

## MEMORANDUM

**DATE:** October 16, 2019  
**MEETING OF:** October 16, 2019  
**TO:** Board of Directors  
**FROM:** General Manager  
**RE:** **DISCUSSION/ACTION ITEM 10A:** Summary of and Response to Comments Received After Posting of Agenda (College Lake Integrated Resources Management Project Final Environmental Impact Report)

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### **INTRODUCTION**

Following posting of the agenda for the October 16, 2019 meeting, Pajaro Valley Water Management Agency (PV Water) received two comment letters on the Final Environmental Impact Report (Final EIR) for the proposed College Lake Integrated Resources Management Project (Project). This memorandum summarizes and responds to the two comment letters.

### **COLLEGE LAKE RECLAMATION DISTRICT NO. 2049 LETTER**

On October 15, 2019, PV Water received a letter from Wittwer Parkin LLP on behalf of College Lake Reclamation District No. 2049 (CLRD). The letter notes that CLRD previously provided comments on the Draft EIR and stands by those comments, and also provides several attachments not expressly relating to the Project or its environmental review. The letter also states that CLRD believes that “some of the comments in the Final EIR were not adequately addressed or were unresponsive.” The letter does not provide any examples or any further information in support of this position. PV Water staff and consultants believe that the Final EIR fully complies with the requirements of the California Environmental Quality Act (CEQA) and that the responses to comments are complete and thorough. Specifically, PV Water staff and consultants believe that the responses satisfy the requirements of CEQA Guidelines section 15088(c) and constitute a good faith, reasoned analysis in response to the comments.

The CLRD letter does not constitute significant new information requiring recirculation of the Final EIR prior to certification. (CEQA Guidelines § 15088.5.)

### **SIERRA CLUB LETTER**

On October 15, 2019, PV Water also received a letter from the Sierra Club (Santa Cruz County Group). A brief summary of the letter, and PV Water staff’s responses, is as follows:

1. The letter broadly states the Sierra Club’s position that “many, if not most, of the responses to comments as seen in the FEIR as assurances made without changes to the EIR, which would actually implement those assurances.” PV Water staff and consultants PV Water staff and consultants believe that the Final EIR fully complies with the requirements of CEQA and that the responses to comments are complete. (CEQA Guidelines section 15088(c).) In addition, the Final EIR does contain a section (Chapter 4) on revisions to the Draft EIR.

2. The letter requests that a goal in the Adaptive Management Plan (AMP) relating to waterfowl be revised to provide a more specific commitment to preserving waterfowl habitat and maintaining waterfowl, raptor, and wading bird populations.

As indicated in the Responses to Comments (RTC) document (page 3.1.1-11), specific content of the AMP would be developed through consultation with state and federal resources agencies and, once PV Water has a clear understanding of how permit obligations will be incorporated into the AMP, through consultation with College Lake stakeholders. Development of the AMP will include development of specific objectives and (for each specific objective) monitoring criteria, data gathering methods, evaluation procedures and action triggers (see pp. 3.1.1-12 -3.1.1-13 of the RTC document). In addition, PV Water staff believes that the proposed language on “acquisition of off-site wetlands for compensatory mitigation” is not necessary in light of the analysis in the Final EIR.

3. The letter requests refining language relating to the AMP process and Technical Advisory Committee.

PV Water committed to implementing the AMP in 2014 and reiterates that commitment with adoption of the Mitigation Monitoring and Reporting Program included as Exhibit C. PV Water anticipates forming an advisory committee similar to the BMP Ad Hoc Committee (see pp. 3.1.1-7 – 3.1.1-8 of the RTC document) to facilitate development of the AMP. An “AMP Ad Hoc Committee” will require access to technical information to inform their recommendations. PV Water is committed to ensuring that an AMP Ad Hoc Committee will have access to such technical information, which may include members with specific technical expertise (e.g., wildlife biologists with expertise in fisheries and waterfowl). There have been numerous requests from stakeholders to be part of the AMP committee (local landowners, Watsonville Wetlands Watch, and the Santa Cruz County Flood Control and Water Conservation District Zone 7). Staff recommends revisiting this request until the Board takes action on the specific composition of the Committee (likely in early 2020).

4. The letter requests that a minimum threshold for funding for the AMP be set.

PV Water staff believes that this item requires further discussion and does not support revisions to the Final EIR to address budgeting considerations.

5. The letter provides a comment on water yields, and a comment on the Final EIR’s Response Busch-6. The letter contends that there is an inconsistency between the EIR’s analysis and statement on PV Water’s website.

In response, the impact evaluations of Project operations presented in the EIR are based on modeling of a range of hydrologic conditions (e.g., critically dry years, extremely wet years, years with late spring storms). Many of these impacts are driven by changes in water elevations over time and the duration of inundation; the impacts are not directly tied to yield (rather, yield estimates are an output of the modeling) and therefore the EIR’s analysis also is not directly tied to yield. For this reason, staff does not recommend adoption of the suggestion that new environmental review be triggered if annual yields exceed the estimates presented in the EIR.

Regarding the information resented on the Agency's website, PV Water staff has updated the referenced text (which is drawn from the BMP Update Report) with information from the EIR to indicate that the anticipated average annual yield for the Project is 1,800 to 2,300 acre feet per year.

The Sierra Club letter does not constitute significant new information requiring recirculation of the Final EIR prior to certification. (CEQA Guidelines §15088.5.)