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RE: Campus Town Specific Plan Draft EIR

Dear Kurt,

LandWatch Monterey County's comments on the Campus Town Specific Plan Draft EIR are as follows:

A. Project Description

Through the adoption of the Campus Town Specific Plan and associated entitlements, the Proposed Project would involve the construction and operation of up to 1,485 housing units; 250 hotel rooms; 75 youth hostel beds; 150,000 square feet of retail, dining, and entertainment uses; 50,000 square feet of office, flex, makerspace, and light industrial space; park/recreational areas, including approximately nine acres of public open space and 3.3 acres of private open space; and supporting infrastructure on approximately 122.23 acres. Construction would occur in two phases over approximately 13 years from April 2021 through 2034.

B. Air Quality

The analysis of the project's consistency with the Air Quality Management Plan is flawed because it fails to follow the Monterey Bay Air Resources Board's (MBARD) guidelines (p. 4.2-22 and 4.2-31) MBARD guidelines require consistency be addressed on a jurisdictional (city) basis. (https://www.mbard.org/ceqa) Rather than address consistency for the City of Seaside, the DEIR addresses consistency on a countywide basis. The consistency finding should be revised to meet MBARD's guidelines.

C. Green House Gas Emissions

Because the proposed Project would result in an increase in greenhouse gas (GHG) emissions of approximately 15,248 metric tons of carbon dioxide per year above the Plan Area, impacts under this baseline analysis would be cumulatively considerable. (p. 7-16) The DEIR identifies the following GHG reduction measures, but these measures are neither specified with any

precision nor identified as enforceable mitigation measures. All of the applicable GHG reduction strategies identified in the DEIR must be specified and required.

The plan identifies the following mitigation measures:

- Mitigation Measure GHG-1(a) Construction Emissions Reductions
- GHG-1(b) Residential EV Chargers
- GHG-1(c) Commercial EV Chargers
- GHG-1(d) Greenhouse Gas Reduction Plan for Operational Emissions

The California Air Pollution Control Officer Association recommends the following additional mitigation measures be considered:

1. Air conditioning units shall be Freon-free.
2. Recycling facilities consistent with the local waste collection company shall be provided for each residential unit and in all public or common areas that generate trash.
3. Recycling education shall be provided to all homeowners upon purchase and annually thereafter.
4. 5% of demolition and construction waste shall be recycled.
5. Building energy use shall exceed the applicable Title 24 Energy Efficiency standards applicable at the time the building permit is issued by 20%.
6. Programmable thermostat timers shall be provided.
7. Multimetering “dashboards” shall be provided in each dwelling unit to visualize real-time energy use.
8. On-site energy generation using solar power units shall be provided on each available roof that does not face north
9. At least 75% of project electrical energy shall be provided through on-site solar power or other on-site electrical generation facilities that do not emit carbon.
10. All residential roofs and other building roofs that have adequate solar orientation (not north-facing) shall be designed to be compatible with the installation of photovoltaic panels or other current solar power technology.
11. Large buildings hall use a combined heating and cooling system (cogeneration)
12. All pools and spas shall be heated using solar water heaters unless they use naturally heated water.
13. Pumps and motors for pools and spas shall be energy efficient.
14. Pools and spas that are not naturally heated shall have automatic covers to retain heat.
15. Roofs shall be light colored to minimize cooling requirements.
16. Construction equipment shall be powered by clean-burning fuel, bio-diesel fuel, and/or other alternative fuels, or shall use electric or hybrid-electric engines so as to reduce construction emissions by 33% over 2013 “business as usual” construction equipment emissions.
17. The Project would use clean-burning fuel, bio-diesel fuel, and/or other alternative fuels for heavy construction equipment to reduce construction emissions by 25% over 2010 “business as usual” construction equipment emissions.
18. Operational vehicles supporting the project, including shuttles, shall be electric or other zero emission vehicles.
19. Construction equipment idling shall be limited to 5 minutes.
20. Delivery vehicle idling shall be limited to 3 minutes.

D. Consistency with the Fort Ord Reuse Plan

The DEIR finds:

> Since 1991, there has been a total of 1,766 existing/replacement dwelling units built within the former Fort Ord area. This includes 352 units at Preston Park, 201 units at Seahaven, 192 units at Abrams B, 56 units at the MOCO Housing Authority Project, 39 units at the Shelter Outreach Plus Project, 13 units at the Veterans Transition Center, 11 units at Interim Inc., 297 units at Sunbay, 225 units at Bayview, and 380 units at Seaside Highlands (FORA 2019a). (p. 3-4)

LandWatch data show 295 for Sea Haven. Additionally, the DEIR omits 668 units built at East Garrison and 350 built at the Dunes of Monterey Bay.

The DEIR does not address project consistency with the Fort Ord Reuse Plan (Base Reuse Plan or "BRP") Development Resource Management Plan ("DRMP"), which limits new residential units to 6,160. (BRP 2001 Reprint, DRMP, section 3.11.5.4 (b).)

Our data show the following new residential projects that have been approved/entitled:

East Garrison	1,470
Sea Heaven	1,050
The Dunes at Monterey Bay	1,237
Cypress Knolls	712
Seaside Highlands	380
Nurses Barracks	40
Seaside Resort	125
Seaside Senior Living	88
Marina's Permanent supportive Housing for Veterans @ Hayes Circle	71
Total	**5,173**

This leave a total of 987 units remaining of the 6,160 units allocated for new development under the BRP. Please explain how the City intends to assure consistency with the 6,160-unit cap. Please explain whether this project will take priority over new residential development now proposed for the Main Gate Specific Plan, a project that was initially proposed as non-residential development.

E. Cumulative Project List

The Cumulative Project List (Table 4-1) should identify 712 residential units for Cypress Knolls. Additionally, the following projects should be added to the list since they are approved and entitled and are within the cumulative impact area:

- East Garrison 1,470 residential units
- Sea Haven 1,050 residential units
- The Dunes at Monterey Bay 1,237 units
- Seaside Resort 125 residential units
- Seaside Senior Living Center 88 units
- Housing for Hayes Circle 71 residential units
- South of Tioga 356 residential units

F. Water

1. Introduction

In the 1993 Annexation Agreement between the Army and Monterey County Water Resources Agency ("MCWRA"), MCWRA agreed to permit the Army to pump up to 6,600 acre-feet per year (afy) of groundwater from Fort Ord wells in exchange for the Army's $7.4 million payment toward a replacement water supply project of at least 6,600 afy. Recognizing that existing pumping was contributing to seawater intrusion, the 1993 agreement provides that MCWRA would develop that replacement water supply and that all groundwater pumping in Fort Ord must cease when the replacement water supply project is completed. The 1993 Annexation Agreement expressly anticipates completion of the replacement water supply by 1999. Twenty-six years later, no agency has provided that replacement supply.

The Army's 1993 and 1996 environmental reviews of Fort Ord disposal and reuse expressly assume that MCWRA's agreement to permit the Army to pump up to 6,600 afy was a "short-term" agreement and that no pumping would be permitted if seawater intrusion continued. The Army's environmental reviews provide that civilian reuse of Fort Ord would require a replacement water supply. The 1993 EIS and the 1996 SEIS identified a number of replacement water supply projects then under discussion, including desalination and various surface water transfers. Provision of one of these replacement water supplies was identified as "non-Army responsibility" mitigation, to which the local agencies comprising the Fort Ord Working Group had committed themselves. In preparing the EIS for the Fort Ord Disposal and Reuse, the Army relied on the specific expectation that the then-proposed Salinas Valley Seawater Intrusion Program would deliver 6,600 afy of new water supply to Fort Ord. However, the local agencies have not provided the 6,600 afy replacement water supply.

In 2001, the Army assigned its interest in Fort Ord groundwater production to FORA and MCWD, reserving 1,749 afy for its own use. Since then, based on that assignment, the Fort Ord Reuse Authority ("FORA"), Marina Coast Water District ("MCWD"), and the local land use jurisdictions that are members of FORA have assumed that they may pump up to 6,600 afy from the former Fort Ord *indefinitely* to support Army operations and civilian reuse, regardless of the environmental impact of this pumping.

Neither the 1993 agreement between the Army and MCWRA, nor any subsequent assignment of the Army's interest in that agreement, created a permanent right to pump groundwater regardless of impact on the aquifer. Furthermore, regardless of its *entitlement* to a share of a temporary water supply, the City of Seaside is obliged to investigate, disclose, and mitigate the significant impacts of *using* that supply under CEQA.

The DEIR's discussion of water supply and water supply impacts for the Campus Town Specific Plan is fundamentally flawed for two reasons. First, it improperly assumes that there is a 181.3 afy supply of groundwater *in perpetuity* for the project based on the City's remaining unallocated share of the purported 6,600 afy water supply. Second, it fails to evaluate the impacts of *using* that supply, including impacts to the Deep Aquifer and to the aquifers above the Deep Aquifer (the "upper aquifers").

In light of the lack of a certain supply and the significant direct and cumulative effects of using any additional groundwater, *the EIR should propose mitigation that would require that the project secure a water supply other than groundwater for all phases of development*. Mitigation Measure UTIL-1 should apply to the first 181 afy of water needed, not just to the final 260 afy.

Detailed comments regarding the DEIR's water supply discussion follow.

2. Baseline findings and documents prepared pursuant to CEQA § 21083.8.1 and 14 CCR § 15229

The DEIR states that the BRP PEIR relies on the specialized baseline provisions in CEQA section 21083.8.1, citing the BRP PEIR at section 1.2.2, Baseline Determination. (DEIR, p. 3-3). The DEIR states that FORA has allocated 6,600 afy of Salinas Valley groundwater among the Ord Community land use jurisdictions and that this "6,600 AFY is considered the 1991 Statutory Baseline under the Base Reuse Plan." (DEIR, pp. 4.16-1, 4.16-3.)

Public Resources Code § 21083.8.1 provides in part:

> (b)(1) When preparing and certifying an environmental impact report for a reuse plan, including when utilizing an environmental impact statement pursuant to Section 21083.5, the determination of whether the reuse plan may have a significant effect on the environment may be made in the context of the physical conditions that were present at the time that the federal decision became final for the closure or realignment of the base. The no project alternative analyzed in the environmental impact report shall discuss the existing conditions on the base, as they exist at the time that the environmental impact report is prepared, as well as what could be reasonably expected to occur in the foreseeable future if the reuse plan were not approved, based on current plans and consistent with available infrastructure and services.
>
> (2) For purposes of this division, all public and private activities taken pursuant to, or in furtherance of, a reuse plan shall be deemed to be a single project. However, further environmental review of any such public or private activity shall be conducted if any of the events specified in Section 21166 have occurred.
>
> (c) *Prior to preparing an environmental impact report* for which a lead agency chooses to utilize the provisions of this section, *the lead agency shall do all of the following:*
>
> (A) *Hold a public hearing* at which is discussed the federal environmental impact statement prepared for, or in the process of being prepared for, the closure of the military base. The discussion shall include the significant effects on the environment examined in the environmental impact statement, potential methods of mitigating those effects, including feasible alternatives, and the mitigative effects of federal, state, and local laws applicable to future nonmilitary activities. Prior to the close of the hearing, the lead agency may specify the baseline conditions for the reuse plan environmental impact report prepared, or in the process of being prepared, for the closure of the base. The lead agency may specify particular physical conditions that it will examine in greater detail than were examined in the environmental impact statement. Notice of the hearing shall be given as provided in Section 21092. The hearing may be continued from time to time.
>
> (B) *Identify pertinent responsible agencies and trustee agencies and consult with those agencies prior to the public hearing* as to the application of their regulatory policies and permitting standards to the proposed baseline for environmental analysis, as well as to the reuse plan and planned future nonmilitary land uses of the base. The affected agencies shall have not less than 30 days prior to the public hearing to review the proposed reuse plan and to submit their comments to the lead agency.
>
> (C) At the close of the hearing, *the lead agency shall state in writing how the lead agency intends to integrate the baseline for analysis with the reuse planning and*

environmental review process, taking into account the adopted environmental standards of the community, including, but not limited to, the applicable general plan, specific plan, and redevelopment plan, and including other applicable provisions of adopted congestion management plans, habitat conservation or natural communities conservation plans, integrated waste management plans, and county hazardous waste management plans.

(D) At the close of the hearing, *the lead agency shall state, in writing, the specific economic or social reasons, including, but not limited to, new job creation, opportunities for employment of skilled workers, availability of low- and moderate-income housing, and economic continuity, which support the selection of the baseline*.

CEQA Guidelines § 15229 provides in part as follows:

When preparing and certifying an EIR for a plan for the reuse of a military base, including when utilizing an Environmental Impact Statement pursuant to Section 21083.5 of the Public Resources Code, the determination of whether the reuse plan may have a significant effect on the environment may, at the discretion of the lead agency, be based upon the physical conditions which were present at the time that the federal decision for the closure or realignment of the base or reservation became final. These conditions shall be referred to as the "baseline physical conditions." Impacts which do not exceed the baseline physical conditions shall not be considered significant.

(a) *Prior to circulating a draft EIR* pursuant to the provisions of this Section, *the lead agency shall do all of the following, in order*:

(1) *Prepare proposed baseline physical conditions*, identify pertinent responsible and trustee agencies and consult with those agencies prior to the public hearing required by subdivision (a)(2) as to the application of their regulatory authority and permitting standards to the proposed baseline physical conditions, the proposed reuse plan, and specific, planned future nonmilitary land uses of the base or reservation. The affected agencies shall have not less than 30 days prior to the public hearing to review the proposed baseline physical conditions and the proposed reuse plan and to submit their comments to the lead agency.

(2) *Hold a public hearing* at which is discussed the federal EIS prepared for, or being prepared for, the closure or realignment of the military base or reservation. The discussion shall include the significant effects on the environment, if any, examined in the EIS, potential methods of mitigating those effects, including feasible alternatives, and the mitigative effects of federal, state, and local laws applicable to future nonmilitary activities. *Prior to the close of the hearing, the lead agency shall specify whether it will adopt any of the baseline physical conditions for the reuse plan EIR and identify those conditions*. The lead agency shall specify particular baseline physical conditions, if any, which it will examine in greater detail than they were examined in the EIS. Notice of the hearing shall be given pursuant to Section 15087. The hearing may be continued from time to time.

(3) *Prior to the close of the hearing, the lead agency shall do all of the following*:

(A) *Specify the baseline physical conditions which it intends to adopt for the reuse plan EIR*, and specify particular physical conditions, if any, which it will examine in greater detail than were examined in the EIS.

(B) *State specifically how it intends to integrate its discussion of the baseline physical conditions in the EIR with the reuse planning process*, taking into account the adopted environmental standards of the community, including but not limited to, the adopted general plan, specific plan or redevelopment plan, and including other applicable provisions of adopted congestion management plans, habitat conservation or natural communities conservation plans, air quality management plans, integrated waste management plans, and county hazardous waste management plans.

(C) *State the specific economic or social reasons, including but not limited to, new job creation, opportunities for employment of skilled workers, availability of low and moderate-income housing, and economic continuity which support selection of the baseline physical conditions*.

Please identify the time that the federal decision for the closure or realignment of the Ford Ord base became final. In this connection, note that while the Base Realignment and Closure Commission recommended closure in 1991, the Army did not sign a Record of Decision until December 1993, and the base did not formally close until September 1994.

Please provide the "proposed baseline physical conditions" that FORA was required to prepare "prior to circulating a draft EIR" for the BRP pursuant to 14 CCR § 15229(a)(1). Please note that the five documents identified in the DEIR at page 3-4 were not prepared by FORA.

Please identify the "pertinent responsible and trustee agencies" with whom FORA consulted not less than 30 days before a public hearing on adoption of baseline conditions as required by 14 CCR § 15229(a)(1).

Please identify, provide, and summarize any comments received from the "pertinent responsible and trustee agencies" with whom FORA consulted on baseline conditions as required by 14 CCR § 15229(a)(1).

Please provide the notice of the public hearing and identify the date and location of that public hearing conducted by FORA at which was "discussed the federal EIS prepared for, or being prepared for," the Fort Ord reuse, as required by 14 CCR § 15229(a)(2).

Please provide the notice of the public hearing and identify the date and location of that public hearing conducted by FORA prior to the closure of which hearing FORA specified "whether it will adopt any of the baseline physical conditions for the reuse plan EIR and identify those conditions," as required by 14 CCR § 15229(a)(2).

Please confirm that notice of that hearing was given as required by 14 CCR § 15229(a)(2). If the hearing was continued, please identify the date(s) on which it was continued and the date on which it was closed.

Please explain how FORA complied with the requirements in 14 CCR § 15229(a)(3)(A) and (B) that, prior to the close of the hearing required by 14 CCR § 15229(a)(2), FORA did the following:

- Stated "specifically how it intends to integrate its discussion of the baseline physical conditions in the EIR with the reuse planning process, taking into account the adopted environmental standards of the community, including but not limited to, the adopted general plan, specific plan or redevelopment plan, and including other applicable provisions of adopted congestion management plans, habitat conservation or natural communities conservation plans, air quality management plans, integrated waste management plans, and county hazardous waste management plans."

- Stated “the specific economic or social reasons, including but not limited to, new job creation, opportunities for employment of skilled workers, availability of low and moderate-income housing, and economic continuity which support selection of the baseline physical conditions.”

Please provide and identify the dates, titles, and location of any documents that constitute the statements required to be made by FORA by 14 CCR § 15229(a)(3)(A) and (B).

3. Identify the BRP PEIR baseline assumptions

The DEIR states that the BRP PEIR relies on the specialized baseline provisions in CEQA section 21083.8.1, citing the BRP PEIR at section 1.2.2, Baseline Determination. (DEIR, p. 3-3). The DEIR states that FORA has allocated 6,600 afy of Salinas Valley groundwater among the Ord Community land use jurisdictions and that this “6,600 AFY per year is considered the 1991 Statutory Baseline under the Base Reuse Plan.” (DEIR, pp. 4.16-1, 4.16-3.) The DEIR states that the “6,600 acre-feet per year amount includes 5,200 acre-feet from the 180-foot and 400-foot aquifers, along with 1,400 acre-feet per year from the 900-foot or Deep Aquifer (FORA 1998).” (DEIR, p. 4.16-3.) The DEIR also states that the “6,600 acre-feet per year figure is derived from the 1984 peak and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin, not including pumping from a non-potable golf course well.” (DEIR, p. 4.16-19.)

Please identify the baseline conditions in the BRP PEIR for annual groundwater pumping and indicate specifically the pages where those conditions are set out in the BRP PEIR. Please identify the source of these baseline assumptions.

Please identify the time period, the geographic scope, and the groundwater basin or subbasin for which these baseline conditions are stated. In particular, please separately identify the baseline conditions in the BRP PEIR for annual groundwater pumping for the 900-foot or Deep Aquifer, for the 180-foot aquifer, for the 400-foot aquifer, and for the “upper aquifers” and the Deep Aquifer within the “Monterey Subbasin,” i.e., the areas identified in the DEIR in its discussion of the setting for its discussion of Hydrology and Water Quality at pages 4.9-2 through 4.9-5 and Figure 4.9-2.

Although the DEIR states that Figure 4.9-2 “shows the Plan Area and the updated groundwater subbasin boundaries,” (DEIR, p. 4.9-2), the Plan Area is not in fact shown on that figure. Please provide a revised Figure 4.9-2 showing the Plan Area.

Please provide a figure that depicts each well that would supply water to the Plan Area in relation to the subbasin boundaries depicted in Figure 4.9-2. For each well, please indicate whether it draws water from the 180-foot aquifer, the 400-foot aquifer, the Deep Aquifer, or some other aquifer.

4. “Upper aquifer” location

The DEIR distinguishers the 180/400 Foot Aquifer Subbasin from the Monterey Subbasin. However, the DEIR then uses the term “upper aquifers” without clarifying whether it is referring to aquifers in the 180/400 Foot Aquifer Subbasin or aquifers in the Monterey Subbasin.

The DEIR implies that it is using the term “upper aquifers in the Salinas Valley Groundwater Basin” to refer only to the “180-foot aquifer and 400-foot aquifer which is North of the Monterey Subbasin:”

> Seawater intrusion is an ongoing problem in the Salinas Valley Groundwater Basin (DWR 2004). The upper aquifers in the Salinas Valley Groundwater Basin (180-foot

> aquifer and 400-foot aquifer which is North of the Monterey Subbasin) along the coast are experiencing high salinity due to seawater intrusion.[2] MCWD's wells in Central Marina, although near the coast, are in the Deep Aquifer within the Monterey Subbasin (DWR, Bulletin 118, Basin No. 3-004.10) of the broader Salinas Groundwater Basin, which has not experienced signs of seawater intrusion and is considered to have reliable quality.

(DEIR, p. 4.9-5; see also 4.16-19 [same statement].)

A footnote to this discussion distinguishes the Monterey Subbasin from the "subbasin referred to as the '180/400 Foot Aquifer' by the Department of Water Resources:

> "While the Ord Community water supply come in part from wells in the 400-foot aquifers, these wells are located within the defined boundaries of the Monterey Subbasin. The subbasin referred to as the "180/400 Foot Aquifer" by the Department of Water Resources is defined as overdrafted, but the wells at issue in the WSA are not within the boundaries of that subbasin. "

(DEIR, p. 4.9-5, fn. 2; see also 4.16-20, fn.7 [same statement].)

However, elsewhere the DEIR states that four wells serving the Ord Community are in "the upper aquifers:"

> In the Ord Community, the District has one well in the deep aquifer and four wells in the upper aquifers; these five wells are outside the area currently affected by seawater intrusion.

(DEIR, p. 4.9-5; see also pp. 4.9-25, 4.16-20.)

Please explain whether the four wells serving the Ord Community in the "upper aquifers" are in the Monterey Subbasin or the 180/400 Foot Aquifer Subbasin.

For each of the references to "upper aquifers," which occurs on DEIR pages 4.9-5, 4.9-25, 4.16-19, and 4.16-20), please clarify whether the DEIR is referring to aquifers within the Monterey Subbasin or the 180/400 Foot Aquifer Subbasin.

5. Historic pumping from Deep Aquifer and other aquifers *for use on Fort Ord*

The MCWD 2015 Urban Water Management Plan (UWMP) at page 45 identifies wells used to support Central Marina and the Ord Community as follows:

> The District currently has three Central Marina wells in the Deep Aquifer, MCWD-10, MCWD-11 and MCWD-12, constructed in 1983, 1986 and 1989 respectively. These wells are depicted in Figure 2.2.
>
> The U.S. Army's original wells serving the former Fort Ord were located in the Main Garrison area near Marina. When wells indicated varying degrees of seawater intrusion, the Army in 1985 installed four wells further inland. Located near the intersection of Reservation and Blanco Roads in Marina (Figure 2.2), the wells draw from the 180-Foot and 400-Foot Aquifers (well numbers FO-29, FO-30, FO-31 and FO-32). Well FO-32 suffered a screen failure and was shut down in the late 1990s. The District added Wells 34 (in the Deep Aquifer) and Well 35 (in the 400-ft Aquifer) in 2011.

(MCWD 2015 UWMP, p. 45.)

DEEP AQUIFER WATER SUPPLIED TO FORT ORD: Including water supplied to the Ord Community from MCWD's Central Marina wells that are in the Deep Aquifer and from any Ord Community wells that are in the Deep Aquifer, please indicate the annual amount of groundwater supplied to the Ord Community from the Deep Aquifer for each year since 1991. Please identify the wells by number from which water has been supplied to the Ord Community from the Deep Aquifer.

UPPER AQUIFER WATER SUPPLIED TO FORT ORD: Including water supplied to the Ord Community from MCWD's Central Marina wells that are in the aquifers other than the Deep Aquifer and from any Ord Community wells that are in in the aquifers other than the Deep Aquifer, please indicate the annual amount of groundwater supplied to the Ord Community from the aquifers other than Deep Aquifer for each year since 1991. Please identify the wells by number from which water has been supplied to the Ord Community from the aquifers other than the Deep Aquifer.

CROSS CONNECTION OF MARINA AND FORT ORD: Please explain whether MCWD serves the Ord Community with any water from MCWD's wells in Central Marina. If so, how much of the Ord Community water supply is taken from MCWD's Central Marina wells? Please provide this information on an annual basis since the inception of any cross-connection of service between Marina and the Ord Community. Please provide the information separately for the Deep Aquifer and for aquifers other than the Deep Aquifer.

Please explain whether MCWD serves Marina with water from any wells in the Ord Community. If so, how much of the Central Marina water supply is taken from MCWD's wells in the Ord Community? Please provide this information on an annual basis since the inception of any cross-connection of service between Marina and the Ord Community. Please provide the information separately for the Deep Aquifer and for aquifers other than the Deep Aquifer.

6. Monterey Subbasin conditions and pumping

a. DEIR statements regarding overdraft and seawater intrusion

The DEIR states that the Plan Area is in the Monterey Subbasin of the Salinas Valley Groundwater Basin. (DEIR, p. 4.9-2.) The DEIR states that seawater intrusion is an ongoing problem in the Salinas Valley Groundwater Basin and that the "upper aquifers in the Salinas Valley Groundwater Basin (180-foot aquifer and 400-foot aquifer which is North of the Monterey Subbasin) along the coast are experiencing high salinity due to seawater intrusion." (*Ibid.*) The DEIR states that " MCWD's wells in Central Marina, although near the coast, are in the Deep Aquifer within the Monterey Subbasin . . . which has not experienced signs of seawater intrusion and is considered to have reliable quality." (*Ibid.*)

The DEIR states

> MCWD's 2015 UWMP concludes that "neither seawater intrusion nor groundwater contamination pose an immediate threat to water supply reliability" (MCWD 2015 UWMP § 5.2, at p. 73). In the Ord Community, the District has one well in the deep aquifer and four wells in the upper aquifers; these five wells are outside the area currently affected by seawater intrusion. MCWD is closely monitoring the quality in these wells. While there "is some concern that the Deep Aquifer may become affected by seawater intrusion," there is a monitoring well that serves as an "early warning system to identify any seawater intrusion…" (MCWD 2015 UWMP Section 4.2.5, at p. 48). . . . ¶ As to the 180-foot and 400-foot Aquifers, the MCWD 2015 UWMP concluded that "[t]he Salinas Valley Water Project has reduced groundwater pumping in the 180/400 Foot Aquifer Subbasin.

> Therefore, MCWD's groundwater supply is fully available in annual average, single dry year and multiple dry years" (MCWD 2015 UWMP Section 5.1, at p. 72). The Monterey Subbasin is subject to SGMA, but is not designated as critically overdrafted (DWR 2019).

(DEIR, p. 4.9-5; see also 4.16-20 [same statement].)

A footnote to this discussion observes

> "While the Ord Community water supply come in part from wells in the 400-foot aquifers, these wells are located within the defined boundaries of the Monterey Subbasin. The subbasin referred to as the "180/400 Foot Aquifer" by the Department of Water Resources is defined as overdrafted, but the wells at issue in the WSA are not within the boundaries of that subbasin. "

(DEIR, p. 4.9-5, fn. 2; see also 4.16-20, fn.7 [same statement].)

b. Current conditions in the *upper aquifers* of Monterey Subbasin

As quoted above, the DEIR distinguishes the Monterey Subbasin from the 180/400 Foot Aquifer Subbasin and then provides overdraft and seawater intrusion information only for the 180/400 Foot Aquifer Subbasin. In particular, the DEIR states that the wells serving the project are either in the Deep Aquifer or "within the defined boundaries of the Monterey Subbasin," which the DEIR states is distinct from the "subbasin referred to as the "180/400 Foot Aquifer" by the Department of Water Resources." (DEIR, p. 4.9-5.) The DEIR states that DWR has defined the 180/400 Foot Aquifer as overdrafted. However, *the DEIR does not disclose whether the Monterey Subbasin is experiencing overdraft or seawater intrusion*. Nor does the DEIR disclose the hydrological connection and influences between the Monterey Subbasin and the 180/400 Foot Aquifer Subbasin. Even if the wells supplying water to the Project are not in the immediate vicinity of seawater intrusion, increased pumping from those wells may contribute to cumulative overdraft and seawater intrusion.

Please explain whether the "upper aquifers" in which MCWD has 4 wells serving the Ord Community are in overdraft. Please identify the 4 MCWD well numbers in the "upper aquifers" using the well numbers identified at page 45 pf the 2015 UWMP.

Please explain whether the "upper aquifers" in which MCWD has 4 wells serving the Ord Community are suffering seawater intrusion. In responding, please discuss whether the *aquifers* are suffering seawater intrusion, not just whether the particular wells are suffering seawater intrusion. Please identify the extent and causes of seawater intrusion, if any, in the "upper aquifers" in which MCWD has 4 wells serving the Ord Community.

c. Cumulative pumping from the *upper aquifers* of Monterey Subbasin

The DEIR fails to provide essential information to assess *cumulative* impacts to the "upper aquifers" of the Monterey Subbasin in which MCWD has 4 wells serving the Ord Community. Since overdraft, falling groundwater levels, aquifer depletion, and seawater intrusion are determined in part by the relation of cumulative pumping and recharge, the EIR should provide current and projected cumulative pumping, recharge, and water balance data.

Please provide the following information necessary to an informed analysis of cumulative effects to the "upper aquifers" of the Monterey Subbasin from which wells serving the project would pump:

- Total current annual groundwater pumping from the Monterey Subbasin.

- Total projected annual groundwater pumping from the Monterey Subbasin.
- Total annual recharge to the Monterey Subbasin
- The yield from the Monterey Subbasin that is sustainable without overdraft, falling groundwater levels, or seawater intrusion
- The amount of increased pumping from the Monterey Subbasin that would be caused by this project.

Please explain whether the "upper aquifers" in which MCWD has 4 wells serving the Ord Community are hydrologically interconnected to the subbasin referred to as the 180/400 Foot Aquifer Subbasin by the Department of Water Resources or to any other subbasin in the Salinas Valley Groundwater Basin. Please explain whether and to what extent pumping from the Monterey Subbasin contributes to overdraft, aquifer depletion, falling groundwater levels, or seawater intrusion in these other subbasins.

d. Effect of Salinas Valley Water Project and other projects on the *upper aquifers* of Monterey Subbasin

The DEIR states:

> As to the 180-foot and 400-foot Aquifers, the MCWD 2015 UWMP concluded that "[t]he Salinas Valley Water Project has reduced groundwater pumping in the 180/400 Foot Aquifer Subbasin. Therefore, MCWD's groundwater supply is fully available in annual average, single dry year and multiple dry years" (MCWD 2015 UWMP Section 5.1, at p. 72).

(DEIR, p. 4.9-5.)

Please explain how and to what extent the Salinas Valley Water Project has reduced pumping in the 180/400 Foot Aquifer Subbasin. When did the Salinas Valley Water Project commence? How much reduction in annual pumping has occurred in the 180/400 Foot Aquifer Subbasin since the Salinas Valley Water Project began to operate? How much of that reduction is attributable to the Salinas Valley Water Project?

Please explain why a reduction in pumping in the 180/400 Foot Aquifer Subbasin since the Salinas Valley Water Project began to operate supports the inference that "MCWD's groundwater supply is fully available in annual average, single dry year and multiple dry years."

We note in this connection that the DEIR expressly distinguishes the Monterey Subbasin from the 180/400 Foot Aquifer Subbasin. In particular, the DEIR states that the wells serving the project are either in the Deep Aquifer or "within the defined boundaries of the Monterey Subbasin," which the DEIR states is distinct from the "subbasin referred to as the "180/400 Foot Aquifer" by the Department of Water Resources." (DEIR, p. 4.9-5.)

Please explain whether and by how much the Salinas Valley Water Project has reduced pumping from the "upper aquifers" of the Monterey Subbasin. Please explain whether and by how much the Salinas Valley Water Project has reduced pumping from the Deep Aquifer.

The DEIR does not present any evidence that the subbasin referred to as the "180/400 Foot Aquifer" by the Department of Water Resources or the "upper aquifers" of the Monterey Subbasin are themselves a sustainable or even long term source of water supply or that they are a material source of recharge to the 900-foot or Deep Aquifer. Recent studies indicate that the efforts to halt overdraft and seawater intrusion in the Salinas Valley Groundwater Basin, including its 180-foot and 400-foot aquifers, have not been successful and are not expected to succeed without additional water supply projects. Studies also indicate that a temporary slow-

down in the rate of seawater intrusion has been reversed and that seawater intrusion has in fact accelerated. The DEIR is inadequate as an informational document because it fails to discuss this.

e. Deep Aquifer pumping and projected water use

The DEIR fails to provide an adequate analysis of existing and projected future pumping from the Deep Aquifer, or to explain how much increased pumping this project would cause from the Deep Aquifer.

The DEIR states

> MCWD's wells in Central Marina, although near the coast, are in the Deep Aquifer within the Monterey Subbasin . . . which has not experienced signs of seawater intrusion and is considered to have reliable quality.

(DEIR, p. 4.9-2.)

Please explain whether the "Deep Aquifer within the Monterey Subbasin" is hydrologically connected to the Deep Aquifer within the adjacent subbasins of the SVGB.

The DEIR states

> The District is the only significant user of the Deep Aquifer, although there are Deep Aquifer wells serving the Monterey Dunes Colony (120 homes) and the Armstrong Ranch (MCWD 2015 UWMP, Section 4.1 at pp. 31–32).

(DEIR, p. 4.16-3.) The same statement is made in the MCWD 2015 UWMP at pages 31 and 32. The 2015 UWMP also states in the preceding sentence that "[t]he three water production wells in the Central Marina service area and one in the Ord Community are in the Deep Aquifer, as described in Section 4.2.1."

Please identify the MCWD wells that pump from the Deep Aquifer, using the well numbers identified in the 2015 UWMP at page 45. Please explain whether the referenced wells serving the Armstrong Ranch and the Dunes Colony are distinct wells.

Please identify the amount of pumping from the Deep Aquifer used to support Fort Ord in the period 1982-1993.

Please identify the amount of current pumping from the Deep Aquifer from all users.

Please identify the amount of foreseeable future projected pumping from the Deep Aquifer for all users, including the pumping projected from wells for agricultural use. We note that MCWD has initiated litigation over the permitting of new agricultural wells in the Deep Aquifer.

Please identify the sources of recharge for the Deep Aquifer and the rate of recharge.

Please identify the amount of pumping from the Deep Aquifer that can be sustained without causing depletion of the Deep Aquifer or falling groundwater levels.

Please identify the amount of groundwater pumping for this project that would be taken from the Deep Aquifer. Please separately identify the amount of pumping for this project that would be taken from aquifers other than the Deep Aquifer and identify those other aquifers.

f. Deep Aquifer conditions

Please explain what the DEIR means in claiming that the Deep Aquifer has not experienced signs of seawater intrusion and is considered to have a reliable quality. (DEIR pp. 4.9-5, 4.9-25, 4.16-19.)

g. 2003 Deep Aquifer pumping effects

The DEIR fails to discuss the effect of pumping the Deep Aquifer on the quality of the "upper aquifers."

Section 4.9 makes one confused and incomplete statement that may contemplate the possibility of adverse effects from increased pumping of the Deep Aquifer. The DEIR states

> In 2003, a study modeled seawater intrusion resulting from increasing pumping from the Deep Aquifer by two to five times the baseline rate, and found that "in the absence of other action to control seawater intrusion, the landward flow of groundwater would increase…" (MCWD 2015 UWMP Section 4.2.5, at p. 50). No increases of such a magnitude in pumping from the Deep Aquifer are expected.

(DEIR, p. 4.9-5.)

Please identify the 2003 study referenced by the DEIR.

Please explain what is meant by "the landward flow of groundwater." How, if at all, is "the landward flow of groundwater" related to seawater intrusion?

Please identify the referenced "baseline rate" of Deep Aquifer pumping in the 2003 study and its source.

h. DEIR references to 1998 Facilities Agreement regarding baseline use of the Deep Aquifer

The DEIR states

> The 6,600 AFY is considered the 1991 Statutory Baseline under the Base Reuse Plan. The 6,600 acre-feet per year amount includes 5,200 acre-feet from the 180-foot and 400-foot aquifers, along with 1,400 acre-feet per year from the 900-foot or Deep Aquifer (FORA 1998).[3]"

((DEIR, p. 4.16-3.) The footnote 3 cites section 5.3.1 of the 1998 "Water/Wastewater Facilities Agreement" between FORA and MCWD.

Section 5.3.1 of the 1998 provides Water/Wastewater Facilities Agreement provides:

> 5.3.1. Groundwater Use. The parties will cooperate on MCWD's increased withdrawal of potable groundwater from MCWD's existing wells in the 900-foot aquifer by up to 1,400 acre-feet per year (afy), in compliance with law, to enable the increased withdrawals from 5,200 afy to 6,600 afy for use in the service area, as stipulated in paragraph 4.c. of the September 1993 Agreement between The United States of America and the Monterey County Water Resources Agency, and in paragraph 5.1.1.1 of the "Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands," recorded August 7, 1996, in Reel 3404 Page 749, in the Office of the Monterey County Recorder.

Please explain how the reference to a permitted "*increased* withdrawal of potable groundwater from MCWD's existing wells in the 900-foot aquifer by up to 1,400 acre-feet per year (afy)" in the

1998 Agreement supports the contention that any pumping from the Deep Aquifer is part of a baseline.

7. 1996 Annexation Agreement and 1998 facilities agreement accounting

Paragraph 5.1.1.1 of the 1996 Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands provides that MCWD may increase its withdrawals of potable groundwater by up to 1,400 afy from the 900-foot aquifer to enable the increased withdrawals from 5200 afy to 6600 afy for use on Fort Ord, as provided in paragraph 4.c. of the September 1993 Agreement between the Unites States of America and MCWRA.

Paragraph 5.3.1 of the 1998 Water/Wastewater Facilities Agreement contains the same provision.

Please provide the amount of groundwater pumped from the 900-foot or Deep Aquifer annually by MCWD for use on Fort Ord for the five years prior to 1996 and for each year subsequent to 1996. This information is relevant to whether additional water may be pumped from the Deep Aquifer to support the project under the terms of the 1996 and 1998 agreements.

8. Augmented water supply

The 2015 MCWD UWMP, incorporated by reference into the DEIR, states at page 17:

> One of the mitigation measures in the Final EIR, Reuse Plan and Master is the development of 2,400 afy of additional water supply for the Ord Community, which will allow development beyond the initial 6,000 dwelling units.

Please identify the specific documents and page numbers in the "in the Final EIR, Reuse Plan and Master [sic, Master Resolution]" setting forth this mitigation measure.

9. Impacts from increased pumping of groundwater, including overdraft, seawater intrusion, falling groundwater levels, and aquifer depletion

The DEIR apparently assumes that as long as groundwater pumping to the Ord Community does not exceed 6,600 afy, which it identifies as the "statutory baseline," there can be no significant impacts on the aquifers caused by increased groundwater pumping for the project. Thus, the DEIR fails to provide an assessment of the effect of increased pumping on overdraft, aquifer depletion, falling groundwater levels, and seawater intrusion. Instead, its analysis in sections 4.9 and 4.16 focus only on the availability and reliability of the assumed 6,600 afy supply.

The DEIR makes similar claims regarding the reliability of water supplies in sections 4.9 and 4. 16. In particular, the DEIR claims that the 6,600 afy allocation from FORA is considered reliable for several reasons:

- Because the SVGB has a large storage volume and because water levels vary 20 to 30 feet seasonally and an additional 10-20 feet during drought periods. (DEIR, p. 4.16-19.)
- Because MCWD's Deep Aquifer wells have not experienced sea water intrusion. (DEIR, pp. 4.9-5, 4.16-19.)
- Because the 2015 UWMP states that seawater intrusion and groundwater contamination are not immediate threats. (DEIR, pp. 4.9-5, 4.16-20.)
- Because as "to the 180-foot and 400-foot Aquifers, the 2015 the MCWD 2015 UWMP concluded that '[t]he Salinas Valley Water Project has reduced groundwater pumping in the 180/400 Foot Aquifer Subbasin. Therefore, MCWD's groundwater supply is fully

available in annual average, single dry year and multiple dry years' (MCWD 2015 UWMP Section 5.1, at p. 72)." (DEIR, pp. 4.9-5, 4.16-20.)

- Because the Monterey Subbasin is not designated as critically overdrafted. (DEIR, p. 4.16-20.)
- Because MCWD and the SVBGSA are required to develop sustainability plans to achieve sustainability by 2040. (DEIR, p. 4.16-20.)
- Because MCWRA has adopted a Long-Term Management Plan for the Salinas River Valley. (DEIR, p. 4.16-20.)

Based on these considerations, the DEIR concludes that the existing wells "are able to provide water to serve Fort Ord *in perpetuity*." (DEIR, p. 4.16-20 [emphasis added].) Section 4.16 proposes mitigation measure UTIL-1 in order to ensure an additional supply *after* the project has exhausted the remaining 181.3 afy of the City's sub-allocation of the 6,600 afy. (DEIR, p. 4.16-26.) Thus, the focus of analysis in section 4.16 is the *availability* of a water supply, not the impacts on the groundwater resource of *using* that supply.

The discussion in section 4.9 does not consider the possibility that incremental pumping of less than 6,600 afy for Fort Ord use would result in significant impacts to the groundwater resource, including overdraft, seawater intrusion, falling groundwater levels, or aquifer depletion. (See DEIR, p. 4.9-16 [thresholds of significance].)

The section 4.9 significance criteria and discussion address violation of water quality standards, but this section does not discuss contamination due to seawater intrusion. (DEIR, pp. 4.9-17 to 4.9-20.)

The section 4.9 significance criteria and discussion address interference with groundwater recharge so as to impede sustainable groundwater management. But this section does not discuss the effect of incremental groundwater pumping that interference with sustainable management. (DEIR, pp. 4.9-21 to 4.9-22.)

The section 4.9 significance criteria and discussion address altered drainage, but this discussion does not address the effects of incremental groundwater pumping. (DEIR, pp. 4.9-22 to 4.9-25.)

The section 4.9 significance criteria and discussion address obstruction of the implementation of a water quality control plan or a sustainable groundwater management plan. (DEIR, pp. 4.9-25 to 4.9-27.)

OBSTRUCTION OF WATER QUALITY CONROL PLAN: In this discussion, the DEIR first recites all of the same considerations identified in section 4.16 related to the *availability* of a water supply. (Compare DEIR, p. 4.9-25 to 4.16-19 to 4.16-20.) The DEIR then claims that there would be no significant impact to the water quality control plan as long as pumping stays within the 6,600 afy allocation to Fort Ord:

> The Proposed Project would increase the demand for water, most of which would derive from groundwater sources. For the existing conditions of the City's groundwater supply, and the effects of groundwater demand from development, see Section 4.16, Utilities and Service Systems. As discussed therein, *the potable water demand for the project would exceed the allocations available to the project, therefore impacts would be significant without mitigation*. If groundwater pumping were to be increased to meet this demand without mitigation, this would potentially result in seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium, etc.). To address the discrepancy between the Proposed Project's

441.6 AFY of potable water demand and the 181.3 AFY of available potable water supply, Mitigation Measure UTIL-1 requires the City to secure water supplies for the Proposed Project by offsetting potable water demands. *Because the potable water demands of the Proposed Project would be offset by the City, the Proposed Project would not result in seawater intrusion*.

(DEIR, pp. 4.9-26 [emphasis added].)

The DEIR is inadequate because it does not discuss the impacts on overdraft, groundwater levels, aquifer depletion, or seawater intrusion caused by increasing the *existing* levels of groundwater pumping. Nor does the DEIR discuss whether there could be significant direct or cumulative impacts from some level of increased pumping to support new Fort Ord development short of 6,600 afy.

OBSTRUCTION OF SUSTAINABLE GROUNDWATER MANAGEMENT PLAN: The discussion of the potential obstruction of a sustainable groundwater management plan also recites the background related to the allocation of the 6,600 afy, noting that Mitigation Measures UTIL-1 requires additional supplies when the project has exhausted the City's sub-allocation of the 6,600 afy. The discussion states that the mitigation measures UTIL-1 will ensure that pumping stays within the 6,600 afy allocation; that two groundwater sustainability agencies will design plans to ensure sustainability by 2040; and that MCWRA's Long-Term Management Plan for the Salinas River Valley will curtain future seawater intrusion and "ensure the reliability of the 6,600 AFY" so that the wells can supply water to Fort Ord "in perpetuity." (DEIR, p. 4.9-17.) This discussion is inadequate because also assumes without analysis that there would be no adverse impact to groundwater resources as long as pumping for Fort Ord does exceed the assumed 6,600 afy baseline.

10. MCWRA's Long-Term Management Plan for the Salinas River Valley

Although the DEIR references MCWRA's Long-Term Management Plan for the Salinas River Valley, the Plan itself casts substantial doubt on the ability of existing agencies to accomplish its proposed management actions. It states at page 5-1 that "while Monterey County Water Resources Agency (MCWRA) does currently have extensive authorities under the Agency Act, its current funding is limited and targeted at a narrower set of responsibilities." Indeed, MCWRA's Long-Term Management Plan for the Salinas River Valley states at page 5-2 that there "was no firm agreement on the appropriate structure of a long-term administrative approach to LTMP implementation, but many stakeholders agreed that the approach could—and likely would—evolve over time."

MCWRA's Long-Term Management Plan for the Salinas River Valley contains Table 4-1, Salinas River LTMP Recommended Management Objectives and Actions. None of the management action in Table 4-1 appear to be approved, funded, or environmentally reviewed.

Please identify each management action in Table 4-1 designed to mitigate falling groundwater levels, aquifer depletion, and seawater intrusion in the Fort Ord area that has been approved, funded, and environmentally reviewed under CEQA.

11. Sustainable Groundwater Management Plans

We are not aware that any Sustainable Groundwater Management Plan or any management actions or projects have been adopted under SGMA by either the SVGBGSA or MCWD. Please identify each management action and project that has been adopted by SVGBGSA or by MCWD in its capacity as a Groundwater Sustainability Agency under SGMA that is intended to

avoid or lessen overdraft, seawater intrusion, aquifer depletion, or falling groundwater in the Fort Ord area.

The DEIR's discussion of hydrology and water quality in section 4.9 states that "impacts to groundwater supply are also discussed in Section 4.16." (DEIR, p. 4.9-16.) However, the discussion in section 4.19 does not address impacts to groundwater supply such as aquifer depletion or seawater intrusion, but only the purported reliability of the existing 6,600 afy supply allocation.

12. Cumulative impact discussion of long-term sustainability of groundwater supplies in section 4.9, Hydrology and Water Quality

In section 4.9, the DEIR provides a discussion of cumulative impacts with regard to the "long-term sustainability of groundwater supplies." (DEIR, p. 4.9-29.)

The DEIR identifies the geographic scope of this cumulative analysis with reference to a watershed boundary:

> The geographic scope for cumulative hydrology and water quality impacts is the southern portion of the Monterey Bay HU watershed in which the Plan Area is located, which extends from the slopes of the Fort Ord National Monument on the east to the Pacific Ocean on the west. This portion of the watershed encompasses the cities of Marina, Sand City, Seaside, and Monterey. In this portion of the watershed, water generally flows from east to west or southeast to northwest, downhill towards the Monterey Bay. This geographic scope is appropriate for hydrology and water quality because water quality impacts are localized in the watershed where the impact occurs.

(DEIR, p. 4.9-27.)

Please explain whether the southern portion of the Monterey Bay HU watershed is depicted in the diagram at https://indicators.ucdavis.edu/cwip/huc/18060015. If not, please provide a map indicating the area comprising the southern portion of the Monterey Bay HU watershed.

We note that the southern portion of the Monterey Bay HU watershed is not coextensive with the Monterey Subbasin and/or the 180/400 Foot Aquifer Subbasin identified in the groundwater setting discussion at DEIR pages 4.9-2 through 4.9-5.

Please explain how groundwater pumping *outside* the Monterey Subbasin and/or the 180/400 Foot Aquifer Subbasin is relevant to the determination of cumulative effects of groundwater pumping in the Monterey Subbasin and/or the 180/400 Foot Aquifer Subbasin.

Please explain why the scope of the cumulative impact analysis does not include *all of* the Monterey Subbasin and/or the 180/400 Foot Aquifer Subbasin that were identified in the discussion of the relevant groundwater setting at DEIR pages 4.9-2 through 4.9-5.

We believe that the scope of the analysis of cumulative impacts to the long-term reliability of groundwater supplies in the DEIR is unjustified because the relevant scope is in fact the hydrologically interconnected groundwater basins that provide water supply to the project and that would be affected by groundwater pumping for the project.

The DEIR's discussion of cumulative impacts relative to the long-term sustainability of groundwater supplies consists of the following paragraph:

> As discussed under Impacts HWQ-2 and HWQ-5, the Proposed Project would increase the demand for water, most of which would be derived from groundwater sources. Cumulative development would also increase demands for groundwater supplies.

> Compliance with applicable regulations and the impending development of groundwater sustainability plans for the Monterey Subbasin would ensure the long-term sustainability of groundwater supplies. Therefore, cumulative development would not result in a significant cumulative impact. To address the discrepancy between the Proposed Project's 441.6 AFY of potable water demand and the 181.3 AFY of available potable water supply, Mitigation Measure UTIL-1 requires the City to secure water supplies for the Proposed Project by offsetting potable water demands. Consequently, the Proposed Project's impacts to groundwater supplies and groundwater management efforts would be less than significant and the Proposed Project would not have a cumulative considerable contribution to a significant cumulative impact related to groundwater.

(DEIR, p. 4.9-29.)

The cumulative analysis discussion of potential impacts to sustainability of groundwater supplies does not provide any information about the existing or foreseeable future groundwater pumping from the geographic area included in the geographic scope of analysis. Please provide either a list of past, present, and probable future projects producing related or cumulative impacts or a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. Please provide this information for the identified geographic scope of the cumulative analysis.

Please also provide existing and projected cumulative groundwater pumping for the Monterey Subbasin Deep Aquifer, Monterey Subbasin "upper aquifers," 180/400 Foot Aquifer Subbasin Deep Aquifer, 180/400 Foot Aquifer Subbasin "upper aquifers."

The discussion also fails to provide a summary of the expected environmental effects to be produced by the projects producing related or cumulative impacts. Please provide that information. We note that the DEIR is devoid of any discussion of cumulative impacts related to overdraft, falling groundwater levels, aquifer depletion, or seawater intrusion.

The discussion also fails to provide a reasonable analysis of the cumulative impacts of the relevant cumulative projects. Please provide that information.

The DEIR should indicate whether there is a significant cumulative effect from all projects, including the proposed project, taken in combination. If so, the DEIR should separately indicate whether the project would make a considerable contribution to that impact, and, if not, why not. Accordingly, please explain whether there is a significant cumulative effect from all projects, including the proposed project, taken in combination. Please separately explain whether the Project would make a considerable contribution to a significant cumulative impact, and, if not, why not.

The DEIR discusses Mitigation Measure UTIL-1 as if it were a sufficient basis to conclude that the project would not make a considerable contribution to a significant cumulative impact. As in the DEIR's discussion of direct impacts, this conclusion is inadequate and unsupported because it fails to consider that incremental groundwater pumping short of the 6,600 afy allocated by FORA for Fort Ord development may nonetheless make a considerable contribution to a significant cumulative impact in the form of overdraft, falling groundwater levels, aquifer depletion, and seawater intrusion.

Please explain whether the DEIR purports to tier from a cumulative impact discussion in a previous EIR. If so, please identify that previous EIR and discuss its conclusions.

13. Cumulative impact discussion in section 4.16

The DEIR provides a separate discussion of "cumulative water supply impacts" in section 4.16. (DEIR, pp. 4.16-28.)

The DEIR identifies the geographic scope of this cumulative analysis as the MCWD service area:

> The geographic scope for cumulative water supply impacts is the MCWD service area, depicted in Figure 4.16-1. This geographic scope is appropriate because, as the local water purveyor, MCWD is responsible for supplying potable water to all residential, commercial, industrial, and fire protection uses within its service area, including the Plan Area (MCWD 2016).

(DEIR, p. 4.16-28.)

We believe that this geographic scope is unjustified because the relevant scope is the hydrologically interconnected groundwater basins that provide water supply to the project and that would be affected by groundwater pumping for the project. MCWD is not the only entity extracting water from these aquifers or regulating that extraction. Thus, the discussion of foreseeable cumulative pumping, based on MCWD's projected pumping for Marina and Fort Ord, is not adequate because it does not disclose all relevant sources of existing and foreseeable groundwater pumping that would affect the availability of groundwater supplies and does not discuss foreseeable regulatory constraints.

The actual discussion of cumulative water supply impacts in section 4.16 is limited to a comparison of MCWD's existing and future pumping demand to the purported 6,600 afy water supply allocation for Fort Ord and the 4,440 afy groundwater pumping limit for Central Marina, Armstrong Ranch, and RMC Lonestar set out in the 1996 Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands. This discussion provides no information relevant to the sustainability of that water supply or to the cumulative effects of groundwater pumping on overdraft, aquifer depletion, falling groundwater levels, and seawater intrusion.

Furthermore, the DEIR fails to provide an adequate discussion of the certainty of the water supply in the face of existing and foreseeable regulatory constraints. Instead, the DEIR assumes that the perpetual availability of the proposed groundwater supply is ensured by the Fort Ord Reuse Agency suballocation of a purportedly perpetual 6,600 afy entitlement for use on Fort Ord.

First, the DEIR fails to acknowledge that the purported 6,600 afy allocation does not represent a permanent entitlement to use groundwater. The 1993 Agreement between the Army and MCWRA provides that pumping must cease when a replacement potable water supply project is implemented.

Second, the DEIR fails to acknowledge that the 6,600 afy allocation was made, and can only be enforced, by the Fort Ord Reuse Agency and that it will no longer be effective or enforceable as between the land use jurisdictions within the Ord Community when the Fort Ord Reuse Agency sunsets in 2020.

Third, the DEIR also fails to discuss the independent constraint on water supply provision represented by the cap on cumulative residential units in the Base Reuse Plan.

Fourth, the DEIR fails to disclose and discuss the constraints on pumping from the Deep Aquifer in the 1996 Annexation Agreement and Groundwater Mitigation Framework.

Finally, the DEIR fails to acknowledge that any groundwater pumping remains subject to regulation, including suspension, by MCWD, by MCWRA, by the County of Monterey, and by the SVGBGSA and MCWD as sustainability agencies under SGMA.

14. Proposed mitigation

The DEIR characterizes Mitigation Measure UTIL-1 as a water offset program. The DEIR improperly defers the formulation of the water offset program without explaining why deferral is necessary or appropriate.

There is no apparent necessity to defer the formulation of the offset program.

Furthermore, deferral is not appropriate when there is any question as to feasibility of the program. The EIR fails to provide any evidence that an offset program is feasible.

Mitigation Measure UTIL-1 lacks performance specifications. A water offset program would only be effective if the offset were verifiable, permanent, and additive. As written, UTIL-1 does not mandate these conditions or explain how they will be ensured.

The DEIR identifies four possible offset projects: the golf courses; Seaside Highlands and Soper Field; the Main Gate project; and duel-plumbing to accommodate recycled water. Please explain whether any of these projects were approved with the expectation or commitment that its use of potable water would be replaced with recycled water. If so, offsets would not be additive.

The DEIR claims that there would be no secondary impacts from UTIL-1 because "the recycled water supply is a pre-existing project that has already been subject to environmental review." (DEIR, p. 4.16-22.) Please identify the environmental review document or documents in which each of the four possible offset programs was discussed. Please identify the environmental impacts that were disclosed in these documents and whether any of these impacts remained unavoidably significant.

Any incremental pumping to support the project, including the first 181 afy required, would result in significant impacts to groundwater resources and would make a considerable contribution to significant cumulative impacts to groundwater resources. *Mitigation Measure UTIL-1 should be modified to require a verifiable, permanent, and additive reduction in long-term existing groundwater pumping to offset the amount of* ***any*** *provision of groundwater to the project.*

15. The DEIR fails to discuss consistency with relevant BRP policies

The DEIR identifies two of the BRP policies relevant to water supply and water supply impacts:

> Hydrology and Water Quality Policy B-1 ensures additional water is available to critically deficient areas. Hydrology and Water Quality Policy B-2 provides for development on verification of an assured long-term water supply.

(DEIR, p. 4.16-13.)

Although the DEIR lists these two policies, it does not discuss them or explain how the project could be consistent with them.

Please explain what steps the City has taken and what steps it will take to comply with Hydrology and Water Quality Policy B-1. In particular, please address the following Programs under Policy B-1.

BRP Hydrology and Water Quality Program B-1.2 requires that the City "shall work with FORA and the MCWRA to determine the feasibility of developing additional water supply sources for

the former Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable option(s)." Please explain what steps the City has taken and what steps it will take to comply with this program.

BRP Hydrology and Water Quality Program B-1.3 requires that the City "shall adopt and enforce a water conservation ordinance developed by the Marina Coast Water District." Please explain what steps the City has taken and what steps it will take to comply with this program.

BRP Hydrology and Water Quality Program B-1.4 requires that the City "shall continue to actively participate in and support the development of 'reclaimed' water supply sources by the water purveyor and the MRWPCA to insure adequate water supplies for the former Fort Ord." Please explain what steps the City has taken and what steps it will take to comply with this program.

BRP Hydrology and Water Quality Program B-1.5 requires that the City "shall promote the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other nonpotable use." Please explain what steps the City has taken and what steps it will take to comply with this program.

BRP Hydrology and Water Quality Program B-1.6 requires that the City "shall work with FORA to assure the long-range water supply for the needs and plans for the reuse of the former Fort Ord." Please explain what steps the City has taken and what steps it will take to comply with this program.

BRP Hydrology and Water Quality Program B-1.7 requires that the City "in order to promote FORA's DRMP, shall provide FORA with an annual summary of the following: 1) the number of new residential units, based on building permits and approved residential projects, within its former Fort Ord boundaries and estimate, on the basis of the unit count, the current and projected population. The report shall distinguish units served by water from FORA's allocation and water from other available sources; 2) estimate of existing and projected jobs within its Fort Ord boundaries based on development projects that are on-going, completed, and approved; and 3) approved projects to assist FORA's monitoring of water supply, use, quality, and yield." Please explain what steps the City has taken and what steps it will take to comply with this program. In this regard, please explain what steps the City has taken and will take to ensure that approval of the project would comply with DRMP section 3.11.5.4 (b), which caps total new residential units within the former Fort Ord at 6,160 units.

Please explain what steps the City has taken and what steps it will take to comply with Hydrology and Water Quality Policy B-2, which requires verification of an assured long-term water supply.

The DEIR fails to set out the relevant BRP Policies that mandate action by FORA and the City to prevent seawater intrusion. The City is required by BRP Hydrology and Water Quality Policy C-3 to "work with" MCWRA "to estimate the current safe yield" and to "participate in implementing measures to prevent future intrusion" as follows:

> Hydrology and Water Quality Policy C-3: The MCWRA and the City shall cooperate with MCWRA and MPWMD to mitigate further seawater intrusion based on Salinas Valley Basin Management Plan.
>
> Program C-3.1: The City shall continue to work with the MCWRA and the MPWMD to estimate the current safe yield within the context of the Salinas Valley Basin Management Plan for those portions of the former Fort Ord overlying the Salinas Valley and Seaside groundwater basins to determine available water supplies.

> Program C-3.2: The City shall work with MCWRA and MPWMD to determine the extent of seawater intrusion into the Salinas Valley and Seaside groundwater basins in the context of the Salinas Valley Basin Management Plan, and shall participate in implementing measures to prevent further intrusion.

(BRP 2001 Reprint, p. 351.)

Please explain what steps the City has taken and what steps it will take to comply with Hydrology and Water Quality Policy C-3 and programs C-3.1 and C-3.2.

Please identify the Salinas Valley Basin Management Plan referenced in Hydrology and Water Quality Policy C-3.

16. The DEIR fails to disclose the impacts of not supplying water to later phases of the project

Where an EIR relies on mitigation in the form of a ban on development if adequate water supplies cannot be secured, the EIR must also discuss the impacts of not building approved development. Here, Mitigation Measure UTIL-1 would bar further approvals of discretionary permits or entitlements for the project without proof that offsets are available.

Please discuss the effects of not building the complete project as proposed. Please include a discussion of secondary impacts to public services, utilities, infrastructure, traffic, GHG emissions, and schools and to the jobs/housing balance if the entire project is not built as proposed and some or all of the expected jobs and tax benefits fail to be realized. Please base this discussion on the most recent economic analysis of the project and identify that analysis. Please note that inconsistency of the project with BRP policies related to the jobs/housing balance may be significant impacts because those policies are intended to avoid or reduce environmental impacts.

Please state clearly which portions of the project could possibly be foregone if there is insufficient water supply. What commitment, if any, does the Specific Plan or the EIR contain to creation of a viable and balanced project in the event that water supplies are not sufficient? Please note that the Specific Plan expressly leaves the phasing of the project to the discretion of each applicant for entitlements. Specific Plan, p. 198.

17. WSA

LandWatch incorporates by reference its attached comments on the Water Supply Assessment for the Campus Town Specific Plan, provided to the MCWD Board of Directors on June 15, 2018.

Thank you for the opportunity to comment.

Regards,

Michael DeLapa
Executive Director

Attachment, LandWatch comments on WSA for Campus Town Specific Plan, June 15, 2018