

**CALIFORNIA COASTAL COMMISSION**

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**ATTACHMENT 4****NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties  
FROM: Peter Douglas, Executive Director  
DATE: January 25, 2008  
SUBJECT: **Proposed Amendment to Coastal Development Permit (CDP) A-3-SNC-05-010**  
Applicant: City of Sand City

**Original Description**

Construction and operation of a public reverse osmosis desalination facility (subsurface - no ocean intake or discharge) and potable water distribution system capable of delivering 300 acre feet per year (AF/y) of water to City residents and businesses (the "Sand City Water Supply Project"). The project includes placement of piping and wells west of Highway One within City-owned street right-of-ways, the desalination plant and storage tanks located east of Highway One on Shasta Avenue, and distribution pipes throughout the inland side of the City of Sand City (Monterey County).

**Proposed Amendment**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to CDP A-3-SNC-05-010, which would result in the following changes:

Amend the permit for the Sand City Water Supply Project to allow it to connect into the existing California American Water Company (Cal-Am) system, to eliminate storage tanks and new water distribution pipes east of Highway 1, to modify certain timing requirements and minor project components, and to add a permit condition to require that water produced by the desalination facility in excess of Sand City water demand be used to reduce pumping of the Carmel River and Seaside Basin aquifers. Such pumping reduction would vary from 300 AF/y initially to 94 AF/y in the long term should full Sand City buildout occur.

**Findings**

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, this amendment is considered to be immaterial and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered immaterial for the following reason(s):

Currently, water use in the City of Sand City is 94 AF/y, and at full City build-out it would be 300 AF/y. The Sand City Water Supply Project (SCWSP) was designed to produce up to 300 AF/y to serve City of Sand City uses, including future buildout. The Commission's original approval would have resulted in all SCWSP water being physically used within the City of Sand City, and Sand City going "off the grid" and no longer requiring Cal-Am water service. The result would have been that the amount of water that Cal-Am would have supplied to Sand City (94 acre feet based on the existing allocation), could instead be applied to reduce pumping on the currently over-tapped Carmel River and the Salinas Basin Aquifer



California Coastal Commission

Item No. 25  
December 4-5, 2008 Meeting  
Adoption of WDR Order No. R3-  
2008-0017, Sand City  
Attachment 4

#### **Special Condition 14. Reduction in Carmel River and Seaside Basin Aquifer Pumping.**

Prior to commencement of operation of the City of Sand City Water Supply Project (SCWSP), the City of Sand City shall submit for Executive Director review and approval all contracts, ordinances, agreements, understandings, and/or similar instruments by and between the City of Sand City and California American Water (Cal-Am), the Monterey Peninsula Water Management District (MPWMD), the Regional Water Quality Control Board (RWQCB), and all other similar and/or successor water purveyors and/or agencies, related to water produced by the SCWSP. **Documentation.** All such documentation shall clearly provide for the following:

- . As of the end of the 2005/2006 Water Year (i.e., the most current information available), Cal-Am supplied 94 acre-feet per year (AFY) of potable water to existing development within the City of Sand City.
- . New and/or expanded uses and development located within the City of Sand City at full build-out may require up to 300 AFY of potable water (i.e., up to an additional 206 AFY beyond the current use).
- . The SCWSP shall produce and deliver to Cal-Am's water supply and distribution system 300 AFY of potable water. In return, Cal-Am and MPWMD shall allocate up to 206 AFY of additional potable water (i.e., in addition to the current allocation) to serve appropriately permitted new and/or expanded uses and development that are located within the City of Sand City; any use of such water allocation outside the City is prohibited.
- . City of Sand City water allocations, entitlements, connections and/or other water-related authorizations shall not be transferred out of the City of Sand City.
- . The addition of water produced by the SCWSP to Cal-Am's water supply and distribution system will result in a reduction in the volume of pumping of the Carmel River (wells and/or direct withdrawals) and/or the Seaside Basin Aquifer per year by the volume that results from subtracting (a) the volume of additional water allocated by Cal-Am and MPWMD per year to serve permitted new and/or expanded uses and development in the City of Sand City from (b) the 300 AFY of SCWSP water produced and delivered to the Cal-Am system per year. In the immediate term, based on the current potable water use by existing development within the City, the reduction in pumping would be 300 AFY (i.e., 300 AFY SCWSP water - 0 AFY allocated to new/expanded uses and development). At full build-out, the reduction in pumping would be 94 AFY (i.e., 300 AFY SCWSP water - 206 AFY allocated to new/expanded uses and development). Thus, the volume of pumping of the Carmel River and/or the Seaside Basin Aquifer per year due to the SCWSP shall be reduced by a minimum of 94 AFY and up to a maximum of 300 AFY.

All requirements of this condition above shall be enforceable components of this coastal development permit. The City of Sand City shall undertake development in accordance with the approved Documentation. Any proposed changes to the approved Documentation shall be reported to the Executive Director. No changes to the approved Documentation shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

## SPECIAL CONDITIONS:

**1. Limits of Development.** This permit authorizes the construction and operation of a 300 AF/y reverse osmosis desalination plant and associated infrastructure as described in de novo finding #A2-4, as clarified and modified by these conditions, for those portions of the project within the Coastal Zone under the jurisdiction of the certified Sand City Local Coastal Program. Those portions of the project in the Coastal Zone in the uncertified area (generally along and south of Bay Avenue seaward of Highway One) are authorized pursuant to CDP waiver 3-07-025-DM issued on June 13, 2007 ~~not authorized by this permit; a separate coastal development permit authorized by the Coastal Commission will be required.~~

### **2. Final Plans.**

a. PRIOR TO ISSUANCE OF THE PERMIT, the Applicant shall submit final plans for the project components shown on the revised Exhibit 3 attached hereto for Executive Director review and approval of those components located in the coastal zone. The final plans (1) must incorporate any requirements necessary to address the findings of preconstruction biological surveys; (2) must incorporate any requirements from the design level geotechnical report (pursuant to Special Condition #13.5); ~~(3) may show the storage tanks placed underground;~~ and (4) (3) must show an improved vertical access at or near the end of Tioga Avenue or another comparable access improvement in the project vicinity, specified in or similar to one in the LCP, to be installed concurrently with the project.

b. The Permittee shall undertake development in accordance with the approved plans and any changes shall be reported to the Executive Director. No changes within the coastal zone shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary. Changes to the project requiring review for amendment would include but not be limited to changes in the method of financing the project (see Special Condition #6), changes in ownership (see Special Condition #8), physical, operational, or delivery capacity increases (i.e., beyond 300 AF/y), relocation of the wells (see Special Condition #5), or extension of water supply distribution pipelines (not individual connections from existing or approved lines) in the coastal zone beyond those shown on the final plans.

**3. Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit the Spill Prevention and Response Plan and a Construction Plan to the Executive Director for review and approval. In addition to the measures specified under Conditions #13.7, 13.8, 13.10, 13.11, 13.12, and 13.13 below, the Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view in the coastal zone. Construction and staging zones shall be limited to the minimum area required to implement the approved project, and shall minimize encroachment onto the dunes, bluff, and beach by using, for example, existing paved areas for staging and storing construction equipment and materials. Consistent with these restrictions, public access shall be disrupted as little as possible, and corridors or detours to allow beach and bicycle

access during construction shall be identified by the construction plan and maintained by the permittee throughout the construction period.

The Construction Plan shall also identify the type and location of erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following:

a. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction areas to prevent construction-related runoff and/or sediment from entering the dunes and/or the Pacific Ocean.

b. All construction materials and equipment shall be removed in their entirety from the dune and beach area by sunset each day that work occurs. The only exception shall be for the temporary erosion and sediment controls required above.

c. Grading and alteration of the dunes and beach intertidal area outside of the approved construction zone is prohibited with one exception as follows: the existing asphalt and rock debris in the vicinity of Vista del Mar Street and Tioga Avenue may be removed in accordance with the final approved plans, using excavation equipment positioned landward of the waterline (i.e., excavator equipment with mechanical extension arms).

d. Equipment washing, refueling, and/or servicing shall not take place on the beach or sandy dune area. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site.

e. The construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).

f. All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.

A copy of the approved Construction Plan shall be kept at the construction job site at all times and all persons involved with the construction shall be briefed on its content and meaning prior to commencement of construction. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

The Permittee shall undertake construction in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

**4. Sensitive Habitat Surveys, Protection, and Mitigation.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit the results of the

preconstruction biological surveys required by Special Condition #13.10 below or by this condition, accompanied by revised final design (Special Condition #1a), construction (Special Condition #3), and/or landscape plans (Special Condition #13.2) for the coastal zone for Executive Director review and approval. Any portions of the parcels to be acquired for the desalination plant ~~and water tanks~~ that contain coastal dune habitat shall be permanently protected. Implementation of the mitigation measures required below shall be accompanied by the submittal of a letter report prepared by a qualified biologist, detailing the success of the mitigation and any necessary follow-up, for Executive Director review and approval within 30 days of commencement. In addition to the measures specified under Conditions #13.10 and #13.13 below, the following are required (pursuant to the *Final EIR*):

- a. Surveys for listed species shall be consistent with the protocols established by the US Fish and Wildlife Service and California Department of Fish and Game;
- b. Surveys for Monterey spineflower, sand gilia, coast wallflower, and Monterey Indian paintbrush along the pipeline alignment and at the plant site shall be prepared during the April to September flowering season immediately prior to project construction;
- c. In the event that any Monterey spineflower, sand gilia, coast wallflower, or Monterey Indian paintbrush are found, construction methods will be modified to include directional drilling under the under the plant colony, with bore pits to be installed within currently paved areas of roadway;
- d. Protocol surveys will also be prepared for the two species of buckwheat (*Eriogonum latifolium* and *Eriogonum parvifolium*) that are the host plants for the federally endangered Smith's blue butterfly;
- e. In the event that any *Eriogonum latifolium* or *Eriogonum parvifolium* are found, construction shall not occur in areas adjacent to those populations during the period of June through September;
- f. In the event installation of pipelines and/or plant construction will directly impact any *Eriogonum latifolium* or *Eriogonum parvifolium*, damaged or removed buckwheat plants will be replaced at a 3:1 ratio in accordance with a Butterfly Habitat Restoration Plan submitted for Executive Director review and approval prior to the removal of the plants. At least 70% of these plantings shall survive for 5 years and be monitored annually. If this goal has not been met at 5 years, then planting will continue until compliance is achieved;
- g. Surveys for black legless lizards will be conducted no more than 24 hours prior to commencement of construction pursuant to a letter report detailing plans for locating and, if necessary, capturing legless lizards and relocating them (including relocation methods and release sites) provided to the California Department of Fish and Game for approval prior to conducting the surveys;
- h. In the event that any black legless lizards are found in the work area they are to be moved to suitable areas away from the construction zone, pursuant to the letter report described above;

i. Surveys for the burrowing owls shall be conducted no more than 30 days prior to commencement of ground disturbing activities.

**5. Relocation / Removal of Wells.** PRIOR TO ISSUANCE OF THE PERMIT, the Applicant shall submit a final Adaptive Water Supply Management Program, for Executive Director review and approval. Upon approval, Applicant shall implement the program for the life of the project. The Program shall have monitoring, relocation, and update components that expand on the narrative on page 14 of the *Draft EIR* as follows:

a. The **monitoring** component shall assure that the relocation component can be implemented in a timely manner to avoid (i.) creating or being materially adversely impacted by hazardous conditions (ii.) unpermitted or emergency permitted work and (iii.) the installation of shoreline protection measures. The monitoring component shall detail the frequency, methods, staffing, locations, and other specific aspects of the noted observations to be made (including beach profile and well water quality). This component shall be prepared by a licensed geologist, or civil or geotechnical engineer. It shall be sufficient to assess all potential erosion threats to the proposed development and shall include at a minimum: (iv.) provisions for taking measurements of the distance between the proposed surface level and buried development and the bluff face and beach features, including identification of exactly where such three-dimensional measurements will be taken, e.g. by reference to benchmarks, survey positions, points shown on an exhibit, etc. and the frequency with which such measurements will be taken; (v.) provisions for submission of “as-built” plans, showing the permitted development in relation to the existing topography and showing the bluff and beach conditions that would constitute the onset of a threat to the approved development (“onset of risk condition”); (vi.) provisions for inspection of the condition of the proposed development and project shoreline by a licensed geologist, or civil or geotechnical engineer, including the scope and frequency of such inspections.

b. The **relocation** component shall address methods and proposed locations for potentially threatened portions of the project, and how the abandoned portions of the project will be addressed, consistent with at a minimum (i.) avoidance of sensitive habitat disturbance and consistency with City LCP ESHA protection policies; (ii.) avoidance of public access disturbance, incorporation of access improvements, and consistency with City LCP access policies and (iii.) avoidance of hazardous locations, the need to install shoreline protective devices, and consistency with City LCP hazard policies. The relocation component shall contain a process to ensure timely success including, but not limited to ensuring that (iv.) financing will be available; (v.) potential relocation sites will be acquired; (vi.) all permits and other permissions will be secured and (vii.) construction will take place.

c. The **update** components shall be prepared, and submitted to the Executive Director for review and approval, at least once every five years. Each update shall contain the monitoring results to date, with a conclusion as to what they mean for the timing of when the need for relocation is expected. The update shall include (i.) an evaluation of the condition and performance of the approved development, including an assessment of whether any erosion or bluff retreat has occurred that could adversely impact future performance of the device, (ii.) all measurements taken in conformance with the

approved monitoring process, (iii.) an analysis of erosion trends, annual retreat, or rate of retreat of the beach and bluff, based upon the measurements and in conformance with the approved monitoring process, (iv.) an analysis of the stability of the approved development, an estimate of the foreseeable conditions that would modify the bluff or beach to an “onset of risk condition” as identified by the permittee on the “as-built” plans; and the anticipated life of development, based on the conditions of current site and the “onset of threat” conditions.

Each update shall also contain a relocation plan indicating what the results of the relocation analysis have been or are likely to be. The default first relocation site for the injection wells shall be Sand Dunes Drive, unless and until superseded by an approved update. The level of specificity of the relocation plan shall be commensurate with the monitoring conclusions; i.e., when monitoring indicates that relocation will not be necessary for several years, the relocation plan can be conceptual, schematic, and contain alternatives; when monitoring indicates that relocation will likely be necessary within the following five years, the relocation plan shall show an actual relocation site, evidence of approvals, and actual construction plans. As specified in Special Condition #2, an amendment to this Coastal Development Permit shall be required for relocation or removal of the permitted facilities. The application for the amendment shall include an assessment of existing conditions and an evaluation of the potential habitat or other coastal resource impacts associated with re-siting the wells. In addition, the amendment shall include a description of the method to be used for relocating facilities, whether or not existing facilities will be abandoned or removed, and include all mitigation measures necessary to avoid impacts on coastal resources.

**6. Financing Plan/Growth Inducement:** This permit authorizes construction and operation of the proposed municipal water system project. This permit does not authorize any other development. The payment, or agreement to pay, any assessment or other charge used to construct or operate the project (or to finance such costs) shall not confer any right or entitlement to any future development in the Coastal Zone. Notice of this condition shall be provided, in writing, to participants in the assessment district at the time of district formation.

**7. Water Conservation Plan.** PRIOR TO ISSUANCE OF THE PERMIT, the Applicant shall submit a Water Conservation Plan for Executive Director review and approval. Upon approval, applicant shall implement the plan for the life of the project. The Plan shall include measures to encourage customers to conserve water, recycle water, and use reclaimed water, if available, such as those listed on page 26 of the final EIR (i.e., water efficient washers and dishwashers, landscaping with natives and minimized turf areas, professionally designed lawn sprinkler systems, gray water irrigation, water efficient commercial and industrial processes; free leak detection equipment). The Plan shall include an update component. The Plan shall be consistent with and coordinated other regional or state water conservation programs.

**8. Public Ownership.** The proposed water system is to be owned by the City of Sand City or the City of Sand City Redevelopment Agency. No changes in ownership (other than between the City and the City Redevelopment Agency) shall occur without a Commission amendment to this coastal development permit unless the Executive

Director determines that no amendment is necessary. Any other party that the City or the Redevelopment Agency contracts with to operate the system shall abide by all these permit conditions.

**9. Regional Cooperation.** The Applicant shall continue its cooperation with regional water supply planning programs. In its negotiations with, and through its membership in, the Monterey Peninsula Water Management District, the City shall remain committed to planning for and operating its desalination water system in a manner that can maximize regional environmental benefits (e.g., reducing dependence on Carmel River withdrawals).

~~**10. Emergency Tie-in to Other Systems:** PRIOR TO INSTALLATION OF THE 8" EMERGENCY CONNECTION TO MARINA OR ANY ALTERNATIVE CONNECTIONS TO ANOTHER WATER PURVEYOR, the Permittee submit for Executive Director review and approval:~~

~~a. Evidence that coastal development permits (and/or Federal Consistency) have been obtained for the entire route of the pipeline that falls within the coastal zone;~~

~~b. Legally binding agreements on how water will be shared among Sand City and the other water purveyor(s) consistent with this and any other coastal development permits and consistent with *Sand City Land Use Plan* policy 6.4.16 and any other similar LCP or Coastal Act policies applicable to the other water purveyors.~~

**11. Evidence of Other Agency Approvals.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the Executive Director for review and approval, evidence that approvals have been obtained from the Monterey Peninsula Water Management District, ~~Regional Water Quality Control Board,~~ National Marine Sanctuary, and U.S. Fish & Wildlife Service or that these approvals are not necessary.

PRIOR TO ANY DISCHARGE FROM THE APPROVED PROJECT, the Applicant shall submit to the Executive Director for review and approval evidence that approval has been obtained from the Regional Water Quality Control Board or that this approval is not necessary.

**12. Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from episodic and long-term bluff retreat and coastal erosion, stream erosion and scour, wave and storm events, bluff and other geologic instability, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising

from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.

**13. City Conditions.** The following conditions of the City of Sand City's approval of the Project become conditions of this coastal development permit and the City shall submit evidence of compliance with each of them for Executive Director review and approval. Other conditions of Sand City's approval pursuant to any planning authority other than the Coastal Act continue to apply (e.g., conditions #9 and #17).

2. Prior to issuance of building permit(s) for the desalination plant, a final landscape plan and architectural drawings shall be reviewed and approved by the Design Review Committee (DRC). The final landscape plan shall (a) be in accordance with Section 18.62.050 of the Municipal Code; (b) utilize native, non-invasive coastal plants to the extent feasible; and (c) provide for the use of drought tolerant plants in accordance with Chapter 15.12 of the Municipal Code.

3. Prior to public distribution of water, the City and/or the Redevelopment Agency shall obtain a final design permit from the DRC in accordance with Chapter 18.58 of the Municipal Code. The final design shall be consistent with the requirements of Chapter 18.64 of the Municipal Code and shall include a lighting plan which provides for the illumination of the desalination facility site for security purposes. The final design for the building(s) shall include plans for the design and screening of mechanical equipment proposed to be located on the building(s).

4. Prior to supplying water for potable uses), ~~Prior to the issuance of building permits,~~ the City and/or the Redevelopment agency shall obtain approval for operation of a water system from the California Department of Health Services (DHS) and shall obtain all necessary approvals from the Monterey County Department of Environmental Health.

5. Prior to the issuance of building permits, a design-level geotechnical report shall be completed to recommend specific design criteria for the pipelines, wells, and foundations of structures at the desalination facility. The geotechnical report shall include site-specific evaluation of soils conditions, slope stability, ground-shaking and the potential for liquefaction, lateral spreading and seismically induced dry sand settlement. The report shall also address design criteria for avoiding impacts of coastal recession, erosion, and coastal bluff slope stability on the operation of the water supply system. At a minimum, design criteria shall include horizontal and vertical setbacks or safety factors for wells and pipelines within the area subject to coastal recession during the next 50 years. These criteria and recommendations shall be required conditions of the building and grading permits issued for the project.

All geotechnical reports shall be submitted to the Sand City Community Development Department and shall be peer-reviewed by a certified geotechnical engineer.

A design-level geotechnical study shall be required and peer reviewed prior to issuance of building permit(s).

Said study shall address design criteria for avoiding impacts of coastal recession, erosion and coastal bluff slope instability on the operation of the water supply system. At a minimum, design criteria shall include horizontal and vertical setbacks or factors of safety for wells and pipelines within the area subject to coastal recession during the next 50 years. Recommended factors of safety will be required conditions attached to the building permit(s) and will be part of the "adaptive water supply management program". Furthermore, the adaptive water supply management program, as proposed on page 14 of the Draft EIR is hereby incorporated by reference into this condition of project approval.

6. The RO/desalination facility on Shasta Avenue and its associated components shall be designed and constructed in accordance with the 1997 Uniform Building Code guidelines for Seismic Zone 4.

7. A final grading and erosion control plan for all applicable project components shall be submitted to, and approved by the City Engineer prior to issuance of a final grading permit. The plan shall provide that any grading between October 1 and April 15 will require approval of the City Engineer and shall be consistent with said plan. Implementation of the final grading plan shall also be consistent with habitat protection measures of these permit conditions.

8. All construction contracts shall require watering of exposed earth surfaces in the late morning and at the end of the day; frequency of watering shall be increased if wind speeds exceed 15 miles per hour.

10. A preconstruction biological survey shall be required for potential burrowing owls, Western snowy plover, black legless lizards and all sensitive plant species identified in the project environmental impact report (EIR). If construction is to occur between March and September, a qualified ornithologist will conduct a pre-construction survey for nesting snowy plovers within 500 feet of construction activity. If nesting snowy plovers are identified within 500 feet, the ornithologist will, in consultation with the U.S. Fish & Wildlife Service determine a construction-free setback around the nest. The setback shall be fenced and construction equipment and workers will not be allowed to enter the enclosed setback until the conclusion of the breeding season.

For construction activities proposed during the nesting season of the burrowing owl (February 1 through August), a construction-free buffer will be established around any active burrowing owl nest. Once the young have fledged, construction activity can occur within close proximity of the former nest. Construction activities shall be monitored by a qualified ornithologist to insure that construction activities do not result in harm or injury to resident owls.

11. Spoils piles generated during trenching and installation of temporary bore pits for the installation of pipelines and wells shall only be placed on existing pavement or in designated storage areas. The placement of trenching spoils within coastal dune habitat or in areas supporting buckwheat plants shall be prohibited. These requirements shall be conditions of all grading permits issued for the project.

12. A construction worker awareness program shall be required for all personnel working near coastal dune habitat prior to the initiation of work. The program shall include the general habits of special status species that could be present in the area, a discussion of dune erosion factors, legal requirements and protections that apply, and measures to be used by project personnel to minimize the risk of impacts to coastal dune habitat or special status plant or animal species during project implementation. This construction awareness program shall be a required part of all appropriate bid requirements issued by the City Engineer.

13. Exclusionary fencing shall be provided in areas identified as being necessary for such restrictions as determined by the preconstruction biological survey of areas to be disturbed by the project.

14. The discharge of concentrate (byproduct water of the desalination process) through subsurface injection well(s) shall have a total dissolved solids (TDS) content limited to a maximum of 35,000 mg/L.

15. If cultural resources are uncovered during site preparation or construction, work shall be halted in the immediate area of the find and the regional office of the California State Archeological Survey and the City of Sand City planning department shall be notified so that suitable mitigation measures can be implemented, if necessary. Potential mitigation measures, as applicable, are described on pages 136, 137 of the Draft EIR for the project, and are incorporated herein by reference.

16. To the extent feasible, the RO/desalination facility shall be operated as needed to maintain adequate water supply for water users and for fire flows. The design of the RO/desalination facility shall require, in contract documents that state-of-the-art membrane technology be used and that an energy recovery system for the high pressure pumps be installed.