



# Carmel Area Wastewater District

## **FINAL INITIAL STUDY/NEGATIVE DECLARATION SPHERE OF INFLUENCE AND ANNEXATION PROJECT**

### **OVERVIEW**

**INTRODUCTION AND PURPOSE:** This document, together with the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND), constitutes the Final Initial Study/Mitigated Negative Declaration (Final IS/MND) for the Project. The Final IS/MND consists of an introduction, comment letters received during the 30-day public review period, responses to comments, and revisions to the Draft IS/MND, if deemed applicable. The Carmel Area Wastewater District (CAWD) is the lead agency for the project and Monterey County Local Agency Formation Commission (LAFCO) is a responsible agency. The Draft IS/MND was prepared to inform the public of the potential environmental effects of the project and identify possible ways to minimize project related impacts.

**BACKGROUND:** The District circulated an Initial Study on the proposed project and has determined that the project will not have a significant effect on the environment. The District will therefore consider adoption of a Negative Declaration for this project at the regularly scheduled Board hearing on December 10, 2015.

**PROJECT DESCRIPTION:** CAWD proposes amendments to the District Sphere of Influence (SOI) and Service Area (SA) to allow annexations, including:

- An expansion of the District's existing SOI,
- Annexation of areas within District's existing SOI and annexation of areas within the proposed SOI, in locations where the District anticipates near-term sewer service connection requests,
- Annexation of lands already served under LAFCO-approved "out-of-District" service agreements
- Removal of lands from the existing SOI not needing service.

The area described above totals approximately 10.5 square miles, including five square miles of the existing service area, .25 square miles of the existing SOI, .15 square miles of the existing SOI to be removed, .3 square miles of future study area, and 4.5 square miles of proposed additional SOI and Annexation area. The project would result in boundary changes and would allow future applications for annexation to be processed by the District in a more efficient manner. There are no physical improvements or construction activities proposed by the SOI and annexation itself. Future actions and development within the annexation area would be subject to individual requests and additional environmental review if required on a project-by-project basis.

**PUBLIC REVIEW PERIOD:** Pursuant to Section 15073(a), the proposed Draft IS/MND was circulated for a 30-day review period. The public review period for the Initial Study/Negative Declaration was initiated on November 9 and ended on December 9, 2015. The Notice of Intent (NOI) to adopt the MND was posted with the Monterey County Clerk and the State Clearinghouse, made available on CAWD's website, posted at CAWD offices, distributed to relevant public agencies, and emailed/mailed to a list of interested individuals and local groups. Additionally, copies were made available for review at CAWD offices and the local libraries.

**FINAL INITIAL STUDY/NEGATIVE DECLARATION  
FOR THE SPHERE OF INFLUENCE AND ANNEXATION**

**COMMENTS AND RESPONSES**

**COMMENTS RECEIVED:** A total of three (3) comment letters were received during the public review period. The comments are summarized and responses provided in the following section. The full letters are attached.

The following lists the letters of comment received.

*Agencies:* County of Monterey Environmental Health (Letter 1)  
*Organizations:* LandWatch (Letter 2)  
Carmel Valley Property Association (Letter 3)

The complete text of the comments and the Lead Agency's response to those comments are presented in this section, with written comments summarized below, and the responses to those comments presented thereafter. Where changes or additional text is needed in the Draft Initial Study, this is provided in Changes to the Initial Study following Comments Summary and Responses.

CEQA does not require written responses to comments received on an MND; however, the District as lead agency has reviewed the comments received and prepared these responses to provide full information to the decision-makers and the public.

**COMMENTS SUMMARY AND RESPONSES**

**Letter 1: County of Monterey Environmental Health Bureau**

1. The commenter opines that the Initial Study/Negative Declaration is comprehensive and covers all potential commenter concerns; commenter fully supports the proposed project.

**Response:** The comment notes support for the proposed project. This comment is directed toward decision makers. No additional response is necessary.

**Letter 2: Monterey County LandWatch Comment**

1. The comment cites a statement in the Initial Study identifying most of the area proposed for annexation as developed or designated for low density residential uses and requests clarification of the number and methodology used to determine the number of undeveloped properties that could be served under the proposal. Specifically, the comment questions the conclusions in the Initial Study on this item and asks that CAWD "quantify the number of undeveloped legal lots of record that could be served under the proposal as well as new development designated for low density residential uses within the proposed sphere of influence" and identify "methodology for determining lots of record."

**Response:** As noted in the comment letter, Page 14 of the Initial Study states that most of the area proposed for annexation is developed “or designated for low density residential uses...”. The methodology used for determining lots of record to support the statement that the majority of lots are developed included: review of County maps available on line; review of google maps; knowledge of the local area; field surveys of the project area, and specific review of County records (using GIS data). The Initial Study identifies developed areas on Figure 5 and further describes the areas starting on Page 8 through 13 with figures. Figures 1 to 5 show lots but do not specify lots that are currently developed with homes. The commenter is correct that 3000 acres will be added to the District service area. However, however over 800 acres of this increase is attributed to State Parks lands which are already served by the District and over 875 acres of the remaining are attributed to the September Ranch development area which has been approved through a prior environmental review process. An additional 425 acres shown on Figure 5 (Rancho Canada Golf Course and Quail Lodge Golf Course) are currently developed with golf courses or open space designations. Lots containing golf course and open space designations have been included primarily due to service trunk lines and District structures being currently existing on these lots, or there is a potential for the District to extend service for restroom facilities or maintenance facilities (also existing facilities). The remaining area includes 900 acres which are significant to this review.

The developed areas of this area and the entirety of the proposed SOI and Annexation area are shown on the figures in the Initial Study. To further address the request made in the comment letter, an additional figure (attached as New Figure 5a) shows the SOI and Annexation area and identifies vacant lots or undeveloped lots. The map supports the statement on Page 14 of the Initial Study that most of the area proposed for annexation is developed. The comment also asked that the areas that are “designated for low density residential uses...” be identified. These areas are shown on Figure 4 of the Initial Study. Also see Figure 5 and New Figure 5a. The individual lot lines are shown in these figures. The attached new map identifies the number of undeveloped legal lots of record that could be served under the proposal.

The request to identify “new development designated for low density residential uses within the proposed sphere of influence” is addressed in the current discussion and figures in the Initial Study. Please refer to Figures 4 and 5, and the discussion describing these properties under Pages 8-13. This analysis is further supported by the new Figure 5a attached which identifies the remaining lots of record in the proposed SOI and Annexation areas.

The proposed project would revise the boundaries of the District and annex territory to the service area of the CAWD which allows for sewer services to be provided to the undeveloped lots of record within this area upon petition to the District. The proposal is for a boundary change and as such, is not a proposal for development of vacant lots. The project would allow for annexation of these properties to occur and for the property owners to request sewer service.

2. The commenter states that potential direct and indirect impacts generated by the change in jurisdiction boundaries are not adequately addressed throughout the document, and specifically references air quality and biological resource impacts as an example. The comment letter also requests reference to previous environmental documents and include any impacts that may have been identified in these previous environmental documents.

**Response:** The proposed SOI amendment will result in inclusion of additional lands within the District’s Sphere of Influence and annexation of these areas into the CAWD, which could result in future service area extensions. However, no service area extension or development is proposed at this time as part of the proposed SOI amendment and annexation. The Initial Study appropriately discusses that there would be no direct impacts resulting from the boundary adjustment and identifies potential for future indirect environmental impacts in topical sections where appropriate. The CEQA checklist identifies the level of impact and the accompanying language assesses level of effect. According to the CEQA Guidelines

Section 15382, a significant effect on the environment means “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” The Initial Study evaluates each identified effect in accordance with the Guidelines. For each category of physical condition evaluated in this Initial Study, thresholds of significance have been developed using criteria discussed in the CEQA Guidelines, criteria based on factual or scientific information, standards or professional determination. Where needed or in context with the impact category, indirect effects of the project are addressed. The proposed project would revise the boundaries of the District and annex territory to the service area of the CAWD which allows for sewer services to be provided. The CEQA Checklist identifies each category of impact in accordance with CEQA. The comment identifies a need to re-address the impacts of the Initial Study. The document was reviewed and any language inconsistencies on these items or issue areas are clarified and addressed in the following section, **Changes to the Initial Study**.

The Initial Study (pages 14-16) provides a discussion of completed CEQA analysis. The proposed SOI amendment and SA annexation would not have any direct environmental impacts because it would only result in a reorganization of jurisdictional boundaries with no direct physical changes to the environment. The Initial Study notes that that Monterey County General Plan describes and evaluates development of the proposed SOI and Annexation Area. Evaluation of significant impacts from development and buildout of the SOI and Annexation Areas have been fully considered through the analysis contained in previous the County of Monterey General Plan EIR and environmental documents on the planning documents for this area. The Initial Study tiers from Monterey County’s General Plan EIR analysis and the Initial Study provides this documentation on pages 14-16, as well as cites locations for individual EIRs for recent development proposed for properties within the SOI area.

3. The commenter requests the hydrology section address the potential impacts of removing a source of groundwater recharge from the Carmel Valley River underflow (wastewater from septic systems) and transferring it out of the basin to irrigate golf courses in Pebble Beach.

**Response:** The following topics and responses are below:

Removal of Septic Systems: Under Hydrology and Water Quality, starting on Page 31, discussion of Item b), the Initial Study addresses the potential removal of septic systems in the Carmel Valley and addresses potential recharge reduction to the alluvial system. According to the Central Coast Hydrologic Region, Carmel Valley Groundwater Basin Bulletin 118, the alluvium consists of poorly consolidated boulders, gravel, sand, and silt deposited by the Carmel River. The alluvial aquifer is small, shallow, and unconfined. Recharge to the aquifer is derived mainly from river infiltration. During the rainy season when streamflow resumes, the alluvial aquifer fills in all years except during droughts. Annual streamflow in the lower reaches of the Carmel River is highly variable, ranging from zero AF in 1977 to 367,00 AF in 1983. Discharge to the ocean averages approximately 76,000 afy, with more than 96% of this total occurring between December and May.

The Initial Study document looks at the project at a planning level based upon the project itself, which is a boundary adjustment with potential for future service to be provided in an unknown timeframe. The document notes that septic systems as a recharge source to the Carmel Valley alluvial is a minor component of aquifer recharge and that recharge occurs primarily (approximately 85 percent) through the Carmel Riverbed. The Initial Study states the contribution of recharge from infiltration of septic systems in these homes in comparison to the other sources is small and the timeframe for removal of septic systems by individual homeowners is unknown but would likely occur over time (and some homes may choose not to hook up to the CAWD system). The conclusion of a less than significant impact is based upon the minor contribution to recharge, the unknown timing, and the limited technical information on the site specific hydrological conditions underlying the entirety of the annexation area. Under Hydrology and Water Quality Thresholds of Significance per CEQA Guidelines, a project impact would be considered

significant if the project would “violate any water quality standards or waste discharge requirement” or “substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)”. The potential future indirect impacts from reduction of septic systems on the water system will thus not result in the depletion of groundwater or the groundwater system.

**Golf Course Irrigation Water:** The comment requests the Initial Study address wastewater coming from Carmel Valley area to irrigate golf courses in Pebble Beach. The proposed project would not be transferring water as the comments notes. There is an existing project, the CAWD/PBCSD Reclamation Project, which is operated by CAWD that uses wastewater from the CAWD and PBCSD and treats it to a level to be used on area golf courses. The wastewater reclamation project was jointly undertaken by the CAWD, the Pebble Beach Community Services District (PBCSD), and the Monterey Peninsula Water Management District (MPWMD) to provide recycled water in lieu of potable water to golf courses in the Del Monte Forest. The CAWD and the PBCSD began operation of the Phase I CAWD/PBCSD Reclamation Project in 1994. This project offsets direct pumping of the Carmel alluvial by supplying recycled water from treated wastewater to the existing golf courses and other properties within Del Monte Forest. The initial phase of the project produced an average of 670 acre-feet of recycled water annually over first ten years (1994-2004) of implementation. Phase II of the project was completed in 2009 and provided further reduction of pumping of water from the Carmel River system to supply golf courses with reclaimed versus potable water. Phase II of the reclamation project focused on reducing use of another 280 acre-feet of potable water that was used for flushing the golf courses and supplementing irrigation (using potable water). The goal of the CAWD/PBCSD project is to provide 100 percent of the irrigation water for all of the golf courses and some open spaces areas in the Del Monte Forest (Pebble Beach Area). The MPWMD estimates that, on average, the project saves approximately 1,000 afy of potable water (Stoldt, 2011). The project is fully entitled and operational and has been the subject of previous environmental review and subsequent environmental documentation.

Through agreements, the Pebble Beach Company and other entitlement holders have water entitlements for water up to 380 acre-feet. To date, the MPWMD has issued water permits totaling 58.42 afy; the remaining entitlement for all CAWD/PBCSD project entitlement holders is 321.58 afy (MPWMD, 2013a). Direct testimony by the MPWMD in February 2013 during the CPUC proceedings confirmed the estimated 325 afy of future demand associated with the Pebble Beach water entitlements is reasonable (Stoldt, 2013). Thus, the CAWD/PBCSD projects provide an overall reduction of CalAm water a major portion of which is drawn from the Carmel Valley aquifer. The CAWD SOI and Annexation proposal would provide for additional area of service area within the CAWD to supply water for recycled water use to area golf courses and other non-potable users.

The seepage of septic systems into the aquifer is addressed separately by the discussion above. Any reduction in water seepage from septic systems would be offset by the reduction of direct pumping of the Carmel alluvial to supply irrigation water to golf courses.

4. The commenter suggests the document include an analysis of the potential for growth with the proposed changes to the Sphere of Influence. Specifically, the commenter request support for claims made within the document that potential new development would occur with or without the proposed project.

**Response:**

Potential Growth under Proposed Changes to the Sphere Of Influence (SOI): Section, M. Population and Housing in the Initial Study, pages 35-36 contain an analysis of growth potential. There are a limited

number of developments currently proposed or approved that would allow for potential new development to occur with or without the proposed SOI and Annexation Proposal. Figure 5, Page 13 discusses various properties that would be included in the SOI and Annexation area. The Initial Study concludes the majority of the area proposed for boundary adjustments are developed with residential and commercial existing land uses and that wastewater provision under CAWD would not necessarily promote or foster development of existing lots of record, expansion of existing uses, residential and commercial remodels, and similar purposes. See new Figure 5a and responses to Comment 1, above.

In response to the request to identify properties that could be developed with or without annexation and service by CAWD, the Initial Study identifies the following:

Wolter Properties is a 48-acre site zoned as Low Density Residential. Eight lots exist and each lot could be developed as residential (single-family) as an allowed use under County zoning.

Other individual properties as shown on New Figure 5a can be developed under septic without service provision from CAWD. These lots may be served under current County regulations by septic systems provided they meet the regulations under County Code for septic use. In addition, current technologies have made alternative single unit waste treatment services more accessible and cost effective. Today most any lot which may have been constrained by septic system requirements in the past can today be accommodated by proprietary package treatment solutions. These treatment processes are widely available and many are currently in use throughout the County.

September Ranch is an approved subdivision and has been provided a can and will serve letter. The property is approved for a tentative map subdivision and service may be extended by CAWD to this area without the proposed annexation or SOI amendment, under extension of service agreements. This is similar to the Point Lobos State Park area which is currently being served by CAWD but is outside their service area (see below).

The Point Lobos Area is currently receiving service through an approved extension of wastewater service outside of the District's boundaries. Subsequently, wastewater lines were also extended into Point Lobos Ranch, an undeveloped site on the eastern side of Highway 1 which contains several State Parks-owned staff residences. The District proposes to include these properties within its Sphere of Influence and to annex them as they are already serviced by existing wastewater lines.

5. The commenter proposes that the Monterey County LAFCO's "Policies and Procedures Relating to Spheres of Influence and Changes or Organization and Reorganization" be addressed within the document.

**Response:** Please see Appendix B, LAFCO Guidelines and Monterey County LAFCO's policies including "Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization". It is not necessary for this information to be included in the body of the Initial Study document. CEQA Guidelines permit the use of appendices containing technical detail or specialized analysis. Specifically, the Guidelines state that "[p]lacement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR" that "may be prepared in volumes separate from the basic EIR document" if "readily available for public examination" (Cal. Admin. Code, tit. 14, § 15147). In this case, the Initial Study document contains the technical analysis and documentation, including policy analysis and charts; these were available for public viewing along with the Initial Study.

### Letter 3: Carmel Valley Association Comments

1. The comment supports the comments submitted by LandWatch (summarized above).

**Response:** The comment does not require any additional response.

2. The commenter requests the environmental document quantify the number of existing septic tanks or individual wastewater treatment and disposal systems currently contributing to the underflow of the Carmel River. The commenter is concerned with the extent these systems may result in additional export from the basin.

**Response:** See responses to comments on Letter 2, above under Item 3. The comment requests the environmental document quantify the number of existing septic tanks or individual wastewater treatment and disposal systems currently contributing to the underflow of the Carmel River. There is no technical evidence or scientific data provided to identify what the contribution to “underflow” of the Carmel River would be for septic systems. A review of the existing homes in proximity to the Carmel River/Alluvium area was undertaken. Approximately 200 - 250 homes currently on septic systems in the Quail Lodge area would be provided the opportunity to annex to the CAWD sewer service area under this proposal. As stated within the Project Description, it is not known the timing of any service extension of these areas. The properties may never request sewer service or may submit multiple service extension requests for sewer hookups. Assuming 150 to 200 homes are eventually provided service by CAWD in a phased extension, this could represent an additional 30,000gal/day of sewage directed to the treatment plant. There is no known formula developed for the Carmel Valley area of contribution of septic systems to recharge as this is dependent on a number of site specific factors including type and age of septic system, infiltration time and distance, underlying soils, level of water table (which varies due to time of the year) and type of water year. The Initial Study identifies the water quality impacts from potential septic effluent: any volume leaching back into the drinking water supply is the significant health, safety and welfare risk that this has on ground water supply. These risks have been observed in studies dating back to the 1980’s both locally as well as on a national level.

3. The commenter opines that these impacts may have legal and environmental impacts that may require the preparation of an EIR.

**Response:** Initial Study determined that there will be no significant direct or indirect impact on the environment, and qualifies for a Negative Declaration. The comment provides an opinion on the need for an EIR but does not provide rationale or evidence on the significance of an impact that would require an EIR. Specifically, subsection (g), Public Resources Code section 21082.2 provides that the determination of significance shall be based upon substantial evidence in light of the whole record before the agency. The State CEQA Guidelines require that decisions regarding the significance of environmental effects be based on substantial evidence and recognize that other evidence suggesting a different conclusion may exist. The Initial Study provides a comprehensive evaluation of the project’s environmental impacts in compliance with CEQA and the State CEQA Guidelines and in accordance with professionally accepted methodology for the evaluation of environmental resources.

**FINAL INITIAL STUDY/NEGATIVE DECLARATION  
FOR THE SPHERE OF INFLUENCE AND ANNEXATION**

**REVISIONS**

**REVISIONS TO THE DRAFT IS/ND.** If comments raised environmental issues that required additions or deletions to the text, tables, or figures in the Draft IS/ND, a brief description of the change is provided below, under **Revisions to the Draft IS/ND**.

The comments received on the Draft IS/MND did not result in a "substantial revision" of the negative declaration, as defined by CEQA Guidelines Section 15073.5, and the new information added to the negative declaration merely clarifies, amplifies, or makes insignificant modifications to the Draft IS/ND. No new, avoidable significant effects were identified since the commencement of the public review period that would require mitigation measures or project revisions to be added in order to reduce the effects to insignificant.

**ADDITIONAL MATERIAL:**

Pages 8-13: Add new map (Figure 5a) attached with information on lots of record and undeveloped lots.

Carmel Area Wastewater District Annexation  
**Vacant/Undeveloped Parcels**

**NEW FIGURE 5A**

CARMEL-BY-THE-SEA

*Carmel Bay*

SANTA LUCIA AVE

JUNIPERO AVE

RIO RD

CARMEL VALLEY RD

1

September Ranch:  
Approved for  
development of 95  
residential units

-  Carmel Area Wastewater District (CAWD)
-  Carmel Area Wastewater District - Annex
-  Vacant Parcels within existing CAWD
-  Vacant Parcels outside existing CAWD
-  Parcel

0 0.5 1 Mile

Map produced by Monterey County RMA 12/9/15



Attachment to the Final Initial Study

| <b>Impact Area</b>     | <b>Impacts</b>  |
|------------------------|---|
| Aesthetics             | <p>According to the discussion and chart on p.19 <b>No Impact</b> to aesthetics resources would occur as a result of the proposed project.</p> <p>Further, the discussion under Impacts a)-c) addresses potential for indirect impact and notes that due to the nature of the connections, future extension of pipelines will be placed underground and, will not permanently affect any scenic vistas or resources, therefore there would be no impact.” (p. 19).</p>  |
| Agricultural Resources | <p>According to the discussion and chart on p.19-21 <b>No Impact</b> to agricultural resources would occur as a result of the proposed project.</p> <p>Further the discussion under Impact a), d) and e) further examines impacts stating, “The proposed Sphere of Influence amendment and annexation would expand the SOI boundaries for the District to join non-contiguous areas of the District and increase areas that could be provided wastewater service. Neither the proposed annexation nor SOI amendment would conflict with zoning to protect forest resources, result in conversion of forest land or involve other changes that could lead to such conversion.” (p. 19)</p>   |
| Air Quality            | <p>According to the discussion and chart on p.23 <b>No Impact</b> to air quality would occur as a result of the proposed project.</p> <p>Further the discussion under Impact a)-f) further examines impacts stating, “The Proposed Project would provide for revised boundaries of a Sphere of Influence determination and service areas for the CAWD. As a result, the project would not result in <u>direct impacts</u>. <u>Any</u> indirect impacts associated with the development that could cause temporary increases in air quality emissions during construction in connection with ground-disturbing activities and the operation of heavy equipment. If additional residential or commercial development does occur, any impacts indirect effects would be temporary in nature and would not exceed applicable MBUAPCD thresholds. Moreover, potential indirect effects would be addressed on a project-specific basis through standard construction best management practices, applicable conditions of approval, and project-specific mitigation (if applicable) identified during the development review process.” (p. 23)</p> |
| Biological Resources   | <p>According to the discussion and chart on p.24-25 <b>No Impact</b> to biological resources would occur as a result of the proposed</p>  |

|                                 |  |
|---------------------------------|--|
|                                 | <p>project.</p> <p>Further the discussion under Impact a)-c) further examines impacts stating, “No direct or indirect impact on 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 are anticipated through the boundary adjustment of the SOI Amendment and Annexation.” In addition, Impact d) – e) states, “The action of changing the District’s boundaries, by itself, will not result in physical impacts on the environment, as described herein.” (p. 24)</p>   |
| Cultural Resources              | <p>According to the discussion and chart on p.25 <b>No Impact</b> to cultural resources would occur as a result of the proposed project.</p> <p>Further the discussion under Impact a)-c) further examines impacts stating, “The project would not directly result in any physical development or construction of infrastructure improvements that would affect the environment, If additional development does occur as an indirect impact of the proposed project impacts to cultural resources reviewed independently as a requirement of CEQA . Therefore, the Proposed Project would have no impact to cultural resources.”</p> |
| Geology and Soils               | <p>According to the discussion and chart on p.26 <b>No Impact</b> to Geology and Soils would occur as a result of the proposed project.</p> <p>Further the discussion under Impact a)-e) further examines impacts stating, “The project would not directly result in any physical development or construction of infrastructure improvements that would directly affect geology or soils” (p 26)</p>   |
| Greenhouse Gases                | <p>According to the discussion and chart on p.26-27 <b>No Impact</b> to greenhouse gases would occur as a result of the proposed project.</p> <p>Further the discussion under Impact a) further examines impacts stating, “Because the project would not directly result in any construction or operation, and thus no emissions of greenhouse gases, and because indirect effects are addressed through the independently-required CEQA review of other development plans/projects, and future infrastructure improvements/facilities, the Proposed Project would have no impact due to greenhouse gas emissions.” (p.27)</p>       |
| Hazards and Hazardous Materials | <p>According to the discussion and chart on p.27-29 <b>No Impact</b> to Hazards and Hazardous Materials would occur as a result of the proposed project.</p>   |
| Hydrology and Water Quality     | <p>According to the discussion and chart on p.29-32 <b>No Impact</b> to Hydrology and Water Quality would occur as a result of the</p>   |

|                               |   |
|-------------------------------|---|
|                               | <p>proposed project.</p> <p>Further the discussion under Impact b) further examines indirect impacts stating, “The potential future indirect impacts from reduction of septic systems on the water system will thus not result in the depletion of groundwater or the groundwater systems<sup>5,6</sup>.” (p. 32)</p>   |
| Land Use and Planning         | <p>According to the discussion and chart on p.32-34 <b>No Impact</b> to Land Use and Planning would occur as a result of the proposed project.</p>  |
| Mineral Resources             | <p>According to the discussion and chart on p.34 <b>No Impact</b> to Mineral Resources would occur as a result of the proposed project.</p>   |
| Noise                         | <p>According to the discussion and chart on p.34-35 <b>No Impact</b> to Noise would occur as a result of the proposed project.</p>  |
| Population and Housing        | <p>According to the discussion and chart on p.29-32 <b>No Impact</b> to Hydrology and Water Quality would occur as a result of the proposed project.</p> <p>Further the discussion under Impact a) further examines impacts stating, “Future applications to the District would require wastewater distribution upgrades to provide reliable service, but does not represent a major expansion in use or services overall compared to existing conditions that would directly or indirectly facilitate growth.”</p> |
| Public Services               | <p>According to the discussion and chart on p.37 <b>No Impact</b> to Public Services would occur as a result of the proposed project.</p>   |
| Recreation                    | <p>According to the discussion and chart on p.37-38 <b>No Impact</b> to Recreation would occur as a result of the proposed project.</p>   |
| Transportation/Traffic        | <p>According to the discussion and chart on p.38 <b>No Impact</b> to Transportation/Traffic would occur as a result of the proposed project.</p> <p>Further the discussion under Impact a)-g) further examines impacts stating,<br/> “‘There would be no traffic-related effects in connection with the implementation of the Proposed Project.’”</p>   |
| Utilities and Service Systems | <p>According to the discussion and chart on p.39 <b>No Impact</b> to Transportation/Traffic would occur as a result of the proposed project.</p> <p>Further the impacts discussion further examines impacts stating, “The annexation involves no changes to the existing wastewater system or the associated system permits.”</p>   |

**FINAL INITIAL STUDY/NEGATIVE DECLARATION  
FOR THE SPHERE OF INFLUENCE AND ANNEXATION**

**LETTERS OF COMMENTS**

**PRESENTATION OF LETTERS.** Each letter received on the **Draft IS/ND** is given below.



**COUNTY OF MONTEREY  
HEALTH DEPARTMENT**

**MEMORANDUM**

ENVIRONMENTAL HEALTH BUREAU

**DECEMBER 4, 2015**

**To: Bob Schubert, Project Planner**

**From: Janna L Faulk  
Environmental Health Review**

**Subject: Initial Study/Negative Declaration for the sphere of influence and annexation of Carmel Area Wastewater District (REF150102)**

Thank you for the opportunity to review the referenced environmental document. The Monterey County Environmental Health Bureau (EHB) has reviewed the reference documents. The Negative Declaration is comprehensive and covers all of the potential EHB concerns. EHB fully supports this sphere of influence annexation and we have no further comments.

LETTER 2

Founded in 1997  
**LandWatch**  
monterey county  
Post Office Box 1876  
Salinas, CA 93902-1876  
831-759-2824  
Website: [www.landwatch.org](http://www.landwatch.org)  
Email: [landwatch@mclw.org](mailto:landwatch@mclw.org)  
Fax: 831-759-2825



November 24, 2015

General Manager  
Carmel Area Wastewater District  
3945 Rio Road  
Carmel, CA 93923

SUBJECT: DRAFT INITIAL STUDY/NEGATIVE DECLARATION FOR THE CARMEL  
AREA WASTEWATER DISTRICT SPHERE OF INFLUENCE AND  
ANNEXATION PROPOSAL

Dear Ms. Buikema:

LandWatch Monterey County reviewed the documents for the proposed Sphere of Influence and Annexation Proposal and has the following comments:

1. Proposal. The proposed annexation would increase the Sphere of Influence by 3,000 acres. (Table 1) The Initial Study states that most of the area proposed for annexation is developed “or designated for low density residential uses...” (p. 14). The Initial Study also states that the proposal includes providing services to undeveloped lots of record (p. 6). Please quantify the number of undeveloped legal lots of record that could be served under the proposal as well as new development designated for low density residential uses within the proposed sphere of influence. Please identify the methodology for determining lots of record.
2. Project Under CEQA. The Initial Study states (p.14), “The proposed SOI amendment and SA annexation would not have any **direct** environmental impacts because it would only result in a reorganization of jurisdictional boundaries with no direct physical changes to the environment” (emphasis added). The proposal is defined as a “project” under CEQA because it has the potential to have both direct and **indirect impacts** on the environment.

Section 21065, CEQA Statute: “Project” means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..”

Further, case law requires that CEQA be addressed at the earliest possible time in the decision-making process. Further, the purpose of CEQA is not to generate paper, but to

## LETTER 2

compel government at all levels to make decisions with environmental consequences in mind (*Bozung v. LAFCO* (1975) 13 Cal.3d 263).

Although the Initial study claims the project would have no direct environmental impacts, responses to the Environmental Checklist are inconsistent. Potential direct impacts are addressed in some analyses (e.g., agricultural resources and viewshed) while in others it is assumed that boundary revisions would have no impacts, e.g., “The Proposed Project would provide for revised boundaries of a Sphere of Influence determination and service area for the CAWD. As a result, the project would not result in indirect impacts associated with the development that could cause temporary increases in air quality emissions...” (p. 23) or “The action of changing the District’s boundaries by itself, will not result in physical impacts on the environment as described herein [biological resources]” (p. 24)

The environmental document should be revised to address the direct and indirect environmental impacts of new development that could be accommodated by the changes to the Sphere of Influence. If impacts have been identified in previous environmental documents, they should be summarized and the documents referenced. The summary should identify significant environmental impacts as well as mitigation measures.

3. Hydrology. The hydrology section should address the potential impacts of removing a source of groundwater recharge from the Carmel Valley River underflow (wastewater from septic systems) and transferring it out of the basin to irrigate golf courses in Pebble Beach.
4. Growth Inducement. The environmental document should include an analysis of the growth-inducing potential of proposed changes to the Sphere of Influence. The Initial Study claims that potential new development would occur with or without the proposed project. Because some development could be precluded because of County requirements for specific systems, this claim should be supported.
5. LAFCO Guidelines. The environmental document should address Monterey County LAFCO’s “Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization”.

Thank you for the opportunity to review the document.

Sincerely,



Amy L. White  
Executive Director

**LETTER 3**

**From:** [schachtersj@comcast.net](mailto:schachtersj@comcast.net) [<mailto:schachtersj@comcast.net>]  
**Sent:** Tuesday, December 08, 2015 9:12 AM  
**To:** Barbara Buikema  
**Cc:** Roger Dolan  
**Subject:** Landwatch letter

Ms. Barbara Buikema  
General Manager  
Carmel Area Wastewater District  
P.O.Box 221428  
3945 Rio Road  
Carmel, CA 93922

Dear Ms. Buikema:

The Carmel Valley Association hereby concurs with and supports the position taken by LandWatch as indicated in the letter dated November 24, 2015 to you from LandWatch Monterey County.

In addition, we wish to point out that the environmental documentation should quantify the number of existing septic tanks or other individual wastewater treatment and disposal systems now contributing to the underflow of the Carmel River which could be connected to Carmel Area Wastewater District piping resulting in additional export from the basin. The legal and environmental consequences of this export need to be explored and this may require the preparation of an EIR.

Very truly yours,

Pris Walton, President  
Carmel Valley Association