California Regional Water Quality Control Board
Central Coast Region

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BY ELECTRONIC MAIL

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Dear Mr. Holm:

DRAFT ENVIRONMENTAL IMPACT REPORT, 2007 MONTEREY COUNTY GENERAL PLAN, MONTEREY COUNTY, SCH# 2007121001

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the 2007 Monterey County General Plan (General Plan). The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Water Board staff understands that the project is a comprehensive update of the existing 1982 Monterey County General Plan.

General/Opening Comments

1

Water Board staff supports and commends Monterey County for developing the goals and policies contained within the General Plan addressing issues critical to effective watershed protection such as the development of sustainable water supplies, groundwater recharge area protection, stream setbacks, habitat protection, centralized development, water conservation and reuse, centralized wastewater treatment and recycling, and collaborative regional planning. The successful implementation of policies addressing these critical issues should effectively restore and protect water quality (i.e. help mitigate potential cumulative impacts from projected land use activities). Monterey County is on the forefront of addressing some of these critical issues.

2

In some cases, the DEIR does not appear to link policies within the General Plan that could be applicable to impacts as mitigation measures. Given the DEIR Executive Summary Table (1-2) is not specific regarding which General Plan goals and policies apply, and the environmental impact discussions within DEIR section 4 neglect to identify all applicable General Plan policies as mitigation measures, we must assume that all policies within the General Plan are binding mitigation measures pursuant to the DEIR. We did not attempt to identify and itemize General Plan policies as DEIR mitigation measures for each and every discussed "Issue/Impact." As such, our comments below are generally in the form of issue discussions accompanied by

suggested modifications to or additional policies within the General Plan that should be implemented as measures to mitigate the environmental impact of General Plan implementation. 2

Sustainable Water Supply & Healthy Watershed Functions – General Comments

Water demand for the existing developed areas of Monterey County is currently not sustainable and is resulting in cumulative watershed (both surface and groundwater) impacts. This is alluded to in various portions of the DEIR Water Resources section[1]. The DEIR indicates the development and implementation of new water sources, conjunctive use strategies, and conservation and reuse are required to meet future demand. However, the DEIR does not recognize that these measures along with the restoration and protection of existing water resources are required to meet **existing** demand in a sustainable manner. Monterey County must take more holistic approach to protect and manage its water resources. A holistic water resource management approach requires healthy watershed functions as the primary goals and includes metrics for meeting sustainable water supply demand. This holistic approach also includes a clear understanding of the interrelationships between surface and groundwater resources within and between each of the watersheds. The economic viability and environmental health of Monterey County (particularly the health of its watersheds) are intricately dependent on one another. 3

Sustainable water supplies for future development can only be achieved within healthy functioning watersheds. Abundant and clean water does not exist in watersheds that do not function properly. Therefore, the goal for achieving sustainable water supplies to meet existing and future water demand should be met first and foremost through restoring and maintaining healthy watershed functions. We agree the potential impacts to water supply (surface waters and groundwater basins) are significant as a result of future growth within Monterey County. However, we are confident they are also avoidable (not unavoidable as indicated in the DEIR) should demand be met through sustainable practices and comprehensive watershed management programs that restore and maintain healthy watershed functions. The development of sustainable water supplies to meet future demand is predicated on restoring healthy watershed functions under existing developed conditions prior to placing additional demands on the already strained watersheds.

Healthy watersheds have physical and biological integrity, with conditions that are observable and measurable. Healthy watersheds meet all of the following conditions:

[1] The Seaside Aquifer and Pajaro Valley Groundwater Basin are currently in overdraft resulting in seawater intrusion and other water quality impacts associated with diminished assimilative capacity and concentration effects due to reduced aquifer volume and contaminant loading (primarily nutrients and salts). The Carmel River and Carmel River Lagoon riparian habitats are currently impacted as a result of California America Water Company's over allocation of approximately 10,730 acre-feet per year from the Carmel River which is the primary public water supply (approximately 75%) for most of the Monterey Peninsula. DEIR section 1.6.1.2 states: "The three major watersheds in the County (Salinas, Carmel and Pajaro Rivers) are all in state of overdraft." In addition, there are extensive and well documented nitrate impacts throughout the Salinas Valley.

- Rainfall surface runoff at pre-development levels;
- Watershed storage of runoff, through infiltration, recharge, baseflow, and interflow, at pre-development levels;
- Watercourse geomorphic regimes within natural ranges (stream banks are stable within natural range; sediment supply and transport within natural ranges); and
- Optimal riparian and aquatic habitats (including: stream flow, in-channel, water column, and biotic conditions).

Consequently, the restoration and maintenance of healthy watershed functions could be achieved by watershed management plans that:

- Maximize infiltration of clean storm water, and minimize runoff volume and rate;
- Protect riparian areas, wetlands, and their buffer zones;
- Minimize pollutant loading (to surface water and groundwater);
- Protect recharge areas;
- Maximize groundwater recharge (that will not result in groundwater impacts);
- Minimize and eliminate overdraft;
- Maintain surface water baseflows;
- Promote water conservation and reuse;
- Provide sufficient ongoing monitoring; and
- Provide long-term watershed protection.

3

The General Plan contains numerous goals and policies addressing various components of what Water Board staff would consider a comprehensive watershed management program. However, the DEIR and General Plan do not link them together as part of a long-term comprehensive watershed management strategy. The General Plan should include a clear strategy that considers healthy watershed functions as necessary to assure sustainable water supplies. The strategy should establish realistic goals that can be evaluated by measureable outcomes.

Regional Watershed Management

The water supply issues facing Monterey County require a collaborative and integrative approach to the development of sustainable water supplies. Monterey County's ongoing collaborative development and implementation of watershed management plans and groundwater management plans is discussed in section 4.3.3.2 of the DEIR and the DEIR proposes additional policies (PS-3.16, PS-3.17 and PS-3.18) under mitigation measures WR-1 and WR-2 for the collaborative development of new water supply projects. However, Water Board staff could not find any additional specific policies within the General Plan or mitigation measures within the DEIR specifically identifying regional watershed management as a priority. Water Board staff strongly supports Monterey County's current efforts in developing regional solutions to developing sustainable water supplies given they clearly identify management of the watersheds as ecosystems and not just that of a water [supply] resource.

4

DEIR Impact WR-3: Agricultural and resource development (i.e., limited timber harvesting and mineral resources extraction) land uses consistent with the General Plan would increase sediment and nutrients in downstream waterways and violate water quality standards. (Less-Than-Significant Impact):

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to conduct or require a third party to conduct a regional, collaborative [with San Luis Obispo County] fluvial geomorphology study of the Salinas River watershed to evaluate impacts associated with in-stream and off-channel sand and gravel mining and other activities.[2] This policy statement could fit in the General Plan under Mineral Resources Goal OS-2. 5

DEIR Impact WR-1: Residential, commercial, industrial, and public uses consistent with the 2007 General Plan would introduce additional nonpoint source pollutants to downstream surface waters, substantially degrading water quality. (Less-Than-Significant Impact):

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to add "Impacted soil and groundwater sites" to General Plan Public Services Policy PS-2.6. 6

DEIR Impact WR-4: Land uses and development consistent with the 2007 General Plan would exceed the capacity of existing water supplies and necessitate the acquisition of new supplies to meet expected demands (Significant and Unavoidable Impact);

DEIR Impact WR-6: Land uses and development consistent with the 2007 General Plan would increase demand on groundwater supplies in some areas; the associated increased well pumping would result in the continued decline of groundwater levels and accelerated overdraft. (Significant and Unavoidable Impact); 7

DEIR Impact BIO-2: Potential Adverse Effects on Sensitive Riparian Habitat, Other Sensitive Natural Communities and on Federal and State Jurisdictional Waters and Wetlands (Less Than Significant with Mitigation for 2030 Planning Horizon and Significant and Unavoidable with Mitigation for Buildout);

DEIR Impact BIO-3.1: Potential Disturbance and Loss of Native Fish and Wildlife Species Movement Corridors (Less than Significant with Mitigation for 2030 Planning Horizon and for Buildout):

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop a policy to continue the collaborative development and implementation of watershed

[2] See June 4, 2008 RWQCB letter to San Luis Obispo County Department of Planning and Building regarding: Viborg/Calkins Mitigated Negative Declaration (Conditional Use Permit ED07-082)

management plans[3] and develop additional regional watershed management plans as necessary to assure healthy functioning watersheds and sustainable water supplies. All new watershed management plans or updates to existing plans shall include performance goals, metrics and monitoring specifically focused on restoring and maintaining healthy watershed functions. This policy statement could fit in the General Plan Public Services Policy statement under Water Quality and Supply Goal PS-2. 7

DEIR Impact WR-4, WR-6, BIO-2 and BIO-3.1:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop a policy to continue the collaborative development and implementation of groundwater management plans and develop additional regional groundwater management plans as necessary to assure healthy functioning watersheds and sustainable water supplies. All new groundwater management plans or updates to existing plans shall include performance goals, metrics and monitoring specifically focused on restoring and maintaining healthy watershed functions. This policy statement could fit in the General Plan Public Services Policy statement under Water Quality and Supply Goal PS-2. 8

DEIR Impact WR-7: Land uses and development consistent with the 2007 General Plan would increase demand on groundwater supplies in areas currently experiencing or susceptible to saltwater intrusion. Increased groundwater pumping in certain coastal areas would result in increased saltwater intrusion. (Significant and Unavoidable Impact);

DEIR Impact WR-9: Land uses and development consistent with the 2007 General Plan would result in an increase in the number of private wells in unincorporated areas of the county. Approval of wells in these areas would result in well interference impacts. (Less-Than- Significant Impact); 9

DEIR Impact WR-4, WR-6, BIO-2 and BIO-3.1:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to modify General Plan Public Services Goal PS-3.15 as follows and include a realistic near term timeline for development and implementation of the proposed guidelines:

To ensure accuracy and consistency in the evaluation of water supply availability, Monterey County Health Department, in coordination with the MCWRA, shall develop guidelines and procedures for conducting water supply assessments and determining water availability. Water supply assessments shall be based on cumulative sustainable demand required to maintain healthy watershed functions (i.e. will not result in effects

[3] Salinas River Watershed Management Action Plan; Carmel River Watershed Assessment and Action Plan; Pajaro Watershed Water Quality Management Plan; Pajaro River Watershed Integrated Regional Water Management Plan; Monterey Peninsula, Carmel Bay and South Monterey Bay Integrated Regional Water Management Plan.

on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life, including migration potential for steelhead) and to prevent overdraft and seawater intrusion. Adequate availability and provision of water supply, treatment, and conveyance facilities shall be assured to the satisfaction of Monterey County prior to approval of final subdivision maps or any changes in the General Plan Land Use or Zoning designations. 9

DEIR Impact WR-1, WR-3 and WR-9:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to actively participate in the development and implementation of the Salinas Valley groundwater nitrate study required pursuant to Senate Bill 1, Perata (Water quality, flood control, water storage, and wildlife preservation) adopted on September 30, 2008. This policy could fit in the General Plan Public Services Policy statement under Water Quality and Supply Goal PS-2. 10

General Plan Public Services Goal PS-2: Assure an adequate and safe water supply to meet the county's current and long-term needs:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to modify General Plan Public Services Goal PS-2 in the following manner: 11

Assure healthy functioning watersheds to provide an adequate, sustainable and safe water supply to meet the county's current and long-term needs.

Groundwater

Groundwater management is an integral component of watershed management given the interrelationships between surface water and groundwater quality and quantity. The primary groundwater quality and quantity issues within Monterey County are overdraft, seawater intrusion, contaminant loading [especially nitrate and salts] and recharge area protection. Water Board staff commends Monterey County for their current regional efforts and for developing goals and policies within the General Plan that address these issues. Subsequently, our recommended mitigation measures below are generally programmatic in nature and build upon the existing General Plan policies and various regional projects currently being developed or implemented by Monterey County. 12

DEIR Impact WR-1 and WR-6:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop a policy requiring project applicants for new development to identify and delineate groundwater recharge areas within the hydrologic influence of the proposed project. This policy statement could fit in the General Plan Water Quality and Supply Goal PS-2. 13

Monterey County should use these data to update and maintain the Hydrologic Resources Constraints and Hazards Database within Monterey County Geographic Information System (GIS) identified in General Plan Public Services Policy statement PS-2.6. 13

DEIR Impact WR-1:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop an ordinance prohibiting the siting of commercial and industrial facilities producing or handling hazardous chemicals (i.e. gas stations, dry cleaners, fertilizer/herbicide/pesticide facilities, etc.) within known groundwater recharge areas or sole source [water supply] aquifers. This policy could fit in the General Plan under Water Quality and Supply Goal PS-2. 14

Wastewater Management– General Comments

To mitigate the environmental impacts of development consistent with the General Plan, in addressing wastewater, the EIR should include a mitigation measure requiring Monterey County to identify, assess, document, and address requirements of the Basin Plan and other surface water and groundwater protection policies established within Monterey County. Requirements of these plans and policies should protect surface water and groundwater beneficial uses and ensure proper wastewater treatment system planning, design, construction, operation, and maintenance mechanisms.

The Basin Plan emphasizes the pursuit of regional wastewater management and includes the following Management Principle (Chapter V, Section IIIB): 15

> "The number of waste sources and independent treatment facilities shall be minimized and the consolidated systems shall maximize their capacities for wastewater reclamation, assure efficient management of, and meet potential demand for reclaimed water."

That principle conforms to the Basin Plan goals (Chapter IV, Section 1):

> "To manage municipal and industrial wastewater disposal as part of an integrated system of fresh water supplies to achieve maximum benefit of fresh water resources for present and future beneficial uses and to achieve harmony with the natural environment, and to continually improve waste treatment systems and processes to assure consistent high quality effluent based on best economically achievable technology."

To achieve Basin Plan goals and management principles, use of onsite septic systems should be minimized where a regional wastewater system is available. To mitigate the environmental impacts of development consistent with the General Plan, the EIR should 16

include a mitigation measure requiring Monterey County to consider onsite systems as temporary measures until access to a regional wastewater system is feasible.

To mitigate the environmental impacts of development for 2030 and 2092 ("Buildout") consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to have policies that: a) strongly favor new developments being annexed into regional Monterey County wastewater treatment system service areas, connected to the nearest urban or rural center collection system, or b) require Monterey County to build a new wastewater treatment system to meet the needs of the planned development. To justify a new wastewater treatment system, the Water Board would require: a) a detailed third party evaluation indicating connection to the nearest Monterey County regional, urban, or rural center wastewater and reclamation facility is not feasible, or b) Monterey County to develop a Water Board approved Urban Area Wastewater Master Plan.

It is the joint goal of the Water Board and the Monterey County Environmental Health Division (EHD) to protect water quality and public health from impacts associated with onsite wastewater discharges (i.e., septic systems). A memorandum of understanding (MOU) between the Water Board and the EHD has historically been in effect but is in the process of renewal. This MOU defines cooperative roles for the EHD and the Water Board with respect to compliance with the purpose and intent of statewide standards, Basin Plan criteria, and applicable local regulations governing onsite wastewater systems. The Water Board intends this MOU to assist in creation of a partnership between the Water Board and the EHD to protect water quality and public health in areas where the utilization of onsite wastewater systems occur. Under the MOU, the EHD shall ensure that the siting, design, approval, installation, operation, maintenance, and monitoring of all onsite wastewater systems shall be in conformance with Basin Plan requirements. 16

To mitigate the environmental impacts to groundwater and surface water of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to establish a policy requiring the renewal of and adherence to the MOU between the Water Board and EHD. The MOU should be updated as needed.

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop and implement an onsite wastewater management plan in urbanizing areas to investigate and mitigate long-term cumulative impacts resulting from continued use of onsite wastewater systems. The plan should be a comprehensive planning tool to specify onsite wastewater system limitations to prevent groundwater or surface water degradation.

Wastewater Management - Home Owner Associations and Community Service Areas

Our records indicate that Monterey County wastewater treatment systems, reclamation, and disposal facilities operated by home owners associations (HOAs), developers, or other similar private organizations have often lead to environmental impacts, since no 17

responsible party is available to address the failing wastewater systems. Highland Sanitary Association and the various Las Palmas homeowners associations are noteworthy examples. The DEIR should address this environmental impact. The General Plan Public Service policies PS-4.3 and PS-4.7 do not establish criteria specifying that these organizations be omitted as an acceptable "provider" of new wastewater systems.

To mitigate the environmental impacts to surface water and groundwater from new wastewater systems developed under the General Plan, the EIR should include a mitigation measure requiring Monterey County to adopt an enforceable regulation prohibiting HOAs, developers, or other similar private organizations from being designated service provider, unless it is infeasible for Monterey County to establish a community service area (CSA) or similar public service provider. A CSA or similar should have the ability to levy additional fees as necessary to ensure an adequate funding and management structure is in place for operation and maintenance of the wastewater systems. At a minimum, mitigation measures should include policies that require financial guarantees (e.g., performance bonds) for the operation and maintenance of the system. Such systems also must be operated by an appropriately qualified and licensed operator. Property deed restrictions may be necessary in some instances to ensure adequate long term operation and maintenance. 17

Wastewater Management - Salts Management

Salts (sodium, chloride, and total dissolved solids) loading from wastewater is a major cause of groundwater quality degradation. Salty wastewater also inhibits a community's ability to recycle water. The DEIR should address this environmental impact. To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to adopt an enforceable regulation requiring all brine disposal to be performed offsite at a certified brine receiving facility, or be disposed of in a manner that will not have an effect on groundwater quality. In addition, mitigation measures for salt management should include a prohibition of self-regenerating water softeners (those which discharge salt) in all new development. These mitigation measures are key to reducing the environmental impacts of wastewater discharges. 18

Wastewater Management - Water Recycling

In California Water Code Section 13510, the state legislature declares, "...that the people of the state have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface and underground supplies and to assist in meeting the future water requirements of the state." The Water Board strongly encourages the use of recycled water for irrigation and other non-potable uses. To this end, the EIR should include a mitigation measure requiring Monterey County to be an active participant in the implementation of the adopted State Water Resources Control Board Water Recycling Policy[4] by: 19

[4] Currently available for public review and pending approval at the February 3, 2009 State Water Resources Control Board meeting. Information available at: http://www.swrcb.ca.gov/water_issues/programs/water_recycling_policy/index.shtml

a. Promoting and mandating water recycling for new development projects within Monterey County's jurisdiction.
b. Actively participating in the locally driven and controlled collaborative process for the preparation of salt and nutrient management plans for each basin/sub-basin within Monterey County, including compliance with CEQA.

DEIR Impact WR-5: Land uses and development consistent with the 2007 General Plan would increase the demand for water storage, treatment, and conveyance facilities that would have significant secondary impacts on the environment Significant and Unavoidable Impact); 19

DEIR Impact WR-8: Land uses and development consistent with the 2007 General Plan would result in sewer- and septic-related water quality impacts, including those associated with reuse of treated water and migration of septic tank leachfield wastewater effluent to groundwater that would violate water quality standards. (Less-Than- Significant Impact)

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to include conservation and recycling in General Plan Public Services Statement PS-3.9.

Wastewater Management – Grey Water Ordinance

DEIR Impact WR-4 and WR-5:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to include a policy to develop a countywide grey water ordinance in support of General Plan Public Services Policy Statement PS-3.10. 20

Wastewater Management – Sewage Disposal

DEIR Impact WR-8:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to update its sewage disposal ordinances contained within Chapter 15.20 of Monterey County Code to be consistent with the development of onsite wastewater management plans and the most current onsite wastewater system criteria with the Basin Plan. 21

Wastewater Management - Future Connection Mandates 22

State Water Resources Control Board proposed Water Recycling Policy addresses the following topics: benefits of recycled water; mandates for its use; interagency roles; collaborative development of basin/sub-basin salt/nutrient management plans; landscape irrigation projects including streamlined permitting; groundwater recharge projects; antidegradation; emerging constituents/chemicals of emerging concern; and incentives for the use of recycled water.

General Plan Public Service policies PS-4.5 and PS-4.6 require Monterey County staff to develop criteria and provide proof of the adequacy of wastewater treatment services for new facilities. These policies do not apply the requirement to existing satellite wastewater systems for possible future connections. Continuance of existing satellite wastewater treatment systems can have cumulative impacts to surface waters and groundwater. To mitigate for the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to include a Public Service policy stating existing satellite wastewater treatment systems must establish a connection to regional, urban, or rural center wastewater treatment system when these systems become available. 22

In addition, the mitigation measure should require adoption of an enforceable regulation requiring any new development's wastewater collection system be tied into the nearest county regional, urban, or rural center wastewater treatment facility when available, followed up by abandonment of an existing satellite system, if applicable. Monterey County should require assurances that the existing wastewater system is capable of, and agrees to accept maximum projected wastewater flows from the project at ultimate build-out. These mitigating measures are key to reducing impacts to surface water and groundwater.

Agriculture – Stream Setback

DEIR Impact BIO-2:

According to the DEIR, existing agricultural land use is not considered a significant impact on Sensitive Riparian Habitat because of General Plan polices AG-5.1 and AG-5.2. These policies support programs and policies that reduce erosion and protect surface and ground water, but they do not directly protect Sensitive Riparian Habitat, other sensitive natural communities or federal and state jurisdictional waters and wetlands. To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop policies that explicitly ensure the compatibility of agricultural uses and riparian and aquatic habitat. 23

The stream setback ordinance required as mitigation for Impact BIO-2 would be a valuable measure to protect riparian habitat. The description of the mitigation measure recommends that the ordinance apply to discretionary development and to conversion of previously uncultivated agricultural land on slopes greater than 10% for erodible soils and greater than 15% for normal soil. To mitigate the environmental impacts of development consistent with the General Plan, the ordinance should apply to newly cultivated agricultural lands **and** conversion of existing agricultural uses to more intensive crops that may have greater impact on the environment, such as strawberries, nursery and greenhouse crops. Intensive agriculture has a high potential to impact riparian habitats on all slopes and soil types. The ordinance should remove slope as a requirement for applicability.

Agriculture – Food Safety and Environmental Protection

DEIR Impact BIO-3.1:

Environmental issues and impacts from agricultural land use are not acknowledged and assessed in the DEIR. The impacts of irrigated agriculture on biological resources have intensified in recent years because of food safety concerns, such as potential exposure of crops to pathogens such as E. Coli and salmonella. Some produce buyers have required growers to demonstrate and document that potential vectors for these pathogens such as wildlife and domestic live stock are excluded from production fields and that there are distinct zones between cultivated production and habitats. Currently, common food safety practices include the removal of vegetated buffers, installation of wildlife exclusionary fences along corridors, removal and trimming of riparian vegetation, installation of rodent and bird poison bait stations between habitats and fields, removal of trees and non-productive vegetation from field edges, and the draining or treating of reservoirs and basins. 24

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop supporting policies that ensure safe food supplies **and** protection of environmental resources. Monterey County should develop a program that coordinates food safety and environmental protection requirements for growers.

Agriculture – Pesticides and Agency Coordination

DEIR Impact WR-3:

The DEIR Impact WR-3 summary states that nutrients and sediment in downstream waterways are impacts from agricultural land uses. Pesticides should be included along with sediment and nutrients. Several water bodies in Monterey County are on the Clean Water Act Section 303(d) list for impairments from pesticides. Recent water quality monitoring data for agricultural drainages in Monterey County indicate the presence of currently applied agricultural pesticides at concentrations that have been documented to cause toxicity to aquatic species. 25

Policies in the Agricultural Land Use section of the General Plan support programs and policies that protect and enhance surface and ground water resources. In addition to supporting these programs, the EIR should include a mitigation measure requiring Monterey County to develop programs with County Agricultural Commissioner and Monterey County Water Resources Agency that work directly with agriculture to protect and enhance water quality from agricultural discharges. These programs should coordinate with the Water Board Conditional Waiver for Irrigated Agriculture Program and other Water Board programs.

Hydromodification 26

Increased runoff from developed areas is the key cause of other adverse water quality and beneficial use effects. Attention to maintaining the pre-development hydrograph will prevent or minimize other problems and will limit the need for other analysis and mitigation.

Projects in Monterey County may be subject to the NPDES Phase II Municipal Stormwater Permit (Permit). The Permit requires new development and significant redevelopment projects to reduce runoff volume and pollutant load to the Maximum Extent Practicable (MEP). In most cases, MEP standards are not met by conventional site layouts, construction methods, and storm water conveyance systems with "end of pipe" basins and treatment systems that do not address the changes in volume and rates of storm water runoff and urban pollutants (including thermal pollution). Low Impact Development practices meet the MEP standard and are more effective at reducing pollutants in storm water runoff, at a reasonable cost.

Low Impact Development (LID) is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control stormwater runoff where it is generated. LID practices are dispersed across a site to minimize runoff. LID serves to preserve the hydrologic and environmental functions altered by conventional stormwater management. Water Board staff considers a project that includes all of the following elements to be a "Low Impact Development" project: runoff volume control, peak runoff rate control, and flow frequency duration control. 26

> DEIR Impact PSU-7: Development and land use activities contemplated in the General Plan may result in the need for new or expanded stormwater drainage facilities. (Less-Than-Significant Impact);
>
> DEIR Mitigation Measure PS-1: Policy S-3.9 - require all future developments to implement the most feasible number of Low Impact Development (LID) techniques into their stormwater management plan. The LID techniques may include, but are not limited to, grassy swales, rain gardens, bioretention cells, tree box:

Properly implemented LID is appropriate mitigation to prevent adverse water quality and beneficial use effects from runoff of developed areas, not just to decrease the need for new or expanded stormwater drainage facilities. The stated mitigation measure looks at LID on a technique (understood to be a Best Management Practice) level. To be effective, LID needs to be invoked as a design approach and implemented into the early site design and planning phases.

A development that only incorporates some LID techniques into an otherwise conventional design would not likely achieve the water quality benefit that comes from a project that is designed using LID principles. To mitigate for the environmental impacts of the General Plan, the mitigation measure should require projects to contain all of these elements. The DEIR also does not document the potential cumulative environmental impacts to watershed hydrology from existing and other planned development in the area.

> DEIR Impact WR-10: Land use and development consistent with the General Plan would result in alterations to existing drainage patterns. Such changes would increase erosion, both in overland flow paths and in drainage swales and creeks. (Less-Than-Significant Impact):

The DEIR discussion for WR-10 states that development consistent with the General Plan would result in a gradual increase in impervious cover. To mitigate for the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to implement a policy to limit the percentage of impervious cover for developments and to examine the effect of imperviousness on a watershed scale.

Detention ponds as a mitigation approach for hydrologic changes are not sufficient because they replace only a scant fraction of the storage capacity of hillslopes that was lost, convert what was once spatially distributed subsurface runoff into a point discharge at a surface water outfall, and reduce the rate and change the location of groundwater recharge and subsequent discharge[5]. To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to require, where feasible, new development to be consistent with a Low Impact Development project as described above. 26

> DEIR Impact WR-11: Land uses and development consistent with the General Plan would result in increases in stormwater runoff and peak discharge. Existing storm drain systems, including urban creeks and rivers, may be incapable of accommodating increased flows, potentially resulting in increased onsite or offsite flooding. (Less-Than-Significant Impact):

General Plan Safety Element Policy S-3.1 requires post-development, offsite peak flow drainage limited to pre-development peak flow drainage. While controlling the peak flow is important for flood control and stream erosion, the environmental impacts of development consistent with the General Plan altering the hydrology are not sufficiently addressed by only limiting the peak flow. If one only controls the peak, the resulting drainage can cause downstream channel erosion/modification and impact water quality and fish habitat.

<u>Riparian and Wetland Buffers</u>

> DEIR Impact BIO-2;
>
> DEIR Mitigation Measure BIO-1.1: Baseline Inventory of Landcover, Special Status Species Habitat, Sensitive Natural Communities, Riparian Habitat, and Wetlands in Monterey County; 27

[5] Konrad, C. &, Booth, D. (2005). Hydrologic changes in urban streams and their ecological significance. *American Fisheries Society Symposium*, 47:157-177

DEIR Mitigation Measure BIO-2.1: Stream Setback Ordinance:

The functions of riparian corridors include streambank stability, sediment reduction, and flood protection. The EIR should include a mitigation measure requiring Monterey County to complete a Riparian Corridor Study in order to develop a riparian protection ordinance for Monterey County. In addition, Monterey County should establish realistic near term timelines for the implementation of mitigation measures BIO-1.1 and BIO-2.1 regarding the identification and mapping of critical habitat and the development of a countywide stream setback ordinance. (Note: These mitigation measures are currently required to restore and protect riparian habitat under existing developed conditions.) Mitigation measure BIO-2.1 should include the following language: "Monterey County shall coordinate with the Central Coast Regional Water Quality Control Board for the development and review of the county-wide stream setback ordinance." 27

The proposed mitigation measure BIO-2.1 develops a stream setback ordinance but does not address setbacks to wetlands. Wetlands are both a highly productive and sensitive resources biologically, support a great diversity of plant and animal species, provide essential habitat for a high number of special-status species and serve critical water purification and groundwater recharge functions. Development setbacks are necessary around wetlands to provide a buffer to prevent disturbance of important wildlife habitat, and to filter sediments and pollutants from disturbed areas and urban runoff. To mitigate the environmental impacts of the proposed General Plan development, in addition to the proposed Stream Setback Ordinance, Monterey County should develop an ordinance for wetland setbacks. The Greater Monterey Peninsula Plan calls for a setback to wetlands. The remainder of Monterey County should have a similar wetland setback requirement. Development should be set back a minimum distance to protect the wetland and provide an upland buffer. Larger setbacks should apply to wetlands supporting special-status species or associated with riparian systems and lands under tidal influence.

Cumulative Impacts Analysis – Water Resources

DEIR Impact CUM-2: Surface Water Quality:

The cumulative impacts analysis does not consider the interrelationships between groundwater and surface water quantity and quality. This is likely the result of the lack of a specific framework for the development and implementation of a long term watershed management strategy as part of the General Plan.

The incremental effects of the land use related impacts and increased water supply demand on "surface water quality" is "cumulatively considerable" not "less than cumulatively considerable" as stated under CUM-2 of the Executive Summary Table (2-1) and section 6.4.3.3 of the DEIR. Existing land use conditions and water supply demand has resulted not only in well documented surface water quality impacts, but also surface water quantity related impacts. Surface water quality impacts are primarily attributable to contaminant loading (i.e. sediment, nutrients, pathogens and herbicides/pesticides, etc.) and loss of riparian habitat (buffers). Water quantity related 28

habitat impacts resulting in the loss or degradation of aquatic and riparian habitat are attributable to overdraft – both surface water diversion and groundwater pumping - and loss of recharge due to impervious surfaces and storm water runoff that result in decreased surface water and subsurface base flows. By virtue of the interrelationship between groundwater and surface water quantity and quality alone, a cumulative impacts analysis end point of "cumulatively considerable" for surface water quality would be anticipated. This would be in agreement with that of the cumulative impacts analysis results for groundwater quality.

The analysis outlined in DEIR section 6.4.3.3 only considers surface water quality related impacts and suggests cumulative surface water quality impacts will be primarily mitigated via the Water Board's implementation of TMDLs and the irrigated agriculture general waiver program, along with a handful of policy statements within the General Plan. We could evaluate the appropriateness of mitigation measures if the DEIR described the Monterey County measures that will be implemented to address TMDLs. Additional General Plan policies and mitigation measures related to storm water runoff, groundwater recharge, sustainable water supply development and stream setbacks also warrant discussion within the cumulative impacts analysis. Although we anticipate measurable success in mitigating additional surface water quality impacts with these programs/policies on a project by project basis, the potential cumulative impacts of all the land use related potential water quality impacts will go unchecked without a long term watershed management strategy that links them all together. 28

In addition, for a long term watershed management strategy to be effective, it needs to be based on clearly identified performance goals and metrics for achieving them that are based on the physical, chemical and biological parameters of healthy watershed functions. Only then will Monterey County be able to provide long term sustainable water supplies for projected growth.

Monterey County's sweeping authority over land use practices and water supply is the primary controlling factor in mitigating potential water quality and quantity impacts on a watershed basis above. Therefore, the collaborative development and implementation of a successful long term watershed plan lies primarily within County oversight. That responsibility cannot be considered separately from the General Plan.

Thank you for your attention to this letter. We look forward to your responses in the EIR. If you have questions, or would like to meet to discuss these comments, please contact **Jennifer Epp at (805) 594-6181**, or Matt Thompson at (805) 549-3159.

Sincerely,

Lisa A McCann

for Roger W. Briggs
Executive Officer

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