

AGENDA FOR A REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF THE VALLECITOS WATER DISTRICT  
WEDNESDAY, MAY 1, 2019, AT 5:00 P.M.  
AT THE DISTRICT OFFICE  
201 VALLECITOS DE ORO, SAN MARCOS, CALIFORNIA

CALL TO ORDER – PRESIDENT MARTIN

PLEDGE OF ALLEGIANCE

ROLL CALL

In the case of an emergency, items may be added to the Agenda by a majority vote of the Board of Directors. An emergency is defined as a work stoppage; a crippling disaster; or other activity which severely imperils public health, safety, or both. Also, items which arise after the posting of the Agenda may be added by a two-thirds vote of the Board of Directors.

ADOPT AGENDA FOR THE REGULAR MEETING OF MAY 1, 2019

PUBLIC COMMENT

Persons wishing to address a matter not on the Agenda may be heard at this time; however, no action will be taken until the matter is placed on a future agenda in accordance with Board policy. Public comments are limited to three minutes. A Request to Speak form is required to be submitted to the Executive Secretary prior to the start of the meeting, if possible. Public comment should start by stating name, address and topic. The Board is not permitted during this time to enter into a dialogue with the speaker.

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar will be voted upon by one motion. There will be no separate discussion of these items, unless a Board member or member of the public requests that a particular item(s) be removed from the Consent Calendar, in which case it will be considered separately under Action Items.

INTRODUCTION

Human Resources Analyst Bridget Anderson will introduce new employee, **Trisha Woolslayer**, Risk Management Supervisor.

PRESENTATIONS

**Chris Robbins**, Public Information/Conservation Supervisor, will present a video about the “We Love Recycled Water” Tour.

**Sandra Kerl**, Acting General Manager for San Diego County Water Authority, will provide an overview of the Alternative Conveyance Facility for Colorado River Water Supplies.

CONSENT CALENDAR

- 1.1 APPROVAL OF MINUTES (pp. 5-21)
- A. PUBLIC AWARENESS/PERSONNEL/POLICY COMMITTEE MEETING – APRIL 11, 2019
  - B. FINANCE/INVESTMENT COMMITTEE MEETING – APRIL 15, 2019
  - C. CLOSED SESSION BOARD MEETING – APRIL 17, 2019
  - D. REGULAR BOARD MEETING – APRIL 17, 2019

*Approved minutes become a permanent public record of the District.*

**Recommendation: Approve Minutes**

- 1.2 WARRANT LIST THROUGH MAY 1, 2019 – \$2,828,059.27 (pp. 22-24)

**Recommendation: Approve Warrant List**

\*\*\*\*\*END OF CONSENT CALENDAR\*\*\*\*\*

PUBLIC HEARING

- 2.1 APPROVAL AND ADOPTION OF THE 2018 WATER, WASTEWATER AND RECYCLED WATER MASTER PLAN AND CERTIFICATION OF THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (pp. 25-102)

*The District updates its Water, Wastewater and Recycled Water Master Plan approximately every five to ten years.*

**Recommendation: Adopt the Resolution**

ACTION ITEMS

- 3.1 ACCEPTANCE OF OPERATIONS BUILDING LOCKER ROOM EXPANSION (pp. 103-106)

*The expansion will provide adequate space for current Operations & Maintenance staff and account for future growth.*

**Recommendation: 1) Accept the project; 2) Authorize the filing of a Notice of Completion and release of retention funds**

3.2 DISPOSITION OF UNANTICIPATED REVENUE (pp. 107-111)

*The District received two sources of unanticipated revenue during the current Fiscal Year 2018/2019.*

**Recommendation:**            **1) Designate a portion of the ACWA/JPIA rebate to fund employee appreciation event; 2) Use remaining funds to pay down CalPERS Unfunded Accrued Liability; 3) Provide direction for policies for future unanticipated revenues**

3.3 CALL FOR NOMINATIONS TO THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR APPOINTMENT TO CONSOLIDATED REDEVELOPMENT OVERSIGHT BOARD (pp. 112-123)

*LAFCO is holding an election to appoint one regular member to a four-year term.*

**Recommendation:**            **Request Board direction**

3.4 CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) BOARD OF DIRECTORS – SEAT B (pp. 124-126)

*CSDA is holding an election for the Southern Network California Special Districts Association Board of Directors, Seat B.*

**Recommendation:**            **Request Board direction**

\*\*\*\*\*END OF ACTION ITEMS\*\*\*\*\*

REPORTS

4.1 GENERAL MANAGER

4.2 DISTRICT LEGAL COUNSEL

4.3 SAN DIEGO COUNTY WATER AUTHORITY

4.4 ENCINA WASTEWATER AUTHORITY  
- *Capital Improvement Committee*  
- *Policy and Finance Committee*

4.5 STANDING COMMITTEES

4.6 DIRECTORS        REPORTS        ON        MEETINGS/CONFERENCES/SEMINARS  
ATTENDED

\*\*\*\*\*END OF REPORTS\*\*\*\*\*

OTHER BUSINESS

**\*\*\*\*\*END OF OTHER BUSINESS\*\*\*\*\***

5.1 DIRECTORS COMMENTS/FUTURE AGENDA ITEMS

**\*\*\*\*\*END OF DIRECTORS COMMENTS/FUTURE AGENDA ITEMS\*\*\*\*\***

6.1 ADJOURNMENT

**\*\*\*\*\*END OF AGENDA\*\*\*\*\***

If you have any disability which would require accommodation in order to enable you to participate in this meeting, please call the Executive Secretary at 760.744.0460 ext. 264 at least 48 hours prior to the meeting.

Audio and video recordings of all Board meetings are available to the public at the District website [www.vwd.org](http://www.vwd.org)

AFFIDAVIT OF POSTING

I, Diane Posvar, Executive Secretary of the Vallecitos Water District, hereby certify that I caused the posting of this Agenda in the outside display case at the District office, 201 Vallecitos de Oro, San Marcos, California by 5:00 p.m., Friday, April 26, 2019.

\_\_\_\_\_  
Diane Posvar

MINUTES OF A MEETING OF THE  
PUBLIC AWARENESS/PERSONNEL/POLICY COMMITTEE  
OF THE VALLECITOS WATER DISTRICT  
THURSDAY, APRIL 11, 2019 AT 4:00 P.M.  
AT THE DISTRICT OFFICE, 201 VALLECITOS DE ORO,  
SAN MARCOS, CALIFORNIA

Director Martin called the meeting to order at the hour of 4:00 p.m.

Present: Director Martin  
Director Hernandez  
General Manager Pruiam  
Public Information/Conservation Supervisor Robbins  
Administrative Secretary Johnson

ITEMS FOR DISCUSSION

AGRICULTURAL WATER ELIGIBILITY

Public Information/Conservation Supervisor Robbins provided background information on this item which included a presentation as follows:

- County Water Authority's (CWA's) Agricultural Water Program
- CWA Transitional Special Agricultural Water Rate (TSAWR) Conditions
- CWA & VWD TSAWR Conditions
- Vallecitos' Agricultural Water Certified Non-Participating Agricultural Water Rate (CNPAWR)
- Agricultural Water "Grandfathered"
- Robert Case Request
- Hokto Kinoko Request
- Christopher Peters Request
- Liz Bolton Stables Request
- Discovery Island Palms Request
- Michael Rote Greenhouse Request
- Additional Requests
- Ordinance 207 & Best, Best & Krieger
- Fiscal Impact
- Committee Direction
- Alternative (Irrigation Rate)

General discussion took place during the presentation. The minimum one-acre requirement in both CWA's and VWD's eligibility conditions was clarified to mean one-acre of densely planted material for commercial purposes. Public Information/Conservation Supervisor Robbins noted that the District's CNPAWR is more expensive than CWA's TSAWR; however, unlike the TSAWR, it is not subject to

targeted water use reductions in times of drought or supply cutbacks. Cutbacks would be the same as for any other customer. Eligibility requirements for the CNPAWR were addressed in Ordinance No. 171; however, current Ordinance No. 207 does not address the ability of new customers to participate in the program.

Further general discussion took place regarding tier 1, 2, and 3 rates as well as commercial rates. General Manager Pruim stated that VWD's rates are based on meter size, not customer type. He suggested that during the District's next Cost of Service Study (COSS), an agriculture/irrigation rate be incorporated into the overall COSS and rate setting rather than having a special program. VWD does not have an irrigation rate, unlike most other agencies.

Public Information/Conservation Supervisor Robbins stated based on the Committee's direction, staff recommends the CNPAWR be renamed to Water for Agriculture and Irrigation – Vallecitos Rate (WAIVR) and has created language for a revised ordinance to either allow or deny new and existing customers into the WAIVR program. Staff also created a draft enrollment form to be used for a possible pilot program.

Mike Hunsaker, member of the public, asked if there is a mandatory cutback, how does that affect the agricultural customer whose first 26 units are residential? General Manager Pruim responded that when the State issues cutbacks they do not dictate how the District is to achieve the cutbacks in regard to their customers. The District has typically addressed cutbacks through outreach activities and water audits.

The consensus of the Committee was to recommend the Board wait until the COSS is completed before making any decisions pertaining to the agricultural rate or developing a pilot program. The upcoming COSS can address agricultural interests of both new and existing customers. This item will be placed on the agenda for the May 15 Board meeting.

The Committee viewed a video showing operations at the Hokto Kinoko mushroom business.

#### OTHER BUSINESS

None.

#### PUBLIC COMMENT

None.

#### ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at the hour of 5:03 p.m.

MINUTES OF A MEETING OF THE  
FINANCE/INVESTMENT COMMITTEE  
OF THE VALLECITOS WATER DISTRICT  
MONDAY, APRIL 15, 2019 AT 3:30 P.M.  
AT THE DISTRICT OFFICE, 201 VALLECITOS DE ORO,  
SAN MARCOS, CALIFORNIA

Director Sannella called the meeting to order at the hour of 3:30 p.m.

Present: Director Sannella  
Director Martin  
General Manager Pruim  
District Engineer Gumpel  
Finance Manager Owen  
Operations & Maintenance Manager Pedrazzi  
Capital Facilities Senior Engineer Hubbard  
Accounting Supervisor Glenn  
Financial Analyst Arthur  
Administrative Secretary Johnson

ITEM(S) FOR DISCUSSION

Finance Manager Owen requested the order of the agenda be changed to discuss salary and benefits first. He facilitated a presentation on the background and a progress update of the budget process which included:

- Budget Calendar
- Salary and Benefit Estimates
- Draft Capital Budget
- Draft Capital Budget Page
- Vehicles and Equipment
- Next Steps – Budget Calendar

SALARY AND BENEFIT ESTIMATES

Finance Manager Owen provided a comparison of the FY 2018-19 budget versus projected expenses. Salaries are currently under budget by approximately \$251,000 and benefits are under budget by approximately \$171,000, for a total of \$422,000 under budget projected to the end of this fiscal year. A comparison of the FY 2018-19 budget and projected FY 2019-20 budget shows an increase in salaries of \$484,000 (4.99%). Benefits will increase by \$433,000 of which the majority is attributed to the PERS increase (\$338,000). The total increase for salaries and benefits is projected to be \$917,000. \$410,000 of that amount includes budgeting 12 months for positions that were only partially budgeted during the current fiscal year due to hiring of staff to fill vacant positions as well as a proposed new position of Asset Management Supervisor.

General discussion took place regarding the need for the new Asset Management Supervisor position.

### CAPITAL BUDGET REQUESTS

Finance Manager Owen reviewed components of the draft budget including the comprehensive project list, carryover projects, new requests, and vehicles and equipment. The total capital budget for FY 2019-20 is projected to be \$147,034,500 including projects spread out over five years. These are preliminary numbers that will be reviewed and revised as needed before the next Committee meeting.

General discussion took place regarding projects for which the District receives reimbursement and how the net cost of these projects could be more easily identified.

Operations & Maintenance Manager Pedrazzi discussed the vehicle and equipment schedule. Total cost is projected to be \$687,500.

Finance Manager Owen stated the next Committee meeting is tentatively scheduled for April 29. At that meeting staff will provide a preliminary review of water purchases and sales, the draft budget, the Cost of Service Study RFP update, and discuss Board requested items. The Committee is also tentatively scheduled to meet on May 13 to review the draft proposed budget. A Board workshop will be scheduled on May 29 for the first review of the proposed budget. The recommended budget will be presented to the Board on June 5 for approval.

### PROPOSED CAPITAL FACILITY FEES

District Engineer Gumpel stated the draft capacity fees associated with the new Master Plan were presented to this Committee on February 25. Since that meeting, staff has met with representatives of the Building Industry Association (BIA), the District's consultant on the capital facility study review, finance staff, and the District's financial advisor. Based on the recommendations of the consultant and financial advisor, the proposed draft capacity fees have been revised.

District Engineer Gumpel provided information on the phasing of capital projects, three scenarios for capacity fees with different corresponding interest rates, water and wastewater Capital Improvement Program (CIP) projects, and water and sewer capacity fee comparisons to neighboring agencies.

General discussion took place regarding the current capital facility revenue shortfall since the capital facility fees were last adjusted in 2010. Finance Manager Owen explained that the current capital facility fees are too low to cover expenditures and the historical deficit; therefore, the District borrows from the replacement reserves to cover the shortfall in capacity and pays back the replacement reserves with interest. The



current repayment structure is such that the shortfall will be paid off in twenty years with no further need to borrow from replacement reserves.

District Engineer Gumpel explained the three capacity fee options with the difference between the options being interest rates. Based on the consultant's recommendation, staff recommends the Draft "B" option. Director Sannella suggested a review of interest rates every two years instead of waiting until the next Master Plan is completed to address capacity facility fees.

General discussion took place regarding the capacity fee comparison between Vallecitos and other agencies. The data is difficult to compare as all agencies apply their fees differently. District Engineer Gumpel stated he has shared with the BIA all the information that this Committee has received. The BIA has also been informed that the consultant will present the proposed capital facility fees to the Board for the first time at the May 1 Board meeting.

Mike Hunsaker, member of the public, commented on the 2010 Master Plan, the capacity fee for wastewater study performed in 2011, and the need for a more complete analysis of the recapture of costs and an audit on deferred payment plans. Mr. Hunsaker asked about the status of phase five capacity, how deferred payments and interest rates are captured, if recycling of wastewater is being considered, and how costs of the Interceptor project will be recaptured. Staff responded to Mr. Hunsaker's questions.

#### OTHER BUSINESS

None.

#### PUBLIC COMMENT

None.

#### ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at the hour of 5:56 p.m.

MINUTES OF A CLOSED SESSION MEETING  
OF THE BOARD OF DIRECTORS  
OF THE VALLECITOS WATER DISTRICT  
WEDNESDAY, APRIL 17, 2019, AT 4:00 PM AT THE DISTRICT OFFICE,  
201 VALLECITOS DE ORO, SAN MARCOS, CALIFORNIA

President Martin called the Closed Session meeting to order at the hour of 4:00 p.m.

Director Sannella led the pledge of allegiance.

Present: Director Evans  
Director Hernandez  
Director Sannella  
Director Martin

Absent: Director Elitharp

Staff Present: General Manager Pruum  
Legal Counsel Gilpin  
Executive Secretary Posvar

ADOPT AGENDA FOR THE CLOSED SESSION MEETING OF APRIL 17, 2019

19-04-01 MOTION WAS MADE by Director Evans, seconded by Director Sannella, and carried unanimously, to adopt the agenda for the Closed Session Meeting of April 17, 2019.

PUBLIC COMMENT

None.

CLOSED SESSION

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957.6 –  
CONFERENCE WITH LABOR NEGOTIATOR

Agency designated representative: General Manager  
Employee Organization: Vallecitos Employee's Association

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: One potential case

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:  
One (1) potential case

19-04-02 MOTION WAS MADE by Director Evans, seconded by Director Hernandez, and carried unanimously, to move into Closed Session pursuant to Government Code Section 54957.6, 54956.9.

REPORT AFTER CLOSED SESSION

The Board reconvened to Open Session at 4:56 p.m. There was no reportable action from the Closed Session Meeting.

ADJOURNMENT

There being no further business to discuss, President Martin adjourned the Closed Session Meeting of the Board of Directors at the hour of 4:57 p.m.

A Regular Meeting of the Vallecitos Water District Board of Directors has been scheduled for Wednesday, April 17, 2019 at 5:00 p.m. at the District office, 201 Vallecitos de Oro, San Marcos, California.

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Hal J. Martin, President  
Board of Directors  
Vallecitos Water District

ATTEST:

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Glenn Pruiam, Secretary  
Board of Directors  
Vallecitos Water District

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF THE VALLECITOS WATER DISTRICT  
WEDNESDAY, APRIL 17, 2019, AT 5:00 PM AT THE DISTRICT OFFICE,  
201 VALLECITOS DE ORO, SAN MARCOS, CALIFORNIA

President Martin called the Regular meeting to order at the hour of 5:00 p.m.

Finance Manager Owen led the pledge of allegiance.

Present: Director Elitharp  
Director Evans  
Director Hernandez  
Director Sannella  
Director Martin

Staff Present: General Manager Pruim  
Legal Counsel Gilpin  
Administrative Services Manager Emmanuel  
District Engineer Gumpel  
Finance Manager Owen  
Operations & Maintenance Manager Pedrazzi  
Capital Facilities Senior Engineer Hubbard  
Development Services Senior Engineer Scholl  
Public Information/Conservation Supervisor Robbins  
Human Resources Analyst Anderson  
Executive Secretary Posvar

ADOPT AGENDA FOR THE REGULAR MEETING OF APRIL 17, 2019

19-04-03 MOTION WAS MADE by Director Hernandez, seconded by Director Sannella, and carried unanimously, to adopt the agenda for the Regular Board Meeting of April 17, 2019.

PUBLIC COMMENT

Mike Hunsaker, member of the public and President of the Twin Oaks Valley Property Owners Association, addressed the Board commenting on the recent Finance/Investment Committee meeting at which capital facility fees and deficits were discussed. The word deficit especially related to charging future development for what appears to be past deficits is going to be inflammatory to some developers. The fact that deficits exist at all is going to be inflammatory to many rate payers who will say why should they have to pay for future development if they are not going to get paid back. Deficits and how they get handled have been redefined. In the past if new development was using a certain amount of a pipeline, reservoir or water, they had to pay a

proportionate amount of fees in order to be developed. Now, if the District completes a facility, it doesn't charge the people who are going to use the facility in a large degree. He thinks it is wise the District is approaching this tenderly and to make sure past promises are kept on how this deficit is going to be minimized in the past and in the future. He thanked the Board.

### INTRODUCTION

Human Resources Analyst Bridget Anderson introduced new employee Timothy Sheppard, Purchasing/Warehouse Assistant.

### PRESENTATION

Public Information/Conservation Supervisor Robbins presented a video, "How to Read Your Water Meter."

### CONSENT CALENDAR

Mike Hunsaker, member of the public, addressed the Board regarding Item 1.7, stating there were annexation and facilities fees for sewer, however he did not see any water facility fees. Where is the water coming from and does the District have an exchange agreement with another agency?

Development Services Senior Engineer Scholl responded that one of the two properties is located in the District's Improvement District A for sewer and does not require annexation. Both properties are technically outside of the District's water service area. Per District policy, all property is required to be annexed into water that will also be served by sewer; however, Rincon Del Diablo Municipal Water District (RDDMWD) will be serving water to the properties as RDDMWD has infrastructure fronting the development. Vallecitos will be providing sewer service only.

19-04-04 MOTION WAS MADE by Director Sannella, seconded by Director Hernandez, and carried unanimously, to approve the Consent Calendar as presented.

#### 1.1 Approval of Minutes

- A. Board Training Workshop Meeting – March 13, 2019
- B. Board Workshop Meeting – March 13, 2019
- C. Closed Session Board Meeting – March 13, 2019
- D. Finance/Investment Committee Meeting – March 14, 2019
- E. Regular Board Meeting – March 20, 2019
- F. Closed Session Board Meeting – March 27, 2019

- 1.2 Warrant List through April 17, 2019 - \$3,468,175.02
- 1.3 Financial Reports
  - A. Water Meter Count – March 31, 2019
  - B. Water Production/Sales Report – 2018/2019
  - C. Quarterly Financial Report – March 31, 2019
  - D. Per Capita Water Consumption – March 31, 2019
  - E. Water Revenue and Expense Report – March 31, 2019
  - F. Sewer Revenue and Expense Report – March 31, 2019
  - G. Reserve Funds Activity – March 31, 2019
  - H. Investment Report – March 31, 2019
  - I. Legal Fees Summary – March 31, 2019
- 1.4 Operations & Maintenance Metrics Quarterly Report – March 31, 2019
- 1.5 Adoption of Resolution Ordering the Annexation of Certain Property Designated as the “Menchaca Annexation” (APN 228-130-31) into the Vallecitos Water District and Sewer Improvement District
- 1.6 Request for Annexation of Certain Property Designated as “Orchard Hills Annexation” (APN 218-220-10 & 17) into the Vallecitos Water District for Water and Sewer Service (Warmington Residential California, Inc.)
- 1.7 Request for Annexation of Certain Properties Designated as “Sunrise Orix” (APN 228-312-09 & 228-312-10) into the Vallecitos Water District and APN 228-312-10 into the VWD Sewer Improvement District (Sunrise Gardens Project Owner, LLC.)
- 1.8 Position Reclassification of Mechanic Assistant to Mechanic

ACTION ITEMS

CONSTRUCTION CONTRACT AWARD OF SCHOOLHOUSE TANK  
REFURBISHMENT

Capital Facilities Senior Engineer Hubbard stated that upon inspection in 2015, the existing interior lining of the Schoolhouse Tank was determined to have deteriorated and needed refurbishment. The project was included in the budget; however, due to budget constraints at that time, it was deferred to the 2017 budget. The project will remove and replace the existing interior lining and upgrade the anti-corrosion system as well as repair ceiling rafters and make equipment upgrades necessary to meet current standards of the American Water Works Association and Division of Occupational Safety and Health.

The Board awarded Harper & Associates Engineering a purchase order on July 19, 2017 for design and inspection of the tank. Staff received and reviewed bids from four contractors on March 21, 2019. All of the bids came in higher than the Engineer's Estimate of \$462,000; however, it was determined that the bids were consistent with current industry construction costs. West Coast Industrial Linings was identified as the lowest responsive, responsible bidder.

Capital Facilities Senior Engineer Hubbard reviewed the total estimated cost of the project which has a budget shortfall of \$192,000 mainly due to the increase in construction costs and that the budget for the project was established in March 2018.

Staff recommended the Board increase the project budget by \$192,000 and authorize the General Manager to execute a construction contract with West Coast Industrial Linings in the amount of \$535,000, subject to the provisions of the contract.

General discussion took place.

19-04-05 MOTION WAS MADE by Director Hernandez, seconded by Director Evans, and carried unanimously, to approve an increase of \$192,000 to the project budget and authorize the General Manager to execute a construction contract with West Coast Industrial Linings in the amount of \$535,000.

#### REQUEST FOR APPROVAL OF A PURCHASE ORDER TO INFRASTRUCTURE ENGINEERING COMPANY FOR PIPE ASSESSMENT SERVICES AT HIGH POINT SUBDIVISION

District Engineer Gumpel stated the High Point Subdivision project has been idle since 2008 when the project went into receivership. At that time construction of water and sewer facilities was nearly complete. CalWest has proposed to develop the project in partnership with TrueLife Communities, the current owner of the project. The District must be satisfied that the water facilities are in good condition before accepting them which will require a pipe assessment. Infrastructure Engineering Corporation and their subcontractor, PICA, have provided a scope of work and cost estimate to test and assess the integrity of the most vulnerable portions of the water main. All costs of the pipe assessment including staff time for inspection and engineering review will be paid by the developer as well as the cost of repairs.

Staff recommended the Board authorize the General Manager to approve the purchase order to Infrastructure Engineering Corporation in the amount of \$102,685.00 for their portion of the work.

General discussion took place during which District Engineer Gumpel stated that if staff

is not comfortable with the results of the pipe assessment, the District is not committed to accept the pipeline as is and full replacement will be required. Director Sannella requested staff provide a report to the Board after the pipe assessment has been completed. General Manager Pruim suggested staff create a video on pipeline condition assessment.

19-04-06 MOTION WAS MADE by Director Evans, seconded by Director Elitharp, and carried unanimously, to authorize the General Manager to execute a purchase order with Infrastructure Engineering Corporation in the amount of \$102,685.

#### AD HOC COMMITTEE RECOMMENDATION RELATED TO THE DISTRICT'S HILLSIDE PROPERTY

General Manager Pruim provided background on the District-owned hillside property adjacent to the District Administrative Facilities. With the Board's approval, an Ad Hoc Committee was established to oversee the development of the property, and President Martin and Director Hernandez were appointed to the Committee. The Committee has determined that it would be in the District's best interest to hire an outside consultant that has expertise in land development, particularly with property owned by a public agency within the City of San Marcos. The Committee interviewed two consultants, Rick W. Gittings and Paul Malone, a representative of EvCon Associates, LLC., and reviewed the consultants' proposals.

General Manager Pruim stated that the Committee recommended the District retain the services of Rick W. Gittings. General Manager Pruim requested the Board authorize him to enter into a Professional Services Agreement with Mr. Gittings. A budget of \$50,000 will be established from water and wastewater reserve funds to cover the initial development costs.

General discussion took place during which President Martin stated one of many options the Committee will consider is leasing the land to produce a revenue stream that would benefit the rate payers. Director Hernandez stated that the Committee will keep the Board apprised of options available to the District and if additional funds are needed.

Mike Hunsaker, member of the public, addressed the Board stating he is glad there is appreciation of some of the value of this property as it is within a half mile of a transit priority area that is to be established. He commented on a previous transaction Mr. Giddings was involved with that was greatly to the advantage of a non-profit. He stated that since the consultant will be working for the District, he assumes they will put aside any past associations and work they are currently doing to get the District a fair deal. He requested there be an upfront notice of any possible conflicts of interest they may



have. He thanked the Board.

19-04-07 MOTION WAS MADE by Director Sannella, seconded by Director Elitharp, and carried unanimously, to authorize the General Manager to enter into a Professional Services Agreement with Rick W. Gittings and establish a budget of \$50,000 to cover initial development costs.

ELECTION TO FILL FOUR EXECUTIVE COMMITTEE MEMBER POSITIONS OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES/JOINT POWERS INSURANCE AUTHORITY (ACWA/JPIA)

General Manager Pruim stated the election for four ACWA/JPIA Executive Committee member positions will be held during the ACWA/JPIA's Board of Directors meeting on May 6, 2019. A list of qualified candidates was provided in the staff report.

Director Elitharp recommended candidates William E. Plummer of Rancho California Water District and Paul E. Dorey of Vista Irrigation District. General Manger Pruim recommended Mr. Plummer as well.

19-04-08 MOTION WAS MADE by Director Hernandez, seconded by Director Evans, and carried unanimously, to vote for William E. Plummer and Paul E. Dorey to the Executive Committee of the ACWA/JPIA.

ELECTION TO FILL TWO POSITIONS ON THE NEWLY FORMED CALIFORNIA WATER INSURANCE FUND BOARD

President Martin stated the election for two positions on the newly formed captive insurance company Board will be held during the ACWA/JPIA's Board of Directors meeting on May 6, 2019. A list of qualified candidates was provided in the staff report.

General Manager Pruim stated the Board adopted a resolution concurring in the nomination of Paul E. Dorey to the California Water Insurance Fund Board at the March 6 Board meeting.

19-04-09 MOTION WAS MADE by Director Hernandez, seconded by Director Elitharp, and carried unanimously, to vote for Paul E. Dorey to the California Water Insurance Fund Board.

REPORTS

GENERAL MANAGER

General Manager Pruim stated that at a previous Board meeting Director Hernandez had requested an update on the North San Diego Water Reuse Coalition (NSDWRC). He asked District Engineer Gumpel to provide an overview of the NSDWRC's activities.

District Engineer Gumpel stated the NSDWRC was formed in 2011. Its primary focus has been to increase water resources in the North County region. The group has successfully received two state grants totaling \$5 million. Vallecitos applied for the first grant in the amount of \$3.5 million and received \$90,000 directly which was utilized toward a chlorine contact design study and preliminary design at the District's Meadowlark Reclamation Facility (MRF). Each agency of the NSDWRC received \$90,000 of the \$3.5 million. The remaining funds paid for the programmatic Environmental Impact Report and feasibility study which is the base document used to secure grants. The second \$1.5 million grant was shared equally with all of the NSDWRC member agencies in the amount of \$343,000 each. The District used the funds to pay for improvements at the District's Lift Station 1 to increase pumping of sewer to MRF in order to produce more recycled water.

District Engineer Gumpel further stated no other grants have been awarded to the NSDWRC. Focus has been on \$20 million in federal grants for funds for projects such as larger recycling projects, future direct and indirect potable reuse, and potential pilot studies. If the NSDWRC is successful in securing a \$20 million grant, that amount could be equal to up to four times that amount, or \$80 million for the region. Grants are normally paid at 75/25 or 50/50 matching funds. The NSDWRC is currently working on lobbying in Washington, D.C. in late April on several issues. If successful in obtaining another grant, the District is looking at expansion of the chlorine contact tank at MRF which will allow treatment of more recycled water. The main goal of the funding is to deliver wet water or save potable water. Delivery of wet water requires partnering with another agency. The District is looking at a future recycled water program as well as direct and indirect potable reuse water within its Master Plan document and also within a NSDWRC document.

General discussion took place.

General Manager Pruim reported the following:

- The State Water Project Table A allocation has increased from approximately 10% at the beginning of the year to 70%. This means the state can satisfy up to 70% of demand.
- The water currently being delivered to the San Diego County Water Authority (SDCWA) service area is a blend of 55% State Water Project water and 45% Colorado River water. It is anticipated that the blend will increase to 75% State Water Project and 25% Colorado River.

- Most of the major reservoirs throughout the state are well above their average levels and at least 80% or more compared to their capacity. Once flood potential from snow melt runoff has eased, the levels will increase even more.
- The traditional last snow survey was conducted on April 1. Statewide, the snow/water content is at 150% of the average. Since the snowfall was so good this year, another survey will be conducted on May 1.
- Local water sales in the region are plummeting. The District's water sales are approximately 10% lower than last year at this time; however, they are expected to rebound as the weather warms up.
- At one time the San Marcos School District had expressed interest in the District's hillside property. They are no longer interested in the property.
- A new monitor has been installed in the lobby which shows the photovoltaic energy being produced with the panels in the parking lot, how much is being used, and how much is coming in off of the grid.

#### DISTRICT LEGAL COUNSEL

Legal Counsel Gilpin stated a new bill was introduced in Sacramento which will impact surplus property in the future if it's adopted. Under AB 1486, any special district who wants to sell or lease property would be required to provide a right of first refusal to agencies such as affordable housing, parks and recreation, and schools. Current law would apply to the District's hillside property because it's already gone through the surplus property provisions in place.

Legal Counsel Gilpin commented on a situation involving the County of San Diego and Julian regarding compliance with the Brown Act. The Julian Fire District voted to dissolve, then a new Board came in and filed suit against the County and LAFCO relative to non-compliance with the Brown Act in terms of the initial approval of the dissolution. The judge found that there was a Brown Act violation and the lawyers are arguing that therefore everything that happened after that is null and void.

#### SAN DIEGO COUNTY WATER AUTHORITY

Director Evans stated the next Board meeting is scheduled for April 25. A special meeting of the Imported Water Committee was held on April 11 at which discussion took place on the water coming from the Colorado River and the State Water Project. There is still a lot of concern about Lake Mead. The SDCWA is again considering construction of a means to transport water directly from the Colorado River without going through Metropolitan Water District and will be voting on that venture. Director Evans suggested placing this item on a future agenda.

Director Evans stated that with the various water projects San Diego County has such as Pure Water, Padre Dam and desal, there is the possibility of creating more water at

different times than is needed without a place to store it. The SDCWA is looking into getting permission to store water in Lake Mead and possibly having the ability to send water north.

Director Evans stated that there is a big push to get water to disadvantaged communities, a topic that will be discussed at the Region 10 event later this summer. Four water bills are going through legislation currently with two of them being related to the water tax.

#### ENCINA WASTEWATER AUTHORITY

Director Hernandez stated the Capital Improvement Committee met this morning. The Committee discussed EWA's continuing capital improvement projects, recoding of service task numbers, changing out flow meters, demolition of a maintenance building, and the budget.

President Martin reported on his attendance to the Policy and Finance Committee at which the Committee decided to bring items discussed at a recent workshop to the full Board for a vote. One of the items was the decision to try to pay off EWA's offset for PERS in three years. When the breakdown of this was presented to the member agencies, Finance Manger Owen recalculated it and was able to save the District several hundred thousand dollars.

#### STANDING COMMITTEES

Director Sannella stated the Finance/Investment Committee met on April 15. The Committee received an update on capacity fees and staff's discussions with all of the various stakeholders. Staff presented the Committee with their recommendation on capacity fees; however, the Committee was not comfortable making a recommendation at that meeting and another meeting was tentatively scheduled for April 29 for further discussion. The Committee also discussed budget items including salaries and benefits and capital improvement projects.

Director Hernandez reported on the Public Awareness/Personnel/Policy Committee meeting on April 11 at which the Committee discussed rate structure for agriculture. The consensus of the Committee was to wait for the next Cost of Service Study to be completed to see if an agricultural rate could be included. Until then, any new requests to participate in the District's current program will be on hold.

#### DIRECTORS REPORTS ON TRAVEL/CONFERENCES/SEMINARS ATTENDED

Director Hernandez reported on his attendance to the California Special Districts Association's Special District Leadership Foundation training April 7 – 10.

President Martin and Directors Elitharp and Evans reported on their attendance to the North County Economic Summit on April 10.

OTHER BUSINESS

None.

DIRECTORS COMMENTS/FUTURE AGENDA ITEMS

Director Hernandez inquired on the status of an update from the City of San Marcos regarding South Lake. General Manager Pruim stated he has been communicating with the City Manager and is working with Legal Counsel Gilpin to make the final revisions to the agreement. He anticipates bringing the revised agreement to the Board at the same meeting that the City makes its presentation to the Board.

Director Hernandez suggested scheduling a joint meeting with the City of San Marcos and asked that this subject be placed on a future agenda for discussion.

ADJOURNMENT

There being no further business to discuss, President Martin adjourned the Regular Meeting of the Board of Directors at the hour of 6:27 p.m.

A Regular Meeting of the Vallecitos Water District Board of Directors has been scheduled for Wednesday, May 1, 2019, at 5:00 p.m. at the District office, 201 Vallecitos de Oro, San Marcos, California.

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Hal J. Martin, President  
Board of Directors  
Vallecitos Water District

ATTEST:

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Glenn Pruim, Secretary  
Board of Directors  
Vallecitos Water District

VALLECITOS WATER DISTRICT  
WARRANTS LIST  
May 1, 2019

PAYEE	DESCRIPTION	CHECK#	AMOUNT
CHECKS			
Airgas USA LLC	Cylinder Rental	116135	112.67
Alex Macawili	Closed Account Refund	116136	49.13
Allied Universal Security Svcs	Weekly Deposit Svc - Feb	116137	72.08
Aloha Printing	Grid Pads For Engineering Drawings	116138	147.32
Ambius	Plant Maintenance - Apr	116139	263.00
AT&T	Internet Svc - Apr	116140	64.25
AT&T	Phone Svc SCADA - Apr	116141	339.89
AT&T	Phone Svc - Mar	116142	5,320.07
B & C Crane Service Inc	Crane Rental Prj 20161-8	116143	435.00
Backflow Solutions, Inc.	Backflow Tests - Qty 374	116144	4,843.30
Barrett Engineered Pumps	Pump Replacement Parts - PS1, Montiel LS	116145	664.39
Best Best & Krieger	Legal Svcs - Feb	116146	14,627.62
Blue Wave Security	ID Printer & Cards	116147	3,153.24
Boncor Water Systems	Soft & Drinking Water Svc - Apr	116148	1,726.00
Boot Barn	Safety Boots	116149	146.13
Boot World Inc	Safety Boots	116150	150.00
Burtech Pipeline Incorporated	Rock Springs Sewer Prj 90003	116151	208,510.75
C & W Diving Services Inc	Diving Services - Mahr Reservoir	116152	6,749.00
California Water Efficiency Partnership	Membership Dues Prj 20191-31	116153	2,023.36
Christian Wheeler Engineering	Geotechnical Svcs - Fulton Rd	116154	800.00
Clarissa James	Closed Account Refund	116155	193.91
Core Logic Information Solutions Inc	Engineering Map Svcs - Mar	116156	206.00
Corodata Media Storage Inc	Back Up Storage Tape - Mar	116157	177.64
CWEA	Membership Renewal - J Woodard	116158	188.00
DirecTV Inc	Satellite Svc - Apr	116159	115.99
Emcor Service	HVAC Repair - Chiller Room	116160	1,927.86
Federal Express Corp.	Shipping Svcs - Mar	116161	48.24
Eric D Garcia	CWEA Conference 4-10-19	116162	185.92
Government Finance Officers Association	Newsletter Renewal 19-20	116163	50.00
Hach Company	Annual Svc - Water Quality Equipment	116164	13,094.05
Harper & Associates Inc	Schoolhouse Tank Refurb Prj 20181-3, North Twin Oaks Refurb Prj 20191-3	116165	5,295.00
Hawthorne Machinery Co.	Track Dozer Rental	116166	872.82
Huntington & Associates, Inc.	Hardware Supplies	116168	307.65
Infosend Inc	Support Fee, Postage, Printing, Door Hangers Processing - Mar	116169	11,867.82
Interstate Batteries	Batteries 4, Veh 155, 190, 195, 243	116170	546.84
JCI Jones Chemicals Inc	Chlorine	116171	2,043.21
Kelsey Structural APC	Seismic Analysis - MRF Chlorine Building	116172	4,250.00
Ken Grody Ford	Keys Veh 280 & 281 Prj 20191-17, AC System Repairs Veh 258	116173	1,688.36
Lark Labels LLC	Custom Signs 37 Prj 20191-30	116174	507.58
Lawnmowers Plus Inc	Chainsaw & Sprayer Wand, Brush Cutter	116175	1,312.69
Lloyd Pest Control	Pest Control - Mar	116176	1,168.00
Hal Martin	SDNEDC Economic Summit 4-10-19	116177	3.13
Matheson Tri-Gas Inc	Cylinder Rental	116178	53.64
Dawn McDougle	CWEA Conference 4-9-19	116179	235.36
NCB Reprographics	Boardroom Drawings Prj 20151-2	116180	728.16
North County Auto Parts	Fleet Supplies - Mar	116181	2,890.09
Occu Med Ltd	Medical Svcs - Mar	116182	714.50
Pacific Pipeline Supply	Repair Clamp, Hardware Supplies	116183	1,475.96
Palomar Backflow, Inc.	Backflow Prevention Tests 4	116184	220.00
Penceco, Inc.	Trioxyn, Sulfend RT	116185	15,537.57
Plumbers Depot Inc	Poles 5 For CCTV, Hardware Supplies	116186	1,202.65
Process Solutions, Inc.	Quarterly Acid Wash - MRF	116187	1,944.70
Quality Hoist & Electric	Repair Hoist Pendant, CAL OSHA Annual Crane & Monorail Inspections	116188	3,351.77
Recycled Aggregate Materials Co Inc	Concrete Recycling	116189	225.00
Ray White Cement	Sidewalk Removal & Replacement Prj 20161-4	116190	5,100.00
Red Truck Fire & Safety Co.	Fire Extinguisher Svc 7	116191	116.96
Rely Environmental	Fuel Island Maintenance	116192	223.50

VALLECITOS WATER DISTRICT  
WARRANTS LIST  
May 1, 2019

PAYEE	DESCRIPTION	CHECK#	AMOUNT
Rick Post Welding	Welding Svcs - 8 Inch Pipe	116193	540.00
Rusty Wallis Inc	Soft Water Tank Svc - Apr	116194	620.00
Safe Hearing America Inc	On-Site Hearing Tests	116195	954.70
SDG&E	Power - Mar	116196	79,196.00
SCAP	Membership Dues 19-20	116197	538.00
Jeremy Scott	CWEA Conference 4-10-19	116198	26.17
SD Blinds & Design	Shades - Conference Room Doors	116199	665.73
Southern Counties Lubricants, LLC	Unleaded Gasoline	116200	19,856.11
Superior Ready Mix Concrete LP	Rock & Cold Mix	116201	1,186.96
Terraverde Energy LLC	District Solar Project	116202	546.75
Underground Service Alert	Dig Alert Svc - Mar & Apr, CA State Fee Regulatory Costs	116203	812.57
United Rentals	Scissor Lift Rental	116204	3,166.41
Univar USA Inc	Sodium Hypo Liquichlor, Caustic Soda	116205	4,956.85
Valley Chain & Gear Inc	Hardware Supplies	116206	334.09
Vaughan's Indust Repair Inc.	Solids Pump Parts - MRF	116207	4,101.07
Vector Resources, Inc.	CCTV Camera Licenses - 1 Year	116208	738.29
Verizon Wireless	Ipad Svc, Cell Phone Svc - Mar	116209	2,510.24
Viasat Inc	Internet Svc - Apr	116210	100.76
Vortex Industries Inc	Gate Repair - MRF	116211	740.00
Walters Wholesale Electric	Hardware Supplies Prj 2016-8	116212	142.87
Waxie Sanitary Supply	Cleaning Supplies	116213	379.51
Woodard & Curran Inc	Groundwater Study Prj 20191-572	116214	4,194.90
Justin Woodard	CWEA Conference 4-11-19	116215	31.38
Tri-City Emergency Medical Group	Medical Svcs - Mar	116216	705.00
Xerox Corporation	Copier Lease - Mar	116217	5,249.47
Garnishments	Payroll Garnishments 116218 through	116219	-
Doane & Hartwig Water Systems Inc	Hardware Supplies	116220	363.31
Drago & Biljana Ribich	Deposit Refund Prj 20181-385	116221	839.34
Electrical Sales Inc	UPS Device, Light Bulbs, Electric Supplies, Motor Parts Prj 20161-8	116222	1,741.27
Employment Screening Services Inc	Employment Screening	116223	69.00
Encina Wastewater Authority	Water Testing	116224	2,688.00
Fleet Pride	Fleet Supplies	116225	116.24
Grainger Inc	Spill Containment Drum, Shop Towels, Hardware Supplies	116226	2,311.17
Garnishment	Payroll Garnishments	116227	-
Kaman Industrial Technologies	Hardware Supplies	116228	80.81
Mallory Safety & Supply, LLC	Safety Supplies	116229	575.40
Marcon Products Inc	Cement	116230	284.06
MGM Plastics Inc.	Supplies - Secondary Basin - MRF	116231	646.50
Olivenhain MWD	Treated Water - Mar, Woodard & Curran Costs, RMC Costs	116232	63,991.40
Ostari Inc	IT Support - Apr	116233	3,000.00
Palomar Community College District	Deposit Refund Prj 20171-287	116234	126.09
Patriot Portable Restroom Inc	Portable Restroom Rental	116235	256.61
Ferguson Enterprises, Inc	Dechlorination Tablets	116236	867.87
Quality Microscope Service	Microscope Calibration - MRF	116237	300.00
San Diego Refrigeration	Ice Maker Repair	116238	150.00
Signarama	Sign Repair Prj 20191-26	116239	118.00
Specialty Seals & Accessories	Mechanical Seal Rebuild LS 1	116240	671.00
Talley Communications	Hardware Supplies	116241	119.73
Total Resource Mgt Inc	Maximo Support - Mar	116242	2,168.00
Unifirst Corporation	Uniform Delivery	116243	2,242.17
WateReuse Association	Membership Dues 2019	116244	2,514.50
Western Pacific Housing	Deposit Refund Prj 20171-284	116245	1,256.31
Zebbron Contracting Inc	Manhole Rehab - 3 Manholes	116246	35,000.00
James R Hernandez	CSDA Meeting 4-8-19	116247	165.80
Total Disbursements (109 Checks)			<u>585,224.18</u>

VALLECITOS WATER DISTRICT  
WARRANTS LIST  
May 1, 2019

PAYEE	DESCRIPTION	CHECK#	AMOUNT
<b>WIRES</b>			
San Diego County Water Authority	March Water Bill	Wire	1,801,846.86
Public Employees Retirement System	Retirement Contribution - April 24, 2019 Payroll	Wire	<u>70,993.73</u>
Total Wires			<u>1,872,840.59</u>
<b>PAYROLL</b>			
Total direct deposits		Wire	236,457.63
VWD Employee Association		116218	612.00
Garnishments		116227	607.83
IRS	Federal payroll tax deposits	116219 &	93,157.53
Employment Development Department	California payroll tax deposit	Wire	17,710.20
CalPERS	Deferred compensation withheld	Wire	14,840.08
VOYA	Deferred compensation withheld	Wire	<u>6,609.23</u>
Total April 24, 2019 Payroll Disbursements			<u>369,994.50</u>
Total Payroll Disbursements			<u>369,994.50</u>
<b>TOTAL DISBURSEMENTS</b>			<u><u>2,828,059.27</u></u>



**DATE: MAY 1, 2019**  
**TO: BOARD OF DIRECTORS**  
**SUBJECT: CONSIDER CERTIFICATION OF FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE VALLECITOS WATER DISTRICT 2018 WATER, WASTEWATER AND RECYCLED WATER MASTER PLAN, ADOPTING THE FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING THE MASTER PLAN**

**BACKGROUND:**

The District updates its Water, Wastewater and Recycled Water Master Plan approximately every five to ten years to keep up with General Plan amendments made by agencies responsible for land use within the District's boundaries. In addition, the 2007 Integrated Water Resources Plan (IRP) that identified available water sources for the District is becoming dated as the state and regional water supply outlook continues to change.

The 2018 Master Plan updates the District's water and wastewater profile and incorporates approved land uses for each jurisdictional agency within the District's boundary. It also identifies and evaluates various water supply alternatives, comparable to an IRP, that may be available to the District now and in the future.

A Final Program Environmental Impact Report (PEIR) has been prepared in conjunction with the 2018 Master Plan because the 2018 Master Plan describes a long-term Capital Improvement Program that would be implemented through Ultimate Build-Out. This PEIR assesses the environmental effects associated with the District's 2018 Master Plan and details the impacts, at a programmatic level, that the Capital Improvement Program projects may create on the community and the environment.

**DISCUSSION:**

On April 2, 2014, the District entered into a professional services agreement with Black & Veatch for the completion of the 2018 Master Plan and PEIR. The 2018 Master Plan was substantially completed in October 2018, and the public comment period for the Draft PEIR has not necessitated any significant revisions or additions.

The CEQA process requires that the Draft PEIR be distributed to agencies and interested parties that may be concerned with the project. These parties have 45 calendar days to respond with comments. The Draft PEIR was completed in October 2018 by RECON Consulting. Staff submitted copies of the document to the State Clearinghouse and commenced 45-day public review on October 22, 2018, to solicit comments and public input. A public meeting was also held on November 14, 2018, to inform the public about the findings of the PEIR and solicit input. No members of the public attended this workshop. On December 7, 2018, the 45-day public review period concluded. A total of

7 comment letters were received from various agencies and from the public during the public review period. Letters were received from:

- Governor’s Office of Planning and Research
- State of California Department of Transportation (CalTrans)
- County of San Diego Department of Planning and Development Services
- Rincon Band of Luiseño Indians
- San Diego County Archaeological Society, Inc.
- Latham & Watkins (representing the Golden Door)
- Michael Hunsaker

Responses to the above comment letters were prepared and submitted back to each original commenter on April 5, 2019. These responses to comments are also included in the Final PEIR along with any errata to the Draft PEIR.

In order to approve the 2018 Master Plan, the Board must certify the PEIR as complete and consistent with CEQA’s mandates. In addition, the Board must adopt “California Environmental Quality Act Findings in Connection with the Approval of the Vallecitos Water District 2018 Water, Wastewater and Recycled Water Master Plan” (Findings) and the “2018 Master Plan PEIR Mitigation Monitoring and Reporting Program” (MMRP).

The Findings are based on full appraisal of all viewpoints concerning the environmental impacts identified and analyzed in the Final PEIR and are supported by substantial evidence. Based on the foregoing Findings and the information contained in the record, it is hereby determined that:

1. All significant effects on the environment due to approval of the 2018 Master Plan have been eliminated or substantially lessened where feasible, and
2. No significant effects on the environment were found to be unavoidable.

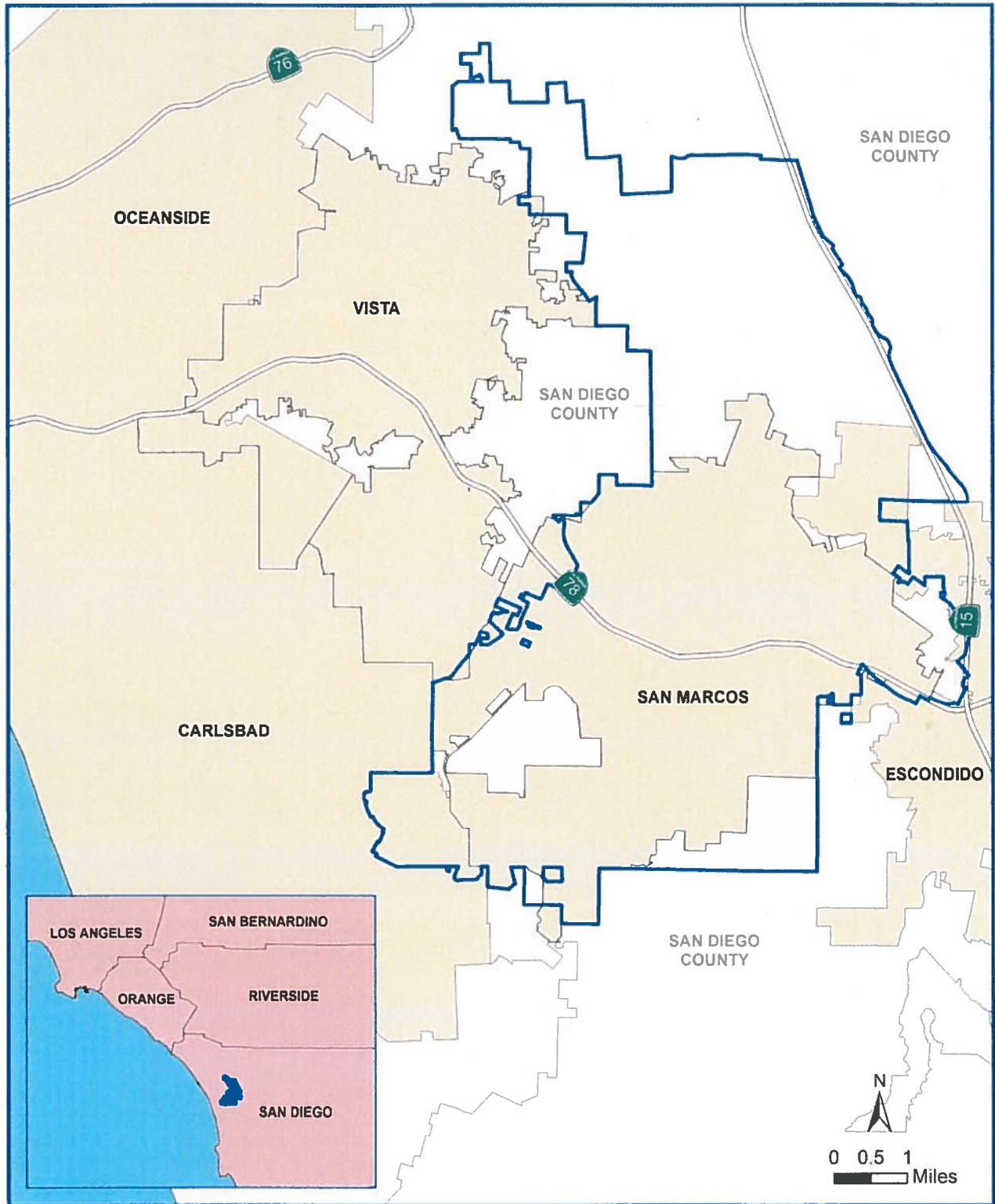
CEQA requires the lead agency approving a project to adopt a monitoring program for changes to the project that it adopts or makes a condition of project approval in order to mitigate or avoid significant effects on the environment and ensure compliance during project implementation. The MMRP that accompanies the Final PEIR has been prepared to serve this purpose.

**RECOMMENDATION:**

Adopt the Resolution which takes the following actions:

- a) Certifies the Final PEIR for the 2018 Master Plan;
- b) Adopts the Findings set forth in the document entitled, “California Environmental Quality Act Findings in connection with the approval of the Vallecitos Water District 2018 Water, Wastewater and Recycled Water Master Plan”;
- c) Adopts the 2018 Master Plan Final PEIR Mitigation Monitoring and Reporting Program; and,
- d) Approves the 2018 Master Plan.

Figure 1-1 Study Area Location



**RESOLUTION NO.**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE VALLECITOS WATER DISTRICT CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE VALLECITOS WATER DISTRICT 2018 WATER, WASTEWATER AND RECYCLED WATER MASTER PLAN, ADOPTING THE FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE 2018 WATER, WASTEWATER, AND RECYCLED WATER MASTER PLAN**

WHEREAS, the Vallecitos Water District ("District") Board of Directors has determined that the 2018 Water, Wastewater, and Recycled Water Master Plan ("2018 Master Plan" or "Project") is required for orderly planning by the District to meet its projected water and sewer customer service needs through ultimate build-out; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), the District is the lead agency for the proposed Project; and

WHEREAS, in conjunction with the 2018 Master Plan, the District determined that a Draft Program Environmental Impact Report (PEIR) should be prepared because the Project may have a significant effect on the environment; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, on November 21, 2017 the District sent to the Office of Planning and Research and each responsible and trustee agency a Notice of Preparation ("NOP") stating that an Environmental Impact Report (State Clearinghouse [SCH] number 2017111082) would be prepared; and

WHEREAS, the District conducted a Notice of Preparation Public Scoping Meeting on December 7, 2017, to provide an opportunity for agency and public input on the scope of the Draft PEIR; and

WHEREAS, a Draft PEIR was prepared, incorporating comments received in response to the NOP; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Office of Planning and Research on October 19, 2018; and

WHEREAS, 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 sent Notice of Completion to the Office of Planning and Research; and

WHEREAS, the Draft PEIR and its technical appendices were distributed or otherwise made available to responsible and trustee agencies, other public agencies having jurisdiction by law with respect to the Project, to other interested persons and agencies, and to the public for review and comment for a period of at least forty-five days; and

WHEREAS, notice of the Draft PEIR was provided in accordance with sections 21083, 21091, and 21092 of the California Public Resources Code; and

WHEREAS, during the public review and comment period, a total of seven written comment letters were received, including two letters from state agencies, one letter from a local agency, one letter from a Native American tribe, and three letters from interested entities or parties; and

WHEREAS, the District prepared written responses to each comment letter received during the public review and comment period; and

WHEREAS, 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 the District's consideration of the Final PEIR; and

WHEREAS, on April 25, 2019, the District released the Final PEIR, which consists of the Draft PEIR, all technical appendices prepared in support of the Draft PEIR, all written comment letters received on the Draft PEIR, written responses to all comment letters received, and errata to the Draft PEIR and technical appendices; and

WHEREAS, the "PEIR" consists of the Final EIR and its attachments and appendices, as well as the Draft PEIR and its attachments and appendices (as modified by the Final PEIR); and

WHEREAS, all potentially significant adverse environmental impacts were sufficiently analyzed in the PEIR; and

WHEREAS, the District has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, the District has reviewed and considered the final PEIR, in the exercise of its independent judgment, prior to acting on the proposed Project and has certified that the final PEIR has been completed in compliance with all of the requirements of CEQA, the CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq.), and relevant case law; and

WHEREAS, the District has determined that the final PEIR adequately addresses the potential environmental impacts of the Project; and, that mitigation measures have been incorporated into the proposed Project which substantially lessen the potentially significant environmental effects of the Project identified in the PEIR; and

WHEREAS, the 2018 Master Plan would not result in any significant and unavoidable environmental effects; and

WHEREAS, no comments made in the public hearing conducted by the District and no additional information submitted to the District have produced significant 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; and

WHEREAS, on May 1, 2019, the District conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard and the Project was fully considered; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Vallecitos Water District as follows:

Section 1: The Board of Directors of the Vallecitos Water District does hereby certify:

(1) 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 and the State CEQA Guidelines, and that the PEIR reflects the independent judgment and analysis of the District.

(2) That no evidence of new significant impacts or any significant new information, as defined by State CEQA Guidelines section 15088.5, has been received by the District after circulation of the Draft PEIR that would require recirculation.

(3) The PEIR based on the entirety of the record of proceedings.

Section 2: The Board of Directors hereby adopts the Findings and Certifications set forth in the document entitled, CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN CONNECTION WITH THE APPROVAL OF THE VALLECITOS WATER DISTRICT 2018 WATER, WASTEWATER AND RECYCLED WATER MASTER PLAN, attached hereto as Exhibit "A" and incorporated herein by this reference (herein called the "Findings"); and, finding that the mitigation measures described in the Final PEIR would avoid or mitigate all potentially significant adverse effects on the environment that may be caused by the 2018 Master Plan to a less than significant level.

Section 3: Pursuant to Public Resources Code section 21081.6, the Board of Directors hereby adopts the 2018 MASTER PLAN PEIR MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP") attached hereto as Exhibit "B" and incorporated herein by this reference. Implementation of the Mitigation Measures contained in the MMRP is hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth in the PEIR and the MMRP, the MMRP shall control.

Section 4: The documents and other materials that constitute the record of proceedings on which this resolution of the Vallecitos Water District Board of Directors is based are located at 201 Vallecitos de Oro, San Marcos, California. The custodian of these records is Robert Scholl, Development Services Senior Engineer. This information is provided in compliance with Public Resources Code section 21081.6.

Section 5: Based upon the entire record before it, the Board of Directors hereby approves and adopts the 2018 Master Plan and directs that the General Manager file a Notice of Determination within five working days of this Project approval with the San Diego County Clerk and the State Clearinghouse.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Vallecitos Water District at a regular meeting held on this 1<sup>st</sup> day of May, 2019 by the following roll call vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Hal J. Martin, President  
Board of Directors  
Vallecitos Water District

ATTEST:

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Glenn Pruum, Secretary  
Board of Directors  
Vallecitos Water District





# Mitigation Monitoring and Reporting Program

## Introduction

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. In order to ensure that the mitigation measures and project revisions identified in an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) are implemented, the Lead Agency is required to adopt a program for monitoring and reporting on the measures it has imposed to mitigate or avoid significant effects (CEQA Guidelines Section 15097[a]). The CEQA Guidelines require that a Mitigation Monitoring and Reporting Program (MMRP) be adopted upon certification of an EIR or adoption of an MND to ensure mitigation measures identified in the EIR or MND are implemented.

According to CEQA Guidelines Section 15097(c) “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, at a minimum, the entity responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, and the monitoring and reporting schedule.

The MMRP assigns responsibility for monitoring mitigation measures incorporated into the project. Under this program, the Vallecitos Water District (VWD), and the construction contractor under the direction of VWD, would be responsible for the implementation and monitoring of these measures during and immediately following construction of future Master Plan Capital Improvement Projects (CIPs) unless otherwise stated herein, in accordance with State CEQA Guidelines Section 15097. A record of the MMRP will be maintained at the VWD office, located at 201 Vallecitos de Oro, San Marcos, California 92069, and online at [www.vwd.org](http://www.vwd.org). The Program Environmental Impact Report (PEIR) (State Clearinghouse [SCH] No. 2017111082) analyzed the potential environmental effects of the project and identified measures to mitigate potentially significant impacts associated with construction of the proposed project. The MMRP table presented below documents the mitigation measures to be implemented by VWD.

## 2018 Master Plan Description

The purpose of the 2018 Master Plan is to update the 2008 Master Plan as a reasonable planning tool to meet the demands of planned development and future growth-based development within the VWD service boundary. The PEIR prepared for the 2018 Master Plan supplements the 2011 PEIR for the VWD 2008 Water, Wastewater, and Water Reclamation Master Plan Update (2008 Master Plan; State Clearinghouse Number 2010071073).

The 2018 Master Plan updates the land use, potable water, wastewater, and recycled water projections utilized in the 2008 Master Plan to accommodate the projected population growth within the District. VWD routinely updates its Master Plan to:

- Evaluate the existing and future needs for water, wastewater, and recycled water services to meet the demands of growth forecast for the region by the San Diego Association of Governments (SANDAG) through 2035, and through ultimate build-out; and
- Develop a facilities plan and CIP to accommodate these needs.

The 2018 Master Plan addresses many local and regional issues, including local water supply development, service territory growth, and wastewater collection, treatment, and disposal capacity. The 2018 Master Plan includes a comprehensive CIP that provides VWD with the strategy and capability for meeting projected water, wastewater, and recycled water customer service demands in a timely and reliable manner up to the year 2036 and through ultimate build-out. The complete 2018 Master Plan is available for review at the VWD office, located at 201 Vallecitos de Oro, San Marcos, California 92069, and online at [www.vwd.org](http://www.vwd.org).

## **Conditions of Project Approval**

### **Regulatory Compliance**

Construction and operation of the CIP projects proposed in the 2018 Master Plan would be conducted in compliance with all applicable federal, state, and local laws and regulations. Section 3.3.5.4 of the 2011 PEIR for the 2008 Master Plan lists some of the environmental laws and regulations that would apply to the CIPs.

### **Project Design Features**

The CIP projects proposed in the 2018 Master Plan would incorporate the following project design features described in the 2011 PEIR.

### **Traffic Control Plan**

In the event that CIP construction activities would require a lane or roadway closure, or could otherwise substantially interfere with traffic circulation, the contractor would submit a traffic control plan to the local land use agency and local fire protection agency to ensure that adequate emergency access and egress is maintained and that traffic would move efficiently and safely in and around the construction site. The traffic control plan may include, but not be limited to, the following measures:

1. Install traffic control signs, cones, flags, flares, and lights in compliance with the requirements of local jurisdictions, and relocate them as the work progresses to maintain effective traffic control.

2. Provide trained and equipped flag persons to regulate traffic flow when construction activities encroach onto traffic lanes.
3. Control parking for construction equipment and worker vehicles to prevent interference with public and private parking spaces, access by emergency vehicles, and owner's operations.
4. Traffic control equipment, devices, and post settings shall be removed when no longer required. Any damage caused by equipment installation shall be repaired.
5. For CIP construction activities that may affect school access, the contractor shall notify school officials of the construction schedule and coordinate with school officials to maintain acceptable school access.

### **High Efficiency Pumps and Motors**

Proposed CIP projects featuring electric pumps and motors, which include PS-2, PS-3, PS-4, PS-5, PS-6, PS-7, PS-8, and LS-1, would use high-efficiency pumps and motors that meet or exceed the energy efficiency levels listed in the National Electric Manufacturers Associations MGI-1993 publication, as recommended by the California Energy Commission.

### **Energy Efficient Security Lighting**

All security and emergency lighting installed at the proposed above-ground CIP facilities (i.e., water storage reservoirs, water pump stations, and wastewater lift stations) would be shielded and directed downward and away from surrounding areas. In addition, CIP projects would use low illumination, advanced fluorescent interior lighting, high-intensity discharge outdoor lighting, and lighting controls such as timers or motion detectors. Lighting would only be used when personnel are onsite at night and lighting is required.

### **Periodic Pump Efficiency Testing**

VWD would conduct periodic (annual or as needed) pump efficiency tests at each proposed CIP project site featuring electric pumps, which includes PS-2, PS-3, PS-4, PS-5, PS-6, PS-7, PS-8, and would correct any significant decreases in efficiency through the repair or replacement of appropriate pump components or other cause.

### **Soft Start and Stop Motors**

VWD would employ soft starts and stops on proposed CIP project pumps and motors, where applicable, to reduce total electricity consumption during operation of pumps and motors.

### **Variable-frequency Drives**

VWD would install variable-frequency drives that provide continuous control on CIP project pumps and motors, where appropriate, to reduce total electricity consumption during operation of pumps and motors by matching motor speed to the specific demands of work being performed.

## **Masonry Enclosures**

Proposed CIP pump and lift station projects located adjacent to residential land uses would place pumps, emergency generators, and any other motorized equipment within a masonry enclosure that minimizes exterior noise.

## **Noise Management**

Proposed CIP projects located adjacent to residential land uses within San Diego County, San Marcos and Escondido (PS-2, PS-3, PS-4, PS-5, PS-6, PS-7, PS-8, LS-1) would not exceed a one-hour exterior noise limit of 50 A-weighted decibels [dB(A)] at the property line during daytime hours (7:00 a.m. to 10:00 p.m.) and 45 dB(A) during nighttime hours (10:00 p.m. to 7:00 a.m.).

## **Construction Vibration and Blasting Noise Management Plan**

At least five days prior to construction of any CIP project within 200 feet of a building containing vibration sensitive equipment, VWD would notify the building occupants of any construction activity involving heavy construction equipment. The extent and duration of the construction activity would be included in the notification. For all construction activities that include blasting, the following additional measures would be implemented.

1. For any construction activities which include blasting, a qualified blasting consultant and geotechnical consultant shall prepare all required blasting plans and monitor all blasting activities.
2. Prior to blasting, the contractor shall secure all permits required by law for blasting operations and provide notification at least five work days in advance of blasting activities within 300 feet of a residence or commercial building, or within 600 feet of a vibration sensitive land use.
3. Monitoring of all blasting activities shall be in conformance with the Standards of the State of California, Department of Mines and in no case shall blasting intensities exceed the safety standards established by the U.S. Department of Mines.

## **Project Permits/Approvals**

The adoption of the 2018 Master Plan requires the affirmative vote of the VWD Board of Directors. However, implementation of the proposed CIP projects may require that VWD obtain the applicable approvals, permits, licenses, certifications or other entitlements from various federal, state, and local agencies. The approvals and permits that are anticipated to be required were identified in the 2011 PEIR. Due to regulatory changes since the 2011 PEIR, Table 1 lists additional regulatory requirements that would also apply to the VWD under the 2018 Master Plan CIPs.

<b>Table 1</b> <b>Additional Regulatory Requirements Since 2011</b>		
Agency/Department	Requirement	Action Associated With or Required For
California Native American Tribes	Tribal Consultation (Assembly Bill 52)	CEQA Review
California Executive Order B-30-15	Strengthened Greenhouse Gas Emissions Reductions	CEQA Review

## Mitigation Monitoring and Reporting Program

Table 2 presents the mitigation measures that would be implemented as applicable under future CIP projects and specifies the entity (or entities) that would be responsible for implementation and monitoring of these mitigation measures.

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
<b>Air Quality</b>				
Air-1	<p><b>Odor-Control Measures.</b> VWD will install odor-controlling features, such as activated carbon structures, at all vents along CIP wastewater pipelines and outfall alignments, at the Montiel Lift Station, and the bioxide station, to the extent required to ensure that nuisance odors cannot be detected at the nearest receptor.</p>	VWD CP Design Engineer/ Construction Contractor	VWD CP/VWD EO	During construction activities
<b>Biological Resources</b>				
Bio-1A	<p><b>Project-Level Biological Resource Surveys.</b> During the design phase and prior to the construction of individual CIP projects, VWD will retain a qualified biologist to conduct project-level biological resources surveys and prepare biological resources technical reports for the following CIP projects: R-4, R-5, R-10, R-11, PS-4, PS-6, PS-8, P-43, P-16 and P-56, P-30, P-64, P-42, SP-11, SP-13, SP-25, LO-D1, LO-D2, LO-A1, and LO-A2.</p> <p>Surveys and reports will be conducted and prepared as part of the project-level CEQA documentation for these projects. VWD will map and quantify project-level impacts to special status species and habitats in a biological resources technical report as part of the CEQA documentation. Detailed project-specific avoidance and mitigation measures for significant impacts to biological resources will be finalized as part of the approval and certification process for the subsequent project-level CEQA documentation. Project-specific avoidance and mitigation measures would be determined during project review, consultations, permitting, and/or negotiations between the VWD and the responsible local, state, and federal agencies from which approvals and permits would be required.</p> <p>If the project-level surveys and reporting determine that suitable habitat for special status species occurs, and that special status species could be present within the CIP project sites and/or could be adversely affected as a result of project implementation, including direct and/or indirect impacts to the species and occupied habitat, then the appropriate presence/absence and protocol-level surveys will be conducted, as necessary for required approvals. VWD would retain a qualified biologist to conduct rare plant surveys for CIP projects determined to have the potential to affect special status plant species. Further, VWD will retain a qualified biologist to conduct focused protocol-level surveys for CIP projects determined to have the potential to affect special status wildlife species. Surveys will follow protocols and guidelines approved by the</p>	Qualified Biologist/ VWD CP Design Engineer	VWD CP/ USFWS/ CDFW/ CNPS	During the design phase and prior to construction activities

**Table 2**  
**VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and California Native Plant Society, and will be conducted by qualified biologists permitted by the USFWS and/or CDFW, where applicable.</p> <p>If the rare plant surveys or focused protocol-level surveys identified above determine the presence of federally or state-listed endangered or threatened species and occupied habitat on site, then, in compliance with Federal Endangered Species Act and California Endangered Species Act, and as stated in Section 3.3.5.4 of this PEIR, VWD will consult and obtain all applicable regulatory permits and authorizations from the USFWS and CDFW, and the conditions of the regulatory permits and authorizations will be implemented accordingly, and/or the underlying CIP project would be modified to avoid direct “take” of the species and/or minimize adverse effects to the species and occupied habitat.</p> <p>In accordance with consultation and/or permitting requirements, mitigation measures Bio-1B and Bio-1C below would prevent direct “take” of listed species that are most likely to be affected by individual CIP projects (e.g., coastal California gnatcatcher and least Bell’s vireo) and minimize potential impacts to individuals and occupied habitat in the vicinity of the CIP project sites that may be displaced from habitat or otherwise adversely affected. VWD will further mitigate the loss of habitat according to mitigation measures Bio-2A through Bio-2C.</p>			
<b>Bio-1B</b>	<p><b>Coastal California Gnatcatcher Avoidance Measures.</b> In addition to those mitigation measures described above within Bio-1A above, and any avoidance, minimization, and conservation measures prescribed by the USFWS during consultation and/or permitting, the following mitigation measures will be implemented for proposed CIP projects potentially affecting the federally threatened coastal California gnatcatcher, including suitable and/or occupied habitat, as applicable:</p> <ol style="list-style-type: none"> <li>1. Within one year prior to CIP project construction, VWD shall retain a qualified biologist to commence focused surveys in accordance with USFWS protocols to determine the presence or absence of the coastal California gnatcatcher. Documentation of the survey results shall be provided to VWD and USFWS within 45 days of completing the final survey. If surveyed habitat is determined to be occupied by California gnatcatcher, then the following measures shall be implemented in addition to those described above within Bio-1A:</li> </ol>	VWD CP/Qualified Biologist	VWD CP/ USFWS	Within one year prior to CIP construction and during construction activities.

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>a. Habitat occupied by gnatcatcher shall not be removed during the gnatcatcher breeding season (February 15 through August 30). Vegetation clearing, grading, and/or construction activities that have commenced within unoccupied habitat prior to the breeding season shall be allowed to continue without interruption. The contractor(s) should maintain continuous construction activities on or in the immediate vicinity (500 feet) of suitable habitat for gnatcatcher, until the work is completed, in order to minimize potential indirect impacts. If gnatcatchers move into an area within 500 feet of ongoing construction and attempt to nest, then it can be deduced that the noise and other indirect impacts are not great enough to discourage gnatcatcher nesting activities.</p> <p>In addition, if these activities are initiated prior to, and extend into, the breeding season, but they cease for any period of time and the contractor wishes to restart work within the gnatcatcher breeding season window (February 15 through August 30), then updated surveys shall be conducted, as described above. If updated surveys indicate no breeding gnatcatchers occur on or within 500 feet of the proposed work, then construction activities shall be allowed to commence. However, if breeding gnatcatchers are confirmed, then construction activities shall be postponed until all nesting activities have ceased, as determined by a qualified biological monitor.</p> <p>b. Prior to vegetation clearing, grading and/or construction activities that shall occur on or in the immediate vicinity (within 500 feet) of coastal sage scrub and/or USFWS-designated Critical Habitat during the gnatcatcher breeding season (February 15 through August 30), VWD shall retain a qualified biologist to monitor construction activities. The biologist must be knowledgeable of gnatcatcher biology and ecology. VWD shall submit the biologist's name, address, and telephone number, and proposed work schedule, to the USFWS at least 7 days prior to construction activities.</p> <p>c. Noise monitoring shall be conducted if construction activities would occur during the gnatcatcher breeding season (February 15 through August 30), if the construction-related noise levels would exceed 60 decibels average sound level (dB L<sub>eq</sub>; i.e., the noise threshold suggested by the USFWS for indirect impacts to gnatcatcher), and if gnatcatchers</p>			



**Table 2**  
**VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>are found within 500 feet of the noise source. Noise monitoring shall be conducted by a biologist experienced in both the vocalization and appearance of California gnatcatcher, and in the use of noise meters. Construction activities that generate noise levels over 60 dB <math>L_{eq}</math> may be permitted within 300 feet of occupied habitat if methods are employed that reduce the noise levels to below 60 dB <math>L_{eq}</math> at the boundary of occupied habitat (e.g., temporary noise attenuation barriers or use of alternative equipment). During construction activities, daily testing of noise levels shall be conducted by a noise monitor with the help of the biologist to ensure that a noise level of 60 dB <math>L_{eq}</math> at the boundary of occupied habitat is not exceeded. Documentation of the noise monitoring results shall be provided to VWD and USFWS within 45 days of completing the final noise monitoring event.</p>			
<b>Bio-1C</b>	<p><b>Least Bell's Vireo Avoidance Measures.</b> In addition to those mitigation measures described above within Bio-1A above, and any avoidance, minimization, and conservation measures prescribed by the USFWS and CDFW during consultation and/or permitting, the following mitigation measures shall be implemented for CIP projects potentially affecting the federally and state endangered least Bell's vireo, including suitable and/or occupied riparian habitat, as applicable:</p> <ol style="list-style-type: none"> <li>1. Within one year prior to CIP project construction, VWD shall retain a qualified biologist to perform focused surveys in accordance with USFWS guidelines to determine the presence or absence of the least Bell's vireo on and within 500 feet of the CIP project site. Documentation of the survey results shall be provided to the USFWS and CDFW within 45 days of completing the final survey. If surveyed habitat is determined to be occupied by vireo, then the following measures shall be implemented in addition to those described above within Bio-1A:               <ol style="list-style-type: none"> <li>a. CIP projects shall not remove riparian habitat that is occupied by least Bell's vireo during the species' breeding season (March 15 through July 15).</li> <li>b. A minimum 100-foot-wide biological buffer shall be maintained between all construction activities and occupied vireo habitat at all times.</li> <li>c. VWD shall retain a qualified biologist to monitor all construction activities that would occur within 300 feet of occupied vireo habitat during the species' breeding season (March 15 through July 15). The</li> </ol> </li> </ol>	VWD CP/Qualified Biologist	VWD CP/ USFWS/ CDFW	Within one year prior to CIP construction and during construction activities.

**Table 2**  
**VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>biologist must be knowledgeable of vireo biology and ecology. VWD or its designated representative shall submit the biologist's name, address, and telephone number, and proposed work schedule, to the USFWS and CDFW at least seven days prior to construction activities.</p> <p>d. VWD shall retain a qualified biologist to perform noise monitoring of all construction activities that would occur within 300 feet of occupied vireo habitat. Noise levels at the riparian canopy edge shall be kept below 60 dB(A) [A-weighted decibels] <math>L_{eq}</math> from 5:00 a.m. to 11:00 a.m. between March 15 and July 15. For the remainder of the season, the noise levels shall not exceed 60 decibels, averaged over a one-hour period on an A-weighted decibel [dB(A); i.e., 1 hour <math>L_{eq}</math>/dB(A)]. Documentation of the noise monitoring results shall be provided to the USFWS and CDFW within 45 days of completing the final noise monitoring event.</p> <p>2. Permanent and temporary impacts to riparian habitat shall be mitigated in full, as proposed within mitigation measures Bio-2A through Bio-2C, to ensure no net loss of the habitat and enhancement of functions and values.</p>			
<b>Bio-1D</b>	<p><b>Avoidance of Nesting Birds.</b> To prevent impacts to nesting passerines (song birds) and other non-raptors protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, VWD shall enforce the following:</p> <p>1. If construction occurs during the general nesting season (February 1 through August 31), and where any mature tree, shrub, or structure capable of supporting a bird nest occurs within 300 feet of proposed CIP project construction activities, VWD shall retain a qualified biologist to conduct a pre-construction survey for nesting birds prior to clearing, grading and/or construction activities. The survey shall be conducted within 72 hours prior to the start of construction.</p> <p>2. If any nesting birds are present on or within 300 feet of the proposed project construction area, the following shall be required, as approved by the USFWS and/or CDFW:</p> <p>a. VWD shall retain a qualified biologist to flag and demarcate the location of all nesting birds and monitor construction activities. Temporary avoidance of active bird nests, including the enforcement of an avoidance buffer of 300 feet, as determined by the qualified biological monitor, shall be required until the qualified biological monitor has verified that the</p>	VWD CP/Qualified Biologist	VWD CP/ USFWS/ CDFW	72 hours prior to start of construction activities and during construction activities.

**Table 2**  
**VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>young have fledged or the nest has otherwise become inactive. Requests for buffer reductions of less than 300 feet shall be provided to the Wildlife Agencies. Documentation of the nesting bird surveys and any follow-up monitoring shall be provided to USFWS and CDFW within 10 days of completing the final survey or monitoring event.</p>			
<b>Bio-1E</b>	<p><b>Avoidance of Raptor Nests.</b> To prevent impacts to nesting raptors protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, VWD shall enforce the following:</p> <ol style="list-style-type: none"> <li>1. If construction occurs during the raptor nesting season (January 15 through July 31), and where any mature tree or structure capable of supporting a raptor nest occurs within 500 feet of proposed CIP project construction activities, VWD shall retain a qualified biologist to conduct a pre-construction survey for nesting raptors prior to clearing, grading and/or construction activities. The survey shall be conducted within 72 hours prior to the start of construction.</li> <li>2. If any nesting raptors are present on or within 500 feet of the proposed project construction area, the following shall be required, as approved by the USFWS and/or CDFW: <ol style="list-style-type: none"> <li>a. VWD shall retain a qualified biologist to flag and demarcate the location of all nesting raptors and monitor construction activities. Temporary avoidance of active raptor nests, including the enforcement of an avoidance buffer of 500 feet shall be required until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive. Documentation of the raptor surveys and any follow-up monitoring, as necessary, shall be provided to USFWS and CDFW within 10 days of completing the final survey or monitoring event.</li> </ol> </li> <li>3. In the event that a California state fully protected species (e.g., white tailed kite) is found to be nesting on the project site, all work in the area shall stop and VWD shall notify the CDFW and/or USFWS. No impacts shall be permitted to occur to fully protected species.</li> </ol>	VWD CP/Qualified Biologist	VWD CP/ USFWS/ CDFW	72 hours prior to start of construction activities and during construction activities.
<b>Bio-1F</b>	<p><b>Construction Fencing.</b> Prior to vegetation clearing, grading, and/or construction activities, VWD shall retain a qualified biologist to oversee installation of appropriate fencing and/or flagging to delineate the limits of construction and the approved construction staging areas for protection of</p>	Qualified Biologist	VWD CP/ USFWS/ CDFW/ RWQCB/ USACE	Prior to vegetation clearing, grading, and/or construction activities.

**Table 2**  
**VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>identified sensitive resources for the following CIP projects: R-4, R-5, R-10, R-11, PS-4, PS-6, PS-8, P-43, P-16 and P-56, P-30, P-64, P-42, SP-10, SP-11, SP-13, SP-25, LO-D1, LO-D2, LO-A1, and LO-A2.</p> <p>Temporary fencing (with silt barriers) shall be installed at the limits of project impacts (including construction staging areas and access routes) to prevent additional sensitive habitat impacts and to prevent the spread of silt from the construction zone into adjacent habitats to be avoided. Fencing shall be installed in a manner that does not impact habitats to be avoided. For projects potentially affecting special-status species and sensitive resources, and for which permits or approvals from the USFWS or CDFW require confirmation of project impacts and submittal of as-built plans, VWD shall submit to the USFWS and CDFW for approval, at least 30 days prior to initiating project impacts, the final plans for initial clearing and grubbing of sensitive habitat and project construction. These plans shall also be submitted to the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), or other local agency, from which, approval or permitting is required, as applicable. The final plans shall show the fenced limits of impact and all sensitive areas to be impacted or avoided. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of VWD and the USFWS, CDFW, USACE, and/or other agency. Temporary construction fencing shall be removed by VWD upon project completion.</p>			
<b>Bio-1G</b>	<p><b>Construction Staging Areas.</b> Prior to construction activities for CIP projects where it has been demonstrated through project-level studies that drainages, wetlands and areas supporting sensitive habitats or species could be affected by project construction, VWD shall design CIP project construction staging areas to avoid and setback from drainages, wetlands and areas supporting sensitive habitats or species, where feasible. Fueling of equipment shall occur in designated fueling zones within the construction staging areas. All equipment used within the approved construction limits shall be maintained to minimize and control fluid and grease leaks. Provisions to contain and clean up unintentional fuel, oil, fluid and grease leaks/spills shall be in place prior to construction.</p>	VWD CP/ Construction Contractor	VWD CP	Prior to construction activities.
<b>Bio-1H</b>	<p><b>Pre-Construction Meeting.</b> Prior to vegetation clearing, grading, and/or construction activities, VWD shall retain a qualified biologist to attend a pre-construction meeting to inform construction crews of the sensitive species and</p>	VWD CP/Qualified Biologist	VWD CP	Prior to vegetation clearing, grading, and/or construction

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing																												
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<b>Bio-1I</b>	<b>Construction-Related Night Lighting.</b> All construction-related night lighting adjacent to sensitive habitat areas shall be of low illumination, shielded and directed downwards and away from adjacent native habitat areas.	VWD CP/ Construction Contractor	VWD CP	During construction activities.																												
<b>Bio-1J</b>	<b>Avoidance of Special Status Habitat Areas.</b> Prior to construction activities for CIP projects where it has been demonstrated through project-level studies that special status plant and wildlife species, as well as USFWS-designated Critical Habitat and coastal ESHA, could be affected by project construction and/or operation, VWD shall design and/or modify CIP projects to avoid and setback from special status plant and wildlife species, USFWS-designated Critical Habitat, and coastal ESHA, where feasible. Specific setback requirements for CIP project avoidance would be determined in consultation with the USFWS, CDFW, City of Carlsbad, and/or the California Coastal Commission.	VWD CP Design Engineer	VWD CP/ USFWS/ CDFW/ City of Carlsbad/ CCC	Prior to construction activities.																												
<b>Bio-2A</b>	<p><b>Habitat Replacement.</b> Unavoidable impacts to sensitive natural communities shall be mitigated by VWD according to the range of ratios provided below, and would be increased or decreased depending on whether the habitat supports special status species or other sensitive resources, and/or the impacts and mitigation would occur inside or outside an existing preserve area:</p> <table border="0" data-bbox="310 976 1041 1377"> <thead> <tr> <th><u>Sensitive Natural Community</u></th> <th><u>Mitigation Ratio</u></th> </tr> </thead> <tbody> <tr> <td>Non-native grassland</td> <td>0:1 – 0.5:1</td> </tr> <tr> <td>Valley needlegrass grassland</td> <td>1:1 – 3:1</td> </tr> <tr> <td>Diegan coastal sage scrub</td> <td>1:1 – 2:1</td> </tr> <tr> <td>Diegan coastal sage – chaparral scrub</td> <td>1:1 – 2:1</td> </tr> <tr> <td>Chamise chaparral (granitic, mafic)</td> <td>1:1, 1:1 – 3:1</td> </tr> <tr> <td>Scrub oak chaparral</td> <td>1:1 – 2:1</td> </tr> <tr> <td>Southern maritime chaparral</td> <td>1:1 – 3:1</td> </tr> <tr> <td>Southern mixed chaparral (granitic, mafic)</td> <td>1:1, 1:1 – 3:1</td> </tr> <tr> <td>Coast live oak woodland</td> <td>1:1 – 3:1</td> </tr> <tr> <td>Southern coastal live oak riparian forest</td> <td>1:1 – 3:1</td> </tr> <tr> <td>Southern riparian forest</td> <td>1:1 – 3:1</td> </tr> <tr> <td>Southern riparian scrub</td> <td>1:1 – 3:1</td> </tr> <tr> <td>Coastal and valley freshwater marsh</td> <td>1:1 – 3:1</td> </tr> </tbody> </table>	<u>Sensitive Natural Community</u>	<u>Mitigation Ratio</u>	Non-native grassland	0:1 – 0.5:1	Valley needlegrass grassland	1:1 – 3:1	Diegan coastal sage scrub	1:1 – 2:1	Diegan coastal sage – chaparral scrub	1:1 – 2:1	Chamise chaparral (granitic, mafic)	1:1, 1:1 – 3:1	Scrub oak chaparral	1:1 – 2:1	Southern maritime chaparral	1:1 – 3:1	Southern mixed chaparral (granitic, mafic)	1:1, 1:1 – 3:1	Coast live oak woodland	1:1 – 3:1	Southern coastal live oak riparian forest	1:1 – 3:1	Southern riparian forest	1:1 – 3:1	Southern riparian scrub	1:1 – 3:1	Coastal and valley freshwater marsh	1:1 – 3:1	Qualified Biologist/ VWD CP	VWD CP/ USFWS/ USACE/ RWQCB/ CDFW	Prior to vegetation clearing, grading, and/or construction activities; during project grading and construction; and upon completion of project and construction
<u>Sensitive Natural Community</u>	<u>Mitigation Ratio</u>																															
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**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>Permanent and temporary impacts to sensitive natural communities shall be mitigated in-kind by VWD through implementation of any one or combination of the following measures, as approved and/or amended by the USFWS, USACE, RWQCB, and/or CDFW for individual CIP projects, if applicable:</p> <ol style="list-style-type: none"> <li>1. On site as creation of new habitat within avoided and preserved areas at the CIP project site;</li> <li>2. On site as restoration of existing habitat within temporary impact areas and/or avoided and preserved areas at the CIP project site;</li> <li>3. On site as enhancement of existing habitat within avoided and preserved areas at the CIP project site;</li> <li>4. Off site as purchase of habitat credits within an approved mitigation bank(s) (e.g., North County Habitat Bank);</li> <li>5. Off site as habitat preservation, creation, restoration, and/or enhancement within other properties or approved mitigation programs available at the time of grading; or</li> <li>6. A combination of the above.</li> </ol> <p>For on- or off-site creation, restoration, and/or enhancement mitigation of upland sensitive natural communities (e.g., grassland, coastal sage scrub, chaparral, woodland), VWD shall prepare an Upland Habitat Restoration Plan, Habitat Mitigation and Monitoring Plan, or similar plan, detailing the specific upland habitat creation, restoration, and/or enhancement measures to be implemented as project mitigation. The Upland Habitat Restoration Plan shall be approved by the USFWS and CDFW prior to vegetation clearing, grading, and/or construction activities.</p> <p>For on- or off-site creation, restoration, and/or enhancement mitigation of riparian and wetland sensitive natural communities (e.g., riparian forest, riparian scrub, willow scrub, mule fat scrub, freshwater marsh), VWD shall prepare a Riparian/Wetland Habitat Restoration Plan, Habitat Mitigation and Monitoring Plan, or similar plan, detailing the specific riparian/wetland creation, restoration, and/or enhancement measures to be implemented as project mitigation. The Riparian/Wetland Habitat Restoration Plan shall be approved by the USFWS, USACE, RWQCB, and/or CDFW, as appropriate, prior to vegetation clearing, grading, and/or construction activities.</p>			

**Table 2**  
**VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

<b>Number</b>	<b>Mitigation Measure</b>	<b>Party Responsible for Implementing Action</b>	<b>Party Responsible for Monitoring</b>	<b>Mitigation Timing</b>
<b>Bio-2B</b>	<b>Riparian/Wetland Replacement Ratio.</b> Any upland or riparian/wetland habitat impacts that occur beyond the approved fencing described above within Bio-1F shall be mitigated at a ratio to be negotiated with the USFWS, USACE, RWQCB, and/or CDFW.	Qualified Biologist/ VWD CP	VWD CP/ USFWS/ USACE/ RWQCB/ CDFW	Prior to vegetation clearing, grading, and/or construction activities; during project grading and construction; and upon completion of project and construction
<b>Bio-2C</b>	<b>Hydroseeding of Graded Areas.</b> Unless otherwise required by the USFWS, USACE, RWQCB, and/or CDFW, and excluding those CIP projects where a permanent access road, path, or other permanent development is required, after completion of final grading for CIP projects located adjacent to native vegetation, the construction documents shall require that all graded areas within 100 feet of native vegetation are hydroseeded and/or planted with native plant species similar in composition to the adjacent undisturbed vegetation communities. VWD or the construction contractor shall retain a qualified biologist to monitor these activities to ensure non-native or invasive plant species are not used in the hydroseed mix or planting palettes. The hydroseeded/planted areas shall be watered via a temporary drip irrigation system or watering truck. Irrigation shall cease after successful plant establishment and growth, to be determined by the biologist. Any irrigation runoff from hydroseeded/planted areas shall be directed away from adjacent native vegetation communities, and contained and/or treated within the development footprint of individual projects. All planting stock shall be inspected for exotic invertebrate pests (e.g., argentine ants) and any stock found to be infested with such pests shall not be allowed to be used in the hydroseeded/planted areas.	Qualified Biologist/ VWD CP	VWD / USFWS/ USACE/ RWQCB/ CDFW/ VWD CP	During project grading and construction activities
<b>Bio-3A</b>	<b>Oak Tree Avoidance.</b> All oak trees and their root systems will be avoided by CIP projects R-4, P-16, and P-56 through project design or site selection, to the extent practicable.	VWD CP/ Qualified Biologist	VWD CP	During project design and construction activities



**Table 2**  
**VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

<b>Number</b>	<b>Mitigation Measure</b>	<b>Party Responsible for Implementing Action</b>	<b>Party Responsible for Monitoring</b>	<b>Mitigation Timing</b>
<b>Bio-3B</b>	<p><b>Oak Tree Replacement.</b> To off-set any impacts to oak trees potentially resulting from CIP projects R-4, P-16, and P-56, VWD will implement the following measures:</p> <ol style="list-style-type: none"> <li>1. Unavoidable impacts will be compensated by VWD at a ratio of 1:1 to 3:1. A minimum of one 15-gallon oak tree will be planted within approved areas at the CIP project site as a replacement for every one oak tree damaged. For temporary impacts, trees will be replaced at the same location as the impact area. For permanent impacts, trees will be replaced within avoided areas at the CIP project site where natural water is available.</li> <li>2. The landscape architect/designer for the project will design replacement trees into landscape plans which will be subject to review by the VWD and local jurisdiction in which the planting would occur.</li> <li>3. Planting specifications will comply with the following: <ol style="list-style-type: none"> <li>a. The newly planted trees will be planted high, as much as 0.75 foot above the new adjacent grade.</li> <li>b. Amend the backfill soil with wood shavings, unless existing soil is high in natural organic matter with a sandy loam texture as reflected in soils tests following County protocol.</li> </ol> </li> </ol>	VWD CP/ Qualified Biologist/ Landscape Architect	VWD CP	During project grading and construction and upon completion of project construction
<b>Bio-4A</b>	<p><b>Project-Level Biological Studies.</b> During the design phase of CIP SP-13, LO-D1, LO-D2, LO-B, and LO-A2 occurring within the jurisdictional boundaries of the City of Carlsbad, VWD shall prepare project-level biological studies, to include consistency analysis with the Carlsbad MHCP Subarea Plan (Carlsbad HMP), in order to ensure that CIP projects would not conflict with this adopted plan. As necessary, VWD shall conduct project design and review of biological studies in consultation with the USFWS, CDFW, and City of Carlsbad when covered resources identified under the Carlsbad MHCP Subarea Plan have the potential to be affected by individual CIP projects.</p>	VWD CP/ Qualified Biologist/ Qualified Consultant	VWD CP/ USFWS/ CDFW/ City of Carlsbad	During project design
<b>Bio-4B</b>	<p><b>Species and Habitat Avoidance within Carlsbad MHCP Subarea Plan.</b> VWD shall implement the following specific measures for CIP projects SP-13, LO-D1, LO-D2, LO-B, and LO-A2 occurring within the Carlsbad MHCP Subarea Plan:</p> <ol style="list-style-type: none"> <li>1. Impacts to narrow endemic species shall be avoided to the maximum extent practicable; however, where impacts to a narrow endemic species population are demonstrated to be unavoidable, impacts shall be restricted</li> </ol>	VWD CP Design Engineer	VWD CP	During project design and during construction activities



**Table 2**  
**VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>to less than the maximum allowed under the Carlsbad MHCP Subarea Plan.</p> <p>2. All development projects shall be located and designed to minimize overall impacts to natural habitat.</p> <p>3. Impacts to wetland and riparian habitats within the Carlsbad MHCP Subarea Plan shall be avoided to the maximum extent feasible. All projects that would affect these habitats must demonstrate that the impacts: (1) cannot be avoided by a feasible alternative; (2) have been minimized to the maximum extent practicable; (3) are mitigated at a minimum 3:1 ratio; and (4) shall be mitigated in ways that assure no net loss of habitat value or function.</p>			
<b>Bio-4C</b>	<p><b>Habitat In-Lieu Fees.</b> Prior to issuance of permits from the City of Carlsbad, VWD may pay Habitat In-Lieu Mitigation Fees for impacts to Group E (Non-Native Grassland) and Group F (Disturbed Habitat, Eucalyptus Woodland) Habitats identified within the Carlsbad MHCP Subarea Plan for CIP projects SP-13, LO-D1, LO-D2, LO-B, and LO-A2. Fees may be paid in an amount to be determined by City Council, in lieu of providing on-site or off-site mitigation land. The Habitat In-Lieu Mitigation Fee shall also apply to off-site mitigation for impacts to Group D (Unoccupied Coastal Sage Scrub, Coastal Sage/Chaparral, Chaparrals – excluding Southern Maritime Chaparral) Habitat which is not conserved or mitigated on site in accordance with mitigation measures Bio-2A through Bio-2C, or otherwise required by the City of Carlsbad, USFWS, and CDFW during review of individual CIP projects.</p>	VWD CP	City of Carlsbad/ USFWS/ CDFW/ VWD CP	Prior to issuance of permits
<b>Cultural Resources</b>				
	<p><b>Cul-1 Site-specific Records Search.</b> Prior to construction activities within a CIP project site, a qualified cultural resource professional shall be retained by VWD to complete a CIP project site-specific records search at the South Coastal Information Center to determine if the CIP project site has been subject to a professional survey. If a current cultural resources report to address potential impacts on cultural resources is available, VWD shall implement the mitigation measures provided within the report.</p>	VWD CP/ Qualified Cultural Resource Professional	VWD CP	Prior to construction activities
	<p><b>Cul-2 Phase I Cultural Resources Study.</b> In the event that a current and valid report (completed within the last five years) is not available, or if the entirety of the CIP project site has not been professionally surveyed (see Cul-1), a Phase I Cultural Resources Survey study shall be completed by a qualified</p>	VWD CP/ Qualified Cultural Resource Professional	VWD CP	Prior to construction activities

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>cultural resource professional.</p> <p>a. If the Phase I study detects built-environment resources (buildings or structures aged 45 years old or older), and implementation of the CIP project will either disturb or destroy such buildings or affect their historic setting, then a cultural resource professional who minimally meets the Secretary of the Interior’s Professional Qualifications Standards for Architectural History shall be contracted to determine if the resource site is significant and if the project may cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. VWD shall be responsible for implementing methods for eliminating or reducing impacts on historical resources identified in the technical report or memorandum. Such methods could include, but are not limited to, written and photographic recordation of the resource in accordance with the level of Historic American Building Survey documentation that is appropriate to the significance (federal, state, local) of the resource.</p> <p>b. In the event that known or previously undetected archaeological resources are identified during the Phase I study then such resources must be recorded or updated onto Department of Parks and Recreation (DPR) 523 forms in accordance with all applicable regulations. In addition, any addressed resources must be evaluated for significance and eligibility for inclusion in federal, state and local registers of significant resources. This evaluation shall be undertaken by a cultural resource professional who minimally meets the SOI Professional Qualifications Standards for Archaeology. In the event that such resources are found to be historical resources pursuant to CEQA, potential adverse impacts must be analyzed as stated in Public Resources Code (PRC) Sections 21084.1 and 21083.2(l), and appropriate measures must be generated to avoid or reduce potential impacts on archaeological resources as necessary, including data recovery excavation and/or construction monitoring.</p>			
<b>Cul-3</b>	<b>Procedure for Unintentional Disturbance of Cultural Resources.</b> If historical resources are identified during a Phase I Cultural Resources Study and cannot be avoided, construction monitoring by a qualified archaeologist and a Native American monitor, if requested during AB 52 consultation, would be required. If subsurface cultural resources are encountered during CIP project construction, or if evidence of an archaeological site or other suspected	VWD CP/ Qualified Archaeologist	VWD CP	During construction activities

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>historic resources are encountered, all ground-disturbing activity shall cease within 100 feet of the resource. A qualified archaeologist shall be retained by VWD to assess the find, and to determine whether the resource is significant and requires further study. Potentially significant cultural resources could consist of, but are not limited to, stone, bone, fossils, wood or shell artifacts or features, including structural remains, historic dumpsites, hearths and middens. Midden features are characterized by darkened soil, and could conceal material remains, including worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials and special attention should always be paid to uncharacteristic soil color changes. Any previously undiscovered resources found during construction should be recorded on appropriate DPR 523 forms and evaluated by a qualified archaeologist retained by VWD for significance under all applicable regulatory criteria.</p> <p>a. No further grading shall occur in the area of the discovery until VWD approves the measures to mitigate the resources. Any archaeological artifacts recovered as a result of mitigation shall be curated at a qualified scientific institution approved by VWD where they would be afforded long-term preservation to allow future scientific study. Curation fees are the responsibility of VWD. Upon completion of monitoring, a final results report with resource data and analysis shall be completed and submitted to VWD and the South Coastal Information Center. Should no resources be encountered, a letter report may be submitted to document completion of construction monitoring.</p>			
Cul-4	<p><b>Procedure for Unintentional Disturbance of Human Remains.</b> Implementation of the procedures set forth in PRC Section 5097.98 and California State Health and Safety Code 7050.5 would reduce impacts to human remains to a less than significant level. The procedures outline steps to be followed upon unintentional disturbance of human remains. California State Health and Safety Code Section 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. A professional archaeologist with Native American burial experience shall conduct a field investigation of the specific site and</p>	VWD CP/ Qualified Archaeologist	VWD CP	During construction activities

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. As necessary and appropriate, a professional archaeologist shall be retained by VWD to provide technical assistance to the MLD, including but not limited to, the excavation and removal of the human remains. Compliance with California State Health and Safety Code Section 7050.5 and PRC Section 5097.98 would reduce any potential impacts to human remains from the 2018 Master Plan to a level below significance.			
<b>Energy</b> – No additional mitigation measures are required.				
<b>Geology, Soils, and Paleontology</b>				
<b>Geo-1</b>	<p><b>Site-specific Geotechnical Investigation.</b> Prior to construction of proposed CIP projects, a site-specific geotechnical investigation will be conducted to determine whether geologic or other hazardous conditions exist and, if so, provide recommendations for construction that would reduce the damage potential. Areas of liquefaction; static or groundshaking-induced landslides, lateral spreading, subsidence; liquefaction, soil collapse, expansive soils and/or mudslide potential will be identified as part of the geotechnical investigation. The investigations shall specifically address foundation and slope stability in liquefiable, landslide, expansive soils and mudslide areas proposed for construction. Recommendations made in conjunction with the geotechnical investigations shall be implemented during construction, including (as appropriate) but not necessarily limited to the following actions:</p> <ol style="list-style-type: none"> <li>1. Over-excavate unsuitable materials and replace them with engineered fill.</li> <li>2. For thinner deposits, remove loose, unconsolidated soils and replace with properly compacted fill soils, or apply other design stabilization features (i.e., excavation of overburden).</li> <li>3. For thicker deposits, implement applicable techniques such as dynamic compaction (i.e., dropping heavy weights on the land surface), vibro-compaction (i.e., inserting a vibratory device into the liquefiable sand), vibro-replacement (i.e., replacing sand by drilling and then vibro-compacting backfill in the bore hole), or compaction piles (i.e., driving piles and densifying surrounding soil).</li> <li>4. Lower the groundwater table to below the level of liquefiable soils.</li> <li>5. Perform in-situ densification of soils or other alterations to the ground characteristics.</li> </ol>	VWD CP/ Qualified Geologist/ Registered Environmental Assessor	VWD CP	Prior to construction activities

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>6. For landslides, implement applicable techniques such as stabilization (i.e., construction of buttress fills, retaining walls, or other structural support to remediate the potential for instability of cut slopes composed of landslide debris); remedial grading and removal of landslide debris (e.g., over-excavation and recompaction); or avoidance (e.g., structural setbacks).</p> <p>7. To minimize or avoid lateral spreading of on-site soils, remove compressible soils and replace them with properly compacted fill, perform compaction grouting or deep dynamic compaction, or use stiffened conventional foundation systems.</p> <p>8. To minimize or avoid differential compression or settlement of on-site soils, manage oversized material (i.e., rocks greater than 12 inches) via off-site disposal, placement in non-structural fill, or crushing or pre-blasting to generate material less than 12 inches. Oversized material greater than 4 feet shall not be used in fills, and shall not be placed within 10 feet of finished grade, within 10 feet of manufactured slope faces (measured horizontally from the slope face), or within 3 feet of the deepest pipeline or other utilities.</p> <p>9. Locate foundations and larger pipelines outside of cut/fill transition zones and landscaped irrigation zones.</p> <p>10. As part of the geotechnical investigation, a database search of hazardous materials sites pursuant to Government Code Section 65962.5 shall be performed within a one-mile radius surrounding the proposed CIP site. If the database search identifies hazardous material sites within the search parameters, a Phase I environmental assessment shall be required. In the event hazardous materials sites are identified within the database search and a Phase I environmental assessment is required, VWD shall retain a registered environmental assessor to perform a Phase I Environmental Site Assessment. The Phase I Environmental Site Assessment shall follow the current ASTM standard and the recommendations contained within the Phase I Environmental Site Assessment shall be implemented according to standard regulatory procedures.</p>			
<b>Geo-2</b>	<b>Construction-Related Erosion Control Plan.</b> The construction bid documents for each proposed CIP project shall include either a 90 percent Erosion Control Plan (for projects that would result in less than one acre of land disturbance) or a 90 percent Storm Water Pollution Prevention Plan (SWPPP) (for projects that would result in one acre or greater of land	VWD CP/ Construction Contractor	VWD CP	Prior to construction activities and during construction activities

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>disturbance). The Erosion Control Plan shall comply with the storm water regulations or ordinances of the local agency jurisdiction within which the proposed CIP project occurs; the SWPPP shall comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit. These plans shall be based on site-specific hydraulic and hydrologic characteristics, and identify a range of Best Management Practices (BMPs) to reduce impacts related to storm water runoff, including sedimentation BMPs to control soil erosion. The Erosion Control Plan or SWPPP shall identify the specific storm water BMPs to be implemented during the construction phase of a given CIP project. Typical BMPs to be implemented as part of the Erosion Control Plan or SWPPP may include, but may not be limited to, the actions listed below.</p> <ol style="list-style-type: none"> <li>1. Development of a written plan that includes sequencing of construction activities and the implementation of erosion control and sediment control BMPs that shall take local climate (rainfall, wind, etc.) into consideration. The purpose of the written plan is to reduce the amount and duration of soil exposed to erosion by wind, rain, runoff, and vehicle tracking, and to perform the construction activities and control practices in accordance with the planned schedule.</li> <li>2. Preserve existing vegetation to minimize the potential of removing or injuring existing trees, vines, shrubs, and grasses that protect soil from erosion.</li> <li>3. Use hydraulic mulch on disturbed soils to provide a layer of temporary protection from wind and water erosion.</li> <li>4. Temporarily protect exposed soils from erosion by water and wind by applying hydraulic seeding, hydroseeding, or other appropriate soil cover.</li> <li>5. Divert runoff or channel water to a desired location by constructing earth dikes or drainage swales. A drainage swale is a shaped and sloped depression in the soil surface used to convey runoff to a desired location. Earth dikes and drainage swales are used to divert off site runoff around the construction site, divert runoff from stabilized areas and disturbed areas, and direct runoff into sediment basins or traps.</li> <li>6. Prevent scour of the soil caused by concentrated, high velocity flows by providing outlet protection; a physical device composed of rock, grouted riprap, or concrete rubble, which is placed at the outlet of a pipe or channel.</li> </ol>			

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>7. Apply a compost blanket to slopes and earth disturbed areas to prevent erosion, and in some cases, increase infiltration and/or establish vegetation. The compost blanket can be applied by hand, conveyor system, compost spreader, or pneumatic delivery (blower) system. The blanket thickness is determined from the slope steepness and anticipated precipitation. A compost blanket protects the soil surface from raindrop erosion, particularly rills and gullies that may form under other methods of erosion control.</p> <p>8. Detain sediment-laden water, promoting sedimentation behind a silt fence. A silt fence is made of a woven geotextile that has been entrenched, attached to supporting poles, and sometimes backed by a plastic or wire mesh for support.</p> <p>9. Contain sediment-laden runoff in a sediment trap, allowing sediment to settle out before the runoff is discharged. Sediment traps are formed by excavating or constructing an earthen embankment across a waterway or low drainage area.</p> <p>10. Place fiber rolls at the toe and on the face of slopes along the contours. Fiber rolls intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff (through sedimentation). By interrupting the length of a slope, fiber rolls can reduce sheet and rill erosion until vegetation is established.</p> <p>11. Intercept or divert sheet flows with a sandbag barrier on a level contour. Sandbag barriers placed on a level contour pond sheet flow, allowing sediment to settle out.</p> <p>12. Construct a straw bale barrier to pond sheet-flow runoff and allow sediment to settle out. A straw bale barrier is a series of straw bales placed on a level contour to intercept sheet flows.</p>			
Geo-3	<p><b>Paleontological Resources Investigation.</b> For CIP projects that propose ground-disturbing activities located within the Santiago formation (potentially SP-6, SP-13, SP-15, SP-19, SP-20, SP-23, SP-28, SP-29, R-1, R-3, R-7, and the parallel land outfall), a project-level paleontological resources investigation shall be conducted by a qualified professional paleontologist in cooperation with the County of San Diego and the San Diego Natural History Museum. The paleontological resources investigation shall include:</p> <p>1. A review of the records search performed in the Paleontological Resources</p>	VWD CP/ Qualified Professional Paleontologist	VWD CP/ County of San Diego/ San Diego Natural History Museum	Prior to construction activities



**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>Evaluation for the VWD Service Area (Appendix D of this PEIR) and, if necessary, an updated records search;</p> <p>2. Project-level pedestrian surveys of portions of the proposed CIP site where paleontological resources could be encountered based on presence and depth of sensitive formations;</p> <p>3. Formal evaluation of any potentially affected paleontological resources to determine whether they qualify as unique paleontological resources; and</p> <p>4. Recommended measures to avoid, where feasible, impacts on unique paleontological resources, such as preservation in place, planning construction to avoid unique paleontological sites, placing paleontological sites into permanent conservation easements, or planning parks, green space, or other open space to incorporate paleontological sites. Where avoidance or preservation in place is not feasible, excavation and curation may be recommended as mitigation.</p> <p>5. The results of the paleontological resources investigation shall be compiled into a technical report or memorandum and submitted to VWD for further coordination with the County of San Diego Department of Planning and Land Use and the San Diego Natural History Museum, as necessary.</p>			
<b>Greenhouse Gas Emissions</b> – No additional mitigation measures are required.				
<b>Hydrology and Water Quality</b> – No additional mitigation measures are required.				
<b>Landform Alteration and Aesthetics</b>				
<b>Aes-1</b>	<p><b>Landscaping Measures.</b> The following landscaping measures shall be implemented for all CIP projects:</p> <p>1. For proposed pipeline projects and access roads installed in naturally vegetated areas, the short-term disturbance footprints associated with construction for the pipeline corridor and associated staging areas (with the exception of the drivable pathway, which shall remain clear) shall be hydroseeded, following backfilling and recontouring, using a non-irrigated native plant mix consistent with original site conditions and surrounding vegetation.</p> <p>2. For proposed CIP reservoirs, pump stations, lift stations and access roads in naturally vegetated settings, any disturbed unpaved areas following construction that are not designated for vehicular or pedestrian access shall be revegetated (hydroseeding and/or plantings) using native plant materials</p>	VWD CP/ Construction Contractor	VWD CP	During construction activities



**Table 2**  
**VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>consistent with original site conditions and surrounding vegetation. A temporary irrigation system shall be installed and maintained by VWD, or watering trucks shall be used at a frequency to be determined by VWD to maintain successful plant growth. Temporary irrigation shall be discontinued upon VWD's determination that the landscaping has permanently established, without the need for supplemental watering.</p> <p>3. For proposed CIP reservoirs, pump stations and lift stations in urban settings, any disturbed unpaved areas following construction that are not designated for vehicular or pedestrian access shall be landscaped using plant materials consistent with original site conditions and/or surrounding ornamental vegetation in order to return the disturbed area to its existing visual character.</p> <p>4. The landscaping plan for CIP reservoirs, pump stations and lift stations shall include the planting of large trees and/or shrubs in addition to native vegetation, where appropriate, to adequately provide screening of the proposed structures.</p>			
<b>Aes-2</b>	<p><b>Visually Compatible Design.</b> The following design measures shall be implemented for all CIP projects that include above-ground facilities (including access roads):</p> <ol style="list-style-type: none"> <li>1. Reservoirs and access roads shall use appropriate building materials and color palettes that are visually consistent with the surrounding natural vegetation and/or built environment.</li> <li>2. Reservoirs, pump station buildings, access roads and lift station buildings shall use low-reflective low-glare paint and materials unless required for safety or by law.</li> <li>3. Access roads shall be designed to minimize grading, slope ratios and the blockage of existing views when possible. Access roads shall not contain features such as asphalt coating, lighting fixtures, signage, guard rails, walls, fences, curbing, pavement marking, or other service structures or appurtenances unless required for safety or by law.</li> </ol>	VWD CP/ Qualified Consultant/ Construction Contractor	VWD CP	During project design and construction activities
<b>Aes-3</b>	<p><b>Visual Resources Report.</b> Prior to construction of proposed CIP Project R-11, a Visual Resources Report shall be prepared. The Visual Resources Report shall analyze the compatibility of the proposed reservoir with the existing aesthetic character of the surrounding area; assess the potential effect to the visual resources within the Resource Conservation Area, and determine</p>	VWD CP/ Qualified Consultant	VWD CP	Prior to construction activities

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	whether any proposed security or emergency lighting would be detrimental to adjacent residential uses and/or wildlife.			
<b>Land Use and Planning</b> - No additional mitigation measures are required.				
<b>Noise</b>				
<b>Noi-1</b>	<p><b>Construction Noise Limits.</b> Construction activities shall comply with applicable local noise ordinances and regulations specifying sound control, including the County of San Diego, the City of San Marcos, the City of Escondido, the City of Carlsbad and the City of Vista. Measures to reduce construction/demolition noise to the maximum extent feasible shall be included in contractor specifications and shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Construction activity shall be restricted to the hours specified within each respective jurisdiction's municipal code, depending on the location of the specific CIP project, as follows:                             <ol style="list-style-type: none"> <li>a. Construction activity for CIP projects occurring within San Diego County shall occur between hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday (see Table 4.10-1). For construction activities on Sunday or during night hours, a variance from the County must be obtained. CIP projects subject to this provision include R-2, R-3, R-4, R-5, R-6, R-9, R-10, R-11, PS-3, PS-4, PS-5, PS-7, P-52, P-53, P-16, P-56, P-30, P-64, P-42, P-57, P-10, SP-15, SP-22 and SP-31.</li> <li>b. Construction activity for CIP projects occurring within the City of San Marcos shall occur between hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday (see Table 4.10-2). For construction activities on Sunday or during night hours, a waiver from the City Manager must be obtained. CIP projects subject to this provision include PS-1, PS-6, PS-8, P-24, P-100, P-15, SB-1, SP-5, SP-6, SP-7, SP-8, SP-9, SP-10, SP-18, SP-19, SP-20, SP-21, SP-23, SP-24, SP-25, SP-26, SP-27, SP-28, SP-29, SP-30, SP-31, and SP-33.</li> <li>c. Construction activity for CIP projects occurring within the City of Escondido shall occur only between hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. to 5:00 p.m. on Saturdays (see Table 4.10-3 of this PEIR section). For construction activities on Sunday or during night hours, a variance from the City Manager must be obtained. CIP projects subject to this provision</li> </ol> </li> </ol>	VWD CP/ Construction Contractor	VWD CP	During construction activities

**Table 2  
VWD 2018 Water, Wastewater, and Recycled Water Master Plan Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Party Responsible for Implementing Action	Party Responsible for Monitoring	Mitigation Timing
	<p>include R-8, PS-2 and P-43.</p> <p>d. Construction activity for CIP projects occurring within the City of Carlsbad shall occur between 7:00 a.m. and before sunset, Monday through Friday, and between 8:00 a.m. and sunset on Saturday; construction shall be prohibited on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day. For construction activities on Sundays, Holidays or during night hours, a permit from the City must be obtained. Projects subject to this provision include SP-6 and SP-13 and the parallel land outfall.</p> <p>2. Construction noise for CIP projects located within San Diego County, City of Vista and City of San Marcos shall not exceed an average sound level of 75 dB(A) for an eight-hour period at the CIP project's property boundary.</p> <p>3. Construction noise for CIP projects located within the City of Escondido shall not exceed a one-hour average sound level limit of 75 dB(A) at any time, unless a variance has been obtained from the City Manager.</p> <p>4. All construction equipment shall be properly outfitted and maintained with manufacturer-recommended noise-reduction devices.</p>			
<p><b>Public Safety</b> - No additional mitigation measures are required.</p>				

# **CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN CONNECTION WITH THE APPROVAL OF THE VALLECITOS WATER DISTRICT 2018 WATER, WASTEWATER AND RECYCLED WATER MASTER PLAN**

## **I. Certification of the Final Environmental Impact Report**

The Vallecitos Water District (VWD), as the lead agency, has prepared the Final Program Environmental Impact Report (Final PEIR) for the 2018 Water, Wastewater and Recycled Water Master Plan (2018 Master Plan). The Final PEIR, which incorporates the Draft PEIR circulated for public review, assesses the potential environmental effects of implementation of the 2018 Master Plan, identifies the means to eliminate or reduce potential significant adverse impacts, and evaluates a range of alternatives to the proposed 2018 Master Plan. In addition, the Final PEIR provides text changes to the Draft PEIR; Responses to Comments on the Draft PEIR from responsible agencies, interested groups, and individuals; and the Mitigation Monitoring and Reporting Program (MMRP) for the 2018 Master Plan.

The Board of Directors of the VWD (VWD Board) certifies that the Final PEIR for the 2018 Master Plan has been completed in compliance with the California Environmental Quality Act (CEQA). The VWD Board further certifies that the information contained in the Final PEIR has been reviewed and considered by the VWD Board prior to making the approvals set forth below in Section III and that the Final PEIR reflects the VWD Boards' independent judgment and analysis. The conclusions presented in these Findings are based upon the Final PEIR and other evidence in the administrative record.

## **II. Findings**

In this action, the VWD Board is approving the 2018 Master Plan. The VWD Board, having received, reviewed, and considered the Final PEIR, together with the Draft PEIR and all other information in the administrative record including oral comments received at public hearing, adopt the following Findings in compliance with CEQA and the CEQA Guidelines. The VWD Board certifies that its Findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final PEIR, and are supported by substantial evidence.

### **A. Environmental Review Process**

#### **1. Preparation of the PEIR**

On November 21, 2017, VWD released a Notice of Preparation (NOP) announcing the preparation of a Draft PEIR which described the 2018 Master Plan and the scope of the Draft PEIR. VWD issued the Draft PEIR on October 22, 2018 and circulated it for public review and comment for a 45-day period ending on December 7, 2018. Seven comment

letters on the Draft PEIR were received from various federal, state, and local agencies and the public. Additional oral comments were provided at the March 13, 2019 public Board Workshop. The 2018 Master Plan Final PEIR contains all of the comments received during and after the public comment period, together with written responses to those comments which were prepared in accordance with CEQA. The VWD Board, having reviewed the comments received and responses thereto, finds that the Final PEIR for the 2018 Master Plan provides adequate, good faith, and reasoned responses to the comments.

## **2. Absence of Significant New Information**

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification. New information includes: (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information. Section 15088.5 further provides that “new information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” Having reviewed the information contained in the Draft and Final PEIR and in the administrative record, as well as the requirements of CEQA Guidelines Section 15088.5 and interpretive judicial authority regarding recirculation of draft EIRs, in connection with their certification of the Final PEIR, the VWD Board finds that no new significant information was added to the PEIR following public review and, thus, recirculation of the PEIR was not required by CEQA.

## **B. Master Plan Impacts and Mitigation Measures**

This section summarizes the direct and indirect environmental impacts of the 2018 Master Plan identified in the Final PEIR, and provides Findings to those impacts, as required by CEQA and the CEQA Guidelines. As discussed in detail in the Final PEIR for the 2018 Master Plan, all direct and indirect impacts of the 2018 Master Plan will be fully mitigated by the identified mitigation measures. As laid forth below, the 2018 Master Plan has no significant and unavoidable impacts.

The Final PEIR found that the following impacts within these environmental topics would be less than significant without mitigation incorporated into the 2018 Master Plan:

- Agriculture and Forest Resources (see pages 5-2 and 5-3 of the Final PEIR);
- Energy (see pages 4.4-1 through 4.4-8 of the Final PEIR);
- Greenhouse Gas Emissions (GHG) (see pages 4.6-1 through 4.6-17 of the Final PEIR);
- Mineral Resources (see page 5-3 of the Final PEIR);
- Population and Housing (see page 5-6 of the Final PEIR);
- Public Services (see pages 5-6 and 5-7 of the Final PEIR);
- Recreation (see page 5-7 of the Final PEIR);
- Public Utilities (see pages 5-7 and 5-8 of the Final PEIR);
- Transportation and Traffic (see page 5-4 of the Final PEIR); and
- Tribal Cultural Resources (see page 4.3-22 of the Final PEIR).

The Final PEIR found that the following impacts would be less than significant with the incorporation of the mitigation measures identified below:

## **Air Quality**

- 1. The 2018 Master Plan would have the potential to create objectionable odors where new wastewater facilities would vent to open air.**

The 2018 Master Plan includes new wastewater pipelines that would result in new vents that could be a new source of odor. The land outfall would generally contain odors within the proposed underground pipelines; however, similar to the wastewater pipelines, odors would generally only be detectable where the pipelines vent to the open air. These vents would be a new source of odor. The replacement of the Montiel Lift Station would also have the potential to result in a new source of odor if the odor control measures currently implemented at the pump station are not installed in the replacement lift station. Therefore, the 2018 Master Plan may create objectionable odors affecting a substantial number of people, which would be considered a potentially significant impact.

Potentially significant impacts from objectionable odors will be mitigated as described below:

**Air-1 Odor-Control Measures.** VWD will install odor-controlling features, such as **activated** carbon structures, at all vents along Capital Improvement Program (CIP) wastewater pipelines and outfall alignments, at the Montiel Lift Station, and the bioxide station, to the extent required to ensure that nuisance odors cannot be detected at the nearest receptor.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.1-17 and 4.1-18 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in the potential for people to be affected by objectionable odors created from some 2018 Master Plan wastewater CIP projects. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of Air-1 would reduce potentially significant impacts related to objectionable odors to a less than significant level through the installation of odor-controlling features as required to ensure no nuisance odors at sensitive nearby receptors. All other impacts related to air quality are less than significant and no mitigation is required (see pages 4.1-16 through 4.1-17 of the Final PEIR).

## **Biological Resources**

- 1. Implementation of the 2008 VWD Master Plan may result in direct and indirect impacts to sensitive plant and wildlife species.**

Implementation of CIP projects R-4, R-5, R-10, R-11, PS-4, PS-6, PS-8, P-43, P-16 and P-56, P-30, P-64, P-42, P-10, P-15, SP-10, SP-11, SP-13, SP-25, LO-D1, LO-D2, LO-A1, and LOA2 could result in direct and/or indirect impacts to grassland, coastal sage scrub, chaparral,

riparian, and wetland vegetation communities that are considered sensitive natural communities. Therefore, the 2018 Master Plan could result in a significant impact to these communities.

Direct impacts include the direct destruction or displacement of special status species and their habitat through activities such as clearing, grubbing, grading, and other initial land disturbance activities. Indirect impacts to special status species and their habitat from construction of proposed CIP projects under the 2018 Master Plan could include those resulting from storm water runoff from construction sites, fugitive dust, noise, night lighting, and staging areas. Special status species and U.S. Fish and Wildlife Service (USFWS)-designated Critical Habitat for the federally threatened coastal California gnatcatcher could be present within habitat adjacent to proposed CIP project sites during construction for CIP projects. Indirect impacts to sensitive species from implementation of the 2018 Master Plan could be considered significant.

Implementation of the following mitigation measures would reduce direct and indirect impacts to special status species and their habitats to less than significant levels. CEQA analysis has been conducted separately for CIP projects R-1, R-7, SP-11, and SP-12 (see Section 3.3.2 of the Final PEIR); therefore, these projects are not subject to the mitigation measures identified below:

**Bio-1A Project-Level Biological Resource Surveys.** During the design phase and prior to the construction of individual CIP projects, VWD will retain a qualified biologist to conduct project-level biological resources surveys and prepare biological resources technical reports for the following CIP projects: R-4, R-5, R-10, R-11, PS-4, PS-6, PS-8, P-43, P-16 and P-56, P-30, P-64, P-42, SP-11, SP-13, SP-25, LO-D1, LO-D2, LO-A1, and LO-A2.

Surveys and reports will be conducted and prepared as part of the project-level CEQA documentation for these projects. VWD will map and quantify project level impacts to special status species and habitats in a biological resources technical report as part of the CEQA documentation. Detailed project-specific avoidance and mitigation measures for significant impacts to biological resources will be finalized as part of the approval and certification process for the subsequent project-level CEQA documentation. Project-specific avoidance and mitigation measures will be determined during project review, consultations, permitting, and/or negotiations between the VWD and the responsible local, state, and federal agencies from which approvals and permits would be required.

If the project-level surveys and reporting determine that suitable habitat for special status species occurs, and that special status species could be present within the CIP project sites and/or could be adversely affected as a result of project implementation, including direct and/or indirect impacts to the species and occupied habitat, then the appropriate presence/absence and protocol-level surveys will be conducted, as necessary for required approvals. VWD will retain a qualified biologist to conduct rare plant surveys for CIP projects determined to have the potential to affect special status plant species. Further, VWD will retain a qualified biologist to conduct focused protocol-level surveys for CIP projects determined to have the potential to affect special status wildlife species. Surveys

will follow protocols and guidelines approved by the USFWS, California Department of Fish and Wildlife (CDFW), and California Native Plant Society (CNPS), and will be conducted by qualified biologists permitted by the USFWS and/or CDFW, where applicable.

If the rare plant surveys or focused protocol-level surveys identified above determine the presence of federally or state-listed endangered or threatened species and occupied habitat on-site, then, in compliance with the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA), and as stated in Section 3.3.5.4 of the 2011 PEIR, VWD will consult and obtain all applicable regulatory permits and authorizations from the USFWS and CDFW, and the conditions of the regulatory permits and authorizations will be implemented accordingly and/or the underlying CIP project would be modified to avoid direct “take” of the species and/or minimize adverse effects to the species and occupied habitat.

In accordance with consultation and/or permitting requirements, mitigation measures Bio-1B and Bio-1C below would prevent direct “take” of listed species that are most likely to be affected by individual CIP projects (e.g., coastal California gnatcatcher and least Bell’s vireo) and minimize potential impacts to individuals and occupied habitat in the vicinity of the CIP project sites that may be displaced from habitat or otherwise adversely affected. VWD will further mitigate the loss of habitat according to mitigation measures Bio-2A through Bio-2C.

**Bio-1B Coastal California Gnatcatcher Avoidance Measures.** In addition to those mitigation measures described above within Bio-1A above, and any avoidance, minimization, and conservation measures prescribed by the USFWS during consultation and/or permitting, the following mitigation measures will be implemented for proposed CIP projects potentially affecting the federally threatened coastal California gnatcatcher, including suitable and/or occupied habitat, as applicable:

1. Within one year prior to CIP project construction, VWD will retain a qualified biologist to commence focused surveys in accordance with USFWS protocols to determine the presence or absence of the coastal California gnatcatcher. Documentation of the survey results will be provided to VWD and USFWS within 45 days of completing the final survey. If surveyed habitat is determined to be occupied by coastal California gnatcatcher, then the following measures will be implemented in addition to those described above within Bio-1A:
  - a. Habitat occupied by gnatcatcher will not be removed during the gnatcatcher breeding season (February 15 through August 30).

Vegetation clearing, grading, and/or construction activities that have commenced within unoccupied habitat prior to the breeding season will be allowed to continue without interruption. The contractor(s) will maintain continuous construction activities on or in the immediate vicinity



(500 feet) of suitable habitat for gnatcatcher, until the work is completed, in order to minimize potential indirect impacts. If gnatcatchers move into an area within 500 feet of ongoing construction and attempt to nest, then it can be deduced that the noise and other indirect impacts are not great enough to discourage gnatcatcher nesting activities.

In addition, if these activities are initiated prior to, and extend into, the breeding season, but they cease for any period of time and the contractor wishes to restart work within the gnatcatcher breeding season window (February 15 through August 30), then the VWD will retain a qualified biologist to conduct updated surveys, as described above. If updated surveys indicate no breeding gnatcatchers occur on or within 500 feet of the proposed work, then construction activities will be allowed to commence. However, if breeding gnatcatchers are confirmed, then construction activities will be postponed until all nesting activities have ceased, as determined by a qualified biological monitor.

- b. Prior to vegetation clearing, grading and/or construction activities that will occur on or in the immediate vicinity (within 500 feet) of coastal sage scrub and/or USFWS-designated Critical Habitat during the gnatcatcher breeding season (February 15 through August 30), VWD will retain a qualified biologist to monitor construction activities. The biologist will be knowledgeable of gnatcatcher biology and ecology. VWD will submit the biologist's name, address, and telephone number, and proposed work schedule, to the USFWS at least seven days prior to construction activities.
- c. Noise monitoring will be conducted if construction activities would occur during the gnatcatcher breeding season (February 15 through August 30), if the construction-related noise levels exceed 60 decibels equivalent noise level (dB  $L_{eq}$ ) (i.e., the noise threshold suggested by the USFWS for indirect impacts to gnatcatcher), and if gnatcatchers are found within 500 feet of the noise source. Noise monitoring will be conducted by a biologist experienced in both the vocalization and appearance of coastal California gnatcatcher, and in the use of noise meters. Construction activities that generate noise levels over 60 dB  $L_{eq}$  may be permitted within 300 feet of occupied habitat if methods are employed that reduce the noise levels to below 60 dB  $L_{eq}$  at the boundary of occupied habitat (e.g., temporary noise attenuation barriers or use of alternative equipment). During construction activities, daily testing of noise levels will be conducted by a noise monitor with the help of the biologist to ensure that a noise level of 60 dB  $L_{eq}$  at the boundary of occupied habitat is not exceeded. Documentation of the noise monitoring results will be provided to VWD and USFWS within 45 days of completing the final noise monitoring event.

**Bio-1C Least Bell's Vireo Avoidance Measures.** In addition to those mitigation measures described within Bio-1A above, and any avoidance, minimization, and conservation measures prescribed by the USFWS and CDFW during consultation

and/or permitting, the following mitigation measures will be implemented for CIP projects potentially affecting the federally and state endangered least Bell's vireo, including suitable and/or occupied riparian habitat, as applicable:

1. Within one year prior to CIP project construction, VWD will retain a qualified biologist to perform focused surveys in accordance with USFWS guidelines to determine the presence or absence of the least Bell's vireo on and within 500 feet of the CIP project site. Documentation of the survey results will be provided to the USFWS and CDFW within 45 days of completing the final survey. If surveyed habitat is determined to be occupied by vireo, then the following measures will be implemented in addition to those described above within Bio-1A:
  - a. CIP projects will not remove riparian habitat that is occupied by least Bell's vireo during the species' breeding season (March 15 through July 15).
  - b. A minimum 100-foot-wide biological buffer will be maintained between all construction activities and occupied vireo habitat at all times.
  - c. VWD will retain a qualified biologist to monitor all construction activities that would occur within 300 feet of occupied vireo habitat during the species' breeding season (March 15 through July 15). The biologist will be knowledgeable of vireo biology and ecology. VWD or its designated representative will submit the biologist's name, address, and telephone number, and proposed work schedule, to the USFWS and CDFW at least seven days prior to construction activities.
  - d. VWD will retain a qualified biologist to perform noise monitoring of all construction activities that would occur within 300 feet of occupied vireo habitat. Noise levels at the riparian canopy edge will be kept below 60 dB(A)  $L_{eq}$  from 5:00 a.m. to 11:00 a.m. between March 15 and July 15. For the remainder of the season, the noise levels will not exceed 60 decibels, averaged over a one-hour period on an A-weighted decibel [dB(A); i.e., 1-hour  $L_{eq}$ /dB(A)]. Documentation of the noise monitoring results will be provided to the USFWS and CDFW within 45 days of completing the final noise monitoring event.
2. Permanent and temporary impacts to riparian habitat will be mitigated in full, as proposed within mitigation measures Bio-2A through Bio-2C, to ensure no net loss of the habitat and enhancement of functions and values.

**Bio-1D Avoidance of Nesting Birds.** To prevent impacts to nesting passerines (song birds) and other non-raptors protected under the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, VWD will enforce the following:

1. If construction occurs during the general nesting season (February 1 through August 31), and where any mature tree, shrub, or structure capable of supporting a bird nest occurs within 300 feet of proposed CIP project

construction activities, VWD will retain a qualified biologist to conduct a preconstruction survey for nesting birds prior to clearing, grading and/or construction activities. The survey will be conducted within 72 hours prior to the start of construction.

2. If any nesting birds are present on or within 300 feet of the proposed project construction area, the following will be required, as approved by the USFWS and/or CDFW:
  - a. VWD will retain a qualified biologist to flag and demarcate the location of all nesting birds and monitor construction activities. Temporary avoidance of active bird nests, including the enforcement of an avoidance buffer of 300 feet, as determined by the qualified biological monitor, will be required until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive. Requests for buffer reductions of less than 300 feet will be provided to the Wildlife Agencies. Documentation of the nesting bird surveys and any follow-up monitoring will be provided to USFWS and CDFW within 10 days of completing the final survey or monitoring event.

**Bio-1E Avoidance of Raptor Nests.** To prevent impacts to nesting raptors protected under the federal MBTA and California Fish and Game Code, VWD will enforce the following:

1. If construction occurs during the raptor nesting season (January 15 through July 31), and where any mature tree or structure capable of supporting a raptor nest occurs within 500 feet of proposed CIP project construction activities, VWD will retain a qualified biologist to conduct a pre-construction survey for nesting raptors prior to clearing, grading, and/or construction activities. The survey will be conducted within 72 hours prior to the start of construction.
2. If any nesting raptors are present on or within 500 feet of the proposed project construction area, the following will be required, as approved by the USFWS and/or CDFW:
  - a. VWD will retain a qualified biologist to flag and demarcate the location of all nesting raptors and monitor construction activities. Temporary avoidance of active raptor nests, including the enforcement of an avoidance buffer of 500 feet will be required until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive. Documentation of the raptor surveys and any follow-up monitoring, as necessary, will be provided to USFWS and CDFW within 10 days of completing the final survey or monitoring event.
3. In the event that a California state fully protected species (e.g., white-tailed kite) is found to be nesting on the project site, all work in the area will stop and VWD will notify the CDFW and/or USFWS. No impacts will be permitted to occur to fully protected species.

**Bio-1F Construction Fencing.** Prior to vegetation clearing, grading, and/or construction activities, VWD will retain a qualified biologist to oversee installation of appropriate fencing and/or flagging to delineate the limits of construction and the approved construction staging areas for protection of identified sensitive resources for the following CIP projects: R-4, R-5, R-10, R-11, PS-4, PS-6, PS-8, P-43, P-16 and P-56, P-30, P-64, P-42, SP-10, SP-11, SP-13, SP-25, LO-D1, LO-D2, LO-A1, and LO-A2.

Temporary fencing (with silt barriers) will be installed at the limits of project impacts (including construction staging areas and access routes) to prevent additional sensitive habitat impacts and to prevent the spread of silt from the construction zone into adjacent habitats to be avoided. Fencing will be installed in a manner that does not impact habitats to be avoided. For projects potentially affecting special-status species and sensitive resources, and for which permits or approvals from the USFWS or CDFW require confirmation of project impacts and submittal of as-built plans, VWD will submit to the USFWS and CDFW for approval, at least 30 days prior to initiating project impacts, the final plans for initial clearing and grubbing of sensitive habitat and project construction. These plans will also be submitted to the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), or other local agency, from which, approval or permitting is required, as applicable. The final plans will include photographs that show the fenced limits of impact and all sensitive areas to be impacted or avoided. If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of VWD and the USFWS, CDFW, USACE, and/or other agency. Temporary construction fencing will be removed by VWD upon project completion.

**Bio-1G Construction Staging Areas.** Prior to construction activities for CIP projects where it has been demonstrated through project-level studies that drainages, wetlands, and areas supporting sensitive habitats or species could be affected by project construction, VWD will design CIP project construction staging areas to avoid and setback from drainages, wetlands, and areas supporting sensitive habitats or species, where feasible. Fueling of equipment will occur in designated off-site fueling zones. All equipment used within the approved construction limits will be maintained to minimize and control fluid and grease leaks. Provisions to contain and clean up unintentional fuel, oil, fluid and grease leaks/spills will be in place prior to construction.

**Bio-1H Pre-Construction Meeting.** Prior to vegetation clearing, grading, and/or construction activities, VWD will retain a qualified biologist to attend a preconstruction meeting to inform construction crews of the sensitive species and habitats for the following CIP projects: R-4, R-5, R-10, R-11, PS-4, PS-6, PS-8, P-43, P-16, P-56, P-30, P-64, P-42, SP-10, SP-11, SP-13, SP-25, LO-D1, LO-D2, LOA1, and LO-A2.

**Bio-1I Construction-Related Night Lighting.** All construction-related night lighting adjacent to sensitive habitat areas will be of low illumination; shielded and directed downwards and away from adjacent native habitat areas.

**Bio-1J Avoidance of Special Status Habitat Areas.** Prior to construction activities for CIP projects where it has been demonstrated through project-level studies that special status plant and wildlife species, as well as USFWS-designated Critical Habitat and coastal Environmentally Sensitive Habitat Area (ESHA), could be affected by project construction and/or operation, VWD will design and/or modify CIP projects to avoid and setback from special status plant and wildlife species, USFWS-designated Critical Habitat, and coastal ESHA, where feasible. Specific setback requirements for CIP project avoidance would be determined in consultation with the USFWS, CDFW, City of Carlsbad, and/or the California Coastal Commission.

Implementation of mitigation measures Bio-1A, Bio-1F through Bio-1H, and Bio-1J would reduce direct and indirect impacts to natural communities and habitat potentially resulting from CIP projects R-4, R-5, R-10, R-11, PS-4, PS-6, PS-8, P-43, P-16 and P-56, P-30, P-64, P-42, P-10, P-15, SP-10, SP-11, SP-13, SP-25, LO-D1, LO-D2, LO-A1, and LO-A2, and access roads for CIP projects P-43, P-30, P-64, P-42, SP-11, and SP-25 to a less than significant level. These measure would achieve this through mandated project-level surveys, ensuring that coastal California gnatcatcher avoidance measures (focused surveys, restrictions on habitat removal during breeding season, construction monitoring, and noise monitoring) are implemented, ensuring that least Bell's vireo avoidance measures (focused surveys, restrictions on removal of riparian habitat during breeding season, construction monitoring, noise monitoring), ensuring that nesting birds are avoided during construction, and through limitation son fencing, staging areas, nightlight, etc. Implementation of mitigation measure Bio-2A through Bio-2C (identified below, and incorporated herein) would further reduce impacts to upland, riparian, and wetland sensitive natural communities associated with these CIP projects to a less than significant level.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.2-53 through 4.2-100 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in the potential for direct and indirect impacts to sensitive species from implementation of the 2018 Master Plan. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measures Bio-1A through Bio-1J would reduce potentially significant direct and indirect impacts to sensitive species to below a level of significance.

**2. Implementation of the 2018 Master Plan has the potential to result in impacts to upland, riparian, and wetland habitats that are considered sensitive natural communities.**

Sensitive natural communities with the potential to occur within the VWD service area include upland (e.g., Diegan coastal sage scrub), riparian (southern riparian scrub), and wetland (e.g., freshwater marsh). Direct impacts include the direct permanent or temporary removal of sensitive natural communities from clearing, grubbing, grading, and other initial land disturbance activities.

Potential indirect impacts to special status species and their habitat from construction of proposed CIP projects under the 2018 Master Plan could include those resulting from storm water runoff from construction sites, fugitive dust, noise, night lighting, and staging areas. Indirect impacts to on-site sensitive natural communities could also occur during the installation of any on-site mitigation or revegetation activities after project construction. Implementation of the 2018 Master Plan could result in significant indirect impacts to sensitive natural communities.

Implementation of mitigation measures Bio-1A, Bio-1F through Bio-1H, and Bio-1J would reduce direct and indirect impacts to natural communities and habitat potentially resulting from CIP projects R-4, R-5, R-10, R-11, PS-4, PS-6, PS-8, P-43, P-16 and P-56, P-30, P-64, P-42, P-10, P-15, SP-10, SP-11, SP-13, SP-25, LO-D1, LO-D2, LO-A1, and LO-A2, and access roads for CIP projects P-43, P-30, P-64, P-42, SP-11, and SP-25 to a less than significant level. Implementation of mitigation measure Bio-2A through Bio-2C would further reduce impacts to upland, riparian, and wetland sensitive natural communities associated with these CIP projects to a less than significant level.

**Bio-2A Habitat Replacement.** Unavoidable impacts to sensitive natural communities will be mitigated by VWD according to the range of ratios provided below, consistent with the North County Multiple Habitat Conservation Program (MHCP; AMEC et al. 2003), and would be increased or decreased depending on whether the habitat supports special status species or other sensitive resources, and/or the impacts and mitigation would occur inside or outside an existing preserve area:

<b>Sensitive Natural Community</b>	<b>Mitigation Ratio</b>
Non-native grassland	0:1 – 0.5:1
Valley needlegrass grassland	1:1 – 3:1
Diegan coastal sage scrub	1:1 – 2:1
Diegan coastal sage – chaparral scrub	1:1 – 2:1
Chamise chaparral (granitic, mafic)	1:1, 1:1 – 3:1
Scrub oak chaparral	1:1 – 2:1
Southern maritime chaparral	1:1 – 3:1
Southern mixed chaparral (granitic, mafic)	1:1, 1:1 – 3:1
Coast live oak woodland	1:1 – 3:1
Southern coastal live oak riparian forest	1:1 – 3:1
Southern riparian forest	1:1 – 3:1
Southern riparian scrub	1:1 – 3:1
Coastal and valley freshwater marsh	1:1 – 3:1

Permanent and temporary impacts to sensitive natural communities will be mitigated in-kind by VWD through implementation of any one or combination of the following measures, as approved and/or amended by the USFWS, USACE, RWQCB, and/or CDFW for individual CIP projects, if applicable:

1. On-site as creation of new habitat, or enhancement or restoration of existing habitat within avoided and preserved areas at the CIP project site;

2. On-site as restoration of existing habitat within temporary impact areas and/or avoided and preserved areas at the CIP project site;
3. On-site as enhancement of existing habitat within avoided and preserved areas at the CIP project site;
4. Off-site as purchase of habitat credits within an approved mitigation bank(s) (e.g., North County Habitat Bank);
5. Off-site as habitat preservation, creation, restoration, and/or enhancement within other properties or approved mitigation programs available at the time of grading; or
6. A combination of the above.

For on- or off-site creation, restoration, and/or enhancement mitigation of upland sensitive natural communities (e.g., grassland, coastal sage scrub, chaparral, woodland), VWD will prepare an Upland Habitat Restoration Plan, Habitat Mitigation and Monitoring Plan, or similar plan, detailing the specific upland habitat creation, restoration, and/or enhancement measures to be implemented as project mitigation. The Upland Habitat Restoration Plan will be approved by the USFWS and CDFW prior to vegetation clearing, grading, and/or construction activities.

For on- or off-site creation, restoration, and/or enhancement mitigation of riparian and wetland sensitive natural communities (e.g., riparian forest, riparian scrub, willow scrub, mule fat scrub, freshwater marsh), VWD will prepare a Riparian/Wetland Habitat Restoration Plan, Habitat Mitigation and Monitoring Plan, or similar plan, detailing the specific riparian/wetland creation, restoration, and/or enhancement measures to be implemented as project mitigation. The Riparian/Wetland Habitat Restoration Plan will be approved by the USFWS, USACE, RWQCB, and/or CDFW, as appropriate, prior to vegetation clearing, grading, and/or construction activities.

**Reference Cited:** AMEC Earth and Environmental, Inc., Conservation Biology Institute, Onaka Planning and Economics, and The Rick Alexander Company. 2003. Final Multiple Habitat Conservation Program. Administered by SANDAG for the Cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. March. Available at <https://www.sandag.org/index.asp?projectid=97&fuseaction=projects.detail>.

**Bio-2B Riparian/Wetland Replacement Ratio.** Any upland or riparian/wetland habitat impacts that occur beyond the approved fencing described above within Bio-1F will be mitigated at a ratio to be negotiated with the USFWS, USACE, RWQCB, and/or CDFW.

**Bio-2C Hydroseeding of Graded Areas.** Unless otherwise required by the USFWS, USACE, RWQCB, and/or CDFW, and excluding those CIP projects where a permanent access road, path, or other permanent development is required, after completion of final grading for CIP projects located adjacent to native vegetation, the construction documents will require that all graded areas within 100 feet of

native vegetation are hydroseeded and/or planted with native plant species similar in composition to the adjacent undisturbed vegetation communities. VWD or the construction contractor will retain a qualified biologist to monitor these activities to ensure non-native or invasive plant species are not used in the hydroseed mix or planting palettes. The hydroseeded/planted areas will be watered via a temporary drip irrigation system or watering truck. Irrigation will cease after successful plant establishment and growth, to be determined by the biologist. Any irrigation runoff from hydroseeded/planted areas will be directed away from adjacent native vegetation communities, and contained and/or treated within the development footprint of individual projects. All planting stock will be inspected for exotic invertebrate pests (e.g., argentine ants) and any stock found to be infested with such pests will not be allowed to be used in the hydroseeded/planted areas.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.2-53 through 4.2-100 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in direct and indirect impacts to upland, riparian, and wetland habitats that are considered sensitive natural communities. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measures Bio-2A through Bio-2C would further reduce impacts to upland, riparian, and wetland sensitive natural communities associated with these CIP projects to below a level of significance.

**3. Implementation of the 2018 Master Plan could result in impacts to waters, wetlands, and associated resources subject to the regulatory jurisdiction of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game, including federally protected wetlands as defined by Section 404 of the Clean Water Act.**

Implementation of the Master Plan could result in direct and indirect impacts to waters, wetlands, and associated habitats subject to the regulatory jurisdiction of the USACE, RWQCB, CDFW, and USFWS during project construction and operation. As discussed in Section 4.7 of the Final PEIR, VWD would comply with Section 404 and 401 of the Clean Water Act (CWA), and Sections 1600 et seq. of the California Fish and Game Code by conducting the appropriate project-level wetland delineation studies and obtaining permits, if required, from the USACE, RWQCB, and CDFW.

During the design phase and prior to the construction of individual CIP projects, VWD will retain a qualified biologist to conduct jurisdictional wetland delineations and prepare jurisdictional delineation reports for the following CIP projects: P-24, P-42, P-43, SP-10, SP-11, SP-25, LO-D1, LO-D2, and LO-A2. Wetland delineations will be conducted according to the methodologies and current regulatory guidance recommended by the USACE, RWQCB, and CDFW. The results of wetland delineations will be verified by the USACE during or prior to obtaining permits from the USACE, RWQCB, and CDFW.

In accordance with permit requirements, VWD will mitigate the loss of jurisdictional waters and wetlands through the implementation of the riparian and wetland sensitive



natural community measures proposed within Bio-2A through Bio-2C (identified above, and incorporated herein).

Implementation of mitigation measures Bio-3A and Bio-3B below would reduce direct impacts to oak trees to a less than significant level:

**Bio-3A Oak Tree Avoidance.** All oak trees and their root systems will be avoided by CIP projects R-4, P-16, and P-56 through project design or site selection, to the extent practicable.

**Bio-3B Oak Tree Replacement.** To offset any impacts to oak trees potentially resulting from CIP projects R-4, P-16, and P-56, VWD will implement the following measures:

1. Unavoidable impacts will be compensated by VWD at a ratio of 1:1 to 3:1. A minimum of one 15-gallon oak tree will be planted within approved areas at the CIP project site as a replacement for every one oak tree damaged. For temporary impacts, trees will be replaced at the same location as the impact area. For permanent impacts, trees will be replaced within avoided areas at the CIP project site where natural water is available.
2. The landscape architect/designer for the project will design replacement trees into landscape plans which will be subject to review by the VWD and local jurisdiction in which the planting would occur.
3. Planting specifications will comply with the following:
  - a. The newly planted trees will be planted high, as much as 0.75 feet above the new adjacent grade.
  - b. Amend the backfill soil with wood shavings, unless existing soil is high in natural organic matter with a sandy loam texture as reflected in soils tests following County protocol.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.2-86 through 4.2-90 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potentially significant impacts to waters, wetlands, and associated resources. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measures Bio-2A, Bio-2B, and Bio-2C would reduce potentially significant direct and indirect impacts to waters, wetlands, and associated resources to below a level of significance. Implementation of mitigation measures Bio-3A and Bio-3B would reduce direct impacts to oak trees to a less than significant level.

4. **Implementation of the Master Plan could conflict with the County of San Diego Resource Protection Ordinance (RPO) and City of Carlsbad Coastal Resource Protection Overlay Zone (CRPOZ) Ordinance.**

CIP projects R-4, P-16, and P-56 could result in a conflict with the RPO protecting oak trees, which would result in a significant impact. CIP projects R-5, R-11, P-42, and P-43 may result in a conflict with the HLP Ordinance; however, VWD would obtain an HLP from the County of San Diego and mitigate the loss of coastal sage scrub habitat in accordance with Bio-2A, thereby reducing the impact to less than significant. CIP projects LO-D1 and LO-D2 could result in a conflict with the Carlsbad CRPOZ Ordinance; however, VWD would obtain a CDP from the City of Carlsbad and CCC and mitigate the loss of ESHA in accordance with mitigation measures Bio-2A and Bio-2B (identified above, and incorporated herein), thereby reducing the impact to less than significant.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.2-91 through 4.2-94 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potentially significant impacts relating to conflicts with the County of San Diego RPO and City of Carlsbad CRPOZ Ordinance. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measures Bio-3A and Bio-3B would reduce potentially significant direct and indirect impacts to below a level of significance.

## **5. Implementation of the Master Plan could conflict with the Carlsbad MHCP Subarea Plan (Carlsbad HMP).**

CIP projects SP-13, LO-D1, LO-D2, LO-B, and LO-A2 could result in potential conflicts with the adopted Carlsbad MHCP Subarea Plan. The City of Carlsbad holds a Section 10(a) permit to approve development within its planning area and has the authority to extend the 3rd party benefits to developers. Conflicts with the Subarea Plan may result in a significant impact. Implementation of mitigation measures Bio-2A, Bio-2B, Bio-2C, Bio-1F, Bio-1G, Bio-1H, Bio-1J, BIO-3A and Bio-3B (identified above, and incorporated herein), as well as Geo-1 and Geo-2 (identified below, and incorporated herein) would eliminate potential conflicts with the adopted Carlsbad MHCP Subarea Plan. Implementation of mitigation measures Bio-4A through Bio-4C would further ensure that the 2018 Master Plan would not conflict with the adopted Carlsbad MHCP Subarea Plan.

**Bio-4A Project-Level Biological Studies.** During the design phase of CIP projects SP-13, LO-D1, LO-D2, LO-B, and LO-A2 occurring within the jurisdictional boundaries of the city of Carlsbad, VWD will prepare project-level biological studies, to include consistency analysis with the Carlsbad MHCP Subarea Plan (also known as the Carlsbad HMP), in order to ensure that CIP projects would not conflict with this adopted plan. As necessary, VWD will conduct project design and review of biological studies in consultation with the USFWS, CDFW, and City of Carlsbad when covered resources identified under the Carlsbad MHCP Subarea Plan have the potential to be affected by individual CIP projects.

**Bio-4B Species and Habitat Avoidance within Carlsbad MHCP Subarea Plan.** VWD will implement the following specific measures for CIP projects SP-13, LO-D1, LO-D2, LO-B, and LO-A2 occurring within the Carlsbad MHCP Subarea Plan:

1. Impacts to narrow endemic species will be avoided to the maximum extent practicable; however, where impacts to a narrow endemic species population are demonstrated to be unavoidable, impacts will be restricted to less than the maximum allowed under the Carlsbad MHCP Subarea Plan.
2. All development projects will be located and designed to minimize overall impacts to natural habitat.
3. Impacts to wetland and riparian habitats will be avoided to the maximum extent feasible. All development projects that would affect these habitats must demonstrate that the impacts: (1) cannot be avoided by a feasible alternative; (2) have been minimized to the maximum extent practicable; (3) are mitigated at a minimum 3:1 ratio; and (4) will be mitigated in ways that assure no net loss of habitat value or function.

**Bio-4C Habitat In-Lieu Fees.** Prior to issuance of permits from the City of Carlsbad, VWD may pay Habitat In-Lieu Mitigation Fees for impacts to Group E (Non-Native Grassland) and Group F (Disturbed Habitat, Eucalyptus Woodland) Habitats identified within the Carlsbad MHCP Subarea Plan for CIP projects SP-13, LO-D1, LO-D2, LO-B, and LO-A2. Fees may be paid in an amount to be determined by City Council, in lieu of providing on-site or off-site mitigation land. The Habitat In-Lieu Mitigation Fee will also apply to off-site mitigation for impacts to Group D (Unoccupied Coastal Sage Scrub, Coastal Sage/Chaparral, Chaparrals – excluding Southern Maritime Chaparral) Habitat which is not conserved or mitigated on-site in accordance with mitigation measures Bio-2A through Bio-2C, or otherwise required by the City of Carlsbad, USFWS, and CDFW during review of individual CIP projects.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.2-95 through 4.2-97 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in the potential to conflict with an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measures Bio-2A, Bio-2B, Bio-2C, Bio-1F, Bio-1G, Bio-1H, Bio-1J, Bio-3A Bio-3B, Bio-4A, Bio-4C, Geo-1, and Geo-2 would reduce potentially significant conflicts with adopted habitat conservation plans to below a level of significance.

## **Cultural Resources**

1. **Construction activities associated with construction of the proposed CIP projects, such as grading, trenching, and clearing have the potential to adversely affect historic resources or archeological resources within the VWD service area.**

One multiple resource historic property (Rancho de los Kiotes), listed in the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR),

was found within 0.75 mile of the proposed land outfall alignment in Carlsbad. Historical resources in close proximity to the proposed CIP projects could be directly adversely affected by construction activities that may cause excessive groundborne vibration, such as grading, clearing, blasting, and demolition; or activities that may cause dust or debris fallout that may damage the historic resource. Additionally, the northeastern, southwestern, and a centrally located island area within the VWD service area have high archaeological resource sensitivity. The proposed alignment for the outfall also has high archaeological resource sensitivity. Known archeological resources (such as CA-SDI-4558 and CA-SDI-9882) may be affected by the construction of proposed CIP project sites. Additionally, due to the frequency of known and recorded archaeological sites throughout the VWD service area, including significant archaeological sites, the potential exists for proposed CIP projects to encounter unrecorded archaeological resources during facility construction. Ground-disturbing activities, such as clearing, trenching, and grading, and the construction of access roads have the potential to damage or destroy archaeological resources that may be present on or below the ground surface, particularly in areas that have not previously been developed. Therefore, implementation of the 2018 Master Plan could result in significant impacts to historical and unique archaeological resources.

Implementation of the following measures would reduce impacts to potential historical and unique or significant archaeological resources to a less than significant level by ensuring that project-level analysis occurs through site-specific records searches, Phase I cultural resources studies, and mandated procedures and performance measures if unanticipated resources are uncovered. CEQA analysis has been conducted separately for the Diamond Siphon Replacement Project (CIP SP-10); therefore, this project is not subject to the mitigation measures identified below.

**Cul-1 Site-specific Records Search.** Prior to construction activities within a CIP project site, a qualified cultural resource professional shall be retained by VWD to complete a CIP project site-specific records search at the South Coastal Information Center to determine if the CIP project site has been subject to a professional survey. If a current cultural resources report to address potential impacts on cultural resources is available, VWD shall implement the mitigation measures provided within the report.

**Cul-2 Phase I Cultural Resources Study.** In the event that a current and valid report (completed within the last five years) is not available, or if the entirety of the CIP project site has not been professionally surveyed (see Cul-1), a Phase I Cultural Resources Survey study shall be completed by a qualified cultural resource professional.

1. If the Phase I study detects built-environment resources (buildings or structures aged 45 years old or older), and construction or implementation of the CIP project will either disturb or destroy such buildings or affect their historic setting, then a cultural resource professional who minimally meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History shall be contracted to determine if the resource site is significant and if the project may cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. VWD shall be responsible for implementing methods for

eliminating or substantially reducing impacts on historical resources identified in the technical report or memorandum. Such methods could include, but are not limited to, written and photographic recordation of the resource in accordance with the level of Historic American Building Survey documentation that is appropriate to the significance (federal, state, local) of the resource.

2. In the event that known or previously undetected archaeological resources are identified during the Phase I study then such resources must be recorded or updated onto Department of Parks and Recreation (DPR) 523 forms in accordance with all applicable regulations. In addition, any addressed resources must be evaluated for significance and eligibility for inclusion in federal, state, and local registers of significant resources. This evaluation shall be undertaken by a cultural resource professional who minimally meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology. In the event that such resources are found to be historical resources pursuant to CEQA, potential adverse impacts must be analyzed as stated in Public Resources Code (PRC) Sections 21084.1 and 21083.2(l), and appropriate measures must be generated to avoid or substantially reduce potential impacts on archaeological resources as necessary, including data recovery excavation and/or construction monitoring.

**Cul-3 Procedure for Unintentional Disturbance of Cultural Resources.** If historical resources are identified during a Phase I Cultural Resources Study and cannot be avoided, construction monitoring by a qualified archaeologist and a Native American monitor, if requested during Assembly Bill (AB) 52 consultation, would be required. If subsurface cultural resources are encountered during CIP project construction, or if evidence of an archaeological site or other suspected historic resources are encountered, all ground-disturbing activity shall cease within 100 feet of the resource. A qualified archaeologist shall be retained by VWD to assess the find, and to determine whether the resource is significant and requires further study. Potentially significant cultural resources could consist of, but are not limited to, stone, bone, fossils, wood or shell artifacts or features, including structural remains, historic dumpsites, hearths and middens. Midden features are characterized by darkened soil, and could conceal material remains, including worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials and special attention should always be paid to uncharacteristic soil color changes. Any previously undiscovered resources found during construction should be recorded on appropriate DPR 523 forms and evaluated by a qualified archaeologist retained by VWD for significance under all applicable regulatory criteria.

1. No further grading shall occur in the area of the discovery until VWD approves the measures to protect and mitigate the resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to curated at a qualified scientific institution approved by VWD where they would be afforded long-term preservation to allow future scientific study. Curation fees are the responsibility of VWD. Upon completion of monitoring,

a final results report with resource data and analysis shall be completed and submitted to VWD and the South Coastal Information Center. Should no resources be encountered, a letter report may be submitted to document completion of construction monitoring.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.3-1 through 4.3-17 of the Final PEIR; see also Responses to Comment Letter D [San Diego Archaeological Society Letter]), the VWD Board finds that implementation of the 2018 Master Plan could result in potentially significant impacts to historical and archaeological resources. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measures Cul-1 through Cul-3 would reduce potentially significant impacts to historical and archaeological resources to below a level of significance.

**2. Construction activities associated with construction of the proposed CIP projects, such as grading, trenching, and clearing have the potential to adversely affect unanticipated human remains, including those interred outside of formal cemeteries.**

Based upon the results of the records search, no formal cemeteries were identified within the footprint of the proposed CIP project sites. Therefore, it is not expected that construction activities at CIP projects would disturb formal cemeteries. However, one known and previously recorded archaeological site located within the footprint of a proposed CIP site included cremated human remains (CA-SDI-9822), which indicates that remnants of cremated human remains may still be present on the site or in the surrounding area. Sections 15064.5(d) and (e) of the CEQA Guidelines assign special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are detailed under PRC Section 5097.98. The disturbance of any human remains is considered a significant impact, regardless of archaeological significance or association. Any ground disturbing activities associated with the 2018 Master Plan, including grading, trenching, and excavation during construction, would have the potential to unintentionally disturb human remains, resulting in a significant impact. However, with implementation of mitigation measure Cul-4, potential impacts to human remains resulting from the 2018 Master Plan would be reduced to a less than significant level.

**Cul-4 Procedure for Unintentional Disturbance of Human Remains.** Implementation of the procedures set forth in PRC Section 5097.98 and California State Health and Safety Code 7050.5 would reduce impacts to human remains to a less than significant level. The procedures outline steps to be followed upon unintentional disturbance of human remains. California State Health and Safety Code Section 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. A professional archaeologist with Native American burial experience shall conduct

a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. As necessary and appropriate, a professional archaeologist shall be retained by VWD to provide technical assistance to the MLD, including but not limited to, the excavation and removal of the human remains. Compliance with California State Health and Safety Code Section 7050.5 and PRC Section 5097.98 would reduce any potential impacts to human remains from the 2018 Master Plan to a level below significance.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.3-17 through 4.3-18 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potentially significant impacts to human remains. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measure Cul-4 would reduce potentially significant impacts to unanticipated human remains to below a level of significance.

**c. Construction activities associated with construction of the proposed CIP projects, such as grading, trenching, and clearing have the potential to adversely affect tribal cultural resources.**

The NAHC was contacted for a search of their sacred lands files. A reply letter indicated that sites have been located in the Bonsall and Valley Center U.S. Geological Survey quadrangles. Additionally, in November 2017, VWD sent a notice regarding the Master Plan to interested Native American tribes, including the Pala Band of Mission Indians, the Rincon Band of Luiseno Indians, and the Torres Martinez Desert Cahuilla Indians. The Pala Band of Mission Indians indicated via response letter on November 22, 2017 that they declined AB 52 consultation. No response was received from the Torres Martinez Desert Cahuilla Indians. The Rincon Band of Luiseno Indians requested consultation via letter on November 29, 2017. VWD attempted to contact the Rincon Band of Luiseno Indians via telephone on April 17, 2018, and via letter on May 2, 2018. VWD engineer Robert Scholl spoke with Destiny Colocho on June 8, 2018, who provided a confidential cultural sites exhibit indicating that there are seven cultural sites within and immediately adjacent to the VWD service area boundary. Of these, two cultural sites may be in the vicinity of future work. Ground-disturbing activities, such as clearing, trenching, and grading, and the construction of access roads have the potential to damage or destroy tribal cultural resources that may be present on or below the ground surface at these cultural sites, particularly in areas that have not previously been developed. In the event that significant tribal cultural resources are discovered during construction, such resources could be damaged or destroyed, potentially resulting in significant impacts to tribal cultural resources. For these reasons, construction of the 2018 Master Plan CIP projects has the potential to result in potentially significant impacts to tribal cultural resources. However, with implementation of mitigation measure Cul-5, potential impacts to tribal cultural resources resulting from the 2018 Master Plan would be reduced to a less than significant level.

**Cul-5 Procedure for Unintentional Disturbance of Tribal Cultural Resources.**  
If tribal cultural resources are identified within future CIP project areas and cannot be avoided, construction monitoring by a Luiseño Native American

monitor would be required. If subsurface tribal cultural resources are encountered during CIP project construction, all ground-disturbing activity shall cease within 100 feet of the resource. Through AB-52 consultation, appropriate measures to protect the resource will be determined between interested Native American tribes/monitor and VWD. No further grading shall occur in the area of the discovery until VWD approves the measures to protect the resources.

Further, as documented in Section 4.3.3.3 of the PEIR, VWD successfully completed AB 52 consultation with the Rincon Band of Luiseno Indians, and VWD will conduct AB 52 consultation for future actions if it is determined that a subsequent project would potentially have effects on tribal cultural resources that were not analyzed in the PEIR.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.3-19 through 4.3-20 of the Final PEIR; see also Responses to Comment Letter D [Rincon Band of Luiseno Indians]), the VWD Board finds that implementation of the 2018 Master Plan could result in potentially significant impacts to tribal cultural resources. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measure Cul-5 would reduce potentially significant impacts to tribal cultural resources to below a level of significance.

## **Geology, Soils, and Paleontology**

### **1. Portions of the proposed CIP facilities could be located on geologic or soil units that are unstable and could result in damage from liquefaction, lateral spreading, subsidence, expansive soils, and/or landslides.**

All of San Diego County is located within Seismic Design Categories E and F, which have the highest seismic potential (San Diego County General Plan Update Final Environmental Impact Report. SCH #2002111067; 2011). Therefore, proposed CIP projects may be subject to the adverse effects of seismic ground shaking. Additionally, many of the proposed CIP projects, such as water and sewer pipelines, including the outfall, are located within areas of high liquefaction potential. Further, some CIP projects are located within high slope areas and would be at risk for damage from landslide potential, particularly areas within slopes of 15 percent or greater. Additionally, some CIP projects (primarily sewer pipelines and the parallel outfall) are located within areas of high soil expansion potential. Therefore, CIP projects proposed under the 2018 Master Plan may expose structures to the adverse effects to seismic ground shaking, liquefaction, landslides and expansive soils. This could be considered a significant impact.

Implementation of the following mitigation measure would reduce the exposure of people and CIP facilities to substantial adverse effects associated with seismically induced ground shaking, liquefaction potential, landslides, and expansive soils to a less than significant level. CEQA analysis has been conducted separately for CIP projects R-1, R-7, SP-2, SP-3, SP-11, and SP-12; therefore, these projects are not subject to the mitigation measure identified below.



**Geo-1 Site-specific Geotechnical Investigation.** Prior to construction of proposed CIP projects, a site-specific geotechnical investigation shall be conducted to determine whether geologic or other hazardous conditions exist and, if so, provide recommendations for construction that would reduce the damage potential. Areas of liquefaction; static or ground shaking-induced landslides, lateral spreading, subsidence, liquefaction, soil collapse, expansive soils, and/or mudslide potential shall be identified as part of the geotechnical investigation. The investigations shall specifically address foundation and slope stability in liquefiable, landslide, expansive soils and mudslide areas proposed for construction. Recommendations made in conjunction with the geotechnical investigations shall be implemented during construction, including (as appropriate) but not necessarily limited to the following actions:

1. Over-excavate unsuitable materials and replace them with engineered fill.
2. For thinner deposits, remove loose, unconsolidated soils and replace with properly compacted fill soils, or apply other design stabilization features (i.e., excavation of overburden).
3. For thicker deposits, implement applicable techniques such as dynamic compaction (i.e., dropping heavy weights on the land surface), vibrocompaction (i.e., inserting a vibratory device into the liquefiable sand), vibroreplacement (i.e., replacing sand by drilling and then vibro-compacting backfill in the bore hole), or compaction piles (i.e., driving piles and densifying surrounding soil).
4. Lower the groundwater table to below the level of liquefiable soils.
5. Perform in-situ densification of soils or other alterations to the ground characteristics.
6. For landslides, implement applicable techniques such as stabilization (i.e., construction of buttress fills, retaining walls, or other structural support to remediate the potential for instability of cut slopes composed of landslide debris); remedial grading and removal of landslide debris (e.g., overexcavation and recompaction); or avoidance (e.g., structural setbacks).
7. To minimize or avoid lateral spreading of on-site soils, remove compressible soils and replace them with properly compacted fill, perform compaction grouting or deep dynamic compaction, or use stiffened conventional foundation systems.
8. To minimize or avoid differential compression or settlement of on-site soils, manage oversized material (i.e., rocks greater than 12 inches) via off-site disposal, placement in non-structural fill, or crushing or pre-blasting to generate material less than 12 inches. Oversized material greater than 4 feet shall not be used in fills, and shall not be placed within 10 feet of finished grade, within 10 feet of manufactured slope faces (measured horizontally from the slope face), or within 3 feet of the deepest pipeline or other utilities.

9. Locate foundations and larger pipelines outside of cut/fill transition zones and landscaped irrigation zones.

As part of the geotechnical investigation, a database search of hazardous materials sites pursuant to Government Code Section 65962.5 shall be performed within a one-mile radius surrounding the proposed CIP site. If the database search identifies hazardous material sites within the search parameters, a Phase I environmental assessment shall be required. In the event hazardous materials sites are identified within the database search and a Phase I Environmental Site Assessment is required, VWD shall retain a registered environmental assessor to perform a Phase I Environmental Site Assessment.

The Phase I Environmental Site Assessment shall follow the current ASTM standard and the recommendations contained within the Phase I Environmental Site Assessment shall be implemented according to standard regulatory procedures.

**FINDING:** For the reasons stated in the Final PEIR (see Final PEIR pages 4.5-13 through 4.5-24 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in the potential for structures to be significantly impacted from seismic and/or geologic hazards. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measure Geo-1 would reduce potentially significant impacts to structures from seismic or geologic hazards to below a level of significance.

**2. Construction activities associated with CIP projects could result in soil erosion or loss of topsoil.**

Grading, excavation, on-site soils balancing and soil stockpiling operations would have the potential to expose soils to wind erosion and substantial erosion or topsoil loss during a rain event. Soil removal associated with grading and excavation activities would reduce soil cohesion, which could accelerate erosion. Increased erosion and soil loss could impact soil stability, in addition to causing indirect effects on communities and sensitive biological resources downstream of the proposed CIP project site.

Construction activities associated with CIP facilities would have the potential to result in substantial soil erosion or loss of topsoil. This would be considered a significant impact.

Implementation of mitigation measure Geo-2 would reduce construction-related impacts associated with soil erosion or loss of topsoil to a less than significant level. CEQA analysis has been conducted separately for CIP projects R-1, R-7, SP-2, SP-3, SP-11, and SP-12; therefore, these projects are not subject to the mitigation measures identified below.

**Geo-2 Construction-Related Erosion Control Plan.** The construction bid documents for each proposed CIP project shall include either a 90 percent Erosion Control Plan (for projects that would result in less than one acre of land disturbance) or a 90 percent Storm Water Pollution Prevention Plan (SWPPP)

(for projects that would result in one acre or greater of land disturbance). The Erosion Control Plan shall comply with the storm water regulations or ordinances of the local agency jurisdiction within which the proposed CIP project occurs; the SWPPP shall comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit. These plans shall be based on site-specific hydraulic and hydrologic characteristics, and identify a range of Best Management Practices (BMPs) to reduce impacts related to storm water runoff, including sedimentation BMPs to control soil erosion. The Erosion Control Plan or SWPPP shall identify the specific storm water BMPs to be implemented during the construction phase of a given CIP project. Typical BMPs to be implemented as part of the Erosion Control Plan or SWPPP may include, but may not be limited to, the actions listed below.

1. Development of a written plan that includes sequencing of construction activities and the implementation of erosion control and sediment control BMPs that shall take local climate (rainfall, wind, etc.) into consideration. The purpose of the written plan is to reduce the amount and duration of soil exposed to erosion by wind, rain, runoff, and vehicle tracking, and to perform the construction activities and control practices in accordance with the planned schedule.
2. Preserve existing vegetation to minimize the potential of removing or injuring existing trees, vines, shrubs, and grasses that protect soil from erosion.
3. Use hydraulic mulch on disturbed soils to provide a layer of temporary protection from wind and water erosion.
4. Temporarily protect exposed soils from erosion by water and wind by applying hydraulic seeding, hydroseeding, or other appropriate soil cover.
5. Divert runoff or channel water to a desired location by constructing earth dikes or drainage swales. A drainage swale is a shaped and sloped depression in the soil surface used to convey runoff to a desired location. Earth dikes and drainage swales are used to divert off-site runoff around the construction site to divert runoff from stabilized areas and disturbed areas, and direct runoff into sediment basins or traps.
6. Prevent scour of the soil caused by concentrated, high velocity flows by providing outlet protection; a physical device composed of rock, grouted riprap, or concrete rubble, which is placed at the outlet of a pipe or channel.
7. Apply a compost blanket to slopes and earth-disturbed areas to prevent erosion, and in some cases, increase infiltration and/or establish vegetation. The compost blanket can be applied by hand, conveyor system, compost spreader, or pneumatic delivery (blower) system. The blanket thickness is determined from the slope steepness and anticipated precipitation. A compost blanket protects the soil surface from raindrop erosion, particularly rills and gullies that may form under other methods of erosion control.

8. Detain sediment-laden water, promoting sedimentation behind a silt fence. A silt fence is made of a woven geotextile that has been entrenched, attached to supporting poles, and sometimes backed by a plastic or wire mesh for support.
9. Contain sediment-laden runoff in a sediment trap, allowing sediment to settle out before the runoff is discharged. Sediment traps are formed by excavating or constructing an earthen embankment across a waterway or low drainage area.
10. Place fiber rolls at the toe and on the face of slopes along the contours. Fiber rolls intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff (through sedimentation). By interrupting the length of a slope, fiber rolls can reduce sheet and rill erosion until vegetation is established.
11. Intercept or divert sheet flows with a sandbag barrier on a level contour. Sandbag barriers placed on a level contour pond sheet flow, allowing sediment to settle out.
12. Construct a straw bale barrier to pond sheet-flow runoff and allow sediment to settle out. A straw bale barrier is a series of straw bales placed on a level contour to intercept sheet flows.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.5-19 through 4.5-22 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potentially significant impacts due to increased soil erosion or topsoil loss. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measures Geo-2 would reduce potentially significant impacts from soil erosion or topsoil loss to below a level of significance.

**3. Construction of CIP projects proposed within the Santiago formation has the potential to disturb or destroy paleontological resources.**

The Santiago formation has produced so much paleo-environmental information that the County of San Diego Department of Land Use and Planning has assigned it to the special category of Very High Sensitivity. Excavation and construction activities associated with proposed CIP projects located within the Santiago formation have the potential to disturb or destroy paleontological resources. Proposed CIP projects located within or near the Santiago formation include SP-6, SP-13, SP-15, SP-19, SP-20, SP-23, SP-28, SP-29, R-1, R-3, R-7, and the parallel land outfall. Construction of these CIP projects could impact paleontological resources, which would be considered a significant impact.

Implementation of mitigation measure Geo-3 would reduce potential impacts associated with disturbance of paleontological resources to a less than significant level. CEQA analysis has been conducted separately for CIP projects R-1, SP-2, SP-3, SP-11, and SP-12; therefore, these projects are not subject to the mitigation measures identified below.

**Geo-3 Paleontological Resources Investigation.** For CIP projects that propose ground-disturbing activities located within the Santiago formation (potentially SP-6, SP-13, SP-15, SP-19, SP-20, SP-23, SP-28, SP-29, R-1, R-3, R-7, and the parallel land outfall), a project-level paleontological resources investigation shall be conducted by a qualified professional paleontologist in cooperation with the County of San Diego and the San Diego Natural History Museum. The paleontological resources investigation shall include:

1. A review of the records search performed in the Paleontological Resources Evaluation for the VWD Service Area and, if necessary, an updated records search;
2. Project-level pedestrian surveys of portions of the proposed CIP site where paleontological resources could be encountered based on presence and depth of sensitive formations;
3. Formal evaluation of any potentially affected paleontological resources to determine whether they qualify as unique paleontological resources; and
4. Recommended measures to avoid, where feasible, impacts on unique paleontological resources, such as preservation in place, planning construction to avoid unique paleontological sites, placing paleontological sites into permanent conservation easements, or planning parks, green space, or other open space to incorporate paleontological sites. Where avoidance or preservation in place is not feasible, excavation and curation may be recommended as mitigation.
5. The results of the paleontological resources investigation shall be compiled into a technical report or memorandum and submitted to VWD for further coordination with the County of San Diego Department of Planning and Land Use and the San Diego Natural History Museum, as necessary.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.5-22 through 4.5-24 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potential impacts to paleontological resources. Changes or alterations have been required in or incorporated into the 2008 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measure Geo-3 would reduce potentially significant impacts to paleontological resources to below a level of significance.

## **Hydrology and Water Quality**

1. **Above-ground 2018 Master Plan CIP projects (reservoirs, pump and lift stations) could be subject to potential damage by a mudflow.**

The VWD service area contains many areas with steep slopes, or mountainous areas, that would be subject to mudflows in the event of large amounts of precipitation. The 2018

Master Plan involves no housing or human occupancy; therefore, life loss would not occur in the event of a mudflow. However, in the event of a mudflow CIP projects that include above-ground facilities such as reservoirs, lift and pump stations would have the potential to be at risk of structure loss.

Implementation of Geo-1 (described in Section 4.5, Geology, Soils, and Paleontology, identified above and incorporated herein) would reduce the exposure of above-ground CIP facilities to substantial adverse effects associated with mudflows to a less than significant level; therefore, no additional mitigation is required. CEQA analysis has been conducted separately for CIP projects R-1, R-7, SP-11, and SP-12; therefore, these projects are not subject to mitigation measure Geo-1.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.7-23 through 4.7-25 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potentially significant impacts from mudflows. Changes or alterations have been required in or incorporated into the 2008 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measure Geo-1 would reduce potentially significant impacts to below a level of significance. All other hydrology and water quality impacts are less than significant and no mitigation is required (see pages 4.7-15 through 4.7-28 of the Final PEIR).

## **Landform Alteration and Aesthetics**

- 1. Construction of CIP projects and access roads could both temporarily and permanently degrade the existing visual character and quality of project sites and their surroundings during construction and in areas without existing VWD facilities.**

Temporary visual impacts would occur from construction of all types of CIP projects, including pipelines, water storage reservoirs, pump/lift stations, and pipeline access roads primarily through the removal or alteration of existing vegetation. Short-term construction impacts would remain significant unless disturbed areas were revegetated to ensure that all disturbed areas of the construction site return to preexisting visual character conditions, to the extent feasible, after completion of construction. This would be considered a significant impact.

Additionally, one CIP reservoir project, R-11, would be constructed in an area that is currently undeveloped and characterized by chaparral habitat. Water storage reservoirs would typically be the most visible of the proposed CIP projects because the function of these facilities requires them to be located at higher elevations, often on hillsides, hilltops, or ridges. The construction of CIP project would place an above-ground facility in an undeveloped area, which would alter the visual character of the existing natural setting. This would be considered a significant impact.

Further, the construction of access roads, in addition to supporting features and high-contrast or highly reflective coatings, through the VWD open easement within an area where the existing visual character is primarily undeveloped would permanently alter the

color, texture, and pattern of the naturally vegetated landscape. This change in visual character is considered a potentially significant impact.

Implementation of the following mitigation measures would reduce impacts associated with incompatible visual character to a less than significant level. CEQA analysis has been conducted separately for CIP projects R-1, R-7, SP-11, and SP-12; therefore, these projects are not subject to the mitigation measures identified below:

**Aes-1 Landscaping Measures.** The following landscaping measures shall be implemented for all CIP projects:

1. For proposed pipeline projects and access roads installed in naturally vegetated areas, the short-term disturbance footprints associated with construction for the pipeline corridor and associated staging areas (with the exception of the drivable pathway, which will remain clear) shall be hydroseeded, following backfilling and recontouring, using a non-irrigated native plant mix consistent with original site conditions and surrounding vegetation.
2. For proposed CIP reservoirs, pump stations, lift stations, and access roads in naturally vegetated settings, any disturbed unpaved areas following construction that are not designated for vehicular or pedestrian access shall be revegetated (hydroseeding and/or plantings) using native plant materials consistent with original site conditions and surrounding vegetation. A temporary irrigation system will be installed and maintained by VWD, or watering trucks will be used at a frequency to be determined by VWD to maintain successful plant growth. Temporary irrigation shall be discontinued upon VWD's determination that the landscaping has permanently established, without the need for supplemental watering.
3. For proposed CIP reservoirs, pump stations and lift stations in urban settings, any disturbed unpaved areas following construction that are not designated for vehicular or pedestrian access shall be landscaped using plant materials consistent with original site conditions and/or surrounding ornamental vegetation in order to return the disturbed area to its existing visual character.
4. The landscaping plan for CIP reservoirs, pump stations, and lift stations shall include the planting of large trees and/or shrubs in addition to native vegetation, where appropriate, to adequately provide screening of the proposed structures.

**Aes-2 Visually Compatible Design.** The following design measures shall be implemented for all CIP projects that include aboveground facilities (including access roads):

1. Reservoirs and access roads shall use appropriate building materials and color palettes that are visually consistent with the surrounding natural vegetation and/or built environment.

2. Reservoirs, pump station buildings, access roads and lift station buildings shall use low-reflective low-glare paint and materials unless required for safety or by law.
3. Access roads shall be designed to minimize grading, slope ratios and the blockage of existing views when possible. Access roads will not contain features such as asphalt coating, lighting fixtures, signage, guard rails, walls, fences, curbing, pavement marking, or other service structures or appurtenances unless required for safety or by law.
4. Areas of temporary disturbance will be revegetated to minimize visual incongruity with the surrounding landscape.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.8-7 through 4.8-21 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potentially significant impacts to visual character and quality. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measures Aes-1 and Aes-2 would reduce potentially significant impacts to below a level of significance.

**2. CIP project R-11 would be located on an undeveloped hillside within the Merriam Mountains Resource Conservation Area and construction of the proposed reservoir has the potential to adversely impact scenic vistas and views.**

CIP project R-11 is located within the unincorporated county of San Diego, and is located within the Merriam Mountains Resource Conservation Area. The proposed location for CIP project R-11 is on an undeveloped hillside within the Merriam Mountains Resource Conservation Area. The hill proposed for CIP project R-11 is the highest landform within a 2,000-foot radius of CIP project R-11 and would be visible from lower elevations to the north, east and south, which are currently undeveloped land characterized by chaparral habitat. Because CIP project R-11 is located within the Merriam Mountains Resource Conservation Area, an area designated as requiring special attention in order to conserve resources, including scenic vistas, scenic natural resources and astronomical dark skies, construction of this CIP project has the potential to impact scenic vistas.

Implementation of the following mitigation measure would reduce scenic vista impacts from CIP project R-11 to a less than significant level:

**Aes-3 Visual Resources Report.** Prior to construction of proposed CIP Project R-11, a Visual Resources Report shall be prepared. The Visual Resources Report shall analyze the compatibility of the proposed reservoir with the existing aesthetic character of the surrounding area; assess the potential effect to the visual resources within the Resource Conservation Area, and determine whether any proposed security or emergency lighting would be detrimental to adjacent residential uses and/or wildlife.



**FINDING:** For the reasons stated in the Final PEIR (see pages 4.8-19 and 4.8-20 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potentially significant impacts to scenic vistas. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Implementation of mitigation measure Aes-3 would reduce potentially significant impacts to below a level of significance.

- 3. Lighting associated with CIP projects would be limited to emergency lighting and temporary security lighting and would not create a substantial new lighting source. Glare impacts could occur from sunlight reflecting off of above-ground CIP facilities.**

Potential impacts from glare could occur from the sunlight reflecting from the proposed reservoirs, pump station building surfaces lift station building surfaces or access roads. Implementation of Aes-1 and Aes-2 would reduce potential impacts associated with lighting and daytime glare from proposed CIP reservoirs, pump stations, lift stations and access roads to a less than significant level. No further mitigation is required.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.8-18 and 4.8-19 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potential impacts from increased glare. Changes or alterations have been required in or incorporated into the 2008 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measures Aes-1 and Aes-2 (identified above and incorporated herein) would reduce potentially significant impacts to below a level of significance.

## **Land Use and Planning**

- 1. The 2018 Master Plan has the potential to conflict with local land use policies and result in incompatibilities with surrounding land uses.**

The 2018 Master Plan's compatibility with local land use plans and policies has been addressed in a variety of different sections within the Final PEIR. The potential for the 2018 Master Plan to conflict with or obstruct implementation of an applicable air quality plan or violate any air quality standard is addressed in Sections 4.1.3.1 and 4.1.3.2 (Air Quality Issues 1 and 2) of this PEIR. The potential for the 2018 Master Plan to conflict with any local policies or ordinances protecting biological resources or to conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan is addressed in Sections 4.2.3.4 and 4.2.3.5 (Biological Resources Issues 4 and 5) of this PEIR. The potential for the 2018 Master Plan to result in or expose people to noise levels in excess of standards established in applicable noise plans, noise ordinances, or noise standards is addressed in Sections 4.10.3.1 and 4.10.3.2 (Noise Issues 1 and 2) of this PEIR. Further, PEIR Table 4.9-1 summarizes the consistency of the 2018 Master Plan with local community policies, including HCPs or NCCPs, and other local policies adopted for the purpose of avoiding an environmental impact. Consistency with local community policies also ensures that any

potential impacts that would result in incompatibility with adjacent land uses, such as dust and noise from construction activity, which could impact sensitive receptors or air quality objectives, potential impacts associated with scenic vistas or community aesthetic character, or potential public safety hazards, would be avoided.

With implementation of mitigation measures identified in the following sections, the 2018 Master Plan would be compatible with adjacent land uses and impacts would be reduced to a level below significant: Section 4.1 (Air Quality), Section 4.2 (Biological Resources), Section 4.3 (Cultural Resources), Section 4.5 (Geology, Soils, and Paleontology), Section 4.7 (Hydrology and Water Quality), Section 4.8 (Landform Alteration and Aesthetics), Section 4.10 (Noise), and Section 4.11 (Public Safety). CEQA analysis has been conducted separately for CIP projects R-1, R-7, SP-11, and SP-12; therefore, these projects are not subject to these mitigation measures. Specifically, implementation of measures Air-1, Bio-1A, Bio-1B, Bio-1C, Bio-1D, Bio-1E, Bio-1F, Bio-1G, Bio-1H, Bio-1I, Bio-1J, Bio-2A, Bio-2B, Bio-2C, Bio-3A, Bio-3B, Bio-4A, Bio-4B, Bio-4C, Cul-1, Cul-2, Cul-3, Cul-4, Geo-1, Geo-2, Geo-3, Aes-1, Aes-2, Aes-3, and Noi-1.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.9-13 through 4.9-18 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potential conflicts with local land use policies and surrounding land uses. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of various mitigation measures identified in the environmental topic sections of this PEIR would reduce potentially significant impacts to below a level of significance.

## Noise

### 1. Construction of CIP projects would temporarily increase ambient noise levels in the project vicinity.

Construction of CIP projects proposed under the 2018 Master Plan could result in temporary increases in ambient noise levels. Equipment that would be associated with construction of the proposed CIP projects includes dozers, rollers, dewatering pumps, backhoes, loaders, and delivery trucks. Temporary noise impacts associated with construction and blasting activities have the potential to exceed the applicable local noise ordinances and regulations, including the County of San Diego, the City of San Marcos, City of Vista, City of Escondido and City of Carlsbad.

Implementation of mitigation measure Noi-1 would reduce impacts associated with a substantial temporary or periodic increase in ambient noise to a level below significance:

**Noi-1 Construction Noise Limits.** Construction activities shall comply with applicable local noise ordinances and regulations specifying sound control, including the County of San Diego, the City of San Marcos, the City of Escondido, the City of Carlsbad, and the City of Vista. Measures to reduce construction/demolition noise to the maximum extent feasible will be included in contractor specifications and will include, but not be limited to, the following:

1. Construction activity shall be restricted to the hours specified within each respective jurisdiction's municipal code, depending on the location of the specific CIP project, as follows:
  - a. Construction activity for CIP projects occurring within San Diego County shall occur between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday (see Table 4.10-1 of the Final PEIR). For construction activities on Sunday or during night hours, a variance from the County must be obtained. CIP projects subject to this provision include R-3, R-4, R-5, R-6, R-9, R-10, R-11, PS-3, PS-4, PS-5, PS-7, P-16 & P-56, P-30, P-64, P-42, SP-15, SP-22, SP-31, and P-600.
  - b. Construction activity for CIP projects occurring within the City of San Marcos shall occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. For construction activities on Sunday or during night hours, a waiver from the City Manager must be obtained. CIP projects subject to this provision include PS-6, PS-8, P-100, P-101, P-300, P-301, P-400, P-15, SB-1, SP-5, SP-6, SP-8, SP-9, SP-10, SP-18, SP-19, SP-20, SP-21, SP-23, SP-24, SP-25, SP-26, SP-27, SP-28, SP-31, SP-33, SP-34, SP-35, and SP-36.
  - c. Construction activity for CIP projects occurring within the City of Escondido shall occur only between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. to 5:00 p.m. on Saturdays (see Table 4.10-3 of the Final PEIR). For construction activities on Sunday or during night hours, a variance from the City Manager must be obtained. CIP projects subject to this provision include R-8, PS-2, P-43, P-100, P-400, and SP-22.
  - d. Construction activity for CIP projects occurring within the City of Carlsbad shall occur between 7:00 a.m. and before sunset, Monday through Friday, and between 8:00 a.m. and sunset on Saturday; construction shall be prohibited on Sundays and federal holidays. For construction activities on Sundays, federal holidays, or during night hours, a permit from the City must be obtained. Projects subject to this provision include SP-6 and SP-13 and the parallel land outfall.
2. Construction noise for CIP projects located within San Diego County, City of Vista, and City of San Marcos shall not exceed an average sound level of 75 dB(A) for an eight-hour period at the CIP project's property boundary.
3. Construction noise for CIP projects located within the City of Escondido shall not exceed a one-hour average sound level limit of 75 dB(A) at any time, unless a variance has been obtained from the City Manager.
4. All construction equipment shall be properly outfitted and maintained with manufacturer-recommended noise-reduction devices.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.10-10 through 4.10-20 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in significant impacts from excessive ambient noise. Changes or alterations have been required in or incorporated into the 2008 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measure Noi-1 would reduce potentially significant impacts to below a level of significance. All other noise impacts are less than significant and no mitigation is required (see pages 4.10-10 through 4.10-12 and pages 4.10-15 and 4.10-16 of the Final PEIR).

## **Public Safety**

### **1. Excavation or trenching activities associated with construction of CIP projects could result in the accidental release of a hazardous material, resulting in a hazard to the public or the environment.**

The potential exists for CIP project sites to have been previously contaminated by hazardous substances as a result of former uses of the sites, leaks from unidentified underground storage tanks, or unidentified buried debris that could contain hazardous substances or hazardous by-products. Typical pathways of exposure to pollutants from existing contamination include inhalation of volatiles and fugitive particulates, dermal absorption, and ingestion of contaminated groundwater caused by migration of chemicals through soil to an underlying potable aquifer. Potential exposure to contaminants could also occur to construction workers during grading, trenching, excavation and site development activities. Construction activities could also uncover underground storage tanks or other buried hazards. Due to the potential for unknown contamination to occur on a CIP project site, this could be considered a potentially significant impact.

With the implementation of mitigation measure Geo-1, which requires a site-specific geotechnical investigation and a hazardous materials database search, impacts would be reduced to a level below significance. No further mitigation is required.

**FINDING:** For the reasons stated in the Final PEIR (see pages 4.11-7 through 4.11-16 of the Final PEIR), the VWD Board finds that implementation of the 2018 Master Plan could result in potentially significant impacts to the public or the environment from listed hazardous materials sites. Changes or alterations have been required in or incorporated into the 2018 Master Plan which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR. Implementation of mitigation measure Geo-1 would reduce potentially significant impacts to below a level of significance. All other public safety impacts are less than significant and no mitigation is required (see pages 4.11-7 through 4.11-16 of the Final PEIR).

## **Cumulative Impacts and Mitigation Measures**

Section 15130(a) of the CEQA Guidelines requires that a PEIR discuss the cumulative impacts of a project when the project's incremental effect is determined to be cumulatively considerable. The discussion of cumulative impacts must evaluate whether the impacts of the project will be significant when considered in combination with past, present, and

future reasonably foreseeable projects, and whether the project would make a cumulatively considerable contribution to those impacts.

The Final PEIR found that the 2018 Master Plan's contribution to the following cumulative impacts would be less than significant with the implementation of mitigation measures: air quality (see pages 4.1-17 through 4.1-20 of the Final PEIR); biological resources (see pages 4.2-98 through 4.2-101 of the Final PEIR); cultural resources (see pages 4.3-21 and 4.3-22 of the Final PEIR); geology, soils, and paleontology (see pages 4.5-24 and 4.5-25 of the Final PEIR); greenhouse gas emissions (see page 4.6-15 of the Final PEIR); hydrology and water quality (see pages 4.7-26 through 4.7-28 of the Final PEIR); landform alteration and aesthetics (see pages 4.8-19 through 4.8-21 of the Final PEIR); and public safety (see pages 4.11-14 through 4.11-16 of the Final PEIR). The Final PEIR found that the 2018 Master Plan would not result in any cumulatively considerable impacts with implementation of specific mitigation measures, identified above.

**FINDING:** For the reasons stated in the Final PEIR, the VWD Board finds that implementation of the 2018 Master Plan would not result in any cumulatively considerable contributions to cumulatively significant impacts.

## **C. Other CEQA Findings**

### **1. Findings Relating to Growth Inducement**

As required by CEQA Guidelines Section 15126.2(d), an EIR must include a discussion of the ways in which a proposed project could directly or indirectly foster economic development or population growth, and how that growth would affect the surrounding environment. Implementation of the 2018 Master Plan would not directly create or induce growth within the planning area because the VWD has no land use authority and cannot approve land development. As stated above, indirect growth may result from the removal of physical impediments or restrictions to growth, as well as the removal of planning impediments resulting from land use plans and policies. In this context, physical growth impediments may include nonexistent or inadequate access to an area or the lack of essential public services, while planning impediments may include restrictive zoning and/or general plan designations.

The majority of the CIP projects within the 2018 Master Plan would be constructed at sites that contain existing VWD facilities. These projects would not result in indirect growth effects because they would not extend new infrastructure into areas without existing infrastructure and would not encourage growth in a region without existing infrastructure. The construction of new CIP facilities within undeveloped areas would be phased commensurate with growth; therefore, these projects would also not result in indirect growth effects because the timing of implementation is intended to serve the water delivery and wastewater service needs of specified planned developments as they are approved. In other words, none of the CIP projects proposed within the 2018 Master Plan would be developed in anticipation of unforeseen or unplanned future growth. Therefore, implementation of the 2018 Master Plan would not be growth-inducing because it would not remove an impediment to growth.

Furthermore, construction of CIP projects proposed as part of the 2018 Master Plan could generate a small number new jobs throughout the VWD service area, but this additional economic activity would be incremental compared to the economic growth of the greater San Diego region. Therefore, implementation of the 2018 Master Plan would not be growth-inducing because it would not foster substantial economic expansion or growth in the region.

## **2. Findings Relating to Irreversible Environmental Effects**

Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project. Development of potable water infrastructure under the 2018 Master Plan would allow VWD to continue to supply water to its current and projected future users within the VWD service area. Resources that would be permanently and continually consumed by implementation of the 2018 Master Plan include water, electricity, natural gas, 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 PEIR Section 5.2 and PEIR Section 4.4 (Energy). Nonetheless, construction and operations associated with implementation of the 2018 Master Plan would result in the irretrievable commitment of nonrenewable energy resources. It is also possible that new technologies or systems would emerge, or would become more cost-effective or user-friendly, upon which VWD may rely to further reduce their reliance on nonrenewable energy resources. Overall, the consumption of natural resources associated with implementation of the 2018 Master Plan is expected to increase at a lesser rate than the projected population increase within the service area due to the variety of energy conservation measures that VWD will continue to implement, expand and develop to achieve energy efficiency for their construction and operational activities (refer to PEIR Section 4.4, Energy).

The CEQA Guidelines also require a discussion of the potential for irreversible environmental damage caused by an accident. As discussed in PEIR Section 4.11 (Public Safety), VWD uses, transports, stores, and disposes of hazardous materials in accordance with applicable federal, state and local regulations, as well as with existing VWD programs, practices, and procedures related to hazardous materials, to reduce the likelihood and severity of accidents that would result in irreversible environmental damage. Therefore, compliance with existing regulations and implementation of mitigation measure Geo-1 would reduce hazards to the public or the environment through the transport, storage, use, or disposal of hazardous materials during CIP operations, and associated accidental releases of hazardous materials into the environment and near schools, to a less than significant level.

## **D. Alternatives**

Because the 2018 Master Plan will potentially cause significant environmental effects, the VWD Board must consider the feasibility of an environmentally superior alternative to the 2018 Master Plan. The VWD Board must evaluate whether these alternatives could avoid

or substantially lessen the unavoidable significant environmental effects while achieving most of the objectives of the Master Plan (see Table 6-2 of the Final PEIR). Chapter 6 of the Final PEIR evaluates a range of potential alternatives to the 2018 Master Plan. In compliance with CEQA and the CEQA Guidelines, the alternatives analysis also includes an analysis of a No Project Alternative and discusses the Environmentally Superior Alternative. The analysis examines the feasibility of each alternative, the environmental impacts of each alternative, and the ability of each alternative to meet the Master Plan objectives identified in Section 3.1 and Section 6-1 of the Final PEIR (see pages 3-1, 3-2, and 6-2 of the Final PEIR).

The VWD Board has independently reviewed and considered the information on alternatives provided in the Final PEIR and the administrative record, and finds that all the alternatives would either not meet the majority of the Master Plan objectives or would hinder VWD's ability to meet the future water and wastewater demands of its service area in comparison to the 2018 Master Plan, for the reasons set forth below.

## **1. Master Plan Objectives**

The VWD Board finds that the objectives for the 2018 Master Plan are as described in Chapter 3 of the Final PEIR. The goals and objectives of the 2018 Master Plan include the following actions:

1. Plan facilities to meet treated and untreated water demand and supply projections;
2. Optimize the use of existing infrastructure;
3. Protect the public's health, safety, and welfare by maintaining a safe and reliable water supply;
4. Plan facilities that are cost-effective;
5. Develop facility plans adaptive to changes in future conditions;
6. Update water demands and wastewater flows based on current land uses, approved land uses, and projected growth-based land uses using CIP phasing periods corresponding with the phases used in relevant growth projection data.
7. Ensure that proposed CIP facilities are designed and sized to serve the "build-out" land use through either upgrades of existing facilities or expansion of the existing system, and to construct CIP projects within existing rights-of-way, to the extent feasible, to avoid and minimize environmental impacts.
8. Update VWD's wastewater treatment capacity needs at both Encina Water Pollution Control Facility and Meadowlark Water Reclamation Facility, and review and update wastewater land outfall capacity needs based on the new wastewater flow forecast.

## **2. Alternatives to the 2018 Master Plan**

The evaluation of environmental impacts in the PEIR concluded that the 2018 Master Plan would not result in temporary or permanent significant and unavoidable effects for any of the environmental issue areas analyzed. However, a range of feasible alternatives to the proposed Project was nonetheless developed to provide additional information and flexibility to the decision-makers when considering the 2018 Master Plan.

Where significant impacts are identified, section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

- (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

- (b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

- (c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to



meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

However, when a project would not result in any significant and unavoidable impacts, the lead agency has no obligation to consider the feasibility of alternatives to lessen or avoid environmental impacts, even if the alternative would reduce the impact to a greater degree than the proposed Project. (Pub. Res. Code § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.)

Consistent with the above, the PEIR analyzed three alternatives to the proposed 2018 Master Plan: No Project Alternative; Reduced Footprint Alternative; and Alternative Outfall Alignment.

### **No Project Alternative**

In accordance with CEQA and the CEQA Guidelines, the Final PEIR evaluates the “No Project Alternative,” which compares the impact of approving the 2018 Master Plan with the impact of not approving it.

**Description:** Under the No Project Alternative, the 2018 Master Plan would not be adopted and none of the proposed CIP projects would be constructed at this time. The existing 2008 Master Plan Update (adopted in 2011) would remain the planning document for the District. The No Project Alternative would not necessarily preclude the future implementation of individual projects listed in the 2008 Master Plan (individual infrastructure projects would still be required to undergo CEQA environmental review).

**Environmental Analysis:** The No Project Alternative would avoid all of the potentially significant environmental impacts identified for the 2018 Master Plan because no proposed CIP projects from the 2018 Master Plan would be constructed at this time, and the existing adopted 2008 Master Plan would remain the planning document for VWD (the environmental impacts associated with the construction of CIP facilities proposed under the 2008 VWD Master Plan were evaluated in a separate Environmental Impact Report in March 2011 [SCH No. 2010071073]). Compared to the proposed 2018 Master Plan Update, all currently identified impacts related to air quality (odors), biology, cultural resources, geology and soils, hydrology and water quality (mudflows), landform alteration/aesthetics, land use, noise (construction), and public safety (listed hazardous material sites) as a result of the 2018 Master Plan would be avoided under the No Project Alternative.

This conclusion assumes, however, that none of the currently proposed CIP projects would be constructed. In reality, the No Project Alternative does not preclude the future construction of CIP projects. Although future infrastructure projects would still be required to undergo individual environmental review, the impacts would be evaluated on a project-by-project basis and the potential cumulative impact associated with all of the CIP projects within the 2018 Master Plan may not be addressed adequately. In other words, cumulative environmental impacts could potentially be addressed in “piece-meal” manner, which may result in under-estimating the total extent of cumulative environmental impacts in comparison to evaluating the entire 2018 Master Plan at the PEIR level. In addition, this approach restricts the District’s ability to properly plan for projected growth and to design infrastructure accordingly. So while new and upgraded infrastructure projects would still occur under this alternative, they would be implemented in a more disorganized, less efficient, and likely more costly manner.

**Ability to meet project objectives:** The No Project Alternative would not achieve any of the 2018 Master Plan objectives identified in Chapter 3 of the Final PEIR including: updating water demands and wastewater flows based on current land uses; ensuring proposed CIP projects are designed and sized to serve the 2030 population; and updating VWD’s wastewater treatment capacity needs at Encina Water Pollution Control Facility and Meadowlark Reclamation Facility. This alternative would hinder VWD’s ability to meet the future water demands of its service area because water demands and wastewater flows would not be updated to reflect future demand, CIP facilities would not be properly sized for future demand, and wastewater capacity needs would not be updated to reflect future sewer flows.

Further, this alternative would result in more disorganized, less efficient and likely more costly infrastructure projects.

**FINDING:** Although findings rejecting alternatives in favor of the 2018 Master Plan are not required because the project as proposed would not result in any significant and unavoidable impacts (Pub. Res. Code § 21002), for the reasons set forth above and as discussed further in the PEIR, the VWD Board hereby rejects the No Project Alternative because: (1) it fails to meet any of the project objectives; (2) it fails to reduce or eliminate any significant and unavoidable impacts of the proposed project; and (3) it is infeasible. Each of these reasons provides a separate and independent ground for rejecting the No Project Alternative.

### **Reduced Footprint Alternative**

**Description:** The Reduced Footprint Alternative would reduce the footprint of the 2018 Master Plan CIP potable water reservoir projects and potable water pump station projects that were determined to result in direct impacts to special status biological species. These CIP projects include R-4, R-5, R-10, PS-3, PS-6, and PS-8. Under the Reduced Footprint Alternative, each of these CIP projects would be reduced in size so that their development footprint would not extend into sensitive habitat. In some cases, the reduction in the development footprint would also result in a reduction in CIP storage and pumping capacity or the reduction in capacity or footprint of an associated CIP storage, pumping, or pipeline project. Under the Reduced Footprint Alternative, no pipelines, storage tanks, or reservoir

projects would be increased in capacity or size. Additionally, under this alternative CIP project R-11 would not be constructed, and no CIP projects would be located in areas with designated scenic vistas. Under this alternative, the location and sizes of the parallel land outfall and potable water and wastewater pipelines would remain the same as in the 2008 Master Plan.

**Environmental Analysis:** The VWD Board considered the Reduced Footprint Alternative as a means of further reducing the 2018 Master Plan’s already less than significant potential impacts to biological resources and landform alteration. Under this alternative, potential impacts related to biological resources would be reduced because development footprints would not extend into sensitive habitat. Additionally, impacts related to landform alteration and visual aesthetics would be reduced, because CIP projects would not be located in areas with designated/protected scenic vistas.

Although this alternative would have a reduced overall footprint in comparison to the 2018 Master Plan, it would involve similar types of uses and construction methods. Therefore, for this alternative the following issues would result in a reduced level of impact when compared to the 2018 Master Plan, and impacts would either remain less than significant or would require mitigation to reduce impacts to a less than significant level: cultural resources; geology, soils, and paleontology; hydrology and water quality; land use and planning; and public safety. Any mitigation that would be required for the Reduced Footprint Alternative would be similar to the 2018 Master Plan. More specifically, the Reduced Footprint Alternative’s impacts related to air quality, biological resources, energy, GHG emissions, landform alteration and visual aesthetics, and noise compared to the 2018 Master Plan are discussed below.

**Ability to meet project objectives:** The Reduced Footprint Alternative would meet seven of the eight project objectives identified for the 2018 Master Plan. The one project objective that would not be met is Objective #7: ensure that proposed CIP facilities are sized to serve the “build-out” land use through either upgrades of existing facilities or expansion of the existing system, and to construct CIP projects within existing right-of-ways, to the extent feasible, to avoid and minimize environmental impacts.

Additionally, the Reduced Footprint Alternative may result in VWD not fully satisfying the projected water or wastewater demand within their service area. Therefore, the Reduced Footprint Alternative does not provide a comparative environmental advantage over the 2018 Master Plan.

**Finding:** Although findings rejecting alternatives in favor of the 2018 Master Plan are not required because the project as proposed would not result in any significant and unavoidable impacts (Pub. Res. Code § 21002), for the reasons set forth above and as discussed further in the PEIR, the VWD Board hereby rejects the Reduced Footprint Alternative because: (1) it fails to reduce or eliminate any significant and unavoidable impacts of the proposed project; and (2) it is infeasible given that it would not satisfy the projected water or wastewater demand within the VWD service area. Each of these reasons provides a separate and independent ground for rejecting the Reduced Footprint Alternative.

## Alternative Outfall Alignment

**Description:** The Alternative Outfall Alignment would revise the proposed location of CIP LO-A1, LO-A2, LO-B, LO-D1, and LO-D2 to avoid areas within and near sensitive biological resources. Under this alternative, these portions of the outfall would not be parallel to the existing outfall, and a greater portion of the outfall may be located within existing street right-of ways than in the 2018 Master Plan. The total length of outfall could be extended in order to avoid the biological resources that would be impacted by the 2018 Master Plan CIP outfall projects. As a result, topographic constraints in alternative outfall alignments could increase construction operations and duration and potentially require the use of lift stations. All other CIP projects would remain the same as those proposed in the 2018 Master Plan.

**Environmental Analysis:** The VWD Board considered the Alternative Outfall Alignment as a means of reducing the project's already less than significant potential impacts to biological resources associated with the construction on the 2018 Master Plan. The VWD service area would be the same under this alternative as the 2018 Master Plan and all applicable regulations would also apply to the Alternative Outfall Alignment. Therefore, this alternative would result in similar impacts to the following issues compared to the 2018 Master Plan: geology, soils, and paleontology; hydrology and water quality; landform alteration and visual aesthetics; land use and planning; and public safety. Additional environmental impacts could result to air quality, biological resources, cultural resources, energy, GHG emissions, and noise as a result of the alternative outfall alignment and the need to increase construction operations and duration to construct the alternative outfall.

**Ability to meet project objectives:** The Alternative Outfall Alignment would meet all eight of the objectives identified for the 2018 Master Plan because this alternative would change only the location of the proposed outfall and not the outfall size. Further, all other CIP projects would remain the same as those proposed in the 2018 Master Plan, although the potential exists for more lift stations to be required under this alternative.

**Finding:** Although findings rejecting alternatives in favor of the 2018 Master Plan are not required because the project as proposed would not result in any significant and unavoidable impacts (Pub. Res. Code § 21002), for the reasons set forth above and as discussed further in the PEIR, the VWD Board hereby rejects the Alternative Outfall Alternative because: (1) it fails to reduce or eliminate any significant and unavoidable impacts of the proposed project; and (2) it potentially could result in increased environmental impacts associated with increased construction operations and duration. Each of these reasons provides a separate and independent ground for rejecting the Alternative Outfall Location Alternative.

## Environmentally Superior Alternative

CEQA does not require the VWD Board to choose the environmentally superior alternative. Instead CEQA requires the VWD Board to consider environmentally superior alternatives, explain the considerations that led it to conclude that those alternatives were infeasible from a policy standpoint, weigh those considerations against the environmental impacts of the proposed Project, and make findings that the benefits of those considerations outweighed the harm. However, because the 2018 Master Plan would not result in any

significant and unavoidable impacts, the VWD Board is under no obligation to consider or adopt any alternative to the 2018 Master Plan, even if that alternative would reduce the already less than significant impacts further and/or would achieve all of the project objectives, and the information provided herein is therefore informational purposes only. (Pub. Res. Code § 21002.)

The No Project Alternative assumes that none of the proposed CIP projects would be constructed at this time, and would, therefore, avoid all potentially significant environmental impacts identified for the 2018 Master Plan. However, this alternative would not preclude implementation of some, if not all, of the CIP projects on an individual basis sometime in the future. Although future infrastructure projects would still be required to undergo individual environmental review, the impacts would be evaluated on a project-by-project basis, and the potential cumulative impacts associated with all of the CIP projects within the 2018 Master Plan may not be addressed adequately. In other words, cumulative environmental impacts could potentially be addressed in “piece-meal” manner, which may result in underestimating the total extent of cumulative environmental impacts in comparison to evaluating the entire Master Plan at the PEIR level. In addition, this approach restricts the VWD’s ability to properly plan for projected growth and to design infrastructure accordingly. So while new and upgraded infrastructure projects would still occur under this alternative, they would be implemented in a more disorganized, less efficient, and likely more costly manner. In addition, this alternative would not meet any of the objectives of the 2018 Master Plan.

In this case, the next environmentally superior alternative would be the Reduced Footprint Alternative, which would reduce, but not eliminate, potential impacts to biological resources, cultural resources, geology/soils, hydrology/water quality, landform alteration/aesthetics, land use, noise, and public safety. However, this alternative would only achieve seven of the eight project objectives of the 2018 Master Plan. This project would not ensure that VWD facilities would be adequately sized for future water and wastewater demand. Water demand and wastewater generation in the VWD service area will continue to grow regardless of Master Plan implementation; therefore, this alternative would hinder the VWD from being able to meet future demand.

## **E. Statement of Overriding Considerations Impacts that Remain Significant**

The VWD Board finds that implementation of the 2018 Master Plan would result in no impacts that remain significant after implementation of the mitigation measures described in the Final PEIR.

## **F. Record of Proceedings**

The record of proceedings upon which the VWD Board has based these Findings consists of all the documents and evidence relied upon by VWD in preparing the 2018 Master Plan Final PEIR. The custodian of the record of proceedings is VWD, 201 Vallecitos de Oro, San Marcos, California 92069.

## G. Summary

Based on the foregoing Findings and the information contained in the record, the VWD Board has made one or more of the following Findings with respect to the significant environmental effects of the 2018 Master Plan as described in the Final PEIR:

1. Changes or alterations have been required in, or incorporated into, the 2018 Master Plan which avoid or substantially lessen the significant environmental effects on the environment.
2. Changes or alterations that are wholly or partially within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other public agency.
3. Specific economic, legal, social, technological, or other considerations make infeasible certain mitigation measures and alternatives.

Based on the foregoing Findings and the information contained in the record, it is hereby determined that:

1. All significant effects on the environment due to approval of the 2018 Master Plan have been eliminated or substantially lessened where feasible.
2. No significant effects on the environment were found to be unavoidable.

**DATE: MAY 1, 2019**  
**TO: BOARD OF DIRECTORS**  
**SUBJECT: ACCEPTANCE OF OPERATIONS BUILDING LOCKER ROOM EXPANSION**

**BACKGROUND:**

The Operations & Maintenance (O&M) men’s locker room located in Building B was not large enough to accommodate the number of employees utilizing it. The expansion has increased the size of the locker room, increased the number of lockers, and added 2 sinks and showers. This will provide adequate space for current O&M staff and account for future growth.

A plan for a 783 SF expansion with shower and sink facilities was developed with Jeff Katz Architecture (JKA) and on June 28, 2017, the District received only one bid for the project in the amount of \$613,046, putting the project approximately \$136,000 over budget. Analysis of the true construction cost of the project was not possible due to receiving only one bid. Specifying concrete tilt-up construction method likely reduced the number of potential bidders. The Engineering/Equipment Committee and full Board expressed a desire to reduce the construction cost and to re-bid the project.

Upon direction from the Engineering/Equipment Committee, in September 2017, JKA received a \$22,935 amendment to their contract to redesign the expansion project for a smaller 522 SF footprint without shower and sink facilities, but with an alternate bid for the original 783 SF size design. Both redesigned plans featured more traditional exterior wall and roof systems, lowered the height of the construction, and eliminated many of the modifications to the existing locker room. Also, HVAC and fire sprinkler system expansions were added to the bid to get a more competitive overall price.

**DISCUSSION:**

The project was re-bid in March 2018 and the District received three bids for both the Base design of 522 SF and the Alternate design of 783 SF. Due to the competitive numbers received, the Board of Directors approved the award of the construction contract to Crew Builders for the Alternate design of 783 SF on April 18, 2018.

Construction began June 2018 and all construction work was completed at the beginning of January 2019. Punchlist and administrative items were completed by April 2019. There was a total of 3 change orders amounting to \$3,794 as described below:

1. Changes related to the removal of 4 proposed lockers within the existing locker room area and the addition of a sewer clean-out +\$0.00
2. Extend footing depth at southeast corner of building; ground water drainage system repair; raise slab to accommodate for exterior grade +\$2,955.27
3. Tile opening at existing locker room in lieu of gypsum board and paint +\$839.11

District staff performed construction management and inspection. Special inspection services were performed by Christian Wheeler Engineering and JKA.

**FISCAL IMPACT:**

The total estimated cost and budget summary are as follows:

Budget	\$770,000
Construction	\$433,425
Change Orders	\$ 3,794
Special Inspection Services	\$ 10,605
Design Consultant (JKA)	\$ 89,735
Staff	\$ 56,200
Overhead	\$118,725
Misc.	<u>\$ 5,469</u>
Total	\$717,953
Budget Surplus	\$ 52,047

**RECOMMENDATIONS:**

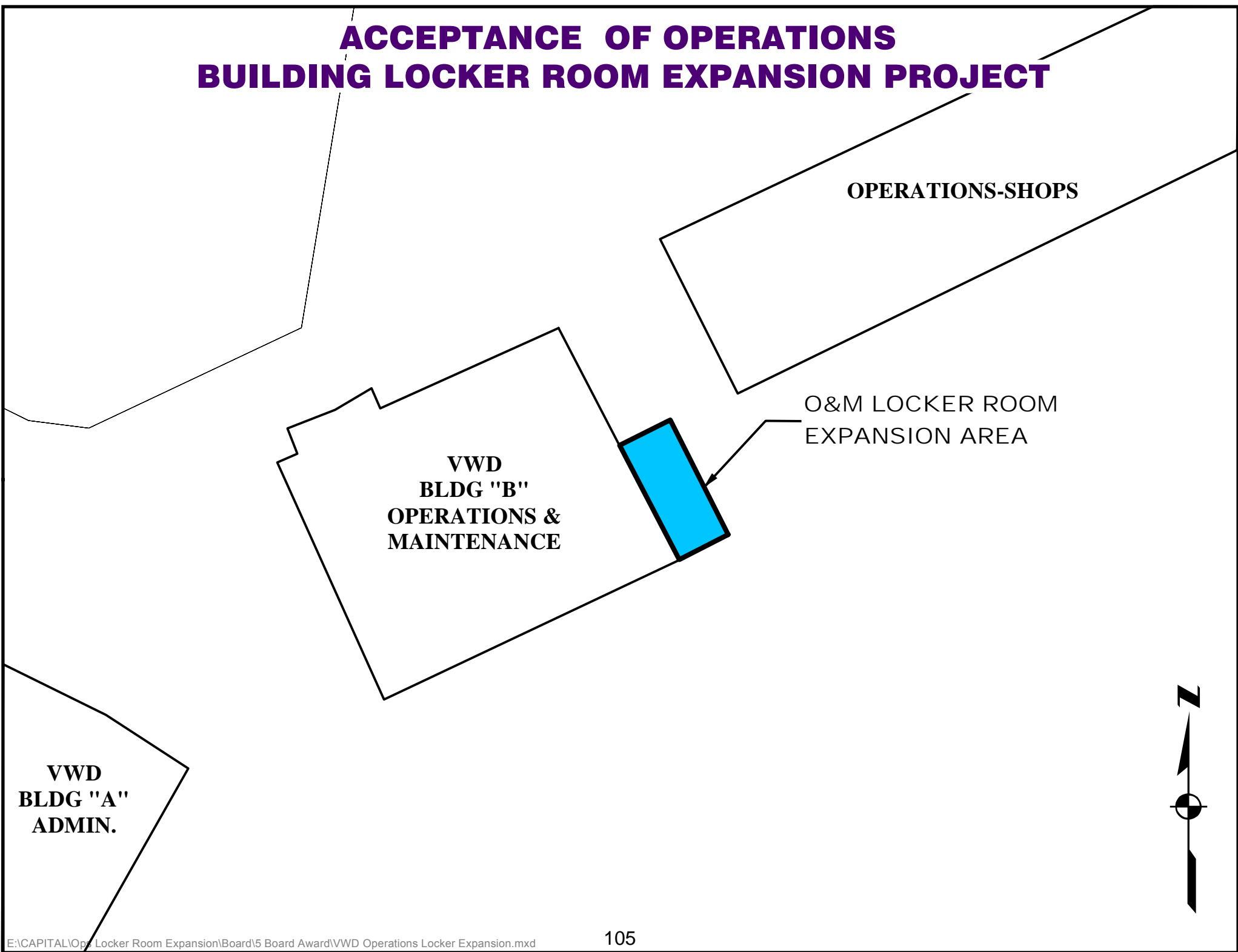
Accept the project and authorize the filing of a Notice of Completion and release of retention funds to the contractor following the 60-day notice period, provided no claims are filed.

**ATTACHMENTS:**

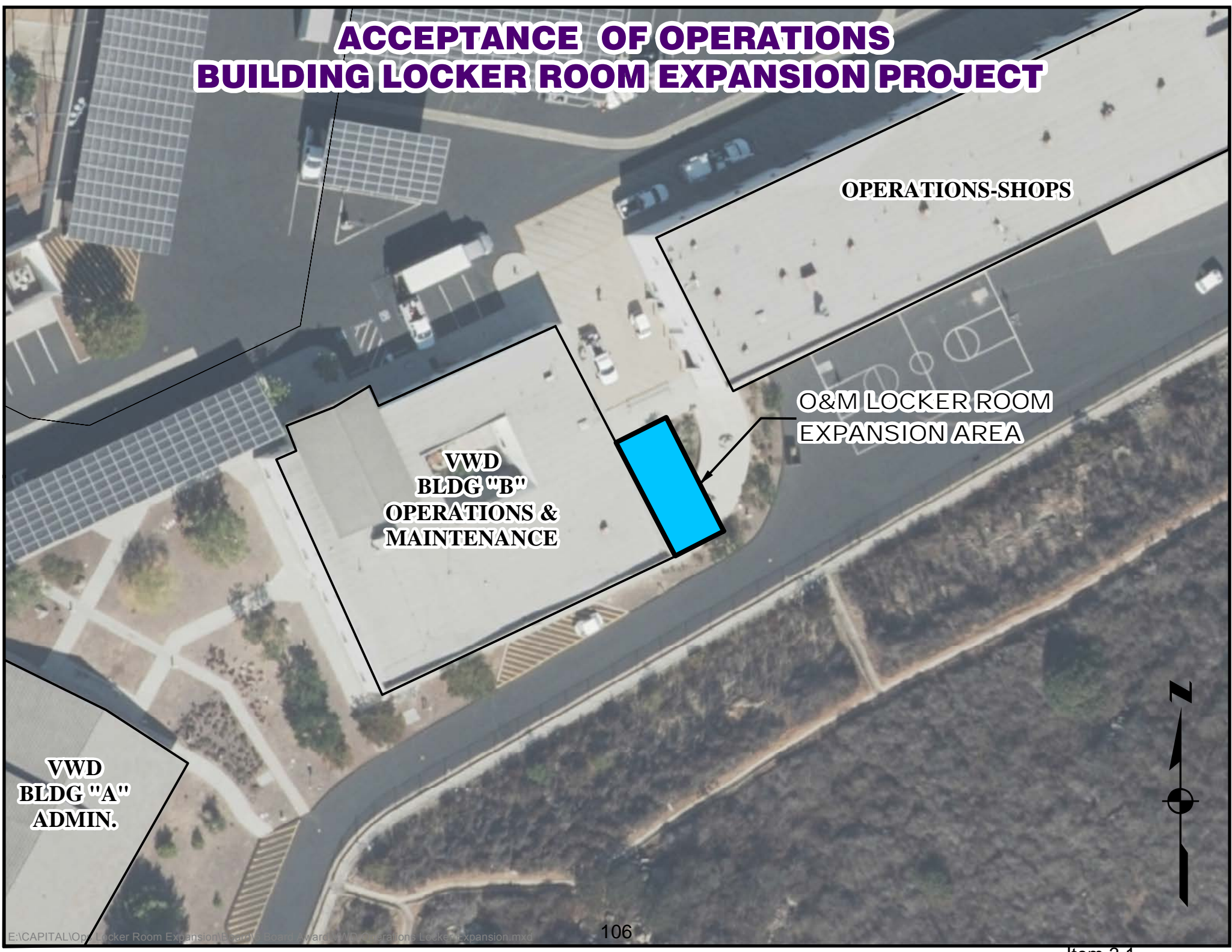
Plat and Aerial Exhibit



# ACCEPTANCE OF OPERATIONS BUILDING LOCKER ROOM EXPANSION PROJECT



# ACCEPTANCE OF OPERATIONS BUILDING LOCKER ROOM EXPANSION PROJECT



VWD  
BLDG "A"  
ADMIN.

VWD  
BLDG "B"  
OPERATIONS &  
MAINTENANCE

OPERATIONS-SHOPS

O&M LOCKER ROOM  
EXPANSION AREA



**DATE: MAY 1, 2019**  
**TO: BOARD OF DIRECTORS**  
**SUBJECT: DISPOSITION OF UNANTICIPATED REVENUE**

**BACKGROUND:**

Every year, the District prepares a budget that reflects the revenues and expenditures anticipated in that budget year. As the budget year progresses, staff tracks the revenues and expenditures and compares them to the budgeted amounts. At the end of the budget year, if revenues exceed expenditures, the surplus is transferred to the appropriate reserve account, for both the water and wastewater funds. Conversely, if expenditures exceed revenues, the reserve accounts are used to balance the budgets.

Typically, the Board does not take any formal actions to make these year-end budget fund transfers. District Resolution 1450 dictates the way these transfers are made. Resolution 1450 does indicate that year end budget surpluses shall first be applied to any outstanding Other Post Employment Benefits (OPEB) balances. Absent that specific reference, any remaining budget surpluses are transferred to the reserve accounts.

**DISCUSSION:**

Nowhere in the District's Ordinances or Resolutions is the issue of unanticipated revenue addressed. Unanticipated revenue would be defined as a class of revenue received that was not expected, not just a variance in the amount of revenue that was budgeted or an increase in the amount of budgeted revenues exceeding budgeted expenses.

During the current Fiscal Year 18/19, the District received two sources of unanticipated revenue. The first source was related to a fine that was imposed against Diamond Environmental Services as part of legal actions related to illegal dumping. Although the fine was paid directly to the Encina Wastewater Authority (EWA), the amount was ultimately remitted to Vallecitos as the District had been charged by EWA for the treatment of the flows introduced into the system by Diamond. The amount of that fine was \$637,102.32 and the funds were placed in the wastewater reserve account.

The second source of unanticipated revenue came from ACWA/JPIA and was a rebate of unused insurance premiums that occurred as a result of the District's low insurance claims history. The amount of that rebate check was \$165,806 and the funds were split between the water and wastewater reserve accounts.

Given that the District does not have an Ordinance or Policy that directs how funds such as these should be used, staff is looking for direction. Options for the Board's consideration include:

1. Let the unanticipated revenues continue to reside in the respective reserve balances
2. Utilize the funds to pay down existing debt, such as previous borrowing for capital projects or the refunding debt thereof
3. Utilize the funds to pay down the District's existing CalPERS Unfunded Accrued Liability, including the District's share of Encina Wastewater Authority's CalPERS UAL
4. Utilize the funds to pay for fund-specific projects/studies. For example, the wastewater funds received from Diamond Environmental Services could be used to pursue a septage-receiving facility to reduce the chances of future illegal dumping
5. Use a portion of the ACWA/JPIA rebate to recognize the employees' efforts in reducing the District's claims history, which is the basis of the rebate
6. Other uses consistent with applicable fund restrictions

The above discussion relates specifically to the two sources of unanticipated revenue outlined above. The Board may also want to consider a policy or Ordinance revision that would dictate how any future unanticipated revenues should be applied.

**FISCAL IMPACT:**

The fiscal impact would depend upon the Board's direction. If used to pay down existing debt, the District would receive commensurate savings on the interest charges that would have been applied to that portion of the debt. This would apply to PERS costs as well. The District's highest cost debt is its PERS UAL, which currently carries an interest rate of 7% per year.

**RECOMMENDATION:**

Staff recommends the Board designate a portion of the funds related to the ACWA/JPIA rebate be set aside to fund an employee appreciation event to acknowledge their efforts in keeping insurance claims well below industry norms.

Staff further recommends that the District use the remaining unanticipated revenue to pay down its CalPERS Unfunded Accrued Liability.

Provide staff direction regarding the formulation of or revision to policies related to future unanticipated revenues.

**ATTACHMENT:**

District Resolution 1450

**RESOLUTION NO. 1450**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
VALLECITOS WATER DISTRICT APPROVING  
THE STATEMENT OF RESERVE POLICY AND  
RESCINDING RESOLUTION 1433**

WHEREAS, the Board of Directors of the Vallecitos Water District (District) recognizes a need to reserve funds for unanticipated, unforeseeable or planned working capital deficiencies, and

WHEREAS, the Board of Directors recognizes a need to reserve funds for unanticipated, unforeseeable, and planned repair or replacement of water and wastewater system equipment and infrastructure, and

WHEREAS, the Board of Directors recognizes that the District's ability to issue bonds for working capital and the repair or replacement of water and wastewater system equipment and infrastructure is limited, and

WHEREAS, the Board of Directors desires to avoid the cost of debt issuance and ongoing interest expense, and

WHEREAS, the Board of Directors feels that it is more prudent to collect funds for unanticipated, unforeseeable, and planned repair or replacement of water and wastewater system equipment and infrastructure from current customers benefiting from the District's services and use of the District's systems, and

WHEREAS, the Statement of Reserve Policy of the Vallecitos Water District is as follows:

**Section 1: – Operating Reserves**

The District shall maintain two operating reserves in cash equivalents and short-term investments: One for the District's water operations, and the other for the District's wastewater operations.

The reserve balances shall be limited to one-hundred eighty days of budgeted operating expenses, calculated by dividing total budgeted operating expenses less water purchases by three hundred and sixty-five and multiplying by one-hundred eighty. The reserve balance limits shall be determined during the budget process, before the beginning of the respective fiscal year.

Anticipated operating reserve deficiencies will be funded first by transfers from rate stabilization funds, if available, next from replacement reserves, if available, and next by budgeted surplus which may result from increased rates.

Amounts anticipated to exceed operating reserve limits shall be transferred to OPEB and replacement reserve funds to the extent of those fund limits. Amounts

accumulated in excess of OPEB, operating, and replacement reserve limits shall be transferred to a rate stabilization fund.

### Section 2: – OPEB Reserve

The District shall maintain a reserve level necessary to eliminate the required recorded obligation to fund Other Post-Employment Benefits, in accordance with Governmental Accounting Standards Board pronouncements, in cash equivalents and investments. Anticipated OPEB reserve deficiencies will be funded first by transfers from rate stabilization funds, if available, next from replacement reserves, if available, and next by budgeted surplus which may result from increased rates.

### Section 3: – Replacement Reserves

The District shall maintain two replacement reserves in cash equivalents and investments: One for the District's water system, and the other for the District's wastewater system.

The balance for the Water Replacement Reserve shall be greater than the sum of the next three years of projected system replacement costs, but less than the next ten years of system replacement costs. The balance for the Wastewater Replacement Reserve shall be greater than the sum of the next three years of projected system replacement costs, but less than the next eight years of system replacement costs.

Replacement costs shall be projected using the following assumptions:

- Replacement costs equal net additions to infrastructure and system assets increased according to the published Construction Cost Indices from the year of acquisition to the most current monthly index.
- Water System replacement occurs starting on year forty through year seventy of the life of the additions at an amount equal to 3.226% of the replacement cost for each year.
- Wastewater System replacement occurs starting on year thirty-five through year fifty of the life of the additions at an amount equal to 6.25% of the replacement cost for each.

Costs of additions shall be recorded from footnotes of audited financial statements.

Replacement reserves shall equal all funds available for debt service, asset acquisition and residual for draws for unusual occurrences such as drought management, excluding funds restricted under the Mitigation Fee Act, and less OPEB and operating reserves.

Anticipated replacement reserve deficiencies will be funded first by transfers from rate stabilization funds, if available, and next by budgeted surplus which may result from increased rates.

Amounts anticipated to exceed replacement reserve limits shall be transferred to operating and OPEB reserve funds to the extent of fund limits. Amounts accumulated in

excess of the operating, OPEB, and replacement reserve limits shall be transferred to a rate stabilization fund.

Section 4: - Rate Stabilization Funds

The District shall maintain two rate stabilization funds in cash equivalents and short-term investments: One for the District's water operations, and the other for the District's wastewater operations. Amounts accumulated in replacement reserves in excess of replacement reserve limits will be transferred to the respective rate stabilization fund. Rate stabilization funds will be used to restore reserves to their limits in subsequent years while holding rates for commodity and recovery of fixed costs steady. If, after restoring reserve funds, the rate stabilization fund balance continues to increase, rates will be lowered to the extent deemed necessary by management, and subject to Board approval and public hearing, to curtail increasing trends in the rate stabilization funds.


Water replacement reserves will be maintained at the limits established and water rate stabilization funds will increase in anticipation of the wholesale water cost increases from contracted desalinated water deliveries. After desalinated water deliveries commence, the District will use water rate stabilization funds to mitigate pricing impacts to its customers from the wholesale cost of desalinated water.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Vallecitos Water District as follows:


The Statement of Reserve Policy is hereby approved and the District Treasurer is directed to follow this Statement of Reserve Policy in managing available funds and investments of the District.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Vallecitos Water District at a special meeting held on the 10<sup>th</sup> day of June, 2014, by the following roll call vote:

- AYES: EVANS, HERNANDEZ, POLTL, SANNELLA, MARTIN
- NOES:
- ABSTAIN:
- ABSENT:

  
 \_\_\_\_\_  
 Hal J. Martin, President  
 Board of Directors  
 Vallecitos Water District

ATTEST:

  
 \_\_\_\_\_  
 Dennis O. Lamb, Secretary  
 Board of Directors  
 Vallecitos Water District

**DATE: MAY 1, 2019**  
**TO: BOARD OF DIRECTORS**  
**SUBJECT: CALL FOR NOMINATIONS TO THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR APPOINTMENT TO CONSOLIDATED REDEVELOPMENT OVERSIGHT BOARD**

**BACKGROUND:**

LAFCO is calling an election by mail among all independent special districts. The election is to appoint an eligible representative to serve on the San Diego County Consolidated Redevelopment Oversight Board.

**DISCUSSION:**

The call for election is necessitated by the recent resignations of the regular and alternate members previously elected to represent special districts on the Oversight Board due to scheduling conflicts. The election is specific to appointing one regular member to a four-year term; no alternate will be seated. Additional information regarding the Oversight Board, including responsibilities, duties, and meeting dates is provided on Attachment One.

The presiding officers and/or their delegated alternates for all independent special districts in San Diego County are encouraged to submit nominations to LAFCO no later than 5:00 p.m. Friday, May 17, 2019.

**RECOMMENDATION:**

Request Board direction.

**ATTACHMENTS:**

Call for Nominations  
Bylaws





# San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## CALL FOR NOMINATIONS

April 5, 2019

**TO:** General Managers, Independent Special Districts

**FROM:** Keene Simonds, Executive Officer

**SUBJECT:** Start of Nomination Period |  
Appointment to Consolidated Redevelopment Oversight Board

This communication serves as formal notice the San Diego County Local Agency Formation Commission (LAFCO) is calling an election by mail among all independent special districts. The election is to appoint an eligible representative to serve on the San Diego County Consolidated Redevelopment Oversight Board. The call for election is necessitated by the recent resignations of the regular and alternate members previously elected to represent special districts on the Oversight Board due to scheduling conflicts. This election is specific to appointing one regular member to a four-year term; no alternate will be seated. Additional information regarding the Oversight Board – including responsibilities, duties, and meeting dates – is provided as Attachment One.

With the preceding in mind, San Diego LAFCO is now commencing with the **nomination period**. To this end, the presiding officers and/or their delegated alternates for all independent special districts in San Diego County are encouraged to submit nominations to LAFCO no later than Friday, May 17, 2019. A listing of all independent special districts allowed to participate in nominating an eligible candidate is provided in Attachment Two. In considering making potential nominations please note all of the following:

- As referenced all 59 independent special districts are eligible to make one nomination through their presiding officer or authorized delegate. Nominations must be signed.

<b>Administration</b> Keene Simonds, Executive Officer County Operations Center 9335 Hazard Way, Suite 200 San Diego, California 92123 T 858.614-7755 F 858.614-7766 www.sdlafco.org	Jim Desmond County of San Diego	Catherine Blakespear City of Encinitas	Mark Kersey City of San Diego	Chair Jo MacKenzie Vista Irrigation	Andy Vanderlaan General Public
	Dianne Jacob County of San Diego	Bill Wells City of El Cajon	Chris Cate, Alternate City of San Diego	Vice Chair Ed Sprague Olivenhain Municipal Water	Harry Mathis, Alternate General Public
	Greg Cox, Alternate County of San Diego	Serge Dedina, Alternate City of Imperial Beach		Judy Hanson, Alternate Leucadia Wastewater	

**San Diego LAFCO**

April 5, 2019

Call for an Election | Appointment of a Special District Representative to the RDA Consolidated Oversight Board

- To be eligible nominees must be an elected or appointed member of the legislative body of one of the 19 independent special districts that are enrolled in the Redevelopment Property Tax Trust Fund (RPTTF). A listing of all enrolled independent special districts is provided in Attachment Three.
- Nominations must be received by San Diego LAFCO no later than by 5:00 p.m. on **Friday, May 17, 2019**. Nominations received after this date/time will be invalid.
- Nominations may be submitted by mail, courier, or hand-delivered to the San Diego LAFCO office at 9335 Hazard Way, Suite 200 in San Diego. Additionally, and as an encouraged alternative, nominations may be submitted by e-mail and directed to Executive Assistant Tammy Luckett at [tamaron.luckett@sdcounty.ca.gov](mailto:tamaron.luckett@sdcounty.ca.gov). Nominations received by e-mail will be confirmed by LAFCO and taken as consent to transmit subsequent communications – including ballots – by e-mail unless otherwise specified.

At the close of the nomination period San Diego LAFCO will work with the Special District Advisory Committee (SDAC) in establishing additional dates and deadlines going forward in completing the appointment process.

Should you have any questions or related follow up, please do not hesitate to contact me directly via e-mail at [keene.simonds@sdcounty.ca.gov](mailto:keene.simonds@sdcounty.ca.gov)) or telephone at 858.614.7755.

Thank you.

Keene Simonds  
Executive Officer

**Attachments:**

1. Adopted Bylaws of the Consolidated Redevelopment Oversight Board
2. List of the 59 Special Districts Eligible to Make a Nomination
3. List of the 19 Special Districts Enrolled in RPTTF Whose Board Members are Eligible for Nominations
4. Nomination Form

cc: Jon Baker, County of San Diego  
SDAC Members

BYLAWS  
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD  
COUNTY OF SAN DIEGO

ARTICLE I - THE OVERSIGHT BOARD

Section 1. Name of Oversight Board

The name of the Oversight Board shall be the "Countywide Redevelopment Successor Agency Oversight Board" (hereinafter referred to as the "Oversight Board").

Section 2. Purpose

The Oversight Board shall perform the duties described in Chapter 4 (commencing with Section 34179) of Part 1.85 of Division 24 of the Health and Safety Code in connection with the winding down of the affairs of the former Redevelopment Agencies of the San Diego County area (hereinafter the "former Redevelopment Agencies") by the San Diego County area successor agencies (hereinafter the "Successor Agencies") of the former Redevelopment Agencies. To the extent there is any inconsistency between the Bylaws and the statutory provisions, the statutory provisions shall control.

a. Duties and Responsibilities

The duties and responsibilities of the Oversight Board are to direct the Successor Agencies to do all of the following:

1. Dispose of all assets and properties of the former Redevelopment Agencies that were funded by tax increment revenues expeditiously and in a manner aimed at maximizing value; provided, however, that the Oversight Board may instead direct the Successor Agencies to transfer ownership of those assets that were constructed and used for a governmental purpose to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset, with any compensation for the asset governed by the agreements relating to the construction or use of that asset;
2. Cease performance in connection with and terminate all existing agreements that do not qualify as enforceable obligations, as that term is defined in subdivision (d) of Section 34171 of the Health and Safety Code;
3. Transfer housing responsibilities and all rights, powers, duties and obligations related thereto to entities designated pursuant to Section 34176 of the Health and Safety Code;
4. Terminate any agreement between the former Redevelopment Agencies and any public entity located in the County of San Diego that obligates the former Redevelopment Agencies to provide funding for any debt service obligations of the public entity or for the construction or operation of facilities owned or operated by such public entity, in any instance where the Oversight Board finds that early termination would be in the best interests of the taxing entities; and
5. Determine whether any contracts, agreements or other arrangements between the former Redevelopment Agencies and any private parties should be terminated or renegotiated to



reduce liabilities and increase net revenues to the taxing entities, and present proposed termination or amendment agreements to the Oversight Board for consideration and approval; the Oversight Board may approve any amendments to or early termination of such agreements where it finds that amendments or early termination would be in the best interests of the taxing entities.

b. Approvals Required

The following actions of the Successor Agencies shall first be approved by the Oversight Board:

1. The establishment of new repayment terms for outstanding loans where the terms have not been specified prior to February 1, 2012;
2. Refunding of outstanding bonds or other debt of the former Redevelopment Agencies by the Successor Agencies in order to provide for savings or to finance debt service spikes; provided, however, that no additional debt is created and debt service is not accelerated;
3. Setting aside of amounts in reserves as required by indentures, trust indentures, or similar documents governing the issuance of outstanding bonds of the former Redevelopment Agencies;
4. Merging of project areas of the former Redevelopment Agencies;
5. Continuing the acceptance of federal or state grants, or other forms of financial assistance from either public or private sources, where assistance is conditioned upon the provision of matching funds by the Successor Agencies, as successors to the former Redevelopment Agencies, in an amount greater than five percent (5%);
6. Agreements between the Cities and other taxing entities permitting the Cities to retain properties of the former Redevelopment Agencies in exchange for compensation as determined by subdivision (f) of Section 34180 of the Health and Safety Code;
7. Establishment of the recognized obligation payment schedule pursuant to Section 34177 of the Health and Safety Code;
8. Requests by the Successor Agencies to enter into agreements with the Cities that formed the redevelopment agencies they are succeeding pursuant to Section 34178 of the Health and Safety Code; and
9. Requests by the Successor Agencies or taxing entities to pledge, or to enter into an agreement for the pledge of, property tax revenues pursuant to subdivision (b) of Section 34178 of the Health and Safety Code.

c. Review by State Department of Finance

The State Department of Finance (hereinafter "DOF") may review any action of the Oversight Board. The Community Services Group Executive Office of the Oversight Board shall be the contact between the Oversight Board and DOF and shall provide their telephone and email contact information to DOF. Actions taken by the Oversight Board shall not be effective for five (5) business days, pending a request for review by DOF. In the event that DOF requests review of an action taken

by the Oversight Board, DOF shall have forty (40) days from the date of its request to approve the action or return it to the Oversight Board for reconsideration, with suggested modifications. In the event that DOF returns the action to the Oversight Board for reconsideration, the Oversight Board shall consider the modified action, and resubmit the modified action to DOF for approval; the modified action shall not become effective until approved by DOF.

### Section 3. Membership/Duration

#### a. Total Membership/Appointment

The total membership of the Oversight Board shall be seven (7), selected as follows:

1. One member appointed by the County of San Diego Board of Supervisors;
2. One member appointed by the City Selection Committee established pursuant to Section 50270 of the Government Code;
3. One member appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188 of the Health and Safety Code;
4. One member appointed by the County Board of Education;
5. One member appointed by the Chancellor of the California Community Colleges;
6. One member of the public appointed by the County Board of Supervisors; and
7. One member appointed by the recognized employee organization representing the largest number of successor agency employees in the county.

Following its initial formation, the Oversight Board shall report the names of its officers and other members to DOF. The members shall serve without compensation and without reimbursement for expenses. Each member shall serve at the pleasure of the entity that appointed such member.

#### b. Duration

The Oversight Board shall be and remain established until the sooner of (1) the date that all indebtedness of the former Redevelopment Agencies has been repaid, or (2) the date on which the Oversight Board shall be dissolved by law.

### Section 4. Local Entity

Pursuant to subdivision (e) of Section 34179 of the Health and Safety Code, the Oversight Board shall be deemed to be a local entity for purposes of the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974.

### Section 5. Personal Immunity

Oversight Board members shall have personal immunity from suit for their actions taken within the

scope of their responsibilities as members of the Oversight Board.

#### Section 6. Fiduciary Responsibilities

Oversight Board members shall have fiduciary responsibilities to holders of enforceable obligations, as that term is defined in subdivision (d) of Section 34171 of the Health and Safety Code, and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of the Health and Safety Code.

#### Section 7. Resignation

Any Oversight Board member may resign at any time by giving written notice to the Chairperson, who shall forward such notice to the County of San Diego Community Services Group Executive Office and to DOF. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

#### Section 8. Filling of Vacancies

In the event of a vacancy on the Oversight Board, the appointing entity for the vacant seat shall select a member to fill such vacancy as soon as reasonably practicable, provided, however, that the Governor may appoint individuals to fill any member position that remains vacant for more than sixty (60) days.

#### Section 9. Staff

The Oversight Board may direct the staff of the County of San Diego Community Services Group Executive Office to perform work in furtherance of the duties and responsibilities of the Oversight Board. The County of San Diego Community Services Group Executive Office shall pay for all of the administrative costs of the meetings of the Oversight Board and may be reimbursed for those administrative costs in accordance with Section 34179(c) of the Health and Safety Code.

### ARTICLE II - OFFICERS

#### Section 1. Officers

The officers of the Oversight Board shall consist of a Chairperson, a Vice Chairperson and a Secretary, who shall be elected in the manner set forth in this Article II.

#### Section 2. Chairperson

The Chairperson shall preside at all meetings of the Oversight Board, and shall submit such agenda, recommendations and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the Oversight Board. The Chairperson or, in his/her absence or unavailability the Vice Chairperson, shall sign all documents necessary to carry out the business of the Oversight Board.

#### Section 3. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or unavailability of the Chairperson. In the event of the death, resignation or removal of the Chairperson, the Vice



Chairperson shall assume the Chairperson's duties until such time as the Oversight Board shall elect a new Chairperson.

#### Section 4. Secretary

The Community Services Group Executive Office Staff shall keep the records of the Oversight Board and shall prepare minutes and keep a record of the meetings in a journal of proceedings. The Secretary shall attest to and/or countersign all documents of the Oversight Board.

#### Section 5. Additional Duties

The officers of the Oversight Board shall perform such other duties and functions as may from time to time be required by the Oversight Board, these Bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

#### Section 6. Election

The Chairperson, Vice Chairperson and Secretary shall be elected from among the members of the Oversight Board at the first regular meeting of the Oversight Board. Thereafter, the Chairperson, Vice Chairperson and Secretary shall be elected from among the members of the Oversight Board at its regular meeting. Each officer shall hold office until his/her successor is elected and in office. Any such office shall be held for a maximum of (1) year at a time, and no person shall be elected as for the same office for more than (1) term.

#### Section 7. Vacancies

Should the office of the Chairperson, Vice Chairperson or Secretary become vacant, the Oversight Board shall elect a successor from among the Oversight Board members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

### ARTICLE III - MEETINGS

#### Section 1. Regular Meetings

The Oversight Board shall meet regularly on the third Thursday of each month, at the hour of 10a.m., at 1600 Pacific Highway, San Diego, California. In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be held on the next business day thereafter ensuing that is not a legal holiday. In the event that the meeting location or time must be changed for any reason, such changes shall be provided to all Oversight Board members at least seven calendar days prior the newly located or scheduled meeting. A notice, agenda and other necessary documents shall be delivered to the members either personally, by mail, or by e-mail at least seventy-two (72) hours prior to any regular meeting.

#### Section 2. Special Meetings

Special meetings may be held upon call of the Chairperson, or an affirmative vote by a majority of the members of the Oversight Board at a regular or special meeting of the Oversight Board at which a quorum is present, for the purpose of transacting any business designated in the call, after notification of all members of the Oversight Board by written notice personally delivered or by mail or e-mail at least twenty-four (24) hours before the time specified notice for a special meeting. At

such special meeting, no business other than that designated in the call shall be considered.

### Section 3. Adjourned Meetings

Any meeting of the Oversight Board may be adjourned to an adjourned meeting without the need for notice requirements of a special meeting, provided the adjournment indicates the date, time and place of the adjourned meeting. Oversight Board members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

### Section 4. All Meetings to be Open and Public

All meetings of the Oversight Board shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings, except as otherwise provided by law.

### Section 5. Posting Agendas/Notices

The Secretary, or his/her authorized representative, shall post an agenda for each regular Oversight Board meeting or a notice for each special Oversight Board meeting containing a brief description of each item of business to be transacted or discussed at the meeting together with the time and location of the meeting. Agendas/notices shall be posted at the intended meeting site (primarily 1600 Pacific Highway, San Diego, California, at a location readily accessible to the public) at least seventy-two (72) hours in advance of each regular meeting and at least twenty-four (24) hours in advance of each special meeting.

All notices required by law for proposed actions by the Oversight Board shall also be posted on the Oversight Board's internet web site.

### Section 6. Right of Public to Appear and Speak

At every regular meeting, members of the public shall have an opportunity to address the Oversight Board on matters within the Oversight Board subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment; provided, however, that the Oversight Board may direct that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda or prior to that time.

The Chairperson may limit the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

### Section 7. Non-Agenda Items

Matters brought before the Oversight Board at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon by the Oversight Board at that meeting unless action on such matters is permissible pursuant to the Ralph M. Brown Act (Gov. Code §54950 et seq.). Those non-agenda items brought before the Oversight Board which the Oversight Board determines will require consideration and action and where Oversight Board action at that meeting is not so authorized shall be placed on the agenda for the next regular meeting.

### Section 8. Quorum



The powers of the Oversight Board shall be vested in the members thereof in office from time to time. A majority of the total membership of the Oversight Board shall constitute a quorum for the purpose of conducting the business of the Oversight Board, exercising its powers and for all other purposes, but less than that number may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the total membership of the Oversight Board shall be required for approval of any questions brought before the Oversight Board.

#### Section 9. Unexcused Absences

If a member shall be absent from three (3) meetings, whether regular or special, within six (6) consecutive calendar months, such absence shall result in the termination of the membership of the absenting member. A member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the staff of the Community Services Group Executive Office of his or her intent to be absent and the reasons therefor; provided, however, that a member shall be entitled to only two (2) excused absences within twelve (12) consecutive calendar months. At each meeting, after the roll has been called, staff shall report to the Oversight Board the name of any member who has so notified him or her of his or her intent to be absent and the reason for such absence.

#### Section 10. Order of Business

All business and matters before the Oversight Board shall be transacted in conformance with Rosenberg's Rules of Order, Revised.

#### Section 11. Minutes

Minutes of the meetings of the Oversight Board shall be prepared in writing by Community Services Group Executive Office staff. Copies of the minutes of each Oversight Board meeting shall be made available to each member of the Oversight Board and the Successor Agencies. Approved minutes shall be filed in the official record of minutes of the Oversight Board. A member shall be permitted to vote on a motion pertaining to the minutes of a meeting at which that member was not present.

### ARTICLE IV - REPRESENTATION BEFORE PUBLIC BODIES

Any official representations on behalf of the Oversight Board before the Successor Agencies, the County of San Diego Auditor & Controller, the State Controller, DOF, or any other public body shall be made by the Chairperson or his/her designee.

### ARTICLE V - AMENDMENTS

These Bylaws may be amended upon an affirmative vote by a majority of the total membership of the Oversight Board, but no such amendment shall be adopted unless at least seven (7) days written notice thereof has previously been given to all members of the Oversight Board. Notice of the amendment shall identify the section or sections of these Bylaws proposed to be amended. The Successor Agencies shall be notified of any amendments to these Bylaws.

## Attachment Two

### Independent Special Districts in San Diego County

- Eligible to Make a Nomination for Appointment to Oversight Board -

Alpine Fire Protection District	Rancho Santa Fe Fire Protection
Bonita-Sunnyside Fire Protection	Resource Conservation District of San Diego County
Borrego Springs Fire Protection	Rincon Del Diablo Muni Water District
Borrego Water District	Rincon Ranch Community Services District
Canebrake County Water District	San Luis Rey Municipal Water District
Cuyamaca Water District	San Miguel Consolidated Fire Protection District
Deer Springs Fire Protection	Santa Fe Irrigation District
Descanso Community Services District	South Bay Irrigation District
Fairbanks Ranch Community Services District	Tri City Hospital District
Fallbrook Healthcare District	Upper San Luis Rey Resource Conservation District
Fallbrook Public Utility District	Vallecitos Water District
Grossmont Healthcare District	Valley Center Cemetery District
Helix Water District	Valley Center Parks & Recreation
Jacumba Community Services District	Valley Center Fire Protection
Julian Community Services District	Valley Center Municipal Water District
Julian-Cuyamaca Fire Protection	Vista Fire Protection District
Lake Cuyamaca Recreation & Park	Vista Irrigation District
Lakeside Fire Protection District	Whispering Palms Community Services District
Lakeside Water District	Wynola Water District
Leucadia Wastewater District	Yuima Municipal Water District
Lower Sweetwater Fire Protection	
Majestic Pines Community Services District	
Mission Resource Conservation	
Mootamai Municipal Water District	
Morro Hills Community Services District	
North County Cemetery District	
North County Fire Protection	
Olivenhain Municipal Water District	
Otay Water District	
Padre Dam Municipal Water District	
Palomar Health Care District	
Pauma Municipal Water District	
Pauma Valley Community Services District	
Pomerado Cemetery District	
Questhaven Municipal Water District	
Rainbow Municipal Water District	
Ramona Cemetery District	
Ramona Municipal Water District	
Rancho Santa Fe Community Services District	

## Attachment Three

### **Independent Special Districts in San Diego County | Enrolled in Redevelopment Property Tax Trust Fund (RPTTF)** - Elected or Appointed Board Members are Eligible for Nomination to Oversight Board -

Grossmont Healthcare District  
Lakeside Fire Protection District  
Lakeside Water District  
Leucadia Wastewater District  
Lower Sweetwater Fire Protection District  
North County Cemetery District  
Olivenhain Municipal Water District  
Otay Water District  
Padre Dam Municipal Water District  
Palomar Healthcare District  
Pomerado Cemetery District  
Resource Conservation District of Greater San Diego County  
Rincon del Diablo Municipal Water District  
San Marcos Fire Protection District  
San Miguel Consolidated Fire Protection District  
Santa Fe Irrigation District  
Tri-City Healthcare District  
Vallecitos Water District  
Vista Irrigation District

**DATE: MAY 1, 2019**  
**TO: BOARD OF DIRECTORS**  
**SUBJECT: CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) BOARD OF DIRECTORS – SEAT B**

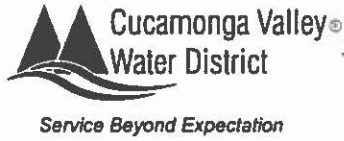
**DISCUSSION:**

Kathleen Tiegs, with Cucamonga Valley Water District Board of Directors, is a candidate for the Southern Network California Special Districts Association Board of Directors, Seat B. General Manager John Bosler is encouraging the District to support her candidacy for the 2019 elections.

CSDA will begin electronic voting on June 17, 2019. All votes must be received through the system no later than 5:00 p.m. on August 9, 2019. All selected Board members will be introduced at the annual conference in Anaheim, CA in September 2019.

**RECOMMENDATION:**

Request Board direction.



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10440 Ashford Street, Rancho Cucamonga, CA 91730-2799  
P.O. Box 638, Rancho Cucamonga, CA 91729-0638  
(909) 987-2591 Fax (909) 476-8032

**John Bosler**  
Secretary/General Manager/CEO

April 19, 2019

Ms. Diane Posvar  
Vallecitos Water District  
201 Vallecitos de Oro  
San Marcos, CA 92069-1453

Dear Ms. Posvar,

It is with great pleasure that I forward for your consideration a candidate statement for Director Kathleen Tiegs who is seeking your support for the Southern Network (Seat B) of the California Special Districts Association Board of Directors.

Director Tiegs has served admirably on the Cucamonga Valley Water District Board of Directors since 2005. She is actively involved in CSDA, as well as with the Association of California Water Agencies, and has served in numerous leadership positions with both organizations.

Attached you will find a candidate's statement summarizing some of her many accomplishments. You will also get a true sense of her integrity as a leader and her passion as an advocate for special districts throughout California. Also, Director Tiegs will attend Special Districts Legislative Days being held in Sacramento May 21-22, 2019 if you would like to meet her in person and discuss her commitment to serving you and your district.

I encourage you to forward this information to your Board of Directors and consider supporting her candidacy for the 2019 elections which will take place June 17<sup>th</sup> to August 9<sup>th</sup>. Please do not hesitate to contact me, if you need additional information or if you would like her to contact your Board of Directors. Thank you for your consideration in this matter.

Sincerely,

John Bosler  
General Manager/CEO

---

James V. Curatalo Jr.  
President

Luis Cetina  
Vice President

Oscar Gonzalez  
Director

Randall James Reed  
Director

Kathleen J. Tiegs  
Director

# Kathleen J. Tiegs

2020-2022 California Special Districts Association  
Board of Directors, Southern Network, Seat B



I am pleased to share with you my interest in serving as the Southern Network, Seat B, representative for the California Special Districts Association (CSDA) Board of Directors. Through my involvement with CSDA since 2011, I have served with great passion and commitment on the Board of Directors, and the Membership, Legislative, and By-laws Committees.

My experience on the Cucamonga Valley Water District (CVWD) Board of Directors has provided me with a solid foundation to lead. Elected to the CVWD in November 2005, I have served as the Board President and currently serve on the Legislative and Outreach, and Human Resources/Risk Management Committees. From 2014 to 2017 I was honored to serve in the capacity of President and Vice President of the Association of California Water Agencies (ACWA). My duties at ACWA provided me the extremely valuable opportunity to effectively dialogue with special districts across the state on the important issues they are facing and how we can solve them.

I also served on the Association of San Bernardino County Special Districts Board of Directors from 2010 – 2015 where I developed a network of colleagues in a variety of agencies with a common goal of serving the needs of our constituents. There are numerous critical issues that confront special districts today; these challenges will require strong, experienced leadership, as well as a commitment to preserving the special district's mission to make communities better by providing core local services and taking action through community collaboration.

Thank you for allowing me to share with you my experience, leadership and knowledge. I look forward to serving you and the entire CSDA organization.

With Best Regards,

*Kathleen J. Tiegs*