STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for the

MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY
PURE WATER MONTEREY GROUNDWATER REPLENISHMENT PROJECT

SOURCES: Blanco Drain and Reclamation Ditch

COUNTY: Monterey

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

I. Background and Project Description

The purpose of the Monterey Regional Water Pollution Control Agency's (Agency or Applicant) Pure Water Monterey Groundwater Replenishment Project (Project) is to create: (1) a reliable source of drinking water supply from purified recycled water for recharge of the Seaside Groundwater Basin; and (2) recycled water to augment the existing Castroville Seawater Intrusion Project's agricultural irrigation supply. Water supplies proposed to be recycled and reused by the Project include municipal wastewater, industrial wastewater, urban stormwater runoff, and surface water diversions. The Reclamation Ditch Diversion Site and the Blanco Drain Diversion Site are the currently proposed components of the Project that have potential discharges to waters of the United States and waters of the State (Figure 1). These two components of the Project are discussed further below.

Reclamation Ditch Diversion Site

The Reclamation Ditch is a network of excavated earthen channels used to drain natural, urban, and agricultural runoff and agricultural tile drainage. The Monterey County Water Resource Agency has flood control responsibility for the Reclamation Ditch. As part of the Project, a new diversion structure will be installed in the Reclamation Ditch, and a new pump station, valve and meter vaults will be installed on the southern bank, to divert flows, when available[1], into the existing 54-inch sanitary sewer main. The sanitary sewer main conveys wastewater to the Agency's Salinas Pump Station. Under the Project, the Reclamation Ditch Diversion Site[2] will be located near Davis Road, where an existing City of Salinas' 54-inch sanitary sewer main crosses the Reclamation Ditch. The new diversion structure will be located on the bottom of the ditch and will be screened to prevent fish and trash from entering the pump station.

Construction of the Reclamation Ditch diversion will include minor grading, installation of a wet well, modification of an existing sanitary sewer manhole, and installation of a short pipeline from the existing manhole to the new pump station. The Reclamation Ditch carries flow year-round,

---

[1] It is estimated that the Reclamation Ditch will yield an average 1,522 acre-feet per year.
[2] State Water Board application number 32263B.

so a clear water diversion[3] will be used to convey existing ditch flows downstream of the Project construction area. The new pump station wet well, intake structure, and pipelines will be constructed using open-trench excavation. The construction excavation for the Reclamation Ditch Diversion Site is estimated to be 40-feet-long by 10-feet-wide.

Blanco Drain Diversion Site

The Blanco Drain collects water from approximately 6,400 acres of agricultural lands near Salinas. The Monterey County Water Resources Agency has flood control responsibility for the Blanco Drain. Under the Project, the Blanco Drain Diversion Site[4] will be located adjacent to Monterey County Water Resources Agency's existing Blanco Drain Pump Station. This new diversion site will consist of an intake structure on the channel bottom, connecting to a wet well on the channel bank. The new intake will be screened to prevent debris and trash from entering a new pump station. The new pump station will discharge, through a new 18-inch force main, to a connection in the existing 36-inch Salinas Interceptor that ultimately discharges into the Agency's Regional Treatment Plant headworks. The location of the Blanco Drain Diversion Site was selected to enable water to be diverted to the Regional Treatment Plant prior to flowing into the Salinas River. The channel carries flow year-round, so a clear water diversion will be used to convey existing flows past the Project construction area to the existing slide gate downstream of the adjacent Blanco Drain Pump Station.

Construction of the Blanco Drain diversion will include minor grading and installation of a new wet well and force main by open-trench and trenchless methods. The new pump station wet well, intake structure, and on-site pipelines will be constructed using open-trench excavation. The construction excavation at the Blanco Drain diversion site may be as large as 40-feet-long by 10-feet-wide. The below-grade components may use pre-cast concrete structures, such that the underground work may take less than a week to complete. Once the excavations are closed, channel protection (concrete or riprap) may be installed and the clear water diversion will be removed. Some cast-in-place concrete work is expected, requiring that concrete trucks access the site.

II. Regulatory Authority

Water Quality Certification and Related Authorities

The Federal Clean Water Act (33 U.S.C. §§ 1251-1387) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a).) Section 101 of the Clean Water Act (33 U.S.C. § 1251 (g)) requires federal agencies to "co-operate with the State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources."

Section 401 of the Clean Water Act (33 U.S.C. §1341) requires every applicant for a federal license or permit which may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the agency responsible for certification to prescribe effluent limitations

[3] Clear water diversion consists of a system of structures and measures that intercept surface water upstream of a project site, transport it around the work area, and discharge it downstream with minimal water quality degradation.
[4] State Water Board application number 32263A.

and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of state law. Section 401 further provides that state certification conditions shall become conditions of any federal license or permit for the project. The State Water Resources Control Board (State Water Board) is designated as the state water pollution agency for all purposes stated in the Clean Water Act and any other federal act. (Wat. Code, § 13160.) The Executive Director of the State Water Board has been delegated the authority to issue a decision on a water quality certification application. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

On December 22, 2015, the State Water Board received the Agency's application for water quality certification (certification) for the Project pursuant to section 401 of the Clean Water Act. The Project design and permitting processes resulted in minor, non-substantive changes to the information submitted in the application for certification. As a result, the information submitted in the application was amended by the Agency on November 23, 2016. On March 17, 2017, the Agency simultaneously withdrew and resubmitted its application for certification for the Project.

On January 21, 2016, the State Water Board provided notice of receipt of a complete application for the Project to the applicable parties pursuant to California Code of Regulations, title 23, section 3835, subdivision (c). On May 5, 2016, the State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the State Water Board's website and emailing interested parties on the "Water Rights Water Quality Certification" email subscription list. No comments were received.

State Water Board staff forwarded the portions of the application that have the potential to cause adverse water quality impacts other than specific impacts resulting from alterations to instream flows to the Central Coast Regional Water Quality Control Board on January 17, 2017. (See Cal. Code Regs., tit. 23, sec. 3855, subd. (b)(2)(B)). Central Coast Regional Water Quality Control Board staff responded with comments on February 1, 2017. These comments have been incorporated into this water quality certification.

On January 18, 2017, pursuant to Section 404 of the Clean Water Act, the United States Army Corps of Engineers (Corps) provided authorization under Nationwide Permits (NWPs) 12 and 13 for Utility Line Activities and Bank Stabilization, respectively. These NWPs expired on March 18, 2017, with new 2017 NWPs taking effect on March 19, 2017. No new impacts to Corps jurisdictional waters are anticipated and the Project remains consistent with the requirements of the 2017 NWPs. On March 14, 2017, the Agency requested that the Corps reauthorize the Project under the 2017 NWPs.

The Agency submitted an application for Lake or Streambed Alteration Agreement on February 16, 2016, to California Department of Fish and Wildlife (CDFW). On February 10, 2017, the application was deemed complete.

Water Code section 13383 provides the State Water Board with the authority to "establish monitoring, inspection, entry, reporting and recordkeeping requirements... and [require] other information as may reasonably be required" for activities subject to water quality certification under section 401 of the Clean Water Act that involve the diversion of water for beneficial use. The State Water Board delegated this authority to the Deputy Director of the Division of Water Rights (Deputy Director), as provided for in State Water Board Resolution No. 2012-0029. In the *Redelegation of Authorities Pursuant to Resolution No. 2012-0029* memo issued by the

Deputy Director on September 30, 2013, this authority is redelegated to the Assistant Deputy Directors of the Division of Water Rights.

Water Quality Control Plans and Related Authorities

The California Regional Water Quality Control Boards adopt, and the State Water Board approves, water quality control plans (basin plans) for each watershed basin in the State. The basin plans designate the beneficial uses of waters within each watershed basin, and water quality objectives designed to protect those uses pursuant to Section 303 of the Clean Water Act. (33 U.S.C. § 1313.) The beneficial uses together with the water quality objectives that are contained in the basin plans and state and federal anti-degradation requirements constitute California's water quality standards.

The Central Coast Regional Water Quality Control Board adopted, and the State Water Board and the United States Environmental Protection Agency approved, the *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan). The Basin Plan designates the beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses.

The existing beneficial uses for the Reclamation Ditch and Blanco Drain identified in the Basin Plan include: water contact recreation; non-water contact recreation; wildlife habitat; warm fresh water habitat; and commercial and sport fishing. The Reclamation Ditch is listed as an impaired water body pursuant to Section 303(d) of the Clean Water Act for pesticides (chlorphyrifos, diazinon, and pesticides), nutrients (ammonia, nitrate, and priority organics), pathogens/bacteria (E.coli and fecal coliform), toxicity (sedimentation and unknown toxicity), metals (copper), and other parameters (turbidity, low dissolved oxygen, and pH). The Blanco Drain is listed as an impaired water body pursuant to Section 303(d) of the Clean Water Act for pesticides (chlorpyrifos, diazinon, and pesticides), nutrients (nitrate), and other parameters (turbidity and low dissolved oxygen).

Construction General Permit

The State Water Board has adopted a Construction General Permit[5], which is required for activities that disturb one or more acres of soil). Construction activities subject to the Construction General Permit include clearing, grading and disturbances to the ground such as stockpiling or excavation, but do not include regular maintenance activities performed to restore the original line, grade, or capacity of a facility.

California Environmental Quality Act

The Applicant is the lead agency for the purpose of California Environmental Quality Act (CEQA) compliance, while the State Water Board is a responsible agency. On October 8, 2015, the Agency approved an environmental impact report (EIR) for the Project and filed a notice of determination (NOD) finding that the Project will have a significant effect on the environment[6]. The EIR included a Mitigation Monitoring and Reporting Plan (MMRP). The State Water Board considered the Agency's EIR in connection with the issuance of this certification. As a responsible agency, the State Water Board must mitigate or avoid the identified significant

[5] Water Quality Order 2009-0009-DWQ and National Pollutant Discharge Elimination System No. CAS000002, as amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ.
[6] The Agency found that construction noise was a potential significant and unavoidable environmental impact.

impacts to resources within the State Water Board's purview. Listed below are the significant impacts identified in the EIR that fall within the State Water Board's purview. These significant impacts result from the construction and operation of the Project:

- Direct or indirect modifications of habitat for endangered or threatened fish species due to construction at Blanco Drain and Reclamation Ditch;
- Direct or indirect modifications of habitat for special-status plant and wildlife species and their habitat due to Project construction;
- Adverse impacts to sensitive habitats (including riparian, wetlands, and/or other sensitive natural communities) within the Project area due to Project construction;
- Adverse impacts to water quality due to rapid water fluctuation from diversion at the Reclamation Ditch which could induce erosion and sedimentation in downstream waters; and
- Changes in stream flows that may interfere with fish migration in the Salinas River and Reclamation Ditch due to Project operation.

Additionally, the State Water Board is adopting a MMRP for mitigation measures within its purview. Incorporation of these mitigation measures avoids the impacts or substantially reduces the impacts, so the impacts are limited to a less than significant level. This certification requires compliance with the water right terms, including the CEQA mitigation measures referenced in this water quality certification. The State Water Board will file a NOD within five days of issuance of this certification.

All documents and other information that constitute the public record for this Project shall be maintained by the Division of Water Rights and shall be available for public review at the following address: State Water Board, Division of Water Rights, 1001 I Street, Sacramento, CA 95814.

III. Findings and Conclusion

The conditions in this water quality certification are needed to protect the beneficial uses described in the Basin Plan. When preparing the conditions in this certification, State Water Board staff reviewed and considered a wide range of information including the: (a) Agency's certification application, including the subsequent plans and submissions of the Applicant; (b) Water Rights Permit Nos. 21376 and 21377; and (c) the Agency's EIR for the Project prepared pursuant to CEQA. State Water Board staff also considered the Basin Plan, existing water quality conditions, Project-related controllable factors, and other information in the record.

In order to ensure that the Project operates to meet water quality standards as anticipated, and to ensure that the Project will continue to meet state water quality standards and other appropriate requirements of state law over its lifetime, this certification imposes conditions regarding monitoring, enforcement, and potential future revisions. Additionally, California Code of Regulations, title 23, section 3860 requires imposition of certain mandatory conditions for all water quality certifications, which are included in this certification. State Water Board staff has reviewed and considered the CEQA environmental documents and made findings. Any proposed changes incorporated into the Project by this certification are required as a condition of approval to avoid significant effects to the environment. The State Water Board finds that, with the conditions and limitations imposed by this certification, the proposed Project will be protective of state water quality standards and other appropriate requirements of state law.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES THAT THE PURE WATER MONTEREY GROUNDWATER REPLENISHMENT PROJECT will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, if the Monterey Regional Water Pollution Control Agency complies with the following terms and conditions during the Project activities certified herein.

CONDITION 1. Notwithstanding any more specific conditions in this certification, the Applicant must comply with mitigation measures of the attached MMRP (Attachment A).

CONDITION 2. The Applicant shall comply with Water Rights Permit Nos. 21376 and 21377.

CONDITION 3. The Applicant shall comply with the State Water Board's Construction General Permit, and amendments thereto.

CONDITION 4. Notwithstanding the conditions of this certification, all measures, including but not limited to best management practices, described in the application for certification and its supplements are hereby incorporated by reference and are conditions of approval of this water quality certification.

CONDITION 5. Turbidity increases associated with Project activities shall not exceed the water quality objectives for turbidity, as documented in the Basin Plan. Turbidity levels are defined in Jackson turbidity units (JTUs). According to the Basin Plan, turbidity levels shall not be increased by: (1) more than 20 percent above naturally occurring background levels of 0 – 50 JTU; (2) more than 10 JTU above naturally occurring background levels of 50-100 JTU; or (3) more than 10 percent above naturally occurring background levels greater than 100 JTU. There is no standard field measurement of JTUs, so for the purposes of compliance, JTUs are equivalent to nephelometric turbidity units (NTUs) at a 1:1 ratio.

In determining compliance with the above limits, a 24-hour averaging period may be applied provided that three consecutive samples do not exceed the given turbidity limits. Minimum sampling frequency shall be three times per day during disturbance to the bed and bank of the Blanco Drain or Reclamation Ditch associated with the Project. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The Applicant shall monitor turbidity levels upstream of Project activities (i.e., natural background) and no more than 500 feet downstream of Project activities to evaluate if Project activities are impacting water quality. If three consecutive sample results or the 24-hour average turbidity indicate that turbidity levels exceed the limits shown above, the associated Project activities shall cease immediately. In addition, any and all actions shall be implemented immediately to reduce and maintain turbidity at or below the given thresholds.

If the Salinas River Diversion Facility ("Rubber Dam") is operating, the backwater effect of the dam will result in high water levels just downstream of the Blanco Drain Diversion Site. The Salinas River may consistently have much lower turbidity than the water in Blanco Drain upstream of the construction site due to the backwater effect. If requested by the Applicant, turbidity monitoring may be reduced in the event that water quality downstream is consistently better than upstream of the construction site.

The Deputy Director and the Central Coast Regional Water Quality Control Board Executive Officer (Executive Officer) shall be notified promptly and in no case more than 24 hours after monitoring results indicate a 24-hour average turbidity limit exceedance or an exceedance of three consecutive turbidity samples. Activities associated with these exceedances may not resume without Deputy Director approval.

Turbidity monitoring results shall be provided to the State Water Board's Project Manager within two weeks of initiation of monitoring and every two weeks thereafter for the remainder of the Project monitoring period.

CONDITION 6. Reclamation Ditch in-water construction shall be limited to periods of low flow outside of the South Central California Coast steelhead migration period (i.e., in water construction shall be performed between July 1 through September 30).

CONDITION 7. A clear water diversion plan shall be submitted to the Deputy Director for approval prior to in-water construction activities. At a minimum, the clear water diversion plan shall include the following provisions:

- Time frames when construction activities involving the use of clear water diversions will occur.
- To maintain downstream flows, water shall be released or pumped downstream at a rate equal to upstream flows during construction.
- Upon completion of construction activities, any barriers to flow shall be removed in a manner that will allow flow to resume with the least disturbance to the substrate.

CONDITION 8. Trees and vegetation not planned for removal or trimming shall be protected prior to and during construction to the maximum extent possible through the use of exclusionary fencing.

CONDITION 9. Construction work limits shall have protective fencing installed prior to and during construction to keep construction equipment and personnel from impacting vegetation, riparian vegetation, and wetland habitat.

CONDITION 10. Any slopes and stream banks exposed due to the Project must be stabilized immediately upon completion of construction. Any exposed slopes and stream banks shall be restored to pre-existing conditions following construction.

CONDITION 11. A preconstruction survey for California red-legged frogs (CRLF) shall be conducted by a qualified biologist. This survey shall be conducted within the construction boundary no more than 48 hours prior to the start of construction at the Blanco Drain Diversion Site, where CRLF may be present. If CRLF, tadpoles, or eggs are found, the biologist shall determine the closest appropriate relocation site. The biologist shall be allowed sufficient time to move the CRLF, tadpoles or eggs from the work site before work activities begin.

The biologist shall designate a person to daily monitor onsite compliance with Mitigation Measure (MM)-08 of Attachment A. In the event that CRLFs are observed within the Project limits during construction activities, the Applicant shall temporarily halt construction until a qualified biologist has moved the CRLF to a safe location within suitable habitat outside of the construction limits. Any trapped, injured, or killed CRLFs shall be reported immediately to the United States Fish and Wildlife Service.

Work activities shall be completed between April 1 and November 1, to the extent practicable. If the Applicant demonstrates a need to conduct construction activities outside this period, the Applicant may conduct such activities after obtaining Deputy Director approval.

CONDITION 12. A preconstruction survey for Western Pond Turtle (WPT) shall be conducted by a qualified biologist. This survey shall be conducted within suitable habitat of the construction boundary no more than 48 hours prior to the start of Blanco Drain construction activities. If a WPT is detected, the biologist shall relocate the WPT to a suitable location outside of the construction boundary. If construction will occur during the WPT nesting season (generally late June through July), a minimum of one survey for WPT nests shall be conducted by a qualified biologist within the construction boundary. If a WPT nest is found, the biologist shall flag the site and determine whether construction activities can avoid affecting the nest. If the nest cannot be avoided, the nest shall be excavated by the biologist and reburied at a suitable location outside of the construction limits.

In the event that a WPT is observed within the Project limits during construction activities, the Applicant shall temporarily halt construction until a qualified biologist has moved the WPT to a safe location within suitable habitat outside of the construction limits. Any trapped, injured, or killed WPTs shall be reported immediately to CDFW.

CONDITION 13. In the event that full avoidance is not possible and a portion of the riparian and/or wetland habitat is impacted during construction, riparian and wetland habitat shall be mitigated at no less than a 2:1 replacement-to-loss ratio through re-establishment or rehabilitation for permanent impacts and 1:1 rehabilitation for temporary impacts. It is expected that the mitigation can occur within the Locke Paddon Lake watershed, along the Tembladero Slough, and within the Salinas River corridor near the Blanco Drain Diversion Site.

In the event that full avoidance is not possible, a Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared by a qualified biologist to mitigate for any unavoidable impacts to riparian and/or wetland habitat. The HMMP shall be submitted to and approved by the Deputy Director prior to impacts to riparian and/or wetland habitat. The HMMP shall be submitted no later than 60 days after impacts to riparian and/or wetland habitats are identified. The HMMP shall document: (1) the riparian and/or wetland habitat that will be impacted; (2) discuss why such impacts cannot be avoided and how the impacts will be minimized to the extent feasible; and (3) outline the details of a riparian and wetland habitat restoration plan and any mitigation. The restoration plan shall include, but is not limited to: planting plan, success criteria, implementation schedule, monitoring protocols to determine if the success criteria have been met, adaptive management protocols in the case that the success criteria are not met, and funding assurances. Plantings and revegetation conducted in compliance with this condition shall be monitored and maintained until all success criteria are achieved. A minimum of three years of monitoring and maintenance shall be conducted after plantings and revegetation activities are complete.

CONDITION 14. The Applicant shall prepare and implement a Frac-Out Plan to avoid or reduce accidental impacts resulting from horizontal directional drilling (HDD) beneath the Salinas River. The Frac-Out Plan shall address spill prevention, containment, and clean-up methodologies in the event of a frac-out. The proposed HDD component of the Blanco Drain diversion shall be designed and conducted to minimize the risk of spills and frac-out events. The Frac-Out Plan shall be prepared and approved by the Deputy Director prior to commencement of HDD activities. At a minimum the following shall be included in the Frac-Out Plan for the Project:

- Project description, including details of the HDD design and operations.
- Site description and existing conditions.
- Potential modes of HDD failure and HDD failure prevention and mitigation.
- Frac-out prevention measures, including at a minimum: geotechnical investigations and planning for appropriate depths based on those investigations: presence of a qualified engineer during drilling to monitor the drilling process; live adjustments to the pace of drill advancement to ensure sufficient time for cutting and fluid circulation and to prevent or minimize plugging; and maintaining the minimum drilling pressure necessary to maintain fluid circulation.
- Monitoring requirements, including at a minimum: monitoring pump pressure circulation rate; ground surface and surface water inspection; advancing the drill only during daytime hours; and on-site biological resource monitoring by a qualified biologist.
- Response to accidental frac-out, including at a minimum: stopping drilling; permitting agency notification; surveying the area; containing the frac-out material; contacting the Project biological monitor to identify and relocate species potentially in the area; turbidity monitoring; procedures for clean-up and mitigation of hazardous waste spill materials; and documentation of the event.

CONDITION 15. Control measures for erosion, excessive sedimentation and turbidity shall be implemented and in place at the commencement of and throughout any ground clearing activities, excavation, or any other Project activities that could result in erosion or sediment discharges to surface waters. Erosion control blankets, liners with berms, and/or other erosion control measures shall be used for any stockpile of excavated material to control runoff resulting from precipitation, and prevent material from contacting or entering surface waters.

CONDITION 16. All imported riprap, rocks, and gravels used for construction within or adjacent to any watercourses shall be pre-washed. Wash water generated on-site shall not contact or enter surface waters. Wash water shall be contained and disposed of in compliance with state and local laws, ordinances, and regulations.

CONDITION 17. Construction material, debris, spoils, soil, silt, sand, bark, slash, sawdust, rubbish, steel, or other inorganic, organic, or earthen material, and any other substances from any Project-related activity shall be prevented from entering surface waters outside of the Project area. All construction debris and trash shall be contained and regularly removed from the work area to the staging area during construction activities. Upon completion of construction, all Project-generated debris, building materials, excess material, waste, and trash shall be removed from the Project sites for disposal at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations.

CONDITION 18. No unset cement, concrete, grout, damaged concrete, concrete spoils, or wash water used to clean concrete surfaces shall contact or enter surface waters. Any area containing wet concrete shall be completely isolated. No leachate from truck or grout mixer cleaning stations shall percolate into Project area soils. Cleaning of concrete trucks or grout mixers shall be performed in such a manner that wash water and associated debris is captured, contained and disposed of in compliance with state and local laws, ordinances, and regulations. Washout areas shall be of sufficient size to completely contain all liquid and waste concrete or grout generated during washout procedures. Hardened concrete or grout shall be disposed at an authorized landfill, in compliance with state and local laws, ordinances, and regulations.

CONDITION 19. All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. Any equipment used in direct contact with surface water shall be cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generators, etc.) shall be positioned over drip pans or other types of containment. Spill and containment equipment (e.g., oil spill booms, sorbent pads, etc.) shall be maintained onsite at all locations where such equipment is used or staged.

CONDITION 20. Onsite containment for storage of chemicals classified as hazardous shall be away from watercourses and include secondary containment and appropriate management as specified in California Code of Regulations, title 27, section 20320.

CONDITION 21. Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports must be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into public reports and the State Water Board's water quality database systems in compliance with California Water Code section 13167.

CONDITION 22. The State Water Board's approval authority includes the authority to withhold approval or to require modification of a proposal or plan prior to approval. The State Water Board may take enforcement action if the Applicant fails to provide or implement a required plan in a timely manner.

CONDITION 23. The Applicant shall comply with all applicable requirements of the Basin Plan. The Applicant must notify the Deputy Director and Executive Officer within 24 hours of any unauthorized discharge to surface waters. Activities associated with the discharge shall cease immediately and shall not resume without Deputy Director approval.

CONDITION 24. Notwithstanding any more specific conditions in this certification, the Project shall be operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to section 303 of the Clean Water Act.

CONDITION 25. This certification does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (ESA) (Fish & Game Code §§ 2050-2097) or the federal ESA (16 U.S.C. §§ 1531 - 1544). If a "take" will result from any act authorized under this certification or water rights held by the Applicant, the Applicant must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Applicant is responsible for meeting all requirements of the applicable ESAs for the Project authorized under this certification.

CONDITION 26. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation is subject to all remedies, penalties, processes, or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

CONDITION 27. In response to a suspected violation of any condition of this certification, the Deputy Director or the Executive Officer may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Deputy Director or the Executive Officer deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Wat. Code, §§ 1051, 13165, 13267 & 13383). The State Water Board may add to or modify the monitoring and/or reporting conditions of this certification as appropriate to ensure compliance.

CONDITION 28. No construction shall commence until all necessary federal, state, and local approvals are obtained.

CONDITION 29. Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another state or federal agency will apply equally to the successor agency.

CONDITION 30. The Applicant must submit any change to the Project, including changes in Project operation, technology, upgrades, or monitoring, that could have a significant or material effect on the findings, conclusions, or conditions of this certification, to the State Water Board for prior review and written approval. The State Water Board shall determine significance and may require consultation with state or federal agencies. If the State Water Board is not notified of a potentially significant change to the Project, it will be considered a violation of this certification.

CONDITION 31. The Deputy Director and the Executive Officer shall be notified one week prior to the commencement of ground disturbing activities that may adversely affect water quality. Upon request, a construction schedule shall be provided to State Water Board staff. The Applicant must provide State Water Board and Central Coast Regional Water Quality Control Board staff reasonable access to Project sites to document compliance with this certification.

CONDITION 32. This certification is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330 and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).

CONDITION 33. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add to or modify the conditions of this certification.

CONDITION 34. Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 claims. The State Water Board has separate authority under the Water Code to investigate and take enforcement action if necessary to prevent any unauthorized or threatened unauthorized diversions of water.

CONDITION 35. This certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

CONDITION 36. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

CONDITION 37. A copy of this certification shall be provided to contractors and subcontractors conducting Project-related work. Copies shall remain in their possession at the Project site. The Applicant shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting Project-related work.

MAR 3 0 2017

Thomas Howard
Executive Director

Date

Attachments

Figure 1: Project Overview

Attachment A: Mitigation Monitoring and Reporting Plan

MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY
PURE WATER MONTEREY GROUNDWATER REPLENISHMENT PROJECT

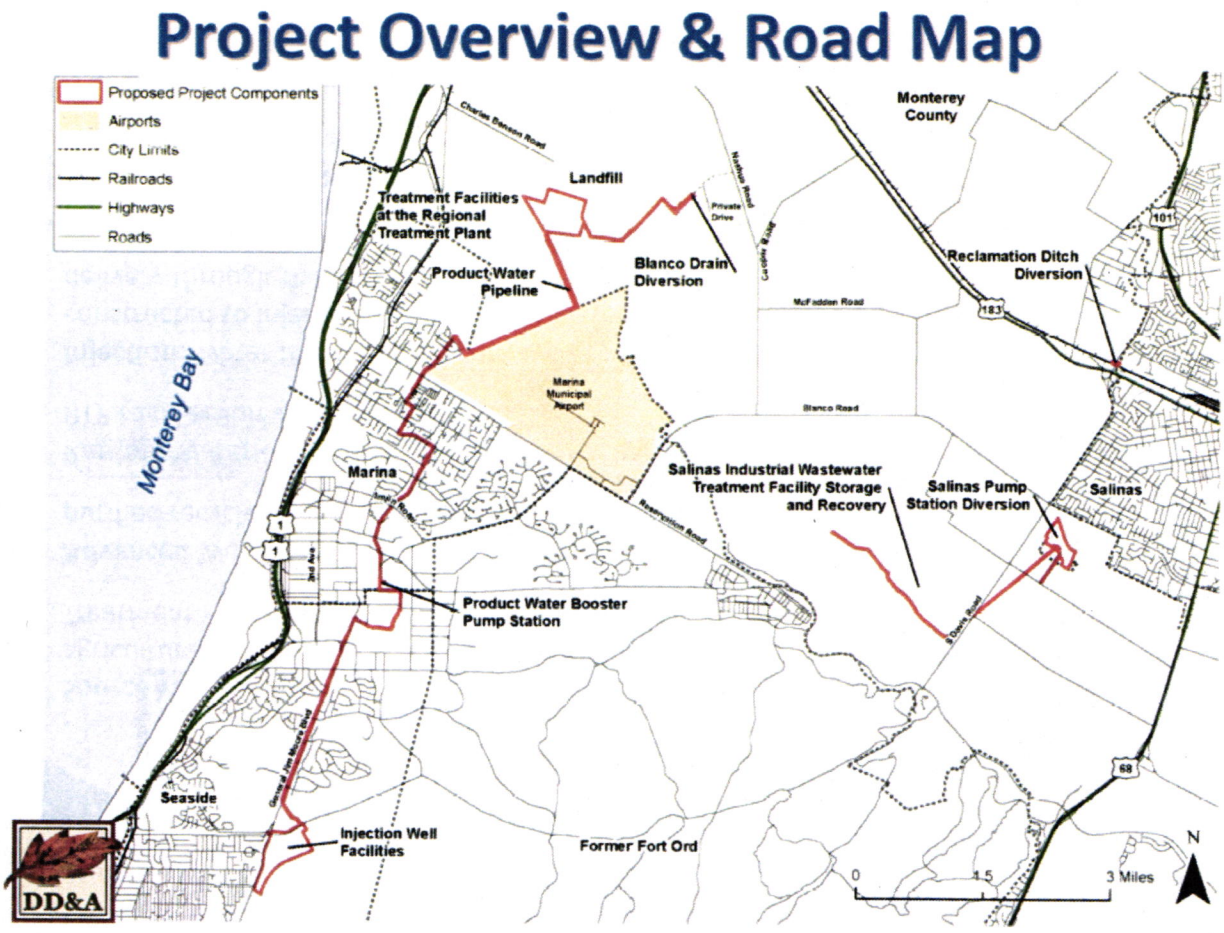

Figure 1: Project Overview

ATTACHMENT A
California Environmental Quality Act
Mitigation Monitoring and Reporting Plan
for
Pure Water Monterey Groundwater Replenishment Project

This Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in conformance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21081.6). The MMRP has been developed based on the information and mitigation measures contained in the Environmental Impact Report (EIR) for the Pure Water Monterey Groundwater Replenishment Project (Project) (SCH No. 2013051094) which includes the Project described in the water quality certification application. The MMRP lists mitigation measures recommended in the EIR for the proposed Project and specifies implementation and monitoring responsibilities. Pursuant to Public Resources Code section 21081.6, subdivision (b), each of the mitigation measures identified in the MMRP will be included as enforceable conditions of the water quality certification for the Monterey Regional Water Pollution Control Agency (Applicant).

Generally, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) staff will monitor mitigation measures requiring pre-construction actions or submittals. Construction and post construction mitigation measures will be reported to Division staff as specified in the attached matrix. Implementation of mitigation measures is the sole responsibility of the Applicant. Compliance with mitigation measures will be assessed through the Division's routine compliance monitoring activities. Non-compliance with mitigation measures may be addressed through the Division's ongoing enforcement program on an as needed basis.

All documents and other information that constitute the public record for this Project shall be maintained by the Division and shall be available for public review at the following address:

State Water Resources Control Board
Division of Water Rights
1001 I Street
Sacramento, CA 95814

PROJECT DESCRIPTION:

This Project is a collaborative effort of the Applicant, Monterey County Water Resources Agency (MCWRA), California-American Water Company (Cal-Am), and Monterey Peninsula Water Management District (MPWMD).

On December 22, 2015, the Applicant filed a water quality certification application with the State Water Board. On March 17, 2017, the Applicant simultaneously withdrew and resubmitted its application for water quality certification. The Project will consist of building two Points of Diversions (PODs) at both Blanco Drain and Reclamation Ditch and a pipeline under the Salinas River. Water diverted at the PODs will be delivered to the Applicant's existing Regional Treatment Plant (RTP). After primary and secondary treatment, the water will either receive: (1) tertiary treatment for direct agricultural irrigation use within the Castroville Seawater Intrusion Project area; or (2) treatment at a proposed advanced water treatment facility for subsequent underground storage within the Adjudicated Seaside Groundwater Basin (Seaside Basin). Water stored in the Seaside Basin will be extracted for municipal use by Cal-Am to offset Cal-Am's current water supply within its Monterey Division.

Under CEQA, the Applicant is the lead agency for preparation of environmental documentation for the Project. On October 8, 2015, the Applicant certified a final EIR and MMRP for the Project (SCH No. 2013051094). On October 9, 2015, the Applicant issued a Notice of Determination (NOD) for the Project.

MPWMD and the Applicant are responsible for designing, constructing, operating, and financing the Project. Once the Project is operating, the Applicant is responsible for diverting and processing the water at the RTP.

Mitigation Measures for the Pure Water Monterey Groundwater Replenishment Project	
Impact: Direct or indirect modifications of habitat for endangered or threatened fish species due to construction at Blanco Drain and Reclamation Ditch.	
Mitigation Measures:	MM-01: For Blanco Drain and Reclamation Ditch, the Applicant shall ensure that all construction of diversion facilities, including the directional drilling under the Salinas River, is conducted during periods of low flow outside of the South Central California Coast steelhead migration periods. For Blanco Drain, construction of diversion facilities, including the directional drilling under the Salinas River, shall be limited to the period from June 1 to November 30. For Reclamation Ditch, construction of diversion facilities shall be limited to the period from July 1 to September 30. MM-02: For Reclamation Ditch, the Applicant shall ensure that preconstruction surveys are conducted to determine whether steelhead are present, and, if so, shall ensure consultation with the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS) on a program to halt construction until the steelhead move out of the construction area, a program to capture and relocate the steelhead to suitable habitat outside of the work area during construction, or to implement other equally effective measures that NMFS and CDFW proscribe. Pre-construction surveys shall be consistent with requirements and approved protocols from the NMFS, CDFW, or other applicable resource agencies and performed by a qualified fisheries biologist. The Applicant shall ensure submission of the name(s) and credentials of biologists who would conduct activities specified in this measure to applicable regulatory agencies. MM-03: For Blanco Drain and Reclamation Ditch, the Applicant shall ensure compliance with the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA) by assuring compliance with any determination or approval given to the Applicant by NMFS and CDFW.
Level of Impact Before and After Mitigation:	Before: Potentially Significant After: Less than Significant with mitigation incorporation
Timing of Implementation, Monitoring, and Implementation Responsibility:	Prior to and during Project construction by the Applicant.
Timing for Reporting on Implementation and Monitoring:	Within 30 days after conducting pre-construction surveys, the Applicant shall submit the pre-construction surveys to the Deputy Director for the Division (Deputy Director) with a summary of compliance for MM-02. Within 60 days after construction is completed, the Applicant shall submit a summary of compliance for MM-01 and MM-03 to the Deputy Director including the dates of when construction activities occurred and verification of compliance with any approvals required by NMFS and CDFW as a result of construction activities.

Impact: Direct or indirect modifications of habitat for special-status plant and wildlife species and their habitat due to Project construction.	
Mitigation Measures:	MM-04: The Applicant shall implement the following best management practices during all identified phases of construction (i.e., pre-, during, and post) to reduce impacts to special-status plant and wildlife species: a. A qualified biologist must conduct an Employee Education Program for the construction crew prior to any construction activities. A qualified biologist must meet with the construction crew at the onset of construction at the site to educate the construction crew on the following: 1) the appropriate access route(s) in and out of the construction area and review Project boundaries; 2) how a biological monitor will examine the area and agree upon a method which would ensure the safety of the biological monitor during such activities, 3) the special-status species that may be present; 4) the specific mitigation measures that will be incorporated into the construction effort; 5) the general provisions and protections afforded by the United States Fish and Wildlife Service (USFWS) and CDFW; and 6) the proper procedures if a special-status species is encountered within the site. b. Trees and vegetation not planned for removal or trimming shall be protected prior to and during construction to the maximum extent possible through the use of exclusionary fencing, such as hay bales for herbaceous and shrubby vegetation, and protective wood barriers for trees. Only certified weed-free straw shall be used, to avoid the introduction of non-native, invasive species. c. Protective fencing shall be placed prior to and during construction to keep construction equipment and personnel from impacting vegetation outside of work limits. A biological monitor shall supervise the installation of protective fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact. d. Following construction, disturbed areas shall be restored to pre-construction contours to the maximum extent possible and revegetated using locally-occurring native species and native erosion control seed mix, per the recommendations of a qualified biologist. e. Grading, excavating, and other activities that involve substantial soil disturbance shall be planned and carried out in consultation with a qualified hydrologist, engineer, or erosion control specialist, and shall use standard erosion control techniques to minimize erosion and sedimentation to native vegetation (pre-, during, and post-construction). f. All food-related and other trash shall be disposed of in closed containers and removed from the Project area at least once a week during the construction period, or more often if trash is attracting avian or mammalian predators. Construction personnel shall not feed or otherwise attract wildlife to the area. g. To protect against spills and fluids leaking from equipment, the Applicant shall require that the construction contractor maintains an on-site spill plan and on-site spill containment measures that can be easily accessed. h. Refueling or maintaining vehicles and equipment should only occur within a specified staging area that is at least 100 feet from a waterbody (including riparian and wetland habitat) and that has sufficient management measures that will prevent fluids or other construction materials including water from being

	transported into waters of the state. Measures shall include confined concrete washout areas, straw wattles placed around stockpiled materials and plastic sheets to cover materials from becoming airborne or otherwise transported due to wind or rain into surface waters. MM-05: The Applicant shall retain a qualified biologist to monitor all ground disturbing construction activities (i.e., vegetation removal, grading, excavation, or similar activities) to protect any aquatic and/or semi-aquatic special-status species encountered. Any handling and relocation protocols of special-status wildlife species shall be determined in coordination with CDFW prior to any ground disturbing activities, and conducted by a qualified biologist with appropriate scientific collection permit. After ground disturbing Project activities are complete, the qualified biologist shall train an individual from the construction crew to act as the on-site construction biological monitor. The on-site construction biological monitor shall be the contact for any special-status wildlife species encounters, shall conduct daily inspections of equipment and materials stored on site and any holes or trenches prior to the commencement of work, and shall ensure that all installed fencing stays in place throughout the construction period. The qualified biologist shall then conduct regular scheduled and unscheduled visits to ensure the on-site construction biological monitor is satisfactorily implementing all appropriate mitigation protocols. Both the qualified biologist and the on-site construction biological monitor shall have the authority to stop and/or redirect Project activities to ensure protection of resources and compliance with all environmental permits and conditions of the Project. The qualified biologist and the on-site construction biological monitor shall complete a daily log summarizing activities and environmental compliance throughout the duration of the Project. The log shall also include any special-status wildlife species observed and relocated. MM-06: The Applicant shall implement the following measures to reduce the introduction and spread of non-native, invasive species: a. Any landscaping or replanting required for the Project shall not use species listed as noxious by the California Department of Food and Agriculture (CDFA). b. Bare and disturbed soil shall be landscaped with CDFA recommended seed mix or plantings from locally adopted species to preclude the invasion of noxious weeds in the Project area. c. Construction equipment shall be cleaned of mud or other debris that may contain invasive plants and/or seeds and inspected to reduce the potential of spreading noxious weeds, before mobilizing to arrive at the construction site and before leaving the construction site. d. All non-native, invasive plant species shall be removed from disturbed areas prior to replanting. MM-07: For Blanco Drain, the Applicant shall use a qualified biologist to survey suitable habitat no more than 48 hours before the onset of work activities at the component site for the presence of western pond turtle. If western pond turtles are found and these individuals are likely to be killed or injured by work activities, the biologist shall be allowed sufficient time to move them from the site before work activities begin. The biologist shall relocate the western pond turtles the shortest distance possible to a location that contains suitable habitat and would not be affected by activities associated with the Project. The Applicant shall submit to the State Water Board, CDFW, and USFWS the name(s) and credentials of biologists who would conduct activities specified in this measure.

	MM-08: For Blanco Drain, where California red-legged frogs (CRLF) may be present, the Applicant shall: a. Annually submit the name(s) and credentials of biologists who would conduct activities specified in the following measures. No Project construction activities at the component site would begin until the Applicant receives confirmation from the USFWS that the biologist(s) is qualified to conduct the work. b. Employ a USFWS-approved biologist to survey the work site 48 hours prior to the onset of construction activities. If CRLF, tadpoles, or eggs are found, the approved biologist shall determine the closest appropriate relocation site. The approved biologist shall be allowed sufficient time to move the CRLF, tadpoles or eggs from the work site before work activities begin. Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and moving of CRLF. c. Before any construction activities begin on the Project component site, employ a USFWS-approved biologist who shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the importance of the CRLF and its habitat, general measures that are being implemented to conserve the CRLF as they relate to the Project, and the boundaries within which the Project construction activities may be accomplished. Brochures, books and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions. d. Employ a USFWS-approved biologist who shall be present at the work site until such time as all removal of CRLF, instruction of workers, and disturbance of habitat have been completed. After this time, the biologist shall designate a person to monitor onsite compliance with all minimization measures and any future staff training. The USFWS-approved biologist shall ensure that this individual receives training in the identification of CRLF. The monitor and the USFWS-approved biologist shall have the authority to stop work if CRLF are in harm's way. e. Limit the number of access routes, number and size of staging areas, and the total area of the activity to the necessary minimum to achieve the Project goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas to the extent practicable. f. Complete work activities between April 1 and November 1, to the extent practicable. Should the Applicant demonstrate a need to conduct activities outside this period, the Applicant may conduct such activities after obtaining USFWS approval. g. Completely screen intakes with wire mesh not larger than five millimeters (mm) to prevent CRLF from entering the pump system if a work site is to be temporarily dewatered by pumping. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. h. Follow the Declining Amphibian Populations Task Force's Fieldwork Code of Practice to minimize the possible spread of chytrid fungus or other amphibian pathogens and parasites.

Level of Impact Before and After Mitigation:	Before: Potentially Significant After: Less than Significant with mitigation incorporation
Timing of Implementation, Monitoring, and Implementation Responsibility:	Prior to, during, and after Project construction by the Applicant.
Timing of Reporting on Implementation and Monitoring:	Within 60 days after construction is completed, the Applicant shall submit a summary of compliance for MM-04, MM-05, MM-06, MM-07, and MM-08 to the Deputy Director including verifying implementation of best management practices with dates when such activities occurred, activities conducted by a qualified biologist and the dates of when such activities occurred, the extent of activities conducted to reduce the spread of non-native, invasive species in the Project area, and verification of activities implemented to reduce impacts to CRLF.
Impact: Adverse impacts to sensitive habitats (including riparian, wetlands, and/or other sensitive natural communities) within the Project area from Project construction.	
Mitigation Measures:	MM-09: The Applicant shall ensure that site and design Project features avoid impacts to the riparian and wetland habitats, including direct habitat removal and indirect hydrology and water quality impacts, to the greatest extent feasible while taking into account site and engineering constraints. To protect this sensitive habitat during construction, the following measures shall be implemented: a. Place construction fencing around riparian and wetland habitat (i.e., areas adjacent to or nearby the Project construction) to be preserved to ensure construction activities and personnel do not impact this area. b. All proposed lighting shall be designed to avoid light and glare into the riparian and wetland habitat. Light sources shall not illuminate these areas or cause glare. In the event that full avoidance is not possible and a portion or the entire riparian and wetland habitat would be impacted, the following minimization measures shall be implemented: c. Permanently impacted riparian and wetland habitat shall be mitigated at no less than a 2:1 replacement-to-loss ratio through restoration and/or preservation. The final mitigation amounts for both temporary and permanent impacts to riparian and wetland habitat shall be determined during the design phase but cannot be less than 2:1 for permanent impacts and 1:1 for temporary impacts, and must be approved by the relevant permitting agencies. The preserved mitigation land shall be managed to improve wetland and riparian conditions compared to existing conditions. It is expected that the mitigation can occur within the Locke Paddon Lake watershed, along the Tembladero Slough, and within the Salinas River corridor near the Blanco Drain near where impacts may occur. A Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared by a qualified biologist to mitigate for any unavoidable impacts to riparian and wetland habitat. The HMMP shall outline the details of a riparian and wetland habitat restoration plan, including but not limited to, planting plan, success criteria, monitoring protocols to determine if the success criteria have been met, adaptive management protocols in the case that the success criteria are not met, and funding assurances. Plantings and revegetation conducted in compliance with this mitigation measure shall be monitored for a minimum of three years after Project completion.

	MM-10: The Applicant shall ensure preparation and implementation of a Frac-Out Plan to avoid or reduce accidental impacts resulting from horizontal directional drilling (HDD) beneath the Salinas River. The Frac-Out Plan shall address spill prevention, containment, and clean-up methodology in the event of a frac-out. The proposed HDD component of the Blanco Drain diversion shall be designed and conducted to minimize the risk of spills and frac-out events. The Frac-Out Plan shall be prepared and submitted to USFWS, CDFW, NMFS, and State Water Board for approval prior to commencement of HDD activities for the Blanco Drain Diversion construction.
Level of Impact Before and After Mitigation:	Before: Potentially Significant After: Less than Significant with mitigation incorporation
Timing of Implementation, Monitoring, and Implementation Responsibility:	Prior to, during, and after Project construction by the Applicant.
Timing of Reporting on Implementation and Monitoring:	Within 60 days after construction is completed, the Applicant shall submit a summary of compliance for MM-09 to the Deputy Director including the extent of fencing around riparian vegetation with photo documentation and verification of avoidance of riparian habitat or implementation of a Habitat Mitigation and Monitoring Plan in the event permanent impacts occurred to riparian habitat. Prior to conducting horizontal directional drilling for the Blanco Drain diversion, the Applicant shall submit to the State Water Board the final Frac-Out Plan as approved by USFWS, CDFW, NMFS, and the Deputy Director with a summary of compliance for MM-10. In the event of a frac-out, the Applicant shall immediately inform the Deputy Director, and within two weeks shall prepare a report to the Deputy Director demonstrating compliance with the Frac-Out Plan, and any deviations therefrom. The Applicant shall supply the Deputy Director with additional information to evaluate compliance with the plan upon request.
Impact: Adverse impacts to water quality due to rapid water fluctuation from diversion at the Reclamation Ditch which could induce erosion and sedimentation in downstream waters.	
Mitigation Measure:	MM-11: The Applicant shall ensure operation of the Reclamation Ditch Diversion pumps to minimize erosion on exposed or unvegetated banks or ones that are otherwise susceptible to erosion. This will be accomplished by operating the pumps at an appropriate flow rate, in conjunction with commencing operation of the pumps only when suitable water levels or flow rates are measured in the water body. Proper control shall be implemented to ensure that mobilized sediment would not impair downstream habitat values and to prevent adverse impacts due to water/soil interface adjacent to the Reclamation Ditch. During planned routine maintenance at the Reclamation Ditch Diversion, maintenance personnel shall inspect the diversion structures within the channel for evidence of any adverse fluvial geomorphological processes (for example, undercutting, erosion, scour, or changes in channel cross-section). If evidence of any substantial adverse changes is noted, the Applicant shall notify the Deputy Director, NMFS, and CDFW of the changes and consult with these agencies regarding the adverse changes. In the event that the operation and/or diversion facility necessitates a redesign, any new design or modifications shall be made in consultation with the State Water Board, NMFS, and CDFW.
Level of Impact Before and After Mitigation:	Before: Potentially Significant After: Less than Significant with mitigation incorporation

Timing of Implementation, Monitoring, and Implementation Responsibility:	During Project operation by the Applicant.
Timing in Reporting on Implementation and Monitoring:	Within the annual Report of Permittee for Permit 21377, the Applicant shall include as an attachment to the report photographs documenting the conditions of the channel banks downstream of the Point of Diversion at the Reclamation Ditch and an evaluation of whether there are any erosional impacts due to the operation of the diversion.
Impact: Changes in stream flows that may interfere with fish migration in the Salinas River and Reclamation Ditch due to Project operation.	
Mitigation Measures:	MM-12: For Blanco Drain, from April 1 to October 31 of each year, if the conditions in (a) are met, then no water shall be diverted under Permit No. 21376 unless the bypass flow in (b) is implemented and condition (c) is implemented when applicable: a. The Salinas River Diversion Facility has not operated during this period of time under the terms of water right licenses 7543 and 12624 and permit 21089 (applications 16124, 16761, and 30532, respectively), the sandbar is not open between the Salinas River Lagoon and the ocean, and, during each of the previous seven consecutive days, either of the following conditions are met: 1) The Salinas River Lagoon surface level has been below 3.0 feet National Geodetic Vertical Datum 29 (NGVD 29); or 2) The slide gate between the Salinas River Lagoon and Old Salinas River Channel has been closed. b. A minimum flow of 2 cubic feet per second (cfs) (or the entire flow when the flow is less than 2 cfs) shall be bypassed at Blanco Drain as measured at the point of diversion until the Salinas River Lagoon surface level reaches a minimum of 3.2 feet NGVD 29. c. If condition described by (a)(2) is met, the Applicant shall adjust the slide gate between the Salinas River Lagoon and the Old Salinas River Channel to allow 0.5 cfs to 1.0 cfs of Salinas River Lagoon water to flow into the Old Salinas River Channel until the Salinas River Lagoon surface level reaches a minimum of 3.2 feet NGVD 29. MM-13: For Reclamation Ditch, No water shall be diverted under Permit No. 21377 unless the flow in Reclamation Ditch at the Point of Compliance located at United States Geological Survey (USGS) San Jon Gage (Gage No. 11152650) meets the following conditions: a. At any point during the year when the flow is at or above an instantaneous rate of 30 cfs, no water shall be diverted until the flow subsides below an instantaneous rate of 20 cfs. b. From December 1 of each year to February 28 of the succeeding year: 1) If an instantaneous rate of 30 cfs has occurred since July 1, no water shall be diverted except flows above 2 cfs. 2) If an instantaneous rate of 30 cfs has not occurred since July 1, no water shall be diverted except flows above 0.7 cfs.

	c. From March 1 to May 31 of each year, no water shall be diverted except flows above 2 cfs. d. From June 1 to June 30 of each year, no water shall be diverted except flows above 1 cfs. e. From July 1 to November 30 of each year, no water shall be diverted except flows above 0.7 cfs. The instantaneous flow rate shall be based on USGS real-time provisional mean daily stream flow data. Such provisional USGS data used to make flow-related diversion decisions may not always coincide with final published USGS data. In the event that the USGS San Jon Gage (Gage No. 11152650) is no longer available for streamflow measurements, the Applicant shall within 15 days submit a plan, satisfactory to the Deputy Director, to install an equivalent monitoring device as near as practicable to the location of the current monitoring device.
Level of Impact Before and After Mitigation:	Before: Potentially Significant After: Less than Significant with mitigation incorporation
Timing of Implementation, Monitoring, and Implementation Responsibility:	During Project operation by the Applicant.
Timing of Reporting on Implementation and Monitoring:	When the conditions in MM-12(a) are met, the Applicant shall submit monthly monitoring reports to the State Water Board, CDFW, and NMFS for the time period from April 1 to October 31 of each year by the 10th day of each following month. The report shall include at a minimum the following: a. Daily mean, in NGVD 29, of the water surface elevation in the Salinas River Lagoon; b. A report of whether the slide gate between the Salinas River Lagoon and the Old Salinas River was open or closed at the beginning of the month and the dates, if any, on which this status changed; c. For each day that the slide gate between the Salinas River Lagoon and the Old Salinas River is open, the size of the slide gate opening in vertical inches; d. Estimated daily mean flow at the Salinas River Lagoon slide gate in cfs when condition MM-12(c) is in effect; e. Daily mean bypass flow at the point of diversion in cfs; f. A report on whether the sandbar between the Salinas River and the Pacific Ocean was open or closed at the start of the reporting period, and the date, if any, on which this status changed; and g. Dates of when, if at all, the Salinas River Diversion Facility was in operation under the terms of water right licenses 7543 and 12624 and permit 21089 (applications 16124, 16761, and 30532, respectively). Under MM-13, the Applicant shall submit a graph to CDFW and NMFS comparing the

	daily mean of water diverted at the point of diversion compared to the daily mean flow recorded at the USGS San Jon Gage (Gage No. 11152650) every three months by the 15th day of the following calendar month after each three-month period. No water shall be diverted under Permit Nos. 21376 and 21377 unless the Applicant is measuring and reporting the bypass flow required by these Permits on an hourly basis. Measuring and reporting shall be conducted in a manner that is satisfactory to the Deputy Director. The Applicant shall maintain a 10-year record of bypass flow measurements required under these Permits and the records shall be submitted with the annual report or whenever requested by the Deputy Director.