	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Lighting Ordinance identifies that the design guidelines are intended to "enhance the preservation of Monterey County's environmental and visual resources such as views of the night sky, sensitive public viewsheds, and natural landscapes" by adopting design guidelines for exterior lighting for new development including criteria for siting and design.	Reservoir. Section 21.63.010 of the Monterey County Code states that the design guidelines are intended to "enhance the preservation of Monterey County's environmental and visual resources such as views of the night sky, sensitive public viewsheds, and natural landscapes" by adopting design guidelines for exterior lighting for new development including criteria for siting and design.		
Monterey County Design Guidelines for Exterior Lighting			
The Monterey County Design Guidelines for Exterior Lighting include design measures and performance criteria to ensure that exterior lighting limits offsite glare and reduces light pollution. The guidelines include ensuring that lighting is directed downward, fully shielded, and uses the minimum fixtures necessary.	The project is consistent with this policy because the project would not create nuisance light and glare at San Antonio Reservoir. Section 21.63.010 of the Monterey County Code states that the design guidelines are intended to "enhance the preservation of Monterey County's environmental and visual resources such as views of the night sky, sensitive public viewsheds, and natural landscapes" by adopting design guidelines for exterior lighting for new development including criteria for siting and design.	N/A	N/A
San Luis Obispo County General Plan, Agriculture Element			
Policy AGP 30: Scenic Resources. a. Designation of a scenic corridor through the public hearing process as described in the Visual Resources chapter of the Conservation and Open Space Element, shall not interfere with agricultural uses on private lands. b. In designated scenic corridors, new development requiring a discretionary	The project is consistent with this policy because it does not designate any new scenic routes, and it largely protects visual resources seen from Nacimiento Drive and upgrades an existing access road off Nacimiento Drive.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
permit and land divisions shall address the protection of scenic vistas as follows: 1. Balance the protection of the scenic resources with the protection of agricultural resources and facilities. 2. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations. 3. Use natural landforms and vegetation to screen development whenever possible. 4. In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture.			
***San Luis Obispo County General Plan*, Conservation and Open Space Element**			
Policy BR 2.9: Promote Use of Native Plant Species. Landscaping for proposed development will use a variety of native or compatible non-native, non-invasive plant species as part of project landscaping to improve wildlife habitat values.	The project is consistent with this policy because the project would use native seeding for erosion control and would avoid invasive plant species.	N/A	N/A
Policy BR 3.1: Native Tree Protection. Protect native and biologically valuable trees, oak woodlands, trees with historical significance, and forest habitats to the maximum extent feasible.	The project is inconsistent with this policy because the project would result in a minimal amount of native tree removal at the Intake Structure.	**MM BIO-3.1 and MM BIO-3.2** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	**MM BIO-3.1** would reduce permanent impacts on native trees and **MM BIO-3.2** would ensure that impacts on native trees are mitigated appropriately. With these mitigation measures in place, the

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
			project would be fully consistent with **Policy BR 3.1**.
Policy BR 3.3: Oak Woodland Preservation. Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat.	The project is inconsistent with this policy because the project would result in a minimal amount of native oak tree removal at the Intake Structure.	**MM BIO-3.1 and MM BIO-3.2** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	See rationale for **Policy BR 3.1**. With these mitigation measures in place, the project would be fully consistent with **Policy BR 3.3**.
Policy OS 1.1: Future Open Space Protection. Continue to identify and protect open space resources with the following characteristics: Recreation areas; Ecosystems and environmentally sensitive resources such as natural area preserves, streams and riparian vegetation, unique, sensitive habitat, natural communities; significant marine resources; Archaeological, cultural, and historical resources; Scenic areas; Hazard areas; and Rural character.	The project is consistent with this policy because project design and features are compatible with existing operations at Nacimiento Reservoir and do not damage existing open spaces associated with the reservoir. Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and debris and that visible dust clouds are minimized (see section 4.13.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).	N/A	N/A
Policy OS 2.1: Open space management to protect, sustain and restore. Manage open space resources on public lands to protect, sustain, and, where necessary, restore the resources. Encourage such management strategies on private lands.	The project is consistent with this policy because project design and features are compatible with existing operations at Nacimiento Reservoir and do not damage existing open spaces associated with the reservoir. Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	debris and that visible dust clouds are minimized (see section 4.13.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).		
Policy VR 1.1: Adopt Scenic Protection Standards. Protect scenic views and landscapes, especially visual Sensitive Resource Areas (SRAs) from incompatible development and land uses.	The project is consistent with this policy because project design and features are compatible with existing operations at Nacimiento Reservoir and do not damage scenic views and landscapes associated with the reservoir. Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and debris and that visible dust clouds are minimized (see section 4.13.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).	N/A	N/A
Policy VR 2.1: Develop in a manner compatible with Historical and Visual Resources. Through the review of proposed development, encourage designs that are compatible with the natural landscape and with recognized historical character, and discourage designs that are clearly out of place within rural areas.	The project is consistent with this policy because project design and features are compatible with existing operations at Nacimiento Reservoir and do not damage the natural or historic character and identity of rural areas associated with the reservoir. Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and debris and that visible dust clouds are minimized (see section 4.13.4.3	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	Applicable Avoidance and Minimization Measures, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).		
Policy VR 2.2: Site Development and Landscaping Sensitively. Through the review of proposed development, encourage designs that emphasize native vegetation and conform grading to existing natural forms. Encourage abundant native and/or drought-tolerant landscaping that screens buildings and parking lots and blends development with the natural landscape. Consider fire safety in the selection and placement of plant material, consistent with Biological Resources Policy BR 2.7 regarding fire suppression and sensitive plants and habitats.	The project is consistent with this policy because project design and features are compatible with existing operations at Nacimiento Reservoir and do not damage the natural character associated with the reservoir. Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and debris and that visible dust clouds are minimized (see section 4.13.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).	N/A	N/A
Policy VR 2.3: Revise Countywide Design Guidelines. New development should follow Countywide Design Guidelines to protect rural visual and historical character. The guidelines should encourage new development that is compatible with public views of scenic areas, the natural landscape, and existing development.	The project is consistent with this policy because project design and features are compatible with existing operations at Nacimiento Reservoir and do not damage the natural or historic character and identity of rural areas associated with the reservoir. Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and debris and that visible dust clouds are minimized (see section 4.13.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Policy VR 4.2: Balanced Protection. Balance the protection of scenic resources with the protection of biological and agricultural resources that may co-exist within the scenic corridor.	The project is consistent with this policy because project design and features are compatible with existing operations and features at Nacimiento Reservoir and do not damage visual resources within the scenic corridor for Nacimiento Drive. However, the project would result in a minimal amount of native oak tree removal at the Intake Structure. The San Luis Obispo County Code Section 22.58.050 and Section 22.58.020 provide tree protections (for further information on these protections see section 4.13.2.3 Local Laws, Regulations, and Policies, in Section 4.13, *Aesthetics)* Chapter 2 identifies Avoidance and Minimization Measures related to visual resource protections. **AMM GEN-4** and **AMM GEN-8** minimize visual impacts during construction by ensuring that the site is kept free of waste and debris and that visible dust clouds are minimized (see section 4.13.4.3 *Applicable Avoidance and Minimization Measures*, in Section 4.13, *Aesthetics,* for a full listing of applicable AMMs).	**MM BIO-3.1 and MM BIO-3.2** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	See rationale for **Policy BR 3.1**. With these mitigation measures in place, the project would be fully consistent with **Policy VR 4.2**.
Policy VR 5.1: Retain Existing Scenic Access. Encourage Caltrans to maintain existing scenic vista points. Where vista points and turnouts must be eliminated due to bluff erosion, other hazards, or operational needs, they should be replaced in reasonable proximity if feasible.	The project is consistent with this policy because the project would not affect scenic vista points along Nacimiento Drive.	N/A	N/A
Policy VR 7.1: Nighttime Light Pollution. Protect the clarity and visibility of the	The project is consistent with this policy because the project would not create	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
night sky within communities and rural areas, by ensuring that exterior lighting, including streetlight projects, is designed to minimize nighttime light pollution.	nuisance light and glare at Nacimiento Reservoir because lighting at the Intake Structure would be shielded and downward facing to minimize light trespass into adjacent open space areas. Section 22.10.060 of the San Luis Obispo County Code applies to all outdoor night lighting, excluding streetlights in the public right-of-way and agricultural uses, and establishes the following criteria: illumination only, light directed onto lot, minimization of light intensity, light sources to be shielded (ground illuminating lights, elevated feature illumination), height of light fixtures, and street lighting. In addition to this, Chapter 2 discusses light trespass into adjacent open space areas		
Policy VR 8.2: Informational or Interpretive Signs. Encourage creation of a system of roadside informational signs to meet the legitimate need of motorists for tourist information. These signs should be constructed of materials compatible with the surrounding environment and the county's heritage.	The project is consistent with this policy because the project would not introduce new signs. Therefore, there would be no compatibility issues with signage.	N/A	N/A
Policy VR 9.1: Underground Utilities. Encourage all existing areas with overhead lines, particularly the candidate Scenic Corridors listed in Table VR-2, to be placed underground through special districts, supplementing existing funding through Rule 20A utility fees. The County Undergrounding Coordinating Committee should give high priority to these critical areas, as well as central	The project is consistent with this policy because the project would utilize underground transmission lines for both construction and operation activities at the Tunnel Intake Structure.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
business districts and urban corridors. Government agencies should set an example by ensuring that utilities serving public properties are relocated underground as part of the construction or remodeling of public facilities.			
Policy VR 9.2: Utility Service Lines. Utility companies should prepare long-range corridor plans for service lines in consultation with local organizations and government agencies. New transmission lines that would be visually damaging should be designed to minimize visual effects. In addition, access roads and right-of-way clearing should be kept to the minimum necessary where new installation or repair of existing installations occurs.	The project is consistent with this policy because the project would utilize underground transmission lines for both construction and operation activities at the Tunnel Intake Structure.	N/A	N/A
Policy VR 9.3: Communications Facilities. Locate, design and screen communications facilities, including towers, antennas, and associated equipment and buildings in order to avoid views of them in scenic areas, minimize their appearance and visually blend with the surrounding natural and built environments. Locate such facilities to avoid ridge tops where they would silhouette against the sky as viewed from major public view corridors and locations.	The project is consistent with this policy because the project would utilize underground transmission lines for both construction and operation activities at the Tunnel Intake Structure.	N/A	N/A
Policy VR 9.4: Co-location of communication facilities. Encourage co-location of communications facilities (one or more companies sharing a site, tower or equipment) when feasible and	The project is consistent with this policy because the project avoids adverse visual effects from utilities by utilizing underground transmission lines for both	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
where it would avoid or minimize adverse visual effects.	construction and operational activities at the Tunnel Intake Structure.		
San Luis Obispo County Code of Ordinances			
Oak Woodland Ordinance: Section 22.58.050 identifies clear-cutting applies to areas that are 1-3 acres in size, greater than 3 acres in size, and also pertains to the removal of Heritage oak trees. Heritage oak trees are defined in Section 22.58.020 as trees that are 48 inches diameter at breast height and separated from all Stands and Oak Woodlands by at least 500 feet.	The project is inconsistent with this ordinance because the project would result in a minimal amount of native oak tree removal at the Intake Structure.	**MM BIO-3.1 and MM BIO-3.2** See Section 4.3, *Biological Resources*, for a full description of these mitigation measures.	See rationale for **Policy BR 3.1**. With these mitigation measures in place, the project would be fully consistent with this ordinance.
Exterior Lighting Ordinance: **Section 22.10.060**: Exterior Lighting Ordinance, is applicable to applicable to all outdoor night-lighting except for street lights located within public rights-of-way and all uses established in the Agriculture land use category.	The project is consistent with this ordinance because the project would not create nuisance light and glare at Nacimiento Reservoir because lighting at the Intake Structure would be shielded and downward facing to minimize light trespass into adjacent open space areas. Section 22.10.060 of the San Luis Obispo County Code applies to all outdoor night lighting, excluding streetlights in the public right-of-way and agricultural uses, and establishes the following criteria: illumination only, light directed onto lot, minimization of light intensity, light sources to be shielded (ground illuminating lights, elevated feature illumination), height of light fixtures, and street lighting. In addition to this, Chapter 2 discusses light trespass into adjacent open space areas	N/A	N/A
San Antonio and Nacimiento Rivers Watershed Management Plan			
Objective 1: Focus recreational uses in existing public areas where there is	The project is consistent with this objective because the project maintains	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
supportive infrastructure. Reduce/eliminate trespass on private property within the watersheds.	existing recreational uses in existing public areas where there is supportive infrastructure.		
Objective 2: Minimize soil disturbance and threats of erosion (campgrounds, parking lots, boat ramp areas, non-system roads etc.) in public areas and on public lands.	The project is consistent with this objective because the project would not have active soil disturbance near recreational areas except near the construction site of Tunnel Intake Structure, which would be hydroseeded to prevent soil erosion.	N/A	N/A
Objective 3: Promote protection of water quality and respect for the watersheds by visitors and residents in recreational areas. Examples include, but are not limited to reducing incidents of parking in un-marked areas, littering, camping in non-camping areas, and improperly disposing of waste.	The project is consistent with this objective because the project maintains existing parking areas for recreational uses and would keep the site clean and free of debris.	N/A	N/A

Source: County of Monterey 2010a, 2010b, 2010f; County of San Luis Obispo 2010a, 2010b; Nacitone Watersheds Steering Committee and Central Coast Salmon Enhancement, Inc. 2008.

Table 13. Consistency with Applicable Plans and Policies for Public Utilities

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Monterey County General Plan*, Chapter 5, *Public Services Element			
Policy PS-3.6: The County shall coordinate and collaborate with all agencies responsible for the management of existing and new water resources.	The project is consistent with this policy because it is one of numerous efforts to ensure consistent water supply in the Salinas Valley.	N/A	N/A
Policy PS-5.3: Programs to facilitate recycling/diversion of waste materials at new construction sites, demolition projects, and remodeling projects shall be implemented.	The project is consistent with this policy. To the extent feasible, construction materials would be diverted from landfills and recycled.	N/A	N/A
Policy PS-13.1: Existing utility lines shall be placed underground whenever feasible.	The project is consistent with this policy because the project does not propose to relocate or alter existing utility lines.	N/A	N/A
Policy PS-13.2: All new utility lines shall be placed underground, unless determined not to be feasible by the Director of the Resource Management Agency.	The project is consistent with this policy because underground power lines would be installed instead of aboveground power lines where feasible. An aboveground power line would be required to supply electricity to the energy dissipation structure. Pacific Gas and Electric (PG&E) would install this power line. Prior to construction, PG&E and MCWRA would coordinate with the Monterey County Resource Management Agency, as necessary.	N/A	N/A

Source: County of Monterey 2013.

Table 14. Consistency with Applicable Plans and Policies for Wildfire

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Monterey County General Plan*, Chapter 4, *Safety Element			
Policy S-4.8: Fire hazards shall be reduced to an acceptable level of risk by prescribing the use, location, type, and design of roadways.	The project is consistent with this policy because roadways surrounding the project are not high-traffic roads, and alternate access routes are available. During operation, primary and secondary access roads to the Tunnel Intake Structure and Energy Dissipation Structure would be improved according to County standards. Chapter 2 addresses fire hazards and safety and identifies Avoidance and Minimization Measures for fire hazards and safety. The project design would also include **AMM GEN-6** and **GEN-10-AMM GEN-13** (see Section 4.15.4.3, *Avoidance and Minimization Measures*, in Section 4.15, *Wildfire,* for a full listing of applicable AMMs)	N/A	N/A
Policy S-4.9: Roadways shall be constructed and maintained in accordance with Monterey County Code Chapter 18.56 or the California Fire Code, as they may be updated from time to time, as determined by the fire authority having jurisdiction.	The project is consistent with this policy because it would require the preparation of a Fuel Modification Plan, including a site plan that illustrates how vegetation around the control building and roadways would be maintained to reduce fuel loads.	N/A	N/A
Policy S-4.11: The County shall require all new development to be provided with automatic fire protection systems (such as fire breaks, fire-retardant building materials, automatic fire sprinkler systems, and/or water storage tanks) approved by the fire jurisdiction	The project is consistent with this policy. Project features and AMMs, including **AMM GEN-11**, **AMM GEN-12**, and **AMM GEN-13** (see full list in Section 4.15.4.3, *Applicable Avoidance and Minimization Measures* in Section 4.15, *Wildfire*) would be implemented to avoid potential impacts related to access to an	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	operational water supply system at the construction site.		
Policy S-4.13: The County shall require all new development to have adequate water available for fire suppression. The water system shall comply with Monterey County Code Chapter 18.56, NFPA **Standard 1142**, or other nationally recognized standard. The fire authority having jurisdiction, the County Departments of Planning and Building Services, and all other regulatory agencies shall determine the adequacy and location of water supply and/or storage to be provided.	The project is consistent with this policy because **AMM GEN-12** (see full list in Section 4.15.4.3, *Applicable Avoidance and Minimization Measures* in Section 4.15, *Wildfire*) incorporated into the project design would ensure access to an operational water supply system at the construction site.	N/A	N/A
Policy S-4.22: Every building, structure, and/or development shall be constructed to meet the minimum requirements specified in the current adopted state building code, state fire code, Monterey County Code Chapter 18.56, and other nationally recognized standards.	The project is consistent with this policy because it would comply with Chapter 18.56 of the Monterey County Code of Ordinances, which establishes wildfire protection standards in State Responsibility Areas (SRA)s to provide emergency access.	N/A	N/A
Policy S-4.32: Property owners in high, very high, and extreme fire hazard areas shall prepare an overall Fuel Modification Zone plan in conjunction with permits for new structures, subject to approval and to be performed in conjunction with the CDFFP and/or other fire protection agencies in compliance with State Law.	The project is consistent with this policy because it would require the preparation of a Fuel Modification Plan, including a site plan that illustrates how vegetation around the control building and roadways would be maintained to reduce fuel loads. Project features and AMMs, including **AMM GEN-11**, **AMM GEN-12**, and **AMM GEN-13** (see full list in Section 4.15.4.3, *Applicable Avoidance and Minimization Measures* in Section 4.15, *Wildfire*) would be implemented to avoid potential impacts related to fire hazards.	N/A	N/A
Monterey County Code of Ordinances			

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Municipal Code 18.56: Requires the establishment of wildfire protection standards in conjunction with building, construction, and development in State responsibility areas to provide for emergency access and perimeter wildfire protection measures	The project is consistent with this policy because MCWRA and the project contractor(s) would follow all pertinent California Department of Forestry and Fire Protection (CAL FIRE) requirements regarding fire safety and emergency access in constructing the proposed project and/or the Tunnel-Only Alternative. In addition, the contractor would install a Knox Box on all access gates for emergency access purposes. Project features and AMMs, including **AMM GEN-10** through **AMM GEN-13** (see full list in Section 4.15.4.3, *Applicable Avoidance and Minimization Measures* in Section 4.15, *Wildfire*) would be implemented to avoid potential impacts related to fire hazards.	N/A	N/A
Monterey County Community Wildfire Protection Plan			
The Monterey County Community Wildfire Protection Plan (MCCWPP) was developed in coordination with CAL FIRE, the U.S. Forest Service, the Bureau of Land Management, and Monterey County. The MCCWPP provides countywide wildfire planning recommendations and aims to reduce wildfire ignitions, spreading, costs, and losses.	The project is consistent with the MCCWPP because potential risks associated with wildfire ignition and spread during construction would be reduced through AMMs, (specifically **AMM GEN-10** through **AMM GEN-13** as listed in Section 4.15.4.3, *Applicable Avoidance and Minimization Measures* in Section 4.15, *Wildfire*) which would be incorporated into the project design. The AMMs would ensure access to an operational water supply system at the construction site and implementation of a construction-phase Wildland Fire Vegetation Management Plan. Adherence to the AMMs regarding fire safety during	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
	construction would lower ignition risks and aid in the control of wildfire spread.		
San Luis Obispo County General Plan, Safety Element			
Policy S-13: Pre-Fire Management: New development should be carefully located, with special attention given to fuel management in higher fire risk areas. Large, undeveloped areas should be preserved so they can be fuel-managed. New development in fire hazard areas should be configured to minimize the potential for added danger.	The project is consistent with this policy because it would require the preparation of a Fuel Modification Plan, including a site plan that illustrates how vegetation around the control building and roadways would be maintained to reduce fuel loads. Project features and AMMs, including **AMM GEN-10** through **AMM GEN-13** (see full list in Section 4.15.4.3, *Applicable Avoidance and Minimization Measures* in Section 4.15, *Wildfire*) would be implemented to avoid potential impacts related to fire hazards.	N/A	N/A
Policy S-16: Loss Prevention: Improve structures and other values at risk to reduce the impact of fire. Regulations should be developed to improve the defensible area surrounding habitation.	The project is consistent with this policy because it would require the preparation of a Fuel Modification Plan, including a site plan that illustrates how vegetation around the control building and roadways would be maintained to reduce fuel loads.	N/A	N/A
San Luis Obispo County Code of Ordinances			
16.04.060: Hazard reduction	The project is consistent with this ordinance because it would require the preparation of a Fuel Modification Plan, including a site plan that illustrates how vegetation around the control building and roadways would be maintained to reduce fuel loads. In addition, spark arresters, adequate clearance around welding operations, smoking restrictions, and extinguishers on work sites during project construction would be required.	N/A	N/A

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
16.10.030: Established limits for the storage of flammable or combustible liquids.	The project is consistent with this ordinance because compliance with this ordinance regarding the storage of flammable or combustible liquids would be required.	N/A	N/A

Source: County of Monterey 2010d; Monterey Fire Safe Council 2016; County of San Luis Obispo 1999.

Table 15. Consistency with Applicable Plans and Policies for Energy

Applicable Local and Regional Plan / Law	Consistency	Reconciliation (if inconsistent)	Rationale (if inconsistent)
Monterey County General Plan*, Chapter 3, *Conservation and Open Space Element			
Policy OS-9.1: Energy efficiency. Aims to promote the use of solar, wind and other renewable resources for agricultural, residential, commercial, industrial, and public building applications.	The project is consistent with this policy because the project is compliant with the 2019 Title 24 Building Energy Efficiency Standards. In addition, the project would be consistent with this policy due to the use of electric-powered construction equipment.	N/A	N/A
San Luis Obispo County General Plan*, *Conservation and Open Space Element			
Policy E 2.3: Aims to promote water conservation for all water users in the county to reduce the amount of energy used to pump and treat water and wastewater at public water and wastewater treatment and distribution facilities.	The project is consistent with this policy because it is one of numerous efforts to ensure consistent water supply in the Salinas Valley. The project prioritizes water supply and hydroelectric generation.	N/A	N/A
Policy E 3.1: Aims to ensure that new and existing development incorporates renewable energy sources such as solar, passive building, wind, and thermal energy, reduce reliance on non-sustainable energy sources to the extent possible using available technology and sustainable design techniques, materials, and resources, which is consistent with the CPUC's California Long Term Energy Efficiency Strategic Plan, strive to achieve zero net energy use for new commercial development by 2030.	The project is consistent with this policy because the project is complaint with the 2019 Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various structure features that would significantly reduce energy usage (30 percent compared to the 2016 standards) associated with utility-related consumption. In addition, the project would be consistent with this policy because of the use of electric-powered construction equipment.	N/A	N/A

Source: County of Monterey 2010c; County of San Luis Obispo 2010b.

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Appendix D

Existing and Proposed Hydrology Conditions

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Introduction

This appendix addresses additional baseline groundwater hydrology and water quality conditions in the study area, to supplement the discussion presented in Section 4.1, *Hydrology and Water Quality*. It also provides a summary of the hydrological modeling data used to analyze surface water hydrology, water quality, and groundwater impacts that would result from implementation of the project.

Existing Conditions

Groundwater

The principal outflow of groundwater from the basin is groundwater pumping. **Table D-1** shows historical inflows and outflows to the basin by subarea, as estimated by Monterey County Resource Management Agency (MCWRA), as well as 2015 groundwater pumping data for comparison.

Table D-1. Historical Salinas Valley Groundwater Basin Water Budget by Subarea

Subarea	Average of Water Year 1958–1994						2015 Groundwater Pumping (AFY)
	Inflow (AFY)			Outflow (AFY)			
	Natural Recharge[1]	Subsurface Inflow	Total	Groundwater Pumping	Subsurface Flow	Total	
Pressure	117,000	17,000	134,000	130,000	8,000	138,000	123,657
East Side	41,000	17,000	58,000	86,000	0	86,000	104,122
Forebay	154,000	31,000	185,000	160,000	20,000	180,000	148,889
Upper Valley	165,000	7,000	172,000	153,000	17,000	170,000	138,046
Total	477,000	72,000	549,000	529,000	45,000	574,000	514,714

Source: Monterey County Resource Management Agency [MCRMA]. 2015. *State of the Salinas River Groundwater Basin*; MCWRA. 2017a. *2015 Groundwater Extraction Summary Report*.
AFY = acre-feet per year
[1] Natural recharge includes agricultural return flow, stream recharge, and precipitation.

Natural recharge, which includes agricultural return flow, stream recharge, and precipitation, was the primary source of inflow to all subareas, with a generally much smaller amount of inflow occurring as subsurface inflow from adjacent basins/subareas. Groundwater pumping was the largest source of outflow for all subareas. Over the course of the 1958 to 1994 study period, total outflow exceeded total inflow in the Pressure and East Side Subareas, as well as the basin as a whole, indicated that overdraft conditions were present, and long-term reduction in groundwater storage was occurring. Groundwater pumping quantities from 2015 were somewhat reduced compared to the historical averages.

A release of stored water from Nacimiento and San Antonio Reservoirs during the dry summer months allows for increased recharge when soils are less saturated. Although river flows are often higher in winter, the underlying soils may be saturated fully, limiting the potential for percolation and recharge. As a result of water management projects and reservoir operations for maximum groundwater recharge in the valley downstream, inflows to the groundwater basin have increased in the summer. However, this has not fully halted overdraft in the basin because pumping has continued to exceed inflows. **Table D-2** shows the calculated storage change that has occurred in the basin over the 1944–2013 period on an annual and cumulative basis.

Table D-2. Calculated Storage Change by Subarea, 1944 to 2021

Subarea	Minimum Annual (AF)	Maximum Annual (AF)	Annual Average (AFY)	Minimum Cumulative (AF)	2021 Cumulative (AF)	Predicted Change if (2011–2014) Drought Continues (AFY)
Pressure	-35,000	+44,000	-2,000	-144,000 (1991)	-125,000	-10,000 to -20,000
East Side	-58,000	+83,000	-5,000	-398,000 (1991)	-345,000	-25,000 to -35,000
Forebay	-99,000	+219,000	-2,000	-192,000 (1991)	-129,000	-10,000 to -15,000[1] -80,000 to -90,000[2]
Upper Valley	-69,000	+148,000	-200	-88,000 (1990)	-18,000	-5,000 to -15,000[1] -50,000 to -70,000[2]
Zone 2C	-256,100	+367,000	-8,000	-786,000 (1990)	-617,000	-50,000 to -85,000[1] -165,000 to -215,000[2]

Source: MCRMA. 2015. *State of the Salinas River Groundwater Basin*.
AF = acre-feet; AFY = acre-feet per year
[1] Based on calculated storage changes over the extended drought of water year 1984 to 1991.
[2] Based on calculated storage changes for years with very low reservoir release (water years 1961 and 1990).

As shown in **Table D-2**, the annual average change in groundwater storage over the study period was a deficit for all subareas, indicating an overdraft. The 2013 Cumulative column indicates that total groundwater storage has been substantially drawn down in all subareas. The potential additional drawdown that could occur if drought conditions (i.e., drought of 2011–2014) persisted was also evaluated. With continuing drought conditions, a substantial additional reduction in storage would occur (up to -215,000 AF in Zone 2C), particularly if reservoir releases were substantially limited leading to reduced recharge in the summer.

In the Salinas Valley, groundwater is the predominant source (95 percent) of agricultural and municipal water demands, with agriculture requiring approximately 90 percent of all water use. Only three existing water supplies in the area do not rely on groundwater: surface water diverted from the Arroyo Seco; treated recycled urban wastewater applied to agricultural land under the Castroville Seawater Intrusion Program (CSIP); and surface water diverted from the Salinas River north of Marina, which is distributed to the CSIP system as part of the Salinas Valley Water Project (SVWP). **Table D-3** shows information about groundwater extraction within the basin. Closer to the coast, in the Pressure and East Side Subareas, there is a greater volume of urban pumping, whereas the Forebay and Upper Valley Subareas have a higher volume of agricultural pumping.

Table D-3. 2019 Salinas Valley Groundwater Basin Extraction

Subarea	No. of Wells	Agricultural Pumping (AF)	Urban Pumping (AF)	Total Pumping 2015 (AF)
Pressure	552	93,829	15,885	109,714
East Side	373	73,006	12,822	85,828
Forebay	501	124,600	7,374	131,974
Upper Valley	333	119,477	3,430	122,907
Total	1,759	410,912	39,511	450,423
Percent of Total	–	91.2%	8.8%	100%

Source: MCWRA. 2021. *2019 Groundwater Extraction Summary Report*.
AF = acre-feet

Local Groundwater Use and Quality

The project geotechnical investigation documented known existing wells and associated groundwater depth levels where available at the project site. Available data on these wells are shown in **Table D-4.**

Table D-4. Summary of Existing Water Well Data

Well ID	APN	Depth of Boring[1] (ft)	Depth of Well[1] (ft)	Diameter of Well or Casing (ft)	Approx. Depth to First Water[1,2] (ft)	Approx. Depth to Static Water Level[1,3] (ft)
11	080-035-001	–	–	–	–	–
14-1	080-035-005	405	395	5	145	150 (measured 11/11/99)
14-2	080-035-005	365	345	5	265	245 (measured 8/4/00)
15	080-035-006 (assumed)	–	200	6	130	130
17	080-035-008	663	635	5	525	460
18	080-035-009	400	395	–	230	270
19	080-035-010	–	–	–	–	–
29	080-038-003	700	700	5	-	500 (measured 4/6/05)
34	080-038-009	–	–	–	–	–
35	080-038-010	–	–	–	–	–
36	080-038-012	–	–	–	–	–
38	080-038-014	–	–	–	–	–
42	080-041-02	–	525	6	–	365 (measured 2012)
54-1	080-041-044	260	210	5	140	98
54-2	080-041-044	200	140	5	60	60 (measured 12/27/04)
80	424-341-010-000	–	350	6	–	250 (measured 1981)

Source: MCWRA. 2018b. *Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin*.
APN = Assessor's Parcel Number; ft = feet
[1] Depth is depth below ground surface.
[2] Assumed encountered during drilling.
[3] Assumed after well installation completed.

To understand the existing groundwater use conditions in the area of the proposed Interlake Tunnel and Spillway Modification Project, in 2016 MCWRA mailed a groundwater survey to landowners within 3,000 feet of the conceptual Interlake Tunnel alignment. The survey asked questions regarding existing well depth, capacity, and water quality or production issues. MCWRA received responses from eight individuals or households that owned at least one well. Each of these respondents indicated that they use water from their wells for domestic drinking water supply; many of the respondents indicated that they also use the water for general household use, landscape irrigation, and livestock. Of the survey respondents that provided information regarding their well's flow rate, the reported rates ranged from 7 gallons per minute (gpm) to 60 gpm. None of the respondents indicated that their well had ever gone dry.

Each of the eight respondents to MCWRA's survey who owned at least one well reported that the quality of the water produced by their well(s) in the user's opinion was good. Several individuals reported that the water could be "hard," resulting in calcium deposits or some staining of bathtubs or showers, but overall, the groundwater quality in the area of the proposed project appears to be good.

Model Results

Development of the Salinas Valley Integrated Hydrologic Model (SVIHM) began in 2015, when the USGS was engaged by the County to create an integrated groundwater-surface water modeling tool to evaluate the water supply of Monterey County Water Resources Agency's Zone 2C. After initial calibration of the SVIHM was completed, the USGS began the development of the Salinas Valley Operational Model (SVOM), an operational baseline model that considers the geologic structure, hydrologic properties, and climate from the SVIHM.[1] The SVOM assumes that current reservoir operations and 2014 land use were constant for the entire simulation from October 1, 1967, to December 31, 2014. The SVOM inherits properties for aquifers and crops and uses current reservoir operations with adherence to flow prescription and water rights. The SVOM is used as a baseline for evaluation of potential water supply projects, quantifies project benefits, and was used to quantify impacts of the Interlake Tunnel and Spillway Modification Project, as summarized in **Table D-5** through **Table D-8**. Based on model results, both the proposed project and Tunnel-Only Alternative would result in lower reservoir water levels for Nacimiento Reservoir and higher reservoir water levels for San Antonio Reservoir for all water-year types compared to modeled baseline conditions (**Table D-5**). Model results indicate that average annual total reservoir releases from Nacimiento Reservoir could decrease by up to 27 percent, while average annual total reservoir releases from San Antonio Reservoir could increase up to 164 percent across all water years for both the proposed project and Tunnel-Only Alternative (**Table D-7**). Operation scenarios resulting in stream flows of 30 cubic feet per second (cfs), 80 cfs, and 150 cfs at Spreckels were modeled for all water-year types (normal, wet, and dry conditions) for both the proposed project and Tunnel-Only Alternative and compared to modeled baseline conditions. Modeled results indicated a variable change in the percentage of time steps with stream flows above the rates at which the Salinas River Lagoon has generally been known to open (**Table D-8**).

[1] The Salinas Valley Integrated Hydrologic Model (SVIHM) is a historical integrated hydrologic model that uses estimated and measured data to simulate historical rainfall, runoff, recharge, storage, water levels, streamflow, water supply and demand for native and cultivated lands to develop comprehensive water budgets. The SVIHM is calibrated from October 1, 1967, to December 31, 2014, and updated though water year 2018. The SVOM assumes that current reservoir operations and 2014 land use were constant for the entire simulation from October 1, 1967, to December 31, 2014.

Reservoir Levels

Table D-5. Modeled Overall Average and Average Monthly Storage for each Reservoir, Water Year, and Project Scenario

Month	Modeled Overall Average and Average Monthly Storage (acre-feet), Baseline Scenario							
	All Year Types		Wet Years		Normal Years		Dry Years	
	Nacimiento	San Antonio	Nacimiento	San Antonio	Nacimiento	San Antonio	Nacimiento	San Antonio
Oct	138,850	71,440	113,614	36,140	154,504	101,891	137,489	53,856
Nov	134,494	66,207	112,685	32,264	148,568	95,914	132,318	48,517
Dec	140,858	67,910	128,057	35,335	154,210	97,954	130,245	48,121
Jan	173,678	78,427	207,693	61,446	175,607	104,569	133,290	48,895
Feb	208,111	98,012	282,377	115,054	203,104	113,810	136,836	50,587
Mar	232,790	117,967	325,474	166,715	228,547	124,629	140,160	52,944
Apr	242,557	125,803	352,474	185,789	237,706	130,259	132,376	52,652
May	234,589	125,442	352,785	189,147	229,173	129,164	116,471	49,604
Jun	212,971	120,481	335,451	187,389	201,923	124,184	100,538	41,207
Jul	184,863	113,387	301,744	184,200	169,558	116,833	86,300	30,355
Aug	159,347	101,643	261,470	177,606	144,926	100,628	75,151	21,210
Sep	142,752	83,838	230,681	158,303	131,046	75,630	68,957	18,215
Overall	**183,479**	**97,540**	**249,925**	**127,624**	**181,269**	**109,563**	**115,549**	**42,907**
–	Modeled Overall Average and Average Monthly Storage (acre-feet), Tunnel-Only Alternative Scenario							
Oct	83,599	161,169	57,592	112,935	106,425	199,758	69,925	142,675
Nov	75,462	159,577	53,848	111,936	97,457	197,196	58,553	142,218
Dec	82,130	160,941	70,273	114,712	103,078	198,130	56,572	142,843
Jan	116,300	170,363	154,234	138,287	124,518	203,888	60,138	143,647
Feb	155,094	189,089	243,201	192,522	152,548	210,923	64,311	145,339
Mar	185,673	211,336	293,989	254,387	185,657	220,720	68,359	147,494
Apr	192,217	222,153	303,836	296,483	197,380	220,623	61,831	144,432

Month	Modeled Overall Average and Average Monthly Storage (acre-feet), Baseline Scenario							
	All Year Types		Wet Years		Normal Years		Dry Years	
	Nacimiento	San Antonio	Nacimiento	San Antonio	Nacimiento	San Antonio	Nacimiento	San Antonio
May	182,893	220,766	292,954	310,466	189,868	217,291	50,872	129,964
Jun	163,692	211,357	273,765	311,986	164,902	210,717	42,226	103,518
Jul	139,888	198,202	242,648	307,055	136,513	201,086	34,752	74,992
Aug	115,644	183,582	207,154	296,347	109,715	189,770	27,377	50,074
Sep	94,889	167,831	174,440	281,379	88,054	175,085	21,238	31,521
Overall	**131,969**	**188,015**	**196,682**	**227,865**	**137,805**	**203,665**	**51,164**	**116,154**
Average % Diff. from Baseline	**-33%**	**63%**	**-24%**	**56%**	**-27%**	**60%**	**-77%**	**92%**
–	Modeled Overall Average and Average Monthly Storage (acre-feet), Proposed Project Scenario							
Oct	87,660	169,819	60,691	121,515	112,526	210,961	71,290	146,723
Nov	79,340	168,080	57,081	119,547	103,014	209,059	60,050	145,527
Dec	86,011	169,761	73,519	122,779	108,624	210,405	58,086	146,145
Jan	120,188	180,399	157,490	149,316	130,068	217,012	61,662	146,948
Feb	158,084	200,971	243,096	206,175	158,169	226,440	65,834	148,638
Mar	188,656	224,476	294,022	269,118	191,181	238,288	69,880	150,791
Apr	194,676	235,909	303,898	311,579	201,809	239,309	63,274	147,700
May	183,943	236,111	291,121	328,119	193,003	237,051	51,223	134,713
Jun	164,391	226,631	271,867	329,727	167,491	230,163	42,277	108,469
Jul	140,060	213,653	240,970	324,249	137,836	221,361	34,819	79,711
Aug	117,528	196,136	207,695	310,987	113,384	205,469	27,444	54,603
Sep	98,625	177,541	178,077	292,600	93,736	187,792	21,515	34,102
Overall	**134,604**	**199,943**	**197,663**	**240,959**	**142,350**	**219,344**	**52,089**	**119,941**
Average % Diff. from Baseline	**-31%**	**69%**	**-23%**	**61%**	**-24%**	**67%**	**-76%**	**95%**

Note: Stages prior to the wet winter period (i.e., October through December) are highly impacted by the wetness of the previous year, hence why wet year stages are below average during this period. Only one wet year follows another wet year (4 follow dry years, 7 follow normal years), so conditions leading into wet years are drier than average.

Source: Monterey County Water Resources Agency (MCWRA). 2021. *Hydrologic Modeling Data Prepared for Interlake Tunnel Project EIR*.

Tunnel Transfers

Table D-6. Modeled Average Annual Tunnel Transfer for each Water Year and Project Scenario

Scenario	Modeled Average Annual Tunnel Transfer (in acre-feet per year)			
	All Year Types	Wet Years	Normal Years	Dry Years
Tunnel-Only Alternative	30,187	92,296	6,495	6,338
Proposed Project	29,962	92,628	5,818	6,338

Source: Monterey County Water Resources Agency (MCWRA). 2021. *Hydrologic Modeling Data Prepared for Interlake Tunnel Project EIR*.

Reservoir Releases

Table D-7. Modeled Average Annual Reservoir Release for each Reservoir, Water Year, and Project Scenario

Modeled Average Annual Release by Category and Subcategory (in acre-feet per year), Baseline Scenario												
	Nacimiento				San Antonio				Combined			
Water Year Type	**All**	**Wet**	**Normal**	**Dry**	**All**	**Wet**	**Normal**	**Dry**	**All**	**Wet**	**Normal**	**Dry**
Average Annual Total Release	179,408	312,236	156,132	78,182	68,956	57,743	86,221	49,452	248,364	369,979	242,353	127,634
Average Annual Release by Category and Subcategory (in acre-feet per year), Tunnel-Only Alternative Scenario												
Average Annual Total Release	152,272	229,824	155,032	63,199	94,283	90,845	77,524	128,731	246,555	320,669	232,556	191,929
Average % Difference from Baseline	*-15%*	*-26%*	*-1%*	*-19%*	*37%*	*57%*	*-10%*	*160%*	*-1%*	*-13%*	*-4%*	*50%*
Average Annual Release by Category and Subcategory (in acre-feet per year), Proposed Project Scenario												
Average Annual Total Release	152,404	227,706	155,905	64,407	93,293	89,791	74,928	130,756	245,697	317,497	230,833	195,163
Average % Difference from Baseline	*-15%*	*-27%*	*0%*	*-18%*	*35%*	*56%*	*-13%*	*164%*	*-1%*	*-14%*	*-5%*	*53%*

Source: Monterey County Water Resources Agency (MCWRA). 2021. *Hydrologic Modeling Data Prepared for Interlake Tunnel Project EIR*.

Spreckels

Table D-8. Percentage of Timesteps with Streamflow at Spreckels above Select Flows[1] for each Water Year and Project Scenario

		Percentage of Timesteps with Streamflow at Spreckels Above Select Flows											
		Baseline (solid line)				Tunnel-Only Alternative (dashed)				Proposed Project (dotted)			
	Year Type->	All	Wet	Normal	Dry	All	Wet	Normal	Dry	All	Wet	Normal	Dry
% of Timesteps Above Flow	30 cfs	75%	95%	77%	51%	80%	96%	79%	62%	80%	96%	80%	62%
		Average % Difference from Baseline				*6.7%*	*1.1%*	*2.6%*	*21.6%*	*6.7%*	*1.1%*	*3.9%*	*21.6%*
	80 cfs	58%	74%	64%	29%	53%	68%	51%	39%	53%	68%	52%	39%
		% Difference from Baseline				*-8.6%*	*-8.1%*	*-20.3%*	*34.5%*	*-8.6%*	*-8.1%*	*-18.8%*	*34.5%*
	150 cfs	35%	53%	38%	10%	35%	52%	38%	11%	35%	52%	37%	11%
		Average % Difference from Baseline				*0.0%*	*-1.9%*	*0.0%*	*10.0%*	*0.0%*	*-1.9%*	*-2.6%*	*10.0%*

Source: Monterey County Water Resources Agency (MCWRA). 2021. *Hydrologic Modeling Data Prepared for Interlake Tunnel Project EIR*.

cfs = cubic feet per second

[1] According to the Flow Prescription, the Lagoon is generally open when discharge in the Salinas River at Spreckels is between 80 and 150 cfs, and the MCWRA has observed the Lagoon to be open at flows as low as 30 cfs at Spreckels.

Seawater Intrusion

Modeled seawater intrusion was evaluated using simulated groundwater flow across the land–ocean boundary. Net flow from the ocean toward the Salinas Valley is indicative of increased seawater intrusion. Due to the difference in approach between MCWRA's seawater intrusion mapping and the SVOM's evaluation of seawater intrusion, it is not appropriate to correlate MCWRA's historical seawater intrusion maps with results from the operational model for the proposed project or Tunnel-Only Alternative. However, the model can determine the change in the existing rates of seawater intrusion in the shallow, pressure 180-foot, 400-foot, and deep aquifer (upper deep aquifer and lower deep aquifer) in dry, average, and wet year types for the proposed project and the Tunnel-Only Alternative. **Table D-9** summarizes seawater intrusion rates for aquifers in the project are for each project scenario, and **Table D-10** and **Table D-11** summarize groundwater intrusion.

Model results suggest intrusion rates for the proposed project and Tunnel-Only Alternative scenarios are expected to decrease slightly or remain generally unchanged for all aquifers across all water years, except for the Lower Aquifer, which would experience no change. Model results also indicate variable groundwater recharge for the proposed project and Tunnel-Only Alternative compared to the modeled baseline when all water years are combined; however, total annual groundwater recharge is anticipated to increase under both the proposed project and the Tunnel-Only Alternative relative to the modeled baseline.

Table D-9. Modeled Seawater Intrusion Rate for each Aquifer, Water Year, and Project Scenario

Seawater Intrusion Rate (in acre-feet per year), Baseline Scenario						
Model Layer	**Shallow**	**180-Foot Aquifer**	**400-Foot Aquifer**	**Paso Robles (Upper)**	**Purisima (Lower)**	**Total**
	1	3	5	8	9	
All Years	2,223	486	868	452	79	4,108
Wet Years	2,133	486	890	309	52	3,870
Normal Years	1,794	453	798	259	41	3,345
Dry Years	3,109	546	971	959	179	5,765
Seawater Intrusion Rate (in acre-feet per year), Tunnel-Only Alternative Scenario						
All Years	2,216	481	855	451	79	4,082
% Difference from Baseline	*-0.3%*	*-1.0%*	*-1.5%*	*-0.2%*	*0.0%*	*-0.6%*
Wet Years	2,124	480	874	308	52	3,839
% Difference from Baseline	*-0.4%*	*-1.2%*	*-1.8%*	*-0.3%*	*0.0%*	*-0.8%*
Normal Years	1,787	449	786	259	41	3,321
% Difference from Baseline	*-0.4%*	*-0.9%*	*-1.5%*	*0.0%*	*0.0%*	*-0.7%*
Dry Years	3,102	542	960	959	179	5,742
% Difference from Baseline	*-0.2%*	*-0.7%*	*-1.1%*	*0.0%*	*0.0%*	*-0.4%*

Seawater Intrusion Rate (in acre-feet per year), Baseline Scenario						
Model Layer	**Shallow**	**180-Foot Aquifer**	**400-Foot Aquifer**	**Paso Robles (Upper)**	**Purisima (Lower)**	**Total**
Seawater Intrusion Rate (in acre-feet per year), Proposed Project Scenario						
All Years	2,216	481	854	451	79	4,081
% Difference from Baseline	*-0.3%*	*-1.0%*	*-1.6%*	*-0.2%*	*0.0%*	*-0.7%*
Wet Years	2,124	480	873	308	52	3,838
% Difference from Baseline	*-0.4%*	*-1.2%*	*-1.9%*	*-0.3%*	*0.0%*	*-0.8%*
Normal Years	1,787	448	785	259	41	3,319
% Difference from Baseline	*-0.4%*	*-1.1%*	*-1.6%*	*0.0%*	*0.0%*	*-0.8%*
Dry Years	3,101	541	958	959	179	5,739
% Difference from Baseline	*-0.3%*	*-0.9%*	*-1.3%*	*0.0%*	*0.0%*	*-0.5%*

Source: Monterey County Water Resources Agency (MCWRA). 2021. *Hydrologic Modeling Data Prepared for Interlake Tunnel Project EIR*.

Note: *Seawater intrusion*, as quantified above, is the net exchange across the mapped or inferred ocean-aquifer interface (i.e., where each model layer crops out beneath Monterey Bay).

Groundwater

Table D-10. Modeled Average Annual Net Groundwater/Surface Water Exchange along the Nacimiento and San Antonio Rivers for each Aquifer, Water Year, and Project Scenario

	Average Annual Net Groundwater/Surface Water Exchange Along the Nacimiento and San Antonio Rivers (in acre-feet per year)																	
	Modeled Baseline						Tunnel-Only Alternative						Proposed Project					
	Nacimiento River			San Antonio River			Nacimiento River			San Antonio River			Nacimiento River			San Antonio River		
	Paso Robles Basin	Upper Valley Subbasin	Total	Non-Basin Areas	Upper Valley Subbasin	Total	Paso Robles Basin	Upper Valley Subbasin	Total	Non-Basin Areas	Upper Valley Subbasin	Total	Paso Robles Basin	Upper Valley Subbasin	Total	Non-Basin Areas	Upper Valley Subbasin	Total
Avg. (All Years)	399	2,163	2,561	2	-7	-5	411	2,249	2,661	2	7	9	416	2,276	2,692	2	-5	-3
				% Difference from Baseline			3.0%	4.0%	3.9%	22.1%	194.2%	280.7%	4.3%	5.2%	5.1%	19.0%	21.6%	37.9%
Avg. (Wet Years)	543	3,068	3,611	3	21	23	500	2,833	3,333	3	47	49	504	2,856	3,360	3	33	36
				% Difference from Baseline			-7.9%	-7.7%	-7.7%	-6.2%	121.7%	114.6%	-7.2%	-6.9%	-7.0%	-8.9%	56.5%	54.8%
Avg. (Normal Years)	374	2,011	2,385	3	91	94	443	2,421	2,864	3	26	29	450	2,462	2,912	2	5	7
				% Difference from Baseline			18.4%	20.4%	20.1%	-16.6%	-71.4%	-69.6%	20.3%	22.4%	22.1%	-21.8%	-95.0%	-92.7%
Avg. (Dry Years)	289	1,459	1,748	0	-217	-217	257	1,302	1,559	2	-72	-70	258	1,307	1,565	2	-65	-63
				% Difference from Baseline			-11.1%	-10.8%	-10.8%	2672.2%	66.7%	67.5%	-10.7%	-10.4%	-10.5%	2855.5%	69.9%	70.8%

Source: Monterey County Water Resources Agency (MCWRA). 2021. *Hydrologic Modeling Data Prepared for Interlake Tunnel Project EIR.*

Note: The numbers presented here represent the net groundwater-surface water exchange between the stream system and the subsurface. Not all of this water may be expected to recharge the regional groundwater system because some of it likely contributes to evapotranspiration within the riparian area. Negative values represent less water moving from surface water to groundwater.

Table D-11. Modeled Average Annual Net Groundwater/Surface Water Exchange along the Salinas River for each Aquifer, Water Year, and Project Scenario

	Average Annual Net Groundwater/Surface Water Exchange Along the Salinas River (in acre-feet per year)																	
	Modeled Baseline						Tunnel-Only Alternative						Proposed Project					
	Paso Robles Basin	Upper Valley Subbasin	Forebay Subbasin	180-/400-Ft Subbasin	Monterey Subbasin	Total	Paso Robles Basin	Upper Valley Subbasin	Forebay Subbasin	180-/400-Ft Subbasin	Monterey Subbasin	Total	Paso Robles Basin	Upper Valley Subbasin	Forebay Subbasin	180-/400-Ft Subbasin	Monterey Subbasin	Total
Avg. (All Years)	34	154,719	157,781	93,223	1,083	406,840	34	155,663	160,072	94,235	1,093	411,097	33	155,743	160,230	94,335	1,096	411,438
	% Difference from Baseline						0.0%	0.6%	1.5%	1.1%	0.9%	1.0%	-2.9%	0.7%	1.6%	1.2%	1.2%	1.1%
Avg. (Wet Years)	128	236,367	243,238	143,923	1,472	625,127	128	227,948	236,861	140,749	1,431	607,117	128	227,725	236,644	140,598	1,430	606,524
	% Difference from Baseline						0.0%	-3.6%	-2.6%	-2.2%	-2.8%	-2.9%	0.0%	-3.7%	-2.7%	-2.3%	-2.9%	-3.0%
Avg. (Normal Years)	6	141,812	145,771	88,203	1,073	376,865	5	139,163	144,154	86,903	1,054	371,278	5	139,002	144,206	86,965	1,058	371,234
	% Difference from Baseline						-16.7%	-1.9%	-1.1%	-1.5%	-1.8%	-1.5%	-16.7%	-2.0%	-1.1%	-1.4%	-1.4%	-1.5%
Avg. (Dry Years)	-15	89,929	87,220	47,502	681	225,316	-16	107,606	106,068	57,288	798	271,744	-16	108,454	106,828	57,731	805	273,802
	% Difference from Baseline						-6.7%	19.7%	21.6%	20.6%	17.2%	20.6%	-6.7%	20.6%	22.5%	21.5%	18.2%	21.5%

Source: Monterey County Water Resources Agency (MCWRA). 2021. *Hydrologic Modeling Data Prepared for Interlake Tunnel Project EIR.*

Note: The numbers presented here represent the net groundwater-surface water exchange between the stream system and the subsurface. Not all of this water may be expected to recharge the regional groundwater system because some of it likely contributes to evapotranspiration within the riparian area. Negative values represent less water moving from surface water to groundwater.

Flooding

A flood frequency analysis was performed for all of the 5- to 6-day timestep model data provided by MCWRA. Flood frequency was determined by using the Weibull Plotting Position technique to rank the peak annual flow in descending order and calculate return periods in years. The largest return period possible is 48 years for the model output available for the 1968–2014 water years. Modeled data of flood frequencies for water bodies within the project area for the 1968–2014 water years are summarized in **Table D-12** and **Figures D-1** through **D-11**. The proposed project and Tunnel-Only Alternative were compared to the modeled baseline for the 1.5-, 2-, 4.8-, 9.6-, 24-, and 48-year recurrence intervals to capture potential changes in a range of flow-event magnitudes at various model node locations. Model results indicate variable flood conditions, based on the recurrence interval and location.

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Table D-12. Flood Frequency Analysis of MCWRA Hydrology Model Data for 1968–2014 Water Years

Model Node Location	1.50 Year		2.00 Year		4.80 Year		9.60 Year		24.00 Year		48.00 Year	
	cfs	% Change from Baseline	cfs	% Change from Baseline	cfs	% Change from Baseline	cfs	% Change from Baseline	cfs	% Change from Baseline	cfs	% Change from Baseline
Nacimiento River Above Salinas River Confluence – Modeled Baseline	140	–	453	–	3,975	–	7,465	–	10,320	–	10,709	–
Nacimiento River Above Salinas River Confluence – Proposed Project	412	195%	453	0%	781	-80%	3,895	-48%	8,938	-13%	9,782	-9%
Nacimiento River Above Salinas River Confluence – Tunnel-Only Alternative	371	166%	451	0%	546	-86%	3,892	-48%	8,501	-18%	9,782	-9%
San Antonio River Above Salinas River Confluence – Modeled Baseline	479	–	884	–	1,182	–	1,242	–	1,570	–	1,711	–
San Antonio River Above Salinas River Confluence – Proposed Project	456	-5%	556	-37%	1,240	5%	1,629	31%	2,317	48%	4,030	135%
San Antonio River Above Salinas River Confluence – Tunnel-Only Alternative	475	-1%	703	-20%	1,163	-2%	1,853	49%	3,331	112%	4,684	174%
Salinas River Above Nacimiento River Confluence – Modeled Baseline	217	–	437	–	2,477	–	3,936	–	6,339	–	6,974	–
Salinas River Above Nacimiento River Confluence – Proposed Project	217	0%	437	0%	2,477	0%	3,936	0%	6,339	0%	6,974	0%
Salinas River Above Nacimiento River Confluence – Tunnel-Only Alternative	217	0%	437	0%	2,477	0%	3,936	0%	6,339	0%	6,974	0%
Salinas River Below Nacimiento River Confluence – Modeled Baseline	480	–	962	–	5,478	–	11,541	–	14,439	–	15,807	–
Salinas River Below Nacimiento River Confluence – Proposed Project	533	11%	749	-22%	2,617	-52%	7,465	-35%	11,541	-20%	15,912	1%
Salinas River Below Nacimiento River Confluence – Tunnel-Only Alternative	510	6%	626	-35%	2,617	-52%	7,463	-35%	11,541	-20%	15,475	-2%
Salinas River Above San Antonio River Confluence – Modeled Baseline	505	–	997	–	5,552	–	11,615	–	14,630	–	15,928	–
Salinas River Above San Antonio River Confluence – Proposed Project	557	10%	818	-18%	2,741	-51%	7,589	-35%	11,615	-21%	16,102	1%
Salinas River Above San Antonio River Confluence – Tunnel-Only Alternative	557	10%	657	-34%	2,741	-51%	7,587	-35%	11,615	-21%	15,666	-2%
Salinas River at Los Lobos – Modeled Baseline	1,156	–	1,507	–	5,641	–	11,741	–	14,865	–	16,098	–
Salinas River at Los Lobos – Proposed Project	1,138	-2%	1,486	-1%	2,886	-49%	8,298	-29%	15,644	5%	18,419	14%
Salinas River at Los Lobos – Tunnel-Only Alternative	1,164	1%	1,471	-2%	2,886	-49%	8,346	-29%	14,945	1%	20,350	26%
Salinas River at Soledad – Modeled Baseline	700	–	1,062	–	4,902	–	10,860	–	14,099	–	15,348	–
Salinas River at Soledad – Proposed Project	700	0%	971	-9%	3,462	-29%	7,649	-30%	14,240	1%	18,164	18%
Salinas River at Soledad – Tunnel-Only Alternative	748	7%	1,081	2%	3,467	-29%	7,648	-30%	13,674	-3%	19,717	28%
Salinas River at Chualar – Modeled Baseline	941	–	1,776	–	4,986	–	11,171	–	14,598	–	18,136	–
Salinas River at Chualar – Proposed Project	982	4%	1,592	-10%	4,786	-4%	8,697	-22%	15,157	4%	20,739	14%
Salinas River at Chualar – Tunnel-Only Alternative	980	4%	1,757	-1%	4,785	-4%	8,696	-22%	14,632	0%	22,180	22%

Model Node Location	1.50 Year		2.00 Year		4.80 Year		9.60 Year		24.00 Year		48.00 Year	
	cfs	% Change from Baseline	cfs	% Change from Baseline	cfs	% Change from Baseline	cfs	% Change from Baseline	cfs	% Change from Baseline	cfs	% Change from Baseline
Salinas River at Spreckles – Modeled Baseline	914	–	1,720	–	4,756	–	10,782	–	14,056	–	18,085	–
Salinas River at Spreckles – Proposed Project	976	7%	1,502	-13%	4,660	-2%	8,416	-22%	14,790	5%	20,582	14%
Salinas River at Spreckles – Tunnel-Only Alternative	972	6%	1,612	-6%	4,656	-2%	8,416	-22%	14,285	2%	21,975	22%
Salinas River Lagoon – Modeled Baseline	1,032	–	1,771	–	4,852	–	10,891	–	14,184	–	18,587	–
Salinas River Lagoon – Proposed Project	1,093	6%	1,597	-10%	4,754	-2%	8,575	-21%	14,959	5%	21,072	13%
Salinas River Lagoon – Tunnel-Only Alternative	1,090	6%	1,689	-5%	4,751	-2%	8,575	-21%	14,456	2%	22,460	21%

Source: Monterey County Water Resources Agency (MCWRA). 2021. *Hydrologic Modeling Data Prepared for Interlake Tunnel Project EIR.*
cfs = cubic feet per second

Figure D-1. Flood Frequency - Weibull Plotting Position - Nacimiento River Above Salinas River Confluence

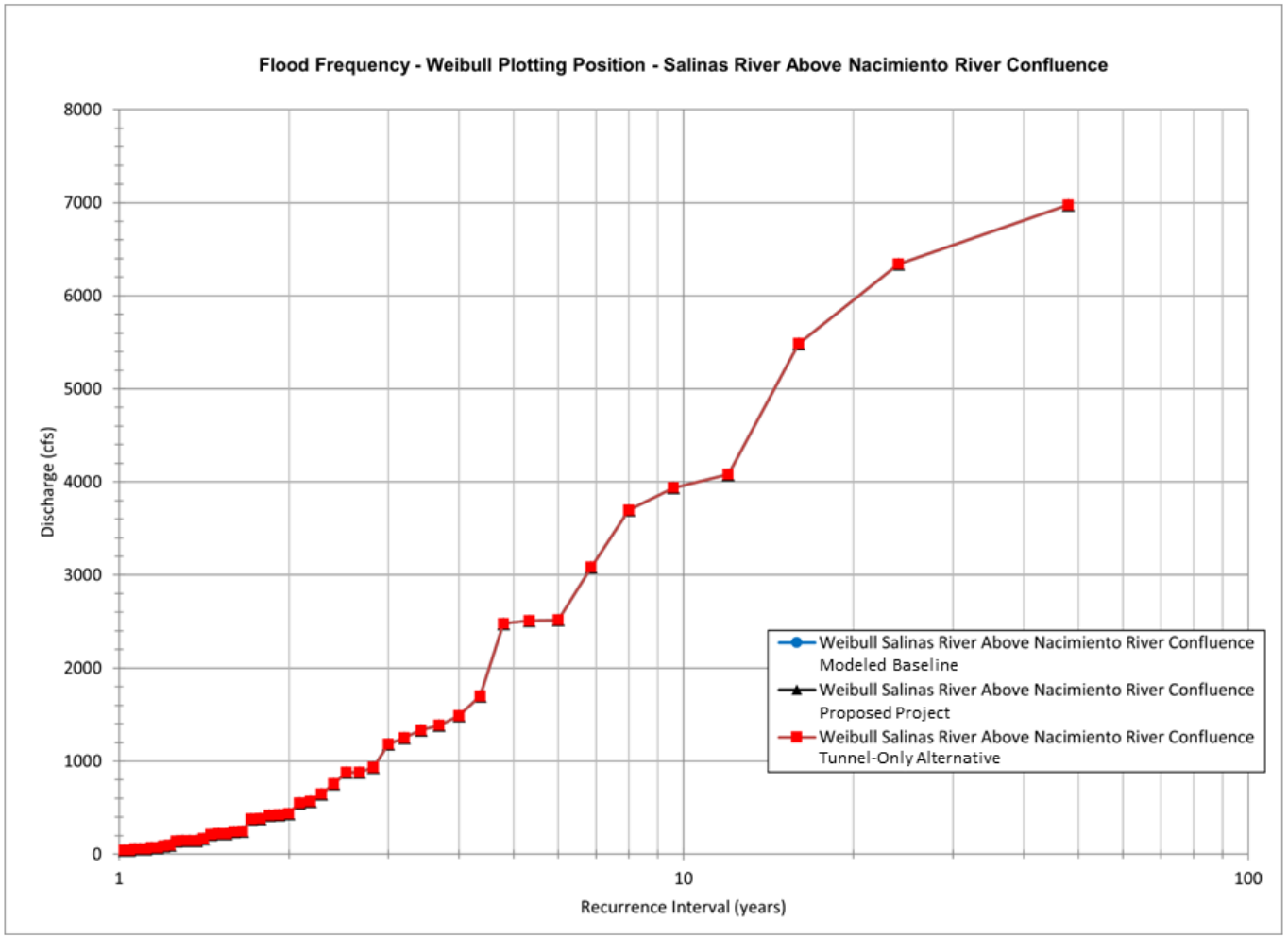


Figure D-2. Flood Frequency - Weibull Plotting Position - Salinas River Above Nacimiento River Confluence

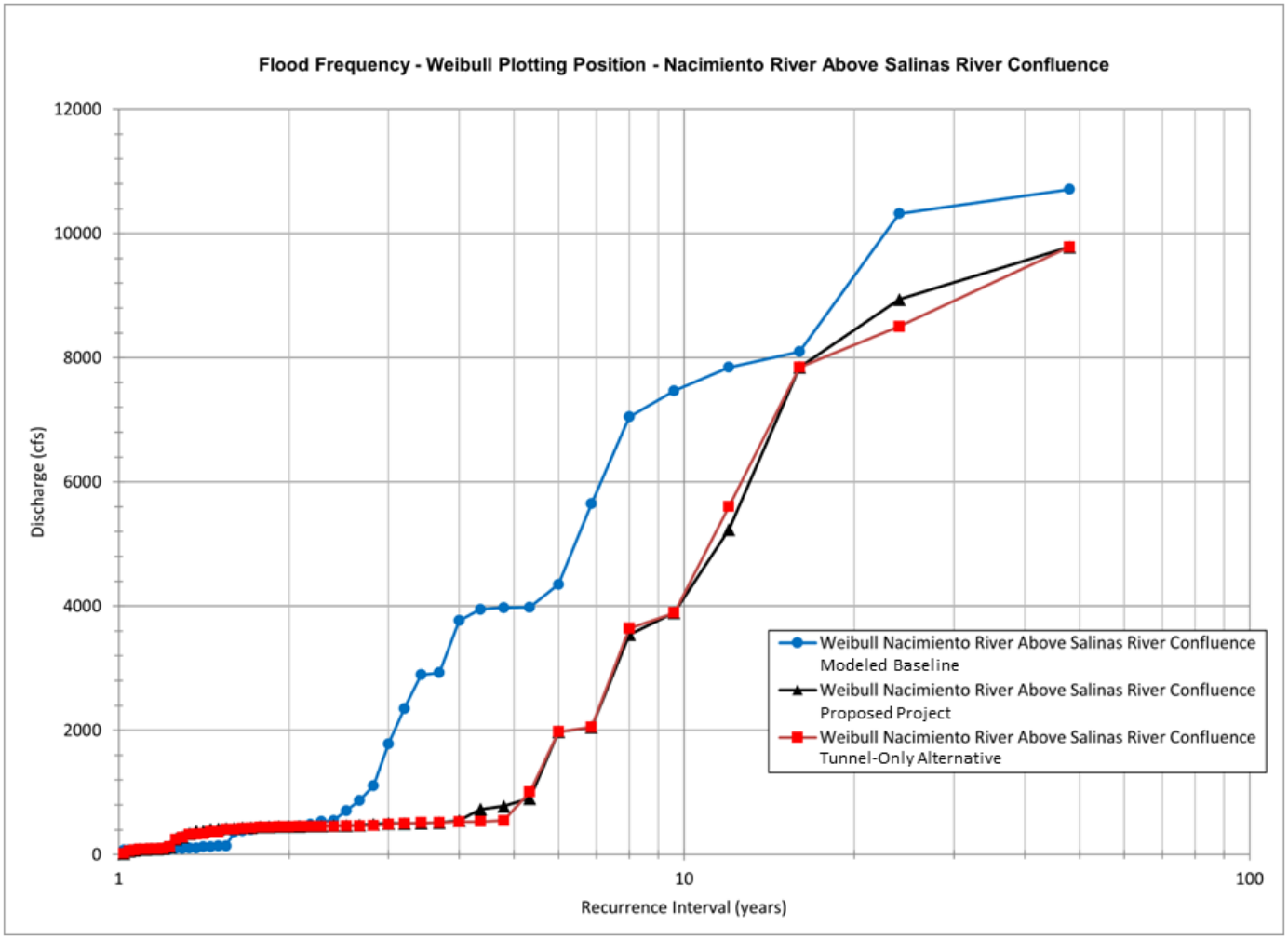


Figure D-3. Flood Frequency - Weibull Plotting Position - Salinas River Below Nacimiento River Confluence

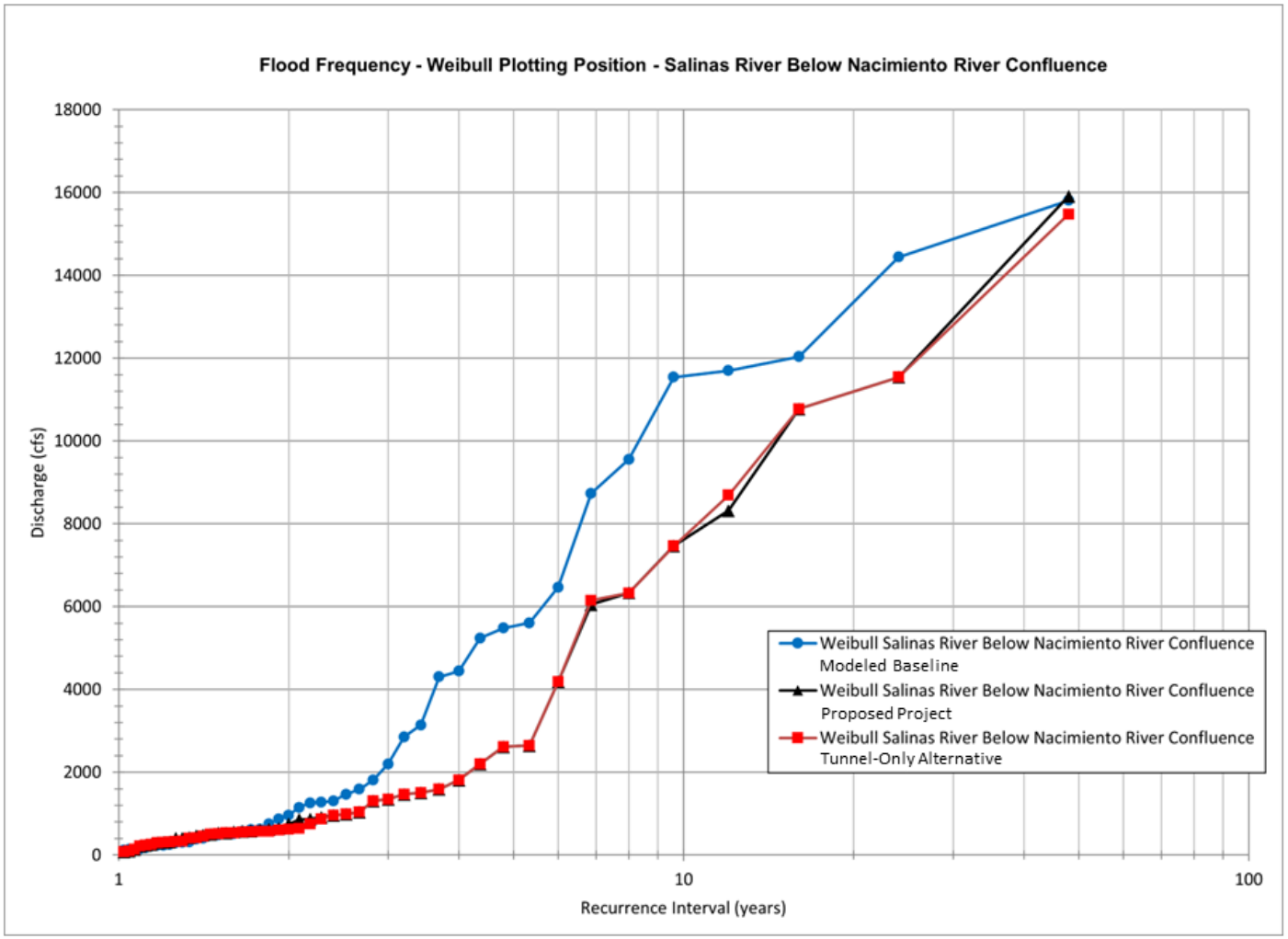


Figure D-4. Flood Frequency - Weibull Plotting Position – San Antonio River Above Salinas River Confluence

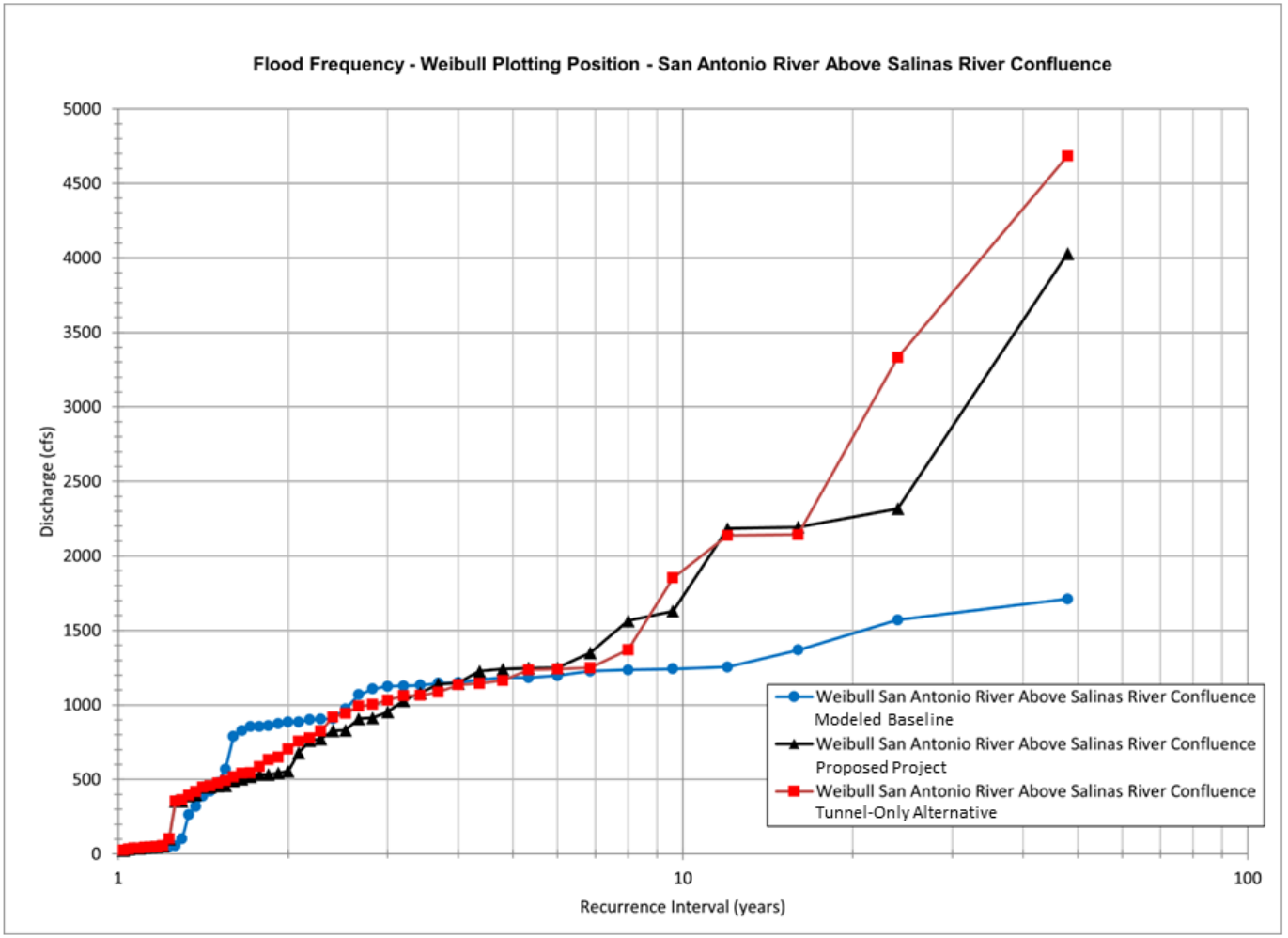


Figure D-5. Flood Frequency - Weibull Plotting Position – Salinas River Above San Antonio River Confluence

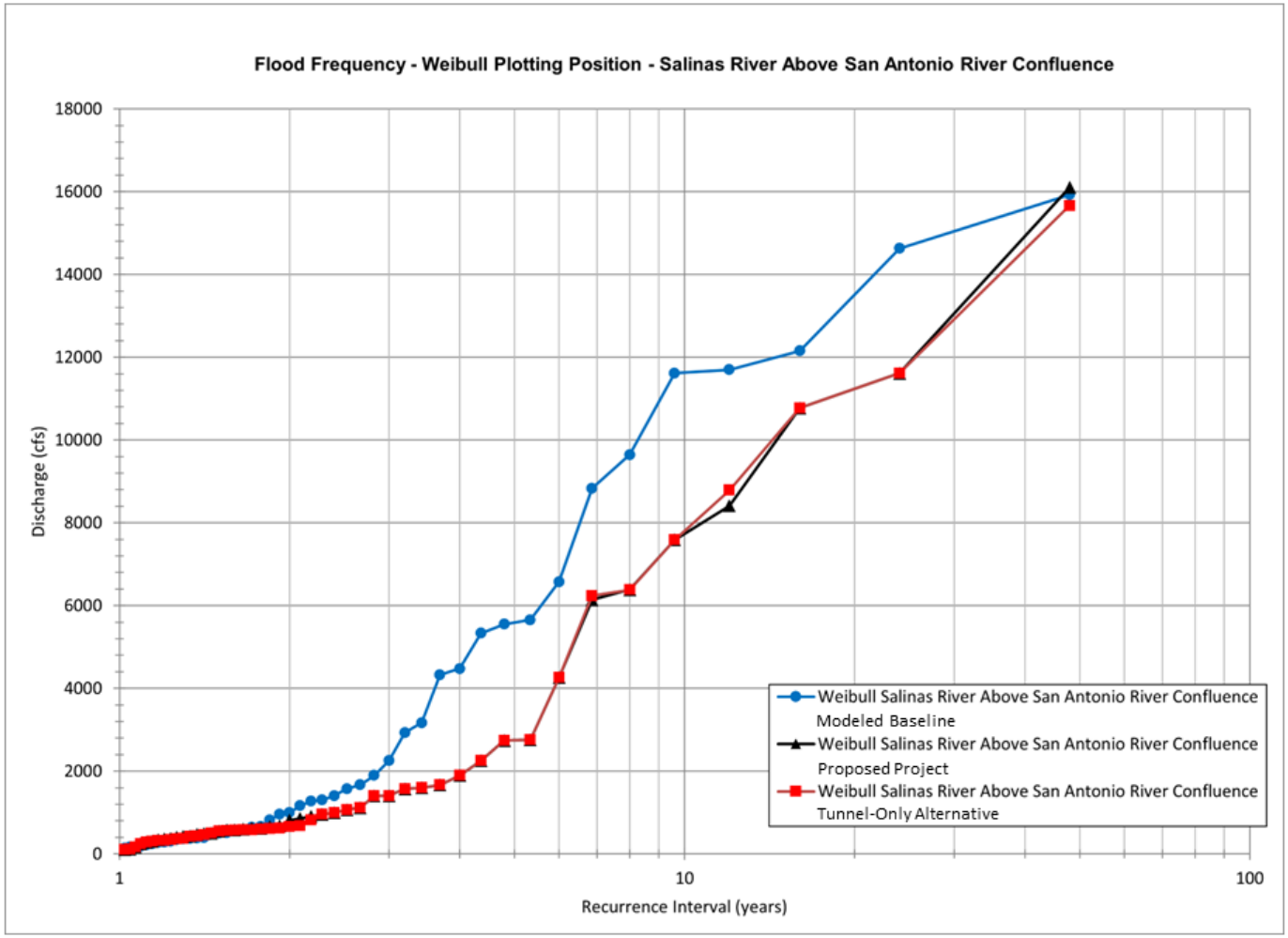


Figure D-6. Flood Frequency - Weibull Plotting Position – Salinas River Below San Antonio River Confluence

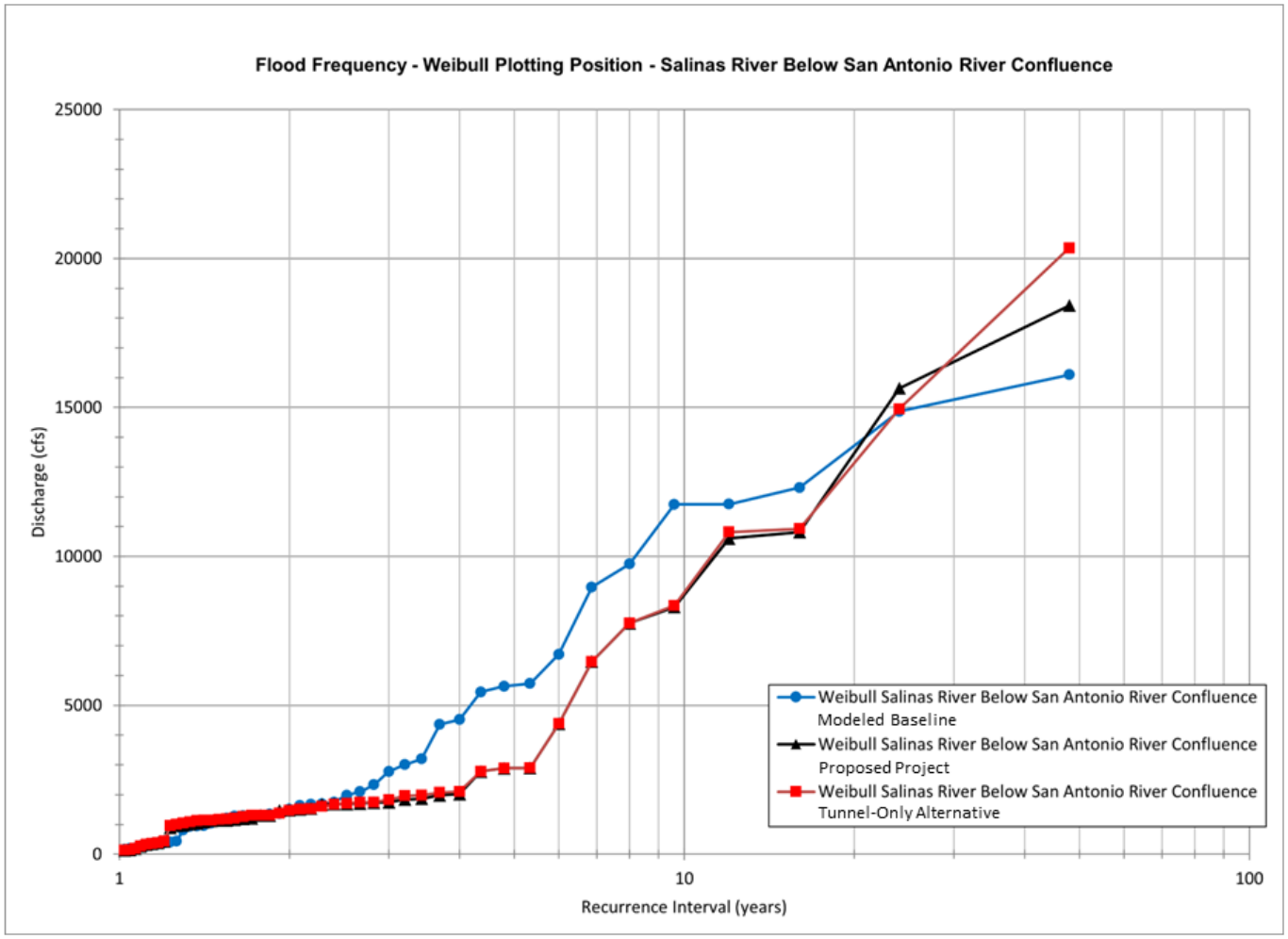


Figure D-7. Flood Frequency - Weibull Plotting Position – Salinas River at Los Lobos

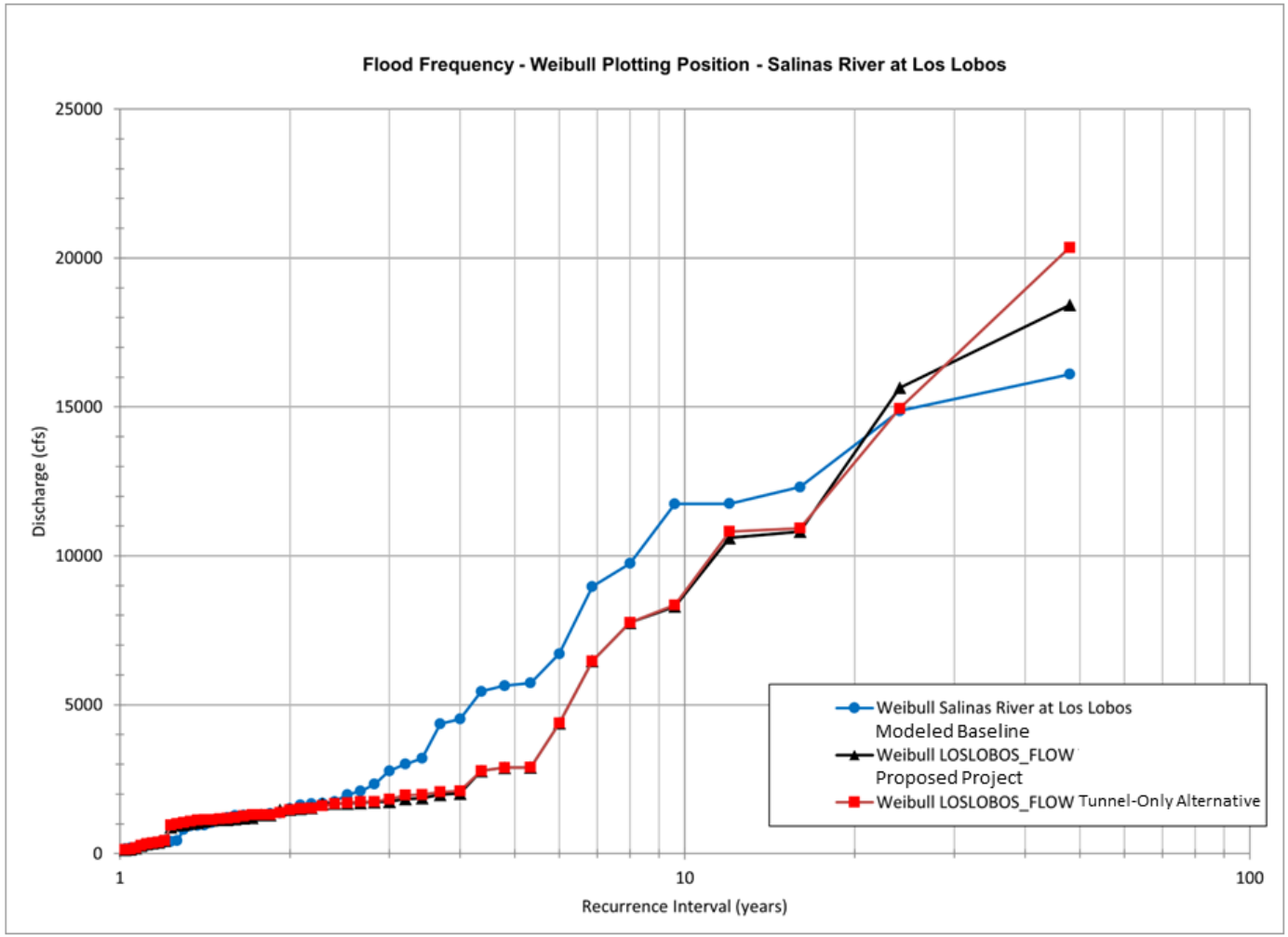


Figure D-8. Flood Frequency - Weibull Plotting Position – Salinas River at Soledad

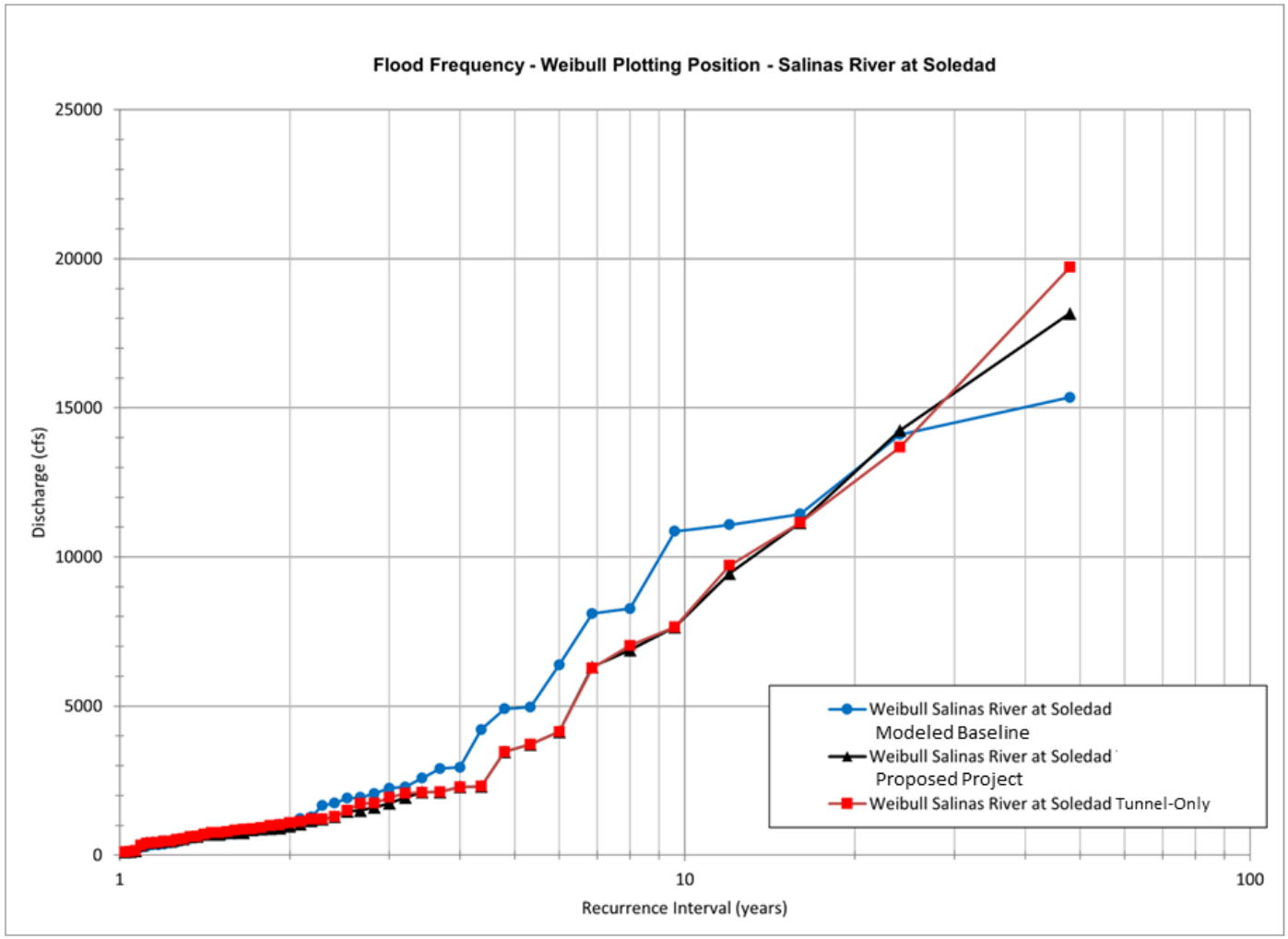


Figure D-9. Flood Frequency - Weibull Plotting Position – Salinas River at Chualar

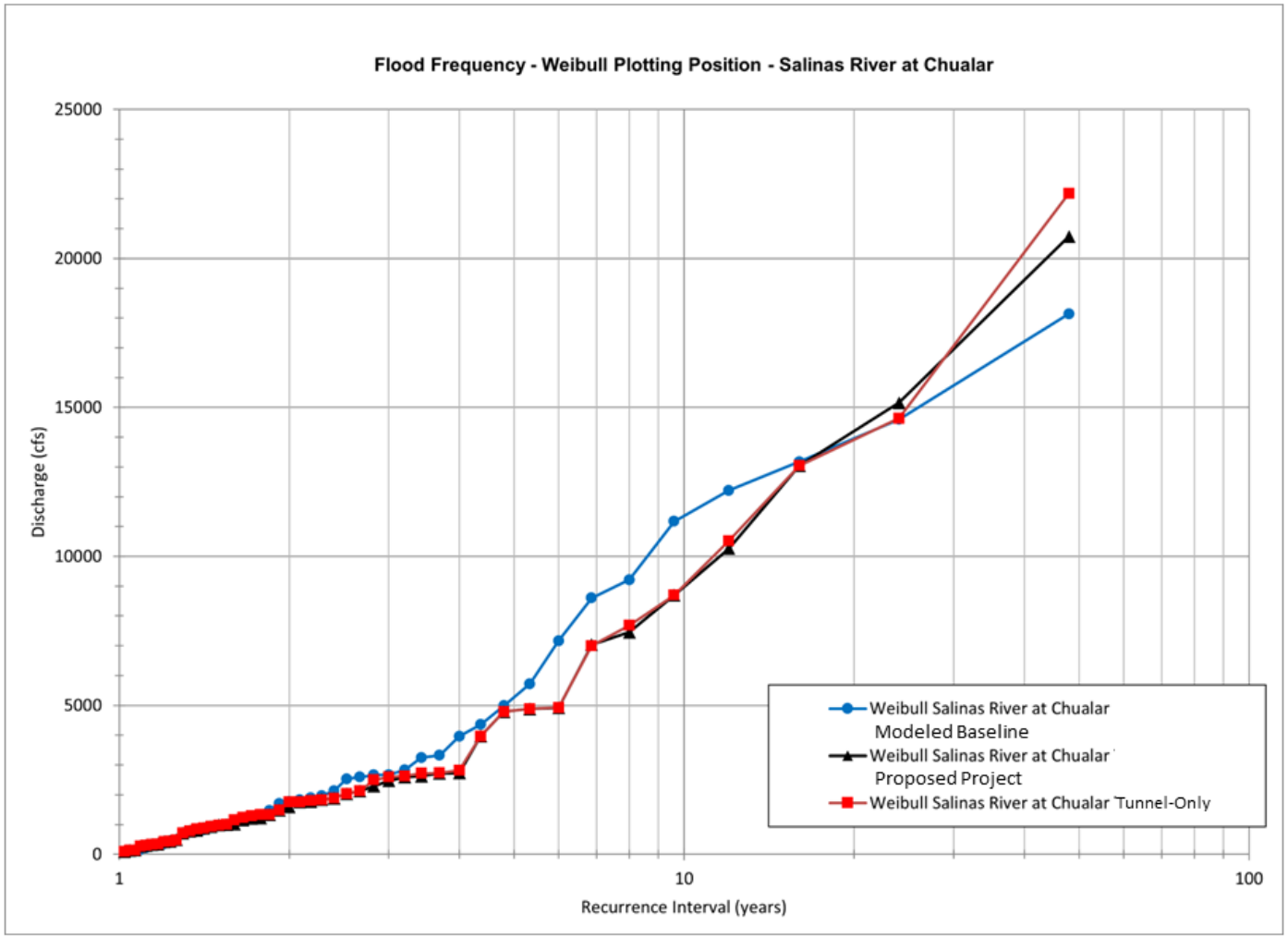


Figure D-10. Flood Frequency - Weibull Plotting Position – Salinas River at Spreckles

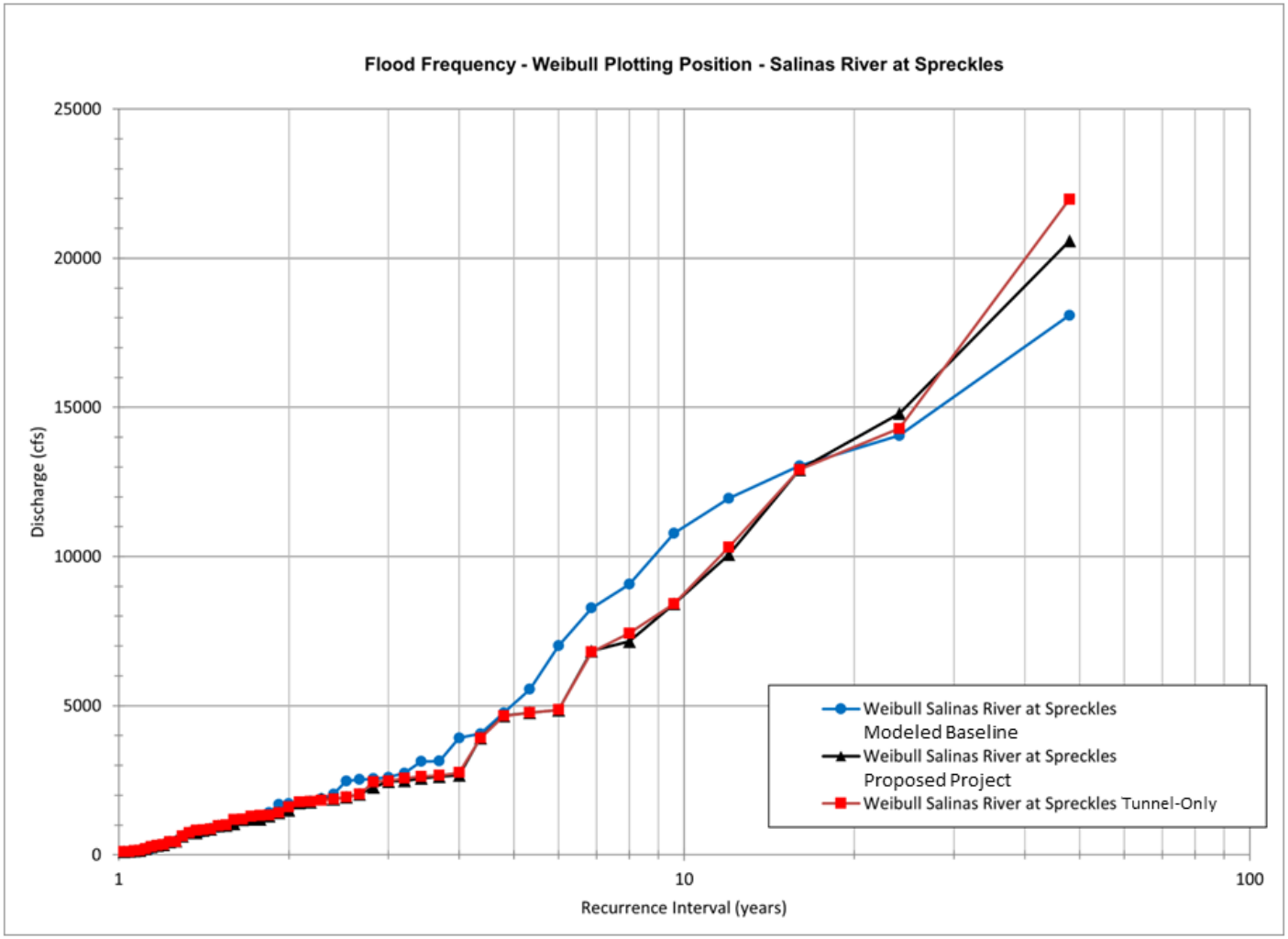
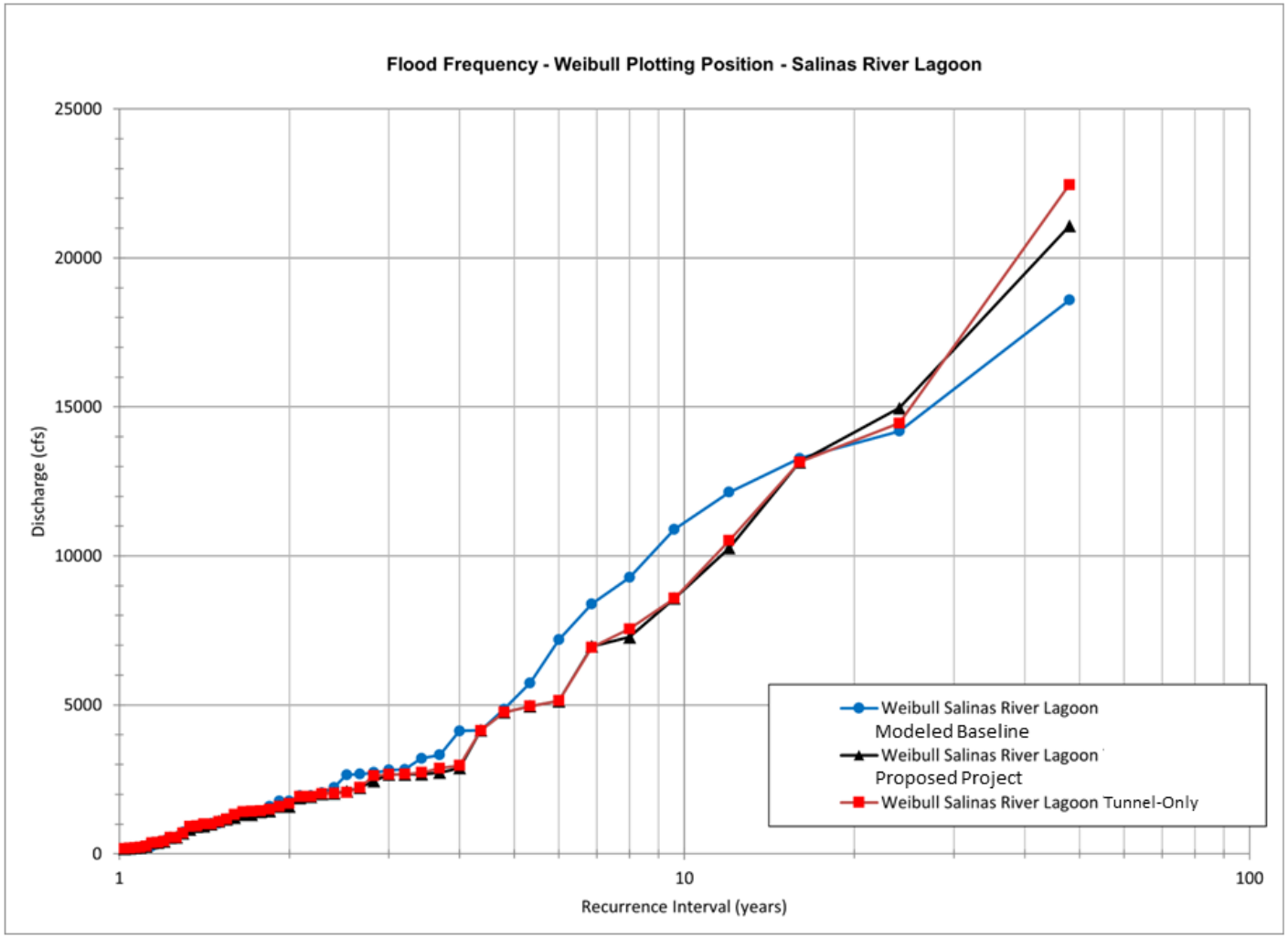


Figure D-11. Flood Frequency - Weibull Plotting Position – Salinas River Lagoon



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