THIS MEETING WILL BE CONDUCTED WITH IN PERSON ATTENDANCE PERMITTED. THE CDC STILL RECOMMENDS MASKING FOR ALL INDIVIDUALS BUT IS NOT MANDATORY. PARTICIPATION WILL ALSO BE AVAILABLE VIA VIDEO CONFERENCE OR TELECONFERENCE.

TO PARTICIPATE IN THE MEETING VIA VIDEO OR TELECONFERENCE, GO TO https://rainbowmwd.zoom.us/j/82980075354 OR CALL 1-669-900-6833 or 1-346-248-7799 or 1- 253-215-8782 or 1-301-715-8592 or 1-312-626-6799 or 1-929-205-6099 (WEBINAR/MEETING ID: 829 8007 5354).

MEMBERS OF THE PUBLIC WISHING TO SUBMIT WRITTEN COMMENT TO THE COMMITTEE UNDER PUBLIC COMMENT OR ON A SPECIFIC AGENDA ITEM MAY SUBMIT COMMENTS TO OUR BOARD SECRETARY BY EMAIL AT DWASHBURN@RAINBOWMWD.COM OR BY MAIL TO 3707 OLD HIGHWAY 395, FALLBROOK, CA 92028. ALL WRITTEN COMMENTS RECEIVED **AT LEAST ONE HOUR IN ADVANCE OF THE MEETING** WILL BE READ TO THE COMMITTEE DURING THE APPROPRIATE PORTION OF THE MEETING. THESE PUBLIC COMMENT PROCEDURES SUPERSEDE THE DISTRICT'S STANDARD PUBLIC COMMENT POLICIES AND PROCEDURES TO THE CONTRARY.

ENGINEERING AND OPERATIONS COMMITTEE MEETING

RAINBOW MUNICIPAL WATER DISTRICT
Wednesday, August 3, 2022
Engineering and Operations Committee Meeting - Time: 3:30 p.m.

District Office	**3707 Old Highway 395**	**Fallbrook, CA 92028**

Notice is hereby given that the Engineering and Operations Committee will be holding a regular meeting beginning at 3:30 p.m. on Wednesday, August 3, 2022.

AGENDA

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL: Flint Nelson (Chair) _____ Steve McKesson _____ (Vice Chair)**

   Members: Helene Brazier_____ Robert Marnett _____ Mig Gasca _____
   Julie Johnson ____

   Alternates: Tracy Largent _____

4. **INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

   CHAIR TO READ ALOUD *- "If at any point, anyone would like to ask a question or make a comment and have joined this meeting with their computer, they can click on the "Raise Hand" button located at the bottom of the screen. We will be alerted that they would like to speak. When called upon, please unmute the microphone and ask the question or make comments in no more than three minutes.*

   *Those who have joined by dialing a number on their telephone, will need to press *6 to unmute themselves and then *9 to alert us that they would like to speak.*

   A slight pause will also be offered at the conclusion of each agenda item discussion to allow public members an opportunity to make comments or ask questions."

5. SEATING OF ALTERNATES

6. ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)

7. PUBLIC COMMENT RELATING TO ITEMS NOT ON THE AGENDA (Limit 3 Minutes)

***8. APPROVAL OF MINUTES**
A. July 6, 2022

9. GENERAL MANAGER COMMENTS

10. ENGINEERING AND CIP PROGRAM MANAGER COMMENTS

11. OPERATIONS MANAGER COMMENTS

12. COMMITTEE MEMBER COMMENTS

13. BOARD ACTION UPDATES

***14. NOTICE OF COMPLETION FOR THE RAPID AERIAL WATER SUPPLY (RAWS) (OPERATIONS)**

***15. PEIR UPDATE PRESENTATION (ENGINEERING)**

***16. HUTTON AND TURNER PUMP STATIONS DESIGN CHANGE ORDER (ENGINEERING)**

***17. RICE CANYON TRANSMISSION MAIN PROJECT - PARTICIPATION AGREEMENT AMENDMENT NO. 3 (ENGINEERING)**

18. RMWD GRANT RESEARCH & COORDINATION (FINANCE)

***19. DISTRICT SOLAR ENERGY OPPORTUNITIES UPDATE (ENGINEERING)**

20. WHOLESALE WATER EFFICIENCY PROJECT UPDATES PRESENTATION (ENGINEERING/OPERATIONS)

21. REVIEW THE DISTRICT'S ANNUAL REPORT (FINANCIAL IMPACTS AND HUMAN RESOURCES SECTIONS)

***22. AS-NEEDED SERVICES EXPENDITURES SUMMARY**

23. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT SCHEDULED ENGINEERING AND OPERATIONS COMMITTEE MEETING

24. ADJOURNMENT

ATTEST TO POSTING:

Pam Moss
Pam Moss
Secretary of the Board

7-28-22 @ 2:00 p.m.
Date and Time of Posting
Outside Display Cases

MINUTES OF THE ENGINEERING AND OPERATIONS COMMITTEE MEETING OF THE RAINBOW MUNICIPAL WATER DISTRICT JULY 6, 2022

1. CALL TO ORDER – The Engineering and Operations Committee Meeting of the Rainbow Municipal Water District on July 6, 2022, was called to order by Chairperson Nelson at 3:30 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(All meetings are being held with in-person attendance following County and State COVID guidelines as well as virtually.)* Chairperson Nelson, presiding.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

Present: Member Brazier *(via teleconference)*, Member Johnson *(via video conference)*, Member Nelson, Member Marnett, Member McKesson.

Also Present: General Manager Kennedy, Executive Assistant Washburn, Engineering and CIP Program Manager Williams, Information Systems Specialist Espino, Construction and Meters Supervisor Lagunas.

Absent: Member Gasca, Alternate Largent.

Also Present Via Teleconference or Video Conference:

Operations Manager Gutierrez, Project Manager Parra, Grant Specialist

One member of the public was present in person, via teleconference or video conference.

4. INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE

Mr. Nelson read aloud the instructions for those attending the meeting via teleconference or video conference.

5. SEATING OF ALTERNATES

No alternates were seated.

6. ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)

There were no amendments to the agenda.

7. PUBLIC COMMENT RELATING TO ITEMS NOT ON THE AGENDA (Limit 3 Minutes)

There were no comments.

***8. APPROVAL OF MINUTES**

A. May 4, 2022

Motion:

To approve the minutes.

Action: Approve, Moved by Member McKesson, Seconded by Member Marnett.

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).

Ayes: Member Brazier, Member Marnett, Member Johnson, Member McKesson, Member Nelson.

9. GENERAL MANAGER COMMENTS

Mr. Kennedy provided an update related to information and potential impacts related to the current drought conditions throughout San Diego County.

Ms. Brazier inquired about a recent KPBS news broadcast had a member of Metropolitan Water District (MWD) on that said member districts should not count on MWD's Lake Mead for emergency water, but rather look for their own sources because MWD would not be able to supply it. She said she was interested in knowing knew who the representative was that spoke, his authority, and what is going to happen. She stated it was on the KPBS Friday 7:00 Evening News a few weeks ago. Mr. Kennedy offered to research this broadcast and provide some follow up. Ms. Brazier expressed her appreciation.

Discussion ensued regarding the matter related to alfalfa crops.

10. ENGINEERING AND CIP PROGRAM MANAGER COMMENTS

Mr. Williams deferred his comments to the agenda items.

11. OPERATIONS MANAGER COMMENTS

Mr. Gutierrez talked about the current fire season and how the Heli-Hydrant was tested to ensure it being fully operational and functioning. He noted RMWD notifies North County Fire each time waterlines are shut down so they are always in the loop.

Mr. Gutierrez reported there were thirteen meters left to complete as part of the WSUP project noting these large meters require more time to complete; however, it is anticipated they will be complete within the next couple of weeks. Ms. Johnson asked in which division were these thirteen meters. Mr. Gutierrez answered they may be spread throughout the District; however, he will confirm.

Discussion ensued regarding the work being conducted on Tecolote Road and how it is almost complete.

12. COMMITTEE MEMBER COMMENTS

Mr. Marnett provided a follow up on his presentation before related the potential cell tower installation. He stated it appears there are safe levels at both houses from Sprint, but he was still trying to reconcile and determine why the measurements are much lower than the theory.

Mr. Marnett stated should RMWD run into problems, he has found there is an additive that can be added to paint that would reflect the RF's. He noted should a great deal of RF's result, adding this to two applications of paint may be a potential backup plan. He noted the additive costs approximately $160.00 and regular paint $40.00 which is still cheaper than the absorbing paint. Mr. Kennedy stated it was great to hear the measurements were safer than anticipated and once this matter gets through the County's processes, the way to proceed can be determined. Discussion ensued.

Mr. Kennedy mentioned after the previous Engineering and Operations Committee meeting, he spoke with Mr. Marnett to let him know that should this item come to the committee for deliberation or further discussion, Mr. Marnett will be able to present information to the committee within the three-minute time lime and then must recuse himself due to his residing near the project.

Mr. Marnett referenced the recent RMWD rate sheet mailed out to customers and asked why the backflow cost on his water bill was for $9.62 per month as opposed to the $4.81 that is provided in the current and previous rate sheets. Mr. Kennedy stated he will research this matter.

13. BOARD ACTION UPDATES

Mr. Williams reported in May the Board approved the Fourth Amendment to the Unrecorded Joint Agreement to Improve the Major Subdivision at Bonsall Oaks.

Mr. Williams also reported in June the Board adopted Resolution No. 22-18 approving the Amended and Restated Resolution to Confirm Participation in SCIP (Statewide Community Infrastructure Program, consented to the omission of signatures to the Final Map for Citro, adopted Resolution No. 22-14 approving the FY22/23 Operating and Capital Improvement Budget, and adopted Resolution No. 22-19 rescinding Resolution of Necessity No. 22-02 which pertains to the real property at 5858 Via del Cielo related to the Hutton Pump Station.

14. CONSIDER AWARD OF CONSTRUCTION CONTRACT IN THE AMOUNT OF $839,850 WITH ORTIZ CORPORATION FOR THE RAINBOW WATER QUALITY IMPROVEMENT PROJECT - WATER MAIN AND SERVICE RELOCATION PROJECT IN DIVISION 5 (ENGINEERING)

Mr. Williams stated staff was looking for the committee to recommend the Board award this contract. He pointed out the project was put out to eleven pre-qualified contractors to which two bids were received. He said the bid has checked out and no protests have been received. He confirmed the engineer's estimate was well over $900,000.

Mr. McKesson inquired as to lack of submission being due to contractors being too busy. Mr. Williams confirmed. Mr. McKesson asked the amount of the second bid received to which Mr. Williams answered was a little more than $1 million. Mr. McKesson inquired as to RMWD's experience with Ortiz. Mr. Williams mentioned RMWD has not had much experience with Ortiz; however, they have been on the pre-qualified list for a little more than three years.

Mr. Nelson said he got the impression that this was more of a County-driven project in which other utilities are involved. He asked if those other utilities to perform their respective pieces of the work and whether the County bears any financial obligation. Mr. Williams clarified the County bears no financial responsibility for the other utilities to relocate, but only for their contractors constructing their portion of the job. He added RMWD was solely responsible for relocating its water main and services the same as the other utilities who must relocate. Discussion followed.

Motion:

To recommend the Board adopt Staff Recommendation Option 1.

Action: Approve, Moved by Member Brazier, Seconded by Member Johnson.

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).

Ayes: Member Brazier, Member Marnett, Member Johnson, Member McKesson, Member Nelson.

Absent: Member Gasca, Alternate Largent.

***15. DISCUSSION AND POSSIBLE ACTION TO AWARD A PROFESSIONAL SERVICES AGREEMENT FOR THE SAN LUIS REY IMPORTED RETURN FLOW RECOVERY PROJECT (DISTRICT WIDE) (ENGINEERING)**

Mr. Kennedy explained in 2014, there was a study being conducted with a company called West Yost to find RMWD a source of local water as directed. He talked about some of the challenges including water rights being tough to come by as well as there not being a great deal of water in the ground. He noted although the study West Yost conducted was not finalized until 2016, it brought RMWD to some level of completion and showed areas within the watersheds that where imported water comes in does contribute to subsurface groundwater flows to which RMWD has the right to recover. He pointed out West Yost had estimated RMWD could do approximately 6,000 acre feet per year at that time; however, this may be a little optimistic.

Mr. Kennedy said for a few years while the Sustainable Groundwater Management Act was being implemented, RMWD was working with all the pumpers in the Pauma Valley as well as the San Luis Rey Indian Water Authority to help broker something that would establish “peace on the river” as far as groundwater goes; however, this did not occur and RMWD was not able to move forward with its project. He noted the one thing with a situation such as this is litigation is a real challenge due to the multiple things involved with groundwater rights. He stated one of the things RMWD did not want to do was spend a great deal of money on these studies to find there is a legal dead end. He reported RMWD has been working very closely with the Indian Water Authority, specifically Pala Reservation since they are an immediate neighbor of the District and provided them with information both in person with presentations to their Board, letters, and other communications to which Chairman Smith has indicated this project seems good to them as long as it does not impair their rights and RMWD keeps them appraised.

Mr. Kennedy explained tribal water rights are very important, especially since they were given those as a federal right when they were put on these reservations. He noted the victory rate on tribal water rate cases is pretty much 100%; therefore, RMWD wants to ensure as it moves forward is that they understand the District is 100% in support of their rights and the water it wants to extract is downstream of them and not part of these located in the east who will fight them over the rights in the Pauma Valley and other areas. He stated the Pala reservation water comes down through the San Luis Rey River which has been part of a settlement with Escondido; however,

they are having challenges getting it to flow down into the Pala Reservation itself due to the all the pumpers in Pauma Valley are pumping it out before it can cross over which will be an ongoing fight. He said RMWD has made it clear to its tribal neighbors and friends this is a separate matter that will not affect them.

Mr. Kennedy reported this study will be to more accurately refine the modeling West Yost produced with a separate hydrologist looking at the West Yost model after which some deficiencies were discovered in the way West Yost went about it. He noted West Yost was not a local company who did not have a great deal of experience with this basin as well as used some modeling concepts that may have worked in the Central Valley which in turn created some gaps to where that study, should RMWD rely on it to try to extract groundwater, would be easy to poke holes in and put the District at risk. He stressed there is no way he would want to recommend to the RMWD Board to then go into spending bigger money drilling wells, starting extractions, and other sorts of levels of testing without having a much better study conducted that would be resistant to success in litigation. He clarified there is no way it could be guaranteed a project such as this might not be challenged, but that it would be better to have goal to not have this happen over water that is worth fighting for.

Mr. Kennedy stated RMWD has solicited Requests for Proposals as discussed previously and how a small team reviewed both proposals received in response as well as interview both companies. He reported one copy led by Hoch Consulting; however, Hoch is more of an umbrella over a team of people including Geoscience who is the primary hydrologist working on this project as well as the rest o their project team who are all extremely qualified. He pointed out this team is the exact team that got through to construction the new pure water Oceanside project as well as worked on all their mission desalter projects to where they are actively pumping and treating water today. He added Geoscience has conducted work both upstream and downstream of RMWD; thus, they are very familiar with this hydrologic condition. He noted after speaking with both groups, the team was convinced this is the right team with which to proceed; however, there was concern with their cost proposal which was significantly more than the other party. He mentioned the team worked really hard with Hoch Consulting to work on finding ways to lessen the costs which resulted in phasing this project out as opposed to committing to $1.6 million. He noted staff also worked with Hoch to determine the smallest number and most meaningful information that can be shared with the Board so they can make an informed decision.

Mr. Kennedy explained the two main goals is to get as far east as possible without encroaching on tribal rights while getting the lower TDS water as possible since that will be less costly to treat. He said discussions are starting discussions with Rancho Water, FPUD and Oceanside on trying to obtain some federal funding to offset the costs of constructing a combined brine line; however, this is something RMWD does not want to have to do.

Mr. Kennedy reported the initial proposal has been reduced to a not-to-exceed $600,000 which will get RMWD to a point the consultant can then say the Board has the option to look at the data and consider whether to proceed. He mentioned staff was also working with a representative from the Bureau of Reclamation regarding a new program they just came out with for funding feasibility studies which staff will be working to try to obtain federal money to help pay for this project.

Mr. Kennedy noted the proposal before the committee today is to approve the Professional Services Agreement with Hoch Consulting at $600,000 and then move forward. He said it is unfortunate it will cost this much especially with what is happening with the Colorado supply and State Water Project, it is something RMWD owes its ratepayers to try to get a local supply that will not only be more reliable, but also cheaper than what the costs will be through its current wholesalers.

Mr. Marnett asked for the real cost of implementing the entire thing. Mr. Kennedy stated it would be more than $20 million. Mr. Nelson pointed out the purpose of this phase was to determine the finally outlay to have an up and running system. Discussion ensued.

Mr. Marnett stated it would seem foolish to be cheap on this type of project because if done wrong it could lead the District down a much more costly legal suit. Mr. Kennedy agreed noting this was why it is imperative RMWD ensures getting the best solid study possible.

Mr. Williams stated being part of the RFP and interview process, he has a high degree of confidence in the team staff was proposing. He also mentioned in their debrief with Geosyntec regarding the disparity in the numbers they admitted they had absolutely rushed their proposal to get in by the deadline. He gave credit to Ms. Parra for her hard work during the process of reaching a $600,000 not-to-exceed contract.

Mr. McKesson asked what RMWD's confidence guarantee a deliverable that will truly enable the District to go forward. Mr. Kennedy shared his experience watching this contractor's work over the past decades and how they are a top-of-the-line experts in this area with an excellent reputation for delivering. He said should it not turn out to be a buildable project, then it can be stopped until a later time. He stated he was risk adverse to spending capital on something that may not end up in litigation or delayed for a long period of time; therefore, the goal is to make sure it is as bullet-proof as possible up front.

Mr. Nelson mentioned he was very concerned with the costs associated with this project and how it is unfortunate for the District that there are not any other firms available in the area that bring the level of expertise and intricate knowledge of its geological area which may facilitate some price competition. He said he finds where Hoch assembled a team that cannot be beat which leaves RMWD with very little leverage in terms of pricing; therefore, he believed "quality trumps cost" because the District needs to have such.

Mr. Nelson asked for clarification related to the $600,000 Task A of the agreement has no stopping points within the task. Mr. Kennedy confirmed this was the plan. Mr. Nelson referenced the consultant agreement as he inquired about the scope of work to be conducted, specifically the alternatives listed and whether examples could be provided. Mr. Kennedy provided some examples or scenarios noting it would depend on the hydrogeological model.

Mr. Nelson asked for additional detail related to Task #5. Mr. Kennedy explained it was to make sure RMWD understands brine disposal may become part of this project. Discussion ensued.

Ms. Johnson agreed this was a huge project and wanted to know if there was federal funding available to support it and how much. Mr. Kennedy stated it would be low-interest loans, grants, matching grants, etc. He pointed out there is no guarantee regarding funding; however, applications cannot be submitted until RMWD has a project to present.

Ms. Johnson asked if RMWD has a staff member with expertise looking into funding possibilities. Mr. Kennedy introduced Ms. Kim, RMWD's Grant Specialist. Ms. Johnson asked Ms. Kim what types of federal grants she has found available for this project. Ms. Kim stated at this time RMWD was not currently applying for federal grants due to the fact RMWD does not have a project in place yet. She pointed out funding would not be received until Fiscal Year 2023/2024 for any projects starting now.

Ms. Parra pointed out as RMWD works toward developing the feasibility study, the consultant has worked with other agencies and received grant funding for various aspects of a project. She

noted the consultant was specifically structuring the feasibility study to set RMWD up for future opportunities when it reaches the essentially Phase II aspect to ensure all the requirements are met for various granting agencies which will segue seamlessly into being eligible to receiving funding for construction and implementation. She mentioned some of the local, state, and federal opportunities staff was watching very closely. She concluded with noting as progress is made on the feasibility study, staff will continue to explore various options available at the time as well as gearing up for long-term funding opportunities as well.

Mr. Nelson asked for the estimated costs associated with Task B. Ms. Parra stated she did not have the exact number, but knows the consultant was willing to reduce the price significantly which resulted in a not-to-exceed amount of $10,000 to be added. Mr. Nelson expressed concern that it seemed as though the consultant will be contacting existing well owners on the District's behalf. Mr. Kennedy stated this would only happen with RMWD's approval.

Ms. Johnson expressed concern this was a huge decision to make with a mere 45-minute discussion. She stated with no disrespect to Ms. Kim, she would recommend RMWD staff find a professional grant writer who has experience in federal grants due to this project being so big. Mr. Kennedy assured Ms. Johnson that Ms. Kim is RMWD's Grants Specialist who will use whatever resources necessary to find any available funding.

Motion:

To accept and recommend the Board approve Staff Recommendation Option 1 - Determine that the action defined herein does not constitute a "project" as specified by CEQA, approve the Professional Services Agreement with Hoch Consulting for a not to exceed amount of $600,000, and authorize the General Manager to execute the Professional Services Agreement.

Action: Approve, Moved by Member McKesson, Seconded by Member Nelson.

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).

Ayes: Member Brazier, Member Marnett, Member Johnson, Member McKesson, Member Nelson.

16. CIP PROJECT UPDATE PRESENTATION (ENGINEERING)

Mr. Williams shared a "FY 21/22 CIP Project Updates" presentation noting all dollar amounts provided in the presentation are from April 2022.

Mr. Williams reviewed each of the completed projects providing details related to each (Rainbow Heights Pump Station, He reviewed details for each of the projects (Rainbow Heights Pump Station, Water Service Upgrade Project, Heli-Hydrant, and North River Road Land Outfall Rehabilitation Phase 2 & 3).

Mr. Williams spoke on each of the CIP projects currently in progress providing highlights and status updates for each (Programmatic Environmental Impact Report, New District Headquarters, San Luis Rey Imported Return Flow Recovery, Isolation Valve Installation Program, Morro Mixing, Water System Monitoring Program, Camino Del Rey Waterline Relocation, Live Oak Park Road Bridge Replacement, Rainbow Water Quality Improvements, Corrosion Prevention Program, Gomez and Magee Pump Station Upgrades and Sumac Radio Tower, Manual Transfer Switches, Sarah Ann Drive Line 400A/Fallbrook Oaks Force Main and Lift Station, Rice Canyon Tank Pipeline, Lift Station 1 Replacement, Pressure Reducing Stations, Tank Maintenance and Fall

Protection, Hutton and Turner Pump Station Upgrades, Gird Road Water Main, Wilt Road Feeder, Morro Pump Station Upgrades, and Weese WTP Permanent Emergency Interconnect and Pump Station).

Mr. Nelson asked Mr. Williams to meet with him following the meeting regarding the costs associated with the Live Oak Park Road Bridge Replacement project. Mr. Williams agreed.

Mr. Marnett mentioned the middle wire on the Hutton Tank was loose. Mr. Gutierrez made a note of this information.

Mr. Nelson asked if the easement secured new location associated with the Hutton Pump Station project was the one where there were challenges with the landowner. Mr. Williams confirmed it was the Hutton site and the matter has been resolved with the rescinding of the Resolution of Necessity the Board approved in June. He reported the new easement was triple in size and for $10,000.

Mr. Nelson pointed out RMWD spent approximately $21,000 on the design services for the Gird Road Water Main project in 2020 and wanted to know about the new task for additional design services for a cost of approximately $6,000. Mr. Lagunas explained there were two projects associated with this project that have been combined into one which most likely generated this amended cost.

Ms. Johnson asked if Bonsall Unified School District confirmed the high school will be built at this site. Mr. Williams clarified they want the school to go in at this site, but it has not yet been confirmed. Discussion ensued.

Mr. Nelson asked whether RMWD spent under $60,000 on design for the Wilt Road Feeder project which was completed in two phases. Mr. Williams confirmed. Mr. Marnett inquired as to how many feet of pipeline this involved. Mr. Williams stated it was just under a mile.

***17. AS-NEEDED SERVICES EXPENDITURES SUMMARY**

Mr. Williams pointed out there have been three tasks added.

18. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT SCHEDULED ENGINEERING AND OPERATIONS COMMITTEE MEETING

It was noted the Programmatic Environmental Impact Report, a grants process presentation, in-house wholesale water efficiency projects schedule and process update, as well as a solar panel installation update should be on the next committee agenda.

19. ADJOURNMENT

***The meeting was adjourned by Chairperson Nelson*.**

The meeting adjourned at 5:29 p.m.

Flint Nelson, Committee Chairperson

Dawn M. Washburn, Board Secretary

RAINBOW MUNICIPAL WATER DISTRICT
Committed to Excellence

CONSENT CALENDAR

BOARD OF DIRECTORS

August 30, 2022

SUBJECT

NOTICE OF COMPLETION AND ACCEPTANCE OF RAPID AERIAL WATER SUPPLY (RAWS) AT THE PALA MESA TANK SITE (DIVISION 3)

BACKGROUND

While being beautiful and unique, living in the wildland-urban interface brings a genuine risk of wildfire, which under certain circumstances could deliver a severe economic blow to the District and its ratepayers. Wildfire is the primary natural hazard in our region, both in terms of potential severity and likelihood. Wildfires, unfortunately, are a natural part of California's landscape, in particular in San Diego County. Drought conditions, warmer spring and summer temperatures, and reduced snowpack have created a more prolonged and more intense fire season.

Rapid Aerial Water Supply (RAWS) was a collaborative project between North County Fire Protection District and Cal Fire San Diego Unit. The project included the installation of a five-thousand open-top steel tank, pilot control of inlet and drain valves, windsock, shore power, battery power, and solar power. A backup filing system consists of a float system that actuates an electronic butterfly valve. This tank provides access to aircrews of potable water, eliminating unnecessary time in looking for water sources. RAWS was the first of its kind in San Diego County and has been nominated for several awards. This project is located within Division 3.

DESCRIPTION

In May of 2021, the Board of Directors authorized the General Manager to execute a contract for installing the Heli-hydrant, otherwise known as RAWS, in the amount of $149,728. All facilities have been constructed per plan with no change orders. Upon acceptance by the Board, RAWS will become a part of the District's assets and staff will take over the operation and maintenance of the tank. There is a one-year warranty period which will commence after the Boards acceptance.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

One-Customers Service- - As the operator of the water system that provides fire suppression support for our customers through a network of pipelines and fire hydrants, the District plays an important role in the protection of life and property in our service area. With the ever-expanding range of fire season in our region, providing enhanced access to water for firefighting helicopters to protect the homes and properties of our customers is a crucial element of customer service.

Two-Asset Management-The RAWS will transform the way fires are fought in North San Diego County by Supplying a way to put water on fire sooner. Thus reducing the negative impacts on life and property.

Four-Fiscal Responsibility-The RAWS will supply firefighters with an added asset that can be used to protect critical infrastructures like pump stations, lifts stations, and water tanks. This reduces the costs of replacing this critical infrastructure it is lost to fire.

ENVIRONMENTAL

In accordance with CEQA Statute Section 21080(b)(4) and CEQA Guidelines 15269(b)(c), the action before the Board is statutorily exempt from the California Environmental Quality Act (CEQA) as it is a "Specific action necessary to prevent or mitigate an emergency."

BOARD OPTIONS/FISCAL IMPACT

Acceptance of the RAWS project has no fiscal impact.

Option1

- Make a determination that the action defined herein is statutorily exempt from CEQA per Section 21080(b)(4) of the CEQA Statute.
- Accept the RAWS Project
- Approve filing the Notice of Completion
- Add installation costs to the Districts total valuation

Option2

- Provide other direction to staff

STAFF RECOMMENDATION

Staff recommends Option 1

Robert Gutierrez 08/30/22
Operations Manager

RAINBOW MUNICIPAL WATER DISTRICT
Committed to Excellence

BOARD ACTION

BOARD OF DIRECTORS

August 30, 2022

SUBJECT

DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 22-23 TO CERTIFY A PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE DISTRICT'S WATER AND SEWER FACILITIES PLAN. (DISTRICT WIDE)

BACKGROUND

The District routinely undertakes sewer and water conveyance and storage construction and maintenance activities to manage and support the water supply and sewer systems managed by the District. Such projects are identified in the District' capital improvement plans. The California Environmental Quality Act (CEQA) allows a public agency to prepare a single, "Program" Environmental Impact Report for a series of actions that are geographically related or that are individual activities carried out under the same authorizing statutory and regulatory authority and having generally similar environmental effects that can be managed in similar ways. A Program EIR has the advantage of streamlining CEQA review by simplifying later environmental review for activities within the program and by allowing the agency to consider broad programmatic issues, such as the cumulative environmental effects of its activities, and overall project alternatives, at an early stage of the planning process. When appropriate, a Program EIR may also be used to avoid the preparation of multiple EIRs on a series of actions.

The current practice at the District has been to handle CEQA requirements on a project-by-project basis. This practice has led to delays in constructing projects and unforeseen expenses. The PEIR is intended to streamline the environmental process for District projects by avoiding duplicative analyses, saving the District time and money and also ensuring a consistent approach for all District activities.

On June 25, 2019 Rainbow Municipal Water District (RMWD) Board of Directors approved a professional services agreement with HELIX Environmental to prepare a Program Environmental Impact Report (PEIR).

The PEIR analyzes the District's reasonably foreseeable projects and maintenance and construction activities, discloses the potential environmental impacts of such activities, and where appropriate identifies standard recommended mitigation measures capable of reducing and avoiding impacts to below a level of significance. The PEIR includes technical reports on biological resources, cultural resources, and paleontological resources. Field surveys were conducted to support the aforementioned reports. Significant public outreach has also been performed as part of the PEIR development process to engage various stakeholders, including neighboring Native American Tribes.

The approach described in the original Request for Proposals involved an analysis of planned Capital Improvement Program (CIP) projects. However, District staff took an innovative and holistic approach to expand the coverage of the PEIR to include not only CIP projects, but all water and sewer pipelines, so that if future repairs could rely on the PEIR.

District's staff's innovative approach to streamline CEQA reviews was described in a presentation to the Engineering and Operations (E&O) Committee and Board of Directors in April 2021. In order to analyze

potential biological impacts from the District's activities, District staff, working with HELIX Environmental and Omnis Consulting identified the subset of projects that could, as a result of their proximity to sensitive resources, result in a potentially significant impact to special status species, sensitive vegetation communities, or jurisdictional waters. The PEIR recommends standard mitigations measures to be used to address such impacts. The PEIR also identifies, based on the results of field work and discussion with District staff, the subset of District activities that could be designed or implemented in a manner that is not expected to result in potentially significant impacts to biological resources.

This approach has resulted in early engagement with the California Department of Fish and Wildlife and is anticipated to provide greater certainty with respect to CEQA reviews and permitting for individual projects. The approach was well received by both the E&O Committee and Board of Directors; however, due to the need for advanced planning, it also expanded the scope of service for the consultant and need for a time extension to complete the project.

The Draft PEIR was released for public review on May 25, 2022 through July 8, 2022. Prior to releasing the Draft PEIR, District staff engaged neighboring Native American Tribes to share the cultural resources technical report and to offer consultation. Letters were also mailed out to stakeholders to inform them of the 45-day public review of the Draft PEIR. A notice was advertised in the Daily Transcript on May 25, 2022. The Draft PEIR was also uploaded to the State Clearinghouse and was posted on the District's website. A presentation was given to the Engineering and Operations Committee on August 3, 2022. A description of the PEIR document and comments received will be presented in the next section. This project is a District-wide project and includes all five Divisions.

DESCRIPTION

Pursuant to State CEQA Guidelines section 15168, the PEIR evaluates the broad programmatic implementation of the Water and Sewer Plan (Project), which includes 28 water system projects, 10 sewer system projects, maintenance activities, and 400 miles of District pipelines (PEIR Document is posted at https://www.rainbowmwd.com/engineering-services). The PEIR provides a comprehensive consideration of potential environmental effects, including cumulative impacts, mitigation measures, and alternatives, than would be provided if each project was analyzed individually. The PEIR streamlines the CEQA process and provides a roadmap for future CEQA reviews and project implementation.

In accordance with State CEQA Guidelines section 15082, on May 27, 2021, the District sent to the Office of Planning and Research State Clearinghouse and each responsible and trustee agency a Notice of Preparation (NOP) stating that a PEIR (State Clearinghouse Number 2021050602) would be prepared. The NOP was also published in the Daily Transcript. Four comment letters were received in response to the NOP. Pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the District held an online noticed scoping meeting on June 16, 2021 to solicit comments on the scope of the environmental review of the proposed Project. No comments were submitted during the scoping meeting.

The Draft PEIR was prepared, incorporating comments received in response to the NOP. The Draft PEIR concluded that the Program would not result in significant impacts to aesthetics; air quality; agriculture and forestry; greenhouse gases; land use and planning; mineral resources, population and housing, public services, recreation, or utilities and service systems.

The Draft PEIR identified potentially significant impacts and recommended mitigation measures for the remaining resource areas analyzed in the Draft PEIR. No significant, un-mitigable impacts associated with implementation of the Project have been identified.

In accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Office of Planning and Research on May 25, 2022; and as required by State CEQA Guidelines section 15087(a), the District provided Notice of Availability of the Draft PEIR to the public at the same time that the District submitted the Notice of Completion to the Office of Planning and Research, on May

25, 2022. During the public comment period, copies of the Draft PEIR and technical appendices were available for review and inspection at the District's offices, and on the District's website. Pursuant to State CEQA Guidelines section 15087(e), the Draft PEIR was circulated for a 45-day review period from May 25, 2022 through July 8, 2022.

Outreach to Native American Tribes was conducted in Fall 2021 and Spring 2022. Feedback from Tribes included a request to be consulted with on future projects. In addition, local Tribes were provided with the Draft PEIR two weeks prior to public circulation. No additional comments from Tribes were received.

The District received three written comment letters on the Draft PEIR within the noticed comment period. Letters were received from the California Department of Fish and Wildlife, the California Department of Transportation, and the County of San Diego. Pursuant to Public Resources Code section 21092.5, the District provided copies of its responses to commenting public agencies at least ten (10) days prior to its consideration of the Final PEIR. No comments received by the District and no additional information submitted to the District have produced substantial new information requiring recirculation of the PEIR or additional environmental review of the Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5.

The Final PEIR consists of the Draft PEIR (including appendices), all written comment letters received on the Draft PEIR within the noticed comment period, written responses to all written comment letters received within the noticed comment period on the Draft PEIR, minor clarifications to the Draft PEIR, and the Mitigation, Monitoring and Reporting Program (MMRP). The MMRP identifies the timing and entities responsible for implementing the mitigation measures recommended in the PEIR, thus ensuring the mitigation measures identified in the PEIR are implemented. This MMRP identifies the party responsible for implementing the measure, the timing for the implementation of each measure, and the procedure for documenting the mitigation efforts.

The PEIR complies with CEQA in all respects.

If the PEIR is certified, subsequent future activities would be reviewed to determine whether it was fully covered within the PEIR. A written checklist would be used to document the evaluation of the individual project and/or activity to determine whether the environmental effects were analyzed in the PEIR. If the District finds that no new effects would occur and no new mitigation measures would be required, the District can approve the activity as being covered within the scope of the PEIR and no new environmental document would be required. The District must incorporate all mitigation measures developed in the PEIR into subsequent activities.

It is worth noting that the project was completed within the approved budget that included one change order in the amount of $65,140 for the increase in project scope.

A presentation was also given to the Engineering and Operations Committee on August 3, 2022.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area Two: Asset Management. The PEIR will streamline the CEQA process for projects aimed at maintaining, repairing, and replacing existing infrastructures in a timely manner.
Strategic Focus Area Four: Fiscal Responsibility. Streamline process of addressing projects in the PEIR versus individual projects will save District staff time, effort, and cost.

ENVIRONMENTAL

Summary of Environmental Findings

As described in Resolution No. 22-23 and its attached Findings of Fact, the District has determined that, based on all of the evidence presented, including but not limited to the PEIR, written and oral testimony given at meetings and hearings, the submission of testimony from the public, organizations and regulatory

agencies, and the whole of the administrative record, which is incorporated by reference herein, that all environmental impacts associated with the Project would either be less than significant and do not require mitigation, or potentially significant but will be avoided or reduced to a level of insignificance through the identified mitigation measures.

No comments made at the public hearing conducted by the Board, or any additional information submitted to the Board has produced any substantial new information requiring recirculation or additional environmental review of the Final PEIR under CEQA. No new significant environmental impacts were identified, no substantial increase in the severity of any environmental impacts would occur, and no feasible Project alternative or mitigation measure considerably different from others previously analyzed was identified that would clearly lessen the significant environment impacts of the Project.

BOARD OPTIONS/FISCAL IMPACTS

Adoption of Resolution No. 22-23 Certifying the PEIR and MMRP and approving the Water and Sewer Facilities Plan has no fiscal impact.

Option 1:

- Adopt Resolution No. 22-23 Certifying the PEIR and MMRP and approving the Water and Sewer Facilities Plan.

Option 2:

- Provide other direction to staff.

STAFF RECOMMENDATION

Staff recommends Option 1.

Chad Williams 8/30/2022
Engineering and CIP Program Manager

RESOLUTION NO. 22-23

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE RAINBOW MUNICIPAL WATER DISTRICT
CERTIFYING A FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT
FOR THE RAINBOW MUNICIPAL WATER DISTRICT'S
WATER AND SEWER FACILITIES PLAN**

WHEREAS, the Rainbow Municipal Water District ("District'), prepared a Program Environmental Impact Report ("PEIR"), State Clearinghouse Number 2021050602, to evaluate the potential environmental effects of and potential alternatives to the Rainbow Municipal Water District Water and Sewer Facilities Plan pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Codes Section 21000 et seq., and the State CEQA Guidelines, title 14 California Code of Regulations, Sections 1500 et seq. ("CEQA Guidelines"); and

WHEREAS, the District contacted the Native American Heritage Commission ("NAHC") on March 25, 2021 for a Sacred Lands File search and list of Native American consultation contacts for the Project area; and

WHEREAS, the NAHC responded to the District on June 8, 2021, that the result of the Sacred Lands File check was positive and indicated that the Pala Band of Mission Indians, the Rincon Band of Luiseño Indians, the San Luis Rey Band of Mission Indians, and the Kwaaymii Laguna Band of Mission Indians could be contacted by the District for additional information related to the positive Sacred Lands File search results; and

WHEREAS, on May 27, 2021, the District sent consultation notification letters to the identified representatives within culturally-affiliated Tribal governments who have been designated to initiate and conduct formal government-to-government consultation, including the La Jolla Band of Luiseno Indians, Pala Band of Mission Indians, Pauma Band of Luiseno Indians, Pechanga Band of Luiseno Indians, Rincon Band of Luiseño Indians, San Luis Rey Band of Mission Indians, San Pasqual Band of Diegueño Mission Indians; and

WHEREAS, the District circulated a Notice of Preparation (NOP) of the PEIR on May 27, 2021, and a copy of the NOP was published in The Daily Transcript and submitted to the State Clearinghouse on May 27, 2021; and

WHEREAS, the District held a duty noticed online Scoping Meeting on June 16, 2021 at 12:00 pm and allowed for two modes of remote public participation, as well as public participation by telephone; and

WHEREAS, the District held a 30-day public review period for the NOP ending on June 25, 2021 and received comments during the scoping period from Native American Heritage Commission (NAHC), the California Department of Fish and Wildlife (CDFW), the California Department of Transportation (Caltrans), and the County of San Diego (County); and

WHEREAS, on August 5, 2021, the District sent follow-up emails to the identified representatives of the above-referenced Tribal governments; and

WHEREAS, the District initiated formal Tribal consultation in September 2021 with the Pala Band of Mission Indians, Rincon Band of Luiseño Indians, San Luis Rey Band of Mission

Indians, and San Pasqual Band of Diegueno Mission Indians; and

WHEREAS, on May 24, 2022, the District posted with the State Clearinghouse a Notice of Completion of the Draft PEIR and Notice of Availability of the Draft PEIR, identifying a 45-day review period on the Draft PEIR, from May 25, 2022 to July 8, 2022, uploaded to the State Clearinghouse a copy of the Draft PEIR, and made the Draft PEIR available on the District's website; and

WHEREAS, on May 24, 2022 the District mailed letters to stakeholders to inform them of the 45-day public review of the Draft PEIR and advertised the public comment period in the Daily Transcript on May 25, 2022; and

WHEREAS, written comments were received during the public comment period and a written response was prepared to written comments, which responses employ a good faith, reasoned analysis to describe and address the disposition of environmental issues raised by the comments; and

WHEREAS, on August 3, 2022 District staff gave an information presentation on the Final PEIR to the District's Engineering and Operations Committee; and

WHEREAS, the Final PEIR, including responses to comments, was distributed to commenting agencies and members of the public on August 19, 2022; and

WHEREAS, the District made the Final PEIR available on the District's website on August 19, 2022; and

WHEREAS, the Final PEIR has been prepared pursuant to CEQA and the State CEQA Guidelines and includes the following:

1. Draft PEIR;

2. Comments received on the Draft PEIR;

3. Responses to Comments on the Draft PEIR;

4. Final PEIR;

5. The resolution of the RMWD Board of Directors certifying the Final PEIR;

6. The Environmental Findings, Statement of Facts in Support of Findings, attached hereto as Exhibit A; and

7. The Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B.

WHEREAS, the District Board of Directors conducted a duly noticed public meeting concerning the certification of the Final PEIR on August 30, 2022 and heard evidence from all persons interested in testifying concerning the certification of the Final PEIR; and

WHEREAS, the District Board of Directors has reviewed and considered the Final PEIR and has considered the oral and written comments on the Final PEIR and the response thereto.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED, by the District Board of Directors:

1. The foregoing recitals are true and correct.

2. The Final PEIR was presented to the District Board of Directors and the District Board of Directors has reviewed and considered the information contained in the Final PEIR prior to approving the District Water and Sewer Facilities Plan;

3. The Final PEIR reflects the independent judgment and analysis of the District Board of Directors;

4. The Final PEIR has been completed in compliance with CEQA, the State of California CEQA Guidelines, and is hereby certified as adequate and complete;

5. The District has selected the District Water and Sewer Facilities Plan as the preferred project and adopted the Final PEIR; and

6. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any remaining provisions of the Resolution;

7. The Resolution shall take effect from and after its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Rainbow Municipal Water District held on the 30th day of August 2022 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Hayden Hamilton, Board President

ATTEST:

_____
Dawn M. Washburn, Board Secretary

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT REGARDING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE RAINBOW MUNICIPAL WATER DISTRICT WATER AND SEWER FACILITIES PLAN State Clearinghouse No. 2021050602

I. CERTIFICATION

Rainbow Municipal Water District ("District") hereby certifies the Program Environmental Impact Report ("PEIR") for the Water and Sewer Facilities Plan ("Project") (State Clearinghouse No. 2021050602), which consists of the Final EIR; Draft EIR; Draft EIR comments, responses, and revisions; Mitigation Monitoring and Reporting Program ("MMRP"); and Technical Appendices. In accordance with California Environmental Quality Act ("CEQA") Guidelines § 15090, the District, as Lead Agency for the Project, certifies that:

(1) The Final EIR has been completed in compliance with CEQA;

(2) The Final EIR was presented to the District, and the District has received, reviewed, and considered the information contained in the Final EIR and in the administrative record prior to approving the Project;

(3) The Final EIR reflects the District's independent judgment and analysis.

The District has exercised independent judgment in accordance with Public Resources Code § 21082.1(c) in retaining its own environmental consultant and directing the consultant in preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

In accordance with Public Resources Code § 21081 and CEQA Guidelines § 15091, the District has made one or more specific written findings regarding significant impacts associated with the Project. Those findings are presented below, along with the rationale behind each of the findings. Concurrent with the adoption of these findings, District adopts the MMRP.

II. PROJECT OBJECTIVES AND DESCRIPTION (PEIR Section 3.0)

The Project identifies a plan of improvements necessary for the systems to adapt to future conditions, while providing reliable service to the District's customers.

Specific key objectives of the Project are to:

1. Implement improvements, repairs, and replacements needed to bring existing facilities up to current design, safety, and regulatory standards.

2. Address system deficiencies under current demand and flow conditions.

3. Meet future water demand and flow conditions in the short term (2030) and long term (2050).

The categories of improvements considered in the overall Program include Capital Improvement Program (CIP) projects, other District pipeline (ODP) projects, and maintenance projects.

The proposed CIP includes projects that are recommended to address existing and forecasted capacity deficiencies, improve system reliability, redundancy, and operating efficiencies, and conduct strategic system maintenance and replacement programs. Proposed new developments to be served by the District would be required to construct their own onsite sewer system and connection to the District's existing system. Water system CIP projects fall into various improvement categories including hydraulic capacity; pressure regulation; fire flows; and operations, redundancy, and reliability. The water system CIP consists of 28 projects. The 10 proposed sewer system CIP projects include replacements, rehabilitations, and other improvements. The CIP projects are listed within Table 3-1, CIP Projects, of the PEIR.

The PEIR addresses on a broad level the totality of the District's water and sewer pipelines, including 336 miles of water pipelines and 76 miles of sewer pipelines.

The PEIR also covers maintenance projects are minor activities that the District may undertake as part of general operations.

Legal Requirements

Public Resources Code section 21002 states that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Section 21002 further states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Pursuant to section 21081 of the Public Resources Code, the District may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the District makes one or more of the following written finding(s) for each of those significant effects accompanied by a brief explanation of the rationale for each finding: (1) changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment; (2) those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or (3) specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

While CEQA requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts, an agency need not adopt infeasible mitigation measures or alternatives. (Pub. Res. Code § 21002.1(c) [if "economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency"]; see also State CEQA Guidelines § 15126.6(a) [an "EIR is not required to consider alternatives which are infeasible"].) CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Res. Code § 21061.1.) The State CEQA Guidelines add "legal" considerations as another indicia of feasibility. (State CEQA Guidelines § 15364.) Project objectives also inform the determination of "feasibility." (*Jones v. U.C. Regents* (2010) 183 Cal. App. 4th 818, 828-829.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable

balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) "Broader considerations of policy thus come into play when the decision making body is considering actual feasibility[.]" (*Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000 ("*Native Plant*"); see also Pub. Res. Code § 21081(a)(3) ["economic, legal, social, technological, or other considerations" may justify rejecting mitigation and alternatives as infeasible] (emphasis added).)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

Summary of Environmental Findings

At a regular meeting assembled on August 30, 2022, the Board determined that, based on all of the evidence presented, including but not limited to the PEIR, written and oral testimony given at meetings and hearings, the submission of testimony from the public, organizations and regulatory agencies, and the whole of the administrative record, which is incorporated by reference herein, that all environmental impacts associated with the Project would either be less than significant and do not require mitigation, or potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures.

No comments made at the public hearing conducted by the Board or any additional information submitted to the Board has produced any substantial new information requiring recirculation or additional environmental review of the Final PEIR under CEQA. No new significant environmental impacts were identified, no substantial increase in the severity of any environmental impacts would occur, and no feasible Project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environment impacts of the Project, as defined in State CEQA Guidelines section 15088.5, were rejected.

III. FINDINGS REGARDING ENVIRONMENTAL IMPACTS WHERE IT CAN BE SEEN WITH CERTAINTY THERE IS NO POTENTIAL FOR IMPACTS, AND FOR ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

Consistent with Public Resources Code section 21002.1 and section 15128 of the State CEQA Guidelines, the PEIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact. Nevertheless, the Board finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of Mitigation Measures.

Aesthetics (PEIR Section 5.1)

1. Scenic Vistas (PEIR Section 5.1)
2. Threshold: Would the Project have a substantial adverse effect on a scenic vista?

Finding: Less than significant impact.

Explanation: While there are a number of scenic vistas and scenic resources throughout the District's service area, the majority of Project improvements include replacement, rehabilitation, or repairs to existing facilities. Many of the improvements would occur underground and would not be visible following completion of the Project. Aboveground components would generally occur at existing facilities and would not introduce new, large structures or be of such scale that would block or impede views of scenic vistas. Construction of Project improvements would result in temporary visual changes in the immediate vicinity of the improvement sites associated with staging of equipment and materials and the presence of construction workers; however, construction activities would be temporary and would not be of such scale that would block or impede views of scenic vistas. Impacts associated with scenic vistas would be less than significant.

3. Scenic Resources (PEIR Section 5.1)

Threshold: Would the Project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Finding: No impact.

Explanation: There are no officially designated state scenic highways within or near the District's service area. There are two eligible state scenic highways within the District's service area: the portion of I-15 from SR 76 near the San Luis Rey River to SR 91, near Corona; and SR 76 from I-5 (near Oceanside) to SR 79 near Lake Henshaw (Caltrans 2021). Several Project improvements are located within close proximity to I-15 and SR 7 6; however, as discussed, I-15 and SR 76 are not officially designated state scenic highways. No impact to scenic resources within a state scenic highway would occur.

4. Visual Character (PEIR Section 5.1)

Threshold: In nonurbanized areas, would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

Finding: Less than significant impact.

Explanation: The District's service area consists largely of undeveloped agricultural land with interspersed rural residential properties. The majority of Project improvements include replacement, rehabilitation, or repairs to existing facilities. Visual impacts associated with the Project would be temporary during construction of each individual improvement and would not occur simultaneously at a given location (though they may occur simultaneously at different locations throughout the District's service area). For pipeline projects, impacts associated with the visual character or quality of public views would be temporary during construction and likely not noticeable following completion of construction activities. Therefore, aesthetic impacts associated with the visual character or quality of public views would be less than significant.

5. Light and Glare (PEIR Section 5.1)

Threshold: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Finding: Less than significant impact.

Explanation: Proposed improvements primarily include underground pipelines, which would not result in sources of light or glare. Aboveground facilities may result in the placement of minor lighting at their respective sites for security purposes; however, the lighting would be minimal and would not create substantial sources of light and glare that would affect day or nighttime views in the area. In addition, most improvements would occur at existing facilities where lighting, if required, would already be present. During nighttime construction, any required lighting would be directed to work areas and would occur for a limited duration during the construction period of a given improvement. As such, nighttime construction lighting, should it occur, would not create substantial sources of light and glare that would affect day or nighttime views in the area. Impacts would be less than significant.

Agricultural and Forestry Resources (PEIR Section 5.2)

1. Farmland, Agricultural Zoning, Forestland Zoning, Loss of Forest Land, and Conversion (PEIR Section 5.2)

Threshold: Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?

Threshold: Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contact?

Threshold: Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC section 1220[g]), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])?

Threshold: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

Threshold: Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Finding: No impact.

Explanation: The District's service area contains land designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, Urban and Built-Up Land, and Other Lands. Williamson Act contract lands are scattered throughout the service area. Project improvements would occur along existing pipeline alignments, at existing pump stations and lift stations, and at other existing District-owned properties and thus, would not alter, remove, or convert existing land uses. No conversion of Prime Farmland, Unique Farmland, Farmland of Statewide Importance, forest land, timberland, or timberland zoned Timberland Production would occur as a result of the Project. No conflicts

with Williamson Act contracts or conversions of agricultural or forest land uses would occur as a result of the Project. No impact would occur.

Air Quality (PEIR Section 4.1)

1. Consistency with Air Quality Plans (PEIR Section 4.1.4.1)

Threshold: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Finding: Less than significant impact.

Explanation: Projects that propose development consistent with the growth anticipated by the local jurisdictions' general plans would be consistent with the Attainment Plan and the San Diego County Regional Air Quality Strategy (RAQS), as these plans rely on population projections provided by SANDAG. The Project would meet the projected buildout demand and provide repairs as needed. The projects would not generate additional population and no unplanned growth would be served by the projects. Therefore, the Project would not result in population growth that would exceed the population projections accounted for in the Attainment Plan and RAQS. Therefore, implementation of the Project would not conflict with or obstruct implementation of an applicable air quality plan and the impact would be less than significant.

2. Conformance with Air Quality Standards (PEIR Section 4.1.4.2)

Threshold: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard?

Finding: Less than significant impact.

Explanation: The conservative daily construction scenario provided in the PEIR assumes the highest intensity of simultaneous projects that would occur in one year (planned for 2024). Table 4.1-5 of the PEIR shows that daily emissions associated with the conservative construction scenario would not exceed applicable significance thresholds provided by SDAPCD. Impacts related to construction would be less than significant.

The majority of Project improvements would occur at existing facilities and would not result in new operational emissions. Table 4.1-6 of the PEIR provides operational emissions under a conservative scenario assuming intensive maintenance activities. The Project's operational emissions would not exceed SDAPCD significance thresholds for operational emissions and operational impacts would be less than significant.

3. Sensitive Receptors (PEIR Section 4.1.4.3)

Threshold: Would the Project expose sensitive receptors to substantial pollutant concentrations?

Finding: Less than significant impact.

Explanation: Construction activities would not occur in any one location for a duration which would result in exposure of sensitive receptors to substantial emissions of toxic air

contaminants. The Project does not propose facilities that are considered significant sources of toxic air contaminants requiring a health risk assessment. Generators at pump stations and lift stations would be a source of diesel particulate matter but would not be sited adjacent to residential receptors. Additionally, particulate matter emissions during operations would be below the SDAPCD screening level thresholds. Thus, although sensitive receptors are located throughout the Project area, construction and operation of the projects would not expose sensitive receptors to substantial pollutant concentrations.

4. Odors (PEIR Section 4.1.4.4)

Threshold: Would the Project result in other emissions such as those leading to odors adversely affecting a substantial number of people?

Finding: Less than significant impact.

Explanation: Construction activities may temporarily generate odors associated with diesel exhaust. Odors resulting from construction activities would not affect a substantial number of people due to the minor extent and duration of construction at any specific location.

Operation of wastewater facilities involving sealed pipelines do not release odors to open air, except where the pipes vent to the outside, such as at lift stations. Lift station projects would primarily replace existing facilities that would not result in a new source of odor. One new lift station would be installed but would be enclosed and would include an odor control system.

Projects are also subject to SDAPCD Rule 51 prohibiting nuisances such as objectionable odors, which must be mitigated by appropriate means to reduce the impacts to sensitive receptors to less than significant in the event of an enforcement action. Therefore, the Project would not result in significant odors and impacts would be less than significant.

Biological Resources (PEIR Section 4.2)

1. Wildlife Movement (PEIR Section 4.2.4.4)

Threshold: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Finding: Less than significant impact.

Explanation: During construction of underground components and maintenance activities, some projects would have the potential to temporarily disrupt local wildlife movement areas; however, disruptive effects would be minimal, and wildlife would be expected to move back into the area once the activities have ceased. Aboveground facilities would be small in size and would allow continued habitat access and wildlife movement surrounding the facilities. Thus, established wildlife corridors would remain functional and impacts would be less than significant.

2. Local Policies (PEIR Section 4.2.4.5)

Threshold: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding*:* No impact.

Explanation: Most Project components are either below-ground facilities, such as pipelines, or improvements or upgrades to existing infrastructure. Underground facilities, improvements to existing facilities, and replacement of existing structures, would not conflict with local policies or ordinances. Further, mitigation measures MM BIO-1 through MM BIO-17 would be implemented which would avoid and minimize impacts to biological resources. Therefore, Project implementation would not conflict with local policies or ordinances protecting biological resources.

3. Conservation Planning (PEIR Section 4.2.4.6)

Threshold: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Finding*:* No impact.

Explanation: There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applicable to the District's service area. Therefore, no conflicts with conservation plans would occur and there would be no impact.

Energy (PEIR Section 4.4)

1. Energy Consumption (PEIR Section 4.4.4.1)

Threshold: Would the Project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

Finding*:* Less than significant.

Explanation: Construction equipment used for the Project would result in the consumption of fuel, the quantity of which was estimated under a conservative annual construction scenario that assumes the highest intensity of improvements that could occur in one year. Under this conservative scenario, energy usage from Project construction is estimated to be 3,559 million BTU. The Project would incorporate measures to reduce energy usage during construction, including enforcing an idling time restriction of five minutes for construction vehicles; utilizing grid power for electric energy rather than operating temporary gasoline/diesel powered generators in areas where existing grid power is available; and increasing use of electric and renewable fuel powered construction equipment and requiring renewable diesel fuel where commercially available. Construction equipment would be maintained in accordance with applicable CARB off-road diesel equipment regulations to ensure efficient operations. Thus, the Project would not consume energy during construction in a wasteful, inefficient, or unnecessary manner, and impacts would be less than significant.

Most Project components would consist of new, replaced, or upgraded pipelines that would be passive during operations and would not result in on-going operational energy usage, or improvements to existing facilities that would not result in new operational energy usage. A conservative analysis of new operational energy usage including pump station and lift station

operations as well as maintenance activities concluded energy usage to be 5,041,030 kWh per year. Project improvements would not be considered wasteful or unnecessary because identified improvements are needed to provide adequate water and wastewater services within the District's service area. The energy used would be limited to the energy necessary for operation of the facilities. As such, impacts related to energy consumption from operation of the Project would be less than significant.

2. Conflict with Energy Plans (PEIR Section 4.4.4.2)

Threshold: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Finding*:* Less than significant.

Explanation: The proposed Project would provide water and wastewater infrastructure improvements to adapt to projected future supply and demand conditions. It would not facilitate unplanned growth and would therefore not influence land use or transportation patterns that would affect the energy usage. Project improvements would not have the capability of implementing green building features as they would not use energy (e.g., passive pipelines) or not include structures that could incorporate energy-saving features. As such, the Project would not conflict with CARB's Scoping Plan or SANDAG's 2021 Regional Plan, which are the two principal statewide and region-wide plans adopted for the purpose of reducing energy usage. Local policies set forth in the County of San Diego General Plan and City of Oceanside General Plan Update are not relevant to the Project. No conflicts with state or local plans for renewable energy or energy efficiency would occur and impacts would be less than significant.

Geology and Soils (PEIR Section 4.5)

1. Septic Tanks (PEIR Section 4.5.4.5)

Threshold: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Finding*:* No impact.

Explanation: The Project does not include the use of septic tanks or components that would require placement of new septic tanks. No impact related to septic tanks or other alternative wastewater disposal systems would result from Project implementation.

Greenhouse Gas Emissions (PEIR Section 4.6)

1. Greenhouse Gas Emissions (PEIR Section 4.6.4.1)

Threshold: Would the Project generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Less than significant impact.

Explanation: The PEIR analyzed GHG emissions under a conservative annual construction scenario that assumes the highest intensity of improvements that could occur in one year. The

annual construction emissions under the conservative scenario are estimated at 548 MT CO_2e. Therefore, Project construction would not exceed the 8,152 MT CO_2e significance threshold and would result in a less than significant impact related to GHG emissions due to construction.

Most Project improvements would consist of new, replaced, or upgraded pipelines that would be passive during operations and would not result in on-going operational emissions, or improvements to existing facilities that would not result in new sources of operational emissions. Operational emissions associated with new CIP projects and maintenance activities were estimated assuming full buildout of CIP projects in 2026 and a conservative scenario of energy usage. Emissions were estimated at 1,261 MT CO_2e, which would be below the screening threshold of 6,645 MT CO_2e. Thus, impacts associated with operational GHG emissions would be less than significant.

2. Conflict with Plans or Policies (PEIR Section 4.6.4.2)

Threshold: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gas emissions?

Finding: Less than significant impact.

Explanation: The proposed Project would provide water and wastewater infrastructure improvements to adapt to projected future supply and demand conditions. It would not facilitate unplanned growth and would therefore not influence land use or transportation patterns that would affect the generation of GHG emissions. Project improvements would also not have the capability of implementing green building features as they would not use energy (e.g., passive pipelines), use water, or generate waste. As such, the Project would not conflict with CARB's Scoping Plan or SANDAG's 2021 Regional Plan, which are the two principal statewide and region-wide plans adopted for the purpose of reducing GHG emissions. Local policies set forth in the County of San Diego General Plan and City of Oceanside General Plan Update and Climate Action Plan are not relevant to the Project, which involves improvements to water and wastewater infrastructure, most of which is already existing. Therefore, the Project would not conflict with local plans or policies adopted for the purpose of reducing GHG emissions.

Hazards and Hazardous Materials (PEIR Section 4.7)

1. Airport Hazards (PEIR 4.7.4.3)

Threshold: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?

Finding: Less than significant impact.

Explanation: No portions of the District's service area are within an airport safety zone. A portion of the service area is within AIA Review Area 2 of Fallbrook Community Airpark, however no proposed Project components in that area would result in tall structures or electrical or visual hazards to aircrafts. Thus, the Project would not result in a safety hazard for people residing or working in the Project area and impacts would be less than significant.

Hydrology and Water Quality (PEIR Section 4.8)

1. Flood Hazard Areas (PEIR Section 4.8.4.3)

Threshold: Would the Project risk release of pollutants due to project inundation if located in a flood hazard, tsunami, or seiche zone?

Finding: Less than significant impact.

Explanation: Nearly all proposed facilities in dam and seiche inundation areas would be below grade upon completion (e.g., buried pipelines or underground facilities) and there would be no risk associated with the release of pollutants following completion of construction activities. During construction, compliance with the District's stormwater pollution prevention requirements and applicable construction stormwater permits would reduce the risk of the release of pollutants during an inundation event. Potential impacts related to dam failure inundation and seiche inundation are considered less than significant based on the minor extent of associated proposed facilities within such inundation areas, the placement of those facilities below grade (i.e., pipelines), and the low probability for dam failure.

Project components would be located a minimum of approximately 10 miles inland and at elevations ranging from 150 to 2,250 feet above mean sea level, outside of tsunami-related inundation zones. As such, no flood hazard related to inundation by tsunami is present and no impact would occur.

Land Use and Planning (PEIR Section 5.4)

1. Physically Divide an Established Community (PEIR Section 5.4)

Threshold: Would the Project physically divide an established community?

Finding: Less than significant impact.

Explanation: Given the largely undeveloped nature of the service area, in combination with the temporary nature of construction impacts, and the dispersal and timing of expected projects, temporary construction impacts would not result in a physical division of an established community. Many of the components of the Project are underground facilities. Aboveground facilities would replace existing facilities or be located on District-owned property. Therefore, the Project would not result in the division of a community and impacts would be less than significant.

2. Physically Divide an Established Community (PEIR Section 5.4)
Threshold: Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Finding: No impact.

Explanation: Project improvements would occur at existing District facilities and properties, which would not require changes to zoning or land uses. Improvements, repairs, and replacements of existing District infrastructure at existing District facilities would not result in significant environmental impacts due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. In addition, per Government Code Section 53091, building ordinances of local cities and counties do not apply

to the location or construction of facilities used for the projection, generation, storage, treatment, or transmission of water or wastewater. As such, the Project would not conflict with land use plans, policies, or regulations. No impact would occur.

Mineral Resources (PEIR Section 5.4)

1. Loss of Availability of Mineral Resources (PEIR Section 5.4)

Threshold: Would the Project result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?

Threshold: Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Finding*:* No impact.

Explanation: The District's service area contains lands designated as Mineral Resource Zone (MRZ) 2, indicating mineral resources are present; MRZ 3, indicating mineral resources are potentially present; and MRZ 4, indicating an inconclusive determination as to the presence of mineral resources. Existing mineral resources occurring in the service area include sand and gravel; and semiprecious, diamond, and quartz. Project improvements would occur at existing District facilities and would not result in changes to existing land uses. No District facilities are located at mineral extraction sites. Project improvements would not result in the loss of availability of a known mineral resource or locally important sites. No impact to mineral resources would occur as a result of the Project.

Noise (PEIR Section 4.9)

1. Vibration (PEIR Section 4.9.4.2)

Threshold: Would the Project generate excessive groundborne vibration or groundborne noise levels?

Finding*:* Less than significant impact.

Explanation: Vibration associated with implementation of the Project would be generated primarily during construction of individual projects/improvements, specifically during the use of a vibratory roller to achieve soil compaction. Based on the size and operational functionality, it is unlikely that a vibratory roller would be used within 11 feet of historic structures or 8 feet of residential dwellings, which are the distances at which the vibration would reach the respective thresholds. During Project operation only negligible levels of vibration would be generated. Therefore, vibration impacts would be less than significant.

2. Aircraft Noise (PEIR Section 4.9.4.3)

Threshold: Would the Project expose people residing or working in the Project area to excessive noise levels by being located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport?

Finding*:* Less than significant impact.

Explanation: According to the Airport Land Use Compatibility Plan for Fallbrook Community Airpark, no portion of a Noise Impact Zone (defined as within the 55-CNEL contour) associated with Fallbrook Community Airpark is within the District's service area. There are no other airports in proximity to the District's service area that would have the potential to result in excessive noise levels within the service area. As such, neither the Project's temporary construction workers nor permanent maintenance and facility workers would be exposed to excessive aircraft noise and impacts would be less than significant.

Population and Housing (PEIR Section 5.5)

1. Population Growth (PEIR Section 5.5)

Threshold: Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposed new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Finding: Less than significant impact.

Explanation: The Project would not directly induce population growth because it does not propose any new homes or businesses that would directly attract new growth. Local and existing employees would be expected to be employed during Project construction and operation. The Project has been developed to address deficiencies and accommodate projected population growth. It would not induce population growth indirectly. Therefore, impacts would be less than significant.

2. Population Displacement (PEIR Section 5.5)

Threshold: Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Finding: No impact.

Explanation: Project improvements would occur at existing District facilities, many of them underground. The Project would not result in the removal of existing people or housing, and no construction of replacement housing would be required. No impact would occur.

Public Services (PEIR Section 5.6)

1. Physical Impacts Associated with Provision of Government Facilities (PEIR Section 5.6)

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times, or other performance objectives for fire protection, police protection, schools, parks, or other public facilities?

Finding: No impact.

Explanation: The proposed Project includes improvements to existing water and sewer facilities to address existing and forecasted capacity deficiencies, improve system reliability, redundancy, and operating efficiencies, and conduct strategic system maintenance and

replacement programs. The Project does not propose new fire department, police station, school, or park facilities and would not induce population growth that would require the expansion of such existing facilities. Therefore, the implementation of the Project would not require the construction of new or expansion of existing fire department, police station, school, or park facilities in order to maintain service ratios, response times, or other performance objectives. No impacts associated with the construction of new or expansion of existing fire protection, police protection, school, park, or other public facilities would occur.

Recreation (PEIR Section 5.7)

1. Use of Recreational Facilities (PEIR Section 5.7)

Threshold: Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Threshold: Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Finding: No impact.

Explanation: The Project includes improvements to existing water and sewer facilities to address existing and forecasted capacity deficiencies, improve system reliability, redundancy, and operating efficiencies, and conduct strategic system maintenance and replacement programs. The Project improvements do not contain residential land uses or other land uses that would introduce new residents to the service area. The Project would not result in increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The Project would not result in the need for the construction or expansion of recreational facilities, and no impact associated with recreation would occur.

Transportation (PEIR Section 4.10)

1. Vehicle Miles Traveled (VMT) (PEIR Section 4.10.4.2)

Threshold: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Finding: Less than significant impact.

Explanation: Project-related traffic would be limited to temporary construction traffic for individual Project improvements and a relatively low number of operational trips across the District's service area. Therefore, the Project would not generate a substantial increase in VMT and would not conflict or be inconsistent with *CEQA Guidelines* Section 15064.3. Impacts would be less than significant.

Utilities and Service Systems (PEIR Section 5.8)

1. New or Expanded Facilities (PEIR Section 5.8)

Threshold: Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm drainage, electric power, natural gas or telecommunications facilities, the construction of relocation of which could cause significant environmental effects?

Finding: Less than significant impact.

Explanation: The Project does not include components that would cause growth, but rather, identifies improvements required to meet projected growth within the service area. The Project would result in the construction of new or expanded water and wastewater facilities, the environmental impacts of which are described in the PEIR. The Project would not require the substantial relocation or construction of additional water, wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities that could cause significant off-site environmental effects. Impacts would be less than significant.

2. Water Supply Availability (PEIR Section 5.8)

Threshold: Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Finding: Less than significant impact.

Explanation: The District's 2020 Urban Water Management Plan concluded that if SDCWA and District supplies are developed as planned, no shortages are anticipated within the District's service area in normal, single dry, and multiple dry year scenarios through 2045. The Project would implement improvements, repairs, and replacements needed to bring existing facilities up to current design, safety, and regulatory standards; address system deficiencies under current demand and flow conditions; and meet future water demand and flow conditions for short and long term. Impacts associated with water supply availability during normal, dry, and multiple dry years would be less than significant.

3. Wastewater Treatment Capacity (PEIR Section 5.8)

Threshold: Would the Project result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?

Finding: Less than significant impact.

Explanation: The Project would implement necessary sewer improvements, repairs, and replacements. It does not include components that would increase wastewater demand but would improve the wastewater system to support future forecasted growth. Impacts associated with adequate capacity for wastewater treatment would be less than significant.

4. Solid Waste (PEIR Section 5.8)

Threshold: Would the Project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction needs?

Threshold: Would the Project comply with federal, state, and local management and

reduction statutes and regulations related to solid waste?

Finding: Less than significant impact.

Explanation: Demolition debris and construction waste associated with construction of the Project improvements handled and disposed of in accordance with federal, state, and local laws and regulations related to solid and hazardous waste. During long-term operations of Project facilities, the water and wastewater infrastructure would not generate solid waste. As such, the Project would not generate solid waste that would significantly impact the permitted capacity of area landfills. Impacts associated with solid waste would be less than significant.

Wildfire (PEIR Section 4.11)

1. Flooding and Landslides (PEIR Section 4.11.4.4)

Threshold: Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Finding: Less than significant impact.

Explanation: Most Project facilities would be located below ground (i.e., pipelines) and/or involve improvements to existing facilities. The Project would therefore not expose a substantial number of new facilities or structures to flooding or landslides. In addition, the Project would not provide housing or other uses that would include regular or permanent occupants. The presence of Project-related personnel would be limited to temporary construction workers at improvements site and occasional maintenance workers at District facilities. As such, impacts associated with risks from runoff, post-fire instability, or drainage changes would be less than significant.

IV. FINDINGS REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The District finds that feasible mitigation measures have been identified in the PEIR and this Resolution that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The Mitigation Monitoring and Reporting Program attached to this Resolution sets forth the responsible party, mitigation timing, and monitoring/reporting procedure for each mitigation measure to ensure it is implemented.

Biological Resources (PEIR Section 4.2)

1. Sensitive Species (PEIR Section 4.2.4.1)

Threshold: Would the Project result in a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Finding: Less than significant impact with incorporation of mitigation measures.

Explanation: The CIP projects in Table 4.2-2 of the PEIR and ODP projects listed in Appendix C to the PEIR as Category A or B projects could result in direct or indirect significant impacts to special status plant and wildlife species and their habitat. No direct impacts to undeveloped areas or special status plant or wildlife species are anticipated as a result of maintenance activities due to the disturbed and developed nature of maintenance project locations. These impacts are considered potentially significant.

Construction and maintenance activities would comply with the federal CWA, California's Porter-Cologne Water Quality Control Act, the implementing regulations of the SWRCB and RWQCB, and the NPDES Program, including the implementation of prescribed BMPs, thereby avoiding and minimizing potential indirect impacts to special-status species and their habitat from water pollution during Project construction. In addition, BMPs would be implemented to minimize fugitive dust emissions and other criteria pollutant emissions during construction of CIP and ODP projects, thereby reducing potential indirect impacts associated with fugitive dust to less than significant levels.

Mitigation Measures: Implementation of mitigation measures MM BIO-1 through MM BIO-14 below would reduce potentially significant impacts on special species and their habitat for the projects listed above to a less than significant level.

MM BIO-1 Project-Specific Biological Resource Surveys. Prior to construction of CIP Projects listed in Table 4.2-2, Table 4.2-3, district-wide CIP Projects (CIP Projects 600007, 600009, 600030, and 600055), and ODP Category A Projects and ODP Category B Projects included in BTR Appendices C-1, C-2, D-1, and D-2 that will be sited within an undeveloped open space area (i.e., an area supporting naturalized habitat, sensitive habitat, and/or habitat potentially suitable for special-status species), the District shall retain a qualified biologist to perform a pre-construction survey to verify existing biological resources on and adjacent to the project construction areas. The District shall provide the biologist with a copy of the CIP and ODP project plans that clearly depict the construction work limits, including construction staging and storage areas, to determine which specific portion(s) of the project will require inspection of adjacent open space areas during the pre-construction survey. The surveys shall verify whether the project would occur on or in the immediate vicinity of sensitive natural communities, including habitat suitable for special-status species, in addition to potential jurisdictional aquatic resources. The surveys shall also verify whether the project could result in direct or indirect impacts to sensitive natural communities, special-status species, and potential jurisdictional aquatic resources. The survey results shall be submitted to the District to determine the need for additional environmental compliance actions. If suitable habitat for special-status plant species is confirmed within or immediately adjacent to potential impact areas of the projects, then the District shall implement mitigation measure MM BIO-2. If suitable habitat for special-status wildlife species is confirmed within or immediately adjacent potential impact areas of the projects, then the District shall implement mitigation measure MM BIO-3. If potential impacts to sensitive natural communities are identified, then the District shall implement mitigation measure MM BIO-15A and MM BIO-15B. If potential jurisdictional aquatic resources are identified within areas proposed to be impacted, then the District shall implement mitigation measure MM BIO-16.

MM BIO-2 Rare Plant Surveys, Avoidance, and Mitigation. If it is confirmed through the implementation of mitigation measure MM BIO-1 that the CIP and ODP project components could impact suitable habitat for special-status (rare) plant species, the District shall retain a qualified biologist to conduct focused presence/absence surveys for rare plants prior to project

construction. Surveys shall follow protocols and guidelines approved by the USFWS, CDFW, and CNPS, and shall be conducted by qualified biologists.

If a significant population of rare plant species with CNPS California Rare Plant Rank 1A, 1B, 2A, or 2B is identified within a project impact area, then to the extent feasible to implement the project, the District shall avoid impacts to the population through project-level design changes and/or construction methods (e.g., trenchless installation of pipelines) in consultation with the USFWS and CDFW.

Prior to initiating construction activities, the District shall require that the rare plant locations detected during project-specific rare plant surveys are clearly shown on final construction plans. The District shall further require that the locations are demarcated in the field by a qualified biologist and protected-in-place through the installation of temporary construction fencing or alternative means that are approved by the qualified biologist. The qualified biologist shall monitor construction activities, as appropriate, to help ensure avoidance of the areas. A final compliance report shall be prepared by the qualified biologist and submitted to the District, CDFW, and USFWS for record, verifying that no impacts occurred to the species. Any inadvertent and unavoidable impacts shall be mitigated as specified below.

If complete avoidance is determined not to be feasible, then the District shall restrict and minimize impacts to no more than 20 percent of the population, which is consistent with regional conservation standards. Mitigation for unavoidable impacts shall include one or a combination of the following and occur at a minimum ratio of 1:1, as determined by the District in consultation with the CDFW and USFWS:

a. Purchase of preservation credits of occupied habitat from a conservation bank approved by the USFWS and CDFW;
b. Acquisition and preservation of off-site mitigation land containing occupied habitat; and/or
c. Preparation and implementation of a rare plant salvage and relocation plan, to include the following requirements, at a minimum:
    i. Evaluation of options for plant salvage and relocation, including native plant mulching, selective soil salvaging, application of plant materials on manufactured slopes, and application/relocation of resources within existing or proposed preserved lands;
    ii. Seed collection and/or transplantation to a suitable receptor site based on the most reliable methods of successful relocation;
    iii. Recommendation for method of salvage and relocation/application based on feasibility of implementation and likelihood of success; and
    iv. Implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures.

MM BIO-3 Special-Status Wildlife Species Surveys, Avoidance, and Mitigation. If it is confirmed through the implementation of mitigation measure MM BIO-1 that the CIP and ODP project components could directly or indirectly impact suitable habitat for special-status wildlife species, the District shall retain a qualified biologist to conduct focused, protocol-level surveys for special-status wildlife species prior to project implementation. Surveys shall follow protocols

and guidelines approved by the USFWS and CDFW and shall be conducted by qualified biologists permitted by the USFWS and CDFW, as applicable. Impacts to federally listed species shall require consultation with the USFWS, and impacts to state-listed species shall require consultation with the CDFW as specified below.

If special-status wildlife species are identified within a project impact area, the District shall, in coordination with the CDFW and USFWS, as applicable, avoid impacts to occupied habitat through project-level design changes and/or construction methods (e.g., trenchless installation of pipelines) prior to project implementation.

If complete avoidance is determined not to be feasible, then the District shall compensate for the loss of occupied habitat through one or a combination of the following at a minimum ratio of 1:1, as determined by the District in consultation with the CDFW and USFWS, as applicable:

a. Purchase of preservation credits of occupied habitat from a conservation bank approved by the USFWS and CDFW;
b. Acquisition and preservation of off-site mitigation land containing occupied habitat; and
c. Where species protected under Federal law may be impacted, the District shall either consult directly with the USFWS to develop and implement a habitat conservation plan and obtain an Incidental Take Permit pursuant to the Federal Endangered Species Act Section 10(a), obtain take coverage in coordination with the County of San Diego, if applicable, or in the case of projects with a federal action agency, the District shall adhere to the requirements of Federal Endangered Species Act Section 7, which requires the federal action agency to consult with the USFWS to obtain a Biological Opinion and Incidental Take Statement for the project; or
   Where species protected under state law may be impacted, the District shall either consult with the CDFW pursuant to Sections 2081 or 2080.1 of the California Endangered Species Act. For projects with direct or indirect impacts to species that are only State-listed and not federally-listed as endangered or threatened, the District shall obtain a California Endangered Species Act Section Incidental Take Permit from CDFW. For projects with impacts to species that are both state- and federally-listed as endangered or threatened, the District shall obtain a California Endangered Species Act Section 2080.1 Consistency Determination from the CDFW, unless otherwise required by the CDFW.

Off-site mitigation for impacts to special-status wildlife may also be used for off-site mitigation of impacts to sensitive communities and jurisdictional waters.

MM BIO-4 Avoidance of Nesting Birds and Raptors. To prevent direct impacts to nesting birds, including raptors, protected under the federal MBTA and CFG Code, the District shall enforce the following:

Project activities requiring the removal and/or trimming of vegetation suitable for nesting birds shall occur outside of the general bird breeding season (February 1 to September 30) to the extent feasible. If the activities cannot avoid the general bird breeding season, a qualified biologist with experience in conducting bird breeding surveys shall be retained to conduct a pre-activity nesting bird survey within seven days prior to the activities to confirm the presence or absence of active bird nests. If no active bird nests are found by the qualified biologist, then the activities shall proceed with the reassurance that no violation to the MBTA and CFG Code

would occur. If an active bird nest is found by the qualified biologist, then vegetation removal and/or trimming activities at the nest location shall not be allowed to occur until the qualified biologist has determined that the nest is no longer active. Avoidance buffers should start at 300 feet for passerine birds and 500 feet for raptors. The buffer should be demarcated by temporary fencing and remain in effect until the nest is no longer active. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, and other factors as determined by the qualified biologist.

MM BIO-5 Coastal California Gnatcatcher Pre-Construction Surveys and Avoidance. CIP projects listed in Table 4.2-2 are located within and adjacent to suitable coastal California gnatcatcher habitat. CIP Projects 600002, 600067, 530020, and 5300XX-6 are located within 500 feet of historical observations. In addition, CIP Projects 600002, 600048, 600050, 600051, 600061, 600066, 600068, 600070, 530018, 530020, 5300XX-1, 5300XX-4, 5300XX-5, and 5300XX-6 are located within designated critical habitat.

If construction activities are planned to occur during the coastal California gnatcatcher breeding season (February 15 to August 30), then prior to initiating construction activities on or within 500 feet of off-site suitable coastal California gnatcatcher habitat, the District shall retain a USFWS-permitted biologist to conduct pre-construction surveys to confirm the presence or absence of the species. The survey efforts shall consist of three surveys spaced one week apart, with the final survey occurring no more than three days prior to project construction, and one survey shall be conducted the day immediately prior to the initiation of work. If gnatcatchers are confirmed to be absent on and within 500 feet of planned construction areas, then no additional measures shall be required. If gnatcatchers are confirmed to be present, then the District shall mitigate as specified below or unless otherwise prescribed by the USFWS through the implementation of mitigation measure MM BIO-3:

If the results of pre-construction surveys determine the presence of coastal California gnatcatcher within 500 feet of planned construction areas, then construction activities at these locations shall be completed outside of the gnatcatcher breeding season (February 15 to August 30). If activities at these locations cannot avoid the gnatcatcher breeding season, then the District shall implement required monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11, unless otherwise prescribed by the USFWS through the implementation of mitigation measure MM BIO-3. In addition, the District shall implement contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13.

If, after implementation of mitigation measures MM BIO-10 and MM BIO-11, construction noise levels during the gnatcatcher breeding season cannot be reduced below a 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average from the edge of occupied gnatcatcher habitat, then the District shall implement mitigation measure MM BIO-3 or complete the remainder of construction activities outside of the gnatcatcher breeding season.

MM BIO-6 Stephens' Kangaroo Rat Pre-construction Surveys and Avoidance. CIP Projects 600002, 600040, and 600061 are located within potentially suitable Stephens' kangaroo rat habitat, and CIP Project 600026 is located within 500 feet of a historical Stephens' kangaroo rat observation.

Prior to initiating construction activities within potentially suitable Stephens' kangaroo rat habitat, the District shall retain a USFWS-permitted biologist to conduct protocol surveys to confirm the presence or absence of the species. The survey efforts shall consist of live trapping within suitable habitat over five consecutive nights. If Stephens' kangaroo rat is confirmed to be

absent on and within 500 feet of planned construction areas, then no additional measures shall be required. If kangaroo rats are confirmed to be present, then the District shall mitigate as specified below unless otherwise prescribed by the USFWS through the implementation of mitigation measure MM BIO-3.

If the results of the protocol surveys determine the presence of Stephens' kangaroo rat, then the District shall implement required monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11, unless otherwise prescribed by the USFWS through the implementation of mitigation measure MM BIO-3. In addition, the District shall implement contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13.

MM BIO-7 Least Bell's Vireo Pre-construction Surveys and Avoidance. CIP projects listed in Table 4.2-2 are located within and adjacent to suitable least Bell's vireo habitat. CIP Projects 600002, 600063, 600071, 530020, and 5300XX-7 are located within 500 feet of historical observations. In addition, CIP Projects 530020, 5300XX-4, 5300XX-5, and 5300XX-7 are located within designated critical habitat.

If construction activities are planned to occur during the least Bell's vireo breeding season (March 15 to September 15), then prior to initiating construction activities in any project construction areas within 500 feet of least Bell's vireo critical habitat or suitable habitat, the District shall retain a qualified biologist to conduct pre-construction surveys to confirm the presence or absence of the species. The surveys shall begin a maximum of seven days prior to project construction, and one survey shall be conducted the day immediately prior to the initiation of work. If vireos are confirmed to be absent within 500 feet of planned construction areas, then no additional measures shall be required. If vireo are confirmed to be present, then the District shall mitigate as specified below.

If the results of pre-construction surveys determine the presence of least Bell's vireo within 500 feet of planned construction areas, then construction activities at these locations shall be completed outside of the vireo breeding season (March 15 to September 15). If activities at these locations cannot avoid the vireo breeding season, then the District shall implement required monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11. In addition, the District shall implement contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13.

If, after implementation of mitigation measures MM BIO-10 and MM BIO-11, construction noise levels during the vireo breeding season cannot be reduced below a 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average from the edge of occupied vireo habitat, then the District shall implement mitigation measure MM BIO-3 or complete the remainder of construction activities outside of the vireo breeding season.

MM BIO-8 Southwestern Willow Flycatcher Pre-Construction Surveys and Avoidance. CIP projects listed in Table 4.2-2 are located within and adjacent to suitable southwestern willow flycatcher habitat. No CIP projects are located within 500 feet of a historical observation or within designated critical habitat.

If construction activities are planned to occur during the southwestern willow flycatcher breeding season (May 15 and July 17), then prior to initiating construction activities in any project construction areas within 500 feet of southwestern willow flycatcher critical habitat or suitable habitat, the District shall retain a qualified biologist to conduct pre-construction surveys to confirm the presence or absence of the species. The surveys shall begin a maximum of

seven days prior to project construction, and one survey shall be conducted the day immediately prior to the initiation of work. If flycatcher are confirmed to be absent within 500 feet of planned construction areas, then no additional measures shall be required. If flycatcher are confirmed to be present, then the District shall mitigate as specified below:

If the results of pre-construction surveys determine the presence of southwestern willow flycatcher within 500 feet of planned construction areas, then construction activities at these locations shall be completed outside of the flycatcher breeding season (May 15 and July 17). If activities at these locations cannot avoid the flycatcher breeding season, then the District shall implement required monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11. In addition, the District shall implement contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13.

If, after implementation of mitigation measures MM BIO-10 and MM BIO-11, construction noise levels during the flycatcher breeding season cannot be reduced below a 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average from the edge of occupied flycatcher habitat, then the District shall implement mitigation measure MM BIO-3 or complete the remainder of construction activities outside of the flycatcher breeding season.

MM BIO-9 Pre-Construction Biological Resource Surveys. Prior to construction of ODP projects included in BTR Appendices C-1, C-2, D-1, and D-2 that will be sited adjacent to or within an undeveloped open space area (i.e., an area supporting naturalized habitat, sensitive habitat, and/or habitat potentially suitable for special-status species), the District shall retain a qualified biologist to perform a pre-construction survey to verify existing biological resources adjacent to the project construction areas. The District shall provide the biologist with a copy of the ODP project plans that clearly depict the construction work limits, including construction staging and storage areas, to determine which specific portion(s) of the project will require inspection of adjacent open space areas during the pre-construction survey. At minimum, the biologist shall perform a visual inspection of the adjacent open space area to characterize the existing habitat types and determine the likelihood for special-status species to occur, including the Quino checkerspot butterfly, arroyo toad, western spadefoot toad, San Diego fairy shrimp, Riverside fairy shrimp, coastal California gnatcatcher, least Bell's vireo, southwestern willow flycatcher, migratory songbirds, and other bird species with the potential to breed in the area. The biologist's inspection shall include all potential habitat for coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher that occurs within 500 feet of construction areas. The pre-construction survey results shall be submitted to the District prior to construction to verify the need for the additional construction measures proposed within MM BIO-10 through MM BIO-13, below.

MM BIO-10 Construction-Related Noise. Construction noise created during the general bird breeding season (February 1 to September 30) that could affect the breeding of the coastal California gnatcatcher, least Bell's vireo and/or southwestern willow flycatcher, associated with adjacent undeveloped areas shall be avoided. No loud construction noise (exceeding a 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average, adjusted for ambient noise levels, at the nesting site) may take place within 500 feet of active nesting sites during the general breeding season (February 1 to September 30).

If it is confirmed through the implementation of mitigation measures MM BIO-1, MM BIO-3, MM BIO-5 through MM BIO-9 that the CIP and ODP project could generate construction-related noise in excess of a 60 dBA hourly average or the ambient noise level if it already

exceeds 60 dBA hourly average at the location of suitable nesting habitat during the general breeding season for coastal California gnatcatcher, least Bell's vireo, and/or southwestern willow flycatcher, the District shall retain a qualified biologist to monitor the construction operations. The biological monitor shall be present to monitor construction activities that occur adjacent to the undeveloped open space area potentially supporting breeding birds. The monitor shall verify that construction noise levels do not exceed a 60 dBA hourly average or the ambient noise level if it already exceeds 60 dBA hourly average and shall have the ability to halt construction work, if necessary, and confer with the District, and if applicable, USFWS and CDFW, to ensure no breeding birds are adversely affected and additional protection measures are properly implemented during construction. The biologist shall report any violation to the USFWS and CDFW within 24 hours of its occurrence.

MM BIO-11 Biological Construction Monitoring and Temporary Construction Fencing. If it is confirmed through the implementation of mitigation measures MM BIO-1, MM BIO-2, and/or MM BIO-3 that the CIP and ODP projects would occur immediately adjacent to sensitive habitat areas and/or habitat potentially suitable for special-status species, then the District shall retain a qualified biologist to monitor construction activities and supervise the installation of temporary construction fencing, which clearly delineates the edge of the approved limits of grading and clearing, and the edges of environmentally sensitive areas that occur beyond the approved limits. This fencing shall be installed prior to construction and maintained for the duration of construction activity. Fencing shall be installed in a manner that does not impact habitats to be avoided. Once fencing is installed, the District and qualified biologist shall determine the need for additional inspections and monitoring activities throughout the duration of construction. If determined necessary by the District and qualified biologist, the monitoring shall include inspection of construction work areas, including staging and storage areas, to confirm that activities are kept within the approved limits and that Best Management Practices are in place to prevent incidental animal entrapment and burrow and nest establishment within equipment and staged materials. If work occurs beyond the fenced or demarcated limits of impact, or if a trapped animal or burrow or nest is found, work in the affected areas shall cease until the problem has been remedied and mitigation identified by the District and qualified biologist. Temporary construction fencing shall be removed upon completion of construction of the project. The District shall verify the implementation of this measure prior to and concurrent with construction.

MM BIO-12 Construction Staging Areas. If it is confirmed through the implementation of mitigation measures MM BIO-1, MM BIO-2, and/or MM BIO-3 that the CIP and ODP projects would occur immediately adjacent to sensitive habitat areas and/or habitat potentially suitable for special-status species, the District shall design the final project construction staging areas such that no staging areas shall be located within sensitive habitat areas. The construction contractor shall receive approval by the District prior to mobilization and staging of equipment outside of the project boundaries.

MM BIO-13 Contractor Training. If it is confirmed through the implementation of mitigation measures MM BIO-1, MM BIO-2, and/or MM BIO-3 that the CIP and ODP projects would occur immediately adjacent to sensitive habitat areas and/or habitat potentially suitable for special-status species, the District shall retain a qualified biologist to attend pre-construction meetings to conduct a WEAP training to inform construction crews of the sensitive resources and associated avoidance and/or minimization requirements.

Contractor must ensure that equipment shall be free of any weed seeds, contaminants, or pollutants to reduce the potential of non-native and invasive species spread. Prior to work

within sage scrub and/or chaparral habitats, equipment and work boots will be disinfected with 10 percent bleach solution to help prevent the spread of Rabbit hemorrhagic disease.

MM BIO-14 Maintenance Project Compliance. Maintenance activities shall occur within existing or previously disturbed or developed areas such as a facility easement, facility maintenance easement, and/or developed facility footprint. Vegetation clearing and removal shall be limited to non-native and invasive species to the extent feasible; however, trimming of native species is allowable. Additional studies, as specified in mitigation measure MM BIO-1, may be required for impacts outside of existing facility footprints. Furthermore, maintenance projects shall implement appropriate BMPs where applicable to avoid and minimize potential indirect impacts to special-status species, their habitat, and potentially jurisdictional areas from water pollution during project activities.

Maintenance activities shall occur outside of the general breeding season (February 1 to September 30). In addition, maintenance activities will occur outside of the coastal California gnatcatcher (February 15 to August 30), least Bell's vireo (March 15 to September 15), and southwestern willow flycatcher (May 15 to July 17) breeding seasons. If activities cannot avoid the gnatcatcher breeding season and occur within 500 feet of suitable gnatcatcher habitats (i.e., Diegan coastal sage scrub), the District shall implement mitigation measure MM BIO-5. If activities cannot avoid the vireo, and/or flycatcher breeding seasons and occur within 500 feet of suitable vireo and flycatcher habitat (i.e., riparian scrub, woodland, and forest), the District shall implement mitigation measures MM BIO-7 and MM BIO-8.

2. Sensitive Habitats (PEIR Section 4.2.4.2)

Threshold: Would the Project result in a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Finding: Less than significant impact with incorporation of mitigation measures.

Explanation: The CIP projects listed in Table 4.2-3 and Table 4.2-4 of the PEIR and the Category A and B ODP projects listed in Appendix C of the PEIR could occur on and/or in the immediate vicinity of undeveloped land that may support riparian habitat and/or other sensitive natural communities. These projects could result in potential significant direct and/or indirect impacts on riparian habitat and/or other sensitive natural communities.

Maintenance activities are not expected to result in direct impacts to riparian habitat and/or other sensitive natural communities due to the disturbed and developed nature of maintenance project sites. However, maintenance activities could result in significant indirect impacts if they occur during the general bird breeding season (February 1 to September 30).

Potential short-term, construction-related indirect impacts would be considered potentially significant. The District would be required to prepare and implement prevention plans and BMPs to minimize, control, and treat storm water runoff, fugitive dust, and other pollutants at each project construction site; however, impacts are still considered potentially significant.

During operation, pipelines would be mostly buried under ground and would not be a source of runoff. Aboveground facilities such as pump stations, lift stations, and pressure reducing stations could increase storm water runoff to adjacent wetlands and sensitive natural communities, which could cause indirect impacts to wetlands. However, these facilities are

generally less than 0.1 acre in size. Therefore, operational impacts are considered less than significant.

Mitigation Measures**:** Implementation of mitigation measures MM BIO-15A and MM BIO-15B below, in addition to mitigation measures MM BIO-1 and MM BIO-11 through MM BIO-14 listed above, would reduce impacts to riparian habitat and other sensitive natural communities to a less than significant level.

MM BIO-15A Compensatory Mitigation for CIP Project Impacts to Sensitive Upland Communities. If it is demonstrated through the implementation of mitigation measure MM BIO-1 that the project, CIP or ODP, could directly impact sensitive upland communities, the District shall mitigate for the loss of habitat according to the ratios provided in Table 4.2-5*, Estimated Mitigation for CIP Project Impacts to Sensitive Upland Communities within the Service Area*, and Table 4.2-6*, Estimated Mitigation for ODP Project Impacts to Sensitive Upland Communities within the Service Area,* below, unless otherwise specified in the required agency permits and approvals. Off-site mitigation for impacts to special-status wildlife may also be used for off-site mitigation of impacts to sensitive upland communities.

Table 4.2-5
ESTIMATED MITIGATION FOR CIP PROJECT IMPACTS TO SENSITIVE UPLAND COMMUNITIES WITHIN THE SERVICE AREA

Sensitive Upland Communities	Estimated Impacts[1]	Mitigation Ratio	Estimated Mitigation[1]
Chamise chaparral	0.1	1:1	0.1
Coast live oak woodland	0.2	3:1	0.5
Diegan coastal sage scrub	0.5	1:1	0.5
Non-native grassland	0.5	0.5:1	0.3
Southern mixed chaparral	0.2	1:1	0.2
TOTAL	**1.5**	**--**	**1.6**

Source: HELIX 2022a
[1] All data is in acres rounded to the nearest tenth (0.1) for uplands. Totals reflect rounding. -- equals no impact under the impact column, or not applicable where under the mitigation.

Table 4.2-6
ESTIMATED MITIGATION FOR ODP PROJECT IMPACTS TO SENSITIVE UPLAND COMMUNITIES WITHIN THE SERVICE AREA

Sensitive Upland Communities	Global Rank[1]	State Rank[2]	Estimated Impacts[3]	Mitigation Ratio[4]	Estimated Mitigation[3,4]
Chamise chaparral	G4	S4	3.5	1:1	3.5
Coast live oak woodland	G5	S4	7.9	3:1	23.7
Diegan coastal sage scrub	G3	S3.1	44.6	1:1	44.6
Engelmann oak woodland	G3	S3	0.8	2:1	1.6
Maritime succulent scrub	G2	S1.1	--	3:1	--
Native grassland	G3	S3.1	--	1:1	--
Non-native grassland	G4	S4	26.5	0.5:1	13.3
Scrub oak chaparral	G4	S4	2.0	2:1	4.0
Southern maritime chaparral	G1	S1.1	2.2	3:1	6.6
Southern mixed chaparral	G4	S4	7.1	1:1	7.1
TOTAL	**--**	**--**	**94.6**	**--**	**104.4**

Source: HELIX 2022a
[1] **Global Rank–**The global rank reflects the overall status of an element throughout its global range. **G1 = Critically Imperiled**–At very high risk of extinction due to extreme rarity, very steep declines, or other factors. Less than 6 viable element occurrences or less than 1,000 individuals or less than 2,000 acres. **G2 = Imperiled**–At high risk of extinction due to very restricted range, very few populations, steep declines, or other factors. Estimated 6-20 viable

occurrences or 1,000-3,000 individuals or 2,000-10,000 acres. **G3 = Vulnerable**–At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors. Estimated 21-80 occurrences or 3,000-10,000 individuals or 10,000-50,000 acres. **G4 = Apparently Secure**–Uncommon but not rare; some cause for long-term concern due to declines or other factors. This rank is clearly lower than G3 but factors exist to cause some concern, i.e., there is some threat, or somewhat narrow habitat.

[2] **State Rank–**The state rank refers to the imperilment status only within California's State boundaries. **S1 = Critically Imperiled**–Critically imperiled in the state because of extreme rarity or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the state/province. Less than 6 occurrences or less than 1,000 individuals or less than 2,000 acres. **S1.1** = very threatened; **S1.2** = threatened; **S1.3** = no current threats known. **S2 = Imperiled**–Imperiled in the state because of rarity due to very restricted range, very few populations, steep declines, or other factors making it very vulnerable to extirpation from the nation or state/province. Estimated 6-20 occurrences or 1,000-3,000 individuals or 2,000-10,000 acres. **S2.1** = very threatened; **S2.2** = threatened; **S2.3** = no current threats known. **S3 = Vulnerable**–Vulnerable in the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation. Estimated 21-80 occurrences or 3,000-10,000 individuals or 10,000 -50,000 acres. **S3.1** = very threatened; **S3.2** = threatened; **S3.3** = no current threats known; **S4 = Apparently Secure**—Uncommon but not rare; some cause for long-term concern due to declines or other factors.

[3] All data is in acres rounded to the nearest tenth (0.1) for uplands. "--" equals no impact under the impact column, or not applicable where under the mitigation ratio column.

[4] Mitigation ratios included in the table are typically required by agency permits and approvals, but may increase or decrease depending on the resources present and where the impact and mitigation is proposed within the planning area, as approved by the regulatory agencies and/or local jurisdiction in which the impact and mitigation occurs.

ODP = Other District Pipeline

MM BIO-15B Compensatory Mitigation for Project Impacts to Sensitive Wetland/Riparian Communities. If it is demonstrated through the implementation of mitigation measure MM BIO-1 that the project, CIP or ODP, could directly impact sensitive wetland/riparian communities, the District shall mitigate for the loss of habitat according to the ratios provided in Table 4.2-7, *Estimated Mitigation for CIP Project Impacts to Sensitive Wetland/Riparian Communities within the Service Area,* and Table 4.2-8, *Estimated Mitigation for ODP Project Impacts to Sensitive Wetland/Riparian Communities within the Service Area,* below, unless otherwise specified in the required agency permits and approvals.

Table 4.2-7
ESTIMATED MITIGATION FOR CIP PROJECT IMPACTS TO SENSITIVE WETLAND/RIPARIAN COMMUNITIES WITHIN THE SERVICE AREA

Sensitive Wetland/Riparian Communities	Estimated Impacts[1]	Mitigation Ratio	Estimated Mitigation[1]
Southern coast live oak riparian forest	0.18	3:1	0.53
Southern cottonwood willow riparian forest	0.36	3:1	1.07
Streambed/Open Water	0.02	1:1	0.02
TOTAL	**0.56**	**--**	**1.63**

Source: HELIX 2022a

[1] All data is in acres rounded to the nearest thousandth (0.01) for wetlands. Totals reflect rounding. "--" equals no impact under the impact column, or not applicable where under the mitigation ratio column.

CIP = Capital Improvement Program

Table 4.2-8
ESTIMATED MITIGATION FOR ODP PROJECT IMPACTS TO SENSITIVE WETLAND/RIPARIAN COMMUNITIES WITHIN THE SERVICE AREA

Sensitive Wetland/Riparian Communities	Global Rank[1]	State Rank[2]	Estimated Impacts[3]	Mitigation Ratio[4]	Estimated Mitigation[3,4]
Freshwater marsh	G3	S2.1	--	3:1	--
Mule fat scrub	G4	S4	0.28	2:1	0.56
Non-native riparian forest	G4	S4	--	3:1	--
Open Water/Stream	--	--	0.49	1:1	0.49
Southern arroyo willow riparian forest	G2	S2.1	2.14	3:1	6.45

Sensitive Wetland/Riparian Communities	Global Rank[1]	State Rank[2]	Estimated Impacts[3]	Mitigation Ratio[4]	Estimated Mitigation[3,4]
Southern coast live oak riparian forest	G3	S4	10.04	3:1	30.12
Southern cottonwood willow riparian forest	G3	S3.2	1.72	3:1	5.16
Southern riparian forest/woodland	G4	S4	15.48	3:1	46.44
Southern sycamore-alder riparian woodland	G3	S3	0.56	3:1	1.68
Southern willow scrub	G3	S2.1	0.85	3:1	2.55
TOTAL	**--**	**--**	**31.19**	**--**	**93.45**

Source: CDFW 2021d; HELIX 2021

[1] **Global Rank–**The global rank reflects the overall status of an element throughout its global range. **G1 = Critically Imperiled**–At very high risk of extinction due to extreme rarity, very steep declines, or other factors. Less than 6 viable element occurrences or less than 1,000 individuals or less than 2,000 acres. **G2 = Imperiled**–At high risk of extinction due to very restricted range, very few populations, steep declines, or other factors. Estimated 6-20 viable occurrences or 1,000-3,000 individuals or 2,000-10,000 acres. **G3 = Vulnerable**–At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors. Estimated 21-80 occurrences or 3,000-10,000 individuals or 10,000-50,000 acres. **G4 = Apparently Secure**–Uncommon but not rare; some cause for long-term concern due to declines or other factors. This rank is clearly lower than G3 but factors exist to cause some concern, i.e., there is some threat, or somewhat narrow habitat.

[2] **State Rank–**The state rank refers to the imperilment status only within California's State boundaries. **S1 = Critically Imperiled**–Critically imperiled in the state because of extreme rarity or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the state/province. Less than 6 occurrences or less than 1,000 individuals or less than 2,000 acres. **S1.1** = very threatened; **S1.2** = threatened; **S1.3** = no current threats known. **S2 = Imperiled**–Imperiled in the state because of rarity due to very restricted range, very few populations, steep declines, or other factors making it very vulnerable to extirpation from the nation or state/province. Estimated 6-20 occurrences or 1,000-3,000 individuals or 2,000-10,000 acres. **S2.1** = very threatened; **S2.2** = threatened; **S2.3** = no current threats known. **S3 = Vulnerable**–Vulnerable in the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation. Estimated 21-80 occurrences or 3,000-10,000 individuals or 10,000 - 50,000 acres. **S3.1** = very threatened; **S3.2** = threatened; **S3.3** = no current threats known; **S4 = Apparently Secure**—Uncommon but not rare; some cause for long-term concern due to declines or other factors.

[3] All data is in acres rounded to the nearest thousandth (0.01) for wetlands. "--" equals no impact under the impact column, or not applicable where under the mitigation ratio column.

[4] Mitigation ratios included in the table are typically required by agency permits and approvals, but may increase or decrease depending on the resources present and where the impact and mitigation is proposed within the planning area, as approved by the regulatory agencies and/or local jurisdiction in which the impact and mitigation occurs.

ODP = Other District Pipeline

To comply with state and federal regulations for impacts to jurisdictional resources regulated by the United States and the State of California, prior to project approval or implementation, the District shall either obtain the following permits and agreements or evidence from the respective agency that such permit or agreement is not required if development activities are proposed within jurisdictional waters:

- A Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers for all project-related disturbances of jurisdictional non-wetland waters.
- A Clean Water Act section 401 permit issued by the Regional Water Quality Control Board for all project-related disturbances of jurisdictional non-wetland waters.
- A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Wildlife for all project-related disturbances of any streambed and associated riparian habitat.

3. Wetlands (PEIR Section 4.2.4.3)

Threshold: Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Finding: Less than significant impact with incorporation of mitigation measures.

Explanation: The CIP projects listed in Table 4.2-9 of the PEIR and Category A and B ODP projects listed in Appendix C of the PEIR could result in direct impacts to riparian and wetland habitat types that could support jurisdictional waters and wetlands. Where jurisdictional resources cannot be avoided through project design or avoidance measures, impacts to jurisdictional waters would be potentially significant.

No direct impacts to potential jurisdictional waters and wetlands are anticipated to occur during maintenance activities due to the fact that the areas where maintenance projects would occur are already disturbed and developed. The District would be required to implement BMPs to minimize, control, and treat storm water runoff, fugitive dust, and other pollutants at each maintenance site, which would minimize the potential for significant indirect impacts.

Short-term, construction-related indirect impacts could result from construction of the projects which occur adjacent to potential jurisdictional waters and wetlands. Implementation of BMPs to minimize, control, and treat storm water runoff, fugitive dust, and other pollutants at each project construction site would minimize the potential for significant indirect impacts. Regarding operational impacts, pipelines would be buried underground and would not be a source of runoff. Aboveground facilities could increase storm water runoff to adjacent wetlands, which could cause indirect impacts to wetlands, however these facilities would be small in size. Indirect impacts from operation of the Projects are anticipated to be less than significant.

Mitigation Measures: Implementation of mitigation measures MM BIO-16 and MM BIO-17 below, in addition to MM BIO-1 and MM BIO-11 through MM BIO-14 above, would reduce impacts to wetlands to a less than significant level.

MM BIO-16 Project-Level Jurisdictional Delineations. If it is demonstrated through the implementation of mitigation measure MM BIO-1 that a CIP and/or ODP project could impact potential jurisdictional waters and/or wetlands, the District shall retain a qualified biologist to perform formal jurisdictional delineations of the project sites prior to project approval and implementation. If the formal jurisdictional delineations determine that there are no resources present that could be subject to the regulatory jurisdiction of the USACE, RWQCB, or CDFW, then no further action shall be required. However, if the formal jurisdictional delineations determine that the features are subject to USACE, RWQCB, and/or CDFW jurisdiction, then the District shall avoid and/or minimize impacts through redesign and/or implementing trenchless construction methods (i.e., jack-and-bore or horizontal directional drilling) and obtain USACE, RWQCB, and/or CDFW concurrence prior to project implementation that impacts have been avoided. If concurrence is not obtained, the District shall implement mitigation measure MM BIO-17.

MM BIO-17 Compensatory Mitigation for Impacts to Jurisdictional Resources. Compensatory mitigation in accordance with the permit conditions imposed by USACE, RWQCB, and CDFW, for the unavoidable impacts to jurisdictional waters and wetlands, which would include one or a combination of the following measures:

- Purchase of preservation, establishment, re-establishment, rehabilitation and/or enhancement credits from a mitigation bank approved by the USACE and CDFW, such as the San Luis Rey Mitigation Bank, Brook Forest Conservation and Mitigation Bank, or another approved mitigation bank in the region; or
- Implement Permittee-responsible preservation, establishment, re-establishment, rehabilitation and/or enhancement at an on- or off-site location approved by the USACE, RWQCB, and/or CDFW, including preparation and implementation of a conceptual mitigation plan, habitat mitigation monitoring plan, restoration plan, and/or long-term management plan, unless otherwise specified by the USACE, RWQCB, and/or CDFW.
- Plans for restoration or revegetation should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation.

A conservation easement, restrictive covenant, or other protection shall be recorded over the mitigation area and the area shall be managed in perpetuity in accordance with the long-term management plan, unless otherwise specified by the USACE, RWQCB, and/or CDFW. Off-site mitigation for impacts to jurisdictional waters may also be used for off-site mitigation of impacts to sensitive communities and special-status wildlife.

Cultural Resources and Tribal Cultural Resources (PEIR Section 4.3)

1. Historical and Archaeological Resources (PEIR Section 4.3.4.1)

Threshold: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Threshold: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Finding*:* Less than significant impact with mitigation measure incorporated.

Explanation: One structure proposed for changes under the Project, the Morro Pump Station, meets the 45-year-old threshold that requires evaluation pursuant to the CEQA process. If the Morro Pump Station is evaluated and found to be a significant historical resource, the Project may constitute an adverse impact to historical resources.

Over 200 known cultural resources exist within the District's service area, most of them consisting of prehistoric and historic-period archaeological sites. A site-specific project-level analysis would be required to fulfill CEQA requirements at Project sites. There is also potential for Project activities to encounter unrecorded cultural resources due to the frequency of known and recorded archaeological sites throughout the District's service area. Ground-disturbing

activities have the potential to damage or destroy archaeological resources that may be present on or below the ground surface. As such, the Project may cause a substantial adverse change in the significance of a historical and/or archaeological resource pursuant to §15064.5 of the State CEQA Guidelines and result in a potentially significant impact.

Mitigation Measures: Implementation of mitigation measures MM CUL-1 through MM CUL-3 below would reduce potential impacts to historical and archaeological resources to a less than significant level.

MM CUL-1 Project-specific Cultural Resource Procedures. Project-specific cultural resources analysis is required for Project improvements, including CIP projects, ODP projects, and maintenance projects that involve (a) demolition of an aboveground built environment resource that is more than 45 years in age or (b) ground disturbance in areas of moderate or high cultural sensitivity, as depicted on Figure 4.3-2, *Cultural Sensitivity Mitigation*. This requirement does not apply to improvements that involve the ongoing operation, repair, and/or maintenance of existing aboveground District facilities and/or equipment, or those that are necessary to remedy an emergency condition that poses an imminent threat to health and safety, or property.

The following framework is provided to guide the identification, evaluation, and mitigation of potential impacts to cultural resources. Each of the following sections serves as a necessary step to the next section and is dependent upon meeting the criteria of each previous section. The District shall retain a qualified Project cultural resources management professional (Principal Investigator) to carry out the following procedures:

1. The Principal Investigator shall conduct a Project-specific cultural resources analysis to determine if significant cultural resources are within, or likely to be within, the Project improvement area. The analysis shall include conducting background research, including a focused CHRIS record search update at the SCIC, a review of site photographs and existing historic information, and a field survey including a Native American monitor. Prior to field reconnaissance, a review of the Sacred Lands File maintained by the NAHC shall also be conducted. If no known or potentially significant cultural resources are identified within the Project improvement area, and site conditions are determined to be such that there is low potential for subsurface cultural resources to be present within the Project improvement area, then no further action is required beyond (1) the preparation of a Cultural Resources Technical Report documenting the methods and results of the Project-specific cultural resources analysis, and (2) the implementation of mitigation measure MM CUL-3, presented herein.
2. If avoidance is not possible, cultural resource significance evaluations shall be required when new resources are identified as a result of a survey, or when previously recorded resources that have not been previously evaluated are reidentified during a survey. Significance evaluations shall not be required if the resource has been evaluated for CEQA significance or for NRHP eligibility previously and if there has been no change in the conditions that contributed to the determination of significance or eligibility. A resource shall be reevaluated if its condition or setting has either improved or deteriorated, if new information is available, or if the resource is becoming increasingly rare due to the loss of other similar resources.

a. An archaeological testing program shall be required for potentially significant archaeological sites in need of cultural resource significance evaluation. Archaeological testing programs include evaluating the horizontal and vertical dimensions of a site, the chronological placement, site function, artifact/ecofact density and variability, presence/absence of subsurface features, and research potential. Tribal representatives and/or Native American monitors shall be involved in making recommendations regarding the significance of prehistoric archaeological sites during this phase of the process. The testing program may require reevaluation of the proposed Project improvement, which could result in a combination of project redesign to preserve significant resources, as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified Project archaeologist and Native American representative).

b. For above-ground historic period structures, buildings, or objects, the evaluation program shall include the development of an appropriate research design and methodological approach to the resource. Evaluation methods shall include literature review and research, the development of a historic context, documentation and photography of existing conditions and alterations over time, and historical significance evaluation under the NRHP and CRHR criteria.

3. Resources found to be non-significant as a result of a survey and/or testing will require no further work beyond documentation of the resources on the appropriate California Department of Parks and Recreation site forms and inclusion of results in the survey and/or assessment report. If no significant resources are identified within the Project improvement area but results of the initial survey or and testing/ evaluation phase indicate there is a potential for unknown subsurface cultural resources to be present in the Project improvement area, then the implementation of mitigation measure MM CUL-2, presented herein, is required.

4. Preferred treatment for significant cultural resources is preservation. Pursuant to California Public Resources Code Section 21083.2(b), avoidance through project redesign is the preferred method of preservation. If a significant resource cannot be entirely avoided, all prudent and feasible measures to minimize adverse impacts shall be taken.

a. For archaeological resources for which preservation is not an option, a research design for a data recovery program shall be prepared. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in CEQA Section 21083.2. Materials collected during the Data Recovery Program shall be processed and curated at a San Diego County facility that meets federal standards per 36 Code of Federal Regulations Part 79 unless, in the case of prehistoric or tribal cultural resources, other appropriate treatment measures such as the reburial of recovered cultural material are agreed upon by the District and tribal representative(s). Upon completion of the data recovery program, implementation of mitigation measure MM CUL-2 will be required. Such measures may also be required during building demolition and/or construction grading when significant cultural resources are known or suspected to be present on a site but cannot be recovered prior to grading due to obstructions such as existing development or dense vegetation.

b. For non-archaeological significant resources, the development and implementation of a Historical Resources Treatment Plan shall be prepared to provide for appropriate treatments measures to mitigate adverse impacts. The Historical Resources Treatment Plan shall be approved by the District prior to the implementation of any treatment measures.

MM CUL-2 Cultural Resources Monitoring Program. If significant cultural resources have been identified within the proposed Project improvement area where ground disturbance is proposed, or the Project archaeologist has determined that there is the potential for subsurface cultural resources to occur within a proposed Project improvement area, as identified during the implementation of mitigation measure MM CUL-1, a cultural resource monitoring program shall be implemented.

1. The District shall retain a qualified Project archaeologist and Native American monitor(s) associated with a tribe that is traditionally and culturally affiliated (TCA) with the Project Location ("TCA Tribe") to implement the monitoring program.
2. The District shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the TCA Tribe, if requested by the TCA Tribe. The purposes of the agreement are (1) to provide the District with clear expectations regarding tribal cultural resources; and (2) to formalize protocols and procedures between the District and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains; funerary objects; cultural and religious landscapes; ceremonial items; traditional gathering areas; and cultural items located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities.
3. The qualified Project archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
4. During the initial grubbing, site grading, excavation, trenching, or disturbance of the ground surface, an archaeological monitor and a Native American monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified Project archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.
5. If unevaluated potentially significant cultural resources are discovered, construction activities shall be diverted away from the discovery until significance evaluation can be conducted, as described in mitigation measure MM CUL-1, and the appropriate preservation or treatment actions can be taken. Construction activities would be allowed to resume after the completion of mitigation measure MM CUL-1, along with the continuation of monitoring. All cultural material collected during monitoring would be processed and curated at a San Diego County facility that meets federal standards per 36 Code of Federal Regulations Part 79 unless, in the case of Native American cultural material, other appropriate treatment measures such as the

reburial of recovered cultural material are agreed upon by the District and the TCA Tribe.

6. After the completion of monitoring, an appropriate report shall be prepared. If no significant cultural resources are discovered, a brief letter shall be prepared. If significant cultural resources are discovered, a report with the results of the monitoring and any data recovery (including the interpretation of the data within the research context) shall be prepared.

MM CUL-3 Procedure for Project Improvements with no Archaeological Monitoring Program. In cases where proposed ground-disturbing Project improvements are located within moderate or high cultural sensitivity areas, and the implementation of mitigation measure MM CUL-2 is not required, as specified in mitigation measure MM CUL-1, the District shall retain a qualified Project archaeologist, defined as meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to ensure no inadvertent impacts occur to significant cultural resources occur during the implementation of an individual Project improvement.

1. Prior to construction activities, the selected Project archaeologist or their designee will provide a Worker Environmental Awareness Program (WEAP) training to construction crews that provides information on regulatory requirements for the protection of cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should unanticipated cultural resources discoveries be made during construction. In addition, workers will be shown examples of the types of resources that would require the notification of the Project archaeologist.
2. In the event that cultural resource(s) are inadvertently unearthed during ground-disturbing activities, construction activities shall be diverted away from the discovery until the Project archaeologist is contacted, a significance evaluation can be conducted, and the appropriate actions can be taken as described in mitigation measure MM CUL-1. Construction activities would be allowed to resume in the area of the discovery only after the completion of the significance evaluation and treatment measures defined in mitigation measure MM CUL-1.

2. Human Remains (PEIR Section 4.3.4.2)

Threshold: Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Finding*:* Less than significant impact with mitigation measure incorporated.

Explanation: Human burials have occurred outside of formal cemeteries within the District's service area, usually associated with archaeological resource sites and prehistoric people. As such, the potential exists for unknown burials to be present within Project improvement areas. Ground-disturbing activities associated with the implementation of the Project could have the potential to disturb human remains and result in a potentially significant impact.

Mitigation Measures: Implementation of mitigation measure MM CUL-4 below would reduce potential impacts to human remains to a less than significant level.

MM CUL-4 Identification of Human Remains. As specified by California Health and Safety

Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

3. Tribal Cultural Resources (PEIR Section 4.3.4.3)

Threshold: Would the Project cause a substantial change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Finding: Less than significant impact with mitigation measures incorporated.

Explanation: Ground-disturbing or other activities associated with Project improvements have the potential to affect tribal cultural resources, including archaeological sites, traditional gathering areas, or other areas of traditional use. A Sacred Land File search conducted by the NAHC was returned with positive results, indicating that sacred lands or Native American cultural resources may be present within the Project area. Per AB 52, the District sent Project notification letters to identified representatives within culturally-affiliated Tribal governments. The Pala Band of Mission Indians, Rincon Band of Luiseño Indians, San Luis Rey Band of Mission Indians, and San Pasqual Band of Diegueno Mission Indians requested consultation. Tribal consultation under AB 52 has occurred beginning in September 2021 and continued through July 2022. The Project could cause a substantial adverse change in the significance of a tribal cultural resource pursuant to Section 21074 of the State CEQA Guidelines, therefore resulting in a potentially significant impact.

Mitigation Measures: Implementation of mitigation measures MM CUL-1 through MM CUL-3 listed above would reduce potential impacts to tribal cultural resources to a less than significant level.

Geology and Soils (PEIR Section 4.5)

1. Seismic Hazards (PEIR Section 4.5.4.1)

Threshold: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, or landslides?

Finding: Less than significant impact with mitigation measures incorporated.

Explanation: The Project includes components that would be located within the vicinity of the Elsinore Fault Zone. Therefore, there is a risk of ground rupture, ground shaking, liquefaction, landslides, and other seismic activity at some Project locations. Without site-specific evaluations, these impacts are considered potentially significant.

Mitigation Measures: Implementation of mitigation measure MM GEO-1 below would reduce potential impacts related to seismic hazards to a less than significant level.

MM GEO-1 Conduct Site-Specific Geotechnical Investigations. All improvement projects that include excavation shall be subject to initial screening by the District to determine their site-specific geologic conditions, potential susceptibility to geologic hazards, and related requirements for an individual geotechnical evaluation. Based on the results of the initial screening, site-specific geotechnical investigations shall be completed for applicable improvement projects prior to final project design and construction. These investigations will identify site-specific criteria related to considerations such as grading, excavation, fill, and structure/facility design. All applicable results and recommendations from the geotechnical investigations shall be incorporated into the associated individual project design and construction documents to address identified potential geologic and soil hazards, including but not necessarily limited to: (1) seismic hazards including ground rupture, ground acceleration (ground shaking), soil liquefaction (and related issues such as dynamic settlement and lateral spreading), and landslides/slope instability; and (2) non-seismic hazards including manufactured slope instability, subsidence/compressible soils, expansive or corrosive soils, and trench/excavation instability. The final project design and construction documents shall also encompass applicable standard design and construction practices from established regulatory/ industry sources including the CBC, IBC, CGS, Greenbook and District standards, as well as the results/recommendations of geotechnical review and field observations/testing to be conducted during project excavation, grading and construction activities (with all related requirements to be included in applicable engineering/design drawings and construction contract specifications).

2. Erosion and Sedimentation (PEIR Section 4.5.4.2)

Threshold: Would the Project result in substantial soil erosion or the loss of topsoil?

Finding: Less than significant impact with mitigation measures incorporated.

Explanation: Implementation of the proposed Project improvements would increase the potential for erosion, soil loss, and sedimentation both within and downstream of the site during and after construction. Specifically, this would occur due to the removal of stabilizing features, excavation, and/or redeposition of material as backfill. Therefore, impacts related to erosion and sedimentation are potentially significant.

Mitigation Measures: Implementation of mitigation measure MM HYD-1 would reduce potential impacts related to erosion and sedimentation to a less than significant level.

3. Geologic Instability (PEIR Section 4.5.4.3)

Threshold: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Finding: Less than significant impact with mitigation measures incorporated.

Explanation: Manufactured slopes and excavation activities could contribute to slope instability. While subsidence would not occur due to the Project's activity types, there is potential for localized subsidence in some Project areas. Collapsible and corrosive soils are also present in the District's service area. Therefore, impacts related to geologic instability are potentially significant.

Mitigation Measures: Implementation of mitigation measure MM GEO-1 would reduce potential impacts related to geologic instability to a less than significant level.

4. Expansive Soil (PEIR Section 4.5.4.4)

Threshold: Would the Project be located on expansive soil creating substantial direct or indirect risks to life or property?

Finding: Less than significant impact with mitigation measures incorporated.

Explanation: Expansive soils have been identified within the District's service area, which could result in impacts to foundations, pavement, and underground pipelines. Therefore, impacts related to expansive soils are potentially significant.

Mitigation Measures: Implementation of mitigation measure MM GEO-1 would reduce potential impacts related to expansive soils to a less than significant level.

5. Paleontological Resources (PEIR Section 4.5.4.6)

Threshold: Would the Project directly or indirectly destroy a unique paleontological resource or site or a unique geologic feature?

Finding: Less than significant with mitigation measures incorporated.

Explanation: Project improvements in areas of zero or low paleontological sensitivity would have less than significant impacts related to paleontological resources. Some Project improvements would occur in geologic units identified as having marginal, moderate, or high

paleontological sensitivity. Therefore, impacts to paleontological resources would be potentially significant.

Mitigation Measures: Implementation of mitigation measure MM GEO-2 would reduce potential impacts related to paleontological resources to a less than significant level.

MM GEO-2 Paleontological Construction Monitoring in Sensitive Areas. Project improvements that involve excavation activities in areas identified as having marginal, moderate, or high paleontological sensitivity, as depicted on Figure 4.5-3, shall implement a paleontological construction monitoring program. Areas identified as having marginal, moderate, or high paleontological sensitivity are underlain by Pleistocene-age old and very old alluvial flood plain and colluvial deposits, strata of the Pliocene-age Temecula Arkose and Eocene-age Santiago Formation, and Mesozoic quartzites and related metasedimentary rocks. The paleontological monitoring program shall include the following components:

a. Pre-construction (personnel and repository): Prior to the commencement of construction, a qualified Project Paleontologist shall be retained to oversee the mitigation program. The County of San Diego defines a Project Paleontologist as a person with a Ph.D. or master's degree in Paleontology or related field, and who has knowledge of San Diego County paleontology and documented experience in professional paleontological procedures and techniques. In addition, a regional fossil repository shall be designated to receive any discovered fossils. Because the District service area is in San Diego County, the recommended repository is the San Diego Natural History Museum.

b. Pre-construction (meeting): The Project Paleontologist shall attend the pre-construction meeting to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues.

c. Pre-construction (training): The Project Paleontologist shall conduct a paleontological resource contractor awareness training workshop to be attended by earthwork personnel.

d. During construction (monitoring): A paleontological monitor (working under the direction of the Principal Paleontologist) shall be on-site on a full-time basis during all original cutting of previously undisturbed Pleistocene-age old and very old alluvial flood plain and colluvial deposits, previously undisturbed strata of the Pliocene-age Temecula Arkose and Eocene-age Santiago Formation, and previously undisturbed Mesozoic-age quartzites and related metasedimentary rocks to inspect fresh exposures for unearthed fossils. The County of San Diego defines a paleontological monitor as an individual with at least one year of experience in field identification and collection of fossil materials under the supervision of a Project Paleontologist.

e. During construction (fossil recovery): If fossils are discovered, the Principal Paleontologist (or paleontological monitor) shall recover them. Bulk sedimentary matrix samples may also be collected from stratigraphic horizons that appear likely to contain microvertebrate fossils. In most cases, this fossil salvage can be completed in a short period of time. However, some fossil specimens (e.g., a bone bed or a complete large mammal skeleton) may require an extended salvage period. In these instances, the Principal Paleontologist (or paleontological monitor) has the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner.

f. Post-construction (treatment): Fossil remains collected during monitoring and salvage shall be prepared (including washing of bulk sediment matrix samples to recover microvertebrate fossils), repaired, sorted, and cataloged as part of the mitigation program.

g. Post-construction (curation): Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in the designated fossil repository. Donation of the fossils shall be accompanied by financial support for initial specimen storage.

h. Post-construction (final report): A final summary paleontological mitigation report shall be completed that outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, inventory lists of catalogued fossils, and significance of recovered fossils.

Hazards and Hazardous Materials (PEIR Section 4.7)

1. Transport, Use, Disposal, and Accidental Release of Hazardous Materials (PEIR Section 4.7.4.1)

Threshold: Would the Project create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials?

Threshold: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Threshold: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Finding: Less than significant impact with mitigation measures incorporated.

Explanation: Construction activities associated with Project improvements would require the use of typical hazardous materials. The District and its construction contractor(s) would comply with applicable federal, state, and local regulations pertaining to hazardous materials use, handling, storage, and disposal. Impacts related to the use of hazardous materials during construction would be less than significant. During Project operations some hazardous materials would be used for water disinfection, water distribution, and maintenance activities. The Project would not represent a new type of hazard compared to existing facilities and all hazardous materials would be handled in accordance with applicable federal, State, and local regulations. Therefore, impacts related to hazardous materials from Project operations and maintenance would be less than significant. The materials used for the Project would be typical materials that are not acutely hazardous and would not represent a substantial risk to the schools during construction or operation. Impacts would be less than significant.

Accident conditions, such as sewer pipe rupture or lift station failure, could result in hazardous materials spills and the exposure of the public and environment to hazardous conditions. Impacts related to such accident conditions are potentially significant.

Mitigation Measures: Implementation of mitigation measure MM HAZ-1 at applicable Project sites would reduce potential impacts related to accident conditions to a less than significant level.

MM HAZ-1Sewer Pipeline and Lift Station Safety Features. Sewer lift stations shall incorporate standard safety features, including an emergency generator on the site in case of electrical failure, and sufficient sewage detainment capacity in the event of generator and/or pump mechanism failure to allow time for repair and/or emergency conveyance of the sewage. Portable emergency generators may be used for lift stations that cannot be equipped with an on-site generator. Each sewer lift station, pipeline, and treatment facility would implement a Sewer System Management Plan that includes contingency measures in the event of emergency leaks or spills.

2. Hazardous Materials Sites (PEIR Section 4.7.4.2)

Threshold: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?

Finding: Less than significant impact with mitigation measures incorporated.

Explanation: Based on the presence of listed hazardous materials sites within the District's service area, there is potential for Project improvements to be located on hazardous materials sites. One open case associated with the use of pesticides is located within the District's service area. Impacts related to hazardous materials sites are potentially significant.

Mitigation Measures: Implementation of mitigation measure MM HAZ-2 would reduce potential impacts related to hazardous materials sites to a less than significant level.

MM HAZ-2 Conduct Site-Specific Environmental Site Assessment. Project improvements that involve excavation shall be subject to initial screening by the District to determine their site-specific potential susceptibility to hazards and hazardous materials/risk of upset. Based on the results of the initial screening, a site-specific environmental site assessment shall be completed for Project improvements, when project-specific designs have been finalized, that would require ground-disturbing activities such as grading and trenching. The environmental site assessment will entail a regulatory database records review to determine if known hazardous waste sites occur on or near the proposed project site. If hazardous materials are identified, a full Phase I environmental site assessment investigation shall be completed for the project improvement site.

Phase I environmental site assessment investigations include: (1) appropriate regulatory database records review; (2) site reconnaissance; (3) review of appropriate maps, aerial photographs and other pertinent documents; (4) interviews with current/previous property owners, local government/industry officials, and other individuals with knowledge of the property and/or local environmental conditions; (5) documentation of known or potential Recognized Environmental Conditions (RECs); and (6) identification of recommendations to address RECs or other concerns, if applicable (including Phase II environmental site assessment investigations, as outlined below).

Depending on the results of the described Phase I investigation, one or more Phase II environmental site assessment investigations shall be conducted if identified as part of the

Phase I recommendations. Phase II environmental site assessments consist of "intrusive" investigations, in which original samples of soil, groundwater, and/or building materials are collected and submitted for laboratory analysis to identify applicable contaminates. Based on the results of this testing, the Phase II investigations shall identify the type and extent of REC (or other) contamination, and provide appropriate remedial measures to address associated hazards. Typical remedial measures may include efforts such as removal and proper disposal of contaminated materials (or on-site treatment and reuse, if applicable), or in situ treatments such as oxidation (use of aerobic bacteria to accelerate natural attenuation of organic contaminants) or bioremediation (e.g., using bacteria to remove contaminates from groundwater).

Environmental site assessments shall be prepared in conformance with applicable regulatory and industry standards, including ASTM International E1527-05 Standard Practice for Environmental Site Assessments, and CFR Part 312, Standards and Practices for All Appropriate Inquiries. Results and recommendations from the described Phase I and Phase II investigations shall be incorporated into the associated individual final project design documents to address identified potential hazardous material concerns.

3. Emergency Response and Evacuation (PEIR Section 4.7.4.4)

Threshold: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Finding: Less than significant impact with mitigation measures incorporated.

Explanation: Construction activities associated with the Project, particularly excavation and trenching activities associated with pipeline improvements that are within roadway rights-of-way, could result in temporary lane and road closures or detours that could potentially interfere with emergency plans and procedures. Construction-related impacts are potentially significant. Once installed, proposed facilities would not obstruct roadways or block access for emergency operations and impacts would be less than significant.

Mitigation Measures: Implementation of mitigation measure MM TRA-1 would reduce potential impacts related to emergency response and evacuation to a less than significant level.

4. Wildland Fires (PEIR Section 4.7.4.5)

Threshold: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Finding: Less than significant impact with mitigation measures incorporated.

Explanation: Portions of the District's service area are considered very high fire hazard severity zones, with other portions considered high and moderate fire hazard severity zones. The Project's facilities would not require or involve permanent occupants that would be subject to substantial risk from wildfire. The Project would not construct a substantial number of new structures that would be at risk from wildfire.

During construction and maintenance activities the Project would have the potential to exacerbate the potential for wildfires to occur through the use of equipment with combustion engines. While Project-related personnel and facilities are not considered to be at substantial risk, residents and structures located throughout the District's service area could be at risk.

Therefore, impacts are considered potentially significant.

Mitigation Measure: Implementation of mitigation measure MM HAZ-3 would reduce potential impacts related to wildland fires to a less than significant level.

MM HAZ-3 Construction Fire Safety Plan. The following fire prevention strategies shall be implemented during Project construction:

- Construction within areas of dense foliage during dry conditions shall be avoided.
- In cases where avoidance is not feasible, brush fire prevention and management practices shall be incorporated. Specifics of the brush management program shall be incorporated into Project construction documents.

Hydrology and Water Quality (PEIR Section 4.8)

1. Water Quality (PEIR 4.8.4.1)

Threshold: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Finding*:* Less than significant impact with mitigation measures incorporated.

Explanation: Construction of proposed improvements could result in erosion and sedimentation, which can result in sediments that smother aquatic organisms, alter the substrate and habitat, and alter the drainage course. Hazardous materials would also be used during construction activities and could adversely affect water quality. These potential impacts would be addressed through conformance with District and BMP requirements, as well as requirements under the NPDES Construction General Permit. Construction dewatering could potentially be required during construction operations. Disposal of groundwater extracted during construction activities into local drainages and/or storm drain facilities could potentially generate significant water quality impacts. Project construction would require conformance with NPDES Groundwater Permit criteria prior to disposal of extracted groundwater Impacts during construction would be less than significant.

The long-term operation and maintenance of proposed Project facilities would not entail the substantial generation of pollutants as the majority of the proposed improvements consist of underground pipelines or improvements to existing facilities. Long-term operation and maintenance of proposed facilities such as pump station improvements, however, could potentially generate a number of pollutants. While such potential pollutant generation would typically be addressed through standard design measures and BMPs, specific design details of related facilities have not been identified; and associated effects to long-term water quality cannot be determined. As a result, impacts related to water quality during Project operation are considered potentially significant.

Mitigation Measures: Implementation of mitigation measure MM HYD-1 would reduce potential impacts related to water quality to a less than significant level.

MM HYD-1 Conduct Site-Specific Water Quality Investigations. All projects are subject to initial screening by the District to determine their site-specific hydrological conditions, related potential impacts, and requirements for individual associated technical investigations. Site-

specific water quality investigations will be completed prior to approval of final design for proposed projects involving activities that may potentially affect surface water quality, as determined by the District during initial screening. All applicable results and recommendations from these investigations will be incorporated into the associated individual final project design documents to address identified potential long-term water quality issues related to conditions such as: anticipated and potential pollutants to be used, stored, or generated on-site; the location and nature (e.g., impaired status) of on-site and downstream receiving waters; and project design features to avoid/address potential pollutant discharges. The final project design documents will also encompass standard design practices from sources including NPDES criteria and other applicable regulatory standards (with all related requirements to be included in engineering/design drawings and construction contract specifications). A summary of the types of BMPs typically associated with identified potential water quality concerns, pursuant to applicable regulatory and industry standards (as noted), is provided below. The BMPs identified/recommended as part of the described site-specific water quality investigations will take priority over the more general types of standard regulatory/industry measures listed below:

- Low Impact Development (LID)/Site Design BMPs: LID/site design BMPs are intended to avoid, minimize, and/or control post-development runoff, erosion potential, and pollutant generation to the maximum extent practicable by mimicking the natural hydrologic regime. The LID process employs design practices and techniques to effectively capture, filter, store, evaporate, detain, and infiltrate runoff close to its source through efforts such as: (1) minimizing developed/disturbed areas to the maximum extent feasible; (2) utilizing natural and/or unlined drainage features in on-site storm water systems; (3) disconnecting impervious surfaces to slow concentration times, and directing flows from impervious surfaces into landscaped or vegetated areas; and (4) using pervious surfaces in developed areas to the maximum extent feasible.
- Source Control BMPs: Source control BMPs are intended to avoid or minimize the introduction of pollutants into storm drains and natural drainages by reducing on-site pollutant generation and off-site pollutant transport through measures such as: (1) installing “no dumping” stencils/tiles and/or signs with prohibitive language at applicable locations such as drainages and storm drain inlets to discourage illegal dumping; (2) designing trash storage areas to reduce litter/pollutant discharge through methods such as paving with impervious surfaces, installing screens or walls to prevent trash dispersal, and providing attached lids and/or roofs for trash containers; (3) designing site landscaping to maximize the retention of native vegetation and use of appropriate native, pest-resistant, and/or drought-tolerant varieties to reduce irrigation and pesticide application requirements; and (4) providing secondary containment (e.g., enclosed structures, walls, or berms) for applicable areas such as trash or hazardous material use/storage.
- Pollutant Control BMPs: Pollutant control BMPs are designed to remove pollutants from runoff to the maximum extent practicable through means such as filtering, treatment, or infiltration. Pollutant control BMPs are required to address applicable pollutants, and may include efforts such as: (1) providing water quality treatment and related facilities such as sediment basins, vegetated swales, infiltration basins, filtration devices, and velocity dissipators to treat appropriate runoff flows and reduce volumes prior to off-site discharge (per applicable regulatory requirements); (2) creating a construction spill contingency plan in accordance with Department of Environmental Health regulations and retaining a copy of the plan on- site by the construction manager; and (3) conducting regular inspection, maintenance, and as-needed repairs of pertinent facilities and structures.

2. Drainage Patterns and Flooding (PEIR 4.9.3.2)

Threshold: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or the addition of impervious surfaces, in a manner which would: result in substantial erosion, siltation, or flooding on- or off-site; substantially increase the rate or amount of surface runoff; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems; provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

Finding*:* Less than significant impact with incorporation of mitigation measures.

Explanation: Implementation of the proposed improvements could potentially result in some modification of the existing on-site drainage patterns and directions through proposed grading and construction. These modifications are generally not anticipated to be substantial and overall drainage patterns within the District's service area are not anticipated to be substantially altered by the Project. Similarly, the proposed improvements are not expected to substantially increase the rate or amount of surface runoff within or from proposed project sites as they would not result in substantial areas of new impervious surfaces. While some Project locations are within mapped 100-year floodplains, flood hazards related to the Project are generally not anticipated to be substantial. While none of these impacts are anticipated to be significant, some aboveground components and design/construction details for the proposed improvements have not yet been identified. Therefore, the associated site-specific effects to drainage patterns, runoff, and flood hazards cannot be determined. As a result, impacts are considered potentially significant.

Through compliance with the existing regulations, Project improvements would not increase storm water runoff in volumes that would exceed the capacity of existing storm water drainage systems. Impacts would be less than significant.

The failure of a Project facility could occur as a result of structural damage caused by a natural event, such as earthquakes or flooding, or equipment failure from age or material defect. Facility failure could result in flooding caused by the release of impounded water in water storage reservoirs, pump stations, lift stations, or pipelines. One of the purposes of the proposed Project is to complete improvements to existing water and sewer facilities to improve system reliability and conduct strategic system maintenance and replacement programs, thereby reducing the existing system's susceptibility to failure. The District routinely performs inspection and maintenance on all facilities, and facilities proposed in the Project would be incorporated into the maintenance schedules. Implementation of appropriate programs and systems reduces the risks associated with facility failure to a less than significant level.

Mitigation Measures: Implementation of mitigation measure MM HYD-2 would reduce potential impacts related to drainage patterns and flooding to a less than significant level.

MM HYD-2 Conduct Site-Specific Hydrologic and Hydraulic Investigations. All projects are subject to initial screening by the District to determine their site-specific hydrological conditions, related potential impacts, and requirements for individual associated technical investigations. All applicable results and recommendations from these investigations shall be incorporated into the associated final design documents to address identified potential hydrologic concerns, including, but not necessarily limited to drainage alteration, runoff rates/amounts, storm water management and hydromodification, and flood hazards. The final

project design documents shall also encompass applicable standard design and construction practices from sources including NPDES (with related requirements to be included in applicable engineering/design drawings and/or construction contract specifications). A summary of the types of remedial measures typically associated with identified potential hydrologic concerns, pursuant to applicable regulatory and industry standards (as noted), is provided below. The remedial measures identified/recommended as part of the described site-specific hydrologic investigations will take priority over the more general types of standard regulatory/industry measures listed below.

- Drainage Alteration: (1) locate applicable facilities outside of surface drainage courses and drainage channels; (2) re-route surface drainage around applicable facilities, with such re-routing to be limited to the smallest area feasible and re-routed drainage to be directed back to the original drainage course at the closest feasible location (i.e., the closest location to the point of diversion); and (3) use drainage structures to convey flows within/through development areas and maintain existing drainage patterns, where appropriate and feasible.
- Runoff Rates/Amounts, Storm Water Management and Hydromodification: (1) minimize the installation of new impervious surfaces (e.g., by surfacing with pervious pavement, gravel or decomposed granite); (2) use flow regulation facilities (e.g., detention/retention basins) and velocity control structures (e.g., riprap dissipation aprons at drainage outlets), to maintain pre-development runoff rates and amounts for design storm events, if applicable; and (3) utilize additional and/or enlarged drainage facilities to ensure adequate on- and off-site storm drain system capacity, if applicable.
- Capacity of surface drainage: Follow County of San Diego Hydraulic Design Manual for stormwater drainage and flood management facilities in the unincorporated San Diego County.
- Flood Hazards: (1) locate proposed facilities outside of mapped 100-year floodplain boundaries wherever feasible; (2) based on technical analyses such as Hydrologic Engineering Center-River Analysis System (HEC-RAS) studies, restrict facility locations to avoid adverse impacts related to impeding or redirecting flood waters; (3) based on HEC-RAS studies, use measures such as raised fill pads to elevate proposed structures above calculated flood levels, and/or utilize protection/ containment structures (e.g., berms, barriers or water-tight doors) to avoid flood damage; and (4) if Project-related activities/facilities result in applicable proposed changes to mapped FEMA floodplains, obtain an approved Conditional Letter of Map Revision (CLOMR) and/or Letter of Map Revision (LOMR) from FEMA and County of San Diego Flood Control District, as applicable.

3. Groundwater (PEIR Section 4.8.4.4)

Threshold: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Threshold: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Finding*:* Less than significant impact with incorporation of mitigation measures.

Explanation: The proposed Project improvements do not entail long-term withdrawal or other use of groundwater. In the event that shallow groundwater is encountered during Project construction, temporary dewatering efforts would be implemented in conformance with applicable NPDES requirements. No impacts related to drawdown or depletion of local groundwater resources are anticipated. Potential impacts to existing on-site recharge capacity would be less than significant based on the anticipated minor extent of additional impervious surfaces.

Potential impacts to groundwater quality related to the proposed Project improvements would be limited to percolation of surface water. Construction of proposed improvements would be required to comply with the District's storm water pollution prevention requirements as well as all applicable construction storm water permits, thereby reducing impacts to groundwater quality related to construction activities to a less than significant level. However, based on the unknown nature of specific design criteria and operational conditions, operation of proposed improvements could have a potentially significant impact on groundwater quality.

Mitigation Measures**:** Implementation of mitigation measure MM HYD-1 would reduce potential impacts related to groundwater to a less than significant level.

Noise (PEIR Section 4.9)

1. Increase in Ambient Noise (PEIR Section 4.9.4.1)

Threshold: Would the Project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Finding: Less than significant impact with incorporation of mitigation measures.

Explanation: Individual Project improvements would not all be constructed at once or at the same time or location. However, the operation of equipment anticipated to be used for Project construction would have the potential to exceed the County's 75-dBA limit and the City's 85 dBA limit, resulting in potentially significant impacts. Although the District would avoid night work wherever possible, nighttime construction activities may be necessary for individual Project improvements and these impacts are potentially significant.

The majority of Project improvements would not result in increases to ambient noise, however new aboveground facilities would generate noise. Replacing equipment at existing aboveground facilities may also result in increases to ambient noise. Operational noise impacts are potentially significant.

Mitigation Measures: Implementation of mitigation measures MM NOI-1 and MM NOI-2 would reduce potential impacts related to ambient noise levels to a less than significant level.

MM NOI-1 General Construction and Maintenance Noise Limits. Noise from Project-related construction and maintenance activities shall comply with the following local noise ordinances as applicable and feasible depending on the location of the activity.

- County of San Diego: A noise level limit of 75 dBA (8-hour L_{EQ}) between 7:00 a.m. to 7:00 p.m.

- City of Oceanside: A noise level limit of 85 dBA at 100 feet from the source; a noise level limit of 50 dBA at the property line when construction equipment is operating within any residential zone or 500 feet from any residential zone between 8:00 p.m. and 7:00 a.m.; a noise level limit of 5 dBA above ambient between 6:00 p.m. and 7:00 a.m.

The District shall employ measures to reduce construction and maintenance noise levels to the specified limits, including, but not limited to, the following:

- Construction equipment shall be properly outfitted and maintained with manufacturer-recommended noise-reduction devices.
- Diesel equipment shall be operated with closed engine doors and equipped with factory-recommended mufflers.
- Mobile or fixed “package” equipment (e.g., arc-welders and air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
- Electrically powered equipment shall be used instead of pneumatic or internal-combustion powered equipment, where feasible.
- Unnecessary idling of internal combustion engines (e.g., in excess of 5 minutes) shall be prohibited.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise sensitive receptors.
- The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- Any truck or equipment equipped with back-up alarm moving within 300 feet of a noise-sensitive land use (residence) should have the normal back-up alarm disengaged and safety provided by lights and flagman or broad-spectrum noise backup alarm (as appropriate for conditions) used in compliance with the Occupational Safety and Health Administration safety guidelines.
- Temporary sound barriers or sound blankets shall be installed between construction operations and adjacent noise-sensitive receptors. The project Contractor shall construct a 12-foot high temporary noise barrier meeting the specifications listed below (or of a Sound Transmission Class [STC] 19 rating or better) to attenuate noise.
- The District shall notify residences within 300 feet of the project’s disturbance area in writing within one week of any construction activity. The notification shall describe the activities anticipated, provide dates and hours, and provide contact information with a description of a complaint and response procedure.
- The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process for the affected resident shall be established prior to construction commencement to allow for resolution of noise problems that cannot be immediately solved by the site supervisor.

MM NOI-2 Operational Compliance with Noise Regulations. Stationary operating equipment associated with proposed CIP projects, which are located within San Diego County, shall be designed to comply with the applicable one-hour average sound level limits set forth in Section 36.404, *General Sound Level Limits,* of the County of San Diego Code of Regulatory Ordinances, presented above in Table 4.9-6, where feasible.

Transportation (PEIR Section 4.10)

1. Traffic Circulation (PEIR Section 4.10.4.1)

Threshold: Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Finding: Less than significant impact with incorporation of mitigation measures.

Explanation: Construction of Project improvements would generate temporary construction-related trips from trucks hauling soil and/or debris from construction sites, trucks delivering equipment and materials to and from construction sites, and construction workers commuting to and from construction sites. Some Project improvement would require construction within the public right-of-way, which could result in significant impacts related to local circulation.

Operation of the Project facilities would result in permanent traffic from vehicular trips by operations and maintenance employees; however, operation of the proposed facilities would not generate a substantial volume of new vehicle trips above existing conditions. Operation of the Project would not result in substantial long-term impacts to the circulation system and impacts would be less than significant.

Mitigation Measures: Implementation of mitigation measure MM TRA-1 would reduce potential impacts related to traffic during construction to a less than significant level.

MM TRA-1 Traffic Control Plan. At least 30 days prior to the start of construction of improvements within roadway rights-of-way, the District Contractor shall prepare and submit a traffic control plan (TCP) to the agency of jurisdiction (County, City of Oceanside, and/or Caltrans as applicable) to address vehicular traffic during construction of individual Project improvements within public rights-of-way of the affected jurisdiction(s), including bicycle, pedestrian, and transit facilities. The TCP shall include signage, striping, delineated detours, flagging operations, and other devices that will be used during construction to guide motorists, bicyclists, and pedestrians safely through the construction areas and allow for adequate access and circulation. The TCP shall ensure that congestion and traffic delay are not substantially increased as a result of the construction activities.

During construction, the District shall maintain continuous vehicular and pedestrian access to affected residential driveways from the public right-of-way to the private property line, except where necessary construction precludes such continuous access for reasonable periods of time. Access shall be reestablished at the end of the workday. If a driveway needs to be closed or interfered with as described above, the District shall notify the owner or occupant of the closure of the driveway at least five working days prior to the closure. The TCP shall include provisions to ensure that the construction of the conveyance pipelines do not interfere unnecessarily with the work of other agencies such as mail delivery, school buses, and municipal waste services.

The TCP shall also be consistent with local emergency response plans. The District shall

notify local emergency responders of planned partial or full lane closures or blocked access to roadways or driveways required for Project construction. Emergency responders include fire departments, police departments, and ambulances that have jurisdiction within the project area. Written notification and disclosure of lane closure location must be provided at least 30 days prior to the planned closure to allow for emergency response providers adequate time to prepare for lane closures.

2. Hazardous Traffic Conditions (PEIR Section 4.10.4.3)

Threshold: Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Finding: Less than significant impact with incorporation of mitigation measures.

Explanation: Construction of some of the Project improvements would occur within public roadway rights-of-way and would therefore have the potential to result in partial and/or full lane closures and the presence of construction equipment and workers, which could result in temporary hazardous roadway conditions. Therefore, impacts related to traffic hazards from Project construction within roadway rights-of-way are considered potentially significant.

Once operational, the Project would not involve roadway or intersection improvements or involve uses that are not compatible with the surrounding area. No permanent increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses would occur and impacts would be less than significant.

Mitigation Measures: Implementation of mitigation measure MM TRA-1 would reduce potential impacts related to hazardous traffic during construction to a less than significant level.

3. Emergency Access (PEIR Section 4.10.4.4)

Threshold: Would the Project result in inadequate emergency access?

Finding: Less than significant impact with incorporation of mitigation measures.

Explanation: Emergency access could be temporarily affected if Project improvements require roadway lane closures, which could restrict access to the area surrounding the construction sites and result in potentially significant impacts. No impact to emergency access would occur following the completion of Project construction.

Mitigation Measures: Implementation of mitigation measure MM TRA-1 would reduce potential impacts related to emergency access during construction to a less than significant level.

Wildfire (PEIR Section 4.11)

1. Impair Emergency Response or Evacuation Plan (PEIR Section 4.11.4.1)

Threshold: Would the proposed Project substantially impair an adopted emergency response plan or emergency evacuation plan?

Finding: Less than significant impact with incorporation of mitigation measures.

Explanation: Construction of some of the Project improvements, particularly the removal and installation of pipelines, would occur within public roadway rights-of-way. Such activities could result in partial and/or full lane closures and the presence of construction equipment and vehicles, which would have the potential to impair emergency response or emergency evacuation. Impacts during construction are considered potentially significant.

Operation of the Project facilities would result in permanent traffic; however, it would not generate a substantial volume of new vehicle trips and would not substantially impair emergency response or emergency access. Operational impacts would be less than significant.

Mitigation Measures: Implementation of mitigation measure MM TRA-1 would reduce potential impacts related to emergency response during construction to a less than significant level.

2. Wildfire Pollutants and Spread (PEIR Section 4.11.4.2)

Threshold: Due to slope, prevailing winds, or other factors, would the Project exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Finding: Less than significant impact with incorporation of mitigation measures.

Explanation: The Project's facilities would not require or involve permanent occupants. The Project would, however, involve the presence of construction workers and operational maintenance workers at improvement sites; however, these transitory workers would not be at substantial risk from pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The Project would have the potential to exacerbate wildfire risk during construction and maintenance activities through the use of equipment with combustion engines. As such, risks to construction and maintenance workers associated with pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire are considered potentially significant.

Mitigation Measures: Implementation of mitigation measure MM HAZ-3 would reduce potential impacts related to wildfire pollutants and spread to a less than significant level.

3. Exacerbation of Fire Risk from Infrastructure (PEIR Section 4.11.4.3)

Threshold: Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Finding: Less than significant impact with incorporation of mitigation measures.

Explanation: Construction of Project improvements would involve the use of heavy equipment and vehicles with combustion engines, which have the potential to exacerbate fire risk. Impacts are considered potentially significant.

Mitigation Measures: Implementation of mitigation measure MM HAZ-3 would reduce potential impacts related to fire risk to a less than significant level.

V. CUMULATIVE ENVIRONMENTAL IMPACTS

An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, which means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. (State CEQA Guidelines, §§ 15065(a)(3), 15130) Table 4-1 of the PEIR summarizes the geographic area within which past, present, and reasonably foreseeable future projects may contribute to a specific cumulative impact, when considered in conjunction with the impacts associated with implementation of the Project. Projections based on adopted general or regional plans were included in the consideration of cumulative projects for the Project. Tables 4-2 through 4-4 of the PEIR summarize growth, employment, and housing projections for the City of Oceanside and the unincorporated County based on the SANDAG Series 13 Regional Growth Forecast data for 2050, and Table 4-5 lists the applicable projects from SANDAG's San Diego Forward – The Regional Plan approved in 2021. Table 4-6 lists the past, present, and reasonably foreseeable projects within the District's service area, and Table 4-7 lists District projects that were included in previous CEQA documents.

The District finds as follows with regard to whether the Project would result in a cumulatively considerable impact in the following areas:

Air Quality (PEIR Section 4.1.5)

Cumulative development in the SDAB is not expected to result in a significant impact in terms of conflicting with the Attainment Plan or RAQS because the majority of cumulative projects would involve development that is consistent with the applicable projections included in the Attainment Plan and RAQS. The Project's improvements are proposed to meet projected buildout demand and would not result in the generation of unplanned population growth or accommodate unplanned growth. The Project would not result in emissions of PM_{10}, $PM_{2.5}$, or the ozone precursors NO_X and VOCs during construction or operations that would exceed regional thresholds created to meet the NAAQS and CAAQS. As such, the Project, in combination with cumulative development, would not result in a significant cumulative impact relative to conflict with or obstruction of the applicable air quality plans or standards.

Based on the temporary nature of the Project's construction activities and large area over which they would occur, it is unlikely for multiple projects with substantial emissions to occur simultaneously and in close proximity to sensitive receptors, thereby causing a significant cumulative impact. Therefore, the cumulative impact related to sensitive receptors is less than significant.

As the Project would not result in substantial odor generation, it would not combine with other cumulative projects to result in a cumulatively significant impact associated with objectionable odors.

Biological Resources (PEIR Section 4.2.5)

The proposed Project in combination with cumulative development would have the potential to combine to directly and/or indirectly affect special-status species and sensitive habitats throughout and surrounding the service area, particularly in previously undeveloped and undisturbed areas. As such, cumulative impacts related to sensitive species and habitats

are considered potentially significant. With implementation of mitigation measures MM BIO-1 through MM BIO-15B and applicable BMP implementation, the Project would not result in a cumulatively considerable contribution to a potentially significant cumulative impact related to sensitive species or habitats.

The proposed Project in combination with cumulative development would have the potential to combine to directly and/or indirectly affect wetlands and other jurisdictional features throughout and surrounding the service area, particularly in previously undeveloped and undisturbed areas. Such activities associated with construction would be subject to regulation by the USACE, RWQCB, and/or CDFW. Impacts to wetlands would be avoided through implementation of MM BIO-11 through MM BIO-13 and MM BIO-16 and MM BIO-17. With these measures, the Project would not result in a cumulatively considerable contribution to a potentially significant cumulative impact related to wetlands and other jurisdictional features.

Extensive cumulative development within undeveloped lands within the District's service area that currently provide movement corridors could result in significant cumulative impacts. Project improvements would be under ground, small in size, and/or at existing facilities, therefore not resulting in new impediments to wildlife movement. As such, the Project would not result in a cumulatively considerable contribution to a potentially significant cumulative impact related to wildlife movement.

Cumulative development projects would be subject to applicable local ordinances regarding biological resources and conservation plans on an individual basis. In addition, the proposed Project would not conflict with local policies or conservation plans. Therefore, there would be no cumulative impact related to local policies or conservation planning.

Cultural Resources and Tribal Cultural Resources (PEIR Section 4.3.5)

The Project in combination with cumulative projects would have the potential to impact historical and archaeological resources, human remains, and tribal cultural resources during ground-disturbing activities. However, implementation of MM CUL-1, through MM CUL-4 would reduce the Project's potential impacts to a less than significant level. As such, the Project would not result in a cumulatively considerable contribution to the potentially significant cumulative impact related to historical and archaeological resources, human remains, or tribal cultural resources.

Energy (PEIR Section 4.4.5)

When combined, cumulative projects within this geographic scope could contribute to a regional increase in energy use through their use of electricity, natural gas, gasoline, and diesel during construction and/or operations. Construction energy use would be limited to that which is necessary to complete construction and maintenance activities and the Project would incorporate measures to reduce energy usage during construction. Operational energy usage associated with new and/or upgraded active facilities would come from newer models than previous equipment and would be expected to operate more efficiently, thus reducing energy usage per amount of work performed. Individual cumulative development projects would be subject to overarching energy plans and policies and would thus be required to be in compliance. Cumulative new development would also be required to comply with applicable standards related to energy use, most notably the Title 24 Building Energy Efficiency Standards and fuel efficiency standards for vehicles, including CAFE standards. As such, the combined

effects from cumulative projects within the geographic scope related to energy use and consistency with energy plans would not be cumulatively significant.

Geology and Soils (PEIR Section 4.5.5)

Local events such as ground shaking, fault rupture, ground failure, subsidence, lateral spreading, liquefaction, and landslides can be directly caused by wide-spread seismic events and are not cumulative in nature. Likewise, exposure to expansive soils is site specific. Potentially significant impacts for individual projects from exposure to seismic and geologic hazards would be mitigated with mitigation measure MM GEO-1. Therefore, the Project, in combination with other cumulative projects, would not result in a cumulatively significant increase in exposure to seismic and geologic hazards. Septic tank use is also not cumulative in nature and would not contribute to a cumulative impact.

Cumulative land disturbance activities may include agricultural practices and land development, which despite the promulgation of storm water regulations continue to contribute to the overall sedimentation issues in runoff flows that discharge into watercourses and eventually the Pacific Ocean. Construction and operational activities associated with the Project could result in soil erosion or loss of topsoil. Compliance with the applicable elements of the NPDES and related storm water standards as well as mitigation measure MM HYD-1, would result in less than significant impacts. Therefore, the Project would not result in a cumulatively considerable contribution to downstream sedimentation effects from soil erosion within the local cumulative impact areas.

Cumulative projects have the potential to impact paleontological resources to varying degrees based on paleontological sensitivity. The Project's mitigation measure MM GEO-2 would reduce the Project's contribution to a regional impact to paleontological resources to less than cumulatively considerable.

Greenhouse Gas Emissions (PEIR Section 4.6.5)

Due to the nature of assessment of GHG emissions and the effects of climate change, impacts can currently only be analyzed from a cumulative context; therefore, the PEIR analysis of impacts related to GHG in Section 4.6.4 constitutes a cumulative analysis of GHG impacts. The PEIR estimated annual construction emissions at 548 MT CO_2e and annual operational emissions at 1,261 MT CO_2e. The Project would not exceed the applicable thresholds and would result in a less than significant impact related to GHG. The Project also would not conflict with plans or policies related to GHG. Cumulative projects would each be subject to compliance with applicable plans and policies. As Project impacts related to GHG emissions are less than significant, its impacts would not be cumulatively considerable.

Hazards and Hazardous Materials (PEIR Section 4.7.5)

Construction and operation activities associated with cumulative development could also involve the transport, use, and disposal of hazardous materials, and associated accidental releases; however, similar to the proposed Project, cumulative development would be required to comply with applicable federal, state, and local regulations related to the transportation, storage, use, and disposal of hazardous materials. As such, cumulative impacts related to the transport, use, and disposal of hazardous materials, and associated accidental releases, would be less than significant.

Impacts related to listed hazardous materials sites and aircraft hazards are generally specific and limited to the area directly adjacent to the specific site. Therefore, the construction and operation of Project facilities, in combination with cumulative development, would not result in a significant cumulative impact related to listed hazardous materials sites or aircraft hazards.

Cumulative development within the District's service area would have the potential to affect emergency response and evacuation through (1) construction work within roadways and subsequent lane closures; and (2) increased traffic volumes causing roadway congestion. Implementation of MM TRA 1 would ensure adequate access and circulation during construction of the Project's various improvements. Therefore, impacts to emergency response and evacuation from the Project would be minimized and the Project would not result in a cumulatively considerable contribution to a potentially significant cumulative impact.

Cumulative development within the District's service area has a high likelihood to be located in a moderate, high, or very high fire hazard severity zone and result in additional wildland/urban interfaces. In addition, construction activities associated with cumulative development that involves the use of equipment with combustion engines in undeveloped areas would have the potential to exacerbate fire risk. The proposed Project would not locate people within moderate, high, or very high fire hazard severity zones as the proposed facilities would not involve permanent occupants and the presence of construction and maintenance workers would be temporary, transitory, and sporadic. Similarly, because Project improvements mainly involve belowground pipelines and existing facilities, the Project would not place structures within moderate, high, or very high fire hazard severity zones in a manner that would result in substantial risk from wildland fire. With implementation of MM HAZ-3 to address the use of construction equipment, the Project would not result in a cumulatively considerable contribution to a potentially significant cumulative impact

Hydrology and Water Quality (PEIR Section 4.8.5)

Water bodies in both the San Luis Rey Watershed and the Santa Margarita Watershed have been placed on the CWA 303(d) list, indicating a significant cumulative impact to the watersheds has already occurred. Future cumulative projects have the potential to worsen this cumulative impact. The Project would comply with the Construction General Permit and all other applicable storm water requirements, which would ensure that the proposed projects would not contribute to the further degradation of water quality from increased runoff, sedimentation, or unauthorized pollutant releases. For activities that may affect surface water quality, MM HYD-1 would be implemented. Following construction, the proposed improvements would not result in new sources of pollutants. Therefore, construction and operation activities associated with the Project would not result in a cumulatively considerable contribution to the cumulatively significant increase in downstream water pollution effects within the regional area.

Land disturbance and development activities associated with cumulative projects could contribute to flooding problems in the District service area and in the downstream watercourses. The Project would generally not result in permanent impacts to existing drainage patterns and would comply with all applicable storm water requirements, which would reduce impacts related to drainage alteration, flooding, and exceedance of capacity of storm water drainage facilities to a level below significance. Some proposed projects may be identified by the District as potentially resulting in long-term drainage impacts, however; those projects will be subject to mitigation measure MM HYD-2. As such, the Plan would not result in a cumulatively considerable contribution to the cumulatively significant regional alteration of drainage patterns.

Impacts relative to flood hazards and inundation areas are generally specific to a project site; this issue is not subject to a cumulative impact analysis. The Project, in combination with other cumulative projects, would not result in a cumulatively significant impact related to flood hazard or dam inundation areas.

Cumulative projects in the San Luis Rey Valley Groundwater Basin are not expected to utilize groundwater; however, development is expected to increase the amount of impervious surface in the basin, which would have the potential to interfere with groundwater recharge and decreased groundwater quality. Project improvements would not substantially contribute to loss of groundwater recharge based on the small area of above ground improvements. The Project improvements would have the potential to result in localized impacts to groundwater quality associated with percolation of surface water. However, MM HYD-1 and compliance with regulatory permit specifications would result in a less than significant impact to groundwater quality. As such, the Project would not result in a cumulatively considerable contribution to a potentially significant cumulative impact associated with groundwater recharge and quality.

Noise (PEIR Section 4.9.5)

Generally, noise impacts are limited to the area directly surrounding the source, as noise attenuates with distance, and only has the potential to combine with other noise sources occurring simultaneously in the immediate vicinity. However, Project construction and maintenance activities, which would occur at numerous locations throughout the District's service area at various times, would have the potential to occur simultaneously with and in proximity to cumulative development projects and thus affect NSLUs. While there is potential for Project construction and maintenance activities to occur simultaneously with and in proximity to cumulative development projects, work for individual Project improvements would be temporary, would not all occur at once, and not all equipment would be operating at the same time or location. To address the Project's potential direct construction noise impacts, the Project would implement MM NOI-1, which requires compliance with the applicable construction noise limits of the County and City of Oceanside, where feasible, and includes construction and maintenance activity noise reduction measures. With these measures and based on the temporary nature of construction of individual improvements at a given location, Project construction and maintenance activities would not result in a cumulatively considerable contribution to a potentially significant cumulative noise impact.

Operationally, most Project facilities would be passive and would not have the potential to contribute to a cumulative noise impact; however, to address potential impacts from operation of facilities that may generate noise, the Project would implement MM NOI-2. Project operation would therefore not result in a cumulatively considerable contribution to a potentially significant cumulative noise impact.

Groundborne vibration attenuates rapidly with distance and is therefore not generally cumulative in nature. In addition, the Project would not generate substantial vibration during construction or operations. As such, in combination with cumulative projects, the proposed Project would not result in a cumulatively significant impact associated with vibration.

No portion of the Noise Impact Zone for Fallbrook Community Airpark is within the District's service area; therefore, the proposed project would not combine with cumulative projects to result in a cumulatively significant impact related to aircraft noise.

Transportation (PEIR Section 4.10.5)

Project-related traffic would be limited to temporary construction traffic for individual Project improvements and a relatively low number of operational trips across the District's service area; therefore, the Project would not generate a substantial increase in VMT and would not result in a cumulatively considerable contribution to a potentially significant cumulative VMT impact.

While the Project would not result in substantial vehicular traffic generation, it would involve work within roadways that could combine with cumulative traffic increases and cumulative project work within roadways to disrupt traffic circulation, increase hazardous traffic conditions, and impede emergency access throughout the District's service area. To address the potentially significant impacts related to transportation from Project construction, the Project would implement MM TRA-1. Coordination of construction activities would allow for the minimization of conflicts associated with multiple construction activities in the same area at the same time and with serial improvements in the same area. With implementation of MM TRA-1, the Project would not result in a cumulatively considerable contribution to the potentially significant cumulative impact.

Wildfire (PEIR Section 4.11.5)

Combined with the proposed Project's anticipated work within roadways and likely lane closures, cumulative impacts related to emergency response and evacuation are considered potentially significant. The Project would implement MM TRA-1 to address the potentially significant direct impact related to emergency response and evacuation from Project construction. With implementation of MM TRA-1, impacts to emergency response and evacuation from the Project would be minimized and the Project would not result in a cumulatively considerable contribution to a potentially significant cumulative impact.

Cumulative development within the District's service area has a high likelihood to be located in a moderate, high, or very high fire hazard severity zone and result in additional wildland/urban interfaces, thus potentially increasing exposure of people and/or structures to wildfire risks, including pollutant concentrations and uncontrolled spread of a wildfire. The Project's facilities would extend infrastructure but would not require or involve permanent occupants. To address the potentially significant impact related to exacerbating fire risk from the use of construction equipment to construct infrastructure and thereby potentially exposing people to risk from wildfire pollutants and spread, the Project would implement MM HAZ-3. With implementation of MM HAZ-3, the Project would not result in a cumulatively considerable contribution to a potentially significant cumulative impact.

Impacts relative to flooding and landslide hazards are generally specific to an individual site; this issue is not subject to a cumulative impact analysis. The Project, in combination with other cumulative projects, would not result in a cumulatively significant impact related to flooding or landslide hazards.

VI. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS AND IRREVERSIBLE ENVIRONMENTAL CHANGES

Significant and Unavoidable Impacts

Section 15126.2(c) of the CEQA Guidelines requires the identification of significant impacts that would not be avoided, even with the implementation of feasible

mitigation/performance measures. The final determination of significance of impacts and of the feasibility of mitigation/performance measures will be made by the District as part of their certification of this PEIR. Sections 4.1 through 4.11 of this PEIR provide an evaluation of the potentially significant environmental effects and corresponding mitigation/ performance measures associated with implementation of the project to avoid or substantially reduce the environmental effect. According to this evaluation, all potentially significant environmental effects would be reduced to less than significant levels with implementation of identified feasible and enforceable mitigation measures. The Project would not result in significant and unavoidable environmental impacts.

Significant Irreversible Environmental Changes

Section 15126.2(d) of the CEQA Guidelines requires a discussion of significant irreversible environmental changes that would be caused by a proposed project, as: "Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."

Generally, a project would result in significant irreversible environmental changes if the primary and secondary impacts would generally commit future generations to similar uses; if it would involve a large commitment of nonrenewable resources; if it involves uses in which irreversible damage would result from any potential environmental accidents associated with the project; or if the proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

The Project's water and sewer facilities, once constructed, may be considered permanent. Facilities are occasionally abandoned/removed or upgraded once operation has resulted in the deterioration of their working condition. The water and sewer systems as a whole are integrally dependent on all their working facilities and components. Should components become deteriorated, malfunction, or become obsolete, replacement must occur. Because many of the Project improvements would be implemented far in the future, and those constructed in the near term many require replacements or rehabilitations in the long term, approval of the Project would leave the commitment of resources open in the future.

Nonrenewable resources that would be permanently and continually consumed from implementation of the Project include electricity and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources for the reasons given in Section 4.4 of the PEIR. The Project's energy usage would be limited to that necessary to achieve successful construction and operations; therefore, the Project's consumption of resources is justified. In addition, it is possible that new technologies and systems would emerge, or would become more cost-effective or user-friendly, upon which the District may rely to further reduce its reliance on nonrenewable energy sources.

As discussed in Section 4.7 of the PEIR, the District would use typical hazardous materials such as oil, gasoline, diesel, hydraulic fluids, and paints during construction of proposed improvements and operation of its facilities. No acutely hazardous materials would be

used during construction or operations and the typical materials that would be used would not pose a substantial risk to the public. In addition, the District and its construction contractor(s) would comply with all applicable federal, state, and local regulations pertaining to hazardous materials use, handling, storage, and disposal. Further, the District would implement MM HAZ-1 and MM HAZ-2 to minimize the risk of release of hazardous materials to the environment from sewer facilities and potentially contaminated soils, respectively. Therefore, the Project would not result in the potential for irreversible environmental damage caused by an accident.

VII. GROWTH-INDUCING IMPACTS

State CEQA Guidelines section 15126.2(e) requires an EIR to include discussion of a proposed project's growth-inducing impacts, including (1) the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment; and (2) the potential for a project to encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. This second issue involves the potential for a project to induce growth by the expansion or extension of existing services, utilities, or infrastructure. The CEQA Guidelines further state that "[i]t must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment" (Section 15126.2[e]).

Implementation of the Project would not induce population growth, as it does not propose development of new housing that would attract additional population to the area and would not result in substantial permanent employment that could indirectly induce population growth. The number of jobs created by short-term employment opportunities during construction would not be substantial and would be expected to be filled by the local labor pool/work force. Operation of the Project would not require a substantial increase in employees as Project improvements primarily consist of upgrades to existing facilities.

The proposed Project would implement water and sewer facilities improvements to address system deficiencies under current demand and flow conditions and to meet future demand and flow conditions anticipated as a result of planned development activity within and around the District's service area. The planned growth that would be supported by the Project is consistent with the General Plan and can thus be considered "orderly." Because growth itself is not necessarily detrimental to the environment, but rather the potential consequences of growth (e.g., increased traffic and noise, degradation of air quality, loss of habitat) which may result in environmental impacts, "orderly" growth that is consistent with local land use plans and/or growth management strategies is not considered to have a high potential to result in adverse environmental impacts.

In addition, while expanded and more reliable water and sewer services would play a role in supporting projected growth within and near the District's service area, it would not be the only impetus to such growth. Other factors, including general plans and policies, the availability of wastewater disposal capacity, public schools, transportation services, and other necessary public infrastructure, also influence development and population growth. Economic factors also greatly influence development rates and locations. Further, the District is not a land use agency and does not have the authority over land use or zoning designations. The Project would not eliminate physical or regulatory obstacles to growth. As such, implementation of the Project would not directly or indirectly induce population or encourage and facilitate other activities that could significantly affect the environment.

VIII. ALTERNATIVES

State CEQA Guidelines require an EIR to describe and evaluate a "…range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project" (Section 15126.6[a] CEQA Guidelines). The purpose of the alternatives analysis is to explore ways that most of the basic objectives of a proposed project could be attained while reducing or avoiding significant environmental impacts of the project as proposed. This approach is intended to foster informed decision-making and public participation in the environmental process.

According to the Guidelines, not every conceivable alternative must be addressed, nor do infeasible alternatives need be considered. Section 15126.6 of the CEQA Guidelines lists the factors that may be taken into account when addressing the feasibility of alternatives: site suitability, economic viability, availability of infrastructure, other plans or regulatory limitations, and jurisdictional boundaries. The Guidelines also state that the discussion of alternatives should focus on "…alternatives capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives could impede to some degree the attainment of the project objectives or would be more costly" (Section 15166.6[b] CEQA Guidelines). CEQA further directs that "…the significant effects of the alternatives shall be discussed, but in less detail than the significant effects of the project as proposed" (Section 15126.6[d] CEQA Guidelines).

Alternatives Analyzed (PEIR Section 7.4)

The No Project Alternative, as required by Section 15126.6(e) of the CEQA Guidelines, was considered in detail in the PEIR. This alternative was rejected for various reasons as set forth below.

1. Alternative 1: No Project (PEIR Section 7.4.1)

Description: Section 15126.6(e) of the CEQA Guidelines requires a "No Project" alternative be addressed in an EIR. Under this alternative, the proposed Project would not be implemented. The CIP projects, ODP projects, and maintenance projects would not occur. Existing District facilities would continue to operate in their current conditions.

Impacts: The No Project Alternative would avoid the potentially significant environmental impacts identified for the Project that would occur as a result of construction and operation of the proposed CIP projects, ODP projects, and maintenance projects. Compared to the proposed Project, the currently identified significant impacts related to biological resources, cultural resources and tribal cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and transportation that would occur from Project implementation would be avoided under the No Project Alternative if those projects are not implemented individually in the future.

However, because the facility improvements proposed under the Project would not be implemented, existing District infrastructure would not be brought up to current design, safety, and regulatory standards, and would therefore be at risk of failure, which could result in hazardous materials spills and the exposure of the public and environment to hazardous conditions. In addition, facilities planned for upsizing under the Project to account for current deficiencies and to accommodate planned future growth would not be upsized under this alternative and would therefore be subject to exceedances.

Objectives and Feasibility: The No Project Alternative would not meet the objectives identified for the Project. The No Project Alternative would hinder the District's ability to efficiently implement improvements, repairs, and replacements needed to bring existing facilities up to current design, safety, and regulatory standards, to address system deficiencies under current demand and flow conditions, and to meet future water demand and flow conditions.

Finding: The District rejects Alternative 1, the No Project Alternative because it fails to meet several of the project objectives. Alternative 1 could also result in hazardous conditions as a result of infrastructure failure. Therefore, Alternative 1 is rejected.

Alternatives Considered But Rejected During Scoping/Master Plan Planning Process (PEIR Section 7.3)

One alternative was considered but ultimately rejected for detailed consideration.

1. Rejected Alternative: Reduced Biological Resource Disturbance (PEIR Section 7.3.1)

CIP projects involving potential temporary and permanent impacts to biological resources under the proposed Project were considered for realignment and for alternative locations to avoid impacts to biological resources. However, realignment and relocation were determined to be infeasible or to not result in a considerable reduction in impacts to biological resources. In order to avoid impacts relating to modifications of existing pump stations, existing facilities would have to be decommissioned and relocated to alternative locations. Decommissioning would result in temporary impacts to sensitive habitat and would not result in a considerable reduction in impacts to biological resources. In addition, the relocation of existing pump stations would generally be infeasible as the pump stations are currently in locations where they are connected to existing belowground infrastructure. Relocation of the pump stations would require the relocation of the associated belowground infrastructure, which could result in additional impacts to biological resources. With respect to linear projects (e.g., pipelines), avoidance of sensitive habitat would not be feasible in many cases unless the facility was relocated within the system. This would not meet Project objectives because existing facilities in need of improvements would not be upgraded. In other cases, avoidance of sensitive habitat would require a substantial amount of additional pipeline length, would still impact some sensitive habitat, or would require construction of new access roads which would result in additional impacts. Therefore, while this alternative would constitute the environmentally superior alternative as compared to the alternatives analyzed in the PEIR, it was determined to be infeasible and was rejected from further consideration.

Environmentally Superior Alternative (PEIR Section 7.5)

CEQA Guidelines Section 15126.6(e)(2) requires that an EIR identify the environmentally superior alternative among the alternatives that are evaluated. If the environmentally superior alternative is the No Project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The No Project Alternative would result in a risk of failure for existing facilities and a potential exceedance of system capacity, as the facilities would not be upsized. Failure and exceedances, specifically of sewer pipes and lift stations, could result in hazardous materials spills and the exposure of the public and environment to hazardous conditions. Hazardous materials spills could also affect water quality and result in the violation of water quality standards and/or waste discharge requirements. These impacts would be expected to occur in

an on-going manner as components of District infrastructure would continue to age, meet their useful life, and be at risk of failure and/or exceedances.

The Reduced Biological Disturbance Alternative would involve locating projects out of sensitive habitat and would constitute the Environmentally Superior Alternative in addition to the No Project Alternative. The Reduced Biological Disturbance Alternative was determined to be infeasible due to the constraints of the existing system. Due to the nature of Project, which involves upgrading existing infrastructure for a largely built-out system, options involving siting infrastructure entirely outside of sensitive habitat while limiting disturbance of sensitive habitat and maintaining efficient and reliable service are limited. Neither the No Project Alternative nor the Environmentally Superior Alternative offers clearly environmentally superior benefits as compared to the proposed Project.

IX. NO OVERRIDING CONSIDERATIONS REQUIRED

No significant and unavoidable impacts were identified through preparation of the PEIR. All significant impacts can be reduced to less than significant through implementation of the proposed mitigation measures. Therefore, a Statement of Overriding Considerations is not required.

X. ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Public Resources Code section 21081.6, the Board adopts the Mitigation Monitoring and Reporting Program for the Project**.** Implementation of the mitigation measures contained in the Mitigation Monitoring and Reporting Program is made a condition of approval of the Water and Sewer Plan. In the event of any inconsistencies between the mitigation measures set forth in the Resolution and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program will control.

XI. CERTIFICATION OF THE PEIR

The Board finds that it has been presented with the PEIR, which it has reviewed and considered, and further finds that the PEIR is an accurate and objective statement that has been completed in full compliance with CEQA, the State CEQA Guidelines and the District's Local CEQA Guidelines and that the PEIR reflects the independent judgment and analysis of the Board. The Board declares that no evidence of new significant impacts as defined in State CEQA Guidelines section 15088.5 has been received by the Board after circulation of the Draft PEIR that would require recirculation. Therefore, the Board certifies the PEIR based on the entirety of the record of proceedings.

XII. APPROVAL OF THE WATER AND SEWER PLAN

Based upon the entire record before the Board, including the above findings and all written evidence presented to the Board, the Board approves the Water and Sewer Plan.

XIII. CUSTODIAN OF RECORD

The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at Rainbow Municipal Water District, 3707 Old Highway

395, Fallbrook, CA 92028. The custodian for these records is the General Manager. This information is provided in compliance with Public Resources Code section 21081.6.

XIV. NOTICE OF DETERMINATION

A Notice of Determination shall be filed with the County of San Diego and the State Clearinghouse within 5 (five) working days of approval of the Water and Sewer Plan.

Mitigation Monitoring and Reporting Program for the Rainbow Municipal Water District Water and Sewer Facilities Plan

Program Environmental Impact Report

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with project development. To ensure that the mitigation measures identified in an Environmental Impact Report (EIR) are implemented, the public agency adopts a program for monitoring and reporting the measures it has imposed to mitigate or avoid significant effects (CEQA Guidelines Section 15097(a)). The State CEQA Guidelines require that a mitigation monitoring and reporting program (MMRP) be adopted at the same time that the EIR is adopted.

According to Section 15097(c) of the State CEQA Guidelines, reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. Monitoring is generally an ongoing or periodic process of project oversight. This program identifies the party responsible for implementing the action, the timing for the implementation of each measure, and the procedure for documenting the mitigation efforts.

The Rainbow Municipal Water District (District) is responsible for the implementation and monitoring of the measures during design and construction of the Rainbow Municipal Water District Water and Sewer Facilities Plan components unless otherwise stated herein. Only the environmental issues presented in the Program EIR that have mitigation measures are provided in the MMRP table. All other subsections do not contain mitigation measures. For each mitigation measure, the MMRP table identifies the following: (1) mitigation measure; (2) implementation action; (3) responsible agency/party; (4) monitoring schedule; and (5) verification date. The District may impose requirements for implementation of the measures on other parties responsible for constructing project components that would require approval from the District.

The District may modify how it will implement a mitigation measure, if the alternative means of implementing the mitigation still achieves the same or greater attenuation of the impact.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Biological Resources						
MM BIO-1: Project-Specific Biological Resource Surveys. Prior to construction of CIP Projects listed in Table 4.2-2, Table 4.2-3, district-wide CIP Projects (CIP Projects 600007, 600009, 600030, and 600055), and ODP Category A Projects and ODP Category B Projects included in BTR Appendices C-1, C-2, D-1, and D-2 that will be sited within an undeveloped open space area (i.e., an area supporting naturalized habitat, sensitive habitat, and/or habitat potentially suitable for special-status species), the District shall retain a qualified biologist to perform a pre-construction survey to verify existing biological resources on and adjacent to the project construction areas. The District shall provide the biologist with a copy of the CIP and ODP project plans that clearly depict the construction work limits, including construction staging and storage areas, to determine which specific portion(s) of the project will require inspection of adjacent open space areas during the pre-construction survey. The surveys shall verify whether the project would occur on or in the immediate vicinity of sensitive natural communities, including habitat suitable for special-status species, in addition to potential jurisdictional aquatic resources. The surveys shall also verify whether the project could result in direct or indirect impacts to sensitive natural communities, special-status species, and potential jurisdictional aquatic resources. The survey results shall be submitted to the District to determine the need for additional environmental compliance actions. If suitable habitat for special-status plant species is confirmed within or immediately adjacent to potential impact areas of the projects, then the District shall implement mitigation measure MM BIO-2. If suitable habitat for special-status wildlife species is confirmed	• Require a qualified biologist to perform a pre-construction survey to verify existing biological resources on and adjacent to the project construction areas and verify whether the project would occur on or in the immediate vicinity of sensitive natural communities. • If suitable habitat for special-status plant species is confirmed, then the District shall implement mitigation measure MM BIO-2. • If suitable habitat for special-status wildlife species is confirmed, then the District shall implement mitigation measure MM BIO-3. • If potential impacts to sensitive natural communities are identified, then the District shall implement mitigation measures MM BIO-15A and MM BIO-15B. • If potential jurisdictional aquatic resources are identified within areas proposed to be impacted, then the District shall implement mitigation measure MM BIO-16.	District; Qualified Biologist	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
within or immediately adjacent potential impact areas of the projects, then the District shall implement mitigation measure MM BIO-3. If potential impacts to sensitive natural communities are identified, then the District shall implement mitigation measure MM BIO-15A and MM BIO-15B. If potential jurisdictional aquatic resources are identified within areas proposed to be impacted, then the District shall implement mitigation measure MM BIO-16.						
MM BIO-2: Rare Plant Surveys, Avoidance, and Mitigation. If it is confirmed through the implementation of mitigation measure MM BIO-1 that the CIP and ODP project components could impact suitable habitat for special-status (rare) plant species, the District shall retain a qualified biologist to conduct focused presence/absence surveys for rare plants prior to project construction. Surveys shall follow protocols and guidelines approved by the USFWS, CDFW, and CNPS, and shall be conducted by qualified biologists. If a significant population of rare plant species with CNPS California Rare Plant Rank 1A, 1B, 2A, or 2B is identified within a project impact area, then to the extent feasible to implement the project, the District shall avoid impacts to the population through project-level design changes and/or construction methods (e.g., trenchless installation of pipelines) in consultation with the USFWS and CDFW. Prior to initiating construction activities, the District shall require that the rare plant locations detected during project-specific rare plant surveys are clearly shown on final construction plans. The District shall further require that the locations are demarcated in the field by a qualified biologist and protected-in-place through the installation of	• Require a qualified biologist to conduct focused presence/absence surveys for rare plants prior to project construction. • If a significant population of rare plant species with CNPS California Rare Plant Rank 1A, 1B, 2A, or 2B is identified within a project impact area, require consultation with the USFWS and CDFW to avoid impacts through project-level design changes. • Require rare plant locations to be identified on final construction plans, demarcated in the field by a qualified biologist, and protected-in-place. • Require a qualified biologist to monitor appropriate construction activities to ensure avoidance of the areas.	District; Qualified Biologist; USFWS and/or CDFW	X	X	X	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
temporary construction fencing or alternative means that are approved by the qualified biologist. The qualified biologist shall monitor construction activities, as appropriate, to help ensure avoidance of the areas. A final compliance report shall be prepared by the qualified biologist and submitted to the District, CDFW, and USFWS for record, verifying that no impacts occurred to the species. Any inadvertent and unavoidable impacts shall be mitigated as specified below. If complete avoidance is determined not to be feasible, then the District shall restrict and minimize impacts to no more than 20 percent of the population, which is consistent with regional conservation standards. Mitigation for unavoidable impacts shall include one or a combination of the following and occur at a minimum ratio of 1:1, as determined by the District in consultation with the CDFW and USFWS: a. Purchase of preservation credits of occupied habitat from a conservation bank approved by the USFWS and CDFW; b. Acquisition and preservation of off-site mitigation land containing occupied habitat; and/or c. Preparation and implementation of a rare plant salvage and relocation plan, to include the following requirements, at a minimum: i. Evaluation of options for plant salvage and relocation, including native plant mulching, selective soil salvaging, application of plant materials on manufactured slopes, and application/relocation of resources within existing or proposed preserved lands;	• Require a final compliance report be prepared by the qualified biologist and submitted to the District, CDFW, and USFWS. • If any inadvertent and unavoidable impacts occur or avoidance is infeasible, require the mitigation for the impacts at a 1:1 ratio through a mitigation bank purchase, off-site mitigation of occupied habitat, or implementation of a rare plant salvage and relocation plan.					

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
ii. Seed collection and/or transplantation to a suitable receptor site based on the most reliable methods of successful relocation; iii. Recommendation for method of salvage and relocation/application based on feasibility of implementation and likelihood of success; and iv. Implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures.						
MM BIO-3: Special-Status Wildlife Species Surveys, Avoidance, and Mitigation. If it is confirmed through the implementation of mitigation measure MM BIO-1 that the CIP and ODP project components could directly or indirectly impact suitable habitat for special-status wildlife species, the District shall retain a qualified biologist to conduct focused, protocol-level surveys for special-status wildlife species prior to project implementation. Surveys shall follow protocols and guidelines approved by the USFWS and CDFW and shall be conducted by qualified biologists permitted by the USFWS and CDFW, as applicable. Impacts to federally listed species shall require consultation with the USFWS, and impacts to state-listed species shall require consultation with the CDFW as specified below. If special-status wildlife species are identified within a project impact area, the District shall, in coordination with the CDFW and USFWS, as applicable, avoid impacts to occupied habitat through project-level design changes and/or construction methods (e.g., trenchless installation of pipelines) prior to project implementation.	• If the project components could directly or indirectly impact suitable habitat for special-status wildlife species, require a qualified biologist to conduct focused, protocol-level surveys for special-status wildlife species. • If special-status wildlife species are identified within a project impact area, require coordination with the CDFW and USFWS to avoid impacts to occupied habitat through project-level design changes and/or compensate for the loss of occupied habitat at a minimum ratio of 1:1 through mitigation bank credits or off-site mitigation. • Require the appropriate consultation and permitting for	District; Qualified Biologist; USFWS and/or CDFW	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
If complete avoidance is determined not to be feasible, then the District shall compensate for the loss of occupied habitat through one or a combination of the following at a minimum ratio of 1:1, as determined by the District in consultation with the CDFW and USFWS, as applicable: a. Purchase of preservation credits of occupied habitat from a conservation bank approved by the USFWS and CDFW; b. Acquisition and preservation of off-site mitigation land containing occupied habitat; and c. Where species protected under Federal law may be impacted, the District shall either consult directly with the USFWS to develop and implement a habitat conservation plan and obtain an Incidental Take Permit pursuant to the Federal Endangered Species Act Section 10(a), obtain take coverage in coordination with the County of San Diego, if applicable, or in the case of projects with a federal action agency, the District shall adhere to the requirements of Federal Endangered Species Act Section 7, which requires the federal action agency to consult with the USFWS to obtain a Biological Opinion and Incidental Take Statement for the project; or Where species protected under state law may be impacted, the District shall either consult with the CDFW pursuant to Sections 2081 or 2080.1 of the California Endangered Species Act. For projects with direct or indirect impacts to species that are only State-listed and not federally-listed as endangered or threatened, the District shall obtain a California Endangered Species Act	species protected under Federal or state law.					

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
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Section Incidental Take Permit from CDFW. For projects with impacts to species that are both state- and federally-listed as endangered or threatened, the District shall obtain a California Endangered Species Act Section 2080.1 Consistency Determination from the CDFW, unless otherwise required by the CDFW. Off-site mitigation for impacts to special-status wildlife may also be used for off-site mitigation of impacts to sensitive communities and jurisdictional waters.						
MM BIO-4: Avoidance of Nesting Birds and Raptors. To prevent direct impacts to nesting birds, including raptors, protected under the federal MBTA and CFG Code, the District shall enforce the following: Project activities requiring the removal and/or trimming of vegetation suitable for nesting birds shall occur outside of the general bird breeding season (February 1 to September 30) to the extent feasible. If the activities cannot avoid the general bird breeding season, a qualified biologist with experience in conducting bird breeding surveys shall be retained to conduct a pre-activity nesting bird survey within seven days prior to the activities to confirm the presence or absence of active bird nests. If no active bird nests are found by the qualified biologist, then the activities shall proceed with the reassurance that no violation to the MBTA and CFG Code would occur. If an active bird nest is found by the qualified biologist, then vegetation removal and/or trimming activities at the nest location shall not be allowed to occur until the qualified biologist has determined that the nest is no longer active. Avoidance buffers should start at 300 feet for passerine birds and 500 feet for raptors. The buffer should be demarcated by	• Require the removal and/or trimming of vegetation suitable for nesting birds to occur outside of the general bird breeding season (February 1 to September 30). • If the general bird breeding season cannot be avoided, a qualified biologist shall conduct a pre-activity nesting bird survey within seven days prior to the activities to confirm the presence or absence of active bird nests. • If an active bird nest is found by the qualified biologist, require avoidance buffers until the qualified biologist determines the nest is no longer active.	District; Qualified Biologist	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
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temporary fencing and remain in effect until the nest is no longer active. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, and other factors as determined by the qualified biologist.						
MM BIO-5: Coastal California Gnatcatcher Pre-Construction Surveys and Avoidance. CIP projects listed in Table 4.2-2 are located within and adjacent to suitable coastal California gnatcatcher habitat. CIP Projects 600002, 600067, 530020, and 5300XX-6 are located within 500 feet of historical observations. In addition, CIP Projects 600002, 600048, 600050, 600051, 600061, 600066, 600068, 600070, 530018, 530020, 5300XX-1, 5300XX-4, 5300XX-5, and 5300XX-6 are located within designated critical habitat. If construction activities are planned to occur during the coastal California gnatcatcher breeding season (February 15 to August 30), then prior to initiating construction activities on or within 500 feet of off-site suitable coastal California gnatcatcher habitat, the District shall retain a USFWS-permitted biologist to conduct pre-construction surveys to confirm the presence or absence of the species. The survey efforts shall consist of three surveys spaced one week apart, with the final survey occurring no more than three days prior to project construction, and one survey shall be conducted the day immediately prior to the initiation of work. If gnatcatchers are confirmed to be absent on and within 500 feet of planned construction areas, then no additional measures shall be required. If gnatcatchers are confirmed to be present, then the District shall mitigate as specified below or unless otherwise	• If construction activities are planned to occur during the coastal California gnatcatcher breeding season (February 15 to August 30) within 500 feet of suitable coastal California gnatcatcher habitat, require a USFWS-permitted biologist to conduct pre-construction surveys to confirm the presence or absence of the species. • If gnatcatchers are confirmed to be present, require monitoring, training, and staging pursuant to MM BIO-10 through MM BIO-13, unless addressed by USFWS through MM BIO-3. • If construction noise levels during the gnatcatcher breeding season cannot be reduced below a 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average from the edge of occupied gnatcatcher habitat by MM BIO-10 and MM BIO-11, require MM BIO-3 or	District; USFWS-Permitted Biologist; USFWS and/or CDFW.	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
prescribed by the USFWS through the implementation of mitigation measure MM BIO-3: If the results of pre-construction surveys determine the presence of coastal California gnatcatcher within 500 feet of planned construction areas, then construction activities at these locations shall be completed outside of the gnatcatcher breeding season (February 15 to August 30). If activities at these locations cannot avoid the gnatcatcher breeding season, then the District shall implement required monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11, unless otherwise prescribed by the USFWS through the implementation of mitigation measure MM BIO-3. In addition, the District shall implement contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13. If, after implementation of mitigation measures MM BIO-10 and MM BIO-11, construction noise levels during the gnatcatcher breeding season cannot be reduced below a 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average from the edge of occupied gnatcatcher habitat, then the District shall implement mitigation measure MM BIO-3 or complete the remainder of construction activities outside of the gnatcatcher breeding season.	construction to occur outside of the breeding season.					
MM BIO-6: Stephens' Kangaroo Rat Pre-construction Surveys and Avoidance. CIP Projects 600002, 600040, and 600061 are located within potentially suitable Stephens' kangaroo rat habitat, and CIP Project 600026 is located within 500 feet of a historical Stephens' kangaroo rat observation. Prior to initiating construction activities within potentially suitable Stephens' kangaroo rat	• Require protocol surveys conducted by a USFWS-permitted biologist to confirm the presence or absence of Stephens' kangaroo rat prior to initiating construction activities within potentially suitable habitat for the species.	District; USFWS-Permitted Biologist; USFWS	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
habitat, the District shall retain a USFWS-permitted biologist to conduct protocol surveys to confirm the presence or absence of the species. The survey efforts shall consist of live trapping within suitable habitat over five consecutive nights. If Stephens' kangaroo rat are confirmed to be absent on and within 500 feet of planned construction areas, then no additional measures shall be required. If kangaroo rats are confirmed to be present, then the District shall mitigate as specified below or unless otherwise prescribed by the USFWS through the implementation of mitigation measure MM BIO-3: If the results of the protocol surveys determine the presence of Stephens' kangaroo rat, then the District shall implement required monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11, unless otherwise prescribed by the USFWS through the implementation of mitigation measure MM BIO-3. In addition, the District shall implement contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13.	• If Stephens' kangaroo rats are confirmed to be present, require monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11 and contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13, unless otherwise prescribed by the USFWS through the implementation of mitigation measure MM BIO-3:					
MM BIO-7: Least Bell's Vireo Pre-construction Surveys and Avoidance. CIP projects listed in Table 4.2-2 are located within and adjacent to suitable least Bell's vireo habitat. CIP Projects 600002, 600063, 600071, 530020, and 5300XX-7 are located within 500 feet of historical observations. In addition, CIP Projects 530020, 5300XX-4, 5300XX-5, and 5300XX-7 are located within designated critical habitat. If construction activities are planned to occur during the least Bell's vireo breeding season (March 15 to September 15), then prior to initiating construction activities in any project	• If construction activities are planned to occur within 500 feet of least Bell's vireo critical habitat or suitable habitat during the breeding season (March 15 to September 15), require a qualified biologist to conduct pre-construction surveys to confirm the presence or absence of the species. • If the pre-construction surveys determine the presence of	District; Qualified Biologist	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
construction areas within 500 feet of least Bell's vireo critical habitat or suitable habitat, the District shall retain a qualified biologist to conduct pre-construction surveys to confirm the presence or absence of the species. The surveys shall begin a maximum of seven days prior to project construction, and one survey shall be conducted the day immediately prior to the initiation of work. If vireos are confirmed to be absent within 500 feet of planned construction areas, then no additional measures shall be required. If vireo are confirmed to be present, then the District shall mitigate as specified below. If the results of pre-construction surveys determine the presence of least Bell's vireo within 500 feet of planned construction areas, then construction activities at these locations shall be completed outside of the vireo breeding season (March 15 to September 15). If activities at these locations cannot avoid the vireo breeding season, then the District shall implement required monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11. In addition, the District shall implement contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13. If, after implementation of mitigation measures MM BIO-10 and MM BIO-11, construction noise levels during the vireo breeding season cannot be reduced below a 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average from the edge of occupied vireo habitat, then the District shall implement mitigation measure MM BIO-3 or complete the remainder of construction activities outside of the vireo breeding season.	least Bell's vireo within 500 feet of planned construction areas and construction activity cannot avoid the breeding season, require monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11and contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13. • If, after implementation of mitigation measures MM BIO-10 and MM BIO-11, construction noise levels during the vireo breeding season cannot be reduced below a 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average from the edge of occupied vireo habitat, require mitigation measure MM BIO-3 or complete the remainder of construction activities outside of the vireo breeding season.					

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
MM BIO-8: Southwestern Willow Flycatcher Pre-Construction Surveys and Avoidance. CIP projects listed in Table 4.2-2 are located within and adjacent to suitable southwestern willow flycatcher habitat. No CIP projects are located within 500 feet of a historical observation or within designated critical habitat. If construction activities are planned to occur during the southwestern willow flycatcher breeding season (May 15 and July 17), then prior to initiating construction activities in any project construction areas within 500 feet of southwestern willow flycatcher critical habitat or suitable habitat, the District shall retain a qualified biologist to conduct pre-construction surveys to confirm the presence or absence of the species. The surveys shall begin a maximum of seven days prior to project construction, and one survey shall be conducted the day immediately prior to the initiation of work. If flycatcher are confirmed to be absent within 500 feet of planned construction areas, then no additional measures shall be required. If flycatcher are confirmed to be present, then the District shall mitigate as specified below: If the results of pre-construction surveys determine the presence of southwestern willow flycatcher within 500 feet of planned construction areas, then construction activities at these locations shall be completed outside of the flycatcher breeding season (May 15 and July 17). If activities at these locations cannot avoid the flycatcher breeding season, then the District shall implement required monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11. In addition, the District shall implement contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13.	• If construction activities are planned to occur during the southwestern willow flycatcher breeding season (May 15 and July 17) and within 500 feet of southwestern willow flycatcher critical habitat or suitable habitat, require a qualified biologist conduct pre-construction surveys to confirm the presence or absence of the species. • If the results of pre-construction surveys determine the presence of southwestern willow flycatcher within 500 feet of planned construction areas and construction activities cannot avoid the flycatcher breeding season, require the District to implement monitoring pursuant to mitigation measures MM BIO-10 and MM BIO-11 and contractor/crew training and construction staging pursuant to mitigation measures MM BIO-12 and MM BIO-13. • If after implementation of mitigation measures MM BIO-10 and MM BIO-11, construction noise levels during the flycatcher breeding season cannot be reduced below a 60 dBA hourly average or to the ambient noise level if it already	District; Qualified Biologist	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
If, after implementation of mitigation measures MM BIO-10 and MM BIO-11, construction noise levels during the flycatcher breeding season cannot be reduced below a 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average from the edge of occupied flycatcher habitat, then the District shall implement mitigation measure MM BIO-3 or complete the remainder of construction activities outside of the flycatcher breeding season.	exceeds 60 dBA hourly average from the edge of occupied flycatcher habitat, require implementation of mitigation measure MM BIO-3 or complete the remainder of construction activities outside of the flycatcher breeding season.					
MM BIO-9: Pre-Construction Biological Resource Surveys. Prior to construction of ODP projects included in BTR Appendices C-1, C-2, D-1, and D-2 that will be sited adjacent to or within an undeveloped open space area (i.e., an area supporting naturalized habitat, sensitive habitat, and/or habitat potentially suitable for special-status species), the District shall retain a qualified biologist to perform a pre-construction survey to verify existing biological resources adjacent to the project construction areas. The District shall provide the biologist with a copy of the ODP project plans that clearly depict the construction work limits, including construction staging and storage areas, to determine which specific portion(s) of the project will require inspection of adjacent open space areas during the pre-construction survey. At minimum, the biologist shall perform a visual inspection of the adjacent open space area to characterize the existing habitat types and determine the likelihood for special-status species to occur, including the Quino checkerspot butterfly, arroyo toad, western spadefoot toad, San Diego fairy shrimp, Riverside fairy shrimp, coastal California gnatcatcher, least Bell's vireo, southwestern willow flycatcher, migratory songbirds, and other bird species with the potential to breed in the area. The biologist's inspection shall include all potential habitat for	• Require a qualified biologist to perform a pre-construction survey prior to construction that will be sited adjacent to or within an undeveloped open space area to verify existing biological resources and determine the likelihood for special-status species to occur. • If sensitive resources are identified, require applicable construction measures proposed within MM BIO-10 through MM BIO-13.	District; Qualified Biologist	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher that occurs within 500 feet of construction areas. The pre-construction survey results shall be submitted to the District prior to construction to verify the need for the additional construction measures proposed within MM BIO-10 through MM BIO-13, below.						
MM BIO-10: Construction-Related Noise. Construction noise created during the general bird breeding season (February 1 to September 30) that could affect the breeding of the coastal California gnatcatcher, least Bell's vireo and/or southwestern willow flycatcher, associated with adjacent undeveloped areas shall be avoided. No loud construction noise (exceeding a 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average, adjusted for ambient noise levels, at the nesting site) may take place within 500 feet of active nesting sites during the general breeding season (February 1 to September 30). If it is confirmed through the implementation of mitigation measures MM BIO-1, MM BIO-3, MM BIO-5 through MM BIO-9 that the CIP and ODP project could generate construction-related noise in excess of a 60 dBA hourly average or the ambient noise level if it already exceeds 60 dBA hourly average at the location of suitable nesting habitat during the general breeding season for coastal California gnatcatcher least Bell's vireo and/or southwestern willow flycatcher, the District shall retain a qualified biologist to monitor the construction operations. The biological monitor shall be present to monitor construction activities that occur adjacent to the undeveloped open space area potentially supporting breeding birds. The monitor shall verify that construction noise levels do not exceed a 60 dBA hourly average or	• Prohibit construction noise exceeding a 60 dBA hourly average or the ambient noise level if it already exceeds 60 dBA hourly average within 500 feet of active nesting sites during the general breeding season (February 1 to September 30). • If the project could generate construction-related noise in excess of a 60 dBA hourly average or the ambient noise level if it already exceeds 60 dBA hourly average at the location of suitable nesting habitat during the general breeding season, require monitoring of construction operations by a qualified biologist during construction activities that occur adjacent to the undeveloped open space area potentially supporting breeding birds. • Require construction to halt if construction noise levels exceed a 60 dBA hourly average or the ambient noise	District; Qualified Biologist; USFWS and/or CDFW	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
the ambient noise level if it already exceeds 60 dBA hourly average and shall have the ability to halt construction work, if necessary, and confer with the District, and if applicable, USFWS and CDFW, to ensure no breeding birds are adversely affected and additional protection measures are properly implemented during construction. The biologist shall report any violation to the USFWS and CDFW within 24 hours of its occurrence.	level if it already exceeds 60 dBA hourly average. • Require the qualified biologist to report any violation to the USFWS and CDFW within 24 hours of its occurrence.					
MM BIO-11: Biological Construction Monitoring and Temporary Construction Fencing. If it is confirmed through the implementation of mitigation measures MM BIO-1, MM BIO-2, and/or MM BIO-3 that the CIP and ODP projects would occur immediately adjacent to sensitive habitat areas and/or habitat potentially suitable for special-status species, then the District shall retain a qualified biologist to monitor construction activities and supervise the installation of temporary construction fencing, which clearly delineates the edge of the approved limits of grading and clearing, and the edges of environmentally sensitive areas that occur beyond the approved limits. This fencing shall be installed prior to construction and maintained for the duration of construction activity. Fencing shall be installed in a manner that does not impact habitats to be avoided. Once fencing is installed, the District and qualified biologist shall determine the need for additional inspections and monitoring activities throughout the duration of construction. If determined necessary by the District and qualified biologist, the monitoring shall include inspection of construction work areas, including staging and storage areas, to confirm that activities are kept within the approved limits and that Best Management Practices are in place to prevent incidental animal entrapment and burrow and nest establishment within equipment and	• If the projects would occur immediately adjacent to sensitive habitat areas and/or habitat potentially suitable for special-status species, require a qualified biologist to monitor construction activities and supervise the installation of temporary construction fencing, which clearly delineates the edge of the approved limits of grading and clearing, and the edges of environmentally sensitive areas that occur beyond the approved limits. • Require inspections and monitoring throughout construction as determined by the District and qualified biologist • If work occurs beyond the fenced or demarcated limits of impact, or if a trapped animal or burrow or nest is found, require work in the affected areas to cease until the problem has been remedied	District; Qualified Biologist	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
staged materials. If work occurs beyond the fenced or demarcated limits of impact, or if a trapped animal or burrow or nest is found, work in the affected areas shall cease until the problem has been remedied and mitigation identified by the District and qualified biologist. Temporary construction fencing shall be removed upon completion of construction of the project. The District shall verify the implementation of this measure prior to and concurrent with construction.	and mitigation has been identified by the District and qualified biologist.					
MM BIO-12 Construction Staging Areas. If it is confirmed through the implementation of mitigation measures MM BIO-1, MM BIO-2, and/or MM BIO-3 that the CIP and ODP projects would occur immediately adjacent to sensitive habitat areas and/or habitat potentially suitable for special-status species, the District shall design the final project construction staging areas such that no staging areas shall be located within sensitive habitat areas. The construction contractor shall receive approval by the District prior to mobilization and staging of equipment outside of the project boundaries.	• If it is confirmed that projects would occur immediately adjacent to sensitive habitat areas and/or habitat potentially suitable for special-status species, prohibit staging areas from being located within sensitive habitat areas.	District	X			
MM BIO-13: Contractor Training. If it is confirmed through the implementation of mitigation measures MM BIO-1, MM BIO-2, and/or MM BIO-3 that the CIP and ODP projects would occur immediately adjacent to sensitive habitat areas and/or habitat potentially suitable for special-status species, the District shall retain a qualified biologist to attend pre-construction meetings to conduct a WEAP training to inform construction crews of the sensitive resources and associated avoidance and/or minimization requirements. Contractor must ensure that equipment shall be free of any weed seeds, contaminants, or pollutants to reduce the potential of anon-native	• If it is confirmed that projects would occur immediately adjacent to sensitive habitat areas and/or habitat potentially suitable for special-status species, require a qualified biologist to attend pre-construction meetings to conduct a WEAP training to inform construction crews of the sensitive resources and associated avoidance and/or minimization requirements.	District; Qualified Biologist; Contractor	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
and invasive species spread. Prior to work within sage scrub and/or chaparral habitats, equipment and work boots will be disinfected with 10 percent bleach solution to help prevent the spread of Rabbit hemorrhagic disease.	• Require equipment be free of any weed seeds, contaminants, or pollutants. • Prior to work within sage scrub and/or chaparral habitats, require equipment and work boots to be disinfected with 10 percent bleach solution.					
MM BIO-14: Maintenance Project Compliance. Maintenance activities shall occur within existing or previously disturbed or developed areas such as a facility easement, facility maintenance easement, and/or developed facility footprint. Vegetation clearing and removal shall be limited to non-native and invasive species to the extent feasible; however, trimming of native species is allowable. Additional studies, as specified in mitigation measure MM BIO-1, may be required for impacts outside of existing facility footprints. Furthermore, maintenance projects shall implement appropriate BMPs where applicable to avoid and minimize potential indirect impacts to special-status species, their habitat, and potentially jurisdictional areas from water pollution during project activities. Maintenance activities shall occur outside of the general breeding season (February 1 to September 30). In addition, maintenance activities will occur outside of the coastal California gnatcatcher (February 15 to August 30), least Bell's vireo (March 15 to September 15), and southwestern willow flycatcher (May 15 to July 17) breeding seasons. If activities cannot avoid the gnatcatcher and occur within 500 feet of suitable gnatcatcher habits (i.e., Diegan coastal sage scrub), the District shall implement mitigation measure MM BIO-5. If activities cannot avoid the vireo, and/or flycatcher breeding seasons and	• Require maintenance activities to occur within existing or previously disturbed or developed areas. • Require vegetation clearing and removal to be limited to non-native and invasive species to the extent feasible. • Require additional studies specified in MM BIO-1 for impacts outside of existing facility footprints. • Require implementation of appropriate BMPs during maintenance projects. • Require maintenance activities to occur outside of the breeding seasons for general breeding(February 1 to September 30), coastal California gnatcatcher (February 15 to August 30), least Bell's vireo (March 15 to September 15), and southwestern willow flycatcher (May 15 to July 17).	District	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
occur within 500 feet of suitable vireo and flycatcher habitat (i.e., riparian scrub, woodland, and forest), the District shall implement mitigation measures MM BIO-7 and MM BIO-8.	• If activities cannot avoid the gnatcatcher breeding season and occur within 500 feet of suitable gnatcatcher habits require MM BIO-5. • If activities cannot avoid the vireo and/or flycatcher breeding seasons and occur within 500 feet of suitable vireo and flycatcher habitat require MM BIO-7 and MM BIO-8.					
MM BIO-15A: Compensatory Mitigation for CIP Project Impacts to Sensitive Upland Communities. If it is demonstrated through the implementation of mitigation measure MM BIO-1 that the project, CIP or ODP, could directly impact sensitive upland communities, the District shall mitigate for the loss of habitat according to the ratios provided in Table 4.2-5*, Estimated Mitigation for CIP Project Impacts to Sensitive Upland Communities within the Service Area*, and Table 4.2-6*, Estimated Mitigation for ODP Project Impacts to Sensitive Upland Communities within the Service Area,* below, unless otherwise specified in the required agency permits and approvals. Off-site mitigation for impacts to special-status wildlife may also be used for off-site mitigation of impacts to sensitive upland communities.	• Require mitigation according to the ratios in Table 4.2-5 and 4.2-6, unless otherwise specified by the applicable agency, for impacts to sensitive upland communities.	District; USFWS and/or CDFW	X			
MM BIO-15B: Compensatory Mitigation for Project Impacts to Sensitive Wetland/Riparian Communities. If it is demonstrated through the implementation of mitigation measure MM BIO-1 that the project, CIP or ODP, could directly impact sensitive wetland/riparian communities, the District shall mitigate for the loss of habitat	• Require mitigation according to the ratios in Table 4.2-7 and 4.2-8, unless otherwise specified by the applicable agency, for impacts to sensitive wetland/riparian communities.	District; USFWS, USACE, RWQCB, and/or CDFW	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
according to the ratios provided in Table 4.2-7, *Estimated Mitigation for CIP Project Impacts to Sensitive Wetland/Riparian Communities within the Service Area,* and Table 4.2-8, *Estimated Mitigation for ODP Project Impacts to Sensitive Wetland/Riparian Communities within the Service Area,* below, unless otherwise specified in the required agency permits and approvals. To comply with state and federal regulations for impacts to jurisdictional resources regulated by the United States and the State of California, prior to project approval or implementation, the District shall either obtain the following permits and agreements or evidence from the respective agency that such permit or agreement is not required if development activities are proposed within jurisdictional waters: A Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers for all project-related disturbances of jurisdictional non-wetland waters. A Clean Water Act section 401 permit issued by the Regional Water Quality Control Board for all project-related disturbances of jurisdictional non-wetland waters. A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Wildlife for all project-related disturbances of any streambed and associated riparian habitat.	• Require appropriate permits or evidence from the applicable agency that permits are not required for impacts to jurisdictional waters.					
MM BIO-16: Project-Level Jurisdictional Delineations. If it is demonstrated through the implementation of mitigation measure MM BIO-1 that a CIP and/or ODP project could impact potential jurisdictional waters and/or wetlands, the District shall retain a qualified biologist to perform formal jurisdictional delineations of the project	• Require formal jurisdictional delineations to be completed by a qualified biologist where a project could impact potential jurisdictional waters. • If the formal jurisdictional delineations determine that the	District; Qualified Biologist; USACE, RWQCB, and/or CDFW	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
sites prior to project approval and implementation. If the formal jurisdictional delineations determine that there are no resources present that could be subject to the regulatory jurisdiction of the USACE, RWQCB, or CDFW, then no further action shall be required. However, if the formal jurisdictional delineations determine that the features are subject to USACE, RWQCB, and/or CDFW jurisdiction, then the District shall avoid and/or minimize impacts through redesign and/or implementing trenchless construction methods (i.e., jack-and-bore or horizontal directional drilling) and obtain USACE, RWQCB, and/or CDFW concurrence prior to project implementation that impacts have been avoided. If concurrence is not obtained, the District shall implement mitigation measure MM BIO-17.	features are subject to USACE, RWQCB, and/or CDFW jurisdiction, avoid and/or minimize impacts and obtain USACE, RWQCB, and/or CDFW concurrence prior to project implementation that impacts have been avoided or implement MM BIO-17.					
MM BIO-17: Compensatory Mitigation for Impacts to Jurisdictional Resources. Compensatory mitigation in accordance with the permit conditions imposed by USACE, RWQCB, and CDFW, for the unavoidable impacts to jurisdictional waters and wetlands, which would include one or a combination of the following measures: • Purchase of preservation, establishment, re-establishment, rehabilitation and/or enhancement credits from a mitigation bank approved by the USACE and CDFW, such as the San Luis Rey Mitigation Bank, Brook Forest Conservation and Mitigation Bank, or another approved mitigation bank in the region; or • Implement Permittee-responsible preservation, establishment, re-establishment, rehabilitation and/or enhancement at an on- or off-site location approved by the USACE, RWQCB, and/or	• Require mitigation in accordance with permit conditions imposed by USACE, RWQCB, and CDFW through mitigation bank credits or permittee-responsible mitigation. • Require a conservation easement, restrictive covenant, or other protection be recorded over the mitigation area, which shall be managed in perpetuity, unless otherwise specified by the USACE, RWQCB, and/or CDFW.	District; USACE, RWQCB, and/or CDFW	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
CDFW, including preparation and implementation of a conceptual mitigation plan, habitat mitigation monitoring plan, restoration plan, and/or long-term management plan, unless otherwise specified by the USACE, RWQCB, and/or CDFW. • Plans for restoration or revegetation should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation. A conservation easement, restrictive covenant, or other protection shall be recorded over the mitigation area and the area shall be managed in perpetuity in accordance with the long-term management plan, unless otherwise specified by the USACE, RWQCB, and/or CDFW. Off-site mitigation for impacts to jurisdictional waters may also be used for off-site mitigation of impacts to sensitive communities and special-status wildlife.						
Cultural and Tribal Cultural Resources						
MM CUL-1: Project-specific Cultural Resource Procedures. Project-specific cultural resources analysis is required for Project improvements, including CIP projects, ODP projects, and maintenance projects that involve (a) demolition of an aboveground built environment resource that is	• Require project-level cultural resources analysis for (a) demolition of an aboveground built environment resource that is more than 45 years in	District; Principal Investigator	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
more than 45 years in age or (b) ground disturbance in areas of moderate or high cultural sensitivity, as depicted on Figure 4.3-2, *Cultural Sensitivity Mitigation*. This requirement does not apply to improvements that involve the ongoing operation, repair, and/or maintenance of existing aboveground District facilities and/or equipment, or those that are necessary to remedy an emergency condition that poses an imminent threat to health and safety, or property. The following framework is provided to guide the identification, evaluation, and mitigation of potential impacts to cultural resources. Each of the following sections serves as a necessary step to the next section and is dependent upon meeting the criteria of each previous section. The District shall retain a qualified Project cultural resources management professional (Principal Investigator) to carry out the following procedures: 1. The Principal Investigator shall conduct a Project-specific cultural resources analysis to determine if significant cultural resources are within, or likely to be within, the Project improvement area. The analysis shall include conducting background research, including a focused CHRIS record search update at the SCIC, a review of site photographs and existing historic information, and a field survey including a Native American monitor. Prior to field reconnaissance, a review of the Sacred Lands File maintained by the NAHC shall also be conducted. If no known or potentially significant cultural resources are identified within the Project improvement area, and site conditions are determined to be such that there is low potential for subsurface cultural resources to be present within the Project improvement area, then no	age or (b) ground disturbance in areas of moderate or high cultural sensitivity. • Require the Principal Investigator to conduct a cultural resources analysis and oversee a significance evaluation and treatment, as appropriate.					

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
further action is required beyond (1) the preparation of a Cultural Resources Technical Report documenting the methods and results of the Project-specific cultural resources analysis, and (2) the implementation of mitigation measure MM CUL-3, presented herein. 2. If avoidance is not possible, cultural resource significance evaluations shall be required when new resources are identified as a result of a survey, or when previously recorded resources that have not been previously evaluated are reidentified during a survey. Significance evaluations shall not be required if the resource has been evaluated for CEQA significance or for NRHP eligibility previously and if there has been no change in the conditions that contributed to the determination of significance or eligibility. A resource shall be reevaluated if its condition or setting has either improved or deteriorated, if new information is available, or if the resource is becoming increasingly rare due to the loss of other similar resources. a. An archaeological testing program shall be required for potentially significant archaeological sites in need of cultural resource significance evaluation. Archaeological testing programs include evaluating the horizontal and vertical dimensions of a site, the chronological placement, site function, artifact/ecofact density and variability, presence/absence of subsurface features, and research potential. Tribal representatives and/or Native American monitors shall be involved in						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
making recommendations regarding the significance of prehistoric archaeological sites during this phase of the process. The testing program may require reevaluation of the proposed Project improvement, which could result in a combination of project redesign to preserve significant resources, as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified Project archaeologist and Native American representative). b. For above-ground historic period structures, buildings, or objects, the evaluation program shall include the development of an appropriate research design and methodological approach to the resource. Evaluation methods shall include literature review and research, the development of a historic context, documentation and photography of existing conditions and alterations over time, and historical significance evaluation under the NRHP and CRHR criteria. 3. Resources found to be non-significant as a result of a survey and/or testing will require no further work beyond documentation of the resources on the appropriate California Department of Parks and Recreation site forms and inclusion of results in the survey and/or assessment report. If no significant resources are identified within the Project improvement area but results of the initial survey or and testing/evaluation phase indicate there is a potential for unknown subsurface cultural resources to be present						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
in the Project improvement area, then the implementation of mitigation measure MM CUL-2, presented herein, is required. 4. Preferred treatment for significant cultural resources is preservation. Pursuant to California Public Resources Code Section 21083.2(b), avoidance through project redesign is the preferred method of preservation. If a significant resource cannot be entirely avoided, all prudent and feasible measures to minimize adverse impacts shall be taken. a. For archaeological resources for which preservation is not an option, a research design for a data recovery program shall be prepared. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in CEQA Section 21083.2. Materials collected during the Data Recovery Program shall be processed and curated at a San Diego County facility that meets federal standards per 36 Code of Federal Regulations Part 79 unless, in the case of prehistoric or tribal cultural resources, other appropriate treatment measures such as the reburial of recovered cultural material are agreed upon by the District and tribal representative(s). Upon completion of the data recovery program, implementation of mitigation measure MM CUL-2 will be required. Such measures may also be required during building demolition and/or construction grading when significant cultural resources are known or suspected to						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
be present on a site but cannot be recovered prior to grading due to obstructions such as existing development or dense vegetation. **b.** For non-archaeological significant resources, the development and implementation of a Historical Resources Treatment Plan shall be prepared to provide for appropriate treatments measures to mitigate adverse impacts. The Historical Resources Treatment Plan shall be approved by the District prior to the implementation of any treatment measures.						
MM CUL-2: Cultural Resources Monitoring Program. If significant cultural resources have been identified within the proposed Project improvement area where ground disturbance is proposed, or the Project archaeologist has determined that there is the potential for subsurface cultural resources to occur within a proposed Project improvement area, as identified during the implementation of mitigation measure MM CUL-1, a cultural resources monitoring program shall be implemented. 1. The District shall retain a qualified Project archaeologist and Native American monitor(s) associated with a tribe that is traditionally and culturally affiliated (TCA) with the Project Location ("TCA Tribe") to implement the monitoring program. 2. The District shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the TCA Tribe, if requested by the TCA Tribe. The purposes of the	• If determined to be necessary during MM CUL-1, require a cultural monitoring program facilitated by a qualified Project archaeologist and Native American Monitor • Require a pre-excavation agreement and attendance by the monitors at pre-grading meetings and grading activities. • Require evaluation and treatment of any unevaluated cultural resources. • Require preparation of a report after monitoring is complete.	District; Qualified Native American Monitor; Qualified Project Archaeologist	X	X	X	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
agreement are (1) to provide the District with clear expectations regarding tribal cultural resources; and (2) to formalize protocols and procedures between the District and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains; funerary objects; cultural and religious landscapes; ceremonial items; traditional gathering areas; and cultural items located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities.						
3. The qualified Project archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.						
4. During the initial grubbing, site grading, excavation, trenching, or disturbance of the ground surface, an archaeological monitor and a Native American monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified Project archaeologist, in consultation with the Native American monitor, shall be						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
responsible for determining the duration and frequency of monitoring. 5. If unevaluated potentially significant cultural resources are discovered, construction activities shall be diverted away from the discovery until significance evaluation can be conducted, as described in mitigation measure MM CUL-1, and the appropriate preservation or treatment actions can be taken. Construction activities would be allowed to resume after the completion of mitigation measure MM CUL-1, along with the continuation of monitoring. All cultural material collected during monitoring would be processed and curated at a San Diego County facility that meets federal standards per 36 Code of Federal Regulations Part 79 unless, in the case of Native American cultural material, other appropriate treatment measures such as the reburial of recovered cultural material are agreed upon by the District and the TCA Tribe. **6.** After the completion of monitoring, an appropriate report shall be prepared. If no significant cultural resources are discovered, a brief letter shall be prepared. If significant cultural resources are discovered, a report with the results of the monitoring and any data recovery (including the interpretation of the data within the research context) shall be prepared.						
MM CUL-3 : Procedure for Project Improvements with no Archaeological Monitoring Program. In cases where proposed ground-disturbing Project improvements are located within moderate or high cultural sensitivity areas, and the implementation of mitigation measure MM CUL-2 is not required, as specified	• Require a qualified Project archaeologist to provide a WEAP training to construction personnel. • If a cultural resource is inadvertently unearthed,	District; Qualified Project Archaeologist	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
in mitigation measure MM CUL-1, the District shall retain a qualified Project archaeologist, defined as meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to ensure no inadvertent impacts occur to significant cultural resources occur during the implementation of an individual Project improvement. 1. Prior to construction activities, the selected Project archaeologist or their designee will provide a Worker Environmental Awareness Program (WEAP) training to construction crews that provides information on regulatory requirements for the protection of cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should unanticipated cultural resources discoveries be made during construction. In addition, workers will be shown examples of the types of resources that would require the notification of the Project archaeologist. 2. In the event that cultural resource(s) are inadvertently unearthed during ground-disturbing activities, construction activities shall be diverted away from the discovery until the Project archaeologist is contacted, a significance evaluation can be conducted, and the appropriate actions can be taken as described in mitigation measure MM CUL-1. Construction activities would be allowed to resume in the area of the discovery only after the completion of the significance evaluation and treatment measures defined in mitigation measure MM CUL-1.	require construction activities to move away from the area and the Project Archaeologist to conduct a significance evaluation.					
MM CUL-4: Identification of Human Remains. As specified by California Health and Safety Code	• Require notification to the San Diego County Coroner's Office	District; Construction		X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.	for human remains encountered during construction. • Prohibit work in the region of the finding until the Coroner and Native American representative complete their investigations.	Contractor; San Diego County Coroner				
Geology and Soils						
MM GEO-1: Conduct Site-Specific Geotechnical Investigations. All improvement projects that include excavation shall be subject to initial screening by the District to determine their site-specific geologic conditions, potential susceptibility to geologic hazards, and related	• Require site-specific geotechnical investigations where the District determines one is necessary.	District; Project Engineer; Construction Contractor	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
requirements for an individual geotechnical evaluation. Based on the results of the initial screening, site-specific geotechnical investigations shall be completed for applicable improvement projects prior to final project design and construction. These investigations will identify site-specific criteria related to considerations such as grading, excavation, fill, and structure/facility design. All applicable results and recommendations from the geotechnical investigations shall be incorporated into the associated individual project design and construction documents to address identified potential geologic and soil hazards, including but not necessarily limited to: (1) seismic hazards including ground rupture, ground acceleration (ground shaking), soil liquefaction (and related issues such as dynamic settlement and lateral spreading), and landslides/slope instability; and (2) non-seismic hazards including manufactured slope instability, subsidence/compressible soils, expansive or corrosive soils, and trench/excavation instability. The final project design and construction documents shall also encompass applicable standard design and construction practices from established regulatory/ industry sources including the CBC, IBC, CGS, Greenbook and District standards, as well as the results/recommendations of geotechnical review and field observations/testing to be conducted during project excavation, grading and construction activities (with all related requirements to be included in applicable engineering/design drawings and construction contract specifications).	• Require final project design and plans to incorporate all applicable results and recommendations from the geotechnical investigation and applicable standard design and construction practices from established regulatory/ industry sources.					
MM GEO-2: Paleontological Construction Monitoring in Sensitive Areas. Project improvements that involve excavation activities in areas identified as having marginal, moderate, or	• Require a paleontological construction monitoring program for excavation activities in areas identified as	District; Qualified	X	X	X	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
high paleontological sensitivity, as depicted on Figure 4.5-3, shall implement a paleontological construction monitoring program. Areas identified as having marginal, moderate, or high paleontological sensitivity are underlain by Pleistocene-age old and very old alluvial flood plain and colluvial deposits, strata of the Pliocene-age Temecula Arkose and Eocene-age Santiago Formation, and Mesozoic quartzites and related metasedimentary rocks. The paleontological monitoring program shall include the following components: a. Pre-construction (personnel and repository): Prior to the commencement of construction, a qualified Project Paleontologist shall be retained to oversee the mitigation program. The County of San Diego defines a Project Paleontologist as a person with a Ph.D. or master's degree in Paleontology or related field, and who has knowledge of San Diego County paleontology and documented experience in professional paleontological procedures and techniques. In addition, a regional fossil repository shall be designated to receive any discovered fossils. Because the District service area is in San Diego County, the recommended repository is the San Diego Natural History Museum. b. Pre-construction (meeting): The Project Paleontologist shall attend the pre-construction meeting to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. c. Pre-construction (training): The Project Paleontologist shall conduct a	having marginal, moderate, or high paleontological sensitivity. • Require the paleontological construction monitoring program to include a pre-construction meeting and training, construction monitoring, and a final report. • If fossils are discovered, require the monitor to recover them, redirecting grading if necessary, catalog them, and prepare them for curation by the designated repository.	Project Paleontologist				

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
paleontological resource contractor awareness training workshop to be attended by earthwork personnel. d. During construction (monitoring): A paleontological monitor (working under the direction of the Principal Paleontologist) shall be on-site on a full-time basis during all original cutting of previously undisturbed Pleistocene-age old and very old alluvial flood plain and colluvial deposits, previously undisturbed strata of the Pliocene-age Temecula Arkose and Eocene-age Santiago Formation, and previously undisturbed Mesozoic-age quartzites and related metasedimentary rocks to inspect fresh exposures for unearthed fossils. The County of San Diego defines a paleontological monitor as an individual with at least one year of experience in field identification and collection of fossil materials under the supervision of a Project Paleontologist. e. During construction (fossil recovery): If fossils are discovered, the Principal Paleontologist (or paleontological monitor) shall recover them. Bulk sedimentary matrix samples may also be collected from stratigraphic horizons that appear likely to contain microvertebrate fossils. In most cases, this fossil salvage can be completed in a short period of time. However, some fossil specimens (e.g., a bone bed or a complete large mammal skeleton) may require an extended salvage period. In these instances, the Principal Paleontologist (or paleontological monitor) has the authority to temporarily direct,						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
divert, or halt grading to allow recovery of fossil remains in a timely manner. f. Post-construction (treatment): Fossil remains collected during monitoring and salvage shall be prepared (including washing of bulk sediment matrix samples to recover microvertebrate fossils), repaired, sorted, and cataloged as part of the mitigation program. g. Post-construction (curation): Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in the designated fossil repository. Donation of the fossils shall be accompanied by financial support for initial specimen storage. h. Post-construction (final report): A final summary paleontological mitigation report shall be completed that outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, inventory lists of catalogued fossils, and significance of recovered fossils.						
See mitigation measure MM HYD-1 under Hydrology and Water Quality.						
Hazards and Hazardous Materials						
MM HAZ-1: Sewer Pipeline and Lift Station Safety Features. Sewer lift stations shall incorporate standard safety features, including an emergency generator on the site in case of electrical failure, and sufficient sewage detainment capacity in the event of generator and/or pump mechanism failure to allow time for repair and/or emergency conveyance of the	• Require incorporation of standard safety features at sewer lift stations, including an emergency generator and sufficient sewage detainment capacity. • Require a Sewer System Management Plan for each	District; Project Engineer	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
sewage. Portable emergency generators may be used for lift stations that cannot be equipped with an on-site generator. Each sewer lift station, pipeline, and treatment facility would implement a Sewer System Management Plan that includes contingency measures in the event of emergency leaks or spills.	sewer lift station, pipeline, and treatment facility.					
MM HAZ-2: Conduct Site-Specific Environmental Site Assessment. Project improvements that involve excavation shall be subject to initial screening by the District to determine their site-specific potential susceptibility to hazards and hazardous materials/risk of upset. Based on the results of the initial screening, a site-specific environmental site assessment shall be completed for Project improvements, when project-specific designs have been finalized, that would require ground-disturbing activities such as grading and trenching. The environmental site assessment will entail a regulatory database records review to determine if known hazardous waste sites occur on or near the proposed project site. If hazardous materials are identified, a full Phase I environmental site assessment investigation shall be completed for the project improvement site. Phase I environmental site assessment investigations include: (1) appropriate regulatory database records review; (2) site reconnaissance; (3) review of appropriate maps, aerial photographs and other pertinent documents; (4) interviews with current/previous property owners, local government/industry officials, and other individuals with knowledge of the property and/or local environmental conditions; (5) documentation of known or potential Recognized Environmental Conditions (RECs); and (6) identification of	• Require a site-specific environmental site assessment when determined necessary by the District for activities including grading and trenching. • If hazardous materials are identified, require a full Phase I environmental site assessment investigation and any subsequent investigations recommended by the Phase I. • If prepared, require incorporation of results and recommendations from the Phase I and Phase II investigations into the associated final project design documents.	District; Project Engineer; Construction Contractor	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
recommendations to address RECs or other concerns, if applicable (including Phase II environmental site assessment investigations, as outlined below). Depending on the results of the described Phase I investigation, one or more Phase II environmental site assessment investigations shall be conducted if identified as part of the Phase I recommendations. Phase II environmental site assessments consist of “intrusive” investigations, in which original samples of soil, groundwater, and/or building materials are collected and submitted for laboratory analysis to identify applicable contaminates. Based on the results of this testing, the Phase II investigations shall identify the type and extent of REC (or other) contamination, and provide appropriate remedial measures to address associated hazards. Typical remedial measures may include efforts such as removal and proper disposal of contaminated materials (or on-site treatment and reuse, if applicable), or in situ treatments such as oxidation (use of aerobic bacteria to accelerate natural attenuation of organic contaminants) or bioremediation (e.g., using bacteria to remove contaminates from groundwater). Environmental site assessments shall be prepared in conformance with applicable regulatory and industry standards, including ASTM International E1527-05 Standard Practice for Environmental Site Assessments, and CFR Part 312, Standards and Practices for All Appropriate Inquiries. Results and recommendations from the described Phase I and Phase II investigations shall be incorporated into the associated individual final project design documents to address identified potential hazardous material concerns.						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
MM HAZ-3: Construction Fire Safety Plan. The following fire prevention strategies shall be implemented during Project construction: • Construction within areas of dense foliage during dry conditions shall be avoided. • In cases where avoidance is not feasible, brush fire prevention and management practices shall be incorporated. Specifics of the brush management program shall be incorporated into Project construction documents.	• Require construction in areas of dense foliage to avoid times of dry conditions or implement a brush management program.	District; Construction Contractor		X		
See mitigation measure MM TRA-1 under Transportation.						
Hydrology and Water Quality						
MM HYD-1: Conduct Site-Specific Water Quality Investigations. All projects are subject to initial screening by the District to determine their site-specific hydrological conditions, related potential impacts, and requirements for individual associated technical investigations. Site-specific water quality investigations will be completed prior to approval of final design for proposed projects involving activities that may potentially affect surface water quality, as determined by the District during initial screening. All applicable results and recommendations from these investigations will be incorporated into the associated individual final project design documents to address identified potential long-term water quality issues related to conditions such as: anticipated and potential pollutants to be used, stored, or generated on-site; the location and nature (e.g., impaired status) of on-site and downstream receiving waters; and project design features to avoid/address potential pollutant discharges. The final project design documents will also encompass standard design practices	• Require site-specific water quality investigations prior to approval of final design where the District determines project activities may affect surface water quality. • Require incorporation of applicable results and recommendations from water quality investigations into the final project design documents in addition to standard design practices such as NPDES criteria. • If no site-specific recommendations are provided, require incorporation of appropriate standard regulatory/industry measures listed in MM HYD-1:	District; Project Engineer; Construction Contractor	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
from sources including NPDES criteria and other applicable regulatory standards (with all related requirements to be included in engineering/design drawings and construction contract specifications). A summary of the types of BMPs typically associated with identified potential water quality concerns, pursuant to applicable regulatory and industry standards (as noted), is provided below. The BMPs identified/recommended as part of the described site-specific water quality investigations will take priority over the more general types of standard regulatory/industry measures listed below: • Low Impact Development (LID)/Site Design BMPs: LID/site design BMPs are intended to avoid, minimize, and/or control post-development runoff, erosion potential, and pollutant generation to the maximum extent practicable by mimicking the natural hydrologic regime. The LID process employs design practices and techniques to effectively capture, filter, store, evaporate, detain, and infiltrate runoff close to its source through efforts such as: (1) minimizing developed/disturbed areas to the maximum extent feasible; (2) utilizing natural and/or unlined drainage features in on-site storm water systems; (3) disconnecting impervious surfaces to slow concentration times, and directing flows from impervious surfaces into landscaped or vegetated areas; and (4) using pervious surfaces in developed areas to the maximum extent feasible. • Source Control BMPs: Source control BMPs are intended to avoid or minimize the introduction of pollutants into storm drains and natural drainages by reducing on-site pollutant generation and off-site pollutant						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
transport through measures such as: (1) installing “no dumping” stencils/tiles and/or signs with prohibitive language at applicable locations such as drainages and storm drain inlets to discourage illegal dumping; (2) designing trash storage areas to reduce litter/pollutant discharge through methods such as paving with impervious surfaces, installing screens or walls to prevent trash dispersal, and providing attached lids and/or roofs for trash containers; (3) designing site landscaping to maximize the retention of native vegetation and use of appropriate native, pest-resistant, and/or drought-tolerant varieties to reduce irrigation and pesticide application requirements; and (4) providing secondary containment (e.g., enclosed structures, walls, or berms) for applicable areas such as trash or hazardous material use/storage.						
• Pollutant Control BMPs: Pollutant control BMPs are designed to remove pollutants from runoff to the maximum extent practicable through means such as filtering, treatment, or infiltration. Pollutant control BMPs are required to address applicable pollutants, and may include efforts such as: (1) providing water quality treatment and related facilities such as sediment basins, vegetated swales, infiltration basins, filtration devices, and velocity dissipators to treat appropriate runoff flows and reduce volumes prior to off-site discharge (per applicable regulatory requirements); (2) creating a construction spill contingency plan in accordance with Department of Environmental Health regulations and retaining a copy of the plan on- site by the construction manager; and (3) conducting						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
regular inspection, maintenance, and as-needed repairs of pertinent facilities and structures.						
MM HYD-2: Conduct Site-Specific Hydrologic and Hydraulic Investigations. All projects are subject to initial screening by the District to determine their site-specific hydrological conditions, related potential impacts, and requirements for individual associated technical investigations. All applicable results and recommendations from these investigations shall be incorporated into the associated final design documents to address identified potential hydrologic concerns, including, but not necessarily limited to drainage alteration, runoff rates/amounts, storm water management and hydromodification, and flood hazards. The final project design documents shall also encompass applicable standard design and construction practices from sources including NPDES (with related requirements to be included in applicable engineering/design drawings and/or construction contract specifications). A summary of the types of remedial measures typically associated with identified potential hydrologic concerns, pursuant to applicable regulatory and industry standards (as noted), is provided below. The remedial measures identified/recommended as part of the described site-specific hydrologic investigations will take priority over the more general types of standard regulatory/industry measures listed below. • Drainage Alteration: (1) locate applicable facilities outside of surface drainage courses and drainage channels; (2) re-route surface drainage around applicable facilities, with such re-routing to be limited to the smallest area feasible and re-routed drainage to be directed back to the original	• Require incorporation of the recommendations made by applicable technical investigations related to hydrology. • Require final project design documents to encompass applicable standard design and construction practices including NPDES. • Implement remedial measures associated with identified hydrologic concerns, pursuant to applicable regulatory and industry standards where a site-specific technical study has not been completed.	District; Project Engineer; Construction Contractor	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
drainage course at the closest feasible location (i.e., the closest location to the point of diversion); and (3) use drainage structures to convey flows within/through development areas and maintain existing drainage patterns, where appropriate and feasible. • Runoff Rates/Amounts, Storm Water Management and Hydromodification: (1) minimize the installation of new impervious surfaces (e.g., by surfacing with pervious pavement, gravel or decomposed granite); (2) use flow regulation facilities (e.g., detention/retention basins) and velocity control structures (e.g., riprap dissipation aprons at drainage outlets), to maintain pre-development runoff rates and amounts for design storm events, if applicable; and (3) utilize additional and/or enlarged drainage facilities to ensure adequate on- and off-site storm drain system capacity, if applicable. • Capacity of surface drainage: Follow County of San Diego Hydraulic Design Manual for stormwater drainage and flood management facilities in the unincorporated San Diego County. • Flood Hazards: (1) locate proposed facilities outside of mapped 100-year floodplain boundaries wherever feasible; (2) based on technical analyses such as Hydrologic Engineering Center-River Analysis System (HEC-RAS) studies, restrict facility locations to avoid adverse impacts related to impeding or redirecting flood waters; (3) based on HEC-RAS studies, use measures such as raised fill pads to elevate proposed structures above calculated flood						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
levels, and/or utilize protection/ containment structures (e.g., berms, barriers or water-tight doors) to avoid flood damage; and (4) if Project-related activities/facilities result in applicable proposed changes to mapped FEMA floodplains, obtain an approved Conditional Letter of Map Revision (CLOMR) and/or Letter of Map Revision (LOMR) from FEMA and County of San Diego Flood Control District, as applicable.						
Noise						
MM NOI-1: General Construction and Maintenance Noise Limits. Noise from Project-related construction and maintenance activities shall comply with the following local noise ordinances as applicable and feasible depending on the location of the activity. • County of San Diego: A noise level limit of 75 dBA (8-hour L_{EQ}) between 7:00 a.m. to 7:00 p.m. • City of Oceanside: A noise level limit of 85 dBA at 100 feet from the source; a noise level limit of 50 dBA at the property line when construction equipment is operating within any residential zone or 500 feet from any residential zone between 8:00 p.m. and 7:00 a.m.; a noise level limit of 5 dBA above ambient between 6:00 p.m. and 7:00 a.m. The District shall employ measures to reduce construction and maintenance noise levels to the specified limits, including, but not limited to, the following: • Construction equipment shall be properly outfitted and maintained with manufacturer-recommended noise-reduction devices.	• Require compliance with applicable local ordinances as feasible. • Require implementation of measures to reduce construction noise.	District; Construction Contractor		X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
• Diesel equipment shall be operated with closed engine doors and equipped with factory-recommended mufflers. • Mobile or fixed “package” equipment (e.g., arc-welders and air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment. • Electrically powered equipment shall be used instead of pneumatic or internal-combustion powered equipment, where feasible. • Unnecessary idling of internal combustion engines (e.g., in excess of 5 minutes) shall be prohibited. • Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise sensitive receptors. • The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. • Any truck or equipment equipped with back-up alarm moving within 300 feet of a noise-sensitive land use (residence) should have the normal back-up alarm disengaged and safety provided by lights and flagman or broad-spectrum noise backup alarm (as appropriate for conditions) used in compliance with the Occupational Safety and Health Administration safety guidelines. • Temporary sound barriers or sound blankets shall be installed between construction operations and adjacent noise-sensitive receptors. The project Contractor						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
shall construct a 12-foot high temporary noise barrier meeting the specifications listed below (or of a Sound Transmission Class [STC] 19 rating or better) to attenuate noise. • The District shall notify residences within 300 feet of the project's disturbance area in writing within one week of any construction activity. The notification shall describe the activities anticipated, provide dates and hours, and provide contact information with a description of a complaint and response procedure. • The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process for the affected resident shall be established prior to construction commencement to allow for resolution of noise problems that cannot be immediately solved by the site supervisor.						
MM NOI-2: Operational Compliance with Noise Regulations. Stationary operating equipment associated with proposed CIP projects, which are located within San Diego County, shall be designed to comply with the applicable one-hour average sound level limits set forth in Section 36.404, *General Sound Level Limits,* of the County of San Diego Code of Regulatory Ordinances, presented above in Table 4.9-6, where feasible.	• Require project components to be designed to comply with the one-hour average sound level limits of the County of San Diego Code of Regulatory Ordinances where feasible.					
Transportation						
MM TRA-1: Traffic Control Plan. At least 30 days prior to the start of construction of improvements within roadway rights-of-way, the District Contractor shall prepare and submit a traffic control plan (TCP) to the agency of	• Require preparation of a traffic control plan 30 days prior to construction within public rights-of-way.	District; Construction Contractor	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
jurisdiction (County, City of Oceanside, and/or Caltrans as applicable) to address vehicular traffic during construction of individual Project improvements within public rights-of-way of the affected jurisdiction(s), including bicycle, pedestrian, and transit facilities. The TCP shall include signage, striping, delineated detours, flagging operations, and other devices that will be used during construction to guide motorists, bicyclists, and pedestrians safely through the construction areas and allow for adequate access and circulation. The TCP shall ensure that congestion and traffic delay are not substantially increased as a result of the construction activities. During construction, the District shall maintain continuous vehicular and pedestrian access to affected residential driveways from the public right-of-way to the private property line, except where necessary construction precludes such continuous access for reasonable periods of time. Access shall be reestablished at the end of the workday. If a driveway needs to be closed or interfered with as described above, the District shall notify the owner or occupant of the closure of the driveway at least five working days prior to the closure. The TCP shall include provisions to ensure that the construction of the conveyance pipelines do not interfere unnecessarily with the work of other agencies such as mail delivery, school buses, and municipal waste services. The TCP shall also be consistent with local emergency response plans. The District shall notify local emergency responders of planned partial or full lane closures or blocked access to roadways or driveways required for Project construction. Emergency responders include fire departments, police departments, and ambulances that have jurisdiction within the	• If a residential driveway will be affected, notify the occupant five working days prior and reestablish access at the end of each workday.					

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
project area. Written notification and disclosure of lane closure location must be provided at least 30 days prior to the planned closure to allow for emergency response providers adequate time to prepare for lane closures.						
Wildfire						
See mitigation measures MM HAZ-3 under Hazards and Hazardous Materials and MM TRA-1 under Transportation.						

RAINBOW MUNICIPAL WATER DISTRICT
Committed to Excellence

BOARD ACTION

BOARD OF DIRECTORS

August 30, 2022

SUBJECT

DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTRACT CHANGE ORDER WITH HOCH CONSULTING FOR DESIGN OF THE HUTTON & TURNER PUMP STATIONS IN THE AMOUNT OF $299,061 & EXTEND THE CONTRACT THROUGH FEBRUARY 24, 2023. (DIVISION 1)

BACKGROUND

The Hutton, Turner, and Gopher Canyon tanks and associated pressure zones regularly receive water from San Diego County Water Authority (SDCWA) connections. The SDCWA aqueduct is shutdown at least once per year for inspection and maintenance, which impacts the District's water supply. During these shutdowns, the District must rent, install and operate temporary pump stations in up to four strategic locations to pump water to its tanks. Rental pumps take about two to three weeks for delivery, setup and testing for water quality results and often times have to be placed alongside a road or home, which creates noise concerns. In addition to the scheduled SDCWA shutdown(s), there may also be emergency, unscheduled shutdowns, which the District must perform the same sequence above.

The Board approved a design contract for the replacement of temporary pumps and connection piping at the Weese Water Filtration Plant to pump water to the Gopher tank. During this time there was no timeline in place for completion as these permanent facilities would be only replacing only the temporary rental pumps. However, as detachment became more of a realization rather than a thought, the entire approach was shifted to a shortened timeline. As a result, challenges in design were realized which Hoch Consulting began to address. The Board also approved a design contract with Hoch Consulting on January 26, 2021 in the amount of $166,148 for the replacement of the temporary pumps which supply the Hutton and Turner tanks located within Division 1.

While the initial design of these pump stations was underway, a cost savings opportunity of $173 per acre-foot became apparent by importing water from Metropolitan Water District to a permanent pump station instead of using the SDCWA connection(s). Additional cost savings from eliminating costs associated with rentals, set up and staff coordination were also highlighted. District staff has been working with Hoch Consulting on the design of two permanent pump stations: Hutton Pump Station and Turner Pump Station to transport water supply from the District's northern zone into the southern zone, which is critical for the Wholesale Water Efficiency (WWE) effort.

During the design of the two pump stations, the project team determined that the design criteria established by the HDR modelling effort were not adequate to meet demands in the District's south zone. At that time HDRs focus was on one component of Districts hydraulic model focusing on the Morro Zone and Oceanbreeze Ranch project. The District at that time was also utilizing all of its available wholesale connections (MET & SDCWA). When Hoch Consulting began evaluating all the available data including the hydraulic model, it became apparent that a micro approach focusing only on the Morro Zone was no longer adequate. In the interim, bringing Hoch Consulting in on the design of the future Hutton and Turner pump stations, Operations was only purchasing water from MET connection, which was a drastic change

in how water was now being moved throughout the entire system. In addition, Hoch Consulting discovered that the Hutton, Turner, Gopher tanks were being operated (filled and drained) differently than it appeared in the HDR hydraulic model.

Staff determined that a macro approach of the Districts comprehensive hydraulic model was necessary to determine the sizing of the Hutton and Turner pump stations. In doing so, it was also discovered that there were severe limitation for the Turner Pump Station site (age of pipe, suction discharge limitation, and size of pipe). A no-cost change order was issued to Hoch Consulting in November 2021 to reallocate funds to support efforts to calibrate the hydraulic model and run new design scenarios. Its worth noting that the Hutton, Turner, Gopher tanks and Morro reservoir, how they are actually being operated, where the District is purchasing its water, and how it is moving it north and south had changed.

Based on Hoch Consulting's findings, staff determined that because of the Turner Pump Station limitations the Hutton Zone could be expanded, the Turner Zone shrunk and that a third pump station, Dentro De Lomas, was necessary. With these three pump stations plus the Weese Pump Station (separate WWE project with its own budget) were determined to all be necessary to meet the Districts current and future demands. Staff went back through all available written correspondence and meeting notes and determined when HDR was conducting analysis of the Districts hydraulic model, the information that was provided to them at that time was accurate. Operations in a proactive measure began running the system differently to verify that water could be used from the MET's Northern connection to the South zone. This level of effort was unanticipated and not part of the original design contract with Hoch Consulting.

DESCRIPTION

The original term of the professional services agreement with Hoch Consulting was from January 28, 2021 through June 30, 2022. As mentioned in the background section, the scope of work has increased and a time extension is needed to complete the project. Hoch Consulting provided an Amendment No. 2 (Attachment 1) to the scope of work to augment existing efforts and to include design for a third pump station. This is a significant level of effort that was unanticipated and not part of the original scope of work.

The table below summarizes the increase in scope and cost. The Hoch Consulting Scope of Work is Attachment 1 to this report and provides more detail on the increased scope of services and cost breakdown.

#	TASK	SCOPE DESCRIPTION	INCREASE COST
1.	Task 100-Project Management & Quality Control	Additional hours for adding a third pump station and continuation of efforts with the existing two pump stations.	$16,380
2.	Task 101-Meetings, Research, Project Schedule	Includes additional meetings, data collection & review, and project schedule.	$25,884
3.	Task 200- Design Phase Submittals	Design criteria, contract documents, utility coordination for three pump stations, and landscaping for the Turner Pump Station site.	$251,348
4.	Task 201-Opinion of Probable Cost	Cost estimate for three pump stations.	$5,449
		TOTAL	**$299,061**

As mentioned above, a time extension for the contract is needed to complete the design and will run through February 24, 2023

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area One: Water Resources. Designing and constructing the Hutton, Turner, and Dentro Pump Stations for regular use in transporting water from the Morro Zone to the Hutton, Turner, Gopher

Tanks will allow the District to use a larger ratio of water from a less expensive source and will ensure the availability of water during SDCWA Aqueduct shutdowns.

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA.

BOARD OPTIONS/FISCAL IMPACTS

Funds were budgeted in the Five-Year CIP Plan for project number 600013. Additional funding is needed to account for both the design cost increase and future construction of the Dentro pump station. Staff will return at a future Board meeting to request appropriation of funds for the third pump station. Sufficient Water Capital reserve funds are available at this time to cover this increase of $299,061.

Option 1:

- Authorize the General Manager to execute a Change Order to the Professional Services Agreement with Hoch Consulting to provide additional scope of services in the preparation of the design plans for three pump stations in the amount of $299,061.
- Extend the contract term from June 30, 2022 to February 24, 2023.
- Make a determination that the action identified herein does not constitute a "project" as defined by CEQA.

Option 2:

- Provide other direction to staff.

STAFF RECOMMENDATION

Staff recommends Option 1.

Chad Williams 8/30/2022
Engineering and CIP Program Manager

Hoch Consulting
804 Pier View Way, Suite 100
Oceanside, CA 92054
(tel.) 858-431-9767
ahoch@hochconsulting.com
www.hochconsulting.com

July 26, 2022

RAINBOW MUNICIPAL WATER DISTRICT
Mr. Chad Williams
Engineering & CIP Program Manager
3707 Old Highway 395
Fallbrook, CA 92028

Subject: Hutton, Turner, Dentro Pump Station Project – Amendment No. 2 Proposal

Dear Mr. Williams:

Since early 2021, Hoch Consultants (Hoch) has been performing work for the District for the design of several potable water pump stations identified as the Hutton and Turner Pump Station project. Hydraulic analyses and other system evaluations during this time identified a need for a third pump station (Dentro) in order for the goals of the project to be realized. At the direction of the District, funds and activities originally identified under the original Hutton/Turner design agreement were utilized for these additional efforts and as such have been expended without completion of the full design of the Hutton, Turner, and Dentro pump stations. The original agreement also identified an initial project design period of 64 weeks which expired on June 30, 2022 which needs to be extended for project completion.

The work performed to date has identified a project that will meet the District's project goals; however, it includes the upsizing and relocation of the Hutton Pump Station (7 cfs), upsizing the Turner Pump Station (12 cfs), and identification, location, and sizing of a new pump station (Dentro Pump Station – 5 cfs) along Dentro de Lomas. This second amendment request includes funds for historic efforts that Hoch performed in tandem with the District to define a new basis of design for the project and additional scope required to prepare final contract documents for public bidding of three EFI fabricated pump stations. The following summarizes Hoch Consulting's proposed scope modifications and budget for these additional services.

Proposed Scope of Services:

Task 100a Project Management

Our original proposal included project management services for sixty-four weeks which expired June 30, 2022. Due to the required modifications to the basis of design and scope, the project schedule is approximately fourteen weeks beyond the original anticipated schedule with another 28 weeks anticipated for completion of the design phase of the project.

Task 100b Quality Assurance/Quality Control

Our original proposal included QA/QC of two pump stations. Portions of this effort have been utilized on QA/QC of the original preliminary design report and on the Hutton Pump Station in its original location. We are proposing additional QA/QC efforts for the revised preliminary design report and the Dentro Pump Station to include reviews at 60%, 95%, 100% submittals and bid ready documents (plans, specifications, and construction cost estimates).

Task 101a Meetings and Coordination

Moving forward, design progress meetings are currently anticipated at 60% (September 1, 2022) and 95% (October 2022) with District staff. In addition, Hoch proposes to provide bi-weekly email project status reports showing work completed for the past 2 weeks, proposed work in the next 2 weeks, and any outstanding issues or questions which need to be addressed. This additional effort also includes coordination with subconsultants and the District on the revised Hutton location and the new Dentro Pump Station.

Task 101b: Data Collection & Review

Hoch Consulting proposes additional data collection and review associated with adding the third identified pump station to the project.

Task 101c: Project Schedule

Under Amendment No. 1 to the project, the budget to develop a schedule was shifted to a design criteria task. Hoch Consulting proposes developing a revised schedule and managing the schedule under this amendment proposal. We have included approximately one hour per month to update the schedule and perform recovery efforts, if required. In order to provide adequate time for completion of the documents, an extension of the original agreement is requested to February 23, 2023.

Task 200a: Preliminary Design Report

The original scope included preparation of a preliminary design report (PDR) for the project which only included the Hutton and Turner stations. Hoch proposes to modify and complete the PDR under this task to include the new pump station location(s), the third pump station, and the hydraulic analysis results which were authorized under Amendment No. 1.

Task 200a.1: Design Criteria

This task is required to evaluate work to date and complete the development of the pump station design criteria required by EFI for design of the 3 stations. This task also includes the hydraulic modeling and calibration which was required for determining pump station sizing, location, and other critical design criteria such as suction head, and pump curves.

Task 200b: Contract Documents

As part of Amendment No. 1, Hoch reduced the original agreement scope to advance the contract documents for the Hutton and Turner Pump Stations to only 60% and to shift the remaining funds to Task 200a.1 Design Criteria. Since Amendment No. 1, the Hutton PS has been relocated to a completely new location (requiring a re-evaluation of all design parameters), and it has been determined to move forward with the design of a third pump station, the Dentro Pump Station. Accordingly, the following additional scope of work is included in this amendment proposal:

- Develop contract biddable documents for Turner (60% to 100%);
- Develop contract biddable documents for new Hutton site (0% to 100%)
- Develop contract biddable documents for new Dentro Pump Station (0% to 100%).

Task 200c: Utility Coordination

Per District direction, all future utility coordination will be handled by District staff. A small allowance ($3,000) has been included in this proposal to provide assistance to the District under this task on an as needed basis.

Task 200f: Landscaping

As part of Amendment No. 1, Hoch Consulting eliminated the scope associated with Task 200f Landscaping and moved the budget to Task 200a.1 Design Criteria. Under this new proposal, landscaping is anticipated to be required only at the Turner Pump Station site. An estimate of $6,000 has been incorporated into Amendment No. 2 for this effort.

Schedule and Fee:

Services under this proposal are continuing. Hoch Consulting proposes to perform the above listed additional scope of services on a time-and-material basis not to exceed $299,061.50 (for a total contract value of $465,209.50) as is summarized in the attached amended fee proposal.

Assumptions and Exclusions:

The following assumptions and exclusions apply to this Amendment No. 2. Please note that Hoch can and is willing to assist with any or all of the following tasks if requested by the District under a separate proposal.

1. The design effort assumes that all three pump stations consist of pre-fabricated skid mounted pump stations contained in "EFI Watershed" type buildings and are designed solely by Engineered Fluid Solutions, Inc (EFI).
2. Review, QA/QC, and approval of the EFI designs is conducted by District staff or others and is not part of this amendment. The "approved" pump station designs will be slip sheeted by Hoch into the final construction drawings for clarity to the bidding contractors. EFI will provide the approved drawings to Hoch in an electronic format suitable for inclusion in the final documents. Hoch assumes that final "approved" drawings will be available to Hoch from EFI/District for inclusion in the bid documents within 6 weeks after final design parameters (suction pressure and pump curves) are delivered to EFI by Hoch. This is anticipated to be within the first two weeks of August. These plans are required for development of the 30% design drawings required for application to SDGE for electrical design.
3. Generator design, sizing, and provision is the responsibility of EFI and will be shown on EFI's drawings.
4. The current locations of the proposed pump stations (as of 7/21/22) will not change.
5. Per District direction, landscape drawings will only be developed for the Turner pump station location. Two (2) sheets are assumed to be required to show landscape and irrigation details.
6. No further analysis of the existing condition of the suction or discharge pipelines for each pump station will be conducted as part of this proposed amendment. Connection details to the pipelines will be included in the design drawings.
7. Previous weekly meetings will no longer be held. A bi-weekly email update will be sent by Hoch to the District for update on the project status/schedule, next steps, and outstanding/new action items.
8. All coordination with and submittal of permits and other required applications to SDGE will be transferred to and handled by District staff.
9. All environmental document preparation, review, or submittals for the project will be handled by the District or their environmental consultant.
10. Previous requests for “artist renderings” of the pump stations is assumed to no longer be required and as such are not included in the scope of the project.

We greatly appreciate the opportunity to work with RMWD on this important project and look forward to a highly successful design. If you have any questions about this proposal, please do not hesitate to contact me.

Sincerely,

Hoch Consulting

Adam Hoch, P.E., QSD, QISP
President/Principal Engineer
License No. C77635

Attachments: Fee Proposal

CC: Malik Tamimi, RMWD
George Briest, GBC

Rainbow MWD - Hutton and Turner Pump Stations Amendment 2 Fee Proposal (Revised 7/26/2022) **Hoch Consulting**

	Hoch Consulting Labor					Subconsultants				Direct Costs†	Total Fees*				
Project Task	**Director of Engineering**	**Principal Engineer**	**Senior Designer**	**Associate Engineer**	**Total Hoch Consulting Labor**	**Briest Consulting**	**Gerry Green, Inc.**	**Kelsey Structural**	**Mission Consulting**	**Reproduction & Postage**	**Amendment 2 Proposal (Revised)**	**Amendment 1**	**Original**	**Amendment 1 Change**	**Proposed Amendment 2 Change from Amendment 1**
	$210.00	**$195.00**	**$165.00**	**$135.00**											
Base Proposal															
Task 100: Project Management & Quality Control	52	103	0	13	$ 32,760.00	$ 8,880.00	$ -	$ -		$ -	$ 42,972.00	$ 26,592.00	$ 26,592.00	$ -	$ 16,380.00
Task 100a: Project Management	40	67		13	$ 23,220.00						$ 23,220.00	$ 9,360.00	$ 9,360.00	$ -	
Task 100b: Quality Assurance/Quality Control	12	36			$ 9,540.00	$ 8,880.00					$ 19,752.00	$ 17,232.00	$ 17,232.00	$ -	
Task 101: Meetings/Research/Project Schedule	86	60	44	107	$ 51,465.00	$ 1,850.00	$ 1,200.00	$ 900.00		$ -	$ 56,007.50	$ 30,123.00	$ 19,647.50	$ 10,475.50	$ 25,884.50
Task 101a: Meetings and Coordination	30	50	36	49	$ 28,605.00	$ 1,850.00	$ 1,200.00	$ 900.00			$ 33,147.50	$ 13,902.50	$ 13,902.50	$ -	
Task 101b: Data Collection & Review	24	8	8	32	$ 12,240.00						$ 12,240.00	$ 3,600.00	$ 3,600.00	$ -	
Task 101c: Project Schedule	32	2		26	$ 10,620.00						$ 10,620.00	$ 1,080.00	$ 2,145.00	$ (1,065.00)	
Task 200: Design Phase/Submittals	211	196	408	420	$ 206,550.00	$ 1,480.00	$ 58,800.00	$ 34,600.00	$ 29,120.00	$ 7,000.00	$ 356,150.00	$ 104,802.00	$ 95,147.00	$ 9,655.00	$ 251,348.00
Task 200a: Preliminary Design Report	40	30	152	180	$ 63,630.00	$ 1,480.00	$ 2,600.00				$ 68,322.00	$ 12,672.00	$ 12,672.00	$ -	
Task 200a.1: Design Criteria	120	124	80	100	$ 76,080.00				$ 29,120.00		$ 109,568.00	$ 44,238.00	$ -	$ 44,238.00	
Task 200b: Contract Documents	50	36	160	96	$ 56,880.00		$ 56,200.00	$ 34,600.00		$ 1,000.00	$ 162,300.00	$ 46,632.00	$ 81,215.00	$ (34,583.00)	
Task 200c: Utility Coordination		4	12	40	$ 8,160.00						$ 8,160.00	$ 1,260.00	$ 1,260.00	$ -	
Task 200f: Landscaping	1	2	4	4	$ 1,800.00					$ 6,000.00	$ 7,800.00	$ -	$ 8,590.00	$ (8,590.00)	
Task 201: Opinion of Probable Cost	12	12	12	24	$ 10,080.00	$ -	$ -	$ -	$ -	$ -	$ 10,080.00	$ 4,631.00	$ 4,631.00	$ -	$ 5,449.00
Task 201a: Cost Estimate	12	12	12	24	$ 10,080.00						$ 10,080.00	$ 4,631.00	$ 4,631.00	$ -	
												$ -	$ -	$ -	$ -
Total Base Proposal	**361**	**371**	**464**	**564**	**$ 300,855.00**	**$ 12,210.00**	**$ 60,000.00**	**$ 35,500.00**	**$ 29,120.00**	**$ 7,000.00**	**$ 465,209.50**	**$ 166,148.00**	**$ 146,017.50**	$ 20,130.50	
Optional Items														$ -	$ -
Optional Task 200: Design & Engineering	0	4	8	8	$ 3,180.00	$ 370.00	$ 2,400.00	$ 4,500.00		$ -		$ -	$ 20,130.50	$ -	$ -
Optional Task 200d Generator Sizing/Design		2	4	4	$ 1,590.00	$ 370.00	$ 2,400.00	$ 1,500.00				$ -	$ 6,500.50	$ -	
Optional Task 200e Structural Wall Design		2	4	4	$ 1,590.00			$ 3,000.00				$ -	$ 5,040.00	$ -	
Task 200f: Landscaping	1	2	4	4	$ 1,800.00							$ -	$ 8,590.00	$ (8,590.00)	
Total Optional Items (not included in Total)	**0**	**4**	**8**	**8**	**$ 3,180.00**	**$ 370.00**	**$ 2,400.00**	**$ 4,500.00**		**$ -**	**$ -**	**$ -**	**$ 20,130.50**	$ -	
Total Proposal														$ -	$ -
Total Proposal	**361**	**375**	**472**	**572**	**$ 304,035.00**	**$ 12,580.00**	**$ 62,400.00**	**$ 40,000.00**	**$ 29,120.00**	**$ 7,000.00**	**$ 465,209.50**	**$ 166,148.00**	**$ 166,148.00**	$ -	$ 299,061.50

†Anticipated Direct Costs Include Reproduction and Landscaping Design Services

Increase $ 299,061.50

* Includes 15% Markup on Subconsultants

RAINBOW MUNICIPAL WATER DISTRICT
Committed to Excellence

BOARD ACTION

BOARD OF DIRECTORS

August 30, 2022

SUBJECT

CONSIDER APPROVAL OF A CONTRACT CHANGE ORDER FOR THE CASS ARRIETA CONTRACT WITH TRI-POINTE HOMES FOR $XXXX, AND AN AMENDMENT TO THE PARTICIPATION AGREEMENT FOR THE RICE CANYON TANK TRANSMISSION MAIN PROJECT (DIVISION 5)

BACKGROUND

On April 27, 2021 the Board of Directors approved a Participation Agreement for the construction of the Rice Canyon Transmission Main Project (referred to herein as Project; Participation Agreement), which is a new 18" transmission main that will deliver water from the Rice Canyon Tank Zone to Horse Ranch Creek Road. The Participation Agreement defined responsibilities of both Tri Pointe Homes and the District in relation to the Project and also established means for reimbursement. The District agreed to reimburse Tri Pointe Homes for the full cost of constructing this water line. The benefits of adding this main line would increase the utilization of water and improve water quality in Rice Canyon Tank by servicing the Horse Creek Ridge and Citro developments in addition to several other existing customers. Additionally, the Rice Canyon Tank Zone is supplied from an underutilized Metropolitan Water District (MWD) connection and the addition of this new main will allow more customers to be supplied with water through the MWD connection in other zones of the District.

On September 28, 2021, the Board of Directors approved the first amendment to the Participation Agreement, which included a Project cost increase of $1,400,000 bringing the total project cost from $3,700,000 to $5,100,000. As part of this action, the project contingency was reduced from 15% to 5% ($234,651.46) with the understanding that additional Board actions would be required to cover upcoming hard rock excavation. On April 26, 2022 the Board of Directors approved a second amendment to the Participation Agreement, which included a Project cost increase of $402,373 bringing the total project cost to $5,502,373. This increase came as a result of a District-initiated change order ($110,275), current and projected hard rock excavation ($231,952.93) , increased construction administration and monitoring costs (e.g. geotechnical and biological; $139,420) and construction of a noise barrier wall to protect the California gnatcatcher ($31,000). As part of this amendment, the unanticipated costs were funded by increasing the base contract amount, which allowed for full utilization of remaining contingency.

DESCRIPTION

To date, the Rice Canyon Tank Transmission Project is approximately 65% complete and is expected to be fully constructed by Fall 2022. All transmission main pipe has been installed. Hard rock excavation continues to impact construction progress, as Cass Arrieta now excavates to install new inlet piping at the tank, the meter vault and pipe connections to the new pressure reducing stations. To date, 51 Extra Work Reports (EWR's) for hard rock excavation and rock hauling have been submitted by Cass Arrieta and approved by the District. As of March, the District has paid $244,397.06 for hard rock excavation and there are still over 25 outstanding EWR's from April, May, June and July that are still being processed. While the District anticipates an additional 3-5 EWR's in August for additional hard rock excavation, Cass Arrieta is mostly finished with excavation in areas with potential for hard rock. The District has managed

to reduce some costs related to hard rock excavation by having spoils hauled to our lower yard instead of an alternate location, which has resulted in a tipping fee credit for the District.

In addition to hard rock expenses, the District implemented some additional design changes to the electrical components (e.g. PV system) and pressure reducing stations to optimize operations and entirely offset electrical consumption. While contingency is typically reserved for these types of unforeseen circumstances, hard rock excavation has completely exhausted the remaining contingency and an additional Participation Agreement Amendment is needed to increase the total maximum project cost from $5,502,373.24 to a not to exceed amount of $5,575,000 (Attachment A).

Table 1. Participation Agreement Amendment – Max Authorization Summary

Description	Board Approved Amount	Maximum Project Total	Cost Increase	Comments
Original Participation Agreement	$3,700,000	$3,065,427	$0	The project contingency total is $386,083 (15% on hard costs & 25% on soft costs).
Participation Agreement Amendment No. 01 Project Contingency	$5,100,000	$5,100,000	$ 1,400,000	Contingency percentages were reduced to 5% of hard costs & 5% on soft costs. There was a contingency cost reduction of $151,431.54. The Board approved a contingency amount of $234,651, plus an additional $25,000.
Participation Agreement Amendment No. 02	$5,502,373.24	$5,502,373.24	$402,373.24	Unanticipated costs for current and projected hard rock excavation, noise wall, and staffing were funded by increasing the base contract amount, which allowed for full utilization of remaining contingency.
Participation Agreement Amendment No. 03	$5,575,000 (estimate)	$5,550,000 (estimate)	$XXX (about $47k)	Use remaining contingency for hard rock excavation and increase base contract amount by less than 1% for additional hard rock excavation, solar re-design, District-initiated change to electrical components, vault riser and PRS adjustment.

Table 2. Additional Expenditure Summary

Construction Change Order Request (CCOR)	Actual Cost
CCO #1 PRS Revisions & Pipe Joints	$110,275
CCO #2 Hard Rock Excavation (January & February)	$132,084.42
CCO #3 Moving Yard	N/A
PO – CA gnatcatcher Noise Wall	$45,185

CCO #4 Hard Rock Excavation (February & March)	$112,312.64
CCO #5 Hard Rock Excavation (April & May)	$ 70,000 (estimate)
CCO #6 Hard Rock Excavation (June & July)	$55,000 (estimate)
CCO #7 Solar Panels & Electrical Adjustments	$35,000 (estimate)
CCO #8 PRS Adjustment & Vault Riser	$20,000 (estimate)
TOTAL	$579,857.06

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area One: Water Resources. The Rice Canyon Tank Transmission Main will allow the Horse Creek Ridge and Citro developments as well as several other existing customers to be supplied water from the Rice Canyon Tank Zone, which is, in turn, supplied from an underutilized Metropolitan Water District connection. This will allow more customers to be supplied water through Metropolitan Water District connections in other zones of the District.

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

BOARD OPTIONS/FISCAL IMPACTS

Capital budgets are approved for one (1) year only, with the forecast going out five (5) years. The Rice Canyon Tank Transmission Main Project (600034) has an approved contract of $5.5M. There is an approved budget of $2.9M for FY 22/23. Additional appropriations in the amount of $XXXX are needed to fund an additional project contingency increase

Option 1:

- Make a determination that the action defined herein does not constitute a "project" as defined by CEQA.
- Approve Amendment No. 3 to the Participation Agreement for the construction of the Rice Canyon Tank Transmission Main Project to increase the total project cost from $5,502,373 to $XXX, thus authorizing a change order in the amount of $XXX and a budget increase of $XXX.
- Authorize the General Manager to execute Amendment No. 3 on behalf of the District.

Option 2:

- Provide other direction to staff.

STAFF RECOMMENDATION

Staff recommends Option 1.

Chad Williams 08/30/22
Engineering and CIP Program Manager

AMENDMENT 3
TO PARTICIPATION AGREEMENT
FOR THE DESIGN, CONSTRUCTION AND FUNDING
OF PORTIONS OF THE RICE CANYON PIPELINE
AND RELATED FACILITIES

This Amendment 2 to Participation Agreement for the Design, Construction, and Funding of the Rice Canyon Pipeline and Related Facilities ("Agreement") from the Rice Canyon Reservoir through the Citro development project, dated as of April 28, 2021 made by the Rainbow Municipal Water District ("RMWD"), a California municipal water district and Tri Pointe Homes IE-SD, Inc. (f/k/a Pardee Homes) ("Tri Pointe Homes"), a California corporation. Tri Pointe Homes and RMWD may be individually referred to as "Party" and collectively the "Parties."

RECITALS

A) Tri Pointe Homes owns approximately 374.7 acres of certain uninhabited real property located in the undeveloped area of the County of San Diego ("County") within the adopted Fallbrook Community Plan Area and the Valley Center Municipal Water District ("VCMWD") services area, adjacent to the jurisdictional boundaries of RMWD ("Project Site"), as described in Exhibit A and depicted on Exhibit B, attached hereto.

B) Tri Pointe Homes and RMWD entered into an annexation agreement that provided for Tri Pointe Homes to construct water facilities to provide service, in part, to the Citro residential development project (the "Project") in exchange for reimbursement.

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the Parties as herein expressed, RMWD and Tri Pointe Homes agree to amend this Participation Agreement as follows:

Delete Paragraph 6. Reimbursement and replace with the following:

6. Reimbursement: Tri Pointe Homes shall advance or pay all applicable costs and RMWD fees associated with the Improvements. RMWD shall reimburse Tri Pointe Homes for the actual cost of the construction of the Improvements in accordance with this Section 6 below. The total cost of the Improvements to RMWD shall not exceed $5,575,000("Maximum Cost"), and subject to RMWD's prior written approval.

6.1. Reimbursement Amount. RMWD will reimburse Tri Pointe Homes for the Improvements completed in accordance with Exhibit C. Tri Pointe Homes shall receive payment for reimbursement of all Improvement costs as outlined within the summary of the Engineer's Cost Estimate and Preliminary Schedule attached hereto as Exhibit D (Revised) and Exhibit E (Revised).

6.1.1. RMWD's actual cost of the Improvements will be based on the lowest responsive and responsible bid submitted, the actual design, bidding and construction management costs, any change orders, the cost for preparation of the fair cost analysis and this Agreement, and for Tri Pointe Homes project management and overhead. The Parties understand and agree that the cost estimate attached as Exhibit D (Revised) is for performance of the Improvements contemplated in this Agreement and that the actual cost of the Improvements may be greater or less than set forth on Exhibit D (Revised). Any adjustments to the Party's shares shall be made as described in Section 6.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TRI POINTE HOMES IE-SD, INC.
a California Corporation

By: _____

Name: Jimmy Ayala

Title: Division President

RAINBOW MUNICIPAL WATER DISTRICT
a California municipal water district

By: _____

Name: _____

Title: _____

RAINBOW MUNICIPAL WATER DISTRICT
Committed to Excellence

BOARD INFORMATION

BOARD OF DIRECTORS

August 30, 2022

SUBJECT

REVIEW AND DISCUSS THE RENEWABLE ENERGY BILL CREDIT TRANSFER PROGRAM AND POTENTIAL OPPORTUNITIES FOR RAINBOW MUNICIPAL WATER DISTRICT (DISTRICT WIDE)

DESCRIPTION

Rainbow Municipal Water District (referred to herein as District) has been exploring potential solar opportunities to offset San Diego Gas & Electric (SDG&E) utility costs borne by the District related to everyday system operations and administration. In late 2019, at the direction of the Board, staff were asked to evaluate the installation of a solar facility at Bonsall Reservoir instead of leasing to agricultural tenants. Cosmic Solar developed an Preliminary Solar Study report, which found that a site like Bonsall Reservoir could support a 502.3 kWdc system comprised of approximately 1,5000 panels, with a total panel area of 31,323 square feet. The estimated price to construct this facility in 2020 was estimated at $1,000,000 and had the potential to generate approximate 779,430 kWh. The energy production was estimated to be equivalent to roughly 20% of the District's total annual electric use.

However, after discussions with SDG&E it was determined that the Bonsall Reservoir site does not currently have an electric meter. SDG&E policies do not allow the installation of a meter solely to facilitate solar connections to the grid.

After further internal discussion, in 2021 the District contracted Dr. Lon House from Energy and Water Consulting to further investigate the feasibility and economics of installing a solar generation project to reduce SDG&E electric bills and meet State carbon reduction goals (Attachment A). Dr. House is an Association of California Water Agencies recommended expert who has advised many local agencies on solar projects, including Valley Center Municipal Water District. He evaluated various programs to determine the eligibility and availability of SDG&E solar programs including the Net Energy Metering (NEM) and Renewable Energy Bill Credit Transfer (RES-BCT) programs. The NEM program was deemed unsuitable for the District because the program allows customers who generate their own energy to serve their energy needs directly onsite. The District does not have a suitable solar site with a large energy load and the District does not have suitable sites for solar that have large loads.) The Renewable Energy Bill Credit Transfer (RES-BCT) program, which allows public agency renewable generation at one site to offset SDG&E bills at other sites was determined to be the best option, however the program has been fully subscribed for years and shows no sign of reopening.

The recommended next steps for the District include the following options:

1.) Monitor the development of new programs coming out of the California Legislature and being implemented by the CPUC for applicability to this project,
2.) Monitor SDG&E RES-BCT Program for the slight chance that it will reopen, and
3.) Evaluate becoming a wholesale generator.

When considering option 3, there are a lot of caveats with this option. While the Municipal Water District Act of 1911 does allow MWDs to become electrical distributors, those powers are latent and would require LAFCO approval to be activated. In addition, constructing a new power system and associated infrastructure just to develop a solar project would be expensive and time consuming with little reward. For this small a project it is highly unlikely that this would be a viable option.

As a result of the challenges likely to be encountered, the District still continues to explore solar options. The Rice Canyon Transmission Line Project will be installing eight (8) new solar photovoltaic (PV) panels on Rice Canyon tank to offset the electrical consumption at this location. The Heli-Hydrant, otherwise known of the Rapid Aerial Water Supply, also has traditional power backed up a small PV system and back-up batteries. Additionally, the District is looking to install a PV and back up battery system at the Sumac Communications Tower to also provide supplement power and a back-up power supply. While both systems are fairly small, installing PV systems throughout the District's jurisdiction will only facilitate the District's desires for offsetting utility costs.

Attachments:
Attachment A: RES-BCT Evaluation Report

Chad Williams 08/30/22
Engineering and CIP Group Manager

ENERGY & WATER CONSULTING
Lon W. House, Ph.D.
530.409.9702
lonwhouse@waterandenergyconsulting.com

2795 East Bidwell Street
Suite 100-176
Folsom, CA 95630
530.676.8956

10645 N. Oracle Rd.
Suite 121-216
Oro Valley, AZ 85737
520.297.2643

Water and Energy Consulting (WEC) Hereby Submits:
Rainbow RES-BCT Solar Evaluation Report

SUMMARY AND CONCLUSION

Rainbow Municipal Water District (Rainbow) has land for a storage reservoir that is not being used for district activities. Rainbow is interested in investigating the feasibility and economics of installing a solar generation project at this location to reduce San Diego Gas and Electric (SDG&E) electric bills and to meet state carbon reduction goals.

Net Energy Metering (NEM) requires usage at the site, so it is not an option. The Renewable Energy Bill Credit Transfer (RES-BCT) program, which allows public agency renewable generation at one site to offset SDG&E bills at other sites, would have been a good option but the program has been fully subscribed for years and shows no sign of reopening.

Recommendations

1.) Monitor development of new programs coming out of the California Legislature and being implemented by the CPUC for applicability to this project.

2.) Monitor SDG&E RES-BCT Program for the slight chance that it will reopen.

3.) Evaluate Becoming a Wholesale Generator. There are a lot of caveats with this option. Rainbow is not in the business of electrical generation and this would be expensive and time consuming with little reward. For this small a project it is highly unlikely that this will be a viable option.

TABLE OF CONTENTS

LIST OF TABLES

INTRODUCTION AND BACKGROUND

Rainbow Municipal Water District (Rainbow) has land for a storage reservoir that is not being used for district activities. Rainbow is interested in investigating the feasibility and economics of installing a solar generation project at this location to reduce San Diego Gas and Electric (SDG&E) electric bills and to meet state carbon reduction goals.

Net Energy Metering (NEM) and Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) are bill credit tariffs. There are other programs; such as Qualifying Facility (QF) contracts, Re-MAT (Renewable Energy Market Adjusting Tariff) and periodic solicitations by SDG&E for additional renewable capacity that may be applicable if Rainbow wanted to get into the energy generation business and become a wholesale energy producer.

Net Energy Metering (NEM)

Net Energy Metering (NEM) is available to customers who install renewable generation facilities to serve their onsite electricity needs. NEM allows customers who generate their own energy to serve their energy needs directly onsite and to receive a financial credit on their electric bills for any surplus energy fed back to their utility. The program provides customer-generators full retail rate credits for energy exported to the grid minus some non-bypassable bill charges. Since Rainbow has no electric load at this site, NEM is not an option.

Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT)

The RES-BCT program allows local governments and college campuses to generate renewable energy at one site and credit the generation to other utility accounts. Energy that is not used onsite can be exported to SG&E's grid. All generation exported to SDG&E's grid is converted into "generation credits" and is applied to other customer accounts.

A RES-BCT project consists of a generating account and up to designated 50 benefiting accounts. Generation bill credits are applied at the generation-only portion of a customer's retail rate and credited to the generation-only portion of the benefiting accounts.

An initial program evaluation report was provided to Rainbow on May 14, 2021 (*RES-BCT Solar Project Evaluation Initial Report*) that discussed applicability and availability of the program. That report found that the SDG&E RES-BCT program is fully subscribed and the utility is taking no more

applications for the program. No projects have dropped out, a year later the program is still closed to new applicants.

An economic assessment of the RES-BCT option was provided July 14, 2021 (*Rainbow RES-BCT Solar Project Value Analysis).* An 85 kW(ac) solar project, sized to match the electricity usage by Rainbow SDG&E accounts (See Table 1 below) during the past year, was evaluated using current SDG&E tariffs under the RES-BCT. This sized solar project will produce 188,353 kWh initially. This solar project will produce generation credits under AL-TOU of almost $26,000 per year or $0.1376 per kWh of generation under current tariffs. On the DGR tariff the value of the generation credits are about $27,000 per year or $0.1453 per kWh. These generating credits will be applied to the benefiting accounts tariffed generation component as a bill credit

RES-BCT PROGRAM

The RES-BCT virtual net metering option for governmental agencies renewable projects was established by AB2466 in 2008. This program enables local governments to share renewable generation credits from a system located on one government-owned property with billing accounts at other government-owned properties. The system size limit under RES-BCT is 5 MW. This schedule is only available to governmental entities. It allows the construction of a renewable generator that produces more than site load and allows the excess generation to be credited to other customer accounts.

Generation credits are determined by multiplying the exported kWh (generation in excess of site load) by the applicable utility generation rate component for each hour. This is only a portion of full retail costs. The generator will generate bill credits calculated by multiplying the Generating Account's time of-use generation component (energy charge) of the electricity rate by the amount of energy exported to the grid (kWh) during the corresponding time period. These bill credits can then be applied to offset generation costs at the customer's other utility service accounts (Benefiting Accounts) at different facilities (up to 50 other accounts).

The customer may select one or more accounts (known as "Benefiting Accounts") to which the bill credits will be applied. There has to be enough of the generating component of the Benefiting Accounts to absorb all the generating credits generated. Any remaining bill credits at the Benefiting Account are carried over to the following month, but at the end of a 12-month period any unused credits are set to zero (donated to the utility).

The key considerations of RES-BCT are: 1) the generating credit for a portion of retail rates under RES-BCT is only the energy portion of the generating account (not full retail costs), 2) the customer

has to have enough Benefiting Accounts to absorb all the Generating Account credits produced, 3) these rates will change in the future as utility rates change, 4) there is no long term agreement under RES-BCT - you can always switch to another tariff or, if you wish, enter into a contract to sell the power to the utility or another purchaser, 5) the customer will retain ownership of the green (renewable) attributes of the electricity – the customer can use them or sell them to some other willing buyer, and 6) there is no scheduling requirement.

Table 1. Summary of SDG&E Accounts

Rainbow SDG&E Accounts

Address	Account #	Meter #	Tariff	Annual kWh	Annual $
1050 Stewart Crest	2879803104	06746528	TOU-A-P	182	$163.20
11395 Aruba Rd	3408549603	06789920	TOU-A-P	109	$143.69
455 Highway 76	4065592756	06694725	AL-TOU	181,533	$51,762.17
3690 Sarah Ann Dr	7382505701	06716897	TOU-A-P	4593	$1,210.12
1560 Sleeping Indian Rd	9380440512	06565970	TOU-A-P	62	$157.74
2498 Vern Dr	9632211707	05337416	TOU-A-P	711	$290.36
5463 8th	21000004357	NA	NA	NA	NA

Since the single largest Rainbow account (455 Highway 76) uses almost as much electricity as the project generates and is on the same tariff as was evaluated (AL-TOU) there should be no problem using up all of the generation credits.

Table 2. SDG&E RES-BCT Program Status

SDG&E RES-BCT Project Status as of June, 2022

Active Projects

Date Application Submitted	Project Size (MW)	Status
5/2/2014	4.89	Operational
11/25/2015	4.87	Operational
3/21/2018	0.95	Operational
11/14/2017	0.59	Operational
8/5/2019	4.23	Operational
4/5/2018	1.727	Operational
TOTAL	**17.257**	

The total RES-BCT Program Limit is 20.25 MW, which means there is 2.993 MW remaining in the Program.

Additional (Pending) Projects in Queue

Date Application Submitted	Project Size (MW)	Status
3/21/2018	1.73	Pending AHJ Inspection
4/5/2018	1.70	Engineering Design
12/21/2017	1.83	Supplemental Review – Waiting on information from Applicant
TOTAL	**5.26**	

There is currently no remaining capacity in the program. This program has been effectively closed to new participants since 2020. No projects have dropped out of this program in the past years. The program is still closed to new applicants and there is little likelihood of it reopening.

DISCUSSION AND RECOMMENDATIONS

Monitor Development of New Programs (Legislature and CPUC)

The state of California has extremely ambitious renewable energy goals that will be difficult to achieve without additional customer-side generation programs. Advance notice of new programs involves keeping track of what the California Legislature and California Public Utilities Commission (CPUC) is doing in this area. New programs are instituted by the Legislature and implemented by the CPUC via a public proceeding. These proceedings typically take years before they are actually available to the local utility, so there should be ample time to prepare if a new program develops that would be attractive for this site.

Monitor SDG&E RES-BCT Program for Potential Reopening

The address of the SDG&E RES-BCT program is: https://www.sdge.com/more-information/customer-generation/electric-rule-21. It is recommended that Rainbow keep informed of progress in the program in the slight chance that a project may drop out and the program be reopened.

Evaluate Becoming a Wholesale Generator

Most solar projects are surprisingly easy to install. This is a relatively small solar project and a relatively simple one (no extensive land grading or structural design). Rainbow could consider building and owning the system themselves and selling the power generated.

Such an approach would require Rainbow to complete a number of actions enumerated below.

1.) Submit an application to San Diego Local Agency Formation Commission (LAFCO) to activate the power to sell electricity.
2.) Obtain Qualifying Factors (QF) status at Federal Energy Regulatory Commission (FERC).
3.) Enter into the California Independent System Operator (ISO) New Source Implementation (210 days minimum, open once a year).
4.) Obtain a wholesale interconnection (WDAT).
5.) Install ISO compliant metering and communications.
6.) Determine who will be the project scheduler.
7.) Enter into a contract to sell the power generated to another entity.

- SDG&E periodically has solicitations for additional renewable generation (https://www.sdge.com/more-information/doing-business-with-us/rfps-rfos) that require applicants to submit a bid for selling power.
- There are standardized utility contracts such as Qualifying Facility (QF) contracts, Re-MAT (Renewable Energy Market Adjusting Tariff) contracts that could also be used.

Such an endeavor should be approached with caution. Rainbow is not currently in the electrical generation business and it does require a bit of specialized knowledge. The actions necessary to become a wholesale generator are expensive and time consuming. This is a small project and not likely to generate much interest in the market. Also, solar-only projects are rare these days, almost all solar project are paired with energy storage to shape the electricity produced which adds yet another layer of complexity to the project. It is very unlikely that this will be a viable option.

AS-NEEDED CONTRACT EXPENDITURES REPORT
JULY 2022

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	CONTRACT AMOUNT	AUTHORIZED ASSIGNMENT	INVOICED TO DATE
Title: As-Needed Land Surveying Services, PSA 18-16 | Firm: Johnson-Frank & Assoc. | Expires: 8/29/22 | CO-01 $0 NCE BoD 6/22/21.								
CONTRACT AMOUNT:						$ 50,000.00		
	CIP	2021-04	Closed	5/3/2021	Prepare Plat Map - Throroughbred Lift Station		$ 22,403.50	$ 23,143.50
	CIP	2022-05	Open	5/10/2022	Legal Descriptions/Plat Maps/Easements - Thoroughbred Lift Station		$ 6,600.00	$ 5,550.00
					Unspecified		$ 5,702.10	$ -
					TOTALS:	$ 50,000.00	$ 50,000.00	$ 39,510.91
Title: As-Needed Land Surveying Services, PSA 18-14 | Firm: KDM Meridian, Inc. | Expires: 8/29/22 | CO-01 $50K BoD 5/26/20, CO-02 $50K BoD 6/22/21.								
CONTRACT AMOUNT:						$ 150,000.00		
	CIP	2021-14	Closed	1/29/2021	Survey & staking of easements - Rancho Amigos. (Additional $815 was approved by staff.)		$ 7,530.00	$ 8,345.00
	CIP	2021-15	Closed	5/27/2021	Survey & staking of easement - Turner Pump Station. (Staff evaluating if more work may be needed.)		$ 5,665.00	$ 5,665.00
	NON-CIP	2021-16	Closed	7/22/2021	Prepare documentation to file a quit claim for Rainbow easement at Fire Station 4.		$ 1,500.00	$ 1,500.00
	NON-CIP	2021-17	Closed	7/29/2021	Bonsall Park prepare documentation for new easement and quit claim documentation for existing easement.		$ 7,240.00	$ 7,210.00
	CIP	2022-18	Pending	7/14/2022	Live Oak Park Bridge - Survey & Staking		$ 7,500.00	$ -
					Unspecified		$ 53,387.00	
					TOTALS:	$ 150,000.00	$ 150,000.00	$ 80,533.75
Title: As-Needed Land Surveying Services, PSA #18-15 | Firm: Right-of-Way Eng. | Expires: 8/29/22 | CO-01 $50K BoD 5/26/20, CO-02 $50K BoD 6/22/21.								
CONTRACT AMOUNT:						$ 150,000.00		
	CIP	2021-10	Closed	1/11/2021	Topographic Survey - Rainbow Heights Road		$ 8,820.00	$ 8,525.00
	CIP	2021-11	Closed	1/19/2021	Easement Survey - Skycrest Drive.		$ 7,710.00	$ 4,162.60
	CIP	2021-12	Closed	2/4/2021	Easement Survey, Legal Desc./Plat Map - Camino Del Cielo. (Additional $518 was approved by staff.)		$ 5,490.00	$ 6,007.50
	CIP	2021-13	Closed	2/23/2021	Easement Survey/County ROW Marking, Topo Map - Camino Del Cielo.	$ 103,700.70	$ 2,320.00	$ 2,320.00
	CIP	2021-14	Closed	2/23/2021	Easement Survey - Skycrest Drive.		$ 4,720.00	$ 795.00
	CIP	2022-15	Closed	1/25/2022	Old Mission Road (LS-1) - Legal Description & Plat Map		$ 2,940.00	$ 2,940.00
	CIP	2022-16	Closed	2/1/2022	River Village-Daniels Market (LS-1) - Staking Easements Centerlines/Limits (Additional $840 was approved by staff.)		$ 1,470.00	$ 2,490.00
	CIP	2022-17	Open	4/5/2022	Hutton/Turner - Locate Existing Easements & Stake Limits.		$ 6,940.00	$ 6,005.20
	CIP	2022-18	Open	4/28/2022	Hutton Site - Legal Description, Easements, Plats.		$ 6,790.00	$ 5,730.00
					Unspecified		$ 32,569.30	
					TOTALS:	$ 150,000.00	$ 150,000.00	$ 98,891.10
Title: As-Needed Civil Engineering Services, PSA #19-16 | Firm: Dudek | Expires: 6/25/22 | CO-01 ($100K) BoD 6/22/21.								
CONTRACT AMOUNT:						$ 50,000.00		
					Unspecified		$ 38,212.50	$ -
					TOTALS:	$ 50,000.00	$ 50,000.00	$ 9,315.00

AS-NEEDED CONTRACT EXPENDITURES REPORT
JULY 2022

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	CONTRACT AMOUNT	AUTHORIZED ASSIGNMENT	INVOICED TO DATE
Title: As-Needed Civil Engineering Services, PSA #19-17 | Firm: Omnis Consulting, Inc. | Expires: 7/1/22 | CO-01 $150K BoD 6/23/20.								
CONTRACT AMOUNT:						$ 300,000.00		
	CIP	2021-09	Closed	4/19/2021	Sarah Ann Waterline Replacement.		$ 6,800.00	$ 5,265.00
	CIP	2021-10	Closed	4/19/2021	Rainbow Water Quality Improvement Relocation Design. Amended for additional design services.		$ 13,900.00	$ 13,900.00
	CIP	2021-11	Open	6/9/2021	Wilt Road Water Pipeline Design.		$ 45,905.00	$ 33,214.00
	CIP	2021-10A	Closed	10/26/2021	Rainbow Water Quality Improvement Relocation Design. Amended for additional design services.		$ 6,290.00	$ 6,290.00
	CIP	2021-12	Closed	12/15/2021	Additional Services for Wilt Road Water Pipeline Design.		$ 23,090.00	$ 22,697.00
	NON-CIP	2021-13	Closed	2/3/2022	Rice Canyon Road - Prepare Street Improvement Plans		$ 8,630.00	$ 8,630.00
	CIP	2022-14	Closed	6/21/2022	Gird Road Water Main Upsize. Amended for additional design services.		$ 5,865.00	$ 5,865.00
							$ -	
					Unspecified		$ 8,795.00	$ -
					TOTALS:	$ 300,000.00	$ 300,000.00	$ 271,191.67
Title: As-Needed Civil Engineering Services, PSA #19-18 | Firm: HydroScience Eng., Inc. | Expires: 6/25/22 | CO-01 $40K BoD 6/22/21.								
CONTRACT AMOUNT:						$ 110,000.00		
	CIP	2022-02	Open	2/2/2022	Additional Services for Live Oak Park Road Bridge Crossing. Bid Support/Engineering Services during Construction.		$ 24,290.00	$ 8,625.55
					Unspecified		$ 43,690.00	$ -
					TOTALS:	$ 110,000.00	$ 110,000.00	$ 50,645.55
Title: As-Needed Real Estate Appraisal Services, PSA #19-19 | Firm: Anderson & Brabant, Inc. | Expires: 6/25/22 | CO-01 $20K BoD 6/22/21.								
CONTRACT AMOUNT:						$ 40,000.00		
	CIP	2021-03	Closed	4/28/2021	Hutton Pump Station Site Appraisal. (Staff authorized additional work.)		$ 7,500.00	$ 7,500.00
	CIP	2021-04	Closed	8/11/2021	Thoroughbred Lift Station Appraisal. (Four Reports)		$ 17,500.00	$ 17,500.00
	CIP	2022-05	Closed	2/1/2022	S. Mission Road (LS-1) - Fair Market Appraisal		$ 3,500.00	$ 3,500.00
					Unspecified		$ 500.00	$ -
					TOTALS:	$ 40,000.00	$ 40,000.00	$ 39,500.00
Title: As-Needed Real Estate Appraisal Services, PSA #19-20 | Firm: ARENS Group, Inc. | Expires: 6/11/22 | CO-01 $20 BoD 6/22/21.								
CONTRACT AMOUNT:						$ 40,000.00		
					Unspecified		$ 28,200.00	$ -
					TOTALS:	$ 40,000.00		$ 12,992.50

AS-NEEDED CONTRACT EXPENDITURES REPORT
JULY 2022

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	CONTRACT AMOUNT	AUTHORIZED ASSIGNMENT	INVOICED TO DATE
Title: As-Needed Geotechnical Services, PSA #19-39 | Firm: Leighton Consulting, Inc. | Expires: 11/13/22.								
CONTRACT AMOUNT:						$ 100,000.00		
	CIP	2021-02	Closed	4/15/2021	Turner Pump Station geotechnical exploration.		$ 14,300.00	$ 14,286.63
	CIP	2021-03	Open	5/15/2021	Hutton Pump Station geotechnical exploration.		$ 8,450.00	$ 1,761.80
					Unspecified		$ 68,620.00	$ -
					TOTALS:	$ 100,000.00	$ 100,000.00	$ 24,532.63
Title: As-Needed Geotechnical Services, PSA #19-40 | Firm Ninyo & Moore G.E.S | Expires: 11/1/22.								
CONTRACT AMOUNT:						$ 100,000.00		
	NON-CIP	2021-03	Closed	5/6/2021	Dentro De Lomas - Geotech observation & material testing. Proj. #1		$ 6,097.00	$ 4,104.00
	CIP	2022-04	Open	2/9/2022	Rice Canyon Road Improvements geotech observation & material testing.		$ 3,422.00	$ 2,395.00
	CIP	2022-05	Open	7/5/2022	Live Oak Park Road Bridge Waterline Relocation geotech observation & material testing.		$ 17,284.00	
					Unspecified		$ 56,444.00	$ -
					TOTALS:	$ 100,000.00	$ 100,000.00	$ 15,004.00
Title: As-Needed Geotechnical Services, PSA #19-41 | Firm: ATLAS (SCST, LLC) | Expries 11/20/22.								
CONTRACT AMOUNT:						$ 100,000.00		
					Unspecified		$ 63,381.00	$ -
					TOTALS:	$ 100,000.00	$ 100,000.00	$ 17,563.00
Title: As-Needed Construction Management & Insp. Services, PSA #20-01 | Firm: Harris & Associates | Expires: 1/28/23 | CO-01 $20K BoD 6/22/21.								
CONTRACT AMOUNT:						$ 170,000.00		
	CIP	2022-05	Open	1/6/2022	Continued District Wide Inspection Services.		$ 20,000.00	$ -
					Unspecified		$ 12,730.00	$ -
					TOTALS:	$ 170,000.00	$ 170,000.00	$ 133,782.84
Title: As-Needed Construction Management & Insp. Services, PSA #20-02 | Firm: ReillyConstruction Mnmt. | Expires: 1/28/23 | CO-01 ($100K) BoD 6/22/21.								
CONTRACT AMOUNT:						$ 50,000.00		
					Unspecified		$ 50,000.00	
							$ -	$ -
					TOTALS:	$ 50,000.00	$ 50,000.00	$ -

AS-NEEDED CONTRACT EXPENDITURES REPORT
JULY 2022

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	CONTRACT AMOUNT	AUTHORIZED ASSIGNMENT	INVOICED TO DATE
Title: As-Needed Environmental Services, PSA #20-03 | Firm: Helix Environmental | Expires: 2/25/23 | CO-01 $110 BoD 6/22/21, CO-02 $115K BoD 12/7/21.								
CONTRACT AMOUNT:						$ 325,000.00		
	CIP	2021-07	Closed	3/25/2021	Rainbow Heights Pipe Installation - Bird Survey.		$ 5,000.00	$ 808.80
	CIP	2021-08	Open	5/21/2021	RMWD HQ - Biological Survey & Buffer Mapping.		$ 11,684.00	$ 7,771.25
	CIP	2021-09	Open	11/16/2021	CIP General Environmental Support Services		$ 25,000.00	$ 3,418.75
	CIP	2021-10	Open	11/30/2021	Hutton & Turner Pump Stations - Cultural, Biological, Noise Reports. CEQA - IS/MND.		$ 46,603.00	$ 18,963.50
	CIP	2021-11	Open	12/8/2021	Rice Canyon Pipeline - Cultural & Tribe Monitoring		$ 111,400.00	$ 41,759.33
	CIP	2022-12	Open	1/10/2022	LS-1 Environmental Compliance		$ 48,798.00	$ 10,185.08
					Unspecified		$ (6,801.00)	$ -
					TOTALS:	$ 325,000.00	$ 325,000.00	$ 142,133.95
Title: As-Needed Environmental Services, PSA #20-04 | Firm: Rincon Consultants | Expires: 2/25/23 | CO-01 $(15K) BoD 6/22/21.								
CONTRACT AMOUNT:						$ 85,000.00		
	NON-CIP	22-02	Open	3/3/2022	Nesting Bird Survey at Gopher, Morro and Canonta tanks, prior to tree/vegetation clearing.		$ 4,185.25	$ 3,394.85
					Unspecified		$ 77,574.75	$ -
					TOTALS:	$ 85,000.00	$ 85,000.00	$ 6,629.60
Title: As-Needed Environmental Services, PSA #20-05 | Firm: Michael Baker International | Expires: 3/24/23 | CO-01 (15K) BoD 6/22/21.								
CONTRACT AMOUNT:						$ 85,000.00		
					Unspecified		$ 85,000.00	$ -
					TOTALS:	$ 85,000.00	$ 85,000.00	$ -