

For General Illustration Purposes Only
 Source: SMCO General Plan
 Source: Adjusted Cal Am Boundary per Citizen's
 Utilities Map, Effective July 26, 1976.

Exhibit 1
 Application No. 2-06-006 (MWSD PWP)
 Map of Service Area

PUBLIC WORKS PLAN PHASE I

1. Introduction and Overview

The Montara Water and Sanitary District (District) provides water, sanitary sewer, and solid waste disposal services to the coastal communities of Montara, Moss Beach, and adjacent areas located north of Half Moon Bay and south of Pacifica, in San Mateo County, California (Figures 1-1 and 1-2). The District owns and operates water storage, treatment, and distribution facilities that provide domestic water to approximately 1,650 domestic water connections, most of which (approximately 90%) are single family and multi-family residential connections. The system currently includes a surface water source, a water treatment plant, ten groundwater wells (eight active and two standbys), three potable water storage tanks, and over 150,000 feet of distribution pipelines.

The 2004 Montara Water and Sanitary District Master Plan identified several areas of the District's water system that require immediate improvement. Several previous and concurrent studies and system valuation reports (performed during the District's acquisition of the water system in 2003) documented poor conditions of the existing facilities.

The District must address three major categories of immediate improvements required for the water system:

- Additional storage facilities
- New sources of supply
- New treatment system for the Airport Wells Facility

The Public Works Plan Phase I encompasses several components recommended in the 2004 Master Plan, including the following:

- 1) **Water Storage Facilities.** Construction of a new water storage tank at the Alta Vista site and at the Schoolhouse site and demolition of the old tank at the Schoolhouse site
- 2) **New Water Well Production.** Initiation of water production (150 gallons per minute) from the Alta Vista Well No.1 and construction of a new pipeline and electrical conduit
- 3) **Water Treatment Facility.** Construction of a water treatment facility to address water quality issues at the airport wells

2. Project Objective

The objective of the District's Public Works Plan Phase I (the proposed project) is to improve specific portions of the District's water system to ensure an adequate and reliable supply of water for its existing customers for domestic and fire protection uses. The proposed improvements are not intended to, nor would they accommodate, expanded existing connections or new connections to the system. The improvements would not enable the District to ease or lift the existing moratorium on new water service connections.

To achieve the project objective, the District has proposed adding water supply and storage capacity, as well as improving treatment of groundwater. SRT Consultants prepared a Fire Flow Deficiencies Project Draft Alternatives Analysis Technical Memorandum in January 2005. The Technical Memorandum provides background information on the District's immediate needs, which are summarized below.

Existing Storage Facilities

The District maintains three existing treated water storage tanks with a combined capacity of 662,000 gallons (Table 2-1).

Storage Tank Location	Tank Material	Storage Capacity (Gallons)	Year Built
Portola Estates	Wood	100,000	1981
Alta Vista	Steel	462,000	1976
Schoolhouse	Concrete	100,000	1959

SOURCE: SRT Consultants 2005a

The three existing treated water storage tanks have been evaluated in the past for compliance with current codes, including the 2000 Uniform Building Code (UBC), their physical condition, and their remaining service life. All three tanks require various improvements to extend their service life and to ensure operational and seismic reliability. The required improvements are:

- **Alta Vista and Portola Estates Tanks.** Structural strengthening to ensure seismic reliability
- **Alta Vista Tank.** Internal and external coating
- **Schoolhouse Tank.** Replacement; this tank has reached the end of its service life

The Schoolhouse Tank replacement is incorporated within the Public Works Plan Phase I (proposed project). Currently, the District has no ability to take any of the storage tanks out of service for any period of time for maintenance and/or repair due to the absence of any system-wide storage redundancy. Removing a tank from service would not allow the District to meet its current water demands. In addition, the District requires increased storage to satisfy the District's operational and emergency response needs.

Current Storage Requirements. The District's current storage requirements are comprised of three elements:

- Operations
- Emergencies
- Fire suppression

Operational Storage. Customer water demands vary over the 24-hour period, with higher demands occurring in the morning and evening hours, and decline to a nominal baseline during the day. Operational storage is the storage volume required to meet the daily demand variations. It is typical in the water industry that water supply sources such as treatment plants and groundwater wells operate at a constant rate during the 24-hour period. The constant water production rate is augmented by flow from storage tanks during peak demand periods, lowering the storage volume. The storage tanks are then refilled when the demand drops below the constant production rate. In the United States, storage tanks are customary designed to hold a reserve of about 50 percent of the water used during maximum day demand for equalization purposes. With the District's current demand of 423 gallons per minute (gpm), this amounts to an Operational Storage requirement of 306,000 gallons.

Emergency Storage. A reserve of potable water is required to meet demands during emergency outage periods when normal supply may be interrupted due to a natural disaster (e.g., seismic event, flood), power failure, loss of supply, loss of treatment, or a scheduled outage for repair and maintenance. The industry standard recommended by the American Water Works Association (AWWA) and other leading authorities in disaster preparedness and readiness is the storage volume equivalent to a two maximum day demand. This storage volume amounts to 1,224,000 gallons.

Fire Storage. Fire fighting storage requirements are identified by the National Fire Code (NFC), the Insurance Service Office guidelines, and by the local Fire Department. The fire storage requirements are based on the fire flow requirements and the anticipated fire duration. The fire requirement for the District's service area includes fire flows of 2,000 gpm for a two-hour duration, equating to a storage volume requirement of 240,000 gallons.

The District's total storage requirement under three these criteria amounts to 1,770,000. With the existing storage of 662,000 gallons, an additional volume of 1,108,000 gallons is required, as summarized in Table 2-2.

Category	Storage Volume (Gallons)
Required Equalization (Operational) Storage	306,000
Required Emergency Storage	1,224,000
Required Fire Storage	240,000
Required Total Storage	1,770,000
Existing Storage	662,000
Storage Deficit	1,108,000

SOURCE: SRT Consultants 2005a

Existing Water Supply

The District currently withdraws water from one surface source and several groundwater wells, as discuss further below.

Surface Water. The District's surface water source is Montara Creek. The District diverts water from the Creek at a diversion point northeast of Montara. The water is conveyed from the diversion point to the Alta Vista water treatment plant, co-located with the existing Alta Vista Tank. The District's maximum diversion is limited to 70 gpm, which is the rated capacity of the Alta Vista

water treatment plant in accordance with the permit for the plant issued by the California Department of Health Services (DHS).

Groundwater. Groundwater is currently extracted at the following locations:

- The Airport Well Facility, including the North Airport Well, South Airport Well, and Airport Well 3 (wells are located within 800 feet of each other on the Half Moon Bay Airport property)
- Drake Well, Portola Estates Wells I, III, and IV, and Wagner Well

Park and Portola Estates II wells are also existing groundwater wells, but have been out-of-service due to higher-than-acceptable iron and manganese levels and have not contributed to system production in the last six years. The Park and Portola Estates II wells are permitted as standby by California DHS.

Capacity. Table 2-3 presents a summary of the existing District water supply capacity and presents a calculation of the reliable capacity.

Supply Source	Capacity (gpm)
Montara Creek	70
Airport Wells Water Treatment Facility	225
Five other groundwater wells	171
Total Production Capacity¹	466
Total Reliable Capacity with the Largest Single Source Out of Service²	241

¹ With all sources at maximum production capacity
² In accordance with the California DHS guidelines, the reliable capacity of a water system is calculated based on the largest source out of service. This calculation is based on the three existing Airport wells (collectively considered one single water supply source) being offline.

SOURCE: SRT Consultants 2005b

Airport Wells Facility. Water from the three Airport Wells has demonstrated elevated levels of nitrate, corrosivity, manganese, and 1,2,3-trichloropropane (TCP). Currently, the District utilizes a water blending operation to ensure that the water delivered to customers complies with safe drinking water standards. However, due to rising levels of nitrate in the last two years and promulgation of more stringent drinking water regulations, it has become apparent that blending may soon prove inadequate. The increased likelihood of the shutdown of all Airport Wells for water quality reasons requires development of immediate alternate solutions, including but not limited to developing new water sources to replace the 225 gpm production of the Airport Wells or installation of a treatment facility to address all water quality issues and to ensure water supply reliability for the District.

Water System Needs. The California Code of Regulations Title 22, Chapter 16, Article 2 outlines water supply requirements for the state and specifies that the District must deliver sufficient quantities of water to satisfy maximum day demand. Table 2-4 presents a summary of the District's water demand to comply with current AWWA and other industry standards.

During periods of water supply shortages, various water use restrictions have been instituted in the District. The District has employed some form of a progressively tiered program since 1985 to

manage customer water demand in response to water supply availability. The levels progress from basic public education on water conserving practices to mandatory measures. The specific demand management level is triggered by the availability of water supply and the ability to maintain fire fighting and emergency reserves in distribution system storage tanks. For example, Stage 1 of the program requests customers to voluntarily water early in the day or late in the evening; Stage 5 prohibits irrigation at any time.

Table 2-4: Current Production Demand¹

Demand by Category	Water Use (gpm)
Average Daily (2000 - 2004)	271
Maximum Daily	423
Maximum Hourly	700
Maximum Fire Flow (2 hours)	2,000
Total Reliable Capacity with the Largest Single Source Out of Service	241
Production Deficit (Existing Reliable Supply - Maximum Daily Demand)	182

¹ Based on daily production data presented in the Montara Water and Sanitary District 2004 Water System Master Plan.

SOURCE: SRT Consultants 2005b

3 Project Location

PROJECT LOCATION

The proposed improvements would be constructed at several locations throughout the District, as depicted on Figure 3-1. The general locations of the facilities are:

- **Alta Vista Tank and Wells.** Northeast end of Alta Vista Road
- **Schoolhouse Tank.** West end of Buena Vista Street
- **Airport Wells Water Treatment Facility.** Cabrillo Highway (State Highway 1) at Half Moon Bay Airport

Figure 3.1: Location of Proposed Water System Upgrades



SOURCE: MHA 2005, SRT Consultants 2005, and Balance 2005

LEGEND

- - Montara Sanitary Service Boundary
- - Montara Water Service Boundary

SCALE



4 Project Description

The proposed water system improvements include:

- Construction of a new water storage tank (Alta Vista Tank) northeast of the existing Alta Vista water storage tank
- Conversion of an existing test well to a production well (Alta Vista Well No.1) northeast of the existing Alta Vista water storage tank
- Conversion of an existing test well to a monitoring well (Alta Vista Well No.2) northeast of the existing Alta Vista water storage tank
- Installation of an underground water conveyance pipeline and electrical conduit extending from the production well and monitoring well, respectively, to the existing Alta Vista water storage tank
- Placement of a security fence on Alta Vista Road, northeast of the existing Alta Vista water treatment facility
- Construction of a new water storage tank (Schoolhouse Tank) adjacent to the existing Schoolhouse water storage tank
- Demolition of the existing Schoolhouse water storage tank
- Installation of a water treatment facility (Airport Wells Water Treatment Facility) at the Half Moon Bay Airport to treat groundwater pumped from three existing water production wells for nitrates, TCP, corrosivity, and manganese
- Installation of an underground water conveyance pipeline to convey pumped groundwater from the existing Airport wells to the Airport Wells Water Treatment Facility
- Construction of a road leading to the southernmost Airport well
- Potential installation of solar panels at the Half Moon Bay Airport and on the roofs of the existing and proposed Alta Vista water tanks

These features are described further below.

STORAGE TANKS

The proposed project includes the construction of two new water storage tanks in the vicinity of the District's existing Alta Vista and Schoolhouse water storage tanks. Specifically, the proposed tanks are described in Table 4-1.

Alta Vista Tank

The existing 462,000-gallon Alta Vista Tank is located along an unpaved extension of Alta Vista Road. The existing tank is constructed of steel and is approximately 52 feet in diameter and 28 feet tall. A 100,000-gallon settling tank and associated water treatment facility are located directly north of the existing Alta Vista Tank. The settling tank and adjacent facility store and treat water diverted from Montara Creek before it is introduced into the District's storage and distribution system.

Table 4-1: Existing and Proposed Storage Tank Capacities

Location	Existing Storage Tank Capacity (gallons)	Proposed Storage Tank Capacity (gallons)	Total Storage Tank Capacity by Location (gallons)
Alta Vista	462,000	1,000,000	1,462,000
Schoolhouse	100,000	200,000	200,000*
Totals	562,000	1,200,000	1,662,000

* The net increase in storage would be 100,000 gallons after removal of the existing 100,000 Schoolhouse Tank

SOURCE: SRT Consultants 2005a

The proposed new 1,000,000-gallon Alta Vista Tank would be constructed of steel with an overall diameter of 80 feet and height of 30 feet (Figure 4-1). The elevation of the proposed tank's floor and water level would need to be identical to that of the existing tank to allow for balancing the tanks and maintaining consistent pressure throughout the District's system. The existing 462,000-gallon Alta Vista Tank is located at 470 feet above sea level (asl). The proposed tank site is situated on a steep hillside ranging in elevation from 475 to 510 feet asl. Because the new tank site is at a higher elevation than the existing tank's floor, the new tank would be "dug" into the site, essentially placing a majority of the new tank below the existing ground surface (Figure 4-1). Installation of the Alta Vista Tank would require cutting a portion of the hillside and the final tank bottom would be at 470 feet asl. A retaining wall up to 37 feet in height would be constructed 15 feet from the tank in order to retain the adjacent landform.

The installation of the tank would require movement of approximately 7,000 cubic yards of soil and weathered granitics. The cut and fill would be as balanced as possible at the site but approximately 6,000 cubic yards would be taken off site. The excavated material would likely be hauled to Ox Mountain Sanitary Landfill just east of Half Moon Bay. The general area of the reconstruction is shown on Figure 4-2; however the exact boundaries of excavation and fill cannot be determined until bedrock presence is confirmed during grading activities. Based on the results of a geotechnical investigation (Terrasearch 2005), an additional area southeast and immediately downslope of the tank would also need to be excavated and reconstructed to reduce landslide hazards and provide geologic stability for the tank. The potential exists that elements of the project at the east side of the Alta Vista site (i.e., landslide repair) could extend off District property.

Pipeline and Power. The new tank would be connected to the existing Alta Vista Tank and associated treatment facilities via an 8-inch, approximately 250-foot long buried pipeline. The pipeline would be installed within the existing unpaved extension of Alta Vista Road.

The Alta Vista Tank would also include the installation of telemetry and remote operating devices to simplify the tank's operation and to minimize the need for on-site operation of the tank. Electrical power to supply the tank's telemetry and remote operating devices would be via a buried electrical supply line or solar panels installed on the roof of the new and existing tanks.

Access Road. 16-foot wide access road, also requiring some landform recontouring, would be constructed leading to the tank site as depicted on Figures 4-1 and Figure 4-2.

Figure 4-1: Proposed Alta Vista Tank Site Plan and Cross-Section

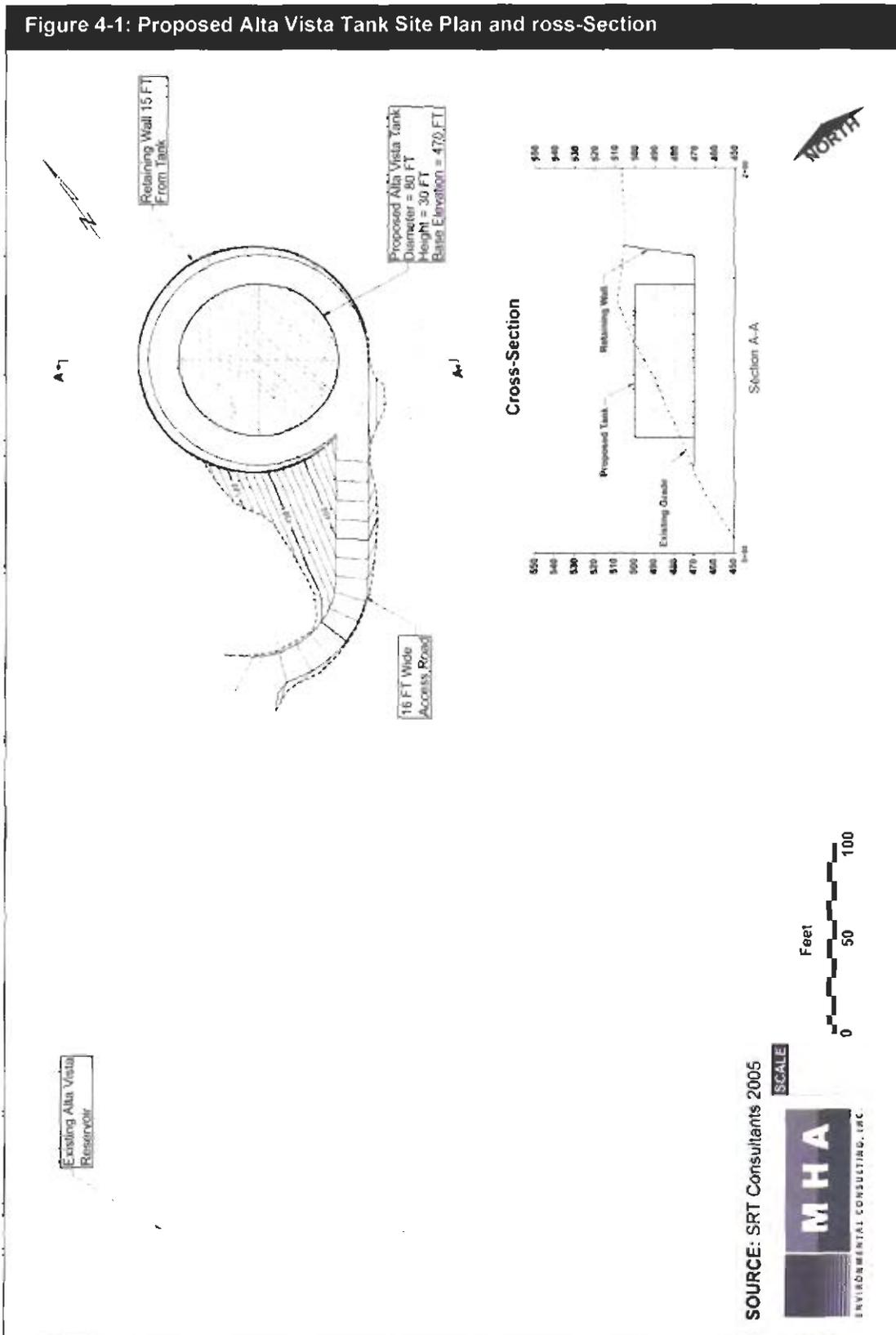
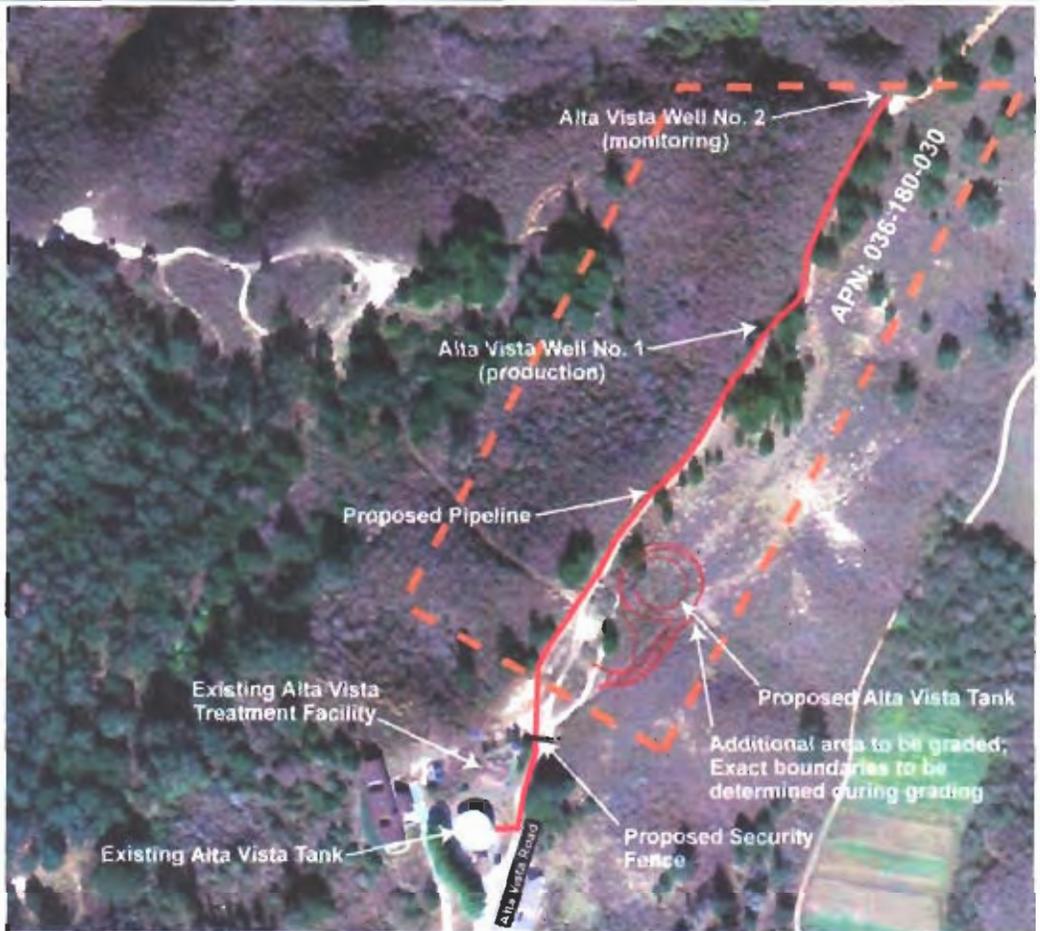


Figure 4-2: Aerial Depiction of Proposed Alta Vista Tank, Wells, and Security Fence



SOURCE: MHA 2005 and SRT Consultants 2005



SCALE



LEGEND

— Approximate Parcel Line



Solar Panels. Solar panels would be installed on top of the existing and proposed Alta Vista Tanks to provide at least a portion of the electrical power required for the Alta Vista Well No.1 and other electrically powered equipment at the site. The panels would have a non-reflective finish and would be angled up from the roofs of the tanks toward the south to optimize solar exposure. Conduit from the solar panels would be run down the side of the tanks to ground mounted equipment necessary to distribute the electrical power to the equipment, as well as to deliver excess electrical power into the Pacific Gas and Electric Company power grid.

Security Fence. The District has proposed the installation of a chain link fence across the unpaved extension of Alta Vista Road access road. The fence would be installed just northeast of the existing Alta Vista water treatment facility for the purpose of discouraging access to, and vandalism of, the new tank and the proposed production and monitoring wells (Figure 4-2). The fence would be 6 feet in height and approximately 30 feet in length. A gate would be installed at the point where the fence crosses the unpaved extension of Alta Vista Road to provide District staff access to the new storage tank and wells.

Schoolhouse Tank

The existing 100,000-gallon Schoolhouse Tank is located along an unpaved roadway at the end of Buena Vista Street. The tank is constructed of concrete and is 34 feet in diameter and 16 feet tall. A booster pump station is housed in a small structure adjacent to the tank (Figure 4-3).

The proposed new 200,000-gallon Schoolhouse Tank would be constructed of steel with an overall diameter of 48 feet and height of 16 feet (Figure 4-3). The elevation of the proposed tank's floor and water level would be identical to that of the existing tank to allow for balancing the tanks and maintaining consistent pressure throughout the District's system.

The existing tank is located at 174 feet asl. The proposed tank site is situated on a gently sloping hillside ranging in elevation from 176 to 179 feet asl. Installation of the Schoolhouse Tank would require cutting a portion of the hillside and the final tank bottom would be at 174 feet asl (Figure 4-4). A retaining wall up to 6-feet in height would be constructed along a section of the tank site to retain areas that would be excavated to accommodate the new tank (Figure 4-5).

The installation of the tank would require movement of at least 150 cubic yards of soil and weathered granitic rocks based on the geotechnical recommendations (Terrasearch 2005). The cut and fill would be as balanced as possible at the site but approximately 100 cubic yards would be taken off site. The excavated material would likely be hauled to the Ox Mountain disposal site in Half Moon Bay.

Pipeline and Power. The new tank would be connected to the existing pump house via an 8-inch diameter, less than 20-foot long buried pipeline. The Schoolhouse Tank would also include the installation of telemetry and remote operating devices to simplify the tank's operation and to minimize the need for on-site operation of the tank. Electrical power to supply the tank's telemetry and remote operating devices would be via a buried electrical supply line.

Solar Panels. Solar panels would be installed on top of the proposed Schoolhouse Tank to provide at least a portion of the electrical power required for equipment at the site. The panels would have a non-reflective finish and would be angled up from the roof of the tank toward the south to optimize solar exposure. Conduit from the solar panels would be run down the side of the tank to ground mounted equipment necessary to distribute the electrical power to the site's electrically power equipment, as well as to deliver excess electrical power into the Pacific Gas and Electric Company power grid.

Existing Schoolhouse Tank Demolition. Following installation of the new Schoolhouse Tank, the existing 100,000-gallon Schoolhouse Tank would be decommissioned and removed from the site. This area would then be paved and used by the District as a maintenance yard, consistent with the current use of the proposed tank location.

PRODUCTION AND MONITORING WELLS

A test well, referred to as Alta Vista Well No.1 (also known as BH-9b or 2004-4 during hydrological investigations), was installed in 2004 to assess the potential for increasing the District's available domestic water supply through additional groundwater extraction. A second well, referred to as Alta Vista Well No.2 (also known as BH-9 or 2004-3), was installed concurrently for monitoring purposes. Both wells were installed in accordance with a Coastal Development Permit (CDP) issued by the San Mateo County Environmental Services Agency on May 19, 2004.

Following a series of tests, the District determined that the test well Alta Vista No.1 has the capability of producing a sustainable volume of water suitable for the District's existing needs. The existing test well draws water from open joints in the granitic formations located approximately 780 feet below the ground surface. Initial tests of the well's production capabilities suggest that it can

Figure 4-3: Proposed Schoolhouse Tank Site Plan

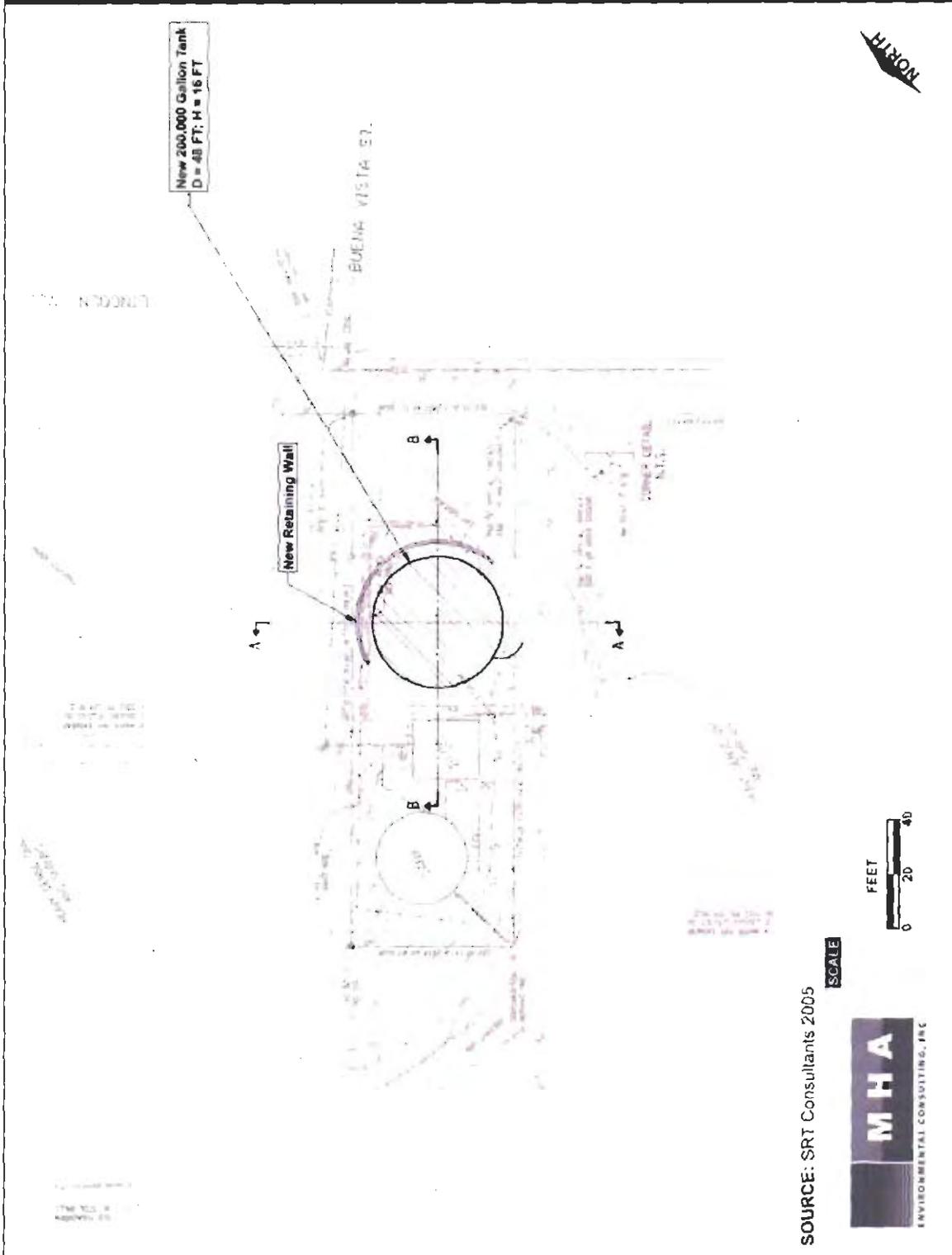
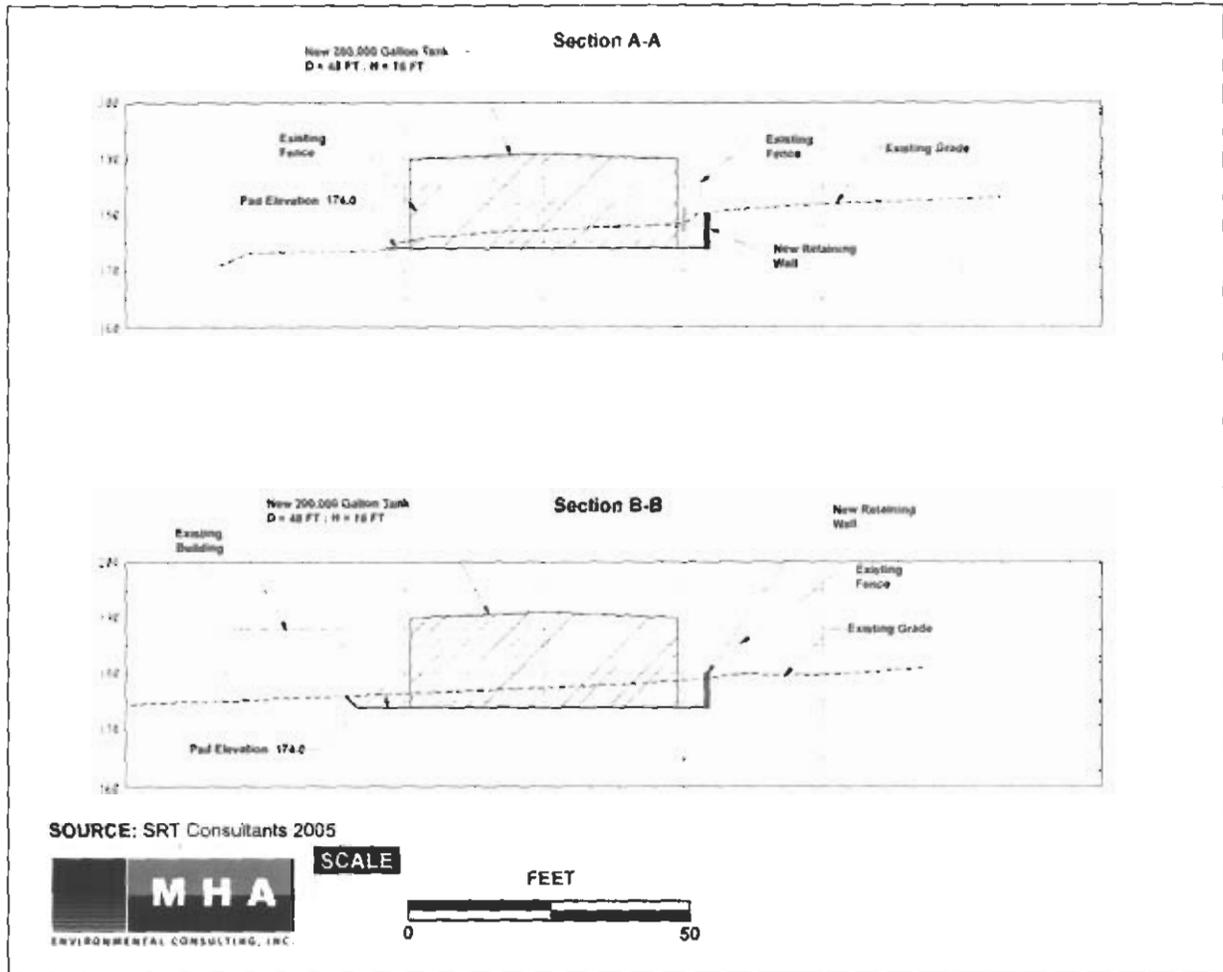


Figure 4-4: Proposed Schoolhouse Tank Cross-Sections



produce up to 300 gallons of water per minute over a 120-hour duration. The District has proposed to pump the well at 150 gallons per minute continuously. The District could also increase the pumping rate to compensate the system should any of the District's other supply sources need to be taken offline. At no time would the increased pumping rate exceed the District's current demand. Further, the District would only increase the well's pumping rate if it could be conclusively determined that there would be no adverse biological or hydrological impacts associated with the increased rate. The Alta Vista Wells No.1 and No.2 are located approximately 840 feet and 1,250 feet, respectively, northeast (upslope) of the District's existing 462,000-gallon Alta Vista water storage tank, and approximately 590 feet and 1,000 feet respectively from the proposed new Alta Vista water storage tank. Both wells are located along the unpaved extension of Alta Vista Road on District property.

Conversion of the Alta Vista Well No. 1 to a production well would include (Figures 4-2 and 4-6):

- Construction of a 25-foot by 6-foot concrete pad around wellhead No. 1
- Installation of a 7-foot high chain-link fence around the perimeter of the concrete pad
- Placement of two 7-foot tall fiberglass enclosures adjacent to the wellhead and within the fenced enclosure, which would house telemetry equipment for remote monitoring and operation and an electrical pump

Figure 4-5: Aerial Depiction of Proposed Schoolhouse Tank



- Placement of a portable diesel-powered generator on the concrete pad and within the fenced enclosure
- Installation of an approximately 790-foot long, 6-inch diameter underground pipeline along the unpaved road to convey water from the well to the existing Alta Vista water storage tank
- Installation of a buried electrical conduit along the unpaved road extending from the existing Alta Vista Tank to the well

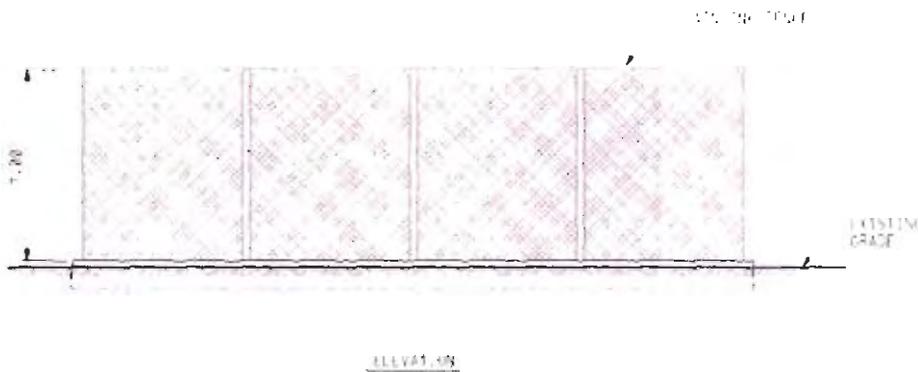
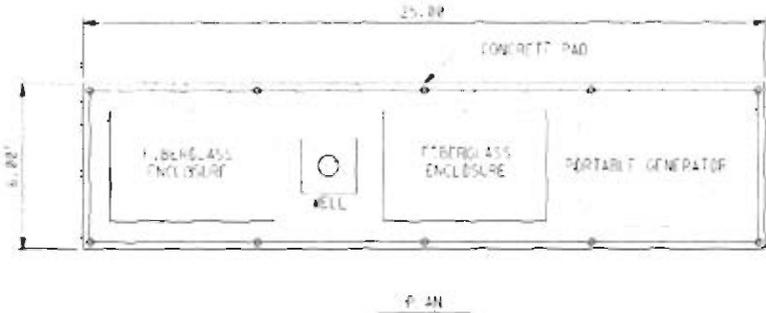
Water quality testing indicates that groundwater extracted from Alta Vista Well No.1 currently meets drinking water standards. If water quality changes in the future, the District would treat the water with sodium hypochlorite (liquid chlorine) prior to conveyance to District customers. The chlorine would be stored at the wellhead.

The project also includes enclosing and securing the existing Alta Vista Well No.2, located approximately 400 feet north of Alta Vista Well No.1, for use as a monitoring well to provide a method for monitoring the aquifer's condition (level and quality). The Alta Vista Well No.2 project improvements would include (Figures 4-2 and 4-6):

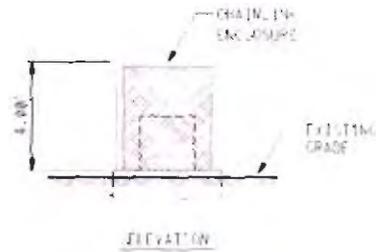
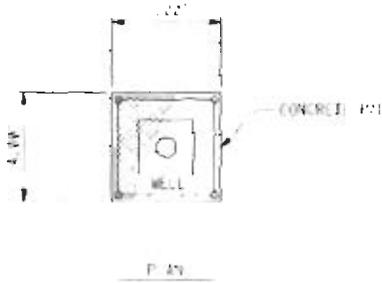
- Construction of a 4-foot by 4-foot concrete pad around wellhead No.2
- Installation of a 4-foot high chain-link fence around the perimeter of the concrete pad
- Installation of an approximately 1,200-foot long underground electrical conduit along the unpaved road, connecting with Alta Vista Well No.1, and continuing on to the existing Alta Vista water storage tank

Figure 4-6: Alta Vista Production and Monitoring Wells Proposed Improvements

Alta Vista Well #1 (Production)



Alta Vista Well #2 (Monitoring)



SOURCE: SRT Consultants 2005



SCALE



PUBLIC WORKS PLAN DATA

- Project Components
- Project Description
- Activities and Dimensions
- Parameters
- Schedule of Implementation

Project Components	Project Description	Project Elements and corresponded Dimensions	Parameters
Alta Vista Water Storage Tank	Construction of a new water storage tank northeast of the existing Alta Vista water storage tank.	<ul style="list-style-type: none"> Construction of a steel water storage tank with a capacity of 1,000,000 gallons. Movement of approximately 7,000 cubic yards of soil and weathered granitic, approximately 6,000 cubic yards would be taken off site. Construction of a retaining wall of up to 37 feet in height located at 15 feet from the tank to retain the adjacent landform. 	Material: Steel Capacity: 1,000,000 gallons Diameter: 80 feet Height: 30 feet Elevation: 470 feet above sea level
Alta Vista Well No.1	Conversion of an existing test well to a production well northeast of the existing Alta Vista water storage tank.	<ul style="list-style-type: none"> Construction of a 25' x 6' concrete pad around wellhead No.1 Installation of a 7-foot high chain-link fence around the perimeter of the concrete pad Placement of two 7' tall fiberglass enclosures adjacent to the wellhead and within the fenced enclosure to house telemetry equipment and an electrical pump Placement of a portable diesel-powered generator on the concrete pad and within the fenced enclosure Installation of an approximately 790-foot long 6-inch diameter underground pipeline along the unpaved road to convey water from the well to the existing Alta Vista water storage tank Installation of a buried electrical conduit along the unpaved road extending from the existing Alta Vista Tank to the well 	Elevation: 530 feet above sea level Pumping rate: 150 gpm Depth: 780 feet below ground surface -500 feet below sea level
Alta Vista Well No.2	Conversion of an existing test well to a monitoring well, located approximately 400 feet north of Alta Vista Well No.1, for use of monitoring the aquifer's level and quality.	<ul style="list-style-type: none"> Construction of a 4' x 4' concrete pad around wellhead No.2 Installation of a 4' high chain-link fence around the perimeter of the concrete pad Installation of an approximately 1,200' long underground electrical conduit along the unpaved road connecting with Alta Vista Well No.1, and continuing on to the existing Alta Vista water storage tank 	Elevation: 530 feet above sea level Depth: 832 feet below ground surface
Pipeline and Power	Underground water conveyance pipeline and electrical conduit extending from the Alta Vista Wells to the existing Alta Vista Tank.	<ul style="list-style-type: none"> Installation of an 8", approximately 250' long pipeline within the existing unpaved extension of Alta Vista Road Installation of a buried electrical supply line connecting to the telemetry and remote operating devices 	
Access Road	An access road on Alta Vista Road, northeast of the existing Alta Vista water treatment facility.	<ul style="list-style-type: none"> Placement of a security fence along a 16-foot wide access road Recontour of landform 	
Schoolhouse Water Storage Tank	Construction of a new water storage tank adjacent to the existing Schoolhouse water storage tank, and demolition of the existing Schoolhouse water storage tank	<ul style="list-style-type: none"> Construction of a steel water storage tank with a capacity of 200,000 gallons. Movement of approximately 150 cubic yards of soil and weathered granite rocks, approximately 100 cubic yards would be taken off site. Construction of a retaining wall of up to 6 feet in height along a section of the tank site Installation of an 8-inch diameter, less than 20-foot long buried pipeline Installation of telemetry and remote operating devices and a buried electrical supply line Demolition of the existing Schoolhouse water storage tank 	Material: Steel Capacity: 200,000 gallons Diameter: 48 feet Height: 16 feet Elevation: 174 feet above sea level
Airport Wells Water Treatment Facility	Installation of a water treatment facility at the Hill Moon Bay Airport to treat groundwater pumped from three existing water production wells for nitrate, TCP, corrosivity, and manganese.	<ul style="list-style-type: none"> Installation of two granulated activated carbon (GAC) tanks for TCP removal, four ion exchange vessels for nitrate removal, two air stripping towers for pH adjustment to treat for corrosion potential Construction of two fiberglass buildings that would house Supervisory Control and Data Acquisition (SCADA), controls, power systems, and a chlorination system. Installation of new buried pipelines and electrical conduits to connect the facility with the three existing wells and the District's distribution system. Construction of a 390-foot long and 12-foot wide unpaved access road leading to the southernmost Airport well. 	Dimension: 40' x 15' Height: Varies Elevation: -50 feet above sea level

MAP OF SERVICE AREA



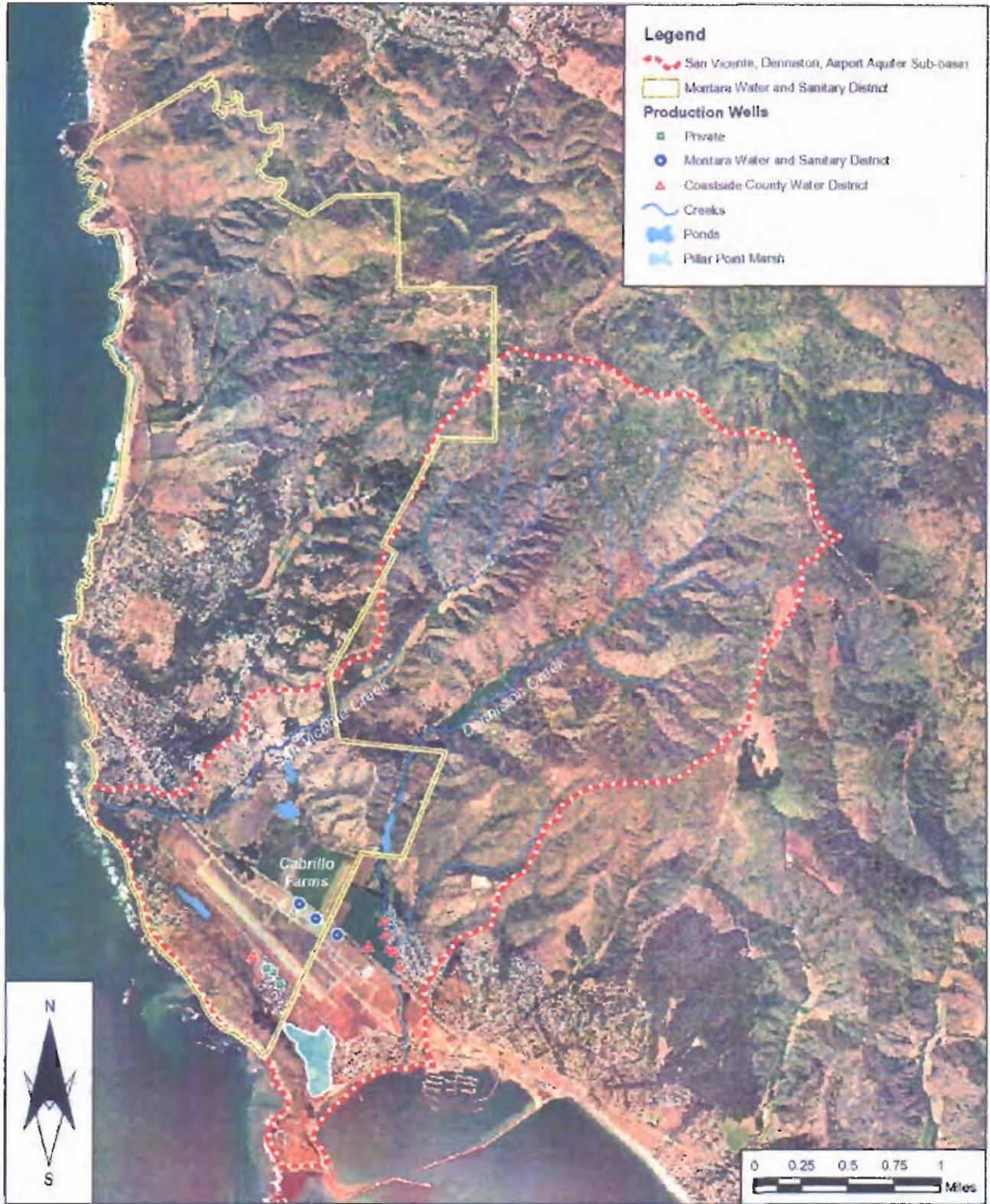


Figure 1. Ground-water management plan for San Vicente, Denniston and Airport Aquifer Sub-Basin, San Mateo County, CA.: Locations of boundaries and production wells.

FINANCING MECHANISMS

Public Works Plan Phase I Financing Mechanisms

The preliminary estimate of the total Phase I Public Works Plan (Phase I PWP) cost is \$3,800,000. The District has already initiated the project and the Environmental Impact Report (EIR) has already been developed and certified by the Board of Directors. The Notice of Determination has been filed with the County of San Mateo.

The District has \$500,000 available to co-fund the proposed Phase I PWP; the remaining \$3,300,000 in funding will be obtained from the Safe Drinking Water Program Revolving Loan (SDW SRF) Fund. Below is a summary of the cost estimate for the entire project. The State of California Department of Health Services who administers this loan program for the Department of Water Resources found that all project components comply with the SRF application regulation and are eligible for the 2006/2007 funding.

Table 1 Phase I PWP Cost Estimate			
Budget Category	Applicant	SDWSRF	Total
A. Construction Costs	-	\$ 2,320,000	\$ 2,320,000
B. Engineering Cost	\$ 100,000	\$ 400,000	\$ 500,000
C. Other Costs	\$ 300,000	-	\$ 300,000
D. Equipment Costs	-	\$ 400,000	\$ 400,000
E. Land Acquisition	\$ 100,000	-	\$ 100,000
F. Contingencies	-	\$ 180,000	\$ 180,000
Project Total	\$ 500,000	\$ 3,300,000	\$ 3,800,000
Source of Non-SDWSRF Share: General Obligation Bonds, \$ 500,000			

The District plans to repay the low interest SDWSRF loan over the 20-year period through its water sales revenue. The attached Five-Year Budget Projection reflects the operating and capital budget forecast that includes the SRF Loan debt service.

Proposed Design and Construction Schedule

The District has already completed the work on the Environmental Impact Report (EIR) for the Phase I PWP. Following the Coastal Commission approval, the District expects the project to be completed by Fall 2007. The District must commit funds to the design and construction of the facilities by the end of 2006.

**MONTARA WATER AND SANITARY DISTRICT
OPERATING AND CAPITAL BUDGET
FIVE YEAR PROJECTION**

Budget Category	FY 2005/6	FY 2006/7	FY 2007/8	FY 2008/9	FY 2009/10
Income					
4420.00 Connection Fees-Water	\$35,000	\$36,050	\$37,132	\$38,245	\$39,393
4450.00 Water Sales-Residential	\$1,649,450	\$1,742,934	\$1,795,222	\$1,849,078	\$1,904,550
4560.00 Meter Service Charges	\$10,000	\$10,300	\$10,609	\$10,927	\$11,255
4600.00 Private Fire Protection	\$5,000	\$5,150	\$5,305	\$5,464	\$5,628
Total Income	\$1,699,450	\$2,010,434	\$2,064,267	\$2,119,715	\$2,178,826
Expense					
6100.00 Insurance Expenses	\$19,700	\$20,291	\$20,900	\$21,527	\$22,173
6200.00 Internal Operating Exp	\$59,700	\$61,491	\$63,336	\$65,236	\$67,193
6301.00 Operating Exp-General	\$52,750	\$54,333	\$55,962	\$57,641	\$59,371
6320.00 Operating Exp-Supply	\$94,500	\$97,335	\$100,255	\$103,263	\$106,361
6340.00 Pumping	\$109,500	\$112,785	\$116,169	\$119,654	\$123,243
6350.00 Treatment	\$76,500	\$78,795	\$81,159	\$83,594	\$86,101
6360.00 Transmission	\$145,800	\$150,174	\$154,679	\$159,320	\$164,099
6370.00 Customer Accounting	\$12,500	\$12,875	\$13,261	\$13,659	\$14,069
6410.00 Payroll Expenses	\$472,000	\$486,160	\$500,745	\$515,767	\$531,240
6420.00 Professional Services	\$240,500	\$247,715	\$255,146	\$262,801	\$270,685
Total Operating Expense	\$1,283,450	\$1,321,954	\$1,361,612	\$1,402,460	\$1,444,534
CAPITAL IMPROVEMENT PROGRAM					
PROJECT	FY05/06	FY06/07	FY07/08	FY08/09	FY09/10
Mechanical System Repairs & Replacements	\$10,000	\$10,000	\$10,000	\$10,000	\$ 10,000
Water Meter Replacements	\$10,000	\$10,000	\$10,000	\$10,000	\$ 10,000
Emergency/Contingency/Spot Repairs	\$25,000	\$25,000	\$25,000	\$25,000	\$ 25,000
Water Treatment System at Airport	\$100,000	\$100,000	\$100,000	\$100,000	\$ 100,000
Replace Fire Hydrants	\$20,000	\$20,000	\$20,000	\$10,000	\$ 10,000
Well Rehabilitation	\$0	\$50,000	\$50,000	\$50,000	\$ 50,000
Vehicle Replacement Fund	\$25,000	\$25,000	\$25,000	\$25,000	\$ 25,000
Water Main Replacements	\$10,000	\$10,000	\$10,000	\$10,000	\$ 10,000
SRF Loan Debt Service	\$216,000	\$216,000	\$216,000	\$216,000	\$216,000
Total Capital Expense	\$416,000	\$250,000	\$250,000	\$240,000	\$ 240,000
Total Operating and Capital	\$1,699,450	\$1,571,954	\$1,611,612	\$1,642,460	\$1,684,534

PROJECT SITES AND ALTERNATIVES

Alternatives to the Proposed Project		
Supply		
Alternative	Description	Comments/Evaluation
Additional Groundwater Extraction	Continue exploration of new groundwater sources by drilling more wells.	The District has discounted additional or alternative well locations at this time based on the District's lack of property ownership for that number of potential well sites, the costs associated with the completion and operation of bring that number of wells on line.
New Surface Water Diversion	Increase diversion from Montara Creek, and obtain new diversion from Martini, San Vicente, and Denrison Creek that flow through the Montara area.	This alternative of new or enhanced diversions from creeks have been removed from further consideration as potentially causing significant environmental impacts and due to the anticipated implementation schedule of over 10 years, which is well beyond the District's immediate needs.
Desalination	The District is beginning investigation of this option. A feasibility study is currently in process.	Long time frame required to conduct a feasibility study, design a system, conduct environmental review, secure permits, and construct a system, all of which would extend well beyond meeting the District's immediate needs.
Water Purchase and Wheeling	Possibility of purchasing water from neighboring water agencies and "wheeling" it through adjacent infrastructure to the District's distribution system.	No adjacent agencies have water available for sale due largely to the current over-subscription of water from the Hetch Hetchy system.
Storage		
Alternative	Description	Comments/Evaluation
New tanks at all three sites, expanding storage volume by 1.1 million gallons.	900,000-gal Alta Vista tank 200,000-gal Schoolhouse tank 100,000-gal Portola Estates tank Demolish existing 100,000-gal Schoolhouse tank	The District does not own sufficient land to add a second tank at the Portola Hills site. Further, the well capacities that supply the existing Portola Hills tank are insufficient to supply a second tank.
New tanks at Alta Vista and Schoolhouse tank, expanding storage volume by 1.1 million gallons	900,000-gal Alta Vista tank 300,000-gal Schoolhouse tank Demolish existing 100,000-gal Schoolhouse tank	The District does not own sufficient land at the Schoolhouse tank site to add a 300,000-gallon tank.
New tanks at all three sites.	800,000-gal Alta Vista tank 200,000-gal Schoolhouse tank 200,000-gal Portola Estates tank Demolish existing 100,000-gal Schoolhouse tank Demolish existing 100,000-gal Portola Estates tank	The District does not own sufficient land to add a second tank at the Portola Hills site. Further, the well capacities that supply the existing Portola Hills tank are insufficient to supply a larger tank.
New tanks at Alta Vista and Schoolhouse sites.	12 million-gal Alta Vista tank 100,000-gal Schoolhouse tank Demolish existing 100,000-gal Schoolhouse tank	Constructing a one million-gallon tank at the Alta Vista site and a 200,000-gal tank at the Schoolhouse site offers the District a better balance in storage in those two key locations and provides for sufficient tank turnover to prevent water quality issues.
Double the tankage of all three tanks.	Double the storage at the three existing tank sites Demolish and replace existing 100,000-gal Schoolhouse tank	This alternative would only provide 700,000 gallons of storage, which is less than the District's current need of 1.1 million gallons of additional storage.
Airport Wells Water Treatment Facility		
Alternative	Description	Comments/Evaluation
Individual Treatment	Apply groundwater treatment at each individual well.	The District has discounted this option based on the higher costs associated with operating and maintaining three different treatment systems.
No Project		
Alternative	Description	Comments/Evaluation
No Project	Section 15126.6(e) of the CEQA Guidelines requires consideration of the environmental consequences if the project is not constructed. The No Project alternative would maintain the District's existing facilities and existing water production/diversion, storage, and treatment levels.	The No Project alternative avoids potentially significant and mitigable environmental impacts. However, it would perpetuate the District's current water supply and storage shortage that prevent the District from fully serving its existing customers. This condition is at best undesirable for the District's existing customers due to lack of water availability for domestic and fire protection uses, and with unsuitable water quality from several of the existing wells. The No Project alternative would continue a condition that is regarded as unsafe.

No re-boring or re-configuration of the well casings would be required at Alta Vista Wells No.1 or No.2.

AIRPORT WELLS WATER TREATMENT FACILITY

The District currently operates three production wells at the Half Moon Bay Airport, each of which includes wellhead water treatment facilities. Based on elevated levels of nitrates, TCP, corrosion, and manganese in the water extracted from these wells, the District has determined that an additional treatment system is required prior to the well water's introduction into the District's distribution system. The proposed new treatment system would be centrally located and serve all three wells (Figure 4-7). Water extracted from the three wells would first be blended to treat for manganese and then conveyed through the Airport Wells Water Treatment Facility's following components:

- 1) Two granulated activated carbon (GAC) tanks for TCP removal
- 2) Four ion exchange vessels for nitrate removal
- 3) Two air stripping towers for pH adjustment to treat for corrosion potential

Air stripping would also potentially be accomplished by (1) diffused aeration, (2) utilization of a spray nozzle and tray aerator, or (3) aeration by piping a diffuser down the wells and adding air directly into the groundwater. A flow diagram of the treatment process is depicted in Figure 4-8.

The Airport Wells Water Treatment Facility would also include two fiberglass buildings that would house Supervisory Control and Data Acquisition (SCADA), controls, power systems, and a chlorination system.

The centralized treatment facility components would be installed on a 40-foot by 15-foot concrete pad and enclosed by a 7-foot tall chain link fence. The facility would be sited at the east side of the Half Moon Bay Airport, just northwest of the fence line surrounding the existing Half Moon Bay Airport Administration Building, and southwest of the Airport's frontage road. A new access road would be constructed off the Airport's frontage road (Figure 4-8).

The centralized treatment facility would be connected with the three existing wells and the District's distribution system via existing and new buried pipelines. Electrical power supply to the Facility would be through buried electrical conduits or solar panels. Solar panels would be placed on an undeveloped area directly northwest of the proposed Airport Wells Water Treatment Facility (Figure 4-7).

A 380-foot long and 12-foot wide unpaved access road would be constructed leading to the southernmost Airport well. The components of the proposed project at the Half Moon Bay Airport would be located on property not currently owned by the District.

Solar Panels

Approximately 2,500 square feet of solar panels would be installed just northwest of the proposed Airport Wells Water Treatment Facility. The panels would have a non-reflective finish, mounted on a structural system raised off the ground, and angled up toward the south to optimize solar exposure. Conduit from the solar panels would be run in buried conduit to ground-mounted equipment necessary to distribute the electrical power to the site's equipment, as well as to deliver excess electrical power into the Pacific Gas and Electric Company power grid. The panels would be screened from view by low lying landscape around the installation's perimeter.

Existing Airport Wells Treatment Facilities

The existing individual wellhead treatment facilities would be decommissioned and removed from the site following installation of the new central treatment facility.

Figure 4-7: Aerial Depiction of Proposed Airport Wells Water Treatment Facility

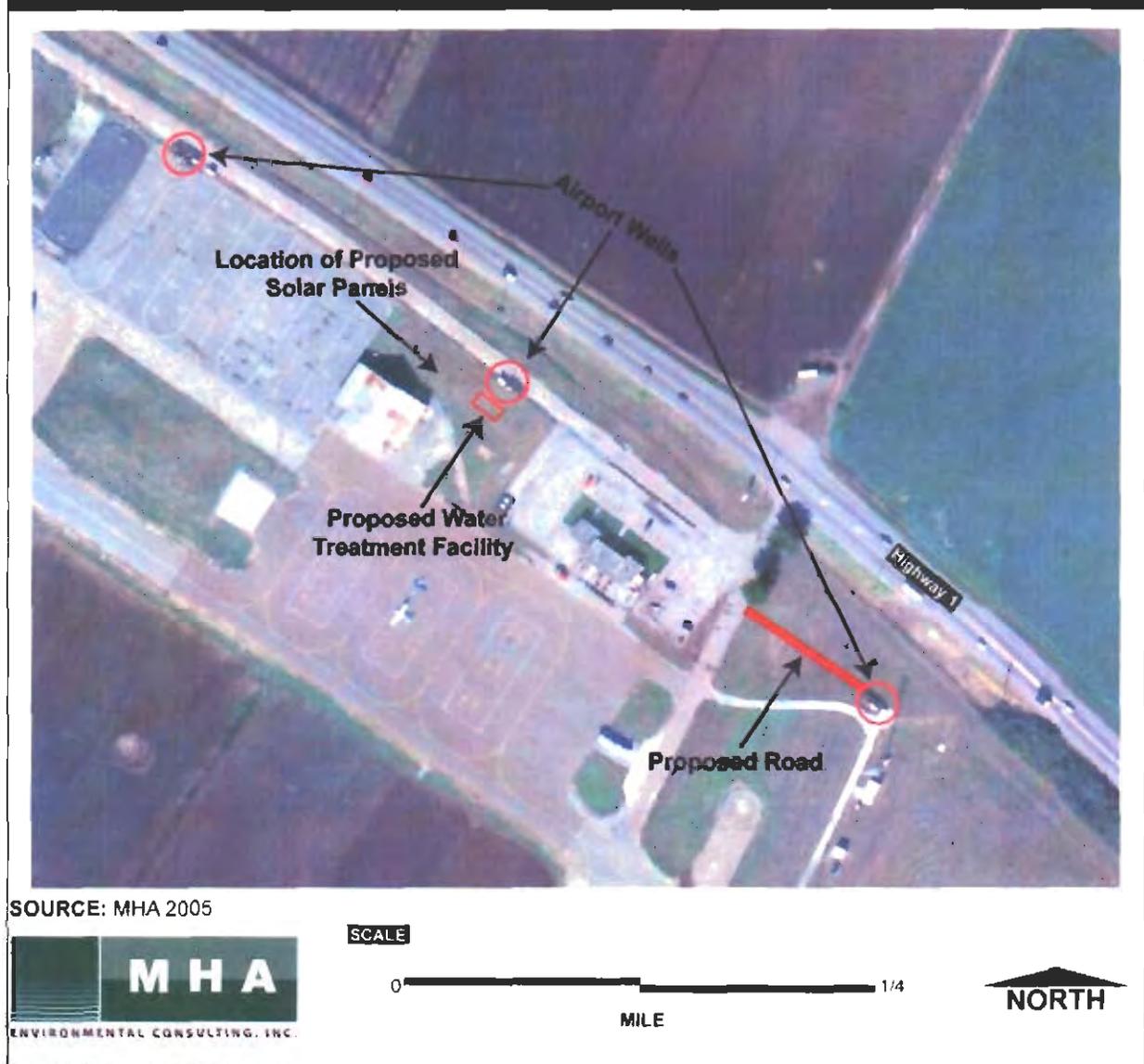


Figure 4-8: Airport Wells Proposed Water Treatment Plant Site Plan and Cross Section

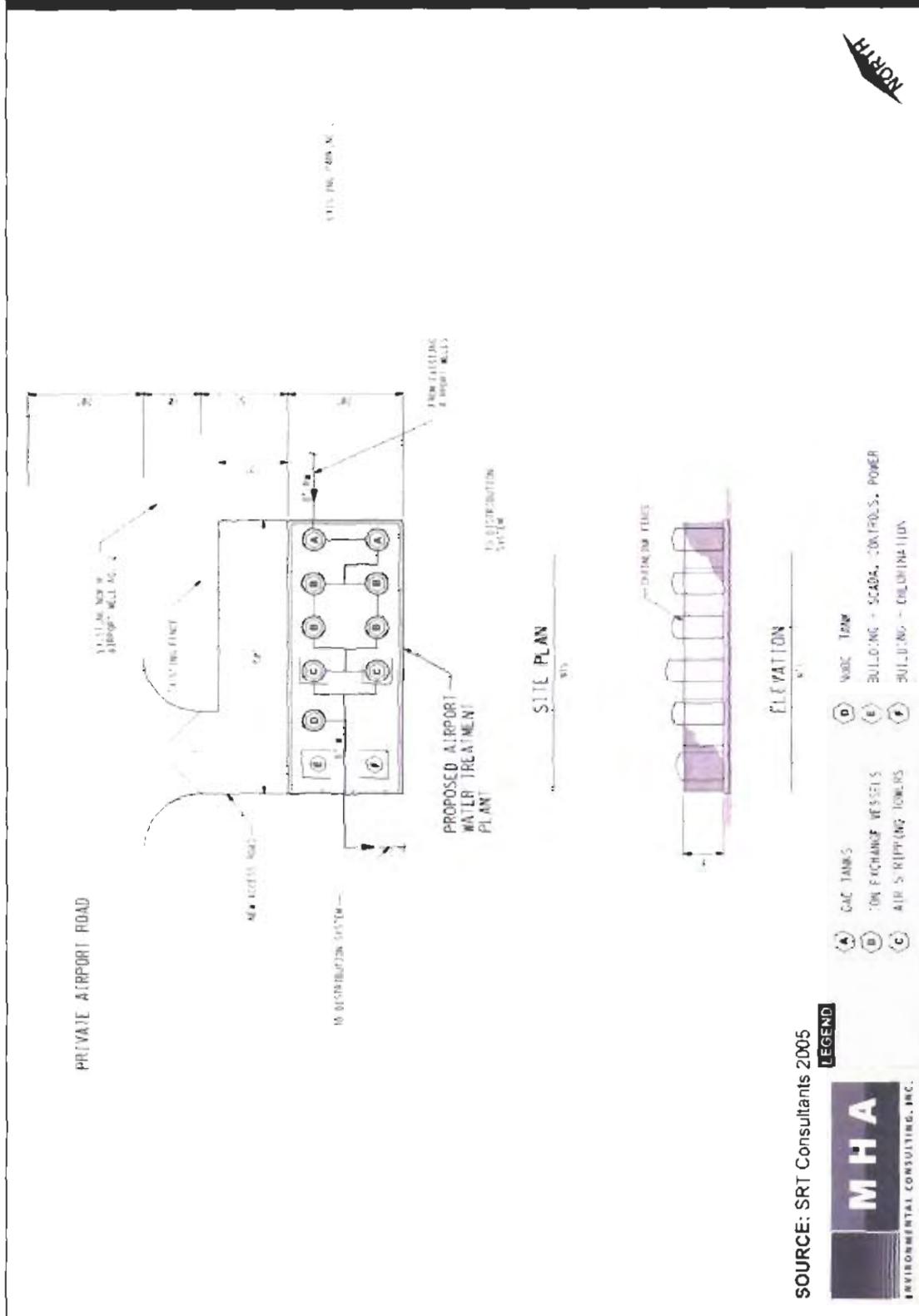


Exhibit 2
Application No. 2-06-006 (MWSD PWP)
MWSD PUBLIC WORKS PLAN PHASE 1

5 Permits and Approvals

The proposed system improvements included in the first phase of the Public Works Plan will require the approval of permits by a number of public agencies, including:

- Approval by the California Coastal Commission pursuant to Section 30605 of the California Coastal Act
- Coverage under the Construction General Permit obtained from the Regional Water Quality Control Board (Alta Vista Tank and possibly Airport Wells Water Treatment Facility)
- Domestic Water Supply Permit Amendment issued by the California Department of Health Services Drinking Water Program (Airport Wells Water Treatment Facility)
- Drinking Water Supply Permit issued by the California Department of Health Services Drinking Water Program (Alta Vista Well No.1)

5.1 Public Works Plan Project Procedures

The purpose of this chapter is to set forth procedures for reviewing and authorizing Projects contained in the Montara Water and Sanitary District ("MWSD") Public Works Plan Phase I ("PWP") for MWSD's water facilities improvements. This chapter is divided into six sections. The first section sets forth definitions, general provisions and procedures for supplemental reports. The second section sets forth public notice requirements. The third section sets forth the Coastal Commission's areas of responsibility with regard to the PWP Project review process. The fourth section sets forth the procedure for determining the effective and expiration dates of PWP Project authorizations and provisions for extension of authorizations. The fifth section sets forth a post-construction authorization monitoring program. The sixth section sets forth procedures for the enforcement of the PWP.

5.1.1. Definitions, General Provisions and Supplemental Reports

A. Definitions

"California Coastal Commission" and "Coastal Commission" and "Commission" mean the California Coastal Commission.

"Contract Documents" means the plans, specifications, general and specific conditions, agreement and other documents prepared by or for MWSD for the construction or acquisition of a specific Project contained in the PWP.

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

"District General Manager" means MWSD's General Manager or her/his designee.

"Components of the PWP" means, collectively, the eleven Projects comprising the PWP, such as the Alta Vista Well, the AltaVista Water Storage Tank, the Schoolhouse Water Storage Tank and the Airport Wells Water Treatment Facility.

"Component" means any one of the Projects

"Executive Director of the Commission" or "Executive Director" mean the Executive Director of the California Coastal Commission or his/her designee.

"MWSD" means the Montara Water and Sanitary District.

"MWSD Board" or "Board," means MWSD's Board, the governing body of MWSD.

"Notice of Impending Development" means a notice of MWSD's intention to construct one or more of the Projects contained in the PWP, which notice shall be provided by MWSD's General Manager to the Coastal Commission and to interested persons, organizations, and governmental agencies, and which also shall be posted conspicuously at the same locations within MWSD's boundaries that MWSD's official notices are posted and at the site of the impending construction of a Project of the PWP.

"Project" means a development component specifically included in the PWP

"Project Report" means the report on the PWP dated xxxxx, including the certified FEIR, submitted with MWSD's application for certification of its PWP and any supplements thereto and containing all of the information specified in subsection 5.1.1 D2

"Public works" means (a) all production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities; (b) all public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities and (c) all publicly financed recreational facilities, all Projects of the State Coastal Conservancy, and any Development by a special district.

B. Computation of time

The time in which any act under this PWP is to be done shall be computed by excluding the first day and including the last, unless the last day is a weekend or state holiday, which is also excluded.

C. MWSD's General Manager

MWSD's General Manager shall be the responsible person for contact regarding inquiries concerning PWP authorizations and implementation.

D. Procedures for Project Review and Authorization

1. Preparation of PWP Project Reports

MWSD's General Manager shall review all proposed Projects pursued under the PWP and prepare a Project Report for each proposed Project

2. Contents of a PWP Project Report

A Project Report shall include the information that MWSD's Board deemed necessary to satisfy the standards for the PWP. A Project Report shall include:

- (a) A description of the proposed Project(s), including a narrative description of the size, kind, intensity and location of each proposed development and including the supporting site plans and elevations thereof;
- (b) Environmental documentation for the Project(s) including information prepared pursuant to the California Environmental Quality Act and an analysis of alternative locations for each proposed development activity;
- (c) All technical reports associated with the Project(s) (i.e., biological reports, geotechnical reports, traffic analyses, etc.), including all reports and plans required by the PWP ;
- (d) The results of consultation with parties interested in, with jurisdiction over, and/or affected by the Project(s), including consultations with concerned public entities and agencies.
- (e) All implementing mechanisms associated with the Project(s) (including but not limited to CEQA mitigation monitoring reports, legal documents, etc.);
- (f) All correspondence received regarding the Project(s);
- (g) Identification of the person responsible for ensuring that the proposed Project(s) shall be constructed in accordance with authorized specifications and that all terms and conditions of the authorization are met (Project Manager).

3. Early Coordination with the Coastal Commission

- (a) MWSD shall consult with the Executive Director as early as possible regarding proposed Project(s) with the object of identifying issues of possible concern to the Coastal Commission.

Project Descriptions shall be provided to the Executive Director concurrently with submittal thereof to the MWSD Board

- (b) MWSD shall provide the Executive Director with all public notices and documentation circulated to the public pursuant to the Board's required PWP review process, including the process for that portion of the public which expressly requested to be noticed.
- (d) All required coordination/consultation with the Executive Director shall be initiated through and facilitated by planning staff of the Coastal Commission's North Central Coast District Office, 45 Fremont Street, Suite 2000 San Francisco, CA 94105.

4. Distribution of Project Reports to the Board

The General Manager shall submit a Project Report containing all of the information specified in subsection 5.1.1 D2 above as well as an action recommendation to MWSD's Board for each proposed Project pursued under the PWP.

5. Board Authorization of PWP Revisions

The Board may authorize a Project based on information contained in the Project Report and any other information in the record provided that:

- (a) The proposed Project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA), the Board has completed all related CEQA and/or NEPA documents and all conditions and/or mitigation measures identified in those CEQA and/or NEPA documents have been incorporated as part of the Project (b) The Board finds that the proposed revision advances the specific Project objectives of the PWP;
- (c) The proposed Project, as modified by any conditions and/or mitigation measures incorporated as part of the Project, is contained in and consistent with the certified PWP.

6. Project Authorization Required

No Project contained in the PWP shall be undertaken without prior authorization in accordance with this chapter. Any development not contained in the PWP requires coastal development permit authorization by either the Coastal Commission in its retained jurisdiction (e.g. below the mean high tide, on public trust lands), or San Mateo County pursuant to its certified LCP.

7. Coastal Commission's Retained Jurisdiction

After certification of the PWP, the Coastal Commission continues to retain permit jurisdiction over Development on tidelands, submerged lands, and public trust lands, whether filled or unfilled, within MWSD's service area (see "Coastal Commission Retained Jurisdiction Area" in Figure .1). Under the Federal Coastal Zone Management Act, the Commission also retains federal consistency review authority over federal activities and federally permitted activities on or adjacent to the sites.

The Commission also retains permit jurisdiction outside of the retained jurisdiction area over Development that was authorized by Commission action before the date of PWP certification. Projects neither contained in the PWP nor located in the Commission's retained permit jurisdiction shall be reviewed by the County of San Mateo for consistency with its certified LCP

5.1.2. Notice of Impending Development

A. Provision of Advance Notice and Information to Coastal Commission

The General Manager shall give the Executive Director written notice of MWSD's intent to submit a Notice of Impending Development pertaining to the construction of a Project or Projects contained in the PWP at least 30 calendar days prior to submittal of the Notice of Impending Development.

B. Recipients of Notice of Impending Development

After approval by the Board of the Contract Documents for a Project or Projects to be constructed or acquired, and at least 30 working days prior to issuing a notice to proceed to the contractor for such construction or acquisition, the General Manager shall send via first-class mail a written Notice of Impending Development to the following persons, parties and agencies informing them of the Board's decision:

1. The Executive Director;
2. Owners of record of each property within 100 feet (excluding road rights-of-way) of the proposed Project(s);
3. Persons residing on properties located within 100 feet (excluding road rights-of-way) of the proposed Project(s);
4. All other persons, parties, and agencies who have requested in writing to receive such notice, either for the Project(s) that is the subject of the notice or for all PWP Projects ;
5. All parties consulted with pursuant to Section 5.1.1.D.2 above; and
6. Persons, parties, and agencies that are known by MWSD to be interested in the specific Project(s) that is the subject of the notice (e.g., persons, parties, and agencies that submitted testimony or other comments during the CEQA/NEPA process for the PWP, etc.).

C. Contents of Notice of Impending Development

The Notice of Impending Development shall be clearly titled as such and shall, at a minimum, include the following information regarding the PWP authorization:

1. The description of the proposed Project(s), including a narrative description of the size, kind, intensity and location of each proposed development as well as an identification of the existence of the PWP Project Report and information regarding where and when it is available for public review;
2. The Board's approval of the Contract Documents for the Project(s);
3. The anticipated date of commencement of construction of the Project(s);
4. The appropriate MWSD contact person(s) or designated Project Manager and her/his contact information;
5. The process for Coastal Commission review of the Project(s) (including contact information for Commission staff); and

6. A list of recipients of the Notice of Impending Development.

D. Posting Requirements for Notice of Impending Development

The General Manager shall post the Notice of Impending Development in conspicuous locations at the proposed Project(s) site(s) no later than the date that the Notice of Impending Development is sent pursuant to Section 5.1.2.B, and at least 30 working days prior to the commencement of construction. The Notices shall comply with the following requirements:

1. Notices that are posted shall be clearly visible and printed with black text/graphics on a brightly hued background (e.g., golden-rod yellow) using card-stock weight (at the least) paper or functional equivalent (e.g., wood, cardboard, corrugated plastic (or "coroplast"), plastic, vinyl, metal, etc.). Notices shall be laminated or otherwise weatherproofed so as to be legible at all times, and shall be at least 8½ inches by 11 inches in size, and no greater than 4 feet by 8 feet in size.
2. Notices shall be posted against a solid background at least as large as the notice itself (e.g., posting a card-stock notice on an 8½ inch by 11-inch piece of plywood attached to a stake) or shall be printed onto an integral solid background (e.g., coroplast), and shall be posted at a readable height (i.e., approximately three to six feet).
3. Notices shall be posted at locations on the perimeter (and/or within the perimeter as appropriate) of the proposed Project site where the site intersects public use areas (streets, paths, parking lots, etc.). Notices shall also be posted at MWSD office and post offices in Montara and Moss Beach.
4. Notices that do not meet the criteria listed above, that otherwise become illegible, or that otherwise are not visible to pedestrians or disappear (for whatever reason) shall immediately be replaced. All notices shall remain posted until the effective date of authorized commencement of construction (in accordance with Section .4.C).

E. Supporting Information for the Notice of Impending Development

Supporting information sufficient to allow the reviewer to determine whether the proposed Project is consistent with the certified PWP shall accompany the Notice of Impending Development mailed to the Executive Director and to persons, parties, and/or agencies requesting such information. At a minimum, the supporting information shall include:

1. The Project Report (including all of the information identified in subsection 5.1.1.D2), updated to include any changes or additions made in the course of review by MWSD; provided, that copies of lengthy and/or oversized studies, reports, and technical materials included as part of the Project Report shall be

provided only to the Executive Director and to interested persons, parties, and agencies that specifically request these materials;

2. Any final authorization documents from the Board (e.g., resolutions, minute orders, certifications, etc.) not included in the Project Report;
3. A separate document that identifies all Project conditions and mitigations and explains how compliance will be achieved and measured for each;
4. Copies of all correspondence received regarding the proposed PWP Project; and
5. For the Executive Director only:
 - (a) A mailing list with names and addresses for each of the persons, parties, and agencies listed in Section 5.1.2.B above, where the list is labeled and organized by each of the categories listed;
 - (b) One set of plain (i.e., unadorned with no return address) regular business size (9½ inches by 4⅞ inches) envelopes stamped with first class postage (metered postage is not acceptable) addressed to each of the listed addressees from Section 5.1.2.B, above, for each Commission hearing (if applicable) on the matter (i.e., if there are multiple Commission hearings on the matter, then multiple such envelop sets shall be provided as directed by the Executive Director); and,
 - (c) Evidence that the Notice of Impending Development has been posted pursuant to the parameters of Section 5.1.2.D, above, (e.g., a site plan with the notice locations noted and/or photos of the notice locations attached).

5.1.3 Coastal Commission Review of PWP Components

The Coastal Commission shall review Project(s) authorized for construction by MWSD for consistency with the PWP in accordance with the procedures of this Section.

A. Filing the Notice of Impending Development

Consistent with 14 CCR sections 13357(a)(5), 13359(a), and 13553-13554, unless there are unusual circumstances, within five working days of receipt of the Notice of Impending Development and all applicable supporting information (as described in Section 5.1.2 above) for construction of the Project(s), the Executive Director shall review the submittal and shall determine whether additional information is necessary to determine if the proposed Project(s) is/are consistent with the PWP, and if additional information is deemed necessary, shall request such information from the General Manager.

1. The Notice of Impending Development shall only be deemed filed if the Executive Director determines that the information supplied is consistent with the information

requirements of 14 CCR sections 13357(a)(5), 13359(a) and 13353 and is sufficient to allow the Commission to determine whether the proposed Project is consistent with the certified PWP.

2. If the Executive Director has requested additional supporting information needed to determine consistency with the PWP then the Notice shall be deemed filed when the Executive Director determines that all necessary supporting information has been received.

B. Coastal Commission Hearing Deadline

Consistent with 14 CCR sections 13357(a)(5) and 13359, the thirtieth working day following the day the Notice of Impending Development is deemed filed is the Hearing Deadline. The Hearing Deadline may be extended if, on or before the Hearing Deadline, the General Manager waives MWSD's right to a hearing within thirty working days, and agrees to an extension to a date certain, no more than three months from the Hearing Deadline, to allow for Commission review of the proposed Project(s) at a later hearing.

C. Coastal Commission Review and Determination of Consistency with PWP

The Executive Director shall report in writing to the Commission regarding any pending proposed Project(s). The Coastal Commission shall review the proposed Project(s) at a scheduled public hearing prior to the Hearing Deadline.

The Executive Director's report to the Commission shall include a description sufficient to allow the Commission to understand the location, nature, and extent of the Project(s), and a recommendation regarding the consistency of the proposed Project(s) with the certified PWP. On or before the Hearing Deadline the Commission shall make one of the following determinations:

1. Determine that the proposed Project(s) is/are consistent with the certified PWP, or
2. Determine that conditions are required to render the proposed Project(s) consistent with the certified PWP, including identification of the required conditions.

Following the Commission's determination, the Executive Director shall inform the General Manager of the Commission's determination and shall forward any conditions associated with it. If the Commission has identified conditions required to render the Project(s) consistent with the PWP, construction shall not be undertaken until the conditions have been incorporated into the Project(s)

Coastal Commission review of a proposed Project(s) shall be deemed complete on the date of a Commission determination that the Project(s) is/are consistent with the PWP with or without conditions.

Upon completion of Commission review, MWSD may undertake construction or acquisition of the Project(s); provided, that any conditions imposed by the Commission to render the Project(s) consistent with the PWP have been incorporated into the Project(s)

5.1.4. Effective Date and Expiration Date of PWP Authorizations; Extension of Authorizations

A. Effective Date of PWP Project Authorizations

Unless expressly stated otherwise in the approval documents, the effective date of a Project authorization shall be the date the Coastal Commission's review of the proposed Project is deemed complete pursuant to Section 5.1.3 C.

B. Expiration Date of Project Authorizations

Unless expressly stated otherwise in the approval documents, the expiration date of a Project authorization pursuant to this PWP shall be three years following its effective date. Thereafter, construction of the Project may not commence unless the authorization has been extended as provided herein, or a new authorization and review by the Commission has been completed in accordance with PWP provisions for initial review of a proposed Project.

C. Extension of Component Authorizations

The expiration date of a Project authorization may be extended for a period not to exceed one year if the General Manager determines that there are no changed circumstances that may affect the Project's consistency with the PWP. In such a case, before the expiration of the authorization, the General Manager shall submit to the Executive Director a notice of intent to extend authorization of the Project together with supporting information sufficient for the Executive Director to determine whether there are changed circumstances that may affect the Project's consistency with the PWP including, at a minimum, any modified and/or new materials comprising the supporting information described in Section 5.1.2.E above. The submittal shall stay the expiration of the authorization and the start of construction.

If the Executive Director determines that the extension is consistent with the PWP, MWSD shall post notice of the determination at the Project site consistent with the posting requirements in Section 5.1.2.D, above, and the Executive Director shall mail the notice to all persons, parties, and agencies on the original mailing list for the Project and to all persons, parties, and agencies known by the Executive Director to be interested in the proposed extension. The notice shall include a summary of the extension approval process and information on contacting MWSD and the Coastal Commission concerning the proposed extension. If no written objection is received at the Commission office within 10 working days of posting and mailing notice, the determination of consistency shall be conclusive.

If the Executive Director determines that, due to changed circumstances, the Project may not be consistent with the PWP, the proposed extension shall be reported to the Commission at a noticed public hearing. The report shall include any pertinent changes in circumstances relating to the proposed extension. If three or more commissioners object to the extension on grounds the Project may not be consistent with the PWP, the matter shall be set for hearing in the same manner as a new Notice of Impending Development, including posting of notice by MWSD. The General Manager shall provide the Executive Director with supporting information in the manner prescribed for new proposed Projects.

Successive extensions of an authorization may not exceed one year each.

5.1.5. Monitoring PWP Project and Components

The Board shall be responsible for ensuring that all terms, conditions, and mitigations associated with an authorized Project, including but not limited to mitigation measures and CEQA/NEPA requirements, are fulfilled. Project managers and other District personnel assigned responsibility to implement and/or monitor authorized Projects shall contact the General Manager annually by the end of each calendar year to provide information regarding compliance with the terms and conditions of authorization for that year and continuing obligations from authorizations in previous years. The General Manager shall verify that all terms and conditions have been timely fulfilled and shall update each Project's list of conditions and mitigations with compliance information on at least a yearly basis. The General Manager shall also review as-built Project plans and verify that the construction is consistent with them, including affixing written documentation to that effect to the as-built plans. The General Manager shall maintain the updated copies of the required approval documents and shall maintain the verified as-built plans, which shall be made available for public review.

The General Manager shall provide an annual written PWP monitoring report that includes a cumulative and calendar year summary of: (i) PWP-authorized Project compliance; (ii) enforcement undertaken pursuant to Section 5.1.6.; (iii) PWP-required annual monitoring reports (e.g., water quality reports, etc.); (iv) status of PWP-required improvements and other District commitments; and (v) any comments received on PWP implementation. The General Manager shall maintain a record of the annual written summary reports in the General Manager's office, which shall be made available for public review. The General Manager shall submit a copy of each annual report to the Executive Director within ten days of its completion.

5.1.6. Enforcement

In addition to all other available remedies, the provisions of the PWP and the Coastal Act shall be enforceable pursuant to Chapter 9 of California Public Resources Code Division 20. Any person who performs or undertakes Development on MWSD's property that is (a) in violation of the PWP, (b) inconsistent with any pre-PWP certification Coastal Commission authorization (including coastal development permit

approval), or (c) inconsistent with any PWP authorization may, in addition to any other penalties or remedies, be civilly liable in accordance with the provisions of Public Resources Code Sections 30820, 30821.6 and 30822.

The Board shall ensure that Development is consistent with the PWP and with the terms and conditions of authorizations pursuant to the PWP. The General Manager shall investigate in a reasonable time allegations regarding Development being undertaken inconsistent with the provisions of the PWP or PWP authorizations, and shall attempt to resolve any such inconsistencies discovered. The Executive Director or Coastal Commission may also enforce the terms of the PWP and the Coastal Act.

MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
<p>Geology, Soils, and Seismicity</p> <p>Potential Impact 3.1-1: Would the proposed project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, as delineated on the most recent Aiquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic shaking; seismic-related ground failure, including liquefaction; or landslides?</p>	<p>Mitigation Measure 3.1-1: The Alta Vista Tank shall be sited along the approximate centerline of the Alta Vista Ridgeline (approximately the alignment of the existing unpaved extension of Alta Vista Road) as described in Section 5.4 Alternative Sites and as depicted in Figure 5.4-1.</p> <p><i>Project Location:</i> Alta Vista Tank</p> <p><i>Implemented By:</i> District, Project Engineer, and Construction Contractor</p> <p><i>Schedule:</i> Prior to commencement of any element associated with design or construction of the Alta Vista Tank.</p>	<p>District to prepare design plans for the Alta Vista Tank which site the Tank along the approximate centerline of the Alta Vista Ridgeline.</p>	<p>Alta Vista Tank</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to finalization of project plans.</p>	<p>District Manager</p>
<p>Mitigation Measure 3.1-2: The District shall consult with the geotechnical engineer to determine the applicability of the existing geotechnical report to the new Alta Vista Tank location as specified in Mitigation Measure 3.1-1. The report shall be updated, if appropriate. All applicable geotechnical recommendations, except Recommendation # 20, outlined in the geotechnical investigation report (Terrasearch 2005; Appendix</p>	<p>Mitigation Measure 3.1-2: The District shall consult with the geotechnical engineer to determine the applicability of the existing geotechnical report to the new Alta Vista Tank location as specified in Mitigation Measure 3.1-1. The report shall be updated, if appropriate. All applicable geotechnical recommendations, except Recommendation # 20, outlined in the geotechnical investigation report (Terrasearch 2005; Appendix</p>	<p>District to consult with the project geotechnical engineer.</p>	<p>Alta Vista Tank and Schoolhouse Tank</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to finalization of tank plans.</p>	<p>District Manager</p>

Exhibit 4
Application No. 2-06-006 (MWSD PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementation Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>E) shall be implemented, including providing for an onsite Geotechnical Engineer or Engineering Geologist during specified stages of tank installation.</p> <p><i>Project Location:</i> Alta Vista Tank and Schoolhouse Tank</p> <p><i>Implemented By:</i> District, Project Engineer, and Construction Contractor</p> <p><i>Schedule:</i> Different stages of projects. Prior to finalization of tank location and design, certain measures consult with geotechnical engineer during design phase and prior to initiating any grading activities, and have geotechnical engineer or engineering geologist on site during grading and construction phases.</p>					
	<p>Mitigation Measure 3.1-3: A grading plan shall be prepared which includes all recommendations outlined in the updated geotechnical investigation report.</p> <p><i>Project Location:</i> Alta Vista Tank and Schoolhouse Tank</p> <p><i>Implemented By:</i> Qualified Engineer</p> <p><i>Submitted To:</i> District</p> <p><i>Schedule:</i> Prior to initiation of grading activities</p>	<p>District to prepare a grading plan that incorporates the recommendations of the project geotechnical engineer.</p>	<p>Alta Vista Tank and Schoolhouse Tank</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to initiation of grading activities.</p>	<p>District Manager</p>

Exhibit 4
 Application No. 2-06-006 (MWSD PWP)
 Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Mitigation
<p>Potential Impact 3.1-2: Would the proposed project result in substantial soil erosion or the loss of topsoil?</p>	<p>Mitigation Measure 3.1-4: A detailed erosion control plan (ECP) and narrative shall be prepared and implemented in accordance with the San Mateo County Watershed Protection Program Best Management Practices (discussed further in Section 3.2 Hydrology and Water Quality). The purpose of the ECP shall be to mitigate erosion and sedimentation impacts during construction. At a minimum, the ECP and written narrative shall include the following:</p> <ul style="list-style-type: none"> a) A proposed schedule of grading activities, monitoring, and infrastructure milestones in chronological format b) Identification of critical areas of high erodibility potential and/or unstable slopes c) Contour and spot elevations indicating runoff patterns before and after grading d) Identification of erosion control measures on slopes, lots, and streets. Measures shall be based on recommendations contained in the "Erosion and Sediment Control Field Manual" published by the San Francisco Bay Regional Water Quality Control Board 	<p>District to prepare an erosion control plan in accordance with the San Mateo County Watershed Protection Program Best Management Practices.</p>	<p>Alta Vista Tank, Schoolhouse Tank, Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to initiation of grading activities.</p>	<p>District Manager</p>

Exhibit 4
Application No. 2-06-006 (MWSD PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Agency	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>e) Methods to capture and contain construction-generated wastewater</p> <p>f) Utilization of soil stabilization techniques such as short-term biodegradable erosion control blankets and hydroseeding</p> <p>g) Post-construction inspection of all drainage facilities for accumulated sediment, and cleaning of these drainage structures of debris and sediment</p> <p>The Erosion Control Plan for the Alta Vista Tank shall designate an area of disturbance that will allow for practical construction of the facility while limiting the area of ground to be disturbed, where possible. The area should be delineated with construction fencing before grading begins.</p> <p><i>Project Location:</i> Alta Vista Tank, Schoolhouse Tank, Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> District</p> <p><i>Submitted To and Approved By:</i> District Engineer</p> <p><i>Schedule:</i> Prior to initiation of grading and/or construction</p>					

Exhibit 4
 Application No. 2-06-006 (MWSO PWP)
 Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Introduction	Mitigation Measure	Implementation Activity	Location of Verification	Timing of Implementation	Party Responsible for Verification
	<p>Mitigation Measure 3.1-5: Hydroseeding with a native seed mix to minimize erosion control shall utilize the following performance standards:</p> <ul style="list-style-type: none"> a) Hydroseeding on the regraded slopes shall include only native species b) Hydroseeding shall take place at a time designated by a biologist as appropriate to ensure germination c) As dictated by weather and field conditions at the time of hydroseeding, the installation of erosion control blankets or matting may be required to secure the hydroseed <p><i>Project Location:</i> Alta Vista Tank, Schoolhouse Tank, Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> District</p> <p><i>Schedule:</i> Prior to initiation of grading and/or construction; incorporated into Erosion Control Plan</p>	<p>District to incorporate into the erosion control plan the use of hydroseeding using a native seed mix, in accordance with the San Mateo County Watershed Protection Program Best Management Practices.</p>	<p>Alta Vista Tank, Schoolhouse Tank, Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>District Manager</p>
	<p>Mitigation Measure 3.1-6: A landscape plan shall be prepared by a landscape architect to revegetate the area around the Alta Vista Tank to control erosion and screen views of the tank from</p>	<p>District to retain a licensed landscape architect to prepare a landscape plan to revegetate the area around the Alta Vista Tank to</p>	<p>Alta Vista Tank</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>District Manager</p>

Exhibit 4
Application No. 2-06-006 (MWSD PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party responsible for Mitigation
<p>Exhibit 4 Application No. 2-06-006 (MWSD PWP) Final EIR Mitigations</p>	<p>all existing homes on Alta Vista Road and Riviera Street. The landscape plan shall use native plants and include a mixture of trees, low-lying vegetation, and species that substantially screen the tank within 1 year of installation. If the palette of native plants does not include species that can reach a height of 5 feet within 1 year, a berm shall be installed around the tank upon which the selected species shall be installed to assure landscape screening of the tank within 1 year. The landscape plan shall be fully implemented not more than 1 month after completion of the construction of the Alta Vista Tank. The District shall be responsible for maintaining the installed landscape materials, including watering and replacement of specimens that do not survive. The landscape plan shall be approved by the Point Montara Fire Protection District prior to implementation.</p> <p><i>Project Location:</i> Alta Vista Tank</p> <p><i>Submitted To and Approved By:</i> Point Montara Fire Protection District followed by District Engineer</p> <p><i>Implemented By:</i> Landscape architect prepares landscape plan; District maintains</p>	<p>control erosion and screen views of the tank from all existing homes on Alta Vista Road and Riviera Street.</p>				

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Timing of Implementation	Party Responsible
	<p>landscape materials</p> <p><i>Schedule:</i> Prepare plan prior to initiation of grading and/or construction. Implement plan no more than one month after finalizing tank installation activities</p>				
<p>Exhibit 4 Application No. 2-06-006 (MWSD PWP) Final EIR Mitigations</p>	<p>Mitigation Measure 3.1-7: The drainage of the Alta Vista Tank site shall be designed to avoid erosion, siltation, and loss of topsoil to receiving areas, which may include the addition of an energy dissipater or rip rap at the outlet point to reduce runoff velocity and increase infiltration into soils.</p> <p><i>Project Location:</i> Alta Vista Tank</p> <p><i>Implemented By:</i> Qualified Engineer</p> <p><i>Submitted To:</i> District</p> <p><i>Schedule:</i> Design of the system should occur prior to initiating grading activities</p>	<p>District to prepare design plans for the Alta Vista Tank site to avoid erosion, siltation, and loss of topsoil to receiving areas.</p>	<p>Alta Vista Tank</p>	<p>Prior to initiation of grading activities.</p>	<p>District Manager</p>
<p>Potential Impact 3.1-3: Would the proposed project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p>	<p>Mitigated to less than significant with Mitigation Measures 3.1-1 and 3.1-2</p>				

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Responsible Party
Potential Impact 3.1-4: Would the proposed project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Mitigated to less than significant with Mitigation Measure 3.1-2					
Hydrology and Water Quality						
Potential Impact 3.2-1: Would the proposed project violate any water quality standards or waste discharge requirements?	Mitigated to less than significant with Mitigation Measures 3.1-4, 3.1-5, and 3.1-6					
Potential Impact 3.2-2: Would the proposed project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in the volume of water stored in the aquifer or a lowering of the local groundwater levels in a manner which would result in substantial effects to existing groundwater users (e.g., a significant effect to an existing wetland or riparian vegetation, or the production rate of pre-existing nearby wells would drop to levels which would not support existing land uses or planned uses for which permits have been granted)?	Mitigation Measure 3.2-1: Finalize and implement the Draft Hydrological Monitoring and Mitigation Program included in Appendix G. <i>Project Location:</i> Near Alta Vista Well #1 and as specified in the Hydrological Monitoring and Mitigation Program <i>Implemented By:</i> District, and qualified personnel as specified in the Hydrological Monitoring and Mitigation Program <i>Schedule:</i> Prior to initiating pumping from Alta Vista Well #1 and as specified in the Hydrological Monitoring and Mitigation Program	District to finalize and implement the Hydrological Monitoring and Mitigation Program.	Near Alta Vista Well #1 and as specified in the Hydrological Monitoring and Mitigation Program	District Engineer to prepare a compliance report and submit the report to the District Manager.	Prior to initiating pumping from Alta Vista Well #1 and as specified in the Hydrological Monitoring and Mitigation Program.	District Manager
Potential Impact 3.2-3: Would the project	Mitigation Measure 3.2-2: A drainage plan shall be	District to develop a drainage system	Airport Wells Water	District Engineer to prepare a	Prior to initiating construction	District Manager

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impacts	Mitigation Measure	Implementing Agency	Location	Method of Mitigation	Timing of Implementation	Party Responsible for Verification
substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	prepared and implemented for the Airport Wells Water Treatment Facility. The plan shall incorporate measures that address runoff from the Water Treatment Facility, the Airport well, and solar panels. <i>Project Location: Airport Wells Water Treatment Facility</i> <i>Prepared By: Project Engineer</i> <i>Submitted To and Implemented By: District</i> <i>Schedule: Prior to initiating construction activities</i>	plan for the Airport Wells Water Treatment Facility.	Treatment Facility	compliance report and submit the report to the District Manager.	activities.	
Potential Impact 3.2-5: Would the proposed project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Mitigated to less than significant with Mitigation Measures 3.1-3, 3.1-7, and 3.2-2					
Potential Impact 3.2-6: Would the proposed project otherwise substantially degrade water quality?	Mitigated to less than significant with Mitigation Measures 3.1-3, 3.1-4, and 3.1-5					
Potential Impact 3.2-10: Would the project result in inundation by seiche, tsunami, or mudflow?	Mitigated to less than significant with Mitigation Measure 3.1-1					
Biological Resources						
Potential Impact 3.3-1: Would the project have a substantial adverse effect,	Mitigation Measure 3.3-1: Tree removal shall be performed between	District to retain a qualified biologist to conduct a pre-	Alta Vista Tank	District Engineer to prepare a compliance report	Within 30 days prior to any clearing, tree removal, grading, or	District Manager

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementation Action	Location	Method of Verification	Timing of Implementation	Party Responsible
<p>either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>	<p>September 1 and January 30 to prevent disturbance to bird nests. If tree clearing is desired outside of this period, a pre-construction survey for nesting birds shall be conducted prior to clearing of trees. The survey will be conducted by a qualified biologist no more than 30 days prior to initiation of clearing. The survey shall include any areas proposed for any activities such as earthmoving. If occupied migratory bird nests are found within 250 feet of the construction zone, clearing shall not begin until after the nests are protected by an adequate setback (in general, 50 feet for passerines and 250 feet for raptors) defined by a qualified biologist.</p> <p><i>Project Location:</i> Alta Vista Tank</p> <p><i>Implemented By:</i> Construction contractor and Qualified Biologist</p> <p><i>Schedule:</i> Within 30 days prior to any clearing, tree removal, grading, or construction activities</p>	<p>construction survey for nesting birds prior to any tree removal if removal is to occur after January 30th and before September 1st</p>	<p>Alta Vista Tank and Wells along Alta Vista Road</p>	<p>and submit the report to the District Manager.</p>	<p>construction activities.</p>	<p>District Manager</p>
<p>Mitigation Measure 3.3-2: A pre-construction survey for the San Francisco dusky-footed woodrat and American badger shall be conducted by a qualified biologist no more than 30 days prior to initiation of clearing. The survey shall</p>	<p>Mitigation Measure 3.3-2: A pre-construction survey for the San Francisco dusky-footed woodrat and American badger shall be conducted by a qualified biologist no more than 30 days prior to initiation of clearing. The survey shall</p>	<p>District to retain a qualified biologist to conduct a pre-construction survey for the San Francisco dusky-footed woodrat and</p>	<p>Alta Vista Tank and Wells along Alta Vista Road</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Within 30 days prior to any clearing, tree removal, grading, or construction activities.</p>	<p>District Manager</p>

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Method of Verification	Timing of Implementation	Responsible Agency
	<p>include any areas proposed for any other activities such as equipment and materials storage. If nests/burrows are found in areas proposed for cleaning, the biologist shall manually deconstruct woodrat nests or passively relocate badgers at a time when young are not present, relocating individuals prior to initiation of construction.</p> <p><i>Project Location:</i> Alta Vista Tank and Wells and along Alta Vista Road</p> <p><i>Implemented By:</i> Qualified Biologist</p> <p><i>Schedule:</i> Within 30 days prior to any clearing, tree removal, grading, or construction activities</p>	<p>American badger</p>			
	<p>Mitigation Measure 3.3-3: A Biological Resources Monitoring and Mitigation Program shall be developed for the creek, wetland, and spring system that may be indirectly impacted by the installation of the new production Alta Vista Well #1. The Program shall be approved by the California Coastal Commission prior to initiating pumping of Alta Vista Well #1. The Program should be coordinated with the Hydrological Monitoring and Mitigation Program and may include:</p>	<p>District to prepare a Biological Resources Monitoring and Mitigation Program.</p>	<p>As specified in the Program</p>	<p>Prior to groundwater pumping and as specified in Program.</p>	<p>District Manager and California Coastal Commission</p>

Exhibit 4
 Application No. 2-06-006 (MWSD PWP)
 Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Agency	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>a) Written and photographic documentation of the existing conditions of the wetland and riparian habitats, which includes an assessment of the general health of these communities and the hydrologic regime. Baseline data will be collected during various times of the year to be used as a reference prior to the initiation of pumping.</p>					
	<p>b) Identification and mapping of any additional sensitive plant or animal species and/or associated habitat communities not identified during the various 2005 field surveys.</p>					
	<p>c) Protocol surveys would be conducted beginning in early 2006 for the California red-legged frog, which would also assess the likelihood of the western pond turtle and San Francisco garter snake occurring in the site vicinity.</p>					
	<p>d) Further evaluation of Montara Creek for potential barriers to steelhead, particularly the on-stream reservoir located upstream of George Street.</p>					

Exhibit 4
 Application No. 2-06-006 (MWSD PWP)
 Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Method of Verification	Timing of Implementation	Frequency of Reporting
	<p>e) Establishing a significance criteria threshold for evaluating potential reductions in surface water flows to ensure no significant effects to special status species, including steelhead.</p> <p>f) Weekly to monthly field surveys of established, unaffected control points (such as upstream from pumping and in nearby comparable systems) to be used as a informative guideline of normal conditions and numerous established sample points in areas that may be affected by pumping. The data collected at the sample points will be used to identify and evaluate evidence of riparian-plant water stress which may be measured by early canopy defoliation using a foliage health rating scale, induced daytime stomatal closure (a plant's mitigating response to water stress that constrains growth), or a depressed dawn plant-water potential level (indicating a plant water deficit). The two latter methods will be implemented via leaf collection and laboratory analysis. All vegetated strata will be evaluated in</p>				

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Agency	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>these three methods from the tree canopy down to the herbaceous layer.</p> <p>g) Ongoing monitoring evapotranspiration and pan evaporation via analyzing weather conditions and evaporation rates soil moisture availability.</p> <p>h) Definition of conservative significance thresholds (with impacts to Montara Creek being considered significant when early signs of stress are apparent) and identification of shallow groundwater drawdown levels (established at a 1- to 4-foot interval at this point) that would produce effects and no effects to the local riparian vegetation.</p> <p>i) Notification to the District Manager, USACE, RWQCB, CDFG, USFWS, National Oceanic and Atmospheric Administration (NOAA), and Coastal Commission if and when significant effects are observed.</p> <p>j) Mitigation to avoid or eliminate significant effects to sensitive species if the hydrological mitigation is not effective and effects occur.</p>					

Exhibit 4
Application No. 2-06-006 (MWSD PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Reporting	Party Responsible (City, County, or Vol. Action)
<p>Potential Impact 3.3-2: Would the project have a substantial adverse effect on any riparian habitat, sensitive habitat, environmentally sensitive area, or other sensitive natural community identified in Local Coastal Program, California Coastal Act or other local or state plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</p>	<p>Mitigation would include the reduction or cessation of groundwater pumping. Project Location: As specified in Program Implemented by: Qualified biologists, as specified in the Program Schedule: Prior to groundwater pumping and as specified in Program</p>	<p>District to retain a qualified biologist to survey and as necessary remediate the area within a 50-foot radius surrounding the Alta Vista water tank site.</p>	<p>Alta Vista Tank</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>One year after tank installation is complete.</p>	<p>District Manager</p>
<p>Mitigation 3.3-4: The area within a 50-foot radius surrounding the Alta Vista water tank site shall be surveyed one year after tank installation is complete. The survey shall: (1) determine the condition of the landscape surrounding the tank; (2) identify the need for replantings, if any; (3) and identify non-native species, if any. If non-native species are present within the surveyed area, a weed control plan shall be prepared by the biologist and implemented by the District in order to control or eliminate invasive non-native species at the site. Project Location: Alta Vista Tank Implemented By: Qualified Biologist Schedule: One year after tank installation is complete</p>						

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Responsible Person	Method of Verification	Timing of Implementation	Responsible Person for Verification
<p>Potential Impact 3.3-3: Would the project have a substantial adverse effect on federally protected wetlands as defined by San Mateo County Local Coastal Program (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or depletion of groundwater supplies or other means?</p>	<p>Mitigated to less than significant with Mitigation Measure 3.2-1 and 3.3-3</p>					
<p>Potential Impact 3.3-4: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p>Mitigated to less than significant with Mitigation Measure 3.3-3</p>					
<p>Potential Impact 3.3-5: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	<p>Mitigation Measure 3.3-5: A tree survey shall be conducted prior to tree removal activities for installation of the Alta Vista tank. Appropriate permits shall be obtained from the San Mateo County Planning Department prior to tree removal, if required. The tree survey shall also be used in consultation with the California Department of Forestry and Fire Protection, to support an application for a public utility right of way exemption. <i>Project Location: Alta Vista</i></p>	<p>District to conduct a tree survey for use in obtaining tree removal permits from the San Mateo County Planning Department, if required.</p>	<p>Alta Vista Tank</p>	<p>District Engineer to prepare a compliance report and submit report to the District Manager</p>	<p>Prior to tree removal activities.</p>	<p>District Manager</p>

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
Tank Implemented By: District Schedule: Prior to tree removal activities					
Mitigation Measure 3.3-6: Prior to initiating construction, the District will place high visibility plastic fencing around the trees located at the sharp curves along Alta Vista Road. During all phases of construction, the construction contractor will ensure that equipment traveling to the Alta Vista site will be of the size and design (i.e., shorter haul vehicles) that permits travel within the existing footprint of Alta Vista Road and will not require extending the road beyond its existing width. No trees will be damaged or removed along the main Alta Vista Road. Project Location: Alta Vista Tank and Wells Implemented By: District and Construction contractor Schedule: During all phases of construction	District to place high visibility plastic fencing around trees located at the sharp curves along Alta Vista Road. During all phases of construction equipment traveling to the Alta Vista site shall be of the size and design (i.e., shorter haul vehicles) that permits travel within the existing footprint of Alta Vista Road.	Alta Vista Tank and Wells	District Engineer to prepare a compliance report and submit the report to the District Manager.	During all phases of construction.	District Manager
Agricultural Resources					
Potential Impact 3.4-3: Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of	Mitigated to less than significant with Mitigation Measure 3.2-1				

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementation	Location	Method of Implementation	Timing of Implementation	Party Responsible for Verification
Farmland to non-agricultural use?						
Hazards and Hazardous Materials						
<p>Potential Impact 3.5-1: Would the proposed project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</p>	<p>Mitigation Measure 3.5-1: A Spill Prevention and Containment Plan shall be prepared for each site that includes measures such as storing all liquid hazardous materials and petroleum products within secondary containment and ensuring the presence of spill kits and Material Safety Data Sheets in the vicinity of these stored items. If 55 gallons or more of diesel, chlorine or any other hazardous material will be stored more than 6 months on the site, a Hazardous Materials Business Plan (HMBP) must be submitted to, and a Unified Permit must be obtained from, the San Mateo County Environmental Health Department. The measures in the Spill Prevention and Containment Plan and HMBP shall be followed for storage and handling of hazardous materials. Copies of these Plans shall be available at the sites. <i>Project Location:</i> Alta Vista Wells and Alta Vista Water Treatment Facility <i>Implemented By:</i> District <i>Schedule:</i> Prior to storage of</p>	<p>District to prepare a Spill Prevention and Containment Plan for each site that includes measures such as storing all liquid hazardous materials and petroleum products within secondary containment and ensuring the presence of spill kits and Material Safety Data Sheets in the vicinity of these stored items.</p>	<p>Alta Vista Wells and Alta Vista Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to storage of diesel, chlorine, or any hazardous materials at the site.</p>	<p>District Manager</p>

Exhibit 4
 Application No. 2-06-006 (MWSD PWP)
 Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Responsible Party
<p>Potential Impact 3.5-2: Would the proposed project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p>	<p>diesel, chlorine, or any hazardous materials at the site</p> <p>Mitigation Measure 3.5-2: A Site-specific Health and Safety Plan shall be prepared to minimize the exposure of workers and the public to potentially hazardous materials during all phases of project construction. The Plan shall include, but will not be limited to, appropriate personal protection equipment to be worn, decontamination methods, spill control measures, and emergency preparedness and response. All site workers will be required to attend a mandatory safety meeting to overview the Plan before commencing work.</p> <p>Project Location: Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p> <p>Implemented By: Construction contractor</p> <p>Schedule: Prior to initiating construction</p>	<p>District to prepare a site-specific Health and Safety Plan to minimize the exposure of workers and the public to potentially hazardous materials during all phases of project construction.</p>	<p>Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager</p>	<p>Prior to initiating construction.</p>	<p>District Manager</p>
	<p>Mitigation Measure 3.5-3: An asbestos and lead-based paint survey shall be performed on the existing Schoolhouse Tank prior to demolition. If lead-based paints are identified, then federal and state construction worker health and safety regulations shall be</p>	<p>District to retain a Certified Asbestos and Lead Abatement Contractor to conduct an asbestos and lead-based paint survey on the existing</p>	<p>Existing Schoolhouse Tank</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to demolition activities.</p>	<p>District Manager</p>

Exhibit 4
Application No. 2-06-006 (MWSO PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>followed during demolition activities, including California Occupational Safety and Health Administration (Cal/OSHA) regulations and California Department of Health Services Lead Work Practice Standards. If asbestos-containing materials or lead are determined to be present, the materials shall be abated by a certified abatement contractor in accordance with the regulations, limitations, and notification requirements of the Bay Area Air Quality Management District (Regulation 11, Rules 1 and 2). The lead-based paint and asbestos-containing material may be considered hazardous waste depending on the condition. All demolished material will be disposed as recommended by the abatement contractor and in accordance with local, State, and Federal regulations.</p> <p><i>Project Location:</i> Existing Schoolhouse Tank slated for demolition</p> <p><i>Implemented By:</i> Certified Asbestos and Lead Abatement Contractor</p> <p><i>Schedule:</i> Prior to initiating demolition activities</p>	<p>Schoolhouse Tank. If lead-based paints are identified, then federal and state construction worker health and safety regulations shall be followed during demolition activities.</p>	Airport Wells Water Treatment Facility	District Engineer to prepare a compliance report	Prior to initiating construction	District Manager
	<p>Mitigation Measure 3.5-4: The Health and Safety Plan prepared for the Airport Wells</p>	<p>District to incorporate into the Airport Wells Water</p>				

Exhibit 4
Application No. 2-06-006 (MWSO PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Sector	Location	Method of Mitigation	Timing of Implementation	Responsible Party
	<p>Water Treatment Facility (Mitigation Measure 3.5-2) shall identify that groundwater at the site contains elevated concentrations of trichloroethane and nitrates. The Plan shall identify chemical-specific exposure limits and include appropriate safety measures to be implemented if untreated groundwater is encountered.</p> <p><i>Project Location:</i> Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> Construction contractor</p> <p><i>Schedule:</i> Prior to initiating construction</p>	<p>Treatment Facility Health and Safety Plan the identification of chemical-specific exposure limits and include appropriate safety measures to be implemented if untreated groundwater is encountered.</p>		<p>and submit the report to the District Manager</p>		
<p>Exhibit 4 Application No. 2-06-006 (MWSO PWP) Final EIR Mitigations</p>	<p>Mitigation Measure 3.5-5: if untreated groundwater is encountered during construction activities, the water shall be (1) contained and transported offsite for disposal at an appropriate facility, or (2) treated and then tested to confirm constituent levels meet wastewater discharge requirements prior to discharge into the sanitary sewer.</p> <p><i>Project Location:</i> Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> Construction contractor</p> <p><i>Schedule:</i> Upon encountering groundwater</p>	<p>District shall contain and transport to an appropriate offsite facility and/or treat, test, and discharge into the sanitary sewer untreated groundwater if encountered during construction activities.</p>	<p>Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Upon encountering groundwater.</p>	<p>District Manager</p>

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>Mitigation Measure 3.5-6: If any project-related activities (subgrade pipeline installation, solar panel installation, road construction, construction staging areas, etc.) are conducted within 150 feet a fuel station (i.e., the Chevron station location near the Airport terminal building), the manager of the fuel station shall be contacted to determine (1) if any underground tanks are present at the site, and if so, the exact location of the tank(s), and (2) any potential hazards the fuel storage may present to the project. The location of underground tanks, if present, and the existing aboveground fuel tank at the Chevron station will be identified in the Health and Safety Plan for the Airport Wells Water Treatment Facility. Appropriate precautions will be implemented to ensure that underground tanks are not encountered during below grade activities and that potential sparking construction equipment is not utilized in the vicinity of aboveground tanks.</p> <p><i>Project Location:</i> Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> District (confirms tank locations) and Construction contractor (incorporates into Health and Safety Plan and implements</p>	<p>District to consult and coordinate with the manager of the fuel station if any project-related activities are conducted within 150 feet of a fuel. The location of underground tanks, if present, and the existing aboveground fuel tank at the Chevron station will be identified in the Health and Safety Plan for the Airport Wells Water Treatment Facility.</p>	<p>Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to initiating construction activities.</p>	<p>District Manager</p>

Exhibit 4
 Application No. 2-06-006 (MWSD PWP)
 Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Monitoring	Party Responsible (or Verification)
	appropriate safety measures) <i>Schedule:</i> Prior to initiating construction activities					
Potential Impact 3.5-3: Would the proposed project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Mitigated to less than significant with Mitigation Measures 3.5-1, 3.5-3					
Potential Impact 3.5-4: Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Mitigation Measure 3.5-7: All construction personnel shall be notified that diesel was previously stored on the site. If an indication of diesel or petroleum is observed during any construction activities (i.e., odors or darkened soil), the Construction Manager shall contact the District Manager immediately. Construction activities shall temporarily cease in this area until appropriate protocol is established regarding how to remove, handle, and dispose of the contaminated material. The material shall be handled and disposed in accordance with local, State, and Federal regulations. <i>Projection Location:</i> Schoolhouse Tank <i>Implemented By:</i> Construction contractor <i>Schedule:</i> Prior to initiating and during construction	District to notify all construction personnel that diesel was previously stored on the site. The Construction Manager shall contact the District Manager if an indication of diesel or petroleum is observed during any construction activities and construction temporarily ceased in the area until appropriate protocol is established regarding how to remove, handle, and dispose of the contaminated material.	Schoolhouse Tank	District Engineer to prepare a compliance report and submit the report to the District Manager.	Prior to initiating and during construction activities.	District Manager

Exhibit 4
Application No. 2-06-006 (MWSD PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Plan/Responsibility of Verification
<p>Potential Impact 3.5-5: For a project located within an Airport land use plan or, where such a plan has not been adopted, within two miles of a public Airport or public use Airport, would the project result in a safety hazard for people residing or working in the project area?</p>	<p>Mitigation Measure 3.5-8: A written notice shall be provided to the Half Moon Bay Airport Manager indicating construction dates, a location map, and maximum height extensions of all construction equipment to be used and Facility installed at the Airport. The District shall receive approval from the Airport Manager for development of the Facility and shall abide by all height restrictions outlined by the Airport Manager.</p> <p><i>Project Location:</i> Airport Wells Water Treatment Facility <i>Implemented By:</i> District <i>Submitted To and Approved By:</i> Half Moon Bay Airport Manager <i>Schedule:</i> Prior to bringing any construction equipment to the site</p>	<p>District to notify the Half Moon Bay Airport Manager in writing and identify construction dates, a location map, and maximum height extensions of all construction equipment to be used and Facility installed. The District shall receive approval from the Airport Manager for applicable and necessary FAA requirements for development of the Facility and shall abide by all height restrictions outlined by the Airport Manager.</p>	<p>Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to bringing any construction equipment to the site.</p>	<p>District Manager and Airport Manager</p>
	<p>Mitigation Measure 3.5-9: A written notice shall be provided to the Half Moon Bay Airport Manager indicating the exact design and location of the solar panels. The District shall receive approval from the Airport Manager prior to installing the solar panels.</p> <p><i>Project Location:</i> Airport Wells Water Treatment Facility</p>	<p>District to notify Half Moon Bay Airport Manager in writing indicating the exact design and location of the solar panels. The District shall receive approval from the Airport Manager for applicable and necessary FAA</p>	<p>Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to installing solar panels.</p>	<p>District Manager and Airport Manager</p>

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>Implemented By: District</p> <p><i>Submitted To and Approved By:</i> Half Moon Bay Airport Manager</p> <p><i>Schedule:</i> Prior to installing solar panels</p>	<p>requirements prior to installing the solar panels.</p>				
	<p>Mitigation Measure 3.5-10: Vehicular access north of the Alta Vista Tank shall be maintained during and after construction of the tank. If necessary, a portion of the unpaved extension of Alta Vista Road shall be realigned around the west side of the tank. During construction, blocking access along the unpaved road should be avoided, to the extent possible, in order to allow for potential access of fire response vehicles. No vehicle or equipment shall be staged or parked long-term along the narrow portion of the unpaved road, which may block fire response vehicle access.</p> <p><i>Project Location:</i> Alta Vista Tank and Wells</p> <p><i>Implemented By:</i> Construction contractor</p> <p><i>Schedule:</i> During construction activities</p>	<p>District to maintain vehicular access north of the Alta Vista Tank during and after construction of the tank.</p>	<p>Alta Vista Tank and Wells</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>During construction activities.</p>	<p>District Manager</p>
<p>Potential Impact 3.5-6: Would the proposed project impair implementation of or physically interfere with an adopted emergency</p>	<p>Mitigation Measure 3.5-11: The following measures shall be incorporated into the Health and Safety Plan and implemented during</p>	<p>District shall incorporate into the Health and Safety Plan the following</p>	<p>Alta Vista Tank and Wells</p>	<p>District Engineer to prepare a compliance report and submit the report to the District</p>	<p>During construction and maintenance activities.</p>	<p>District Manager</p>

Exhibit 4
 Application No. 2-06-006 (MWSD PWP)
 Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measures	Implementation Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
<p>response plan or emergency evacuation plan?</p> <p>construction and District maintenance activities:</p> <p>a) Construction and District maintenance vehicles shall be equipped with appropriate fire combatant equipment at all times.</p> <p>b) Smoking shall not be allowed outside of designated areas at any time, which would include anywhere with dry grass underfoot.</p> <p>c) No equipment shall be fueled, maintained, or left to idle within 50 feet of dry grass or potentially flammable vegetated areas at any time.</p> <p>d) During operation of sparking equipment, all appropriate precautions shall be instituted to ensure that sparks do not reach nearby vegetation. Separate personnel equipped with fire combatant equipment shall oversee spark-producing operations at all times.</p> <p><i>Project Location:</i> Alta Vista Tank and Wells <i>Implemented By:</i> Construction contractor and District <i>Schedule:</i> During construction and maintenance activities; incorporated into Health and</p>	<p>provisions:</p> <p>a) Construction and District maintenance vehicles shall be equipped with appropriate fire combatant equipment at all times.</p> <p>b) Smoking shall not be allowed outside of designated areas at any time, which would include anywhere with dry grass underfoot.</p> <p>c) No equipment shall be fueled, maintained, or left to idle within 50 feet of dry grass or potentially flammable vegetated areas at any time.</p> <p>d) During operation of sparking equipment, all appropriate precautions shall be instituted to</p>	<p>Manager.</p>			

Exhibit 4
 Application No. 2-06-006 (MWSO PWP)
 Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	Safety Plan	ensure that sparks do not reach nearby vegetation. Separate personnel equipped with fire combatant equipment shall oversee spark-producing operations at all times.				
Potential Impact 3.5-7: Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Mitigation Measure 3.5-12: The diesel tank associated with the back-up generator shall not be stored permanently at the site. The diesel tank shall be stored at an offsite District facility with at least an existing 30-foot radius vegetation clear zone around it and brought to the project site only in the event of an electrical power outage. Project Location: Alta Vista Well #1 Implemented By: District Schedule: Ongoing	District to store the diesel tank associated with the back-up generator at an offsite District facility with at least an existing 30-foot radius vegetation clear zone.	Alta Vista Well #1	District Engineer to prepare a compliance report and submit the report to the District Manager.	Ongoing.	District Manager
Air Quality						
Potential Impact 3.6-1: Would the proposed project conflict with or obstruct implementation of the applicable air quality plan?	Mitigation Measure 3.6-1: If an air stripper is installed for the treatment of groundwater contaminated with organic compounds (which includes trichloropropane), a permit shall be obtained from the Bay Area Air Quality Management	District to obtain a permit from the BAAQMD in accordance with District's Regulation 8, Rule 47 prior to installation of an air stripper.	Airport Wells Water Treatment Facility	District Engineer to prepare a compliance report and submit the report to the District Manager.	Prior to operating Airport Wells Water Treatment Facility.	District Manager and BAAQMD

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Party Responsible for Verification
	<p>District in accordance with BAAQMD's Regulation 8, Rule 47.</p> <p><i>Project Location:</i> Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> District</p> <p><i>Schedule:</i> Prior to operating Airport Wells Water Treatment Facility</p>				
<p>Potential Impact 3.6-2: Would the proposed project violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>	<p>Mitigation Measure 3.6-2: The following measures, which are outlined in the BAAQMD CEQA Guidelines for construction to prevent PM₁₀ emissions, shall be implemented during construction activities:</p> <ul style="list-style-type: none"> a) Water all active construction and disturbed areas at least twice daily during dry periods. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. c) Apply water three times daily or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. d) Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas 	<p>District to adhere to BAAQMD CEQA Guidelines for the minimization of construction generated airborne emissions</p>	<p>Alla Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>During construction.</p> <p>District Manager</p>

Exhibit 4
Application No. 2-06-006 (MWSD PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Entity	Location	Method of Verification	Timing of Implementation	Party Responsible for Reporting
	<p>at construction sites. Dust, sediment, and debris shall not be washed into the storm drain system.</p> <p>e) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Dust, sediment, and debris shall not be washed into the storm drain system.</p> <p><i>Project Location:</i> Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> Construction contractor</p> <p><i>Schedule:</i> During construction</p>					
<p>Potential Impact 3.6-3: Would the proposed project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</p>	<p>Mitigated to less than significant with Mitigation Measure 3.6-2</p>					
<p>Potential Impact 3.6-4: Would the project expose sensitive receptors to substantial pollutant concentrations?</p>	<p>Mitigated to less than significant with Mitigation Measure 3.5-3 and 3.6-2</p>					
<p>Potential Impact 3.6-5: Would the project create objectionable odors affecting a substantial number of</p>	<p>Mitigation Measure 3.6-3: Construction vehicles shall not idle unnecessarily. Paint and finishing spray applications</p>	District to prohibit the unnecessary idling of construction	Schoolhouse Tank	District Engineer to prepare a compliance report and submit the	During construction.	District Manager

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measures	Implementing Action	Location	Method of Verification	Timing of Implementation	Responsible Organization
people?	<p>shall not be conducted during windy periods (exceeding 20 miles per hour).</p> <p><i>Project Location:</i> Schoolhouse Tank</p> <p><i>Implemented By:</i> Construction and paint contractors</p> <p><i>Schedule:</i> During construction</p>	<p>vehicles and shall also prohibit the application of paint and finishing spray applications during periods of wind speeds 20 mph or greater.</p>		<p>report to the District Manager.</p>		
Transportation and Traffic						
<p>Potential Impact 3.7-1: Would the proposed project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?</p>	<p>Mitigation Measure 3.7-1: The District shall document pre-construction conditions of the streets leading to the project sites (including Alta Vista Road, Drake, Buena Vista, and California Streets, and the Airport frontage drive) through photographs and/or video-tape logs and a written narrative. The pre-construction survey shall be conducted after road improvements are complete, as outlined in Mitigation Measure 3.7-2 below. The District shall document the post-project conditions for the streets using the same method after construction activities are complete. The District shall engage a contractor to repair all damage to the roads within 1 month of completing construction.</p> <p><i>Project Location:</i> Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p>	<p>District to document pre-construction all street and road conditions leading to the construction sites prior to construction. District to repair all roads damaged during construction within 1 month of the completing construction.</p>	<p>Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to initiating construction activities, and immediately after construction is complete.</p>	<p>District Manager</p>

Exhibit 4
Application No. 2-06-006 (MWSD PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Implementation
	<p>Implemented By: District</p> <p><i>Schedule:</i> Prior to initiating construction activities; and immediately after construction is complete</p>					
<p>Potential Impact 3.7-3: Would the proposed project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p>	<p>Mitigation Measure 3.7-2: Prior to initiating construction activities, the District shall remediate areas of Alta Vista Road (such as filling the ruts) to ensure the safe passage of construction equipment.</p> <p><i>Projection Location:</i> Alta Vista Tank and Wells</p> <p>Implemented By: District</p> <p><i>Schedule:</i> Prior to initiating construction activities</p>	<p>District to remediate areas of Alta Vista Road to ensure the safe passage of construction equipment.</p>	<p>Alta Vista Tank and Wells</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to initiating construction activities.</p>	<p>District Manager</p>
<p>Exhibit 4</p>	<p>Mitigation Measure 3.7-3: As part of the road improvement, a drainage system shall be installed to address runoff and alterations in stormwater drainage patterns along and adjacent to the roadway resulting from the road improvements outlined in Mitigation Measure 3.7-2 only. The system shall be designed to encourage stormwater infiltration into soils, to avoid erosion of receiving areas, and to avoid sedimentation and/or pollutant (hydrocarbon residual) migration to nearby creeks or waterways.</p> <p><i>Projection Location:</i> Alta Vista Tank and Wells</p>	<p>District to install a drainage system to address runoff and alterations in stormwater drainage patterns along and adjacent to the roadway resulting from the road improvements outlined in Mitigation Measure 3.7-2 only.</p>	<p>Alta Vista Tank and Wells</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to initiating construction; during road improvements.</p>	<p>District Manager</p>

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementation Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>Implemented By: District</p> <p><i>Schedule:</i> Prior to initiating construction; during road improvements</p>					
	<p>Mitigation Measure 3.7-4: Prior to initiating road improvement construction activities, a qualified biologist shall conduct a biological survey(s) of the areas adjacent to the roadway to inventory the existing vegetation and any potential sensitive habitat or species which may require special precautions (i.e., fenced off to prevent disturbance). The survey(s) shall include, but is not limited to, identifying any nesting migratory birds or their habitat present along the roadway that may be disturbed by road improvement efforts. If potential migratory nesting habitat is identified within 250 feet of the road, road improvements activities shall begin between September 1 and January 30 to prevent disturbance to potential bird nests. If road improvements are desired outside of the above period, a pre-construction survey for nesting birds shall be conducted by a qualified biologist no more than 30 days prior to initiation of improvements. If occupied migratory bird nests are found, construction shall not commence until after the nests</p>	<p>District to retain a qualified biologist to conduct a biological survey(s) of the areas adjacent to the roadway to inventory the existing vegetation and any potential sensitive habitat or species which may require special precautions.</p>	<p>Alta Vista Tank and Wells</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Within 30 days of initiating road improvements.</p>	<p>District Manager</p>

Exhibit 4
 Application No. 2-06-006 (MWSD PWP)
 Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Location	Timing of Implementation	Frequency of Monitoring	Responsible Party
	<p>are protected by an adequate setback (in general, 50 feet for passernes and 250 feet for raptors) approved by a qualified biologist in consultation with the California Department of Fish and Game.</p> <p><i>Projection Location:</i> Alta Vista Tank and Wells</p> <p><i>Implemented By:</i> Qualified Biologist; recommendations implemented by Construction Contractor</p> <p><i>Schedule:</i> Within 30 days of initiating road improvements</p>	Alta Vista Tank and Wells	During all phases of construction.		District Manager
<p>Exhibit 4 Application No. 2-06-006 (MWSD PWP) Final EIR Mitigations</p>	<p>Mitigation Measure 3.7-5: Alta Vista Road shall be maintained as a passable and usable road during all phases of construction. Flag persons shall direct traffic onto Alta Vista Road (at the Drake Street intersection) and along Alta Vista Road to ensure that construction vehicles do not inhibit the movement of residents, residential service vehicles, or emergency access vehicles along any of the area's road system.</p> <p><i>Projection Location:</i> Alta Vista Tank and Wells</p> <p><i>Implemented By:</i> Construction contractor</p> <p><i>Schedule:</i> During all phases of construction</p>	Alta Vista Tank and Wells	District Engineer to prepare a compliance report and submit the report to the District Manager.	District to maintain Alta Vista Road as a passable and usable road during all phases of construction.	District Manager

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Organization	Monitoring/Verification	Timing of Implementation	Party Responsible for Verification	
	<p>Mitigation Measure 3.7-6: The District shall maintain Alta Vista Road for one year (12 months) after the completion of the project improvements at the Alta Vista site. <i>Projection Location:</i> Alta Vista Tank and Wells <i>Implemented By:</i> District <i>Schedule:</i> Continuing for one year after the completion of the proposed project</p>	District to maintain Alta Vista Road for one year (12 months) after the completion of the project improvements at the Alta Vista site.	Alta Vista Tank and Wells	District Engineer to prepare a compliance report and submit the report to the District Manager.	Continuing for one year after the completion of the proposed project.	District Manager
<p>Potential Impact 3.7-4: Would the proposed project result in inadequate emergency access?</p>	Mitigated to less than significant with Mitigation Measure 3.5-10					
Noise						
<p>Potential Impact 3.8-1: Would the proposed project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>	<p>Mitigation Measure 3.8-1: Project construction activities shall not take place between the hours of 6 p.m. and 7 a.m. on weekdays, 5 p.m. and 9 a.m. on Saturdays, or at any time on Sundays or federal holidays. <i>Project Location:</i> Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility <i>Implemented By:</i> Construction contractor <i>Schedule:</i> During construction</p>	District to prohibit construction activities between the hours of 6 p.m. and 7 a.m. on weekdays, 5 p.m. and 9 a.m. on Saturdays, or at any time on Sundays or federal holidays.	Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility	District Engineer to prepare a compliance report and submit the report to the District Manager.	During construction.	District Manager
	<p>Mitigation Measure 3.8-2: A sign stating the allowed days and hours for construction</p>	District to erect a sign in a conspicuous	Alta Vista Tank and Wells, Schoolhouse Tank	District Engineer to prepare a compliance report	During construction activities.	District Manager

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>shall be posted in a conspicuous place on the property where it can be viewed by all contractors.</p> <p><i>Project Location:</i> Alta Vista Tank and Wells, Schoolhouse Tank</p> <p><i>Implemented By:</i> Construction contractor</p> <p><i>Schedule:</i> During construction activities</p>	<p>location stating the allowed days and hours for construction.</p>		<p>and submit the report to the District Manager.</p>		
	<p>Mitigation Measure 3.8-3: A sign stating the name and telephone number of a disturbance coordinator shall be posted in a conspicuous place on the property where it can be viewed by the public. This person shall be responsible for responding to noise-related complaints.</p> <p><i>Project Location:</i> Alta Vista Tank and Wells, Schoolhouse Tank</p> <p><i>Implemented By:</i> Construction contractor</p> <p><i>Schedule:</i> During construction activities</p>	<p>District to erect a sign stating the name and telephone number of a disturbance coordinator.</p>	<p>Alta Vista Tank and Wells, Schoolhouse Tank</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>During construction activities.</p>	<p>District Manager</p>
	<p>Mitigation Measure 3.8-4: Water treatment equipment shall be selected and installed (including solar panels, if utilized) which does not produce noise levels above established County standards, as defined in Title 4, Chapter 4.88 of the San Mateo County</p>	<p>District to select water treatment equipment which does not produce noise levels above established County standards, as defined in Title 4, Chapter 4.88 of the</p>	<p>Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to Facility operation.</p>	<p>District Manager</p>

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	Code. Project Location: Airport Wells Water Treatment Facility Implemented By: Qualified Acoustical Engineer Schedule: Prior to Facility operation	San Mateo County Code.				
Potential Impact 3.8-3: Would the proposed project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Mitigated to less than significant with Mitigation Measure 3.8-4					
Potential Impact 3.8-4: Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Mitigated to less than significant with Mitigation Measures 3.8-1, 3.8-2, 3.8-3, and 3.8-4					
Aesthetics and Visual Resources						
Potential Impact 3.9-1: Would the proposed project have a substantial adverse effect on a scenic vista?	Mitigation Measure 3.9-1: The exterior of the tank shall be painted green to blend with the existing vegetation. The District shall inspect the finish on the tank annually and shall repaint the tank as often as is necessary to maintain the tank free of peeling or chipped paint, graffiti, or other visual offensive paint conditions. Project Location: Alta Vista Tank	District to paint the exterior of the tank green to blend with the existing vegetation. The District shall inspect the finish on the tank annually and shall repaint the tank as often as is necessary to maintain the tank free of peeling or chipped paint, graffiti, or other	Alta Vista Tank	District Engineer to prepare a compliance report and submit the report to the District Manager.	Initial painting done immediately after tank installation; inspections conducted annually; repainting conducted when deemed necessary.	District Manager

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementation Criteria	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>Implemented By: District</p> <p>Schedule: Initial painting done immediately after tank installation; inspections conducted annually; repainting necessary when deemed necessary</p>	visual offensive paint conditions.				
	<p>Mitigation Measure 3.9-2: The Airport Wells Water Treatment Facility shall be rotated 90 degrees from its proposed orientation to an east-west orientation.</p> <p>Project Location: Airport Wells Water Treatment Facility</p> <p>Implemented By: District</p> <p>Schedule: Prior to initiating construction activities</p>	District to rotate the orientation of the Airport Wells Water Treatment Facility 90 degrees from its proposed orientation to an east-west orientation.	Airport Wells Water Treatment Facility	District Engineer to prepare a compliance report and submit the report to the District Manager.	Prior to initiating construction activities.	District Manager
	<p>Mitigation Measure 3.9-3: A landscape plan shall be prepared by a landscape architect to generally screen the Treatment Facility equipment and solar panel array from views from Highway 1. The landscape plan shall use native plants and include a mixture of low-lying vegetation, and species that substantially screen the facility and solar panel array from views from Highway 1 within 3 years of installation. The landscape plan shall be fully implemented not more than 1 month after completion of the construction of the Treatment Facility. The District</p>	District to retain a licensed landscape architect to prepare a landscape plan to generally screen the Treatment Facility equipment and solar panel array from views from Highway 1. The District shall be responsible for maintaining the installed landscape materials, including watering and replacement of specimens that do not survive.	Airport Wells Water Treatment Facility	District Engineer to prepare a compliance report and submit the report to the District Manager.	Prepare plan prior to initiation of grading and/or construction. Implement plan no more than one month after finalizing treatment facility and solar panel array installation activities.	District Manager

Exhibit 4
Application No. 2-06-006 (MWSD PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Organization	Location	Method of Mitigation	Timing of Implementation	Party Responsible for Verification
	<p>shall be responsible for maintaining the installed landscape materials, including watering and replacement of specimens that do not survive.</p> <p><i>Project Location:</i> Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> Landscape architect prepares landscape plan; District maintains landscape materials</p> <p><i>Schedule:</i> Prepare plan prior to initiation of grading and/or construction. Implement plan no more than one month after finalizing treatment facility and solar panel array installation activities</p>					
<p>Potential Impact 3.9-2: Would the proposed project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?</p>	<p>Mitigated to less than significant with Mitigation Measures 3.1-6</p>					
<p>Potential Impact 3.9-3: Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?</p>	<p>Mitigation Measure 3.9-4: All electrical power lines to the tank shall be installed underground.</p> <p><i>Project Location:</i> Alta Vista Tank and Wells</p> <p><i>Implemented By:</i> District</p> <p><i>Schedule:</i> Prior to initiating construction activities</p>	<p>District to install all electrical power lines underground</p>	<p>Alta Vista Tank and Wells</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to initiating construction activities.</p>	<p>District Manager</p>

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementation	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>Mitigation Measure 3.9-5: The exterior finish of all metalwork or reflective surfaces on the Alta Vista Wells, including but not limited to filtration vessels, cabinets, fencing material, and hardware, shall be finished in a non-reflective, non-glare finish. This may include paint, textured finishes, vinyl coating, or other similar finishes. There shall be no exposed bare metal surfaces, including cabinet hardware.</p> <p><i>Project Location:</i> Alta Vista Wells #1 and #2 <i>Implemented By:</i> District <i>Schedule:</i> Immediately following installation of proposed improvements</p>	District to finish all metalwork or reflective surfaces on the Alta Vista Wells utilizing a non-reflective, non-glare finish.	Alta Vista Wells #1 and #2	District Engineer to prepare a compliance report and submit the report to the District Manager.	Immediately following installation of proposed improvements.	District Manager
	<p>Mitigation Measure 3.9-6: All chain link fence material, including supporting poles, shall be vinyl-coated. The District shall inspect all fencing at least once annually and replace and/or repair any fence material from which the vinyl-coating has been removed due to use or accident.</p> <p><i>Project Location:</i> Alta Vista Wells #1 and #2 <i>Implemented By:</i> District <i>Schedule:</i> Immediately following installation of fence; inspections to occur annually.</p>	District to install only chain link fence material, including supporting poles, that is vinyl-coated. The District shall inspect all fencing at least once annually and replace and/or repair any fence material from which the vinyl-coating has been removed due to use or accident.	Alta Vista Wells #1 and #2	District Engineer to prepare a compliance report and submit the report to the District Manager.	Immediately following installation of fence; inspections to occur annually; replace vinyl coating as needed.	District Manager

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>replace vinyl coating as needed</p>					
	<p>Mitigation Measure 3.9-7: District personnel shall collect any vegetation or solid waste debris that collects on the chain link security fence not less than one time each week, or more frequently if there are more frequent monitoring or maintenance activities at the Alta vista site. <i>Project Location:</i> Alta Vista Tank and Wells <i>Implemented By:</i> District <i>Schedule:</i> Ongoing; once per week</p>	<p>District personnel to collect any vegetation or solid waste debris that collects on the chain link security fence not less than one time each week, or more frequently if there are more frequent monitoring or maintenance activities at the Alta vista site.</p>	<p>Alta Vista Tank and Wells</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Ongoing, once per week.</p>	<p>District Manager</p>
	<p>Mitigation Measure 3.9-8: The exterior of the tank shall be painted a light tan to blend with the existing undeveloped lands to the site's north, east, and west. If and when the surrounding lands are developed with urban structures, the color of the tank shall be evaluated and a determination made at that time if an alternative color would better serve to visual diminish the tank's presence in the area. The District shall inspect the finish on the tank annually and shall repaint the tank as often as is necessary to maintain the tank free of peeling or chipped paint, graffiti, or other visually</p>	<p>District to paint the exterior of the tank light tan to blend with the existing undeveloped lands to the site's north, east, and west. The District shall inspect the finish on the tank annually and shall repaint the tank as often as is necessary to maintain the tank free of peeling or chipped paint, graffiti, or other visually offensive paint conditions.</p>	<p>Schoolhouse Tank</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Initial painting done immediately after tank installation; inspections conducted annually; repainting conducted when deemed necessary.</p>	<p>District Manager</p>

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>offensive paint conditions.</p> <p><i>Project Location:</i> Schoolhouse Tank</p> <p><i>Implemented By:</i> District</p> <p><i>Schedule:</i> Initial painting done immediately after tank installation; inspections conducted annually; repainting conducted when deemed necessary</p>					
<p>Potential Impact 3.9-4: Would the proposed project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?</p>	<p>Mitigated to less than significant with Mitigation Measures 3.9-1, 3.9-2, 3.9-5, and 3.9-7</p>					
Cultural Resources						
<p>Potential Impact 3.10-2: Would the proposed project cause a substantial advance change in the significance of an archaeological resource?</p>	<p>Mitigation Measure 3.10-1: The District shall inform all construction personnel of the potential for exposing subsurface cultural resources and to recognize possible buried cultural resources. Personnel shall be informed of the procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment.</p> <p><i>Project Location:</i> Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> District</p>	<p>District to inform all construction personnel of the potential for exposing subsurface cultural resources and to recognize possible buried cultural resources. Personnel shall be informed of the procedures that will be followed upon the discovery or suspected discovery of archaeological materials.</p>	<p>Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to initiating construction activities.</p>	<p>District Manager</p>

Exhibit 4
Application No. 2-06-006 (MWSD PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementation	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>informs construction personnel; Construction contractor implements procedures</p> <p><i>Schedule:</i> Prior to initiating construction activities</p>					
	<p>Mitigation Measure 3.10-2: All excavation contracts for the District shall contain provisions for <i>stop-work</i> in the vicinity of a find in the event of the exposure of a significant archaeological resource during subsurface construction. In addition, the contract documents shall recognize the need to implement any mitigation conditions required by the permitting agency. In general, the appropriate construction language should be included within the <i>General Conditions</i> section of any contract that has the potential for ground disturbing operations.</p> <p><i>Project Location:</i> Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> District</p> <p><i>Schedule:</i> Prior to initiating construction activities</p>	<p>District to include in all excavation contracts provisions for <i>stop-work</i> in the vicinity of a find in the event of the exposure of a significant archaeological resources during subsurface construction. In addition, the contract documents shall recognize the need to implement any mitigation conditions required by the permitting agency.</p>	<p>Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District Manager.</p>	<p>Prior to initiating construction activities.</p>	<p>District Manager</p>
	<p>Mitigation Measure 3.10-3: Upon discovery of possible buried cultural materials (including potential Native American skeletal remains),</p>	<p>Upon discovery of possible buried cultural materials work in the immediate area of</p>	<p>Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p>	<p>District Engineer to prepare a compliance report and submit the report to the District</p>	<p>During construction activities.</p>	<p>District Manager</p>

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Time/Responsibility
	<p>work in the immediate area of the find shall be halted and the District Manager shall be notified. The District Manager shall retain a qualified professional archaeologist to review and evaluate the find. Once the find has been identified and evaluated, the archaeologist shall inform the District Manager of the necessary plans for treatment of the find(s) and mitigation of impacts if the finds are found to be significant according to CEQA. The District Manager shall make every effort to insure that the treatment program is completed. The results shall be forwarded to the California Historical Resources Information System, Northwest Information Center, CSU Rohnert Park. In the event of the exposure of possible Native American skeletal remains, the San Mateo County coroner shall be notified. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. Native American monitors shall be allowed to observe conditions following any such discovery. If it is determined that an intact archaeological deposit will be further damaged by construction activities, it shall be the responsibility of the District to</p>	<p>the find shall be halted and the District Manager shall be notified. The District Manager shall retain a qualified professional archaeologist to review and evaluate the find. The archaeologist shall inform the District Manager of the necessary plans for treatment of the find(s) and mitigation of impacts if the finds are found to be significant according to CEQA.</p>		<p>Manager.</p>	

Exhibit 4
 Application No. 2-06-006 (MWSD PWP)
 Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Party Responsible for Verification
	<p>submit a plan for the evaluation and mitigation of any such resource to the relevant agency and receive approval of that plan before construction can resume in the area of the archeological deposit. Disposition of the Native American human remains shall comply with CEQA Guidelines Section 15064.5(e).</p> <p><i>Project Location:</i> Alta Vista Tank and Wells, Schoolhouse Tank, Airport Wells Water Treatment Facility</p> <p><i>Implemented By:</i> Construction contractor, District Manager, and qualified professional archaeologist</p> <p><i>Schedule:</i> During construction activities</p>					
<p>Potential Impact 3.10-4: Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?</p>	<p>Mitigated to less than significant with Mitigation Measures 3.10, 3.10-2, and 3.10-3</p>					
<p>Public Services</p>						
<p>Potential Impact 3.11-1: Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the</p>	<p>Mitigated to less than significant with Mitigation Measures 3.5-11 and 3.5-12</p>					

Exhibit 4
Application No. 2-06-006 (MWSD PWP)
Final EIR Mitigations

APPENDIX A: MITIGATION MONITORING AND REPORTING PLAN

Impact	Mitigation Measure	Implementing Action	Location	Method of Verification	Timing of Implementation	Responsible Party
construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities?						
Utilities and Service Systems						
Potential Impact 3.12-1: Would the proposed project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB)?	Mitigated to less than significant with Mitigation Measure 3.1-4					
Potential Impact 3.12-3: Would the proposed project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Mitigated to less than significant with Mitigation Measures 3.7-2 and 3.7-3					
Potential Impact 3.12-6: Would the proposed project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Mitigated to less than significant with Mitigation Measure 3.5-3					

AERIAL VIEW OF PROPOSED 1 MG STEEL WATER TANK SITE



Exhibit 5

Application No. 2-06-006 MWSD PWP

Alternative Alta Vista Tank location, plans
and cross sections (Page 1 of 4)

SRT Consultants Inc.
792 Bay Street
San Francisco, California
94108

REV	DATE	COMMENTS

DRAWN BY: ADAM MORSE
CHECKED BY:
DATE: 09/28/2006
SCALE: 1 TO 50

1 MG STEEL WATER TANK
PLAN VIEW - 1 MG STEEL
WATER TANK

SHEET
1
1

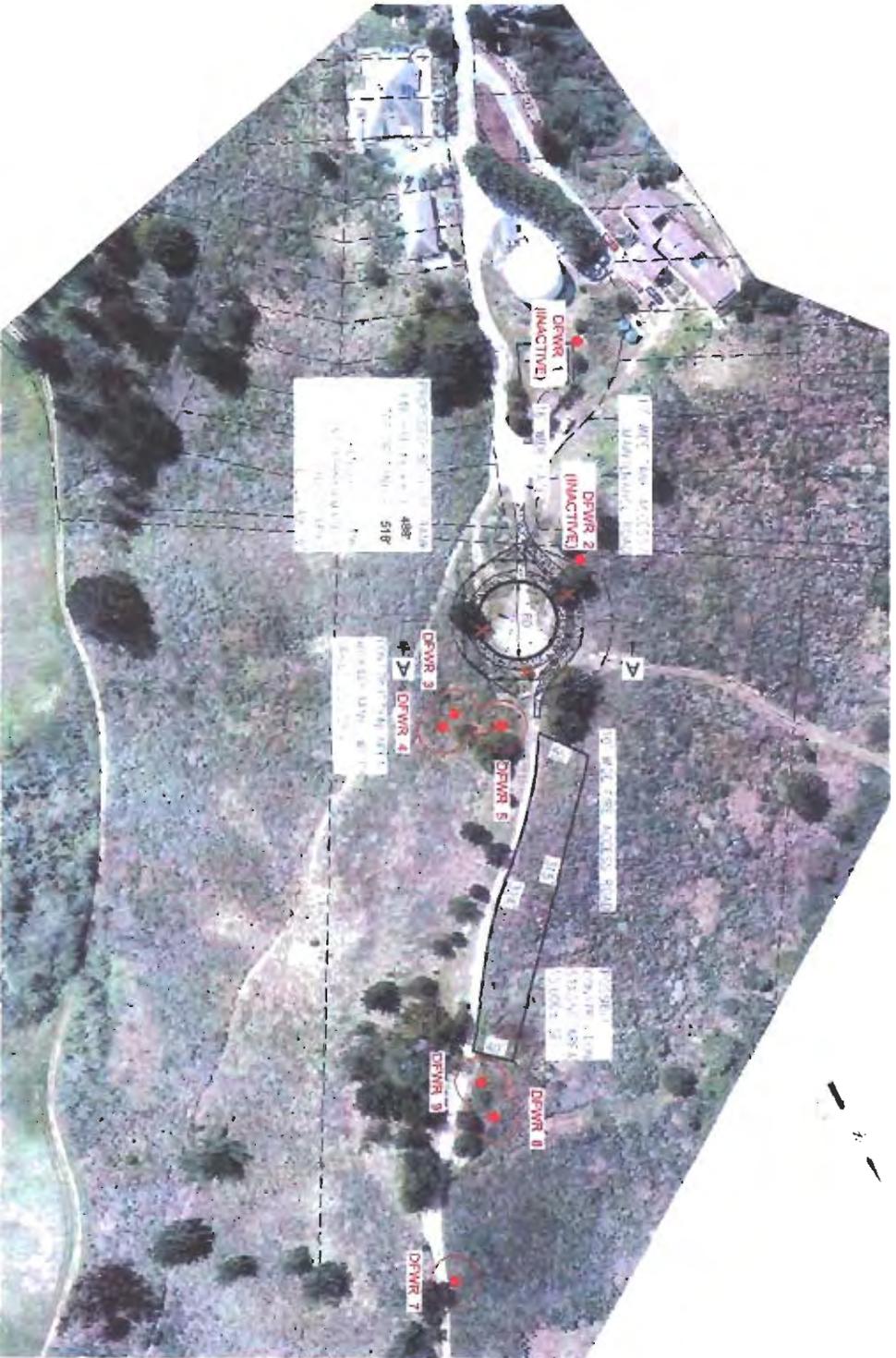


FIGURE 2
 PROPOSED NEW ALTA VISTA TANK
 PLAN VIEW WITH AERIAL PHOTO

Exhibit 5
 Application No. 2-06-006 (MWS:SD PWP)
 Alternative Alta Vista Tank location, plans, and
 cross sections

PLAN VIEW OF PROPOSED 1 MG STEEL WATER TANK SITE

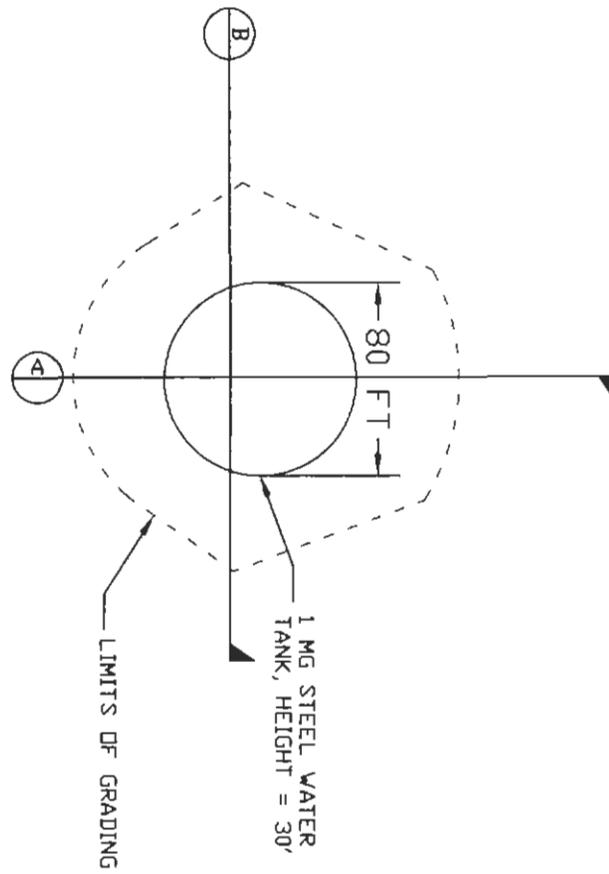
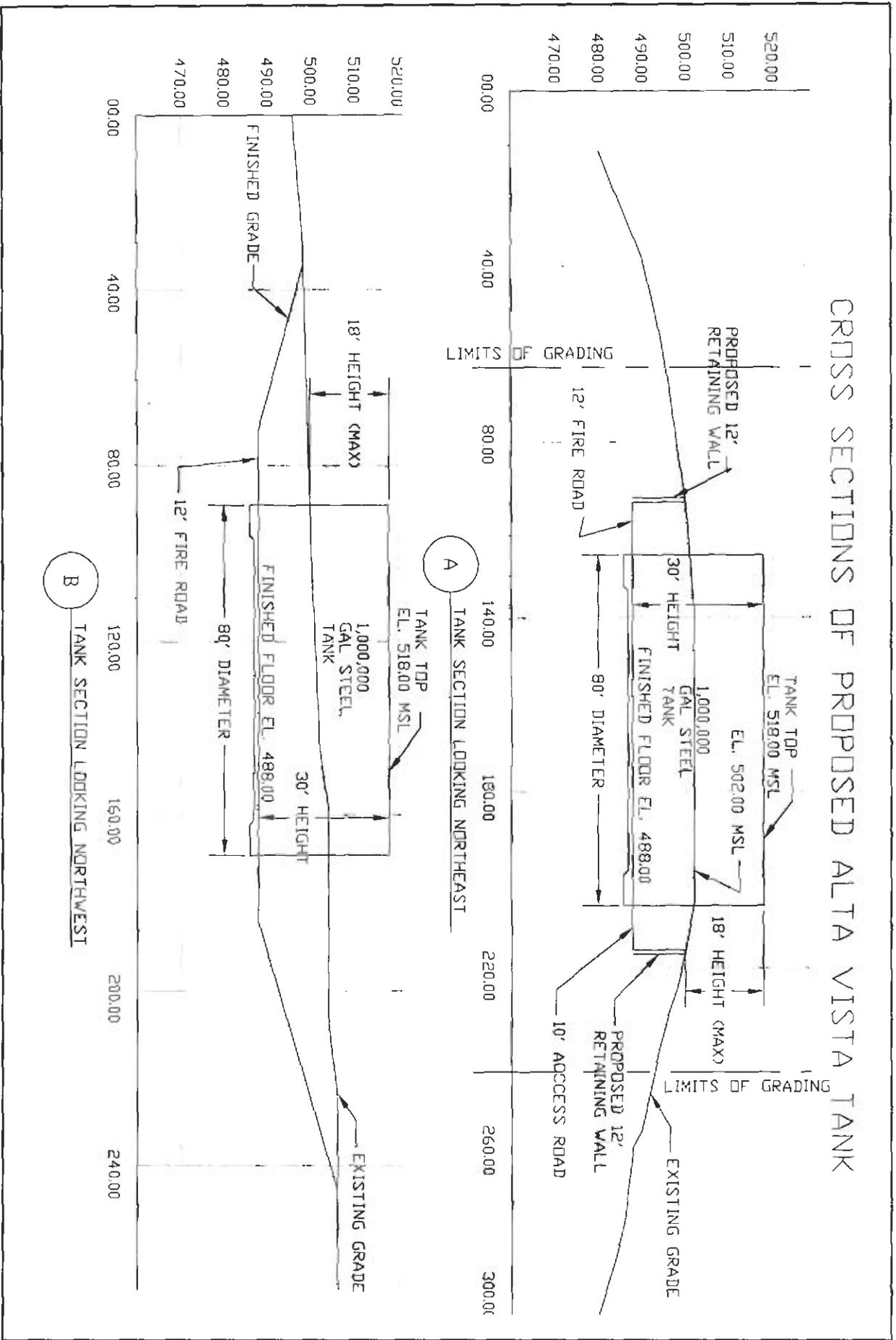


Exhibit 5
 Application No. 2-06-006 (MWSO PWP)
 Alternative Alta Vista Tank location, plans, and
 cross sections

1 OF 2 SHEET	1 MG STEEL WATER TANK	DRAWN BY: ADAM MORSE	NO. DATE COMMENTS
	PLAN VIEW - 1 MG STEEL WATER TANK	CHECKED BY:	[] [] []
		DATE: 09/26/2008	[] [] []
		SCALE: 1 TO 50	[] [] []

SRT Consultants Inc.
 792 Bay Street
 San Francisco, California
 94109

CROSS SECTIONS OF PROPOSED ALTA VISTA TANK



2 SHEET 2	1 MG STEEL WATER TANK SECTIONS - 1 MG STEEL WATER TANK	DRAWN BY: ADAM MORSE CHECKED BY: DATE: 09/26/20 SCALE: 1 TO 20	NO. DATE COMMENTS	SRT Consultants Inc. et California
-----------------	--	---	-------------------	--

Figure 3.3-2: View of Alta Vista Ridgeline and Hillside



SOURCE: MHA 2005



NOTE The Alta Vista tank would be situated along the ridgeline shown above at an elevation about 120 feet higher than the wetland. The wetland is located at the bottom of the hill towards the right edge of this photo. Alta Vista Well #1 is situated on the ridgeline, at an elevation about 180 feet higher than the wetland.

Figure 3.3-3: View Facing South of Alta Vista Site



SOURCE: Balance 2005 and MHA 2005



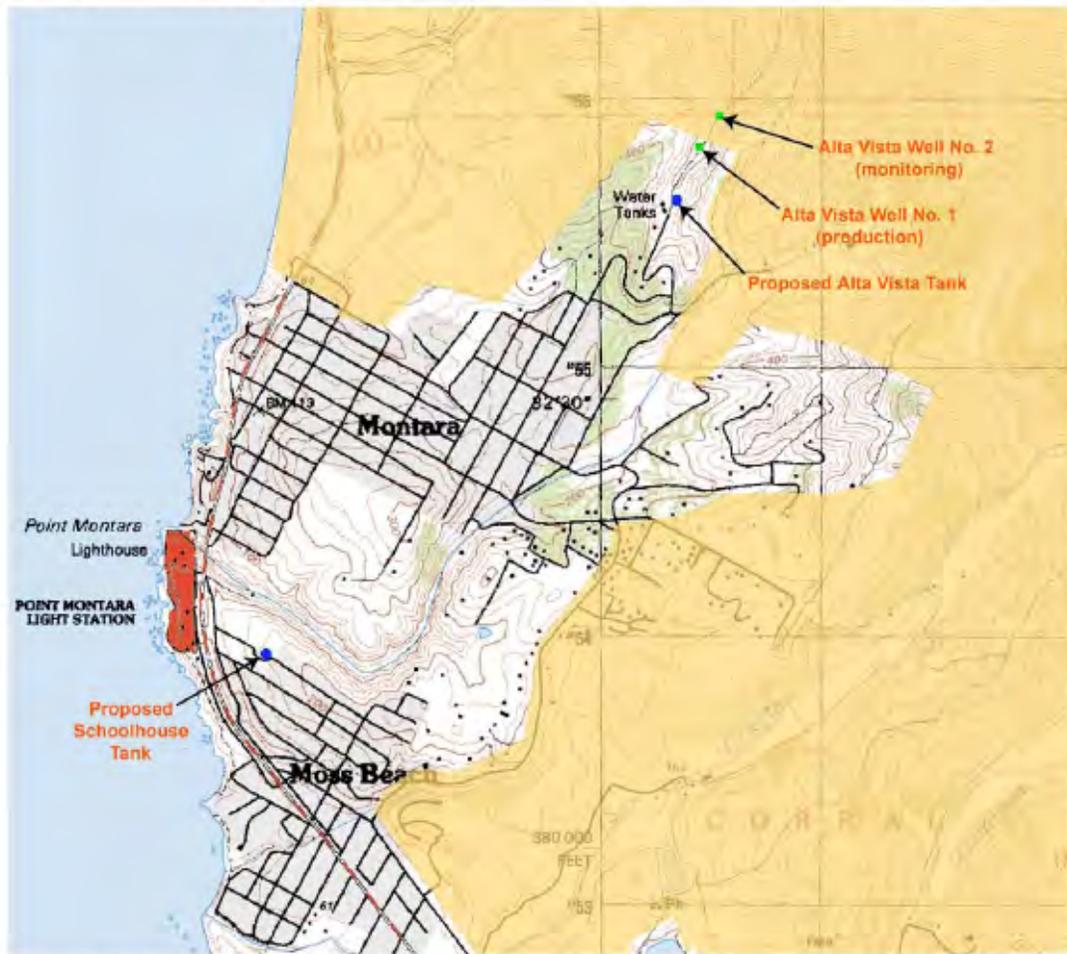
NOTE The proposed tank would be located about 290 feet west of the wetland. Alta Vista Well #1 is located at the top of the ridgeline about 400 feet northwest of the wetland.

Exhibit 6

Application No. 2-06-006 MWSD PWP

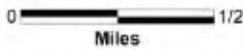
Alta Vista Ridge

Figure 3.5-1: Project Area Fire Risks and Hazards



SOURCE: CDF 2000 and MHA 2005

SCALE



LEGEND

-  Wildland area that may contain substantial forest fire risks and hazards
-  Densely built up areas
-  Vegetation



Exhibit 7
Application No. 2-06-006 MWSD PWP
Wildland Areas

Table 5.2-1: Summary of Storage Tank Alternatives	
Alternative Description	Comments/Evaluation
900,000-gal Alta Vista tank 200,000-gal Schoolhouse tank 100,000-gal Portola Estates tank Demolish existing 100,000-gal Schoolhouse tank	The District does not own sufficient land to add a second tank at the Portola Hills site. Further, the well capacities that supply the existing Portola Hills tank are insufficient to supply a second tank.
900,000-gal Alta Vista tank 300,000-gal Schoolhouse tank Demolish existing 100,000-gal Schoolhouse tank	The District does not own sufficient land at the Schoolhouse tank site to add a 300,000-gallon tank.
800,000-gal Alta Vista tank 200,000-gal Schoolhouse tank 200,000-gal Portola Estates tank Demolish existing 100,000-gal Schoolhouse tank Demolish existing 100,000-gal Portola Estates tank	The District does not own sufficient land to add a second tank at the Portola Hills site. Further, the well capacities that supply the existing Portola Hills tank are insufficient to supply a larger tank.
1,200,000-gal Alta Vista tank 100,000-gal Schoolhouse tank Demolish existing 100,000-gal Schoolhouse tank	Constructing a one million-gallon tank at the Alta Vista site and a 200,000-gallon tank at the Schoolhouse site offers the District a better balance in storage in those two key locations and provides for sufficient tank turnover to prevent water quality issues.
Double the storage at the three existing tank sites: 500,000-gal Alta Vista tank 100,000-gal Schoolhouse tank 100,000-gal Portola Estates tank Demolish and replace existing 100,000-gal Schoolhouse tank	This alternative would only provide 700,00 gallons of storage, which is less than the District's current need of 1.1 million gallons of additional storage.

SOURCE: Olivia Chen Consultants 2004 and MHA 2005

Exhibit 8
 Application No. 2-06-006 MWSD PWP
 Storage Tank Alternatives

Figure 3.2-2: Hydrology Map and Monitoring Well Locations

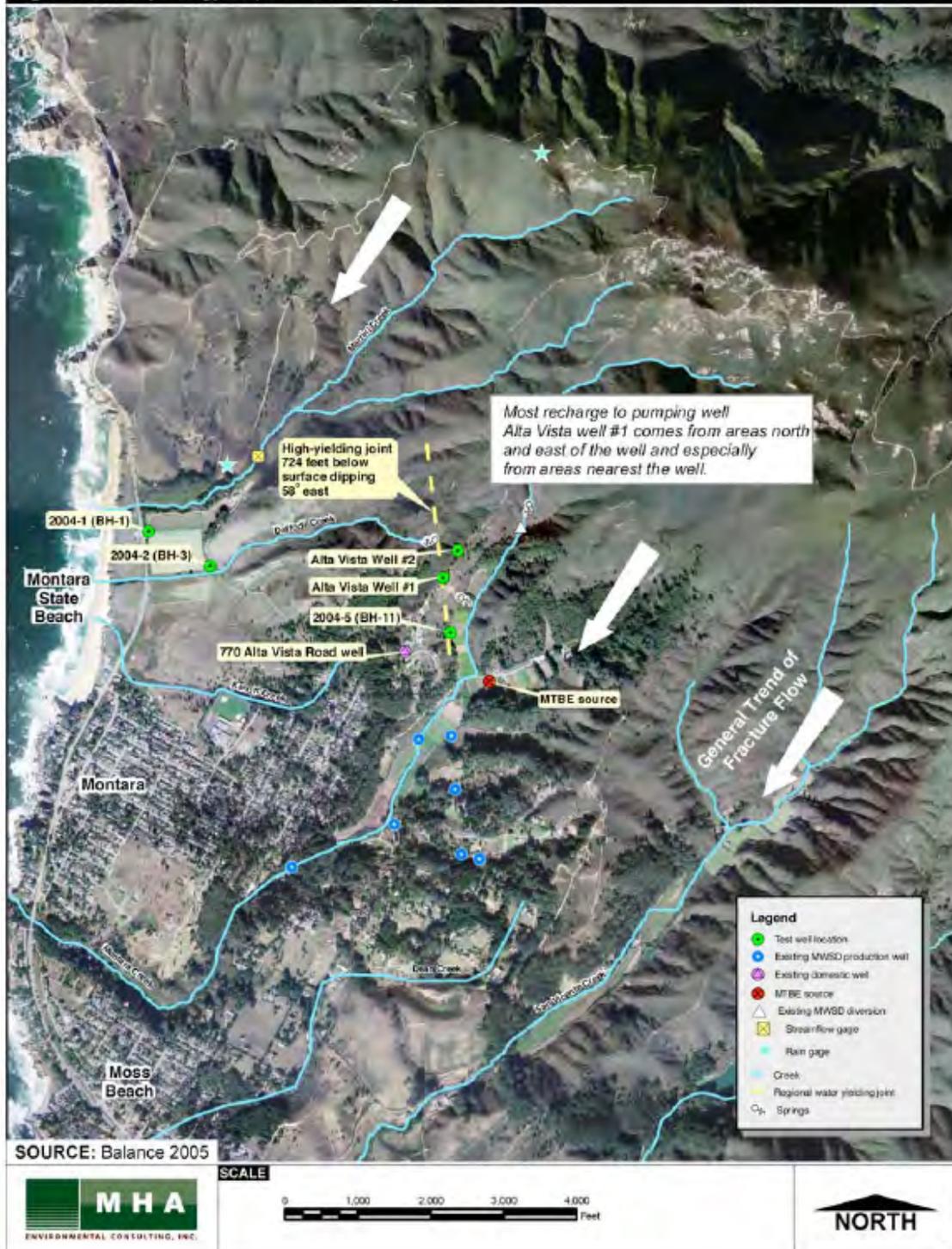


Exhibit 9

Application No. 2-06-006 MWSD PWP

Hydrology map and monitoring well locations

Figure 3.2-3: Upstream Watershed

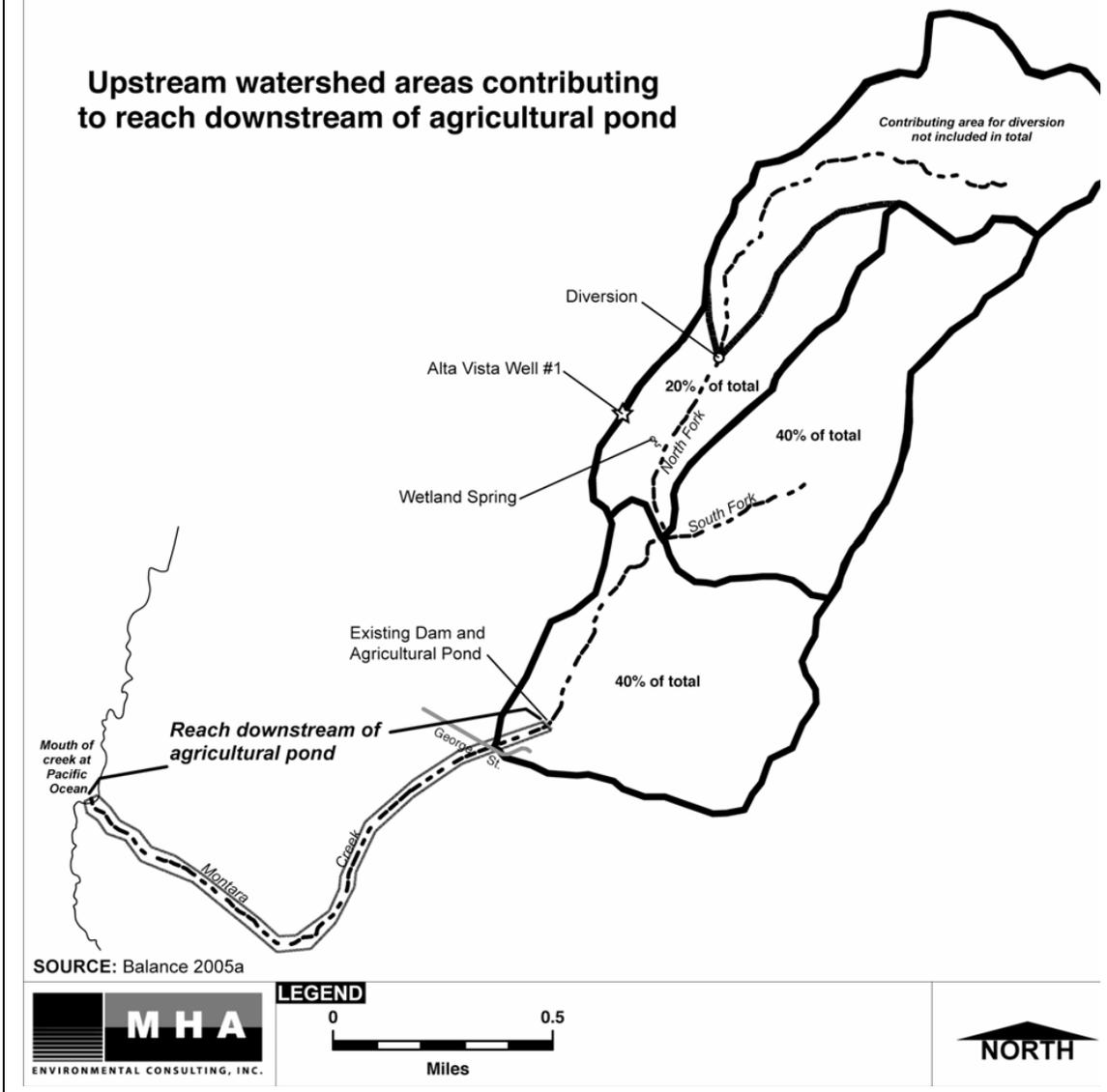


Exhibit 10
Application No. 2-06-006 MWSD PWP
Upstream watershed

Figure 3.9-1: View of Existing Schoolhouse Tank and Corporation Yard



SOURCE: MHA 2005



Exhibit 11

Application No. 2-06-006 MWSD PWP

Existing Schoolhouse Tank



**POINT MONTARA
FIRE PROTECTION DISTRICT**

1191 Main Street, Half Moon Bay, CA 94019 • Tel: (650) 726-5213 • Fax: (650) 726-0132

RECEIVED
MAY 22 2006
COMMUNITY RELATIONS

May 22, 2006

Chris Kern, District Manager
North-Central Coast District
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Montara Water and Sanitary District Public Works Plan Phase I,
Final Environmental Impact Report (SCH#2004112107), dated March 2006.

Dear Mr. Kern,

The purpose of this letter is to provide the support of the Point Montara Fire Protection District for the approval of the subject critical public safety project.

As you are no doubt aware, water storage is a significant element of an effective fire and life safety response program. The water storage capability in the Point Montara area is in immediate need of increased capacity. This project will mitigate this serious public safety deficiency and promote a much higher level of fire protection services for the residents and visitors of coastal San Mateo County within the Montara Water and Sanitary District boundaries.

The Board of Directors of the Pt. Montara Fire Protection District urges the California Coastal Commission and its staff to help bring this project to a successful conclusion as soon as possible.

Very truly,

Signature on File

V. L. Hamilton
Fire Chief

October 14, 2006

Chris Kern ✓
Coastal Program Manager
North Central Coast District

Ruby Pap
Coastal Program Analyst

California Coastal Commission
45 Fremont Street
Suite 2000
S.F., CA 94105

RECEIVED

OCT 18 2006

CALIFORNIA
COASTAL COMMISSION

Dear Chris and Rudy,

As you may know, I recently spoke about the Montara Water and Sanitary District's Public Works project during Public Comment session at the September Coastal Commission meeting. It seemed that Peter Douglas was appreciative of the comments, and he suggested that I keep the two of you informed.

I have included some of my work on the project for your review and consideration. You (Chris) were also copied on my DEIR and FEIR comments in December 2005 and April 2006, but please let me know if you would like another copy for your files.

Thank you for considering my concerns, which reflect the concerns of many in the neighborhood. We truly appreciate your focus and work on this project.

Sincerely,

Signature on File
Robin Rudisill

cc: Peter Douglas (without enclosures)

2: COMMENTS AND RESPONSES

P4-35 The tank will be painted green to blend with the hills in the landscape (see page 5-8 of the DEIR). Please refer to Master Response B.2 regarding the response to visual resources concerns.

P4-36 Please refer to Master Response C regarding the response to growth inducing impacts. The proposed project does not include lifting the moratorium and will not support growth.

P4-37 Please refer to Master Response H regarding the response to request to be added to the mailing list for future meetings.

P4-38 Comments noted. Please refer to Master Response H regarding the response to request to be added to the mailing list for future meetings.

Attached

P4-39 Comments noted.

P4-40 Comments noted.

California Coast Act and Health Department). The mitigation requires spill prevention and containment plans. If more than 55 gallons of a hazardous material are stored on-site as is projected, a permit will be obtained from the San Mateo County Environmental Health Department. Diesel and chlorine storage are not unusual activities and standard established protocols for preventing and containing spills are effective and accepted by regulating agencies. Diesel would not be stored permanently at the Alta Vista site.

One comment questioned who monitors the release of hazardous materials into the environment. The DEIR states that, "The San Mateo County Environmental Health Department regulates and enforces hazardous materials/wastes laws and regulations in San Mateo County." Mitigation Measure 3.5-1 would minimize potentially significant effects related to hazardous material release to less than significant levels. The precautions that the District will take during operations, policies and procedures for transport and storage, and consequences in the case of an accident will be included in the Spill Prevention and Containment Plan.

Air pollutant levels would not be significant as a result of construction or operation of any element of the project. Measures to reduce dust generation, in accordance with the BAAQMD, are included in the project (page 3-118 of DEIR). The diesel generator would only be used during power outages, which are not expected to be frequent; therefore the short-term emissions from one generator would not have a significant impact on air quality. Vehicle trips would be consistent with current practice after construction.

2. Fire Emergency Access and Increases in Fire Risk

Several commenters noted that the condition of the road impedes access by emergency vehicles. Some comments also note that during construction heavy vehicles may degrade the road such that emergency vehicles may not be able to reach houses along the road. The District will repair the road after construction to the previous condition. The Point Montara Fire Protection District commented that there are requirements to repair any damage caused by construction, which the District is committed to doing.

Emergency access during construction would not be impeded by degraded road conditions caused by the District project. The roads will be maintained by the District during construction to a level that will allow heavy construction vehicles to travel up and down the road to access the construction site. Emergency vehicles are similar in size to construction vehicles and shall also be able to pass on the road where construction vehicles operate.

Additional comments note that a firebreak may be required around structures at the Alta Vista site. The DEIR includes provisions for a 30-foot firebreak; however, a letter from the Department of Forestry and Fire Protection indicates that PRC 4291 requires the creation of a 100-foot firebreak around buildings and structures, unless a "public utility right of way exemption" is granted. The District intends to pursue such an exemption and will demonstrate to the Department that while there are several scattered Monterey pine on and near the proposed Alta Vista facilities, the area is not capable of producing a "crop of trees of any commercial species..." due to its location at the edge of a residential development and the ridgeline setting.

H. CEQA PROCESS

1. Request to be Added to Mailing List

Most commenters on the DEIR requested to be added to the District's mailing list for all future mailings associated with the Public Works Plan Phase I and its accompanying EIR. All agencies and individuals who submitted comments on the DEIR will be included on the District's list of

2: COMMENTS AND RESPONSES

recipients for all future meetings, documents, and notices associated with any element of the Public Works Plan Phase I.

2.4 Comments and Responses

This section presents responses to all of the comments received on the DEIR during the review period. Each comment letter received is numbered according to the numbering system identified previously (A and P). Each comment in each letter received has a number (A-1, P-1). Responses are provided to each written comment. Where a response is provided in a Master Response or other prior response, the reader is referred to that response.

The CEQA Guidelines indicate that the Final EIR should identify and provide responses to comments on the DEIR. This section presents the comments received and responses to comments on environmental issues raised regarding the environmental effects of the proposed project. Responses are generally not provided ("Comment is acknowledged") to comments that state opinions about the overall merit of the project or comments about the project description, unless a specific environmental issue is raised within the context of the specific comment. The comments on policy aspects of the project are most appropriately addressed in the staff report forwarded to the decision makers for consideration.

All changes to the DEIR are described in the response and refer to the page number or mitigation measure in which the original text appears in the DEIR. Text added to the EIR is underlined and deleted text is ~~stricken~~. The revised EIR text is also presented in Chapter 3, Revisions and Errata, of this Final EIR.

**PUBLIC COMMENT--California Coastal Commission
Meeting, September 13, 2006
MWSD PROJECT**

Coastal Act Section 30253 states that "New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard."

We have an issue in Montara, California (near Half Moon Bay), with a project being undertaken by the Montara Water and Sanitary District (MWSD). We have a property just below their project site.

MWSD initially did a DEIR, which we spent a significant amount of time responding to (we copied Chris Kern on all of our responses) and which responses mainly were ignored in MWSD's final EIR. We attended the hearing for the final EIR, where I asked that the final EIR not be approved as it was not in compliance with CEQA due to lack of "meaningful public participation" and due to numerous errors and omissions found in the DEIR that were not corrected in the final EIR. Our concerns were basically ignored again. It was kind of like talking to a wall.

We've formally asked to be kept informed as an interested party and that request has been ignored too.

Our main concern is with respect to placement of a one million gallon water tank, which they now show perched on a ridge above several homes and the town of Montara, and for which there is no seismic study. Our other concern is with respect to the road they use to access their property, which they should be required to bring to county standards prior to a project of this significance. There are many other significant issues,

*Peter Douglas:
Made a note & will talk
to Chris Kern,
Will look
into it &
clearly are
subject to
CEQA.
Will look
into it*

too numerous and complex to mention here.

We are not alone. A dozen or more of the surrounding property owners and residents also have communicated their very serious concerns.

Subsequent to this hearing, one of the residents who happens to be a very fine environmental lawyer and friend of the environment, Herman Kalfen, who has successfully protected the coastline in other cases, sued MWSD to stop the process until the proper studies could be done.

MWSD's response in court, from what I understand, was that they made a mistake in thinking they should comply with CEQA and do an EIR, and asked the Court to disregard the EIR and the whole CEQA process including all the public comments and other work. They claimed there was "no harm done" due to their mistake. I don't know if it's true that they didn't need to do an EIR, but I strongly disagree that there was no harm done. A lot of people, including me, spent a lot of time in their responses to both the DEIR and the final EIR, and there is certainly an issue of forsaking the public trust, including wasting many thousands of dollars of the community's money. It seems to me that making a mistake of this magnitude implies some serious problems of one sort or another and should call for some type of investigation.

I called Martha Poyatos, of the LAFCo. She told me she is a staff of one and is focused on boundary issues, and that she "takes in" only what she has to take in. Then, I was told in a letter from Supervisor Gordon in response to my inquiry, that MWSD is not a county agency with oversight by the county, but a private water district. He told me to contact the Coastal Commission about any

oversight. When I spoke with Chris Kern back in February, he said that MWSD must comply with CEQA and do an EIR. He also confirmed that there is "no administrative appeal" to the MWSD's actions or their EIR and that the only recourse is to file a lawsuit.

Is this some kind of a deficiency or a loophole in the system? I don't understand a system where a quasi public agency such as this, or "special district" as they are called, can make mistakes like this and not be held accountable in any way except through the court system. I don't understand how they can receive a piece of our property taxes, not only their special assessment but also a piece of the 1% we pay the county, and not be accountable on any governmental level.

I went online to research the accountability of "special districts". All I learned is: "Special districts are primarily accountable to the voters who elect their boards of directors and the customers who use their services. However, although they are not functions of the state, the state also provides critical oversight to special district operations. Special districts must submit annual financial reports to the State Controller and must also follow state laws pertaining to public meetings, bonded debt, record keeping and elections."

My goal here today is to let you know this is happening, as at some point the project will come before you. Hopefully a lot of these issues will be ironed out before then, but if not, please be on the lookout. And if things don't improve before the project comes to you, I will probably be back to say a few words.

The good news is, from what I understand, the Coastal Commission has recently requested that MWSD do the necessary studies including biological, hydrological and geotechnical. We very much appreciate the fact that Chris Kern and his staff are on top of the situation and are expressing their concerns appropriately. I just wish that someone or somewhere at the county or state level had some oversight over MWSD. If it wasn't for the fact that this water district is on the coast, there would not even be the extra level of scrutiny that the Coastal review provides.

There is possibly one thing that you, the Commission can do. They call the project a Public Works Plan. One would think that "Public Works" is a category reserved for a government agency, with all of the oversight that goes along with that. However, I researched that question and found that in Section 30114 of the Coastal Act, Public works includes any development by a "special district". I would strongly recommend that the Commission consider excluding "special districts" from that definition so that special districts such as MWSD, which have little or no accountability (except, thank goodness, to the Coastal Commission), would not have whatever benefits go along with the ability to call their projects "public works"

This situation is very involved, and I'm only skimming the surface here, but I wanted to give you a "heads up" that many in the community are concerned and that we appreciate the oversight you are providing.

From: Robin Rudisill <willdrudi@mac.com>

Subject:

Date: October 4, 2006 8:06:30 PM PDT

SUMMARY OF COMMENTS BY ROBIN RUDISILL AT MWSD BOARD MEETING ON APRIL 6, 2006

I appreciate the Board's hard work on these important projects. It's wonderful that the District owns the Alta Vista site land and can extract water out of, and build water storage on, their own land. I also appreciate the testing done on our well and found Balance Hydrologics very good to deal with. I want to assure you that we are not against the project but are concerned that it is implemented properly. That said, we don't believe the EIR should be approved here tonight as it is not in compliance with CEQA for two main reasons:

1. Lack of "meaningful public participation"
2. Numerous errors and omissions found in the DEIR were not corrected in the final EIR

1. There has not been meaningful public participation as required by CEQA, for several reasons:

- a. Our requests for a meeting of the residents most affected by the project have been denied several times. The response to our comment letter says they couldn't do a meeting as the comment period was over but we asked before that and were denied.
- b. Adjacent property owners have not been treated as "interested parties" or parties with significant impact and have not been kept informed of meetings or sent any information (we have had to rely on notices in the back of the local newspaper). Normally adjacent property owners and those who may be significantly impacted would be informed more directly.
- c. In response to our comments 4-1, 4-37, 4-38, 4-39, and 4-40, it was said that Master Response H indicates a notification process for those commenting on the DEIR, and apparently it is not working. People who commented on the DEIR were very surprised not to directly receive any responses and that a hearing (tonight's meeting) had been scheduled without directly informing them.
- d. The public had access to final EIR (based on newspaper notice) only one week before the hearing and proposed approval of the final EIR and project plan. B.3 says "the range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making" (Title 14, Chapter 5, Article 9, Section 15126.6(f)). This simply has not been done. Impacted people have not been directly or adequately informed. Pleas for meetings or more review time have been denied.

2. Numerous Errors & Omissions found and commented on in the DEIR were not corrected in the final EIR.

- a. Many questions in the comment letters to the DEIR went unanswered or were simply "noted".
- b. Other questions and concerns were not taken seriously and the commenters were just referred back to various sections of the DEIR.
- c. The DEIR and final EIR are very confusing and even misleading re. the location of the one million gallon tank. (refer to master response 2-4 (B2)). The Public Works plan is wrong as refers to original proposed location.
- d. Description of drainage issues in the DEIR is wrong and significant issues impacting the road are omitted. There is no drainage plan.
- e. Slides on the hillside caused by the new wells (P4-30 of our letter) are not disclosed, even after our comment letter. It is very important for the California Coastal Commission to have this information—it is the type of information and environmental impact that they are interested in.
- f. The DEIR appears to be missing any focus on the health and safety of nearby residents. According to my discussions with Chris Kern, S.F. office of California Coastal Commission, CEQA requires not only consideration of the natural environment but also human safety. Bursting of a water tank in an earthquake, for example, needs to mention both the natural environment and animals but also huge potential impact on human life and human safety. The EIR has no focus on the health and safety of nearby residents.
- g. A seismic study has not been done on the alternate one million gallon tank location and this is a huge error/omission as this tank is just above several homes and as we all know and as is highlighted just in yesterday's HMB Review--the next big earthquake is imminent. According to the article, there is a 62% chance of an earthquake here in the next 25 years. And 1.5 million gallons of water are to be poised above many homes. There is no seismic study on the proposed water tank, which is on a hill over the town of Montara. To say in an Environment Impact Report that you will consider whether one is necessary is nonsense. The EIR is deficient unless one has been done and considered as part of your environmental impact report.
- h. Under the same theory, to say in an EIR that a drainage plan will be done is not enough. To not have a drainage plan is a huge and critical issue that needs to be in the environmental impact report. Effects on people, flooding of homes, erosion, riparian impact, wildlife, etc.
- i. Don't see any cost or budget info in EIR or project plan
- j. Appears to be an inconsistency between 3.98 and 3.9-1 re. color of the tank.
- k. Visibility of the tank remains an unresolved issue. The project does have a substantial adverse impact on a scenic vista. The project conflicts with San Mateo County General Plan Appendix B B-3. It conflicts with LCP

l. Hiking trail access not even addressed. People have been hiking and biking at proposed alternative tank site for years and years.

m. Omits any information on adjacent property lines

In summary, I do not see how the Board, if acting in good faith and in a fiduciary capacity on behalf of citizens, can approve a document which several citizens feel is in violation of CEQ's requirement for "meaningful public participation" and which document has several errors and omissions.

The EIR states, on page 1-2, that MWSD prior to making a decision on the project must consider the responses to comments and final EIR in conjunction with the DEIR.

I highly recommend that the Board defer their approval until these issues can be productively discussed and a fair attempt is made to resolve them. Please don't just rubber stamp this EIR and Public Works Plan.

From: Robin Rudisill <wldrudi@mac.com>
Subject: Rudisill response to final EIR
Date: April 5, 2006 2:15:18 PM PDT
To: George Irving <msd@coastside.net>
Cc: Penny Little <pl@coastside.net>

George, I have made an effort to get you some of our comments in advance of the meeting so that the discussion at the hearing can be more meaningful.

Please distribute this email to the Board and any other interested parties.

Feel free to call me if any questions (650-740-6764). See you on Thursday. Thanks, Robin

April 5, 2006

To: MWSD Board of Directors
George Irving

Fr: Robin & Peter Rudisill

As suggested by the "Notice of Public Hearing", we are providing some written comments to the Final EIR for the proposed MWSD Public Works Plan Phase 1, and we plan to attend the hearing on April 6 in order to observe as well as provide verbal comments.

We hope that all of the Board members have carefully read the Draft EIR, as well as the final EIR, including all of the comment letters and responses thereto. We sincerely hope and request that the comments and concerns expressed are taken more seriously by the Board than they were by the consultants who prepared the responses. In many cases, questions went unanswered and concerns were glossed over in the EIR comment letter responses. However, that said, we appreciated the several productive responses and the changes that were made to the final documents. We hope that our careful and caring review of the environmental impact of this project on our community has proved helpful to the project.

Questions:

1. Is the Board satisfied with the responses to the comment letters? Do you think they were adequate?

Responses to Rudisill comment letter P4:

P4-1: RE. Master Response H, we are not sure that the notification process for those who commented is working as we were not notified of this April 6 hearing, nor did we receive any documents. We just happened to contact George Irving to inquire about status and found out the hearing was coming up.

P4-2: It says that the District cannot add any new connections to the system. That restriction appears to be self imposed, as the moratorium is set by the District and no longer required by an outside agency such as CPUC, and therefore that the District could decide to add new connections to the system.

Is that correct?

There may not be an immediate and apparent need, but unforeseen circumstances related to the new wells could cause problems with other local wells, possibly well into the future, and it would make sense to have a contingency plan in case that happens. There is extensive use of words & phrases such as "generally" and "most" and "largely unaffected" and "appears to be" and "it is expected that". Consistent use of this type of language implies that it is definitely not certain that there will be no impact on domestic wells in the area. Therefore, there should be a contingency plan for the remote case that there is an impact, which should include MWSD's commitment to place any impacted properties on MWSD's water system, without any cost or connection fees to the property owners. This seems to be the least MWSD should do in this situation, and any reasonable person would consider this fair.

P4-3: We would like to see where in CEQA or any other regulation it says that the California Coastal Commission is the agency responsible for ensuring compliance with the provisions of the mitigation measures for the EIR. Also, as indicated in Master Response F.2, the Hydrological Monitoring and Mitigation Plan "was developed to ensure that well pumping would not cause drawdown that exceeds thresholds that may result in significant impacts to wetlands, springs or creeks" or "if drawdown reaches a level that may have effects on vegetation or surface water volumes", but we don't see anything about impacts to people or other domestic wells. Do the mitigation measures cover domestic wells?

P4-4: Again, the language used "does not intend to pump; and "is not expected to have adverse effects" is troublesome. This is why we believe it is important to have a plan in place just in case the District changes their mind about what they want to pump or in case there are adverse effects. Again, there should be a contingency plan for the unlikely situation that there is a change in pumping levels or adverse effects, which should include MWSD's commitment to place any properties whose wells are adversely impacted on MWSD's water system, without any cost or connection fees to the property owners. This seems to be the least MWSD should do in this situation, and any reasonable person would consider this fair.

P4-5: According to C.5, the District could pursue an increase in the well's pumping rates. Also, to obtain an amendment of the District's permit to operate the well would require that no adverse effects to wetlands or wildlife be demonstrated (nothing about domestic wells in the area). It should also be acknowledged that although tests on neighboring domestic wells may not show a significant drawdown currently, after months or years of water pumping, that impact could change. We acknowledge that there are mitigation measures, but, again, we request and recommend that, as a condition of the permit for the project, there is a limitation on the number of gallons that can be pumped, a requirement that all pumping be done from depths lower than 700 feet, as well as a commitment to place any properties whose wells are adversely impacted on MWSD's water system, without any cost or connection fees to the property owners.

P4-6: Due to the significantly expanded operations of the District on Alta Vista Road, paving the road should be part of the scope of the project. The Board should also be required to perform a cost/benefit economic analysis of the significant cost to continually maintain the road vs. the cost of improving the road through paving with a hard surface, which would significantly decrease the ongoing maintenance cost, particularly in light of the construction activities and the cost of the related repairs and maintenance on a dirt road with numerous ruts vs. a paved road (for the duration of the project!).

P4-7: In E.4 it says the mitigation measure will ensure that the ...traffic doesn't result in a "significant impact"... Please define significant impact. Based on actual experience and observatin, the neighborhood will not agree that there are only two trips a day, and there has been a lot of extra activity at the site in the last year related to the wells and plans being made. E.4 is inconsistent itself as it first says no added trips will be required and then it says there will be one added trip for the chlorine. The additional impact on the use of the road by the District needs to be reevaluated in light of the increased operations, as the neighbors feel it is not correct or realistic. The EIR needs to be realistic.

P4-8: Again, constant remediation of the road to assure safe passage of harmful chemicals will require an ongoing cost that may be better spent on an upgrade of the road which would reduce ongoing repairs.

P4-9: We understand that all of the neighbors are concerned about possible damage to improvements adjacent to the road, so we request that the District work cooperatively with all property owners to assure there is no damage to their improvements. Again, your document indicates that the project is "not expected to affect landscaping", but a plan needs to be in place in case it does.

P4-10: "Comments noted" does not respond to the concern. We are requesting that there be a requirement for repairs to be done during, not just after, construction so the road can be safe (not just passable and useable) both for residents and construction activity during this period. Also, if MWSD is to have an operation of the size contemplated, which will include significantly increased traffic as well as runoff water flow, it should be required to maintain the road on an ongoing basis, not just for a year. Most projects require significant road improvement. It only makes sense that as a function of approving such a significant project, upgrade and paving of the road should be required, not only for private homeowners but for a public utility as well. There should not be a "double standard", and certainly a public agency should not be held to a lower standard.

P4-11: Again, we need a definition of significant as the road needs to be safe, passable and useable during and after construction. If the surface is improved/paved, this can be assured. As long as it is a dirt road, it will be very, very difficult for parties to agree on what is a significant impact and what is safe, passable and useable.

P4-12: As indicated in our comment letter, the Draft EIR is incorrect in its description of the existing conditions regarding drainage. The document should be corrected, at least somewhere in the final EIR, as the conditions as described in the Draft EIR would be very misleading to someone trying to understand the issues with respect to drainage. MUCH more detail is needed in the EIR regarding the issue of drainage. This is a huge issue to the residents of Alta Vista Road, to the riparian habitat and to those who have flooding issues in certain areas below the road. The drainage issues are some of the most critical issues, so this definitely should be corrected. THIS IS CRITICAL. Also, a drainage plan should be defined in the Final EIR, so that the California Coastal Commission will know about this critical component to the overall EIR in its analysis and approval process. At a minimum, the specific goals of the plan should be defined.

P4-13: Regarding trees, there is a tree on the lower half of the road (to the right when going up the road) that is particularly

concerning. Although the EIR indicates recourse for damage to trees, this particular tree should be analyzed carefully, because if it is impacted by construction trucks (as is indicated in the document at D.2 is a possibility), it could fall onto the Mahar and/or Resch properties and cause significant damage to their property, including their water tanks. This situation should be studied and addressed in the EIR.

P4-14: We reiterate that MWSD should consider road improvement beyond just filling ruts, prior to commencement of the project.

P4-15: We request that MWSD analyze and respond to our conclusion that they have inherited the road, and its maintenance, as a function of the purchase of the water company from Citizens Utilities, as well as the fact that MWSD is the most significant user of the road, measured either in terms of type and weight of vehicles, length of the road traveled or frequency of travel.

P4-16/P4-17: We request that MWSD perform a cost-benefit analysis of improving the road and maintaining a paved surface vs. continuing to maintain the dirt road (as indicated by MWSD's own engineer, it is much easier and more cost effective to maintain a paved surface.) As noted, compared to the cost of upgrading and paving the road, the potential monetary risks of not having a safe and reliable road, and the cost of repairing and maintaining an unpaved road (which as noted are much higher than the cost of repairing and maintaining a paved road); the cost of paving and upgrading the road seem economically justified.

P4-18: We know that the County elected to not take responsibility for Alta Vista many years ago when the road was first dedicated. Has MWSD asked them any time recently, in light of the now very large water company operations, in consideration of the importance of this water operation to the total community, and if so, we would appreciate copies of this correspondence. If not, we request that MWSD make a plea to the County in this regard, with these specific points noted.

P4-19: "Adequate condition to allow access to the well site" is not good enough. The EIR should reflect that it be "safe access".

P4-20: noted.

P4-21: Again, the EIR should be modified to indicate that the road be safe, not just useable. If the other users of the road find that MWSD is not maintaining the road to be safe and useable, and MWSD disagrees, what is the process for the other users to have their complaint heard by someone else?

P4-22: noted.

P4-23-26: RE. the location of the new 1 million gallon water tank, where is the analysis of the down slope effects of this location? We don't understand B.2 second paragraph. Please explain why the evaluation of the proposed site (alternative) may be considerably less detailed than the evaluation of the proposed project. This new site is located directly above numerous homes and a seismic study is definitely warranted for this new location. It says that the geologic effects of Alternative 1 were considered. By whom? By a geologist in a seismic study? Or just by MWSD or its other consultants? It is too much to expect for the average reader to make their own conclusions by reviewing the geologic maps on page 3-4. **The mitigation measure 3.1-2 should be required to be done before approval of the final EIR.**

RE. visual resource issues, the viewing period from Highway 1 is significant. 5 seconds is perhaps the time someone driving could look over at the tank, but there will be others such as bikers, hikers and beach goers.

Please explain "would reduce the visual effects to local neighbors" (B.2 last para.). Reduce from what?

B.3 says that the range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making". We don't believe the process has allowed for enough meaningful public participation. This has been a struggle for us and a huge time commitment and crunch due to the short time periods. Others have just not been able to participate due to short time deadlines and limited noticing (and always the bare minimum).

P 4-27: We don't see how P2-31 addresses this issue. Please let us know.

P4-28: If MWSD doesn't agree that there is a problem when a complaint is submitted, what is the process to have the complaint heard and resolved by someone else?

P4-29: In spite of response P2-19, the EIR should mention all residences in the Alta Vista area as there are many more homes than just 2-3 that will be significantly impacted by the project.

P4-30: Again, the very large landslides which occurred on the west slope of the mountain below the test well sites should be prominently discussed in the EIR as the California Coastal Commission should be made aware of these slides that actually occurred, not just that there might be mitigating factors for future slides.

P4-31: noted.

P4-32: The top 5 feet of the tank is a huge eyesore, especially as compared to the current view of open space, beautiful hills, trees and bushes. We VERY MUCH appreciate the changes made in 3.1-6. Good work.

P4-33: There are people living within 450 feet of the well site. Why does the EIR indicate that the nearest "sensitive receptor" is 450 feet away? This appears to be an error in the EIR that should be corrected.

P4-34: noted.

P4-35: thank you.

P4-36: The question is "WHY" doesn't the EIR address the potential for lifting the moratorium. This is entirely up to the District's control, as they define what "adequate" water supply is (as noted in the document, CPUC no longer has regulatory jurisdiction over the system).

P4-37: H. says that all agencies and individuals who submitted comments on the DEIR will be included on the District's list of recipients for all future meetings, documents and notices... That doesn't appear to be in effect, as we were not informed of this hearing, not did we receive any related documents. Can you please check on this?

P4-38-40: Our requests for a meeting of the residents most affected by the project have been denied several times. We believe that this is a violation of CEQA's requirement for "meaningful public participation". Please respond to our concern in this area.

Thank you for the opportunity to respond to the final EIR. We look forward to working with you to resolve our concerns and to ensure that this project is successful for our community. We want to make sure that safeguards are in place for the protection of people, property and the environment, as we are sure you do, and will work closely with you to ensure this.

We may have further concerns and comments to present at the hearing, but in the interest of you having a chance to review our comments, we are sending you these responses today. We look forward to seeing you at the hearing.

Sincerely,

Robin & Peter Rudisill

April 5, 2006

To: MWSD Board of Directors
George Irving

Fr: Robin & Peter Rudisill

As suggested by the "Notice of Public Hearing", we are providing some written comments to the Final EIR for the proposed MWSD Public Works Plan Phase 1, and we plan to attend the hearing on April 6 in order to observe as well as provide verbal comments.

We hope that all of the Board members have carefully read the Draft EIR, as well as the final EIR, including all of the comment letters and responses thereto. We sincerely hope and request that the comments and concerns expressed are taken more seriously by the Board than they were by the consultants who prepared the responses. In many cases, questions went unanswered and concerns were glossed over in the EIR comment letter responses. However, that said, we appreciated the several productive responses and the changes that were made to the final documents. We hope that our careful and caring review of the environmental impact of this project on our community has proved helpful to the project.

Questions:

1. Is the Board satisfied with the responses to the comment letters? Do you think they were adequate?

Responses to Rudisill comment letter P4:

P4-1: RE. Master Response H, we are not sure that the notification process for those who commented is working as we were not notified of this April 6 hearing, nor did we receive any documents. We just happened to contact George Irving to inquire about status and found out the hearing was coming up.

P4-2: It says that the District cannot add any new connections to the system. That restriction appears to be self imposed, as the moratorium is set by the District and no longer required by an outside agency such as CPUC, and therefore the District could decide to add new connections to the system.

Is that correct?

There may not be an immediate and apparent need, but unforeseen circumstances related to the new wells could cause problems with other local wells, possibly well into the future, and it would make sense to have a contingency plan in case that happens. There is extensive use of words & phrases such as "generally" and "most" and "largely unaffected" and "appears to be" and "it is expected that". Consistent use of this type of language implies that it is definitely not certain that there will be no impact on domestic wells in the area. Therefore, there should be a contingency plan for the remote case that there is an impact, which should include MWSD's commitment to place any impacted properties on MWSD's water system, without any cost or connection fees to the property owners. This seems to be the least MWSD should do in this situation, and any reasonable person would consider this fair.

P4-3: We would like to see where in CEQA or any other regulation it says that the California Coastal Commission is the agency responsible for ensuring compliance with the provisions of the mitigation measures for the EIR. Also, as indicated in Master Response F.2, the Hydrological Monitoring and Mitigation Plan "was developed to ensure that well

pumping would not cause drawdown that exceeds thresholds that may result in significant impacts to wetlands, springs or creeks" or "if drawdown reaches a level that may have effects on vegetation or surface water volumes", but we don't see anything about impacts to people or other domestic wells. Do the mitigation measures cover domestic wells?

P4-4: Again, the language used "does not intend to pump": and "is not expected to have adverse effects" is troublesome. This is why we believe it is important to have a plan in place just in case the District changes their mind about what they want to pump or in case there are adverse effects. Again, there should be a contingency plan for the unlikely situation that there is a change in pumping levels or adverse effects, which should include MWSD's commitment to place any properties whose wells are adversely impacted on MWSD's water system, without any cost or connection fees to the property owners. This seems to be the least MWSD should do in this situation, and any reasonable person would consider this fair.

P4-5: According to C.5, the District could pursue an increase in the well's pumping rates. Also to obtain an amendment of the District's permit to operate the well would require that

Ruby Pap

From: Mahar, Bill [Bill.Mahar@cbnorcal.com]
Sent: Saturday, November 10, 2007 3:29 PM
To: Ruby Pap
Cc: Tim & Stella Johnson
Subject: Alta Vista Well

Dear Ms. Pap,

Thank you for sending me the information concerning the application from MWSD to begin pumping from the subject well. I have written, and attached hereto, a letter outlining my concerns, and asking for the Coastal Commission staff to recommend a condition be placed upon this permit that protects the local residents that are currently on water wells. The subject well is said to be over 700' deep, and most of the local residential wells are only 100-150' deep, so if the water table were to drop due to the high volume pumping being requested, then some residents could find themselves without water. Please let me know if you need anything further from me, and thank you for sharing the valuable information regarding this application.

Bill Mahar
650-726-8776
650-619-2908 cell

11/13/2007

November 9, 2007

Ms. Ruby Pap
California Coastal Commission
rpap@coastal.ca.gov

Re: Montara Water & Sanitary District – Alta Vista Well

Dear Ms. Pap,

First, I want to thank you for sending me the information about the MWSD application to begin use of the Alta Vista Well in Montara. It is not my intention to object to this well being put into use. I understand that the MWSD has an obligation to expand its water resources to assure adequate water for its users and for the safety of the community it serves. I also expect that MWSD has completed tests and reports that support their application to put this well into service.

However, as a resident of Montara and of Alta Vista Road, I have one concern that I would ask the Coastal Commission to consider. The Alta Vista Well is proposed to pump at a rate of 150 gal. per minute, that's 9,000 gal. per hour, or 216,000 gal. per day. In the event that my residential water well, and/or the dozen or so other residential water wells on Alta Vista Road, and in the vicinity, go dry, or lose a substantial portion of their productivity, after the Alta Vista well begins pumping on a prolonged basis, then I would ask the Coastal Commission to add a condition to their approval. A condition that simply says that MWSD will immediately provide water hook-ups, and continued service to any of those properties that experience the above after the Alta Vista Well is put into service. San

Mateo County Public Health Department says that they are merely a permitting agency, and cannot condition their permit to protect the local residents in this manner. Therefore, I appeal to you, as the only resort available to protect me, and the others drawing water from this same aquifer. We certainly hope that such a condition will never need to be exercised, but to be left with no water, and no recourse, except through the courts, is not a enviable position. Thank you for your consideration of this request.

Respectfully,

William R. Mahar
P O Box 9
Moss Beach, Ca. 94038
650-726-8776

HERMAN I. KALFEN
ATTORNEY AT LAW
1 Embarcadero Center, Suite 500
San Francisco, California 94111
PHONE 415.315.1710
FACSIMILE 415.433.5994

RECEIVED

25 January 2007

JAN 29 2007

CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

Chris Kern / District Director
Ruby Pap / Coastal Planner
California Coastal Commission
North Central Coast District
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: Montara Water & Sanitary District Public Works Plan Phase 1 – Alta Vista Tank & Wells

Dear Chris Kern: / Ruby Pap:

This is a letter transmitting the findings of a registered engineer and other important matters regarding the above. Please include this letter and all enclosures in the official record of the Alta Vista Tank and Wells Public Work Plan Phase 1 and all related phases and projects.

Please find the following enclosures (Tabs) under this cover:

Tab 1: Original letter from Dr. Rexford Upp dated 12.15.06 to “evaluate how different tank configurations, totaling 1mg, could be configured to fit on the [Alta Vista] site.” Dr. Upp included 15 oversized maps and other data under his said 12.15.06 cover. These findings come bearing his original “Registered Professional Geotechnical Engineer No. 2046” stamp. All the original 15 maps and other supporting data are also enclosed under herein Tab 1. As you can see, Dr. Upp has determined that there are multiple potential tank locations and size configurations.

Tab 2: CV of Dr. Rexford Upp. Dr. Upp has a Ph.D in Engineering Geology from Stanford, an M.S. in Civil Engineering from Stanford, and M.S. in Watershed Management from Humboldt State University, a B.S. in Mechanical Engineering from UC Berkeley, a B.A. from Humboldt State in Geology and a B.S. from Humboldt State in Environmental Resources Engineering. Dr. Upp is a Registered Soil Engineer, Registered Geologist, Registered Civil Engineer, Certified Hydrologist, and Certified Engineering Geologist, and past President of the Association of Engineering Geologists.

Tab 3: Montara Water and Sanitary District (MWSD), the project proponent, certified an EIR regarding the above on or about April 10, 2006. Certification of the EIR was challenged in *Citizens for Safe Water v. Montara Water and Sanitary District*, Superior Court Case CIV 454727. After the lawsuit was filed, the MWSD has declared that its EIR was “a mistake by following CEQA” and that “environmental review, the virtual equivalent to CEQA, will be conducted by the Coastal Commission.” The MWSD now declares that the Commission is doing the environmental review that is the virtual equivalent of CEQA. That would therefore require the Commission to consider a reasonable range of alternatives to a single million gallon tank and alternatives to a single location, notwithstanding prior environmental review or conclusions regarding its review, if any, done by the MWSD. The California Coastal Commission is not in any way constrained by the findings, conclusions or the very limited range of alternatives of the EIR prepared by “mistake.”

Tab 4: The Montara Water and Sanitary District brought an Appeal action (Court of Appeal Case No. A115276) against the Superior Court when the MWSD lost its Demurrer to Complaint in the Superior Court. In the Appeal action, the MWSD stated that the “certification of the EIR is void as a matter of law.” The California Coastal Commission is therefore not constrained by the findings, conclusions or the very limited range of alternatives of the now void EIR.

As stated above, the California Coastal Commission is not in any way constrained by the findings, conclusions or the very limited range of alternatives of the EIR prepared by "mistake" that the MWSD declares is now "void as a matter of law."

We do trust that the Coastal Commission will consider an alternative to one huge million-gallon tank and will likewise determine the most beneficial project, if any. To that end, we do hope that you find the herein submitted work of Dr. Upp helpful.

In addition, it must be noted that there are many apparent advantages of several smaller tanks instead of one large tank at Alta Vista including:

- a. Lower ridgeline profile
- b. Less cut and fill at each tank
- c. Site flexibility to avoid impacts to endangered species and habitat
- d. Maintenance advantages, can close one tank for maintenance with less impact
- e. More redundancy to minimize total failure (not all water storage eggs in one basket)
- f. Homeland security advantage of diversification of storage
- g. Smaller tank more stable in seismic activity, larger percentage underground
- h. Allows more surface area opportunity for solar
- i. Increased drainage could be water source for Montara Creek or wetlands below
- j. Decreased consequence of tank failure on adjacent residences
- k. Decreased view and other impacts to adjacent community

We are also concerned for the multitude of endangered species located at the proposed site. We are also interested in how a new water source of hundreds of gallons per minute and a million gallons of new water storage has no cumulative or growth inducing impacts or are not considered new water or new capacity. To that end, we also hope that you

consider additional storage without additional new water from the Alta Vista site and vis-versa as additional possible alternative for evaluation.

Finally, please note that we do not wish for the Project determinations to be delayed in any way. Please do not hesitate to contact the undersigned or Dr. Upp if you have any questions or if we may be of any assistance.

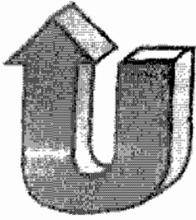
Sincerely,
LAW OFFICE OF HERMAN I. KALFEN

Signature on File

Herman I. Kalfen,
Attorney at Law

Enclosures (as stated)

Cc: Fitzgerald Law Firm



UPP GEOTECHNOLOGY, INC.

Engineering Geology • Geotechnical Engineering

December 15, 2006
Project No. 3060.1L1
Serial No. 14462

Mr. Herman Kalfen
Law Offices
1 Embarcadero Center -- Suite 500
San Francisco, CA 94111

**SUBJECT: PRELIMINARY EVALUATION
POTENTIAL WATER TANK CONFIGURATION
MONTARA WATER AND SANIARY DISTRICT
PROPOSED WATER TANK SITE
ALTA VISTA ROAD
MONTARA, CALIFORNIA**

Dear Mr. Kalfen,

INTRODUCTION

As you requested, I have conducted a preliminary evaluation of potential water tank configurations for the Montara Water and Sanitary District's (MWSD) proposed water tank site on Alta Vista Road in Montara, California. You have advised me that MWSD is considering the construction of new water tanks with a capacity of 1,000,000 gallons (1 mg) on MWSD property at the top of Alta Vista Road. The purpose of my services was to evaluate how different tank configurations, totaling 1 mg, could be configured to fit on the site.

My scope of services included a site reconnaissance, conducted on June 22, 2006; a review of stereographic air photos taken in 1965 and 1997; a review of selected geologic maps; analysis of various tank configurations; and preparation of this letter. This evaluation has been conducted in accordance with generally accepted geotechnical engineering and engineering geology principles and practices, and as a supplement to, and in accordance with, our confirming agreement dated May 12, 2006. No other warranty, either expressed or implied, is made.

Exhibit 12
Application No. 2-06-006 (MWSD PWP)
Public Correspondence
Page 25 of 95

DISCUSSION

The subject MWSD site is located across a narrow topographic ridge just north of the town of Montara (see Figure 1, Site Location and Regional Topographic Map). The ridge is underlain by granitic rocks (see Figure 2, Regional Geologic Map). Near the surface these rocks are well weathered (decomposed). With depth, however, the rock will become harder.

There are, of course, an infinite number of tank configurations (size and number of tanks) that can hold 1,000,000 gallons. Initially, I analyzed the height required for cylindrical tanks of different diameters to obtain various selected total capacities. I calculated the heights for diameters varying by 10-foot increments from 10 feet to 100 feet; and six tank capacities from 100,000 gallons to 1,000,000 gallons. The results of these analyses are presented in Table I.

To visually depict how various tank configurations could fit on the MWSD property, I next analyzed options using 2 tanks of 500,00 gallons each; 3 tanks of 380,687 gallons each; and 4 tanks of 250,000 gallons each. I selected three potential tank locations at different elevations along the ridge. These tank configurations are shown on Figure 3 (groups of two tanks), Figure 8 (groups of three tanks), and Figure 13 (groups of 4 tanks).

To visually show the heights of the various tank configurations, I constructed topographic cross-sections across the ridge at each of the three tank sites (Cross-Sections A-A', B-B', and C-C') and a fourth cross-section along the ridge (Cross-Section D-D'). The tanks are shown as if built near the existing grade (shaded tanks) and, for comparison, as if built on pads excavated to depths of from about 15 feet to 40 feet below grade (dashed-line tanks).

Yours very truly,

UPP GEOTECHNOLOGY, INC.

Signature on File

R. Rexford Upp, Principal
Certified Engineering Geologist 1083
Registered Geotechnical Engineer 2046



RRU:lu

Copies: Addressee (1)

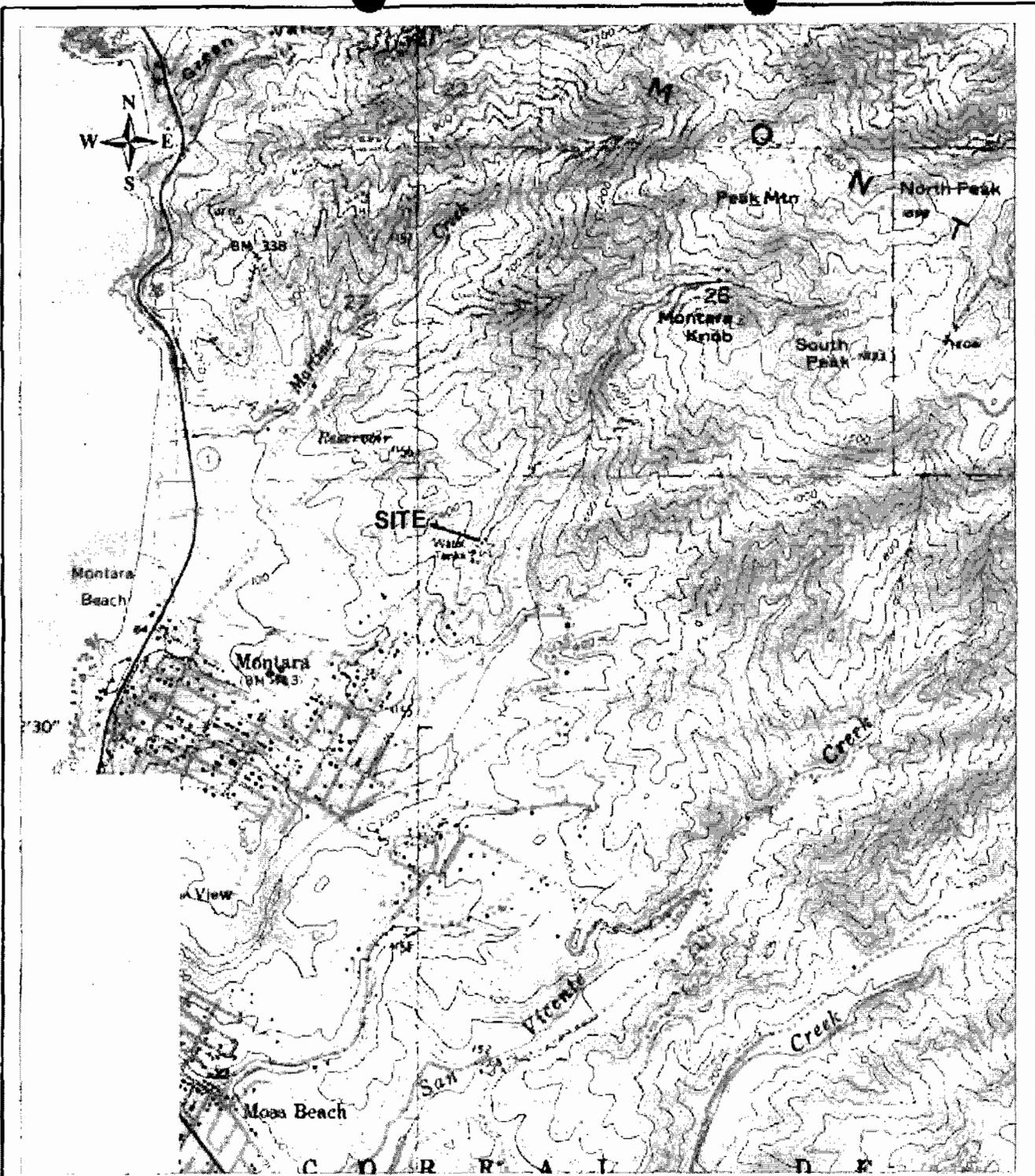
Exhibit 12
Application No. 2-06-006 (MWSD PWP)
Public Correspondence
Page 26 of 95

Montara Water District
Preliminary Water Tank Evaluation
December 15, 2006
Page 3 of 3

Attachments:	Table 1:	Water Tank Size Analysis
	Figure 1:	Site Location and Regional Topographic Map
	Figure 2:	Regional Geologic Map
	Figure 3:	Two-Tank Configurations
	Figure 4:	Two-Tank Cross-Section A- A'
	Figure 5:	Two-Tank Cross Section B-B'
	Figure 6:	Two-Tank Cross-Section C-C'
	Figure 7:	Two-Tank Cross-Section D-D'
	Figure 8:	Three-Tank Configurations
	Figure 9:	Three-Tank Cross-Section A- A'
	Figure 10:	Three-Tank Cross Section B-B'
	Figure 11:	Three-Tank Cross-Section C-C'
	Figure 12:	Three-Tank Cross-Section D-D'
	Figure 13:	Four-Tank Configurations
	Figure 14:	Four-Tank Cross-Section A- A'
	Figure 15:	Four-Tank Cross Section B-B'
	Figure 16:	Four-Tank Cross-Section C-C'
	Figure 17:	Four-Tank Cross-Section D-D'

TABLE I
WATER TANK HEIGHTS (IN FEET) AT VARIOUS CAPACITIES
LANDS OF THE MONTARA WATER DISTRICT
PROJECT NO. 3060.1R1

BASE DIAMETER (ft)	BASE AREA (sq. ft.)	1,000,000 Gallons	750,000 Gallons	500,000 Gallons	250,000 Gallons	200,000 Gallons	100,000 Gallons
10	79	1702	1276	851	425	340	170
20	314	426	319	213	106	85	43
30	707	189	142	95	47	38	19
40	1257	106	80	53	27	21	11
50	1963	68	51	34	17	14	7
60	2827	47	35	24	12	9	5
70	3848	35	26	17	9	7	3
80	5027	27	20	13	7	5	3
90	6362	21	16	11	5	4	2
100	7854	17	13	9	4	3	2



Base: USGS Topographic Map; HORIZONS TECHNOLOGY, INC.; 1997

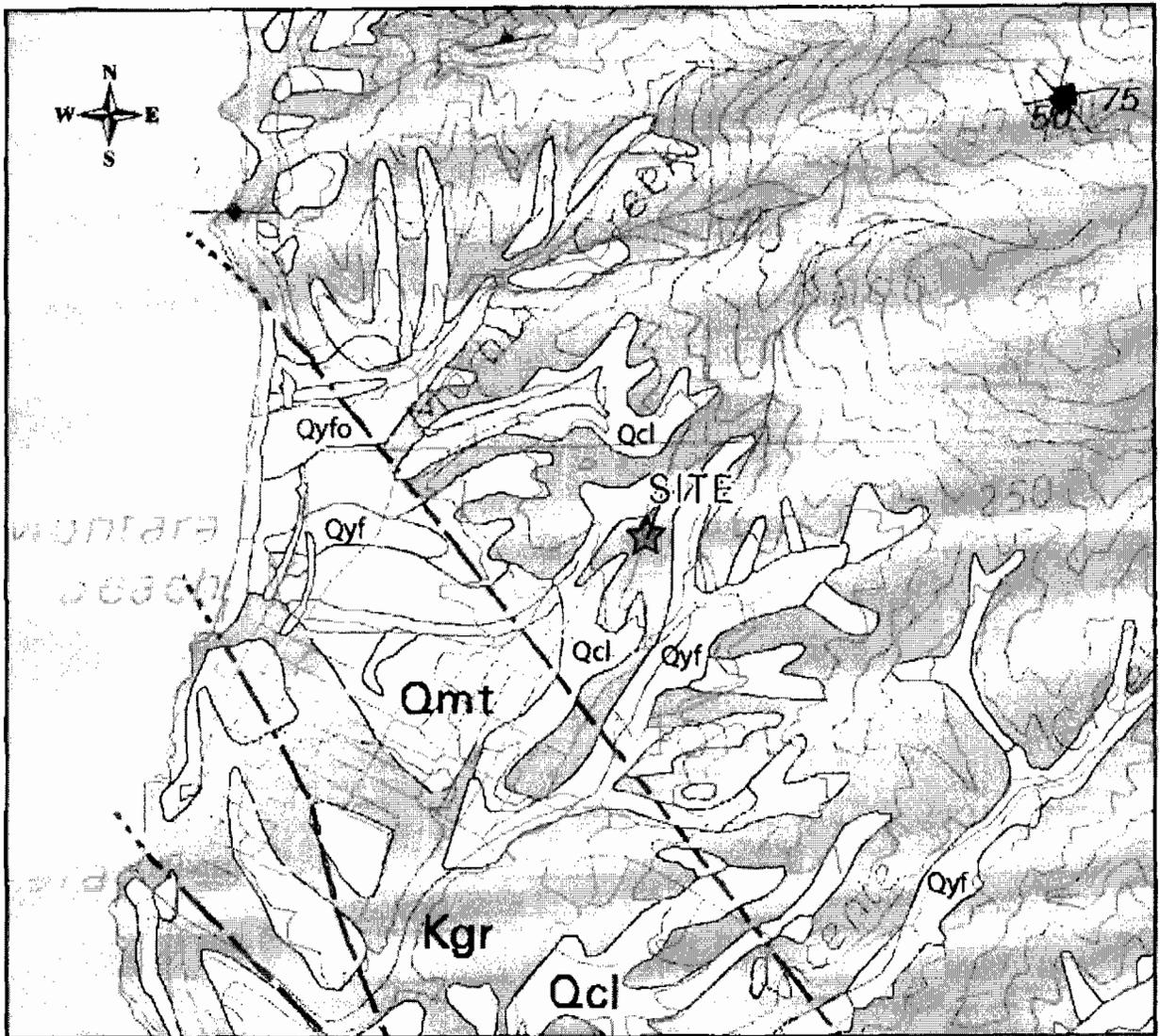
SITE LOCATION MAP AND REGIONAL TOPOGRAPHIC MAP



MONTARA WATER DISTRICT PROPERTY
 770 Alta Vista Road
 Montara, California

APPROVED BY	SCALE	PROJECT NO.	DATE	Figure 1
	1" = 2,000'	3060.1R1	December 2006	

Copyright - Upp Geotechnology, Inc.



EXPLANATION

- Qyf - Younger alluvial fan deposits
- Qyfo - Younger alluvial fan deposits (outer)
- Qcl - Colluvium
- Qmt - Marine terrace deposits
- Kgr - Granitic rocks of Montara Mountain

- Geologic contact
dashed where approximate
and dotted where concealed
- Fault
dotted where approximate

BASE: Geologic Map of Santa Cruz County, California; Brabb et al.; 1997.

REGIONAL GEOLOGIC MAP



UPP GEOTECHNOLOGY, INC.

Engineering Geology & Geotechnical Engineering

LANDS OF MONTARA WATER DISTRICT
770 Alta Vista Road
Montara, California

APPROVED BY

SCALE

PROJECT NO.

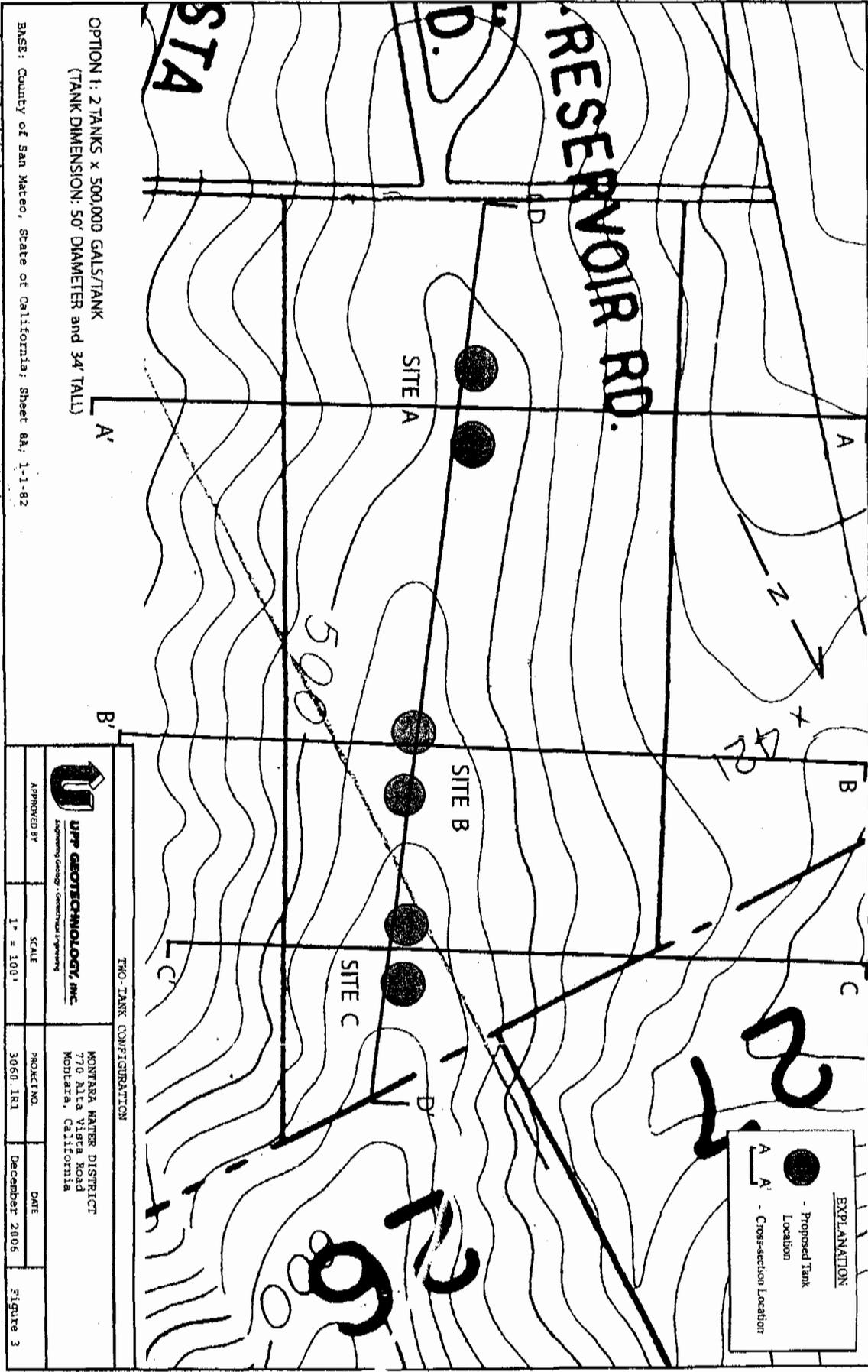
DATE

1" = 2,000'

3060.1R1

December 2006

Figure 2



OPTION 1: 2 TANKS x 500,000 GALS/TANK
 (TANK DIMENSION: 50' DIAMETER and 34' TALL)

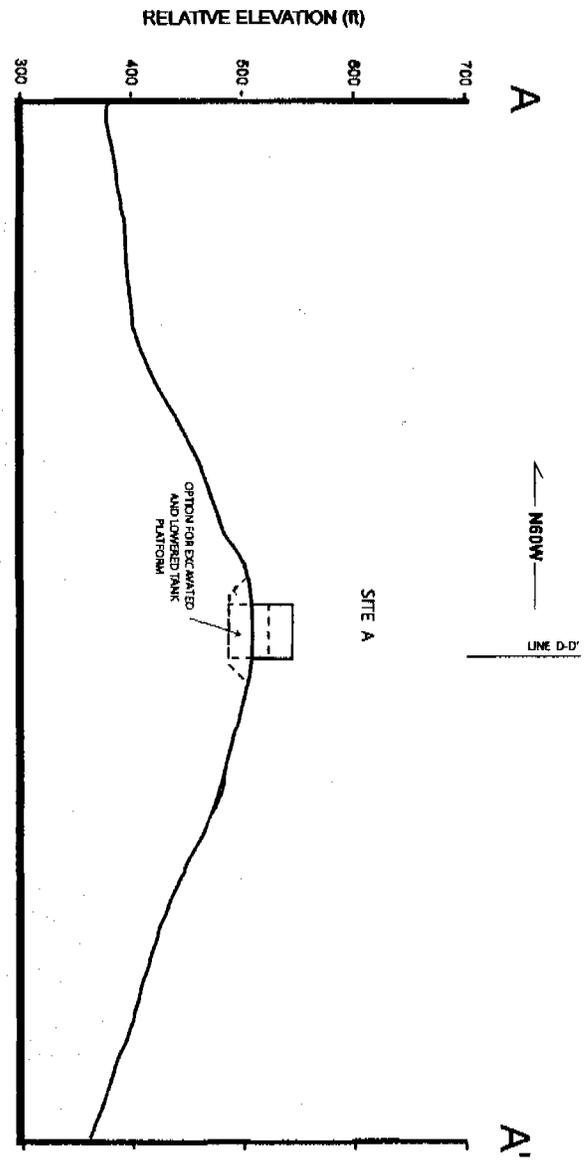
BASE: County of San Mateo, State of California; Sheet 8A, 1-1-82

Copyright - Upp Geotechnology, Inc.

 UPP GEOTECHNOLOGY, INC. <small>Engineering Geology - Geotechnical Engineering</small>		TWO-TANK CONFIGURATION	
		MONTARA WATER DISTRICT 770 Alta Vista Road Montara, California	
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060-1A1	December 2006
			Figure 3

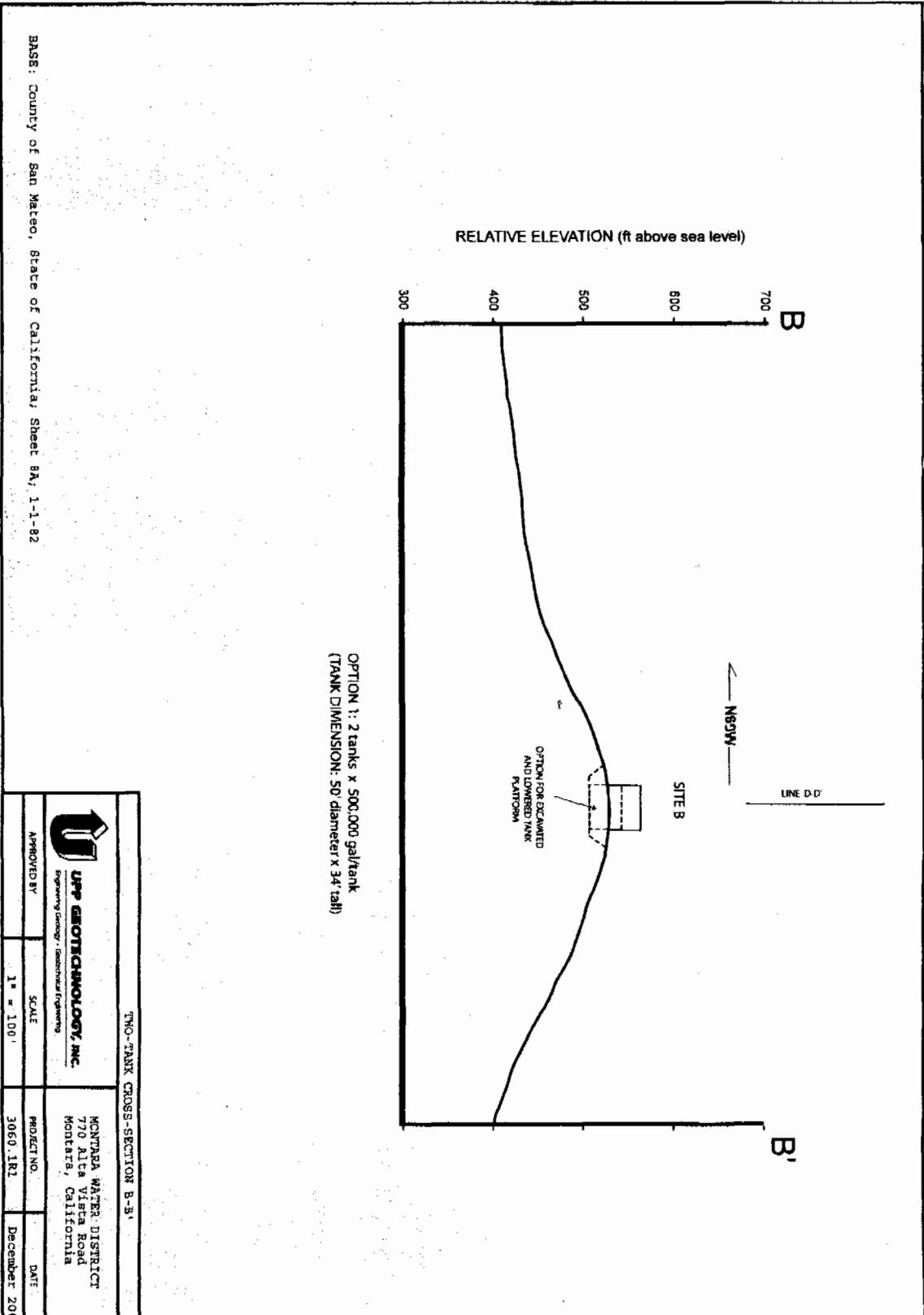
BASE: County of San Mateo, State of California; Sheet 9A; 1-1-82

Copyright - Upp Geotechnology, Inc



OPTION 1: 2 tanks x 500,000 gal/tank
(TANK DIMENSION: 50' diameter x 34' tall)

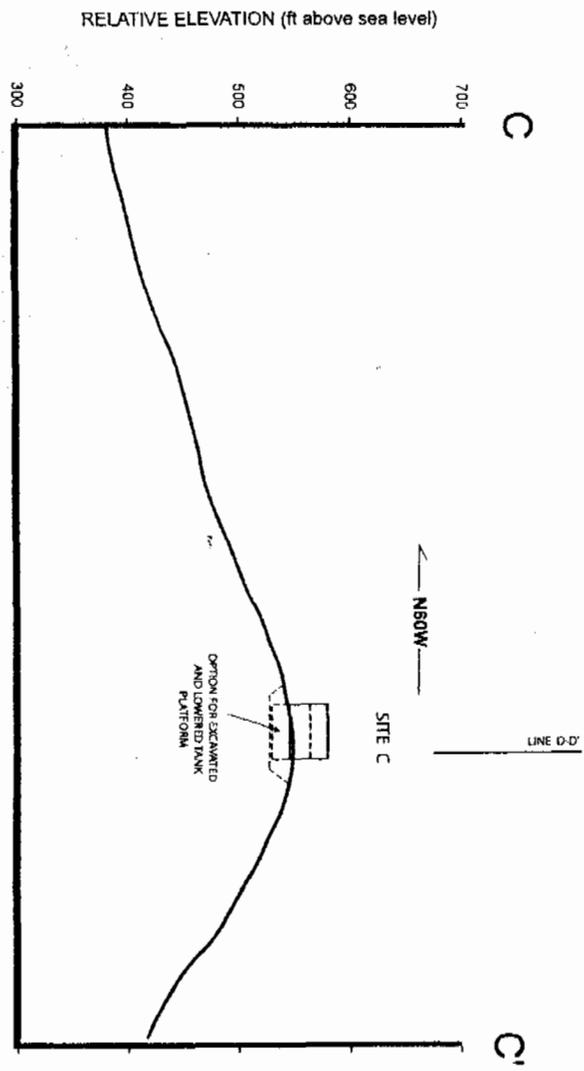
 UPP GEOTECHNOLOGY, INC <small>Engineering Geology / Geotechnical Engineering</small>		TWO-TANK CROSS-SECTION A-A'	
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060.183	December 2006
		MONTARA WATER DISTRICT 770 Alta Vista Road Montara, California	
			Figure 4



BASE: County of San Mateo, State of California; Sheet 8A; 1-1-82

Copyright © 1997 Geotechnology, Inc.

 UPP GEOTECHNOLOGY, INC. <small>Engineering Group / Geotechnical Engineering</small>		TWO-TANK CROSS-SECTION B-B'	
APPROVED BY:	SCALE:	PROJECT NO.:	DATE:
	1" = 100'	3060.1R1	December 2005
MONTEREY WATER DISTRICT 770 Alta Vista Road Monterey, California		Figure 5	

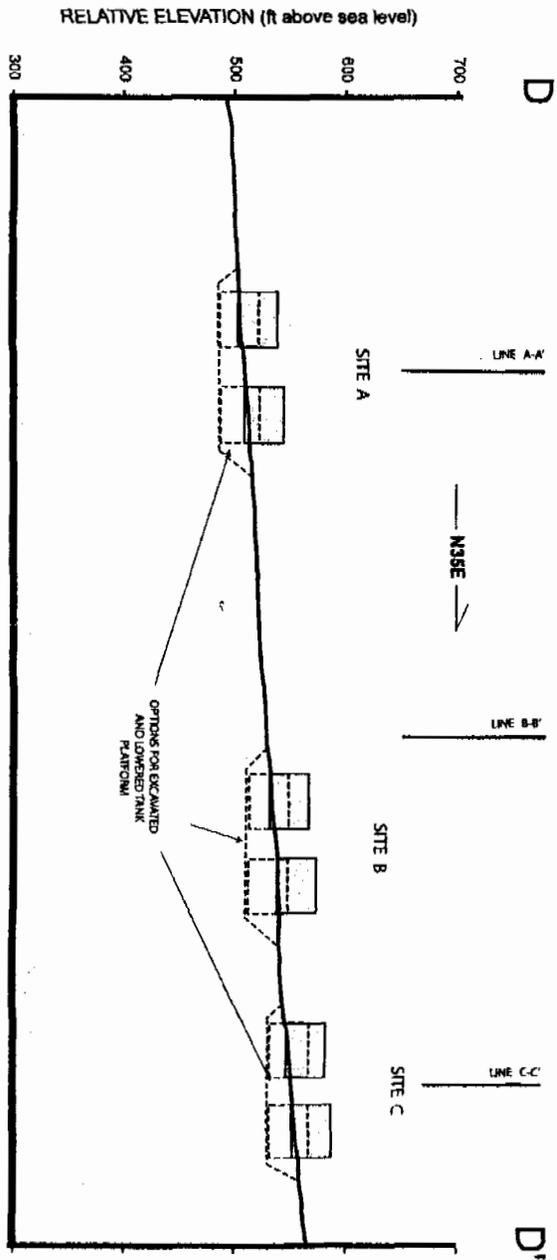


OPTION 1: 2 tanks x 500,000 gal/tank
 (TANK DIMENSION: 50' diameter x 34' tall)

BASE: County of San Mateo, State of California; Sheet 9A: 1-1-82

Copyright: Upp Geotechnology, Inc.

 UPP GEOTECHNOLOGY, INC. <small>Engineering Geology - Geotechnical Engineering</small>		TWO-TANK CROSS-SECTION C-C	
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060-IR1	December 2006
		MONTARA WATER DISTRICT 770 Alta Vista Road Montara, California	
			Figure 6

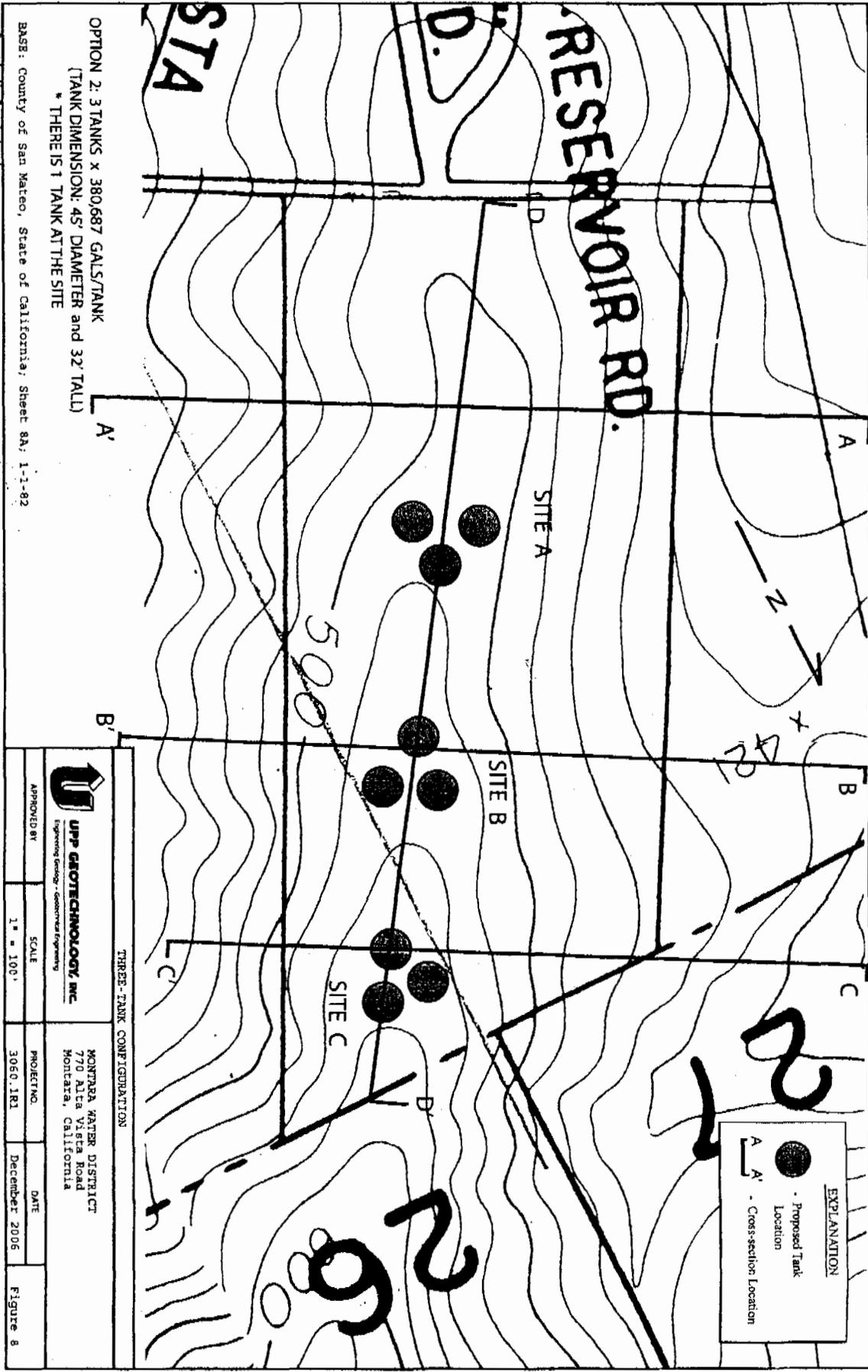


OPTION 1: 2 tanks x 500,000 gal/tank
 (TANK DIMENSION: 50' diameter x 34' tall)

BASE: County of San Mateo, State of California, Sheet SA, 1-1-82

Copyright - Upp Geotechnology, Inc.

 UPP GEOTECHNOLOGY, INC. <small>Engineering, Geology, & Geotechnical Engineering</small>		TWO-TANK CROSS-SECTION D-D'	
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060.181	December 2006
		MONTARA WATER DISTRICT 770 Alta Vista Road Montara, California	
		FIGURE 7	



OPTION 2: 3 TANKS x 380,687 GALS/TANK
 [TANK DIMENSION: 45' DIAMETER and 32' TALL]
 * THERE IS 1 TANK AT THE SITE

BASE: County of San Mateo, State of California; Sheet 8A; 1-1-82

Copyright - Upp Geotechnology, Inc.

THREE-TANK CONFIGURATION

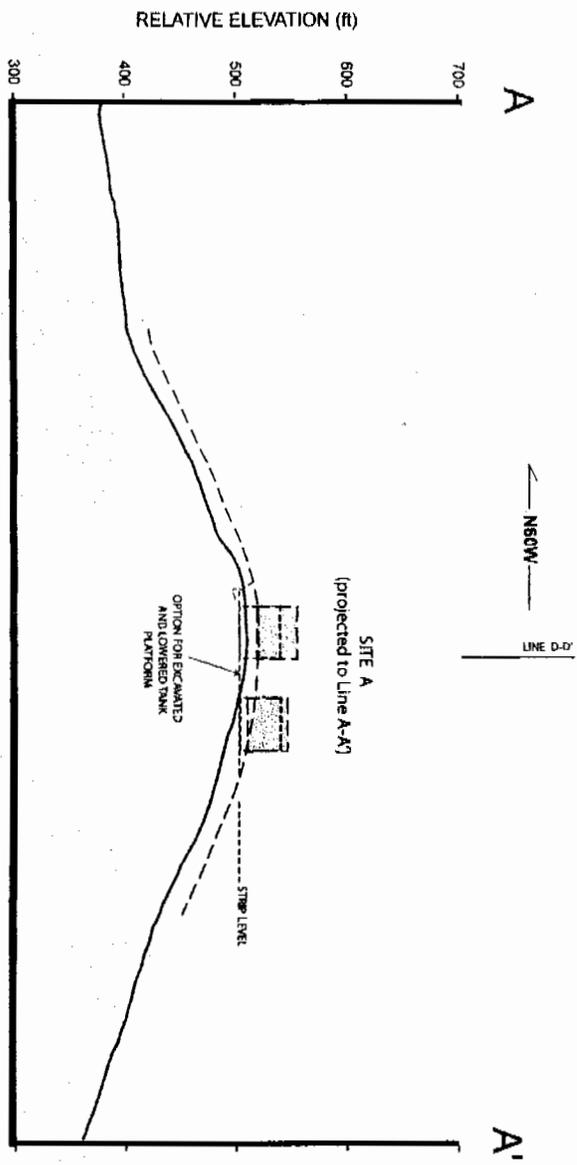
 UPP GEOTECHNOLOGY INC. <small>Engineering Geology - Geotechnical Engineering</small>		MONTARA WATER DISTRICT 770 Alta Vista Road Montara, California	
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060.1R3	December 2006

Figure 8

EXPLANATION

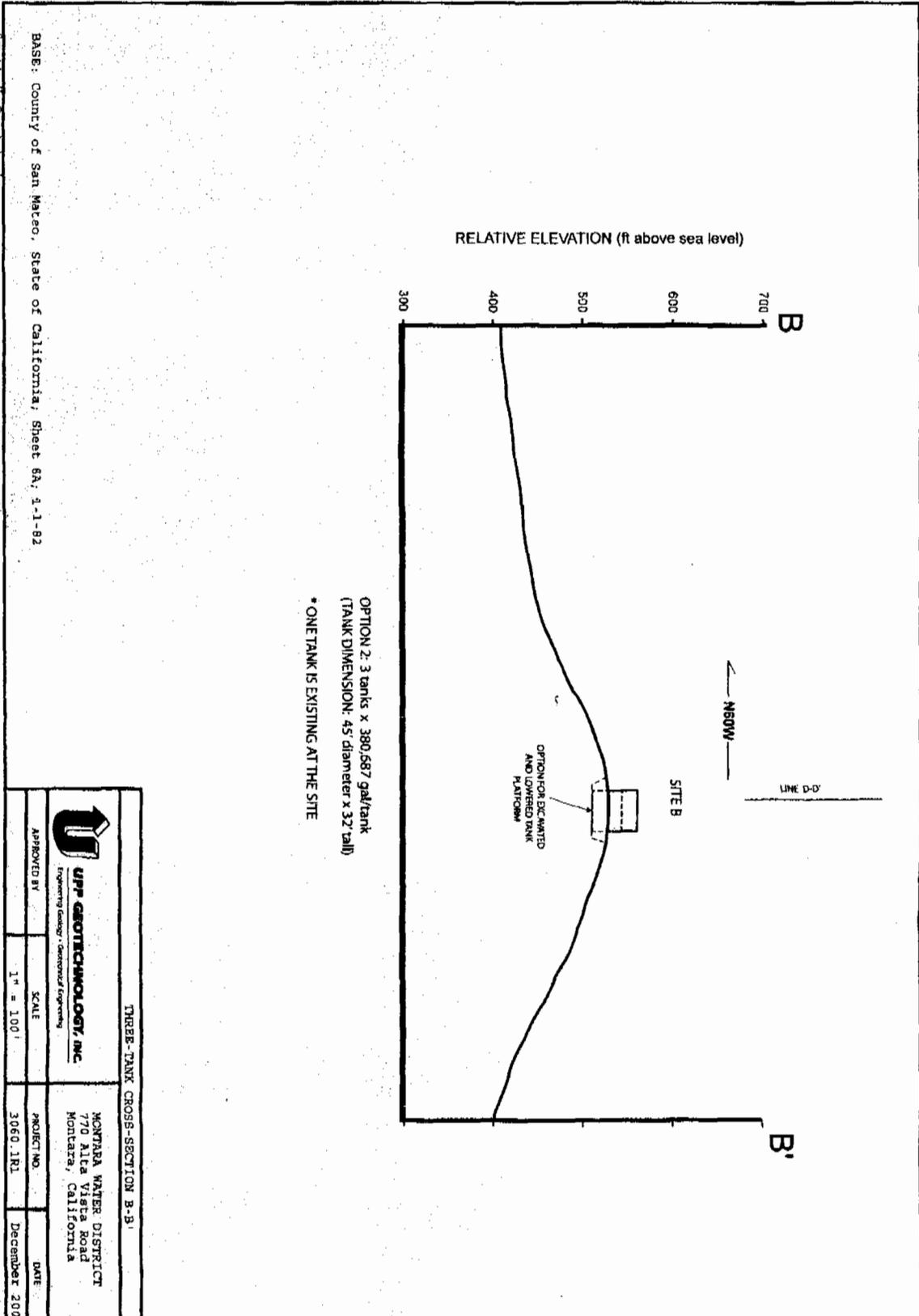
	Proposed Tank Location
	Cross-section Location

BASE: County of San Mateo, State of California; Sheet 8A, 1-1-82
 Copyright - Upp Geotechnology, Inc.



OPTION 2: 3 tanks x 380,687 gal/tank
 (TANK DIMENSION: 45' diameter x 32' tall)
 * ONE TANK IS EXISTING AT THE SITE

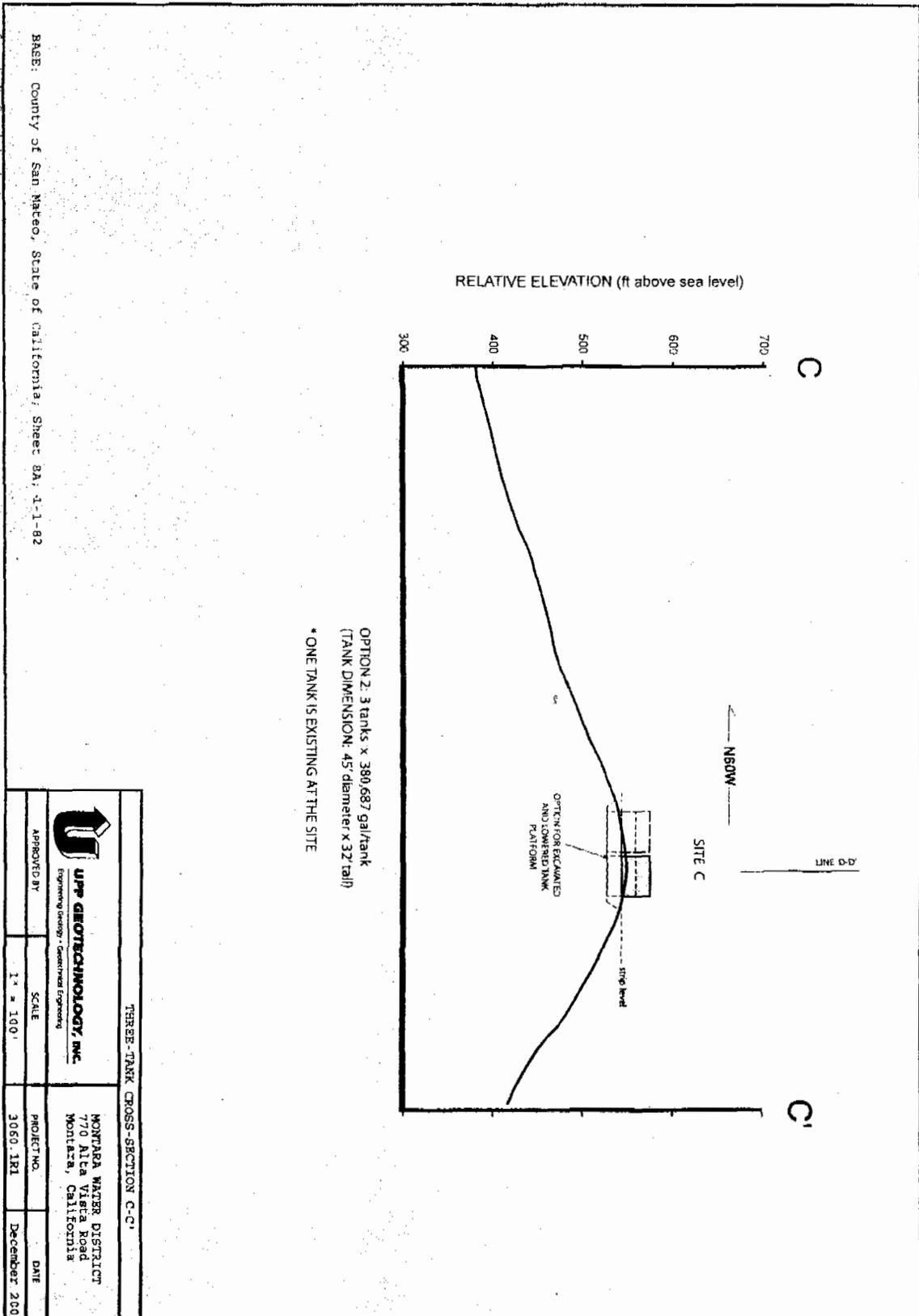
UPP GEOTECHNOLOGY, INC. Engineering Group - Geotechnical Engineering			
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060.1RI	December 2006
		MONTARA WATER DISTRICT 770 ALLEN BLVD ROAD MONTARA, CALIFORNIA	
			Figure 9



BASE: County of San Mateo, State of California; Sheet SA: 1-1-82

Copyright - Upp Geotechnology, Inc.

 UPP GEOTECHNOLOGY, INC. <small>Engineering Geology • Geotechnical Engineering</small>		THREE-TANK CROSS-SECTION B-B'	
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060.1R1	December 2006
		MONTARA WATER DISTRICT 770 Alta Vista Road Montara, California	
		FIGURE 10	



OPTION 2: 3 tanks x 380,687 gal/tank
 (TANK DIMENSION: 45' diameter x 32' tall)
 * ONE TANK IS EXISTING AT THE SITE

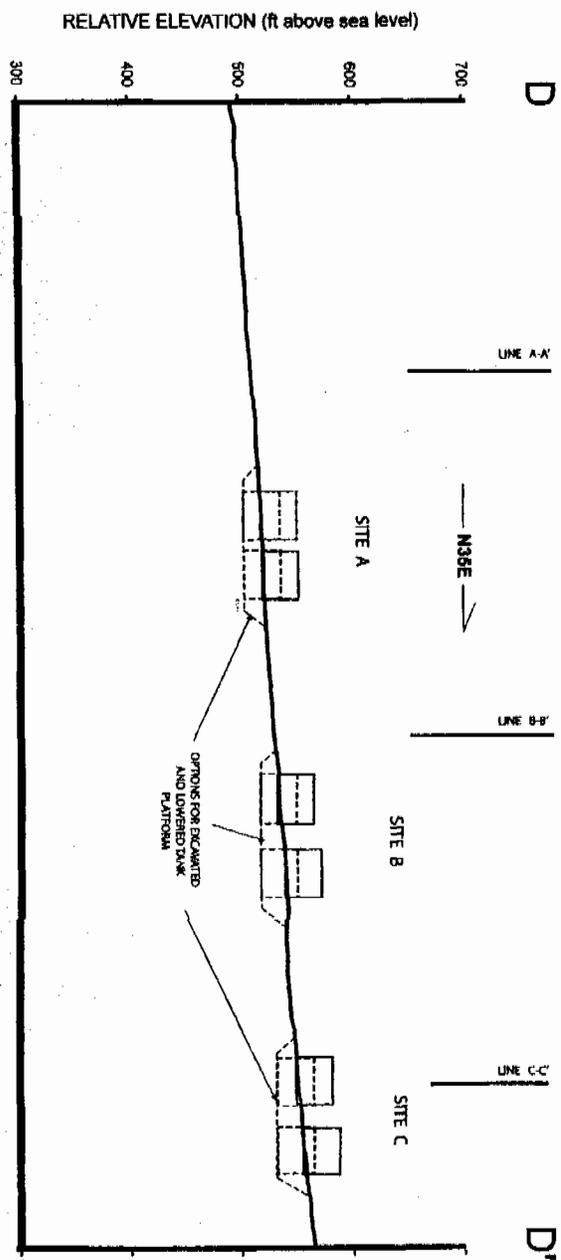
BASE: County of San Mateo, State of California; Sheet 8A; 1-1-82

Copyright © 1991 United Engineers, Inc.

 UPP GEOTECHNOLOGY, INC. <small>Engineering, Geology - Geotechnical Engineering</small>		THREE-TANK CROSS-SECTION C-C'	
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060.1R1	December 2006
		MONTARA WATER DISTRICT 770 Alta Vista Road Montara, California	
			Figure 11

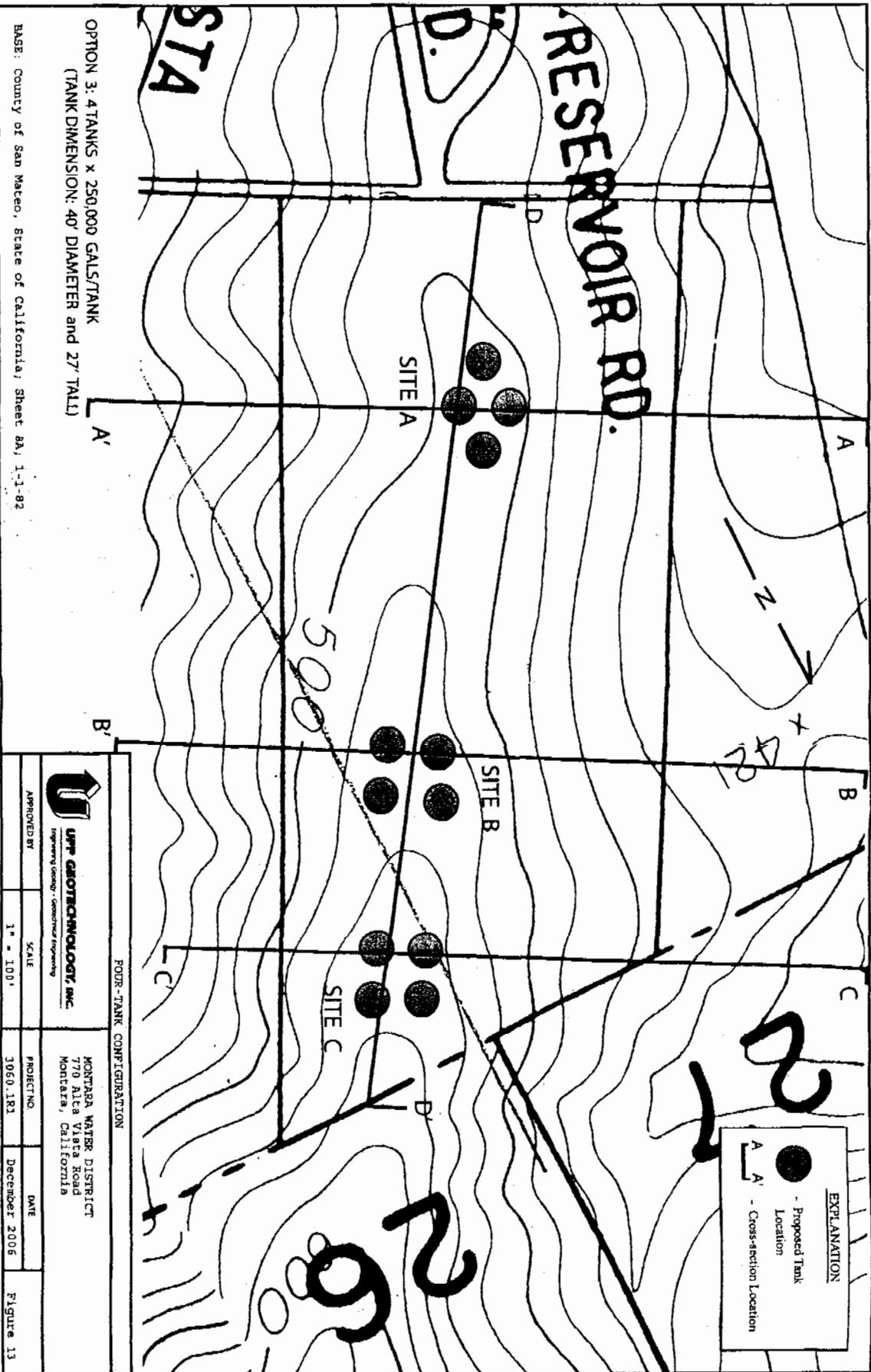
BASE: County of San Mateo, State of California; Sheet 8A; 1-1-82

Copyright - Upp Geotechnology, Inc.



OPTION 2: 3 tanks x 380,687 gal/tank
 (TANK DIMENSION: 45' diameter x 32' tall)
 * ONE TANK IS EXISTING AT THE SITE

THREE-TANK CROSS-SECTION D-D			
 Upp GEOTECHNOLOGY, INC. <small>Engineering Geology - Geotechnical Engineering</small>		MONTARA WATER DISTRICT 770 Alta Vista Road Montara, California	
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3050.1R1	December 2006
			Figure 12



OPTION 3: 4 TANKS x 250,000 GALS/TANK
 (TANK DIMENSION: 40' DIAMETER and 27' TALL)

BASE: County of San Mateo, State of California, Sheet 8A, 1-1-82

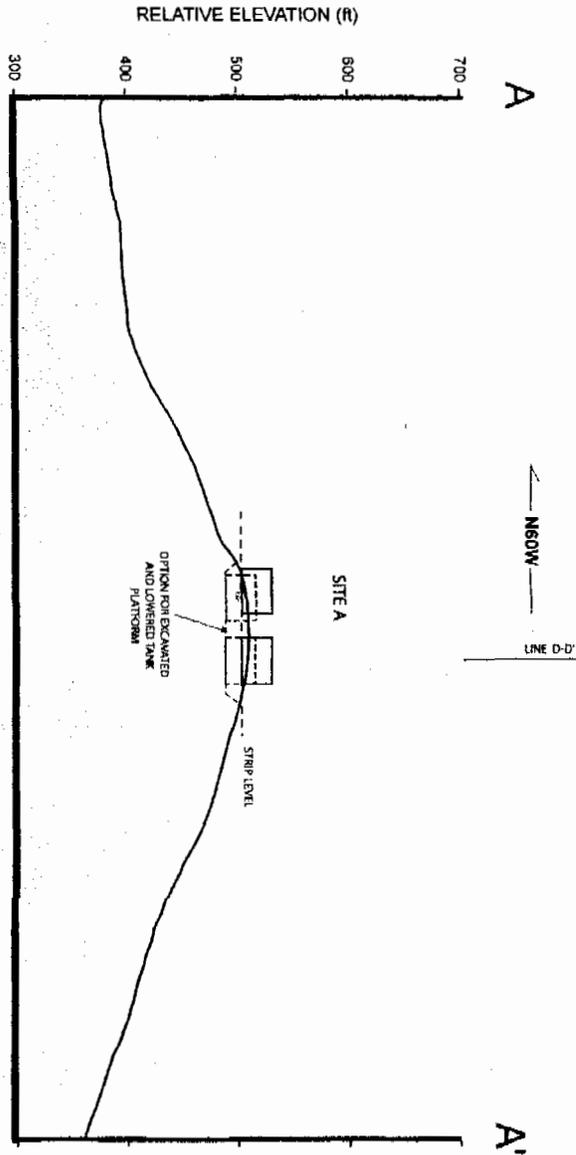
Copyright - UFP Geotechnology, Inc.

 UFP GEOTECHNOLOGY, INC. <small>Improving Quality - Generating Confidence</small>			
FOUR-TANK CONFIGURATION			
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060.183	December 2006
		MONTARA WATER DISTRICT 770 ALTA VISTA ROAD MONTEZUMA, CALIFORNIA	
			FIGURE 13

Copyright - UPP Geotechnology, Inc.

BASE: County of San Mateo, State of California; Sheet BA: 1-1-82

OPTION 3: 4 tanks x 250,000 gal/tank
 (TANK DIMENSION: 40' diameter x 27' tall)



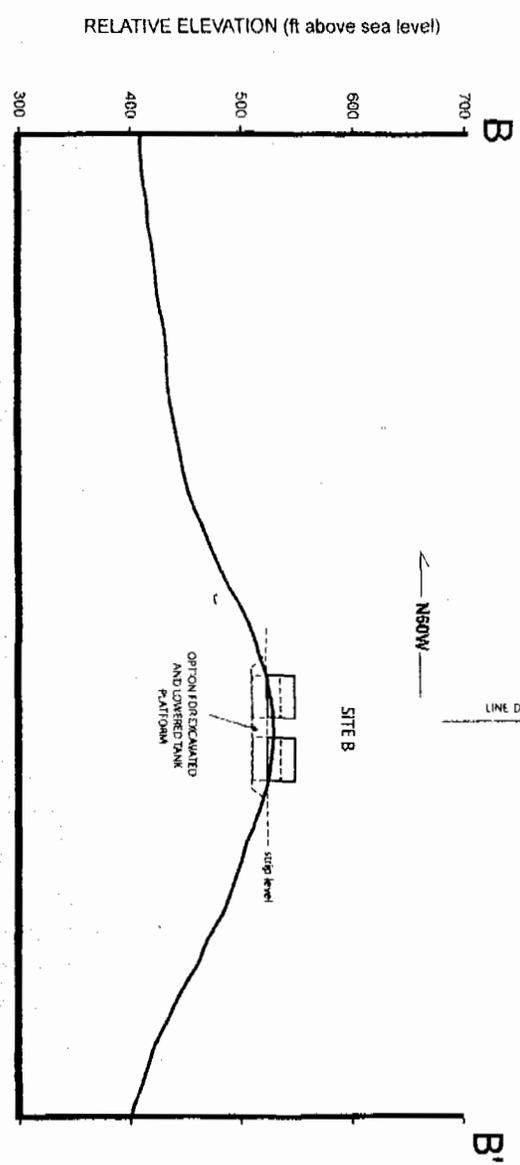
FOUR-TANK CROSS-SECTION A-A'

 UPP GEOTECHNOLOGY INC. <small>Engineering Group - Geotechnical Engineering</small>				MONTARA WATER DISTRICT 770 Alta Vista Road Montara, California	
APPROVED BY	SCALE	PROJECT NO.	DATE	FIGURE 1A	
	1" = 100'	3060.1R1	December 2006		

BASE: County of San Mateo, State of California, Sheet BA: 1-1-82

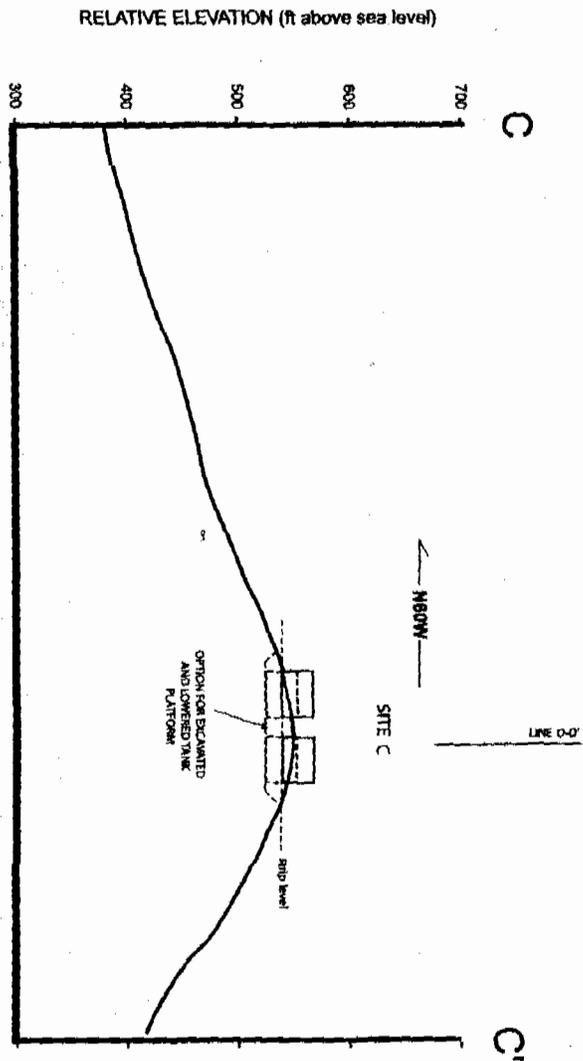
 UPP GEOTECHNOLOGY, INC. <small>Engineering Geology - Geotechnical Engineering</small>			
APPROVED BY	SCALE	PROJECT NO.	DATE
1" = 100'	3060.1R1	December 2006	Figure 15
MONTARA WATER DISTRICT 770 ALTA VISTA ROAD MONTARA, CALIFORNIA			

OPTION 3: 4 tanks x 250,000 gal/tank
 (TANK DIMENSION: 40' diameter x 27' tall)



BAER: County of San Mateo, State of California; Sheet 8A; 1-1-82

Copyright - Upp Geotechnical, Inc.

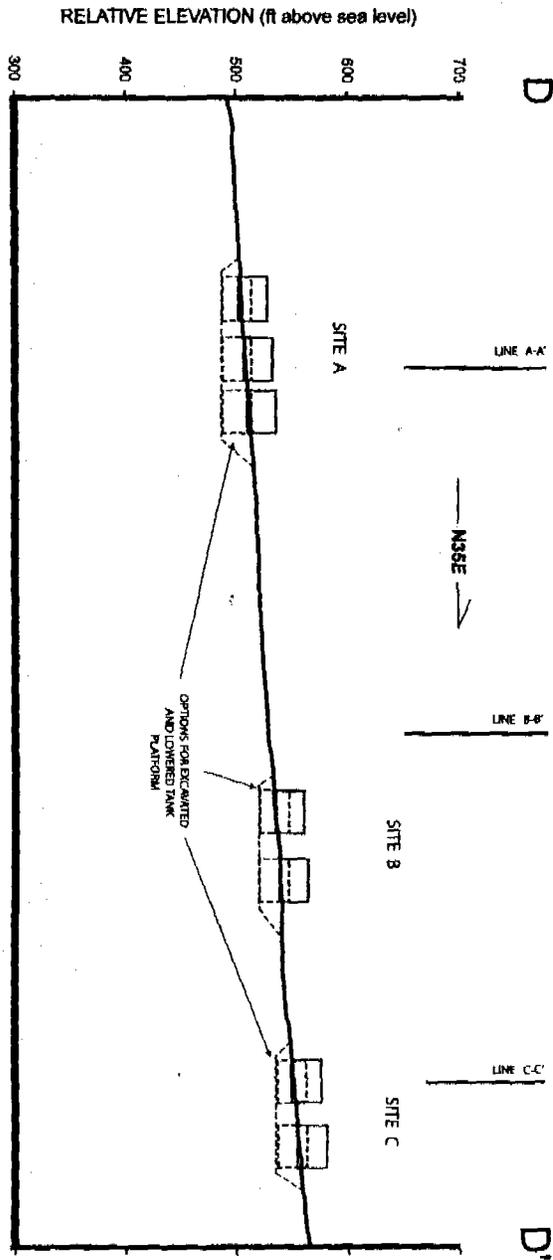


OPTION 3: 4 tanks x 250,000 gal/tank
(TANK DIMENSION: 40' diameter x 27' tall)

 Upp GEOTECHNICAL, INC. <small>Engineering Geology - Geotechnical Engineering</small>			
FOUR-TANK CROSS-SECTION C-C'			
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060.1R1	December 2006
		MONTARA WATER DISTRICT 770 ALTA VISTA ROAD MONTECITO, CALIFORNIA	
			FIGURE 16

BASE: County of San Mateo, State of California, Sheet 8A, 1-1-82

Copyright © 1999 Geotechnology, Inc.



OPTION 3: 4 tanks x 250,000 gal/tank
 (TANK DIMENSION: 40' diameter x 27' tall)

 UPP GEOTECHNOLOGY, INC. <small>Engineering • Geology • Construction Engineering</small>		FOUR-TANK CROSS-SECTION D-D'	
APPROVED BY	SCALE	PROJECT NO.	DATE
	1" = 100'	3060.1R1	December 2006
		MONTARA WATER DISTRICT 770 Alta Vista Road Montara, California	
			Figure 17



UPP GEOTECHNOLOGY, INC.

Engineering Geology • Geotechnical Engineering

R. REXFORD UPP
PRINCIPAL

Education: Ph.D. ENGINEERING GEOLOGY, Stanford University
M.S. CIVIL ENGINEERING (Soil Mechanics and Foundations), Stanford
M.S. WATERSHED MANAGEMENT, Humboldt State University
B.A. GEOLOGY, Humboldt State University
B.S. ENVIRONMENTAL RESOURCES ENGINEERING, Humboldt State
B.S. MECHANICAL ENGINEERING, University of California at Berkeley

Registrations: Registered Soil Engineer Registered Geologist
Registered Civil Engineer Certified Hydrogeologist
Certified Engineering Geologist

Experience: UPP GEOTECHNOLOGY, INC. (1983 to Present)

Principal of Firm: Conducts all phases of engineering geology and geotechnical (soil) engineering studies including site development evaluations for residential, commercial, and industrial properties; forensic and insurance investigations of distressed properties; landslide evaluations and repairs; erosion and surface drainage problems; subsurface drainage, water intrusion, and groundwater studies; reservoir/pond development; leachfield evaluations; fault hazard evaluations; swimming pool and basement design; roadway and bridge abutment design; rock quarry development and reclamations; and environmental impact studies.

CLBARY CONSULTANTS (1977 to 1979 and 1980 to 1983)

Senior Engineering Geologist and Senior Geotechnical Engineer: Supervised engineering geology and geotechnical engineering investigations for a variety of commercial, industrial, and residential developments.

U.S. GEOLOGICAL SURVEY (1979 to 1980)

GS 11 Geologist: Responsible for research on the location and activity of the Maacama Fault System in Mendocino County, California. (This study served as the basis for zoning portions of the Maacama Fault as active under the jurisdiction of the State of California Alquist-Priolo Special Studies Act).

OTHER EXPERIENCE

Instructor: SAN JOSE STATE UNIVERSITY (1983 to 1986), taught Soil Engineering and Rock Mechanics. HUMBOLDT STATE UNIVERSITY (1974 to 1975), taught various geology courses.

Consultant: NORTHERN CALIFORNIA SAVINGS (1976 TO 1978), responsible for evaluation of geologic hazards and foundation conditions for properties under consideration for mortgage loans. CITY OF EUREKA, CALIFORNIA (1975), responsible for investigation to assess seismic and flood hazards to the City; also wrote the Seismic Safety Element and other portions of the Eureka General Plan.

Memberships: Association of Engineering Geologists (AEG) – (President 2000-2001)
American Society of Civil Engineers (ASCE)
American Institute of Professional Geologists (AIPG)
ASFE: Professional Firms Practicing in the Geosciences
California Geotechnical Engineers Association (CGEA)
Consulting Engineers and Land Surveyors of California (CELSOC)
American Consulting Engineers Council (ACEC)
International Association of Engineering Geologists (IAEG)
Geological Society of America (GSA)
International Landslide Research Group (ILRG)
Forensic Expert Witness Association (FEWA)
National Federation of Independent Businesses (NFIB)

750 Camden Avenue, Suite A • Campbell, CA 95008

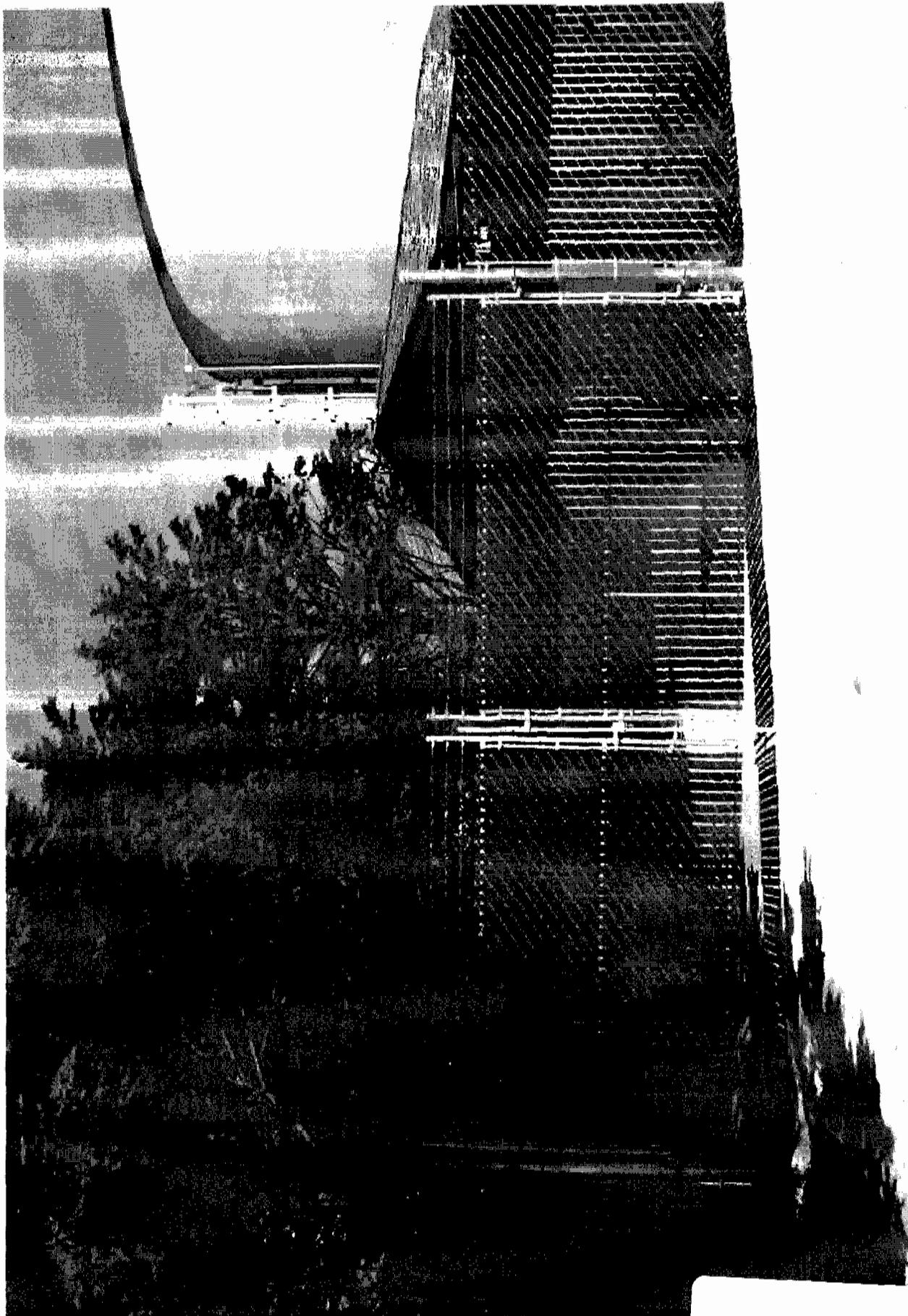




Exhibit 12
Application No. 2-06-006 (MWSD PWP)
Public Correspondence Page 48 of 95



Exhibit 12
Application No. 2-06-006 (MWSD PWP)
Public Correspondence Page 49 of 95



1 Herman I. Kalfen (SBN 160592)
LAW OFFICE OF HERMAN I. KALFEN
2 1 Embarcadero Center, Suite 500
San Francisco, CA 94111
3 Telephone: 415.315.1710
Facsimile: 415.433.5994
4

5 Attorneys for Petitioners CITIZENS FOR SAFE WATER, an unincorporated association;
HERMAN I. KALFEN, an individual
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN MATEO
9

10
11 CITIZENS FOR SAFE WATER, an
12 unincorporated association; HERMAN I.
13 KALFEN, an individual
14

15 Petitioners,
16

17 v.
18

19 MONTARA WATER AND SANITARY
20 DISTRICT, and DOES 1 through 10,
21 inclusive,
22

23 Respondents.
24

Case No. CIV 454727

PETITIONER'S BRIEF FOR HEARING ON
THE MERITS - WRIT OF MANDAMUS
(CEQA)

Date: January 26, 2007
Time: 2:00 pm
Dept.: 2 (Courtroom 8C)

*This is a CEQA Case -
Assigned to Hon. Marie S. Weiner*

RECEIVED
OCT 31 2006
CALIFORNIA
COASTAL COMMISSION

1 **1. INTRODUCTION AND BACKGROUND**

2 Petitioner “challenges the legality of the Certification of Completion of Final Environmental
3 Impact Report for Public Works Plan Phase 1 Project of the Montara Water and Sanitary District,
4 a decision of respondent to proceed with the Public Works Plan Phase 1 regarding the Alta Vista
5 wells and tank without complying with the California Environmental Quality Act (“CEQA”)
6 (Public Resources Code sections 2000 et seq.) and the attendant guidelines (California Code of
7 Regulations, Title 14, sections 15000 et seq.)” [Petitioner’s Writ of Mandamus at page 2, lines
8 19 – 24].

9 Petitioners or those similarly situated have provided public testimony, filed extensive comments
10 to the DEIR per the California Environmental Quality Act and have availed itself to all
11 administrative remedies available. Despite these efforts, the Montara Water and Sanitary District
12 took final agency action when it Certified its Environmental Impact Report on April 6, 2006 not
13 in compliance with CEQA.¹ [Petitioner’s Writ of Mandamus].

14
15 Parties may commence actions or proceeding to attack, review, set aside, void, or annul the
16 following decisions or actions of the public agencies on the ground of noncompliance with
17 CEQA [Pub. Resources Code, § 21167].

18 **RESPONDENT CERTIFIED ITS OWN EIR WITHOUT KNOWING EVEN BASIC**
19 **INFORMATION - EIR HAD NO NECESSARY BIOLOGICAL, GEOTECHNICAL OR**
20 **HYDROLOGICAL STUDIES**

21 Respondent only did a geological study on one tank location. That geological study said that the
22 tank was too dangerous. In response, Respondent moved the tank closer to residences and did no
23 further geotechnical studies. Respondent states that “specifics such as engineering and design

24
25
26 ¹ This was final agency action. The District published its Notice of Decision with the Clearinghouse on 4.11.06.

1 would be conducted after a CDP was issued.”¹ Respondent also states that tank location would
2 not be determined until after the “further engineering and geo-technical work is done.”² That
3 was it. The substantial evidence with show that there were no other tank alternatives presented
4 or considered.

5
6 The District’s did not consider multiple smaller tanks at Alta Vista, for one obvious example.
7 The District did not consider smaller tanks spread throughout the system (as suggested by fire
8 flow study). The District did not consider a linking to the neighboring water district in mutual
9 aid for emergency coverage (in event of earthquake, for example) as an obvious alternative to the
10 creating of huge additional emergency storage.

11
12 In addition, Respondent’s EIR had most minimal biological and hydrological studies. The
13 minimal pumping hydrological tests that were done showed drawdown of groundwater and had
14 significant impacts³ The pumping tests were not calculated to, and failed to, determine a
15 pumping rate that would not have significant impacts.

16
17 Respondent’s EIR lacked basic and necessary site specific biological evaluations. Respondent’s
18 EIR, instead tried to substitute a study of Carmel, CA as a baseline. There was no scientific
19 support in the record such a substitution, with evidence in the administrative record indicating
20 that it lacked validity.

21
22 ¹ The Montara Sanitary District, Board of Directors Meeting, April 6, 2006 at page 6. At this same meeting,
23 “Director Perkovic stated that he would like to see the final draft” of the EIR. At that same meeting when the EIR
24 was voted on and Certified by 5-0 vote, “Director Perkovic thought that this was “approval of a conceptual project,
25 defined by the EIR.” Later, detailed engineering and additional studies would be performed. District Counsel
26 Schricker stated that the term ‘conceptual’ may be too broad.” [Minutes of April 6, 2006 meeting at page 5, Exhibit
27 A to Opposition to Demurrer, Judicial Notice granted].

28 ² Minutes at page 5, paragraph 1 [Exhibit A]. In Respondent’s scheme, the tank placement decisions and
geotechnical studies would be put off until after obtaining a CDP from the California Coastal Commission..

³ EIR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respondent's failure to determine the location of its project including tank and its failure to conduct the most basic and critical studies subverts the ultimate objective of informed decision-making and informed public participation. [Save our Residential Environment v. City of West Hollywood, 9 Cal. App. 4th. 1745, 12 Cal. Rptr. 308 (2d Dist. 1992)].

RESPONDENT CERTIFIED ITS OWN EIR WITHOUT KNOWING EVEN BASIC INFORMATION SUCH AS PROJECT LOCATION – WAS ABDICATION OF DUTY

The final agency action herein is the District's Certification of an EIR. The District did so without ever determining or knowing the project location, without doing a site specific biological study, without doing a geotechnical study of the proposed million gallon tank and for the other reasons set forth in Petitioner's Writ.¹

This was a total abdication of Respondent's legal duty under CEQA. An accurate description of the proposed project is at the heart of the environmental report process. [Rio Vista Farm Bureau Center v. County of Solano, 5 Cal.App. 4th 351, 7 Cal. Rptr 2d 307 (1st Dist. 1992), opinion modified, (Apr. 27, 1992). If the project is inadequately described, the report may be inadequate as a matter of law. [San Joaquin Raptor / Wildlife Rescue Center v. County of Stanislaus, 27 Cal. App. 4th 713, 32 Cal. Rptr. 2d 704 (5th Dist. 1994), as modified, (Sept 12, 1994). In the EIR subject to the Writ herein, the project is inadequately described in many key and basic ways. Each of which, as set forth herein, should render the EIR inadequate as a matter of law.

The Respondent certified its EIR without any of the most basic information. Respondent does

¹ It must be noted that the District's EIR Scoping Meeting report dated December 2, 2004 states that a tank of 180,000 is needed for fire flow. The said scoping meeting also stated that there might be advantage of replicating the 180,000 in other points in the system for better emergency availability. Please see Exhibit C to Petitioner's Opposition to Demurrer.

1 not know the project location, where the million gallon tank is to be located.¹ The respondent
2 does not know what biological resources are present, no baseline study was done.² An EIR,
3 however must include a description of the environment in the vicinity of the project as it exists
4 before the commencement of the project. [Cal. Code Reg, tit. 14 § 15125]. Failure to adequately
5 describe this “environmental setting” may result in the environmental impact report being
6 determined inadequate. . [San Joaquin Raptor / Wildlife Rescue Center v. County of Stanislaus,
7 27 Cal. App. 4th 713, 32 Cal. Rptr. 2d 704 (5th Dist. 1994), as modified, (Sept 12, 1994)].
8

9 **II. STATEMENT OF ISSUES TIED TO THE ADMINISTRATIVE RECORD:**

10
11 **FAILURE TO CONDUCT SUFFICIENT BIOLOGICAL STUDIES**

12 Failure to conduct sufficient biological studies 5239; 5220; 5272; 4445; 04467; “I don’t get the
13 impression that they’ve done it [bio study] for Montara. 2456 Dec 13, 2005. “study may not be
14 the cat’s meow in this instance” [study possibly not disclosed?] 2456; 3587; “Once the Project
15 Description is relatively set, we’ll be able to get our biologist out in the field... setting up
16 temporary story poles for the tanks... reference photos are taken” January 6, 2005 per 3906;
17 “major issues: (1) how to establish the flow rate to prevent any environmental (riparian)
18 impacts, and (2) water rights” on Feb 23, 2005 per 4445;

19
20 **FAILURE TO DETERMINE BASELINE BIOLOGICAL INVENTORY –
DISTRICT DID NOT KNOW PRE-PROJECT CONDITIONS OF PROJECT AREA**

21 Failure to Determine Baseline Biological Inventory 4457 “venture into the scary”; 4817;
22 Preconstruction surveys needed / Biological Survey /. Inventory 5168; 4817;

23
24
25 ¹ “Director Perkovic also clarified that the exact location of the new tank will be subject to further evaluation as
further engineering and geo-technical work is done.” [Exhibit A, April 6 minutes at page 5].

26 ² Respondent used a study of Carmel, California for its baseline. (EIR)

1 **DISTRICT USED BIOLOGICAL STUDIES FROM CARMEL – NOT APPLICABLE TO**
2 **MONTARA / NO ACTUAL STUDIES OF MONTARA DONE**

3 Non applicability of McNash to Montara / inapplicability of studies of Carmel to Montara yet
4 studies used anyway 5229; 5650; 5272; “Montara Mountain is too far west of the project area
5 and would cover inland species” 3517;

6 Project needs site specific survey for endangered Dusty footed woodrats / woodrat nests cannot
7 be moved without significant impact, nests possibly used for many generations of woodrats
8 5238, 5168; 5330

9
10 “Further Assessment of Monarch Butterfly habitat...their presence and potential removal for
11 tank installation would be significant. Please also survey a certain radius around the tank area
12 to make sure that construction is not going to be disturbing any potential monarch sensitive
13 habitat areas.” Tank location was never determined 3962;

14
15 **FAILURE TO PREPARE / IMPLEMENT A BIOLOGICAL MONITORING**
16 **PROGRAM**

17 Failure to Prepare Monitoring Program 6066; 2046; 2920; Shallow monitoring wells not
18 installed near the wetland and creek at the time of pump test 5230; Monitoring of Surface wells
19 6266;

20 **FAILURE TO PROTECT ENDANGERED SPECIES OF ANIMALS & PLANTS**

21 Failure to protect the multitude of endangered animals and plants per the Endangered Species
22 Act (ESA) and State Law including failure to conduct specific site inventory 4817; No known
23 specific site inventory was obtained or found in the Administrative Record

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NPDES INDIVIDUAL PERMIT REQUIRED

Need for Individual Permit under NPDES from U.S. Army Corp, RWQCB Section 401. MWSD 5169. No individual Permit was obtained or found in the Administrative Record

STREAMBED ALTERATION AGREEMENT REQUIRED

Need for Individual Permit under NPDES from U.S. Army Corp, RWQCB Section 401 Cert., Streambed Alteration Agreement from the CDFG required. 5169; No known Streambed Alteration Agreement was obtained or found in the Administrative Record.

FAILURE TO CONDUCT PROPER WETLAND DELINEATION STUDY

Need for Wetland delineation study 565. No known Wetland delineation study could be found in the Administrative Record.

PRE-CONSTRUCTION SURVEY NECESSARY AND NOT DONE WITHIN 30 DAYS OF GROUND DISTURBANCE / LIMITS DURING SONGBIRD / RAPTORS BREEDING SEASONS FEBRUARY THROUGH AUGUST

Pre-construction survey would need to be conducted within 30 days of ground disturbance if construction is initiated in the breeding season, February 1 through August 31 for saltmarsh Common Yellowthroat and Loggerhead Shrike breeding songbirds 5168

Migratory Bird Treaty Act requires all raptors to be protected while breeding, nesting season protections February 1 through August 31 and pre-construction surveys required 5168

FAILURE TO STUDY / PROPERLY EVALUATE STEELHEAD TROUT

Study of Steelhead trout in Montara Creek, site visit by biologist was not done during correct season to determine if height is barrier from sea to creek and possible mitigations in creek. 5275; 5224 5223; 5222; 5218; 5140; 2049; "our biologist did not feel comfortable re some of your discussion regarding steelhead." 3585; The Administrative Record indicated that a site

1 specific survey would be needed that would "entail conducting surveys during the spawnings
2 season" 5140 It is assumed that the creek is utilized as spawning habitat for this andronomous
3 fish species." 5140

4
5 No site specific survey, however, other than limited photographic review, was found in
6 Administrative record to determine status of Steelhead trout in Montara Creek.

7
8 **RED LEGGED FROGS HAVE NOT BEEN STUDIED – BEST TIME TO STUDY
WOULD BE AROUND JAN 1**

9 "It would be best to wait until the first of the year to begin these [red legged from] surveys.
10 5270; 5220; 5140 No, frog study at all, however, was done, no site specific survey was found in
11 Administrative record to determine status of red -legged frogs.

12
13 **FAILURE TO CONDUCT SUFFICIENT HYDROLOGICAL STUDIES**

14 Failure to conduct sufficient hydrology studies 5239; 5220; 5621; 4467; 2920; 3441; 3587;
15 3982; "a chewy section" 4042; "Montara – Groundwater – A Bold Question." 2433; "please
16 make sure that we are clear that the initial pumping will be 150 but if that is sustainable it may
17 go to a higher number. Is there anything in Balance's report that justifies any particular
18 number?" 4042; "Does he have enough information to say that 1% or 5% percent reduction in
19 flow would not be a significant impact." 2552;

20
21 **DISTRICT'S CHOICE OF PUMP RATES NOT SUPPORTED BY RECORD /
NOT FIRM NUMBER / COULD RISE**

22 District's choice of gpm pump rates / starting at low number / number not supported by record/
23 choice number just below stated current needs / to the degree no firm number set / no
24 monitoring program suggested at different levels / different pump levels not considered 5268;
25 5260; 5198; 4467; 4468; 2046; please make sure that we are clear that the initial pumping will

1 be 150 but if that is sustainable it may go to a higher number. Is there anything in Balance's
2 report that justifies any particular number?" 4042

3
4 **DISCREPANCIES IN PUMPING RATES NOTED**

5 It does also appear that the EIR arguably might not set firm limits on amount of water pumped
6 from its well. The EIR does not explicitly state that a new or supplemental EIR would be
7 required if the District wanted to pump water in excess of current needs including fire flow.

8
9 The EIR gives mixed messages on that point. The District claims that it needs 182 gallons per
10 minute (gpm) for current needs including fire flow. The district test pumped 150 gpm and also
11 test pumped 300 gpm. The district claims an historical claim to water in excess of 1000 gpm.¹

12
13 It does seem possible, absent challenge, that the District could later claim that the EIR allows it
14 to pump whatever amount of water it can take from its well so long as there are no significant
15 environmental effects of the pumping². Similarly, if the district claims that it needs 182 gpm for
16 current needs including fire suppression, the implication would be that the District could pump
17 182 gpm without a new or supplemental EIR.

18
19 It is also noted that all of the California Clearinghouse documents that Respondent posted stated
20 that the project was for, *inter-alia*, pumping from a "new public well @150 GP" except
21 Respondent's "Notice of Determination" simply states that the final decision was for a "new
22 public water well." [Exhibit B]. The "@150 GP" was conspicuously absent in the "Notice of
23

24
25 ¹ EIR

26 ² The EIR does not indicate studies of the current baseline condition to determine if there is a significant effect from
pumping.

1 Determination”, thus reinforcing that concern.¹ It is also noted, that there is no explanation in
2 the EIR why Respondent does not seek to pump 182 gpm now to meet stated current needs
3 including fire flow.

4
5 Once there is a safe plan, it would seem that pumping 182 gpm to meet current needs including
6 fire flow, if correct and safe, would make sense. Why pump at 150 gpm, and the failure to
7 explain this discrepancy is of concern. We want to meet current needs including fire flow with
8 sensible and informed decision making as required by CEQA.

9
10 **DISTRICT CLAIMS THAT PROJECT NEEDED FOR FIRE FLOW BUT RECENT**
11 **PRIOR DISTRICT STUDIES DO NOT SUPPORT THAT CLAIM- ALSO DISTRICT'S**
12 **CALCULATIONS ARE DECEPTIVE & DON'T ADD UP / DISTRICT COVERS IT UP**

13 Storage tank size numbers / origin / actual needed 180,000 in fire flow report public report², “of
14 course wanted numbers to all match up” and “see if there any adjustments that could be made so
15 that they all match?” 5114; “Since I couldn’t figure out how to make Tanya’s new math for
16 storage match what is in the Master Plan (in response to the Coastal Commission’s comments)
17 here’s how I tweaked the paragraph that leads into the table.” 2924; “Simple, elegant, perhaps
18 a bit of dodging the comment, but we don’t need to try and explain why the new math and the
19 Master Plan don’t match. 2924;

20 **DISTRICT APPEARS MISLEADING PUBLIC WITH EARLY VERSION OF**
21 **PROJECT CALLED FIRE FLOW DEFICIENCY PROJECT WHEN PROJECT NOT**
22 **ABOUT FIRE FLOW / SAME REGARDING GOALS STATED IN PRIOR MASTER**
23 **PLAN**

24
25 *Fire Flow Deficiencies Project as misleading title / relationship to true goals of proposed project*
26 that is not related to Fire Flow Deficiencies 5186 is “Notice of Preparation of a Draft
27

28

29 ¹ Exhibit B to Petitioner’s Opposition to Demurrer, Judicial Notice granted, California Clearinghouse for “Montara
30 Water and Sanitary District Public Works Plan Phase 1”

1 Environmental Impact Report for a Project to Reduce Fire Flow Deficiencies” dated May 17,
2 2005. 5480; “The NOP says that the production well is for fire water only – just checking to see
3 if that’s okay?” 5480; 3976;

4
5 This continues a clear history and ongoing pattern of what would appear to be deceptive
6 language concealing fact that increase in water production and storage is not about fire flow,
7 and not, as later claimed, about fire storage or about water shortage for existing users, it is about
8 new users and population growth. It is also noted that the District’s Master Plan did state that
9 the District’s short-term goal from more water production and storage was lifting the
10 moratorium. The Master Plan’s short term goals and near term goals included all of the
11 elements in the EIR, including the Alta Vista Tank and Wells, but it also included lifting the
12 moratorium (that the District claims is not even in effect). The newly discovered Kleinfelder
13 PEIR that the District had not previously released does not emphasize fire flow or emergency
14 storage. It does consider the moratorium and population growth. Petitioners herein again
15 underscore that we continue to wish to expedite anything related to current and emergency uses.

16
17 **DECEPTIVE REGARDING INTENTION TO INCREASE WATER AMOUNTS**
18 **TO ALLOW FOR NEW WATER CONNECTIONS – CONCEALED ITS NEW VIEW**
19 **THAT THERE IS NO MORATORIUM ON NEW CONNECTIONS**

20 Consideration of effects of proposed project on lifting Moratorium on new water connections /
21 what is required to lift moratorium / effect on future buildout / LCP / Strong Passion and work
22 on Board for lifting Moratorium 5606; 5563; “very worried... George did not know...another
23 document to address growth and lifting the moratorium... I walked her through the possible
24 scenarios again. She is somewhat calmed.” 5473; Montara Population and Housing... Gonna
25 be no birthin’ of babies in Montara ‘till we gets us some water.” 4051; 4102; 4103; 4104 “how
26 much full blown LAFCO work would cost the District? George is very anxious to get this
27 information.”; [Chris Kern of the Coastal Commission] was very interested in knowing what

• 11 •

Petitioner’s Brief for Hearing on Writ of Mandamus

1 would trigger lifting the moratorium on new connections and getting people off private wells.”
2 March 3, 2005 per 4396; **“CPUC moratorium is no longer in effect due to lack of**
3 **jurisdiction.” 4119**; [emphasis added].

4
5 This issue is also applicable to the degree that any LAFCO boundary change activities would
6 benefit any person or entity, if the boundary change provided a benefit to landowners in the
7 affected boundary change area, especially if there was water that could provide growth on this
8 land, and knowing that the District now claims that the Moratorium is no longer in effect.

9
10 In addition, the District has since indicated that it’s EIR is unnecessary. The District claims that
11 it is exempt from CEQA so long as it follows the San Mateo County LCP. It is noted that
12 Kleinfelder states that “[t]he LCP limits expansion of public works facilities to serve the
13 buildout population, estimated in the LCP at 7,432 for Montara and Moss Beach combined.”
14 [Kleinfelder at 17]. If the District puts this capacity in place, then it can simply vote to lift the
15 moratorium¹. If the District is exempt from CEQA, and there is no construction project
16 pending, then the likelihood that the matter ends with the District’s vote would be quite likely,
17 absent a necessary challenge. These are issues improperly ignored in the EIR or otherwise
18 improperly segmented.

19
20 **FAILURE TO DETERMINE LOCATION OF MILLION-GALLON TANK (DISTRICT**
21 **STATED IT WOULD DETERMINE LOCATION OF TANK AFTER**
22 **DISTRICT GOT A CDP FROM COASTAL COMMISSION)**

23 Failure to Determine Location of proposed Million Gallon tank 5414; 6042 “the still
24 unanswered question is whether or not the proposed site is the appropriate site for a 1,000,000
25 gallon water tank.; “the whole thing gets shoved west... not a good prospect.” 4489; Still no

26 ¹ District claims it is also not subject to CPUC Jurisdiction. [MWSO 4119]. The District also claims that the
27 Courts likewise have no jurisdiction over the District regarding challenges to its Certification of the EIR.

1 plans of the water well or the Alta Vista Tank” 4703; “We need to do the site reconnaissance to
2 determine the final placement”; Citing of tank on center of ridge / multiple tanks to lower
3 profile - “added impetus to relocating the tank to the center of the ridge” 6042; 4489; Still
4 looking for “the final tank location” on March 7, 2005 per 4362;

5
6 District stated it would not determine location of tank until after District received a CDP from
7 the California Coastal Commission “ stated when Board certified its EIR for the tank; compare
8 with another inappropriate District position, namely a “mit[igation] measure to require a plan
9 and its review prior to building the tank is a good one... who reviews?... We could assign that
10 to the Coastal Commission.” 2818;

11
12 **FAILURE TO STUDY SEISMOLOGY OF TANK / SAFETY OF EXISTING AND**
13 **PROPOSED TANKS / TANK PLACEMENT / TANK SIZE / TANK TYPE / TANK**
14 **LOCATION / TANK PROFILE**

15 Failure to Study Seismology of tank placement and tank location consultants (not tank experts)
16 contemplating tank size for apparently first time ”just the base would cover approximately one
17 quarter of an acre. Pretty big...” 2696; Consultant also pondered size of tank “if it were a
18 cube” a size not available or stable as a water storage tank.” 2696;

19 Security / Stability / Safety of tank / “existing landslide issues [that could] jeopardize the tank”
20 5931; 6041; 5997; 6042;

21
22 “A mit measure to require a plan and its review prior to building the tank is a good one... who
23 reviews?... We could assign that to the Coastal Commission.” 2818;

24
25 Now, through discovery of documents, we discover the Kleinfelder PEIR. That PEIR
26 acknowledged that the existing 462,000 gallon tank is not up to the basic standards of the

1 Universal Building Code (UBC). Part of the Kleinfelder PEIR planned for the repair of the
2 existing 462,000 gallon tank as part of the project.

3
4 The EIR that the District Certified made no provision for the repair of the existing 462,000
5 gallon tank. Worse yet, the Certified EIR apparently would allow for solar panels to be placed
6 on top of the existing tank. It would certainly seem likely that the additional weight and stress
7 of the solar apparatus would be very dangerous. Instead, the Certified EIR ties the new tank to
8 the unrepaired and dangerous old tank. The EIR makes it a basic requirement, without support,
9 that the water levels of the existing tank be the same as the new tank.

10
11 It would also seem prudent to make plans to repair or demolish the existing tank as part of the
12 plan to protect the community in the case of an emergency. Likewise, the condition of the
13 existing tank would seem to lead to the obvious conclusion that demolition of the existing tank,
14 with on site or other replacements would be reasonable to consider as an alternative. This
15 presents at least 3 advantages. First, it eliminates any potential issue that the new tank need to
16 be located in relation to the old tank. Second, it frees up yet another location to build additional
17 tank(s) of various potential sizes. Third, it eliminates a hazardous condition and liability.

18
19 **FAILURE TO CONDUCT GEOTECHNICAL STUDIES ON TANK LOCATIONS**
(Except for single study that said putting tank on east side ridge was to dangerous)

20 Why did District not conduct any geotechnical study on alternative 1 (preferred and only given
21 feasible alternative) after Geotechnical done on initial preferred alternative said that the tank was
22 a bad idea, not safe and not feasible.) “We have not started on the geotechnical work but it’s
23 next on the list.” 43415; “are you having a prelim geotech report prepared per Coastal Act to
24 ensure that the site can support the proposed siting? 3415 [yet District never even selected

1 proposed siting]. Failure to do any geotechnical study on any alternative (except rejected
2 alternative not feasible) 5623; 3415.

3
4 **DID NOT CONSIDER ANY TANKS NOT AT SAME HEIGHT LEVEL OF**
5 **EXISTING TANK / DID NOT QUESTION THIS MISTAKEN ASSUMPTION IN ANY**
6 **OTHER PART OF ITS ANALYSIS**

7 The District assumed, based on the administrative record that the new tank needed to be at the
8 same height of the existing tank. Consideration of tank locations not at same height level 5194;
9 4489; 3614; "Installation of an additional water storage tank adjacent to the existing Alta Vista
10 water tank." 4132; This need for new tank(s) to be at the same height of the existing tanks is a
11 mistaken assumption. This assumption, whether mistaken or not, was not considered elsewhere
12 in any analysis.

13 **EIR STATES NEED FOR DRAINAGE OF ALTA VISTA ROAD – BUT**
14 **APPARENT INTENTION WAS TO NOT DO DRAINAGE / PAVING OF ROAD**
15 **DESPITE TEXT OF EIR**

16 Drainage down Alta Vista Road / paving "The report indicates that a paved road is to be part of
17 the Alta Vista tank site; it would be compacted soil / gravel... drainage, which can be
18 accommodated with an engineered system that carries water downslope in a manner that doesn't
19 result in erosion. That drainage system would need to include collection and filtration systems
20 to filter out contaminants." 6042; "I'm not terribly comfy with dropping this one. It is an issue
21 now and will be exacerbated by the project" admitted project manager regarding pressure to
22 drop paving mitigation measure 6462; "problem may occur... and may cause rutting of the
23 roadway" 2183 District knows partial drainage system installed by CalAm predecessor to the
24 District "installed some drainage on Alta Vista... to handle plant discharges...there have
25 probably been about 5... emergency discharges... It is our intention to have none, but
26 occasionally emergencies may occur." 2183 "The project will have no permanent impact on
27 the road." 2359;

28
• 15 •

Petitioner's Brief for Hearing on Writ of Mandamus

1
2 **REMOVAL OF PAVE OPTION DECEPTIVE / NOT BASED ON RECORD /**
3 **DISTRICT DISMISSES DRAINAGE ISSUE**

4 Decision to remove PAVE option 5172; 5171; 5170 "I spoke with George and he prefers that
5 we remove the PAVE option from the text for now, unless we are forced into it as a mitigation
6 measure later."; "Alternately, "The report indicates that a paved road is to be part of the Alta
7 Vista tank site; it would be compacted soil / gravel... drainage, which can be accommodated
8 with an engineered system that carries water downslope in a manner that doesn't result in
9 erosion. That drainage system would need to include collection and filtration systems to filter
10 out contaminants." 6042; dismiss drainage issues, "toss this one on our agenda tomorrow
11 afternoon" March 23, 2006 2117 ; Manipulation of system to not reflect true thinking of
12 decision makers and evaluators regarding plan to not pave or provide for a drainage plan
13 regarding Alta Vista Road "It doesn't seem prudent to question the need for a system at this
14 stage since the EIR goes into considerable detail about the need for a system... which could be
15 very very minimal based on further study), particularly with the issue being raised by several
16 members of the community in that area." The document goes on to state that it is up to the
17 District to decide what is done with the road in the future. 2119

18 **VERY HAZARDOUS MATERIALS INCLUDING CHLORINE TO BE TRANSPORTED**
19 **UP CURVY, RUTTED AND STEEP RESIDENTIAL ALTA VISTA ROAD WITHOUT**
20 **ANY HAZARDOUS MATERIALS HANDLING PLAN OR ROAD IMPROVEMENT**
21 **PLAN**

22 Alta Vista Road is a steep and curvy part gravel, part paved road. It has recent and repeated
23 repair. During winter months, extensive water drainage and runoff from existing operations of
24 Respondent and possible other sources runs down and across Alta Vista Road. This runoff
25 creates deep crevasses in the road, making the road almost impassible for regular passenger
26

1 cars.¹ Respondent proposes to use this road for the transport of extremely hazardous chlorine
2 (sodium hypochlorite) and other hazardous materials.² The EIR does not provide for a plan for
3 the paving or other measures regarding Alta Vista Road.

4
5 **FAILURE TO DETERMINE REASONABLE RANGE OF ALTERNATIVES (EIR**
6 **DECEPTIVELY PRETENDED TO HAVE RANGE BUT ONLY ONE CHOICE "THEY**
7 **WILL NEED TO SELECT"**

8 Failure to Determine reasonable range of alternatives (EIR only had one choice) – “**Since they**
9 **will need to select this alternative it is important to show a complete evaluation.**” 2840
10 [emphasis added]; contrast with 4363 ““Alternatives... Based on both our conversation with
11 Chris and some fairly recent CEQA case law, I think we’re going to need to look at a set of
12 project alternatives that may not include the Alta Vista well as part of the equation, and which
13 maybe also splits the Alta Vista tank in two different locations.” On March 7, 2005 per 4363
14 but these alternatives were not offered, **only one alternative offered that “they will need to**
15 **select”** (2840) emphasis added; The one alternative that they needed to select was in fact an
16 unknown location of the tank.

17 **EIR FAILED TO EVALUATE NO ACTION ALTERNATIVE**

18 The EIR had the most Pro Forma dismissal of the no action alternative. Failure to Evaluate No
19 Action Alternative and critical variations regarding the Alta Vista Wells and Tank and other
20 aspects of the project is at issue. The no action alternative to build no tank but only add wells
21 was not considered. There is a no action alternative to add no wells but only a tank. There is a
22 no action alternative that involves not adding any wells or any tank. There is a no action

23
24 ¹ Last winter, the crevasse was as deep as four feet, and cars could pass over certain less deep portions at a crawl one
25 tire at a time rate. The crevasse carved last winter is currently filled with rocks.

26 ² The Respondent would also like to rush diesel fuel up Alta Vista Road for its back up generator when there are
27 power failures. It is noted that the power went out on Alta Vista Road last winter multiple times, including in a
28 driving rainstorm on Christmas evening. An accident under those circumstances regarding chlorine or diesel would
resonate for a long time.

1 alternative that involves no water treatment at Airport wells but instead bring new water from
2 Alta Vista wells instead.

3
4 **FAILURE TO EVALUATE ALTERNATIVE TO REPLACE CONTAMINATED
5 WELLS WITH ALTA VISTA WATER INSTEAD OF NEW PURIFICATION
6 APPARATUS**

7 Failure to Evaluate Alta Vista well to replace marginal or contaminated wells as alternate to
8 Airport Wells Water Treatment Facility treatment where elevated levels of nitrates, TCP,
9 corrosion, and manganese in the water is extracted from the wells, and with consideration
10 whether blending first for treatment for Manganese is not improper solution to pollution,
11 namely dilution or to the degree that blending for Manganese is also blending to result in lower
12 levels of TCP and wherein to the degree that MWSD might be acting as unauthorized disposer
13 of hazardous materials regulated by RCRA and other federal and state laws. 2358; "The District
14 could increase the pumping rate to compensate the system should any of the District's other
15 supply sources need to be taken off line." 2920.

16 **FAILURE TO CONSIDER POWER GENERATION RANGE OF
17 ALTERNATIVES**

18 Consideration of solar / power generation / consumption related to project / possible non
19 disclosure of initial assessments of solar / solar on smaller tanks 5198; 5199; 5621; 2227; 2898;
20 "Montara Solar Stuff for Project description... tad vague but based upon what we got from
21 Tanya, works for me." 2925;

22 **PROPOSED PROJECT WAS IMPROPERLY SEGMENTED AND IS PART OF A
23 LARGER PROJECT WITH OTHER PHASES TO FOLLOW**

24 Proposed project is part of a larger program and this is only Phase 1 with other phases to follow
25 5605; 5372; 5366; 4629; "Phase 2 and beyond" 2046
26
27

1 Segmentation 6024; 6025; "We received the final work from the Montara Water and Sanitary
2 District in terms of what project components are going to be part of our current EIR... earlier
3 project components... have fallen off the list for this round of CEQA" 4629; "The near-term
4 improvements comprise the Public Works Plan Phase I." 2359; "We also need to better
5 describe the link between the Master Plan, Public Works Plan, Fire Flow project. It is pretty
6 confusing right now." 4059; The intent was to demonstrate that the proposed project is part of
7 a larger program and this is Phase 1 with other phases to follow" per 4395 to 4396 March 3,
8 2005; "the latest iteration of the EIR's Project Description (which includes the two tanks and
9 the additional treatment facilities at the Airport, and doesn't include the AV wells)" on February
10 25, 2005; "Dain's idea of putting the well back into the EIR per 4421 on Feb 28, 2005;

11
12 **FAILURE TO CONSIDER CUMULATIVE IMPACTS**

13 Cumulative Impacts of proposed project not sufficiently considered 5268; "I looked at the much
14 anticipated cumulative section. I was expecting more than a half a page, silly me. 2867 by
15 consultant on Oct 12, 2005; "potential to reduce surface water area downstream... in turn
16 affects completion of the Cumulative Impacts analysis." 3587;

17 **FAILURE TO PREPARE APPROPRIATE PROJECT PLANS**

18 Failure for consultants to get a good set of project plans 5461; 4703; 4629; "Looks like our
19 client has just now requested the info that we've been chasing for some time... re: ground water
20 extraction." 3441; "Montara - Nothing Yet... If it were just one of the project elements it
21 wouldn't be as bad, but to only really have the Schoolhouse tank locked down is a bit nuts."
22 "Project components... That's been a giant struggle to get that level of information" 4629; "The
23 Constantly changing face of the project" 4736;

24
25 **FAILURE OF DISTRICT TO DETERMINE ITS PARCEL BOUNDARIES**
26 **(IN ADDITION TO NOT DETERMINING PROJECT LOCATIONS WITHIN**
27 **THE UNKNOWN PARCEL BOUNDARY)**

• 19 •

Petitioner's Brief for Hearing on Writ of Mandamus

1 Failure for District to determine its property boundaries although its initial preferred alternative
2 depended upon knowing the location of the property boundary as it was right up against the
3 property line area and might go over the line. 5609; 5414; 5931; 4489; Still looking for
4 "District's precise property line" on March 7, 2005 per 4362. "Any updates from the surveyor
5 about the District's precise property line and the final tank location? [MWSO 05414]. In fact,
6 the property line for the District's Alta Vista property was never determined. Even much worse,
7 the final tank location was never determined.

8
9
10 **FAILURE TO CONSIDER PUBLIC ACCESS /FENCING / RESTRICTIONS**

11 Access to site / fencing / public access restricted without required evaluation or discussion
12 5198; 5199; 4468

13
14 **FAILURE TO CONSIDER FIRE RISKS / IGNORING CDF CONCERNS**

15 **(CDF requested standard fire clearance, District reply "not going to happen in terms of a
16 clearance.")**

17 Relationship to California Department of Forestry / Improper consideration of fire risks. On
18 March 7, 2005 per 4362; "CDF wants a 100-foot clearance or an exemption for the tank. Not
19 going to happen in terms of a clearance." 2501; "Our concern is the possibility of a wild land
20 fire with fuel stored on site" states consultant 4688; "We are writing the report assuming that
21 the diesel back-up generator can be stored at the site during power outages only, given the fire
22 hazard risks."

23 **DISTRICT'S RELATIONSHIP WITH COUNTY OF SAN MATEO -**
24 **NOT FORTHCOMING IN EIR**

25 Relationship to County of San Mateo. "we may if the district is going to go make nice w/ the
26 County since right now they have no site for the solar panel array and additional treatment

27 • 20 •

28
Petitioner's Brief for Hearing on Writ of Mandamus

1 equipment” 2433; MWSD members also serving on Midcoast Community Counsel that
2 informs and has influence with the San Mateo County Board of Supervisors. 5552

3
4 **DISTRICT’S ADVERSARIAL RELATIONSHIP WITH CALIFORNIA COASTAL
COMMISSION - NOT FORTHCOMING IN EIR**

5 “Slept on the notion of how best to respond to the Coastal Commission’s comment regarding
6 wanting more info on storage, yet with the twist with Tanya’s text not matching the Master Plan
7 info. My call is let’s keep what we’ve got in the Admin. I’ve twisted my copy of the Project
8 Description... We can add a sentence (if we don’t already have it) that says a full explanation
9 of the District’s current storage need is presented in the Master Plan in Appendix XXX.” 2926
10 [shows intention to twist facts and intentionally mislead Coastal Commission in its responses].

11
12 Interaction with Coastal Commission / “Coastal Commission cannot require that all woodrat
13 nests be avoided” 5330; 6024; 6025 “Here is who’s weighed in so far... California Coastal
14 Commission (sort of if you count the email from YinLan as the extent of their comments)”
15 2470;

16
17 District consultants noted “CEQA gets a bad rap when what we are really doing is the job of the
18 agency staff.” 4101 yet District consultant’s also thought they had the authority to assign”
19 matters “to the Coastal Commission” 2818;

20
21 **DISTRICT’S ADVERSARIAL RELATIONSHIP WITH ITS AIRPORT
AUTHORITY NEIGHBOR - NOT FORTHCOMING IN EIR**

22 Relationship to Airport Authority. ““We should not be tied to all the Airport Requirement”
23 2119; “They will use their Authority to stop all work on our part. This has been the Way they
24 have dealt with us in the past.” 2119;

25
26 **FAILURE TO ABIDE BY CALIFORNIA DEPARTMENT OF FISH AND**

27 • 21 •

28
Petitioner’s Brief for Hearing on Writ of Mandamus

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GAME'S REQUEST FOR HYDROLOGY AND BIOLOGY FOR THE EIR

Relationship to California Department of Fish and Game. "Fish and Game was fairly articulate in the type of analysis they want to see in the EIR re: hydrology and biology" 4817;- The EIR, however, lacked the basic and necessary hydrological and biological studies required. It is also noted that responses to comments are of particular importance when significant environmental issues are raised in comments submitted by experts or by regulatory agencies with specialized expertise. The responses should provide a reasoned analysis supported by evidence. Santa Clarita Org. for Planning the Env't v. County of Los Angeles (2003) 106 CA4th 715, 131 CR2d 186.

FAILURE TO ABIDE BY UNITED STATES FISH AND WILDLIFE SERVICE REQUEST FOR FORMAL CONSULTATION

Formal Consultation suggested by USFWS 5268; 4817

DISTRICT'S ADVERSARIAL RELATIONSHIP WITH ITS RESIDENTIAL NEIGHBORS - NOT FORTHCOMING IN EIR

EIR indicates notice issues regarding residential neighbors, notification of interested parties that are neighbors. It is also attorney "Dave S.... just now starting to look at the Rudisill comment and develop a response." 3058; 4055; 2447; 2448, 2566.

DISTRICT DISCLOSURE OF ITS RELATIONSHIP AND INTENTIONS REGARDING BOUNDARIES OF WATER DISTRICT

Relationship to the District's attempts to change Respondent Water District boundaries using LAFCO process and other procedures related to water consumption and entitlement potential 2358

FAILURE OF DISTRICT TO CONSIDER PURCHASE OF WATER FROM OTHER WATER DISTRICTS TO MEET WATER NEEDS

1 Consideration of working with Central Coast Water District to meet water needs 5606;
2 "possibility of purchasing water from CCWD and the water rights issues." 4396;

3
4 **DISTRICT'S ATTORNEY ALSO PERCIPIENT WITNESS - ADMITS**
5 **MISTAKES THAT MAY HAVE COST DISTRICT HUNDREDS OF THOUSANDS OF**
6 **DOLLARS,**

7 The District's attorney in the EIR process now claims that the "District erroneously prepared an
8 EIR." [June 30, 2006 Hearing on District's Demurrer at page 3, lines 12-13]. District's
9 Counsel also stated "Yes, in all humility, we could say we made a mistake by following CEQA,
10 but no harm was done." [Demurrer hearing at page 15, lines 9 - 11]. How can there be "no
11 harm done"¹ per water district counsel's admitted mistake in its preparation of EIR, "Extensive
12 comments of airport, neighbors and attorneys." It is true that people invested their time and
13 lined up to speak and many people wrote thoughtful and critical letters in the DEIR. Aside from
14 the public trust, there are also issues of public treasury : "budget for Montara "Bottom line is
15 \$178,489" 4910; "\$262,392." 5021; 2138; 2148; "\$165,171...excluding... Coastal Commission
16 package." 2255, The "reason for augment: doing it twice for the Coastal commission and Mark
17 changing his mind and not being able to write coherently. Augment \$42,816" 2301; Attorney
18 for District involved in mistake as witness and part of the record should voluntarily disqualify.

19 This is all in addition to the Kleinfelder PEIR dated August 27, 2004. It is noted that the
20 District's Counsel stated at the October 11, 2006 hearing words to the effect that the District did
21 not use or consider the Kleinfelder EIR in the EIR subject to the herein Writ. This issue is
22 currently under submission regarding the extent that the Kleinfelder PEIR is in fact properly
23 part of the Administrative Record. To disregard the contents of the Kleinfelder PEIR would
24 appear to be inappropriate for an agency seeking to make rational decisions in the public trust.

25
26 ¹ Reporter's Official Transcript of June 30, 2006 hearing on Respondent's Demurrer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

It is also noted that Respondent herein is also a Petitioner in the Court of Appeal, First Appellate District, Division One, Case Number A115276. In the Court of Appeal Case, the Water District is also claiming that it made a mistake. In addition, the District is claiming that it is exempt from CEQA. That would render the cost of the Kleinfelder PEIR mistakenly incurred as well.¹

DISTRICT WORKED WITH COASTAL COMMISSION FOR DISTRICT'S PLAN TO DO EIR AND PUBLIC WORKS PLAN

District got "feedback from the Coastal Commission staff... Staff sees no red flags with the Phase I Public Works Plan approach. That allows us to proceed full speed ahead with the PWP and the EIR."² March 24, 2005 per 4289;³

ADMINISTRATIVE RECORD SHOWS THAT DECISIONS WERE MADE IN ARBITRARY AND CAPRICIOUS MANNER WITHOUT SUPPORT IN THE RECORD

Each issue raised herein and also the cumulative effect of the issues all resoundingly demonstrate that the Certification of the EIR was not supported by substantial evidence and was arbitrary, capricious and without support in the record.

²Projects for the purposes of CEQA include in part "Activities directly undertaken by any public agency [PRC §21065], including, but not limited to, public works construction and related activities, clearing or grading of land [Cal. Code Reg., tt. 14, § 15378, subd. (a)(1)]. Any exemption claimed under PRC § 21080.5 applies only to "regulatory programs" of very limited types such and would not clearly not apply to a construction project for new water and new water storage.

³ District's later Demurrer and Appeal regarding same is noted. Petitioner has information that Executive Director Peter Douglas of the Coastal Commission stated words pending transcript that the "MWSO is clearly subject to CEQA" during the Coastal Commission's September 2006 meeting that occurred in Eureka, CA. It does seem possible that the District will argue for full Coastal Commission jurisdiction now, and then argue for limits to Coastal Commission Jurisdiction later when non project aspect of lifting Moratorium at issue after physical infrastructure is in place (with the proposed project subject to the herein Writ). In addition it seems possible that the District will later also argue limits to Coastal Commission Jurisdiction based on Coastal Commissions limits to review of CDP based on consistency with LCP. The LCP provides for build out numbers for Montara and Moss Beach that would roughly double the population in a generation. (Also please note that CEQA review based on inconsistency with LCP). It is also noted that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Other statements in the Administrative record should also be noted, including to “leave the mitigation measure in, or that we have to come up with verbiage that justifies taking it out which Tanya and George had requested we do.” 5997; see PAVE; “Simple, elegant, perhaps a bit of dodging the comment, but we don’t need to try and explain why the new math and the Master Plan don’t match. 2924; This is a pattern shown throughout this Administrative Record.

**FAILURE TO CONSIDER KEY STUDIES / FAILURE TO EXPLAIN CURRENT
ABSENCE OF PREVIOUSLY STATED PRIOR KEY STUDIES / ABSENCE OF
STUDIES**

Failure to consider work of Kleinfelder 5563; 4629; 5055; 3511; 3512; “Our brief non-time on the Kleinfelder coastside water project.” 3975. The Kleinfelder PEIR was finally disclosed by the District in late September of 2006. The contents of this PEIR was previously undisclosed to the public.

Other applicable studies may possibly have been omitted, including, but not limited earlier studies regarding environmental conditions, basis for District’s historic and otherwise claims of right to water at Alta Vista, and assessments regarding solar panels at Alta Vista.

**THE DISTRICT AND ITS CONSULTANTS KNEW THAT THE PROJECT HAD
CUMULATIVE AND GROWTH INDUCING IMPACTS AND THAT THE PROJECT
WOULD BE ABLE TO SERVE THE DISTRICT TO BUILDOUT PER KLEINFELDER
PEIR BUT ALL THIS WAS IGNORED IN THE MHA EIR SUBJECT TO THIS WRIT**

The MHA consultants of the instant EIR, MHA stated that it was “taking on a project with the Montara Water and Sanitary District that involves upgrades to the District’s water lines, storage capacity and groundwater supply for its users and to serve future buildout. This is a project that Kleinfelder had been working on but they apparently are no longer involved.” [MWSD 05563].

1 The consultants from MHA also stated that they “know water supply and groundwater are
2 highly sensitive issues on the coastsides.” [MWSD 05563]. The consultants similarly noted key
3 issues “in particular the cumulative and growth-inducing aspects of water supply.” [MWSD
4 05563]. These issues, namely supporting new connections to buildout, cumulative impacts of
5 the project, and growth-inducing impacts of the project, however, were not considered in the
6 EIR subject to the herein Writ.

7
8 The proposed project subject to the herein writ, however, is essentially the same project that
9 was the subject of the Kleinfelder EIR (except that the Kleinfelder EIR only anticipated new
10 storage of 450,000 gallons and not a million gallons of new storage per the MHA EIR subject of
11 the herein Writ). It was obvious to the Kleinfelder consultants that new water sources and new
12 water storage is all that is needed structurally to allow new water connections.¹

13
14 It is also noted that the Court in the Laurel Heights Improvement Ass’n case held that “an EIR
15 must include an analysis of the environmental effects of future expansion or other action if: (1)
16 it is a reasonably foreseeable consequence of the initial project, and (2) the future expansion or
17 action will be significant in that it will likely change the scope or nature of the initial project or
18 its environmental effects.” In the EIR subject to the herein Writ, the District ignores the
19 obvious. Huge new water sources and huge new water storage will allow new water
20 connections. This is a reasonably foreseeable consequence of the initial project. This future
21 result will be significant and will likely change the scope and nature of the initial project and its
22

23 ¹ It is also noted that the District might argue that no EIR is needed to if it votes to lift its moratorium on new water
24 connections. The District claims that it is exempt from CEQA. In addition, one court has held that a legal change
25 that relates to environmental issues, but that does not affect the physical environment need not be considered in an
26 EIR. Chaparral Greens v. City of Chula Vista (1996) 50 CA4th 1134, 1149, 58 CR2d 152). Therefore, if not
challenged, the District would likely have pointed to the Certification of the EIR subject to the Writ herein as
allowing for the building of the infrastructure that would allow for the lifting of the Moratorium on new water
connections.

1 environmental effects. This is based, inter-alia upon the Kleinfelder PEIR currently under
2 submission for inclusion in the Administrative Record. The EIR must analyze all aspects of a
3 project that are reasonably foreseeable consequences of the project. The EIR subject to the
4 herein Writ of Mandamus failed to analyze growth issues, cumulative issues, and the lifting of
5 the moratorium that would follow new water and new water storage and as acknowledged by
6 Kleinfelder.

7
8 **FAILURE TO DISCLOSE FUNDING SOURCES / INTERESTS**

9 Relationship of Respondent District to funding sources including disclosed, partially disclosed
10 or un-disclosed private sector funding sources or interests. “‘improvements reduce the energy
11 costs and those reductions in energy costs oat for the cost of the projects,’ said George Irving,
12 district manager. The proposal will likely include a number of projects, including outfitting the
13 new Alta Vista well, adding a solar paneled roof to the filter plant...and... installation of a
14 variable speed pump for its wells.” 2110;

15 **ADMINISTRATIVE RECORD SHOWS EIR PROCESS USED TO ATTEMPT TO**
16 **LIMIT INFORMATION TO A VERY FEW OR MANIPULATED TO COME OUT THE**
17 **WAY WANTED/ NOT FOR INFORMATION TO MAKE INFORMED DECISIONS**

18 Making the record look complete – “you can probably embellish a it and fix anything I made up
19 that is not true.” 2840; ““Since they will need to select this alternative it is important to show a
20 complete evaluation.” 2840; 2900; “Simple, elegant, perhaps a bit of dodging the comment, but
21 we don’t need to try and explain why the new math and the Master Plan don’t match. 2924;
22 “Simple, elegant, perhaps a bit of dodging the comment, but we don’t need to try and explain
23 why the new math and the Master Plan don’t match. 2924 “Slept on the notion of how best to
24 respond to the Coastal Commission’s comment regarding wanting more info on storage, yet
25 with the twist with Tanya’s text not matching the Master Plan info. My call is let’s keep what
26 we’ve got in the Admin. I’ve twisted my copy of the Project Description... We can add a

27
28
• 27 •

Petitioner’s Brief for Hearing on Writ of Mandamus

1 sentence (if we don't already have it) that says a full explanation of the District's current storage
2 need is presented in the Master Plan in Appendix XXX." 2926 [shows intention to twist facts
3 and intentionally mislead Coastal Commission in its responses]; 3620

4
5 Intentional efforts to limit information to very few 5399; 5983; "Project components... That's
6 been a giant struggle to get that level of information" 4629; "The Constantly changing face of
7 the project" 4736; "Dave Shricer [sic] (District legal counsel) ... [says] there is a high degree
8 of legal challenge hanging over the project." 2148 "Additional Info Needed... I am able to
9 prepare the information needed, George has not authorized us to go ahead and do it. I have sent
10 another e-mail today urging him to decide" 2374; "I was thinking about this memo in light of
11 potential public disclosure." 2418 "It appears that the readers are not convinced and we need to
12 convince them. I don't think our current Balance resource is up to the task." 2434; "Dave's
13 counsel is that the District needs to be stepping very carefully. I can fill you in more
14 tomorrow." Feb 15, 2006 by consultant 3058; On March 10, 2005 per 4345; I have not been
15 very successful in creating the Public Works Plan that is somewhat specific and generic in
16 nature at the same time.." on February 28, 2005 per 4421;

17
18 **THE ADMINISTRATIVE RECORD SHOWED INFORMATION HELD BACK
FOR STRATEGIC USE LATER / DISCOURAGING COMMENTS,**

19 "Right, still don't want to encourage. They don't need our permission to comment; however, if
20 we say: please comment; they'll feel compelled to do so. Then we get to the Board meeting and
21 there will be comments flying and the Board and the public all confused and all over the place.
22 Paul, especially." 2162; "you never know what the clever Board members may have to say. My
23 sense was that George just wanted the Board to have a quick peek at the responses before they
24 are on view for the whole world to see." 2162 Feb 10, 2006 "George If I may offer my opinion:
25 we don't want to encourage the Board members to comment." 2169 Feb 10, 2006 "FYI: I

26
27 • 28 •

28
Petitioner's Brief for Hearing on Writ of Mandamus

1 encouraged George NOT to encourage more comments” 2171; Holding back information for
2 strategic use later 5170; 6024; 6025;

3
4 **DISTRICT RUSHED EIR – SPEED TOOK PRIORITY OVER DOING**
5 **NECESSARY STUDIES**

6 Rush to complete EIR / Form over content 5397; 5378; 5223 (“don’t have time for the biologist
7 to go into the field before we publish the Draft EIR.” “Montara- They’ve Come to their Partial
8 Senses” 6226; “We don’t feel the protocol surveys are necessarily needed at this point
9 because...the timing of the 8 visits would likely delay the publication of the draft EIR” 5271;
10 “Hopefully the District will have it together by then!” from consultant 4703 “Still no plans of
11 the water well or the Alta Vista Tank or the added equipment at the Airport, so, looks like we
12 are in no great rush.” 4703; “job under extremely adverse conditions (timing and MARK).”
13 [emphasis in original]. 2839; “Our timeline is going to be fairly tight for the EIR.” 3502 on
14 November 11, 2004; “Montara Bio” from Laurie McClenahan to Kathy Rushmore” “I know
15 how mind numbing / bending this is!...thanks for working over the weekend on it... It isn’t too
16 bad.” 3635; “We don’t want George unhappy... George was very upset yesterday on the news
17 that he is not going to see the Admin Draft EIR for another 3 weeks... His verdict to us: bring
18 the document even with some parts missing to the May 19 [2005] meeting.” 4092;

19 **MORE WATER AND MORE STORAGE MEANS MORE CONNECTIONS ON ITS**
20 **FACE / DISTRICT TRIES TO OBSCURE THIS OBVIOUS FACT**

21 There are statements in the Administrative record wherein the consultants also ponder this
22 obvious fact but same is not explained in the EIR. This is in addition to the fact that the Wagner
23 Well that produces water for the district has just been renovated and is now producing
24 approximately double it former output.

25
26
27 • 29 •

28
Petitioner’s Brief for Hearing on Writ of Mandamus

1 **ALL ISSUES RAISED BY OTHER CITIZENS AND AGENCIES SET FORTH IN DEIR**
2 **COMMENTS HEREIN BELOW IF NOT OTHERWISE RAISED**

3 All matters raised by the comment letters to the DEIR and otherwise in the environmental
4 review process submitted by all citizens and agencies and all other interested people and parties
5 are hereby incorporated by reference as if fully set forth below to the degree that the issues
6 raised therein were not otherwise set forth as issues in the herein Statement of Issues.

7 **PETITIONER SUPPORTS A SAFE PROJECT FOR CURRENT NEEDS INCLUDING**
8 **FIRE FLOW**

9 Petitioner herein does seek to expedite the project done safely. We support pumping to meet
10 current needs and fire flow. Studies should be as part of the agencies informed decision making
11 process to obtain this goal as necessary and as required by CEQA. It is respondent that is not
12 doing the necessary and required studies and informed decision making in a timely manner.

13
14 Petitioners do note that the Administrative Record states that Alta Vista well cannot be in
15 operation by 2006 summer [4468]. This recognition came well prior to the herein action. With
16 informed decision making as required via Supplemental EIR, the Agency should be able to
17 determine the basic information regarding its project such as where the District wants to put the
18 tank, with site specific geotechnical and biological studies. The District will be able to
19 determine the correct sizes and locations of the tank(s) and sustainable pumping rates based upon
20 hydrological study.

21
22 **III ADDITIONAL LEGAL ARGUMENTS IN SUPPORT OF WRIT**

23 **EIR FAILED TO DESCRIBE THE ENVIRONMENTAL SETTING AT THE START OF**
24 **THE PROJECT**

25 An EIR must describe "the physical environment in the vicinity of the project" as it exists at the
26 time that the environmental analysis begins. 14 Cal Code Regs §15125(a). As the discussion

27 • 30 •

28
Petitioner's Brief for Hearing on Writ of Mandamus

1 following 14 Cal Code Regs §15125 explains “[s]ubsection (a) clarifies that the environmental
2 setting is intended to mean the environmental conditions as they exist... the baseline conditions
3 against which the significance of any physical change in the environment that may occur as a
4 result of the project will be measured.” In this instance, the EIR failed to conduct the necessary
5 baseline studies.

6
7 The EIR must also include also include a description of the existing environmental setting in the
8 vicinity of the project from both a local and a regional perspective. [14 Cal Code Regs §
9 15125]. An EIR must discuss the project’s regional setting and must emphasize discussion of
10 any affected environmental resources that are rare or unique to the region.[14 Cal Code Regs §
11 15125 (a)]. In the instant case, baseline studies of the regional setting was not done. Instead, a
12 study from Carmel was inserted without support.

13
14 An EIR must identify and describe the project’s significant environmental effects, including
15 direct, indirect, and long-term effects to allow the public and reviewing agencies to evaluate and
16 review its environmental effects. [PRC § 21100(b)(1); 14 Cal Code Regs 15126(a)]. In this
17 case, the administrative record shows an EIR prepared in such a manner to ignore or evade the
18 known issues that existed. This includes the effects of new water sources and new wells on the
19 Moratorium, new connections, growth, cumulative impacts.

20
21 **EIR DOES NOT HAVE REQUIRED ACCURACY OF PROJECT DESCRIPTION**

22 The project description must be accurate. County of Inyo v. City of Los Angeles (1977) 71
23 CA3d 185, 199, 139 CR 396, 406. An accurate description is necessary to determine the scope
24 of environmental review. The Court in Inyo stated that the project description is sine qua non of
25 an informative, legally adequate EIR. Without an accurate description on which to base the
26

1 EIR's analysis, CEQA objectives of furthering public disclosure and informed environmental
2 decision making would be stymied. In this instance, the EIR is fatally flawed for its failure to
3 include an accurate description of the project, failure to indicate location of the tank, pump
4 rates, biology, hydrology, and geo-technical aspects of the project and for other reasons of
5 accuracy set forth herein.

6
7 **EIR PROJECT DESCRIPTION DOES NOT CONTAIN BASIC INFORMATION SUCH**
8 **AS TANK LOCATION**

9 The project description must be accurate and consistent, and it must contain sufficient specific
10 information about the project to allow the public and reviewing agencies to evaluate and review
11 its environmental impacts. [14 Cal Code Regs § 15124]. In this case, the project description
12 did not include basic information such as tank location or baseline site information.

13 **THERE ARE NO ALTERNATIVES TO LOCATION OF MILLION GALLON WATER**
14 **STORAGE TANK**

15 There are no alternatives presented to the location of the tank. This is admitted by the
16 consultants when they declared there is "**only one alternative offered that "they will need to**
17 **select"** (2840) emphasis added; The one alternative that they needed to select was in fact an
18 unknown location of the million gallon new water storage tank.

19
20 This one single location of the tank in the EIR is in an undetermined location to be determined
21 later somewhere on the District's 13 acre Alta Vista site (except for the one portion of the site
22 the District studied from a geotechnical standpoint because that one site was found to be
23 unsafe). The failure to include any alternatives to one unknown location of the new million
24 gallon water storage tank is another fact that renders this EIR insufficient as a matter of law.

1 **THERE ARE NO ALTERNATIVES TO PROPOSED MILLION GALLON WATER**
2 **STORAGE TANK (DID NOT CONSIDER DIFFERENT SIZE COMBINATIONS OF**
3 **ALTA VISTA TANKS; HOOK UP TO NEIGHBORING DISTRICT INSTEAD OF**
4 **BUILDING EMERGENCY CAPACITY)**

5 An EIR should focus on alternatives that can eliminate or reduce significant environmental
6 impacts even if they would impede attainment of project alternatives to some degree or be more
7 costly. 14 Cal Cd Regs §15126.6(b). In this instance, the District did not consider basic,
8 obvious, and quite possibly better alternatives from a public safety and environmental
9 standpoint. There are several obvious alternatives that would appear to meet most of the basic
10 objectives of the project. 14 Cal Cd Regs §15126.6(a) and are feasible per PRC §21061.1. In
11 this case subject of the Writ, they just didn't consider alternatives.

12
13 An EIR must describe a reasonable range of alternatives to the project, or its location, that could
14 feasibly attain the project's basic objectives. The EIR must evaluate the merits of each
15 alternative PRC § 21100(b)(4); 14 Cal Code Regs § 15126(d). Please also see PRC §§ 21002,
16 21002.1(a) (Agencies should not approve projects if there are feasible mitigation measures or
17 projects alternatives available to reduce or avoid the environmental impacts). Likewise, CEQA
18 Guidelines state that the EIR should discuss a reasonable range of alternatives. 14 Cal Code
19 Regs § 15126.(a), (c). It is noted that an EIR must discuss alternatives even if all the project's
20 significant environmental impacts will be avoided or reduced by mitigation measures. For
21 example, the Laurel Heights Improvement Ass'n case held that an EIR must include a
22 discussion of both mitigation measures *and* project alternatives so that decision-makers will be
23 provided with adequate information about the range of options available to reduce or avoid
24 environmental impacts. 47C3d at 403.

1 An EIR should focus on alternatives that can eliminate or reduce significant environmental
2 impacts even if they would impede attainment of project alternatives to some degree or be more
3 costly. 14 Cal Cd Regs §15126.6(b). In this instance, the District did not consider basic,
4 obvious, and quite possibly better alternatives from a public safety and environmental
5 standpoint. There are several alternatives that would appear to meet most of the basic
6 objectives of the project. 14 Cal Cd Regs §15126.6(a) and are feasible per PRC §21061.1.
7 Likewise, CEQA Guidelines state that the EIR should discuss a reasonable range of alternatives.
8 14 Cal Code Regs § 15126.(a), (c). Agencies should also screen for potential alternative sites
9 for inclusion in the EIR 14 Cal. Code Regs §15126.6(f)(2). In this case subject of the Writ, they
10 just didn't consider alternatives.

11
12 Please *also see* Kings County Farm Bureau v. City of Hanford (1990) 221 CA 3d 692, 732, 270
13 CR 650. A project sponsor may not limit its ability to implement the project in a way that
14 artificially confines the range of available alternatives. There is no support in the record for the
15 claim that New Tank at Alta Vista Must be at same altitude as Existing 462,000 Tank. There is
16 no support in the record for this proposition beyond assertion. This issue is not evaluated nor
17 supported within the Administrative Record. Kings County Farm Bureau at 736

18
19 **IV .EIR FATALLY FLAWED FOR FAILURE TO INCLUDE BASIC AND OBVIOUS**
20 **POSSIBLE ALTERNATIVES, ESPECIALLY SINCE ALTERNATIVES WERE NOT**
21 **PRESENTED**

22 1. SEVERAL SMALLER TANKS AT ALTA VISTA

23 Several smaller tanks on the Alta Vista property equaling a million gallons was never
24 considered as an alternative. This multi-tank arrangement, however, would allow much more
25 maintenance flexibility and survivor ability in a catastrophic event. We would not have all of
26

1 our eggs in one water storage basket. In addition, the granite formations under the soil allow for
2 natural water retention structures. In addition, several smaller tanks would likely require less
3 cut and fill.¹ Likewise, smaller tanks would be lower profile, less visible, seismically more
4 stable, more secure, and less imposing upon the residential neighborhood. Smaller tanks have
5 less glare, can collect runoff and be channeled as an additional water source for other uses such
6 as protection and restoration of the aquatic resources impacted, smaller tanks also make an ideal
7 solar platform with much less intendant glare and visibility. This would also eliminate the need
8 for solar upon the existing 462,000 gallon tank.

9
10 2. CONTINGENCY PLANNING FOR CONNECTION TO NEIGHBORING WATER
11 DISTRICT (EMERGENCY CONNECTION INSTEAD OF BUILDING TANK FOR
12 EMERGENCY STORAGE)

13 It would seem prudent for the Montara Water District to ensure that it has solid plans to connect
14 to the neighboring water District in case of emergency. This plan could then also be considered
15 as an alternative to incurring the long term debt and building additional capabilities for
16 emergency application. There is no doubt that the skills and determination of all of the water
17 and emergency professionals would connect the water districts in short order if ever need be. It
18 is noted that the neighboring water district does not rely solely on local water sources.
19 Approximately 1/2 of the water from the neighboring water District comes from Hetch Hetchy.
20 The Administrative Record indicates that such a connection can be made in an emergency. The
21 EIR, however, never considered this connection to be an alternative for emergency water
22 storage. This is another failure of the EIR to consider basic alternatives.

23
24
25 ¹ Site visit with Dr. R. Rexford Upp, Certified Engineering Geologist #1083, Registered Geotechnical Engineer
26 #2046

1 Lesser Alternatives for Possible Consideration (3-4)

2

3 3. Location of Other Additional Smaller Tanks on Other District Properties / Other Possible
4 Properties. Agencies should screen for potential alternative sites for inclusion in the EIR 14 Cal.
5 Code Regs §15126.6(f)(2). The Administrative Record indicates that the other District
6 Properties do not have space for any tanks. This statement, however, is without sufficient
7 support in the record. A brief, yet systematic survey of District Properties, it's dimensions, and
8 so forth would be a simple evaluation that would be necessary to make such a determination.
9 No such list of District properties could be found in the Administrative Record. It is also noted
10 that the Kleinfelder August 2004 PEIR does propose to add storage capability at three sites,
11 namely the School House Site, the Portola Site, and 450,000 gallons at the Alta Vista Site.
12 [Kleinfelder at 13].

13

14 Having water storage at several locations in smaller quantities would be advantageous in the
15 event of disruption to the system. Having the majority of the water storage located at the same
16 point as the source, and all far away from the majority of users has attendant risk of disruption.
17 The advantage of not having all of your storage eggs in one distant basket was noted by the
18 consultants.¹ In any event, it should have been an alternative considered, whether accepted for
19 not. Instead, only three District properties were claimed to be evaluated for tanks, namely Alta
20 Vista, Schoolhouse, and Portola Estates. Table 5.2-1 Summary of Storage Tank Alternatives
21 does claim to consider those three District parcels. There is no indication that dimensions of the
22 various potential parcels were systematically analyzed as possible reasonable and appropriate
23 locations for additional storage capacity.

24

25

¹ Montara Water & Sanitary District publication of its Water District Workshop dated November 8, 2003. It is
26 under submission, along with Kleinfelder PEIR for inclusion in the Administrative Record.

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Combinations of Various Alternatives

Another possible alternative that was never considered was addressing current needs with a variety of coordinated techniques such as Transmission Loss Prevention, Conservation, Different Smaller Tank Combinations, and Linkage With Water District, and other alternatives as to one single million gallon tank of new water storage.

It is also noted that a very quick and inexpensive way to partially improve the District's water situation might likely include conservation. The City of Santa Cruz, for example, has apparently cut water consumption by one third with some very simple measures, such as simple residential use modifications. It is also noted that if consumption is cut, then you cut daily use, which in turn reduces the need for water storage as water storage is based and calculated upon use. In addition, the repair of certain lines would likely reduce water consumption and water storage needs with a per gallon analysis of this method versus building additional storage.

V. EIR IS FATALLY FLAWED FOR MULTIPLE REASONS IN ADDITION TO LACK OF ALTERNATIVE FOR TANK OR TANK LOCATION - LACK OF BIOLOGICAL, HYDROLOGICAL AND GEO-TECHNICAL STUDIES, DOES NOT CONSIDER GROWTH OR CUMULATIVE IMPACTS FROM NEW WATER AND NEW WATER STORAGE

EIR DOES NOT CONTAIN ANALYSIS OF CUMULATIVE IMPACTS

An EIR must include an analysis of significant cumulative impacts. 14 Cal Code Regs §15130]. An EIR must discuss cumulative impacts when they are significant and the project's incremental contribution is cumulatively considerable. 14 Cal Code Regs §15130(a).. It is also

1 noted that an EIR may conclude that the cumulative impact is significant even though the
2 project-specific impact is not significant.

3
4 If an EIR concludes that a cumulative impact is not significant or that the project's incremental
5 effect is not cumulatively considerable, the EIR should briefly describe the basis for that
6 determination. 14 Cal Code Regs § 15130(a)(2)-(3).

7
8 In the San Joaquin Raptor case, the court held that the EIR's determination that cumulative
9 impacts on wetlands would not be significant was also inadequate because there were no facts
10 or analysis supporting the conclusion. San Joaquin Raptor / Wildlife Rescue Center v. County
11 of Stanislaus, 27 Cal. App. 4th 713, 32 Cal. Rptr. 2d 704.

12
13 In addition, the CEQA Guidelines require that an EIR discuss "the ways in which" the proposed
14 project could foster growth. 14 Cal Code Regs § 15126.2(d)(2).

15
16 In this instance, the EIR went out of its way to avoid consideration of the actual, likely, and
17 certainly apparent cumulative impact and growth inducing impacts of adding new water and
18 new water storage. These impacts were not avoided in the Kleinfelder PEIR that encompassed
19 roughly the same project during the same time frame, but Kleinfelder was ignored in the subject
20 EIR as clearly shown in the Administrative Record.

21
22 **EIR FAILED TO CONSIDER GROWTH INDUCING IMPACTS OF ITS PROJECT**

23 An EIR must examine whether a project will lead to economic or population growth or will
24 encourage development or other activities that could affect the environment. PRC §
25 21100(b)(5). Here, Respondent adjusts the project description from the Kleinfelder EIR to the

1 subject EIR essentially by simply removing acknowledgement of the growth inducing impacts
2 and cumulative impacts issues related to the proposed new water and new water storage.

3 **EIR SHOULD BE REJECTED AS INADEQUATE – EIR ATTEMPTED TO LIMIT**
4 **SCOPE OF ENVIRONMENTAL REVIEW BY ARTIFICIALLY NARROWING**
5 **PROJECT DESCRIPTION**

6 Courts have consistently held that EIRs's may be rejected as inadequate because the court
7 concluded that the EIR attempted to limit the scope of the environmental review by artificially
8 narrowing the project description, thus minimizing the project's impacts and undercutting
9 public review.

10
11 In the San Joaquin Raptor case, the description of environmental setting was held to be fatally
12 flawed as the EIR did not disclose specific location and extent of riparian habitat adjacent to the
13 property, inadequately investigated the possibility of wetland on the site, understated the
14 significance of the project's location adjacent to the San Joaquin River, and failed to discuss a
15 nearby wildlife preserve. The Court held that the description of the environmental was
16 inadequate as a matter of law. The deficiency in the description of the environmental setting
17 tainted the impact analysis and mitigation findings, rendering them legally inadequate as well.
18 Please also see Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal. (1988) 47 C3d
19 376, 253 CR 426 (The EIR described the project as occupying only part of the building even
20 though the university had already decided to occupy the entire facility); County of Inyo v. City
21 of Los Angeles (1981 124 CA3d 1, 7, 177 CR 479, 482 (A revised EIR for a water export plan
22 that failed to describe or analyze surface water impacts and instead sought to characterize
23 expanding groundwater exports as a separate, ongoing project), Please also see Galante
24 Vineyards v. Monterey Peninsula Water Mgmt. Dist. (1997) 60 CA4th 1109, 1122, 71 CR2d 1,
25 (The Court held that a generalized reference to adjacent vineyards affected by the project was an
26

1 inadequate description of the environmental setting). Please also see City of Santee v. County
2 of San Diego., (1989) 214 CA3d 1438, 1450, 263 CR 340 (EIR that minimized use time of
3 temporary facility was inadequate EIR project description) , *Please also see* 14 Cal Code Regs
4 §15124.

5
6 In this case, the District artificially narrowed the project description in an attempt to limit the
7 scope of review in a number of ways.

- 8 1. By ignoring that the project is for new water and new water storage and would provide all of
9 the structural improvements necessary to lift the moratorium and thus allow new water
10 connections for the first time in decades.
- 11 2. By not including alternatives to the one option of a million gallon tank at Alta Vista.
- 12 3. By ignoring the fact that the project provides for the structural improvements that would
13 allow for new water connections, the narrowed project description attempts to limit
14 environmental review of Growth Inducing Impacts
- 15 4. By ignoring the fact that the project provides for the structural improvements that would
16 allow for new water connections, the narrowed project description attempts to limit
17 environmental review of Cumulative Impacts.
- 18 5. By over- emphasizing emergency reserve and fire flow when true emphasis was new water
19 and new storage for new water connections and for lifting the Moratorium

20
21 **EIR WRONGFULLY SEGMENTED THE PROJECT**

22 A lead agency may not split a single large project into small pieces in order to avoid
23 environmental review of the entire project. Orinda Ass'n v Board of Supervisors (1986) 182
24 CA3d 1145, 1171, 227 CR 688. This includes the Chevron project that Respondent claims is a
25 separate project. This separate project provides for a new power source at Alta Vista the site,

1 and a new solar roof on the reservoir. This issue with all supporting documentation and citations
2 to the Administrative Record were largely before the Court on two prior occasions. First, in
3 Petitioner's Ex Parte Motion for an Order Shortening Time to Bring Motion for Injunctive
4 Relief, and Second, in Petitioner's Motion for a Temporary Restraining Order / Injunctive Relief
5 that was granted. Petitioner's said two motions filed with the Court herewith are hereby
6 incorporated by reference as if fully set forth below. If need be, Petitioner will again restate
7 same with pages of the administrative record as exhibits upon the herein Reply.

8
9 **ALTA VISTA WELLS AND TANK COULD NOT BE IN OPERATION BY
SUMMER OF 2006 DUE TO FACTORS UNRELATED TO INSTANT ACTION**

10 Alta Vista well cannot be in operation by 2006 summer. 4468;

11
12 **VI. CONCLUSION**

13 Respondent Certified it's EIR by vote of it Board on April 6, 2006. Respondent published its
14 Notice of Determination, received at the California State Clearinghouse on April 11, 2006. The
15 Montara Water and Sanitary District Certified it's EIR as Final Agency Action. This Certified
16 EIR must not stand. The EIR lacks the most basic information required. The EIR does not
17 present alternatives to the million gallon tank for new water storage. The EIR does not
18 determine any location for the million gallon tank. No baseline studies were done for the project
19 location. The other basic studies were not done.

20
21 It is for the trial court to determine whether the substantial evidence supports the agency's
22 determinations. [Pub. Resources Code §§ 21168, 21168.5]. In this instance, the agency lacked
23 the most basic information required for proper agency decision making. The Administrative
24 Record and the substantial evidence demonstrates that Respondent's EIR was Certified without
25 the basic information required by CEQA.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Petitioner's pray that Respondents are ordered to prepare a Supplemental EIR. If somehow the District is allowed to opt for an alternative method of compliance, then it would be critical that the EIR be De-Certified.

RESPECTFULLY SUBMITTED:

DATED: October 20, 2006

/s/

By: Herman I. Kalfen
Law Office of Herman I. Kalfen
Attorney for Petitioners Herman I. Kalfen, an individual;
Citizens for Safe Water, an unincorporated association.

IN THE COURT OF APPEAL
FOR THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

MONTARA WATER AND SANITARY DISTRICT
Respondent

SAN MATEO COUNTY SUPERIOR COURT
Respondent

CELESTINE ECHOLS AND LAWYERS, an unincorporated association, and
HERMAN H. FITZGERALD, an individual
Real Parties in Interest

Appeal from the Superior Court of the State of California
for the County of San Mateo
Superior Court Case CIV 44727
Honorable Marjorie Weiner, Judge Presiding

POINTS AND AUTHORITIES IN REPLY TO
REAL PARTY IN INTEREST'S OPPOSITION TO
VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
CERTIORARI OR OTHER APPELLATE REVIEW
AND/OR ANDM OF POINTS AND AUTHORITIES IN SUPPORT
THEREOF

DAVID E. SCHRICKER
State Bar No. 56534
LAW OFFICES OF DAVID E.
SCHRICKER
20370 Town Center Lane
Saratoga, CA 95014
Telephone: (408) 517-9923
Facsimile: (408) 252-5906

HERMAN H. FITZGERALD
State Bar No. 93134
CHRISTINE C. FITZGERALD
State Bar 131331
LAW OFFICES OF HERMAN
H. FITZGERALD
345 Carlton Avenue, Suite 302
Burlingame, CA 94010
Telephone: (650) 348-5193
Facsimile: (650) 348-3518

Attorneys for MONTARA WATER AND SANITARY DISTRICT

This Reply to Opposition was filed by MWSD in
the Appeal Court on October 31, 2006 - MWSD
declares "The District's purported EIR
Certification is, in fact, void" - please see pages 2+3

certified regulatory program ("CRP") authorized under PRC § 21080.5, as described in the relevant Coastal Act Regulations (14 Cal. Code Regs. §§ 13001 et seq.; "Coastal Regs."). PRC § 21080.9 independently exempts environmental documents submitted to the Coastal Commission for local coastal plans ("LCPs") from CEQA's EIR requirement. When read together with PRC § 30605, which requires public works plans to be treated in the same way as LCPs, PRC § 21080.9 also exempts the District's PWP from CEQA's EIR requirement, although the PWP must still be reviewed under the Coastal Commission's CRP.

- CEQA and the Coastal Act (PRC § 30000 et seq.) prohibit local governments from opting out of the Coastal Commission's CRP. Although the District prepared an EIR in this case, it cannot waive the exemption in PRC § 21080.9 and subject itself to a challenge to its EIR. In fact, its certification of the EIR is void as a matter of law. To the contrary, compliance with the Coastal Commission's CRP is necessary to facilitate the Coastal Commission's legislative mandate to implement statewide policies for coastal zone development.
- A public works plan cannot be separated into two projects, one subject to judicial review under the EIR provisions of CEQA and the other subject to judicial review under the Coastal Commission's certified regulatory program.

Stated by
MWSD (counsel)
regarding the
Alta Vista
tank + wells
EIR - filed
with court
of Appeal
10/31/06
Appeal Ct. Case
A115276
Appeal from
Superior Court
of CA case #
CIV 454727

Mr. Kalfen's Opposition Brief appears to contain two principal components: 1) an attempt to argue that the Legislature could not have meant what the Public Resources clearly states it intended; and 2) a series of misplaced and unmeritorious arguments regarding the alleged underlying merits of his Superior Court Writ Petition.² Specifically, Mr. Kalfen

² These sideshow arguments comprise, without limitation, pages 4, 12, and

This was written by Montara Water + Sanitary District,
filed in its Court of Appeal Case No. A115276 - Montara Water +
Sanitary District vs. San Mateo County Superior Court - Proof of Service
alleges the following, at page 3 of his Opposition Brief: Oct 31, 2006,
filed with
Division 2
of Appeal Ct

- That the District is claiming a mistake, such that its EIR certification is not a final agency action.
 - In fact, the District's certification is not a final agency action as a matter of law, independent of whether its action could be classified as a mistake or not. The District's purported EIR certification is, in fact, void.
- That the District claims the PWP is CEQA-exempt, notwithstanding that the EIR, according to Mr. Kalfen, claims that issuance of a coastal development permit ("CDP") is "functionally identical" to LCP certification.
 - In fact, the District has not claimed that the PWP has no role to play in the CEQA process. Nor has the District claimed that a CDP is functionally identical to an LCP. It is true that CEQA does not require that the District prepare an EIR for a public works plan. Instead, CEQA requires the Coastal Commission to conduct its own "functionally equivalent" environmental review. The Coastal Commission, in its discretion, may choose to use the information in the EIR as part of that review. It is also true that PRC § 30605 requires public works plans to be treated in the same way as LCPs. If

14-19 of Mr. Kalfen's Opposition Brief. In the interest of judicial economy, this brief will not address the merits of Mr. Kalfen's sideshow arguments. However, the District is willing and able to refute each of these arguments and requests the opportunity for supplemental briefing in the unlikely event that the Court of Appeal is interested in considering those arguments further. The District also notes that Mr. Kalfen is not without recourse. He is still entitled to participate in the Coastal Commission's CRP process and to challenge any decision by the Coastal Commission.

521481.1

3

Page 3 of Montara District's
PTA in Reply to Real Party
in Opposition to Montara District's Writ