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**San Clemente Dam Seismic Safety Project  
California State Clearinghouse #2005091148****Findings on Environmental Impacts**

The Department of Water Resources (DWR), acting as a lead agency, makes the following findings in response to the potentially significant effects on the environment identified and analyzed in the Final Supplement to the Environmental Impact Report (Final SEIR) for the San Clemente Dam Seismic Safety Project (Project).

These findings are made with regard to the potentially significant effects on the environment identified and analyzed in the Final Supplement to the Environmental Impact Report (Final SEIR) for the San Clemente Dam Seismic Safety Project (Project). The Final SEIR evaluated environmental impacts that are new or modified under Alternative 3 (Carmel River Reroute and Dam Removal) based on changes made to the project since the NOD for the EIR/EIS was adopted. Findings on environmental impacts for Alternative 3 that were not changed by the revised Alternative 3 remain in effect as adopted for the final EIR/EIS.

Table 1 lists impacts in the order in which they are discussed in the Draft SEIR, and indicates where they are discussed in the findings. Findings for impacts that cannot be reduced to a less than significant level are discussed in Part I.A and impacts that will be rendered less than significant with mitigation are discussed in Part I.B. Impacts that are determined to be less than significant are not discussed within these findings. Findings regarding alternatives to the project are contained in Part II. Discussions of the environmental impacts and mitigation measures contained in these findings paraphrase language in the Final SEIR (the language of the Final SEIR governs).

A Statement of Overriding Considerations for significant and unavoidable impacts is contained in Exhibit C. The specific mitigation measures that are within the responsibility and jurisdiction of the Department are also included in the MMRP found in Exhibit D. Implementation of this MMRP shall be accomplished by the CAW and its agents.

The revised project, as described in the Final EIR, results in changes to impacts and mitigation for those impacts, and in some cases results in changes to the determination of significance for those impacts relative to the Final EIR/EIS. The following impacts are changed as described below:

**1. Impacts that are new to the Final SEIR:**

- Issue WI-14: Increased traffic on Cachagua/Jeep Trail (*Determination: less than significant with mitigation, short-term*).
- Issue WI-15: Nighttime Work and Associated Lighting (*Determination: less than significant, with mitigation, short-term*).
- Issue AQ-1a: Screening Plant Operation (*Determination: less than significant, short-term [screening plant only]; significant, unavoidable, short term when combined with all construction emissions*).
- Issue AQ-3a: Project Generated Traffic - Additional Truck Trips (*Determination: less than significant, short-term*).
- Alternative 3 Project-Generated Emissions: Short-term GHG emissions from off-road and on-road equipment and vehicle use during Alternative 3 project activities (*Determination: less than significant, short-term*).

- Issue TC-8: Delays to Emergency Vehicles (*Determination: less than significant with mitigation*).
- Issue VQ-5a: Changes to Viewsheds near or on the Jeep Trail (*Determination: significant and unavoidable short-term impact*).
- Issue VQ-6: Light and Glare from Nighttime Construction Activities (*Determination: significant, unavoidable, short-term*).
- Issue REC-5: Delays for Motorists Travelling to Los Padres National Forest (*Determination: significant, unavoidable, short term*).

2. Impacts that were determined in the Final SEIR to increase in severity relative to the determination made in the Final EIR/EIS:

- Issue VQ-2: Changes to the Viewsheds from Residences Adjacent to the CVFP and the San Clemente Dam (Previous Determination: short-term, less than significant. *Current Determination: significant and unavoidable*).

3. Impacts that were determined in the Final SEIR to decrease in severity relative to the determination made in the Final EIR/EIS :

- Issue FI-2: Dewatering River Channels for Construction Purposes (Previous Determination: short-term significant, unavoidable. *Current Determination: less than significant with mitigation, short-term*).
- Issue FI-4: Diversion of Carmel River and San Clemente Creek around San Clemente Reservoir for Construction Purposes (Previous Determination: short-term, significant, unavoidable. *Current Determination: less than significant with mitigation short-term*).
- Issue FI-5: Reservoir Dewatering (Previous Determination: short-term, significant, unavoidable. *Current Determination: less than significant with mitigation short-term*).
- Issue FI-13: Stream Sediment Removal, Storage, and Associated Restoration (Previous Determination: short-term, significant, unavoidable. *Current Determination: less than significant with mitigation significant short-term*).
- Issue WI-3: Cofferdam Construction and Plunge Pool Dewatering (Previous Determination: short-term, significant, unavoidable. *Current Determination: less than significant with mitigation short-term*).
- Issue WI-10: Reservoir Drawdown or Elimination with Sediment Removal (Previous Determination: short-term, significant, unavoidable. *Current Determination: less than significant with mitigation*).
- Issue WI-11: Sediment Removal (Previous Determination: short-term, significant, unavoidable. *Current Determination: less than significant with mitigation short-term*).
- Issue WI-13: Bypass Channel Excavation (Previous Determination: long-term, significant, unavoidable. *Current Determination: less than significant with mitigation*).
- Issue AQ-2: Access Road Upgrades (Previous Determination: significant, unavoidable, short-term. *Current Determination: short-term, less than significant with mitigation*).

4. Issues where the description of the impact or mitigation in the Final SEIR is different from that than in the Final EIR/EIS, although the significance determination for each issue is unchanged:

- Issue GS-4: Soil Erosion
- Issue WQ-2: Instream, Streambank, and/or Stream Margin Construction Activities
- Issue WQ-9: Reservoir Drawdown
- Issue FI-1: Access Route Improvements
- Issue VE-1: Special-Status Plant Species
- Issue VE-2: Loss of Protected Oak Woodland
- Issue VE-3: Loss of Other Native Vegetation
- Issue WI-8: Vegetation Removal and Construction-related Disturbances
- Issue WI-9: Pre-existing Access Road Improvements
- Issue WET-1: Permanent Loss of Wetlands and Other Waters of the U.S.
- Issue WET-2: Short-term Disturbance of Wetlands and Other Waters of the U.S.
- Issue WET-3: Indirect Impacts to Wetlands and Other Waters of the U.S.
- Issue AQ-1: Dam Site Activities
- Issue NOI-1: Dam Site Activities
- Issue NOI-2: Access Road Upgrades
- Issue NOI-3: Project-generated Traffic
- Issue TC-1: Road Segment Traffic Operations
- Issue TC-3a: Traffic Safety Carmel Valley Road
- Issue TC-7: Pavement Loadings
- Issue CR-1: Ground Disturbance
- Issue CR-4: Demolition or Alteration to Historic Properties
- Issue REC-2: Disruption of Use of Jeep Trail to Stone Cabin

**TABLE 1.** Potentially significant impacts discussed in the Draft SEIR

<b>Impact Issue</b>	<b>Impact Determination</b>	<b>Findings Page</b>
<b>SEIR Section 4.1 Geology and Soils</b>		
GS-4	less than significant with mitigation	6
<b>SEIR Section 4.3 Water Quality</b>		
WQ-2	less than significant with mitigation	6
WQ-9	significant and unavoidable even with mitigation	20
<b>SEIR Section 4.4 Fisheries</b>		
FI-1	less than significant with mitigation	7
FI-2	less than significant with mitigation	7
FI-4	less than significant with mitigation	8
FI-5	less than significant with mitigation	9
FI-13	less than significant with mitigation	9
<b>SEIR Section 4.5 Vegetation and Wildlife</b>		
VE-1	less than significant with mitigation	10
VE-2	less than significant with mitigation	10
VE-3	less than significant with mitigation	10
WI-3	less than significant with mitigation	11
WI-8	less than significant with mitigation	11
WI-9	less than significant with mitigation	12
WI-10	less than significant with mitigation	13
WI-11	less than significant with mitigation	13
WI-13	less than significant with mitigation	14
WI-14	less than significant with mitigation	14
WI-15	less than significant with mitigation	15
<b>SEIR Section 4.6 Wetlands</b>		
WET-1	less than significant with mitigation	15
WET-2	less than significant with mitigation	16
WET-3	less than significant with mitigation	16
<b>SEIR Section 4.7 Air Quality</b>		
AQ-1	significant and unavoidable even with mitigation	20
AQ-1a	significant and unavoidable when combined with all construction emissions	20
AQ-2	less than significant with mitigation	17
AQ-3a	less than significant with mitigation	17
<b>SEIR Section 4.7a Greenhouse Gas Emissions</b>		
Alternative 3 Project-generated Emissions	less than significant with mitigation	18

Impact Issue	Impact Determination	Findings Page
<b>SEIR Section 4.8 Noise</b>		
NO-1	significant and unavoidable even with mitigation	21
NO-2	significant and unavoidable even with mitigation	21
NO-3	significant and unavoidable even with mitigation	21
<b>SEIR Section 4.9 Traffic and Circulation</b>		
TC-1	significant and unavoidable even with mitigation	22
TC-3a	less than significant with mitigation	18
TC-7	less than significant with mitigation	18
TC-8	less than significant with mitigation	19
<b>SEIR Section 4.10 Cultural Resources</b>		
CR-1	less than significant with mitigation	19
CR-4	significant and unavoidable even with mitigation	22
<b>SEIR Section 4.11 Visual Resources (Aesthetics)</b>		
VQ-2	significant and unavoidable cannot mitigate	22
VQ-5a	significant and unavoidable even with mitigation	23
VQ-6	significant and unavoidable even with mitigation	23
<b>SEIR Section 4.12 Recreation</b>		
REC-2	significant and unavoidable even with mitigation	23
REC-5	significant and unavoidable even with mitigation	23

The San Clemente Dam Seismic Safety Project final EIR/EIS and final SEIR is comprised of the Draft EIR/EIS (DEIR/EIS), the Final EIR/EIS (FEIR/EIS), the draft SEIR, the final SEIR and related appendices. The final EIR/EIS and final SEIR includes a list of persons, organizations and public agencies that commented on the DEIR/EIS and draft SEIR, comments and recommendations received on the DEIR/EIS and draft SEIR either verbatim or in summary, and the Department's responses to significant environmental points raised in the review and consultation process.

The custodian and location of the final EIR/EIS, the final SEIR, and other documents or other materials which constitute the record of the proceedings is:

California Department of Water Resources  
Division of Safety of Dams  
2200 X Street  
Sacramento, CA 95818

## PART IA

### Potentially Significant Impacts Reduced to a Less Than Significant Level by Mitigation Measures Incorporated into the Carmel River Reroute and Dam Removal Project

#### 4.1 GEOLOGY AND SOILS

##### **GS-4: Soil Erosion**

Blasting of canyon walls at select locations adjacent to the low and high roads would be required to widen roadways for equipment access. Road improvements immediately upslope of the river or where vegetation may be removed to accommodate road widening or new road construction could cause localized changes in drainage patterns which could result in erosion and introduction of sediment or rock into the stream channel. Construction along steep hillslopes and banks adjacent to watercourses could affect water quality by increasing turbidity or by introducing foreign material and construction debris. Road construction activities could alter drainage patterns, initiate slope instability, accelerate erosion, and discharge sediment to stream channels. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR, see Section 4.1, page 4.1-17<sup>1</sup>, the Alternative 1 discussion on pages 4.1-15, 4.1-16, and page 4.1-17, and Appendix K in the final EIR/EIS).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure GS-4 requiring the stabilization of sediment slopes with rock and clean concrete, use of in-situ treatments, construction of channels to route storm flows, and the implementation of standard erosion control methods and BMPs on both the upslope and downslope sides of all construction zones. BMPs would be customized to address site-specific conditions encountered on the steep slopes that adjoin the river. Erosion control measures included in the SWPPP (Appendix K in the final EIR/EIS) will be implemented.

#### 4.3 WATER QUALITY

##### **WQ-2: Instream, Streambank, and/or Stream Margin Construction Activities**

Construction activities and use of machinery, equipment and workers in the streambed or in vicinity of a stream, may cause erosion of the streambank and soils of the stream margins, deposition of rock debris in the stream, and increased turbidity. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR, see Section 4.3, page 4.3-49, 4.3-50, and 4.3-51, and Appendix K in the final EIR/EIS).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure WQ-2 requiring implementation of erosion control measures identified in the SWPPP (Appendix K in the final EIR/EIS), and revegetation of stream margins with native species as identified in the Botanical Resources Management Plan (Appendix U in the final SEIR). The SWPPP may be modified during consultation with the CCRWQCB and other permitting agencies to include additional provisions to prevent impacts due to erosion and sediment input to protect streams from construction/deconstruction activities.

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<sup>1</sup> Pages for the Final SEIR are based on the version prepared for certification. Pagination may change slightly during publication.

## **4.4 FISHERIES**

### **FI-1: Access Route Improvements**

Road improvements along the Carmel River between the Sleepy Hollow Ford and OCRD, on the Cachagua Access Route, at Bridge 529, on Tassajara Road, and on the Jeep Trail would affect aquatic habitat through removal of riparian vegetation reducing shading and food resources. Short-term impacts may be caused by sedimentation and increased turbidity along the Carmel River from OCRD downstream to the Sleepy Hollow Ford. Road widening activities along the Carmel River would potentially expose rearing juvenile steelhead along about a third of Reach 4 to increases in suspended sediment. Reduction of riparian habitat would reduce the amount of shading along the river and reduce the source of terrestrial insects as a food resource for juvenile steelhead along Reach 4 of the Carmel River. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR see Section 4.4, page 4.4-85 and 4.4-86, and Appendix U, and in Final EIR/EIS, the Alternative 1 discussion on page 4.4-71, the Proponent's Proposed Project discussion on pages 4.4-53, 4.4-54, and 4.4-55, and Appendix K).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure FI-1 requiring implementation of BMPs for riparian vegetation, identified in the Botanical Resources Management Plan (Appendix U in the SEIR). Water quality will be protected during construction by implementing measures in the SWPPP (Appendix K in the final EIR/EIS). When construction is complete, revegetate stream margins with native species as described in Appendix U in the final SEIR.

### **FI-2: Dewatering River Channels for Construction Purposes**

The plunge pool and about 400 feet of channel immediately downstream of the SCD would be dewatered to facilitate dam removal. Rearing habitat supporting about 270 juvenile steelhead would be lost in the plunge pool and river channel. Approximately 100 feet of Cachagua Creek would also be dewatered during construction for up to three months for the retrofit of the existing Bridge 529. The reach of Cachagua Creek containing Bridge 529 provides rearing habitat for juvenile steelhead. Loss of rearing habitat would occur over a portion of two construction seasons. (In the final SEIR see section 4.4, page 4.4-86 and 4.4-87; in the final EIR/EIS see the Alternative 2 discussion on pages 4.4-76, and the Proponent's Proposed Project discussion on pages 4.4-55 and 4.4-56).

**Finding:** In the final EIR/EIS the impact determination for FI-2 was *short-term, significant, unavoidable*. However, species listed as threatened or endangered species under the federal and state Endangered Species Acts are afforded the highest of priorities under state and federal law. Under CEQA, certain impacts to endangered, rare or threatened species trigger a mandatory finding of significance, significant impacts to state and federally listed endangered or threatened species must be mitigated in compliance with conditions imposed by the relevant resource agencies as a condition of incidental take authorization for the project.

Compliance with measures that are part of any incidental take authorization will be a condition of undertaking the project. The project will not proceed without appropriate take authorization, and will adhere to all measures incorporated into that authorization. Because the resource agencies are given authority to determine such measures for the benefit of threatened or endangered species, compliance with such measures, combined with mitigation measures adopted for the project, will reduce the net impact to the listed species to less than significant.

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and final SEIR. The impact is

substantially lessened by adoption of Mitigation Measure FI-2 requiring that stream flow from the Carmel River upstream of SCD be diverted around the plunge pool and the section of the river to be dewatered. Mitigation will also be provided during construction at Bridge 529 by installation of cofferdams to divert water to one side of the channel so construction can occur in the dewatered section of streambed. Once work is complete on the first side of the bridge, the cofferdam will be removed and reinstalled to divert water to the other side of the channel so work can be conducted in the dewatered side of the streambed. Once flow is diverted out of the channel, water levels will be reduced in the plunge pool and other sections of the river.

After water levels are lowered, fish rescues will be undertaken to capture and relocate fish from the affected reaches and relocate them to sections of the Carmel River and Cachagua Creek that would support their growth and development. Fish rescues will continue until all possible fish are removed from the dewatered reach. Captured fish will be temporarily held in aerated coolers for transport to relocation sites.

Although implementation of these measures cannot guarantee the survival of all fish, adoption of measures approved by NMFS and CDFG for the benefit of steelhead will reduce the overall impact to that species to less than significant. Adoption of measures that will avoid significant impacts to steelhead will probably also reduce the overall impact to any non-listed species to less than significant.

#### **FI-4: Diversion of Carmel River and San Clemente Creek around San Clemente Reservoir for Construction Purposes**

The Carmel River and San Clemente Creek would be diverted around San Clemente reservoir and dam site. The Carmel River would be diverted out of its channel for about 3,300 feet upstream of the SCD and about 1,350 feet for San Clemente Creek. Both stream channels would be out of production for two years. Loss of seasonal rearing habitat would affect an unknown number of juvenile steelhead rearing in the reservoir. (In the final SEIR see section 4.4, pages 4.4-87 and 4.4-88; in the final EIR/EIS see the Alternative 2 discussion on page 4.4-77, the Alternative 1 discussion on page 4.4-72, and the Proponent's Proposed Project discussion on pages 4.4-57 and 4.4-58).

**Finding:** In the final EIR/EIS the impact determination for FI-4 was *short-term, significant, unavoidable*. However, species listed as threatened or endangered species under the federal and state Endangered Species Acts are afforded the highest of priorities under state and federal law. Under CEQA, certain impacts to endangered, rare or threatened species trigger a mandatory finding of significance, significant impacts to state and federally listed endangered or threatened species must be mitigated in compliance with conditions imposed by the relevant resource agencies as a condition of incidental take authorization for the project.

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and final SEIR. The impact has been reduced by adoption of Mitigation Measure FI-4 which requires that fish be rescued from the area of the diversion sites prior to constructing the diversion structures. Once the sheet piles are installed and the diversion pipes connected, water will be diverted into the pipes. Flow in the river channel downstream of the diversion will be reduced and the reduction in flow would facilitate fish rescues. After water levels are lowered, a fish rescue will occur in the Carmel River and San Clemente Creek channels between the diversion point and the reservoir. Rescues will capture and relocate fish from the affected reaches and relocate them to sections of the Carmel River that will support their growth and development, and will continue until all possible fish are removed from the dewatered reach. Captured fish will be temporarily held in aerated coolers for transport to relocation sites.

Compliance with measures that are part of any incidental take authorization will be a condition of undertaking the project. The project will not proceed without appropriate take authorization, and will adhere to all measures incorporated into that authorization. Because the resource agencies

are given authority to determine such measures for the benefit of threatened or endangered species, compliance with such measures, combined with mitigation measures adopted for the project, will reduce the net impact to the listed species to less than significant.

#### **FI-5: Reservoir Dewatering**

The reservoir would be lowered to 510 feet elevation. The estimated drawdown rate would exceed 4 feet per day. Lowering the water level would create a shallow, warm pool of standing water behind the dam with an estimated maximum depth of about five feet. The water level would be lowered to the bottom of the dam once the intake gate is repaired. Construction dewatering would cause a loss of steelhead and a short-term loss of steelhead rearing habitat in the reservoir. (In the final SEIR see section 4.4, pages 4.4-88 and 4.4-90; in the final EIR/EIS see the Proponent's Proposed Project discussion on pages 4.4-58 and 4.4-59).

**Finding:** In the final EIR/EIS the impact determination for FI-5 was *short-term, significant, unavoidable*. However, species listed as threatened or endangered species under the federal and state Endangered Species Acts are afforded the highest of priorities under state and federal law. Under CEQA, certain impacts to endangered, rare or threatened species trigger a mandatory finding of significance, significant impacts to state and federally listed endangered or threatened species must be mitigated in compliance with conditions imposed by the relevant resource agencies as a condition of incidental take authorization for the project.

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and final SEIR. The impact has been reduced by adoption of Mitigation Measure FI-5 which requires installation of nets and fish traps across the channels leading into the reservoir to prevent fish from swimming upstream into the Carmel River and San Clemente Creek. A fish rescue will occur in the reservoir during drawdown. Rescued fish will be relocated to other suitable habitat downstream of OCRD in the Carmel River.

Although implementation of these measures cannot guarantee the survival of all fish, adoption of measures approved by NMFS and CDFG for the benefit of steelhead will reduce the overall impact to that species to less than significant. Adoption of measures that will avoid significant impacts to steelhead will probably also reduce the overall impact to any non-listed species to less than significant.

#### **FI-13: Stream Sediment Removal, Storage, and Associated Restoration**

About 2,200 feet of San Clemente Creek would become the Carmel River including about 850 feet of channel currently submerged in the reservoir in the San Clemente arm. The Carmel River would change in length from about 3,000 feet to 2,650 feet, a reduction of about 350 feet. San Clemente Creek would lose 1,350 feet of channel from the reservoir upstream to the confluence with the realigned Carmel River channel. There would be a net loss of about 1,700 feet of channel. Accumulated sediment would be excavated from about 800 feet of the existing San Clemente Creek channel. About 3,600 feet of the present Carmel River channel upstream of the SCD would be permanently lost to sediment storage. A temporary loss of habitat for steelhead and other aquatic species would result in the reservoir and in both channels during construction. The Carmel River and San Clemente Creek would not support conditions for rearing steelhead throughout project construction. (In the final SEIR see section 4.4, pages 4.4-90, 4.4-91, and 4.4-92).

**Finding:** In the final EIR/EIS the impact determination for FI-13 was *short-term, significant, unavoidable*. However, species listed as threatened or endangered species under the federal and state Endangered Species Acts are afforded the highest of priorities under state and federal law. Under CEQA, certain impacts to endangered, rare or threatened species trigger a mandatory finding of significance, significant impacts to state and federally listed endangered or threatened species must be mitigated in compliance with conditions imposed by the relevant resource agencies as a condition of incidental take authorization for the project.

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and final SEIR. The impact has been reduced by adoption of Mitigation Measure FI-13 which requires construction of a new channel for the Carmel River through the diversion bypass channel between the Carmel River and San Clemente Creek, and down the San Clemente Creek arm. The new configuration would include about 300 feet of constructed channel through the bypass, and about 2,200 feet of newly constructed channel in the existing San Clemente Creek arm. Channel restoration activities will include excavation and placement of gravel, cobble, and boulder materials salvaged during sediment removal. Habitat in the restored channels will be revegetated with native trees and shrubs. The SCD will be removed, restoring unimpaired fish access past the SCD site to the upper watershed and substantially restoring sediment transport to the lower river.

Implementation of these measures, combined with any measures required by NMFS and CDFG for the benefit of steelhead will reduce the overall impact to that species to less than significant. Adoption of measures that will avoid significant impacts to steelhead will probably also reduce the overall impact to any non-listed species to less than significant.

#### **4.5 VEGETATION AND WILDLIFE**

##### **VE-1: Special-Status Plant Species**

Populations of special-status plant species are located in the project area, including along the existing Jeep Trail and in the area of the diversion dike, and could be impacted by construction activities. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR see Section 4.5, pages 4.5-67, and in the final EIR/EIS see the Proponent's Proposed Project discussion on page 4.5-33).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure VE-1 requiring that, to the extent possible, populations of CNPS List 4 species will be avoided during construction activities.

##### **VE-2: Loss of Protected Oak Woodland**

Construction activities, including revised access road improvements, could result in loss of approximately 18 acres of oak woodlands protected by the Monterey County Oak Protection Ordinance. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR, see Section 4.5, page 4.5-67, and Appendix U; in the final EIR/EIS see the Proponent's Proposed Project discussion on pages 4.5-33 and 4.5-34).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure VE-2 requiring that impacts to oak trees be avoided by confining access improvement activity in the vicinity of the oak woodlands. Measures in the Botanical Resources Management Plan (Appendix U in the final SEIR) will be finalized and implemented including elements from the Monterey County Oak Protection Ordinance.

##### **VE-3: Loss of Other Native Vegetation**

Project activities, including the revised access road improvements on Cachagua Road, the Jeep Trail, at Bridge 529, and the Reservoir Access Road, are expected to result in loss of native vegetation, including several types of sensitive riparian habitat and oak woodland habitat. The impact or mitigation for this

issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR, see Section 4.5, pages 4.5-67 and 4.5-68, and Appendix U; in the final EIR/EIS see the Proponent's Proposed Project discussion on pages 4.5-34, 4.5-35, 4.5-37, and 4.5-38).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure VE-3 requiring that the proposed access road improvements, laydown areas, plunge pool, and staging areas be designed to minimize loss of native vegetation. Unnecessary clearing of, or disturbance to, native vegetation outside of the road right-of-way will be avoided. Fencing will be used to prevent encroachment of vehicles or project activity into undisturbed native habitat or within the dripline of native trees outside of designated areas. Project outflows will be designed to diffuse water rather than allow it to flow out in a concentrated stream, and will be placed to minimize bank erosion. Supplemental irrigation will be provided to alders around the reservoir fringe when the reservoir is dewatered and to riparian vegetation above the bypass outflow. Measures in the Botanical Resources Management Plan (Appendix U in the final SEIR) will be implemented.

### **WI-3: Cofferdam Construction and Plunge Pool Dewatering**

Construction of a cofferdam and subsequent draining of the plunge pool could adversely affect any CRLF, western pond turtles and other special-status species. (In the final SEIR see section 4.5, page 4.5-66, and Appendix V; in the final EIR/EIS, see the Proponent's Proposed Project discussion on pages 4.5-40, 4.5-41, 4.5-42, and 4.5-43).

**Finding:** In the final EIR/EIS the impact determination for WI-3 was *short-term, significant, unavoidable*. However, species listed as threatened or endangered species under the federal and state Endangered Species Acts are afforded the highest of priorities under state and federal law. Under CEQA, certain impacts to endangered, rare or threatened species trigger a mandatory finding of significance. Significant impacts to state and federally listed endangered or threatened species must be mitigated in compliance with conditions imposed by the relevant resource agencies as a condition of incidental take authorization for the project.

Under California law, fully protected species may not be taken or possessed, and no state law may be construed to authorize the issuance of a license or permit for their take. CDFG will be consulted with regard to any fully protected species determined to be in the area, and will develop a plan acceptable to CDFG to avoid those species.

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and final SEIR. The impact has been reduced by adoption of Mitigation Measure WI-3 which requires pre-construction surveys, the capture and relocation of CRLF, western pond turtles, two-striped garter snakes, and other special-status species, and a bullfrog eradication program.

In addition to these mitigation measures, additional mitigation and monitoring measures may be required by CDFG and USFWS for the protection of special status species that may be affected by the project. All such measures will be incorporated into the project as required by the agencies with regulatory authority over the species.

### **WI-8: Vegetation Removal and Construction-Related Disturbance**

Potential impacts to special-status birds (including those listed as fully protected, endangered, threatened, species of special concern, or those protected under the Migratory Bird Treaty Act) could occur during vegetation removal and other construction activities. Potential impacts include disturbance to breeding individuals during the nesting season, particularly if nests occur in or adjacent to the

construction sites, direct loss of eggs or nestlings; indirect displacement from increased noise and human presence in the vicinity of the construction activity; and a reduction in foraging habitat. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR, see Section 4.5, page 4.5-69 and 4.5-70).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final SEIR. The impact is substantially lessened by adoption of Mitigation Measure WI-8 requiring that vegetation removal be accomplished outside of the nesting season between September 15 and February 1. If any vegetation removal must be conducted between February 1 and September 15, protocol-level pre-construction surveys for breeding birds will be conducted by a qualified wildlife biologist. Project applicant and the qualified wildlife biologist will coordinate specific survey details with CDFG and the USFWS before any vegetation removal or construction occurs. If active nests are found, CDFG, and the USFWS will be contacted. Nests will be protected by a one-half mile no disturbance buffer and the nests will be monitored by a qualified wildlife biologist until the young have fledged and are no longer dependent on parental care for survival. If California fully protected species, such as bald eagle, golden eagle, or white-tailed kite, are identified, CDFG will be consulted. The project would not proceed until mitigation and monitoring measures recommended to avoid the take of such species had been incorporated into the project. If nests of other protected bird species are found, no-disturbance will be coordinated with CDFG and USFWS until the eggs the nestlings are fledged and no longer dependent on parental care for survival.

In addition to these mitigation measures, additional mitigation and monitoring measures may be required by CDFG and USFWS for the protection of special status species that may be affected by the project. All such measures will be incorporated into the project as required by the agencies with regulatory authority over the species.

#### **WI-9: Pre-Existing Access Road Improvements**

Widening and improving the existing Jeep Trail, the Tassajara Road/ Cachagua Road access route, and improvements at Bridge 529 on Cachagua Creek could impact Monterey dusky-footed wood rat and other special-status wildlife species, including California tiger salamander. Potential impacts to special-status birds include disturbance during the nesting season. Impacts could include loss of eggs or nestlings, displacement due to increased noise and human presence in the vicinity of the nests, and a reduction in foraging habitat. Access road improvements will also result in permanent and short-term habitat losses. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR, see Section 4.5, page 4.5-70, 4.5-71, and 4.5-72 and Appendix V; in the final EIR/EIS see the Alternative 1 discussion on pages 4.5-52 and 4.5-53).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and in the final SEIR. The impact is substantially lessened by adoption of Mitigation Measure WI-9 requiring that tree and vegetation removal be restricted to the minimum amount necessary to allow access by construction vehicles. Pre-construction surveys of all access routes will be conducted by qualified wildlife biologists, to assess the presence or habitat use by any special-status wildlife species. Conduct pre-construction bat surveys, implement SWPPP measures, in wet conditions, conduct daily surveys at Bridge 529 and all drainage crossings, move sensitive species to suitable locations, conduct rescue and relocation according to agency protocols. Conduct surveys for CTS, maintain 50-ft buffer around potential burrows, escort night traffic during wet conditions, if needed, obtain Incidental Take Permit. In consultation with the USFWS and CDFG, BMPs included in the Protection Measures for Special Status Species Plan (Appendix V in the SEIR), will be finalized and implemented to avoid or reduce impacts to special-status wildlife species habitat or individuals. In addition to these mitigation measures, additional mitigation and monitoring measures may be required by CDFG, USFWS, and NMFS for the protection of special status species that may be affected by the project. All such measures will be incorporated into the project as required by the agencies with regulatory authority over the species.

## **WI-10: Reservoir Drawdown or Elimination with Sediment Removal**

Reservoir drawdown may strand CRLF tadpoles from pool habitat and may isolate transformed and adult CRLF far enough from moisture sources to cause desiccation and death. As pools decline, CRLF and tadpoles may become increasingly vulnerable to predation as well as to weather extremes. The drawdown may also isolate western pond turtles and potentially impact juveniles by limiting available cover and forage. (In the SEIR, see Section 4.5, page 4.5-72, and Appendix V; in the Final EIR/EIS see the Alternative 1 discussion on pages 4.5-53 and 4.5-54).

**Finding:** In the final EIR/EIS the impact determination for WI-10 was *short-term, significant, unavoidable*. However, species listed as threatened or endangered species under the federal and state Endangered Species Acts are afforded the highest of priorities under state and federal law. Under CEQA, certain impacts to endangered, rare or threatened species trigger a mandatory finding of significance. Significant impacts to state and federally listed endangered or threatened species must be mitigated in compliance with conditions imposed by the relevant resource agencies as a condition of incidental take authorization for the project.

Under California law, fully protected species may not be taken or possessed, and no state law may be construed to authorize the issuance of a license or permit for their take. CDFG will be consulted with regard to any fully protected species determined to be in the area, and will develop a plan acceptable to CDFG to avoid those species.

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and final SEIR. The impact has been reduced by adoption of Mitigation Measure WI-10 which requires that CDFG and USFWS-approved biologists monitor and oversee all terrestrial wildlife-related activities associated with the drawdown and subsequent activities in the reservoir bed. The biologists and crew will rescue CRLF, tadpoles, and western pond turtle adults, juveniles and hatchlings from the inlet streams and pools in the sediment bed, and relocate them to appropriate nearby aquatic habitat within one mile of the San Clemente reservoir site. Other native wildlife taken incidentally during these operations will be transported to appropriate habitat (which may be the same sites selected for relocation of CRLF and tadpoles and western pond turtle juveniles and hatchlings). Rescue and relocation will continue throughout reservoir drawdown, vegetation clearing, and sediment excavation operations.

Adoption of measures approved by USFWS for the protection of CRLF populations will reduce the overall impact to that species to less than significant.

## **WI-11: Sediment Removal**

Removal of sediment from San Clemente Reservoir would adversely affect nearly all CRLF spawning and summer habitat within the reservoir. Some species loss would occur also occur during rescue and relocation of CRLF and tadpoles, Coast Range newt larvae, and western pond turtle juveniles and hatchlings from the sediment bed. Other losses would occur if individuals are missed during the rescue operation. (In the final SEIR see section 4.5, page 4.5-66 and Appendix V; in the Final EIR/EIS, see the Alternative 1 discussion on pages 4.5-54 and 4.5-55).

**Finding:** In the final EIR/EIS the impact determination for WI-11 was *short-term, significant, unavoidable*. However, species listed as threatened or endangered species under the federal and state Endangered Species Acts are afforded the highest of priorities under state and federal law. Under CEQA, certain impacts to endangered, rare or threatened species trigger a mandatory finding of significance. Significant impacts to state and federally listed endangered or threatened species must be mitigated in compliance with conditions imposed by the relevant resource agencies as a condition of incidental take authorization for the project.

Under California law, fully protected species may not be taken or possessed, and no state law may be construed to authorize the issuance of a license or permit for their take. CDFG will be consulted with regard to any fully protected species determined to be in the area, and will develop a plan acceptable to CDFG to avoid those species.

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and final SEIR. The impact has been reduced by adoption of Mitigation Measure WI-11 which requires that surveys be conducted, measures be implemented for Protection Measures for Special Status Species, that rescue and relocation actions be conducted, and that vegetation be removed using handheld tools.

Adoption of measures approved by USFWS for the protection of CRLF populations will reduce the overall impact to that species to less than significant.

### **WI-13: Bypass Channel Excavation**

Brushland and riparian habitat clearing and channel excavation would remove habitat for aquatic species including the CRLF, Coast Range newt and the western pond turtle. These activities may also affect other special-status terrestrial wildlife species, particularly the Monterey dusky-footed wood rat. (In the final SEIR see section 4.5, pages 4.5-72 and 4.5-73, and Appendix V).

**Finding:** In the final EIR/EIS the impact determination for WI-13 was *short-term, significant, unavoidable*. However, species listed as threatened or endangered species under the federal and state Endangered Species Acts are afforded the highest of priorities under state and federal law. Under CEQA, certain impacts to endangered, rare or threatened species trigger a mandatory finding of significance. Significant impacts to state and federally listed endangered or threatened species must be mitigated in compliance with conditions imposed by the relevant resource agencies as a condition of incidental take authorization for the project.

Under California law, fully protected species may not be taken or possessed, and no state law may be construed to authorize the issuance of a license or permit for their take. CDFG will be consulted with regard to any fully protected species determined to be in the area, and will develop a plan acceptable to CDFG to avoid those species.

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and final SEIR. The impact has been reduced by adoption of Mitigation Measure WI-13 which requires that surveys be conducted, measures be implemented from Protection Measures for Special Status Species, and that rescue and relocation actions be conducted.

Adoption of measures approved by USFWS for the protection of CRLF populations will reduce the overall impact to that species to less than significant.

### **WI-14: Increased traffic on Cachagua/Jeep Trail**

During construction, increased vehicle traffic along Cachagua Road could lead to increased mortality of species that may be crossing the roadway, such as California tiger salamander. (In the final SEIR see section 4.5, pages 4.5-73 and 4.5-74, and Appendix V).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final SEIR. The impact is substantially lessened by adoption of Mitigation Measure WI-14 requiring the avoidance of nighttime construction-related vehicle traffic during October-April in areas closest to potential suitable habitat for CTS. If construction-related travel must occur at night during rainy or wet conditions, a qualified biological monitor will conduct surveys to ensure no migrating CTS are on the route. The monitor would escort all project-related traffic travelling through potential CTS migration corridors after dark during wet or rainy

conditions. In addition to these mitigation measures, additional mitigation and monitoring measures may be required by CDFG and USFWS for the protection of special status species that may be affected by the project. All such measures will be incorporated into the project as required by the agencies with regulatory authority over the species.

#### **WI-15: Nighttime Work and Associated Lighting**

Sediment excavation in San Clemente Creek and work in the sediment stockpile area would occur at night, requiring lighting of the work area. Night work would occur in the area from SCD, upstream to the Diversion Dike and Bypass Channel areas. Although, lighting would be directed down at the work areas to the extent possible and would be shielded to direct light where needed to reduce sky glow and spillover, it is possible that nighttime lighting of the work area may illuminate adjacent habitat nesting sites used by wildlife.

Special-status species that this could affect include the fully-protected ringtail cat and state species of special concern including the Monterey dusky-footed woodrat, the American badger, and the Monterey vagrant shrew. In addition, nocturnal birds protected under the Migratory Bird Treaty Act, such as owls, could also be temporarily impacted in habitats near the work area. (In the final SEIR see section 4.5, pages 4.5-74 and 4.5-75).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final SEIR. The impact is substantially lessened by adoption of Mitigation Measure WI-15 requiring that lighting be directed downward and shielded to reduce light spillover onto adjacent wildlife habitats. Nighttime work will be conducted outside of the nesting season, if possible. However, if nighttime work must be conducted between February 1 and September 15, protocol-level pre-construction surveys for breeding birds will be conducted by a qualified wildlife biologist. If active nests are found, CDFG, and the USFWS will be contacted. Protect nests of California fully protected species by a one-half mile no disturbance buffer, monitor nests by a qualified wildlife biologist until the young have fledged and are no longer dependent on parental care for survival.

If nests of other protected bird species are found, no-disturbance buffers will be coordinated with CDFG and USFWS until the eggs the nestlings are fledged and no longer dependent on parental care for survival. Implementation of these mitigation measures, will reduce the impacts to less than significant. In addition to these mitigation measures, additional mitigation and monitoring measures may be required by CDFG and USFWS for the protection of special status species that may be affected by the project. All such measures will be incorporated into the project as required by the agencies with regulatory authority over the species.

#### **4.6 WETLANDS**

##### **WET-1: Permanent Loss of Wetlands and Other Waters of the U. S.**

Construction activities would result in the permanent loss of jurisdictional wetlands and Other Waters of the U.S. due to installation of the diversion dam and elimination of San Clemente Reservoir by removal of the SCD. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR, see Section 4.6, page 4.6-19 and 4.6-20, and Appendix U; in the final EIR/EIS, see the Proponent's Proposed Project discussion on pages 4.6-8 and 4.6-9).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure WET-1 requiring implementation of measures in the Botanical Resources Management Plan (Appendix U in the SEIR), including provisions for restoration, mitigation, and monitoring for wetlands and Other Waters affected by the project. Riparian and fringe palustrine emergent wetlands similar in function (streamside habitat) to the lost acreage would be created

or restored at a 1:1 ratio. Specifically, the wetlands that would be mitigated at a 1:1 ratio constitute approximately 3 acres of jurisdictional lacustrine, littoral, unconsolidated bottom wetlands and riverine, unconsolidated bottom wetlands currently located in San Clemente Creek and Carmel River arms of the reservoir, just upstream of the dam. The USACE has agreed that 1:1 mitigation for these wetlands would still achieve the goal of no net loss for these 2.95 acres of jurisdictional wetlands. Other agencies which have authority over wetlands habitats have been informed of this proposal and have informally indicated that their permits will likely reflect 1:1 mitigation for this 2.95 acres of wetlands. However, none of these agencies have made a final determination of the mitigation required. The project will incorporate any and all required measures, which may exceed 1:1 mitigation. Regardless of mitigation measures proposed by these agencies, the project will achieve at least 1:1 mitigation for wetlands impacts.

Grading will be conducted as necessary, and cuttings or seedlings will be placed in appropriate habitat under the supervision of a qualified botanist. Seedlings will be from Carmel Valley area populations. Replacement plantings will be monitored for at least five years. Seedlings will be replanted as necessary to ensure long-term survival. Impacts to Other Waters may be mitigated by stream channel improvements along the Carmel River upstream of the Project Area, or along other streams in the watershed. The project proponent may either conduct this restoration work or provide funding to other property managers for projects that restore natural channel conditions. Restoration may be conducted at sites in lands along the Carmel River owned by the Project Proponent or on appropriate streams elsewhere in the watershed. Restoration sites will be coordinated with the USACE and CDFG and will be conserved in perpetuity.

#### **WET-2: Short-term Disturbance of Wetlands and Other Waters of the U.S.**

Construction activities, including access road improvements along the Jeep Trail, Cachagua Road, the Reservoir Access Road, Plunge Pool Road and areas on Cachagua Creek, would result in the temporary filling or dewatering of fringe palustrine emergent wetlands and Other Waters of the U.S. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR see Section 4.6, pages 4.6-20 and 4.6-21 and Appendix U; in the final EIR/EIS see the Proponent's Proposed Project discussion on pages 4.6-8 and 4.6-9).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure WET-2 regarding the design of construction features and implementation of measures in the Botanical Resources Management Plan.

#### **WET-3: Indirect Impacts to Wetlands and Other Waters of the U.S.**

Construction activities that accelerate erosion and sedimentation could have indirect impacts on jurisdictional wetlands and Other Waters of the U.S. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final EIR/EIS see Section 4.6, page 4.6-15, the Proponent's Proposed Project discussion on pages 4.6-10 and 4.6-11 and Appendix K; in the final SEIR, see Appendix U).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and the final SEIR. The impact is substantially lessened by adoption of Mitigation Measure WET-3 requiring that road improvements be designed to avoid placing fill above canyon walls, and to avoid or minimize alterations of existing drainage patterns that could lead to increased erosion and sedimentation. Construction work will be scheduled to occur during the dry season. Mitigation measures applying to Impact Issue WET-1 (Permanent Loss of Wetlands and Other Waters of the U.S.) under Alternative 3 will also be implemented. In addition, cofferdams will be constructed of clean river-run gravel. They will be installed no earlier than May and removed in October. However, if existing flows are less than the 50 cfs bypass capacity, the cofferdams could be installed as early as April 15th or removed as late as November 30th. The plunge

pool staging area will be filled with spawning size gravel and topped with a visqueen liner and a layer of crushed rock and/or sand to create a working surface.

The riparian forest and any willows, alders, cottonwoods or sycamores removed by temporary filling of the plunge pool and access road will be replaced at a 3:1 ratio by placing cuttings or seedlings in appropriate habitat under the supervision of a qualified botanist. Seedlings would be replanted as necessary to ensure long-term survival (see mitigation for Impact Issue VE-3 in Section 4.5) and the Botanical Resources Management Plan (Appendix U in the final SEIR).

Standard erosion and sedimentation control BMPs will be implemented for all grading, filling, clearing of vegetation, or excavating that occurs in site preparation according to the Botanical Resources Management Plan (Appendix U in the final SEIR) and SWPPP (Appendix K in the final EIR/EIS). Areas where existing vegetation is removed outside of the roadway will be revegetated, according to the Botanical Resources Management Plan (Appendix U in the final SEIR).

#### **4.7 AIR QUALITY**

##### **AQ-2: Access Road Upgrades**

Construction activities during access road improvements could create a dust nuisance. (In the final SEIR see section 4.7, pages 4.7-36 through 4.7-38; in the final EIR/EIS, see the Proponent's Proposed Project discussion on pages 4.7-19, 4.7-20 and 4.7-21).

**Finding:** In the final EIR/EIS the impact determination for AQ-2 was *short-term, significant, unavoidable*. However, mitigated fugitive dust (PM<sub>10</sub>F) emissions (including emissions associated with the additional access road upgrades) were recalculated during preparation of the SEIR and are less than the MBUAPCD threshold of significance (82 lbs/day). Therefore, this impact would be less than significant with mitigation.

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and the final SEIR. The impact has been substantially lessened by adoption of Mitigation Measure AQ-2 requiring that crushed rock be used as a final base on unpaved roads; unpaved or unrocked roads, parking areas, and staging areas will be watered; water quality BMPs will be implemented to avoid introducing sediment into the river and creeks; non-toxic chemical stabilizers or dust suppressants will be applied to unpaved haul roads; as traffic and weather allow, as necessary, a street sweeper will be regularly used to prevent sediment accumulation on paved roads; a 15-mph speed limit will be enforced on all vehicles on unpaved haul roads; practical and cost-effective PM<sub>10</sub> controls will be implemented on access roads, including paving and coarse graveling, in addition to periodic watering, along with practical and cost-effective NO<sub>x</sub> controls for diesel vehicles and equipment; the Applicant will comply with all MBUAPCD permit requirements.

##### **AQ-3a: Project Generated Traffic-Additional Truck Trips**

Additional boulder and other materials for channel restoration will likely have to be imported from offsite sources. Approximately 160 truck trips would be necessary to import this material. Additional truck travel on the unpaved service road associated with Alternative 3 would sometimes be upwind of residential neighborhoods and, if not mitigated, could create the potential for dust nuisance complaints. (In the final SEIR see section 4.7, pages 4.7-38 and 4.7-39; in the final EIR/EIS, see the Proponent's Proposed Project discussion on pages 4.7-21, 4.7-22 and 4.7-23).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS and the final SEIR. The impact has been substantially lessened by adoption of Mitigation Measure AQ-2 requiring that crushed rock be used as a final base on unpaved roads; unpaved or unrocked roads, parking areas, and

staging areas will be watered; water quality BMPs will be implemented to avoid introducing sediment into the river and creeks; non-toxic chemical stabilizers or dust suppressants will be applied to unpaved haul roads; as traffic and weather allow, as necessary, a street sweeper will be regularly used to prevent sediment accumulation on paved roads; a 15-mph speed limit will be enforced on all vehicles on unpaved haul roads; practical and cost-effective PM<sub>10</sub> controls will be implemented on access roads, including paving and coarse graveling, in addition to periodic watering, along with practical and cost-effective NO<sub>x</sub> controls for diesel vehicles and equipment; the Applicant will comply with all MBUAPCD permit requirements.

#### **4.7a GREENHOUSE GAS EMISSIONS**

Alternative 3 Project-Generated Emissions: Short-term GHG emissions from off-road and on-road equipment and vehicle use during Alternative 3 project activities. (In the final SEIR see section 4.7a, pages 4.7a-12 through 4.7a-18).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final SEIR. The impact has been substantially lessened by adoption of mitigation measures requiring maximum on-road fuel efficiency; developing a VMT reduction plan; using carpools, vanpools, or shuttle services to reduce worker-related VMT; reducing unnecessary idling through use of auxiliary power units, electric equipment and enforcement of idling and speed limits; maintaining engines and equipment efficiently; implementing a construction and demolition plan that will result in at least 50 percent diversion through reuse or recycling of nonhazardous construction waste; hauling nonreusable materials to the nearest waste disposal facility.

#### **4.9 TRAFFIC AND CIRCULATION**

##### **TC-3a: Traffic Safety Carmel Valley Road**

Carmel Valley Road between Cachagua Road and Tassajara Road, Tassajara Road between Carmel Valley Road and Cachagua Road and Cachagua Road between Tassajara Road and the Jeep Trail would be used to transport large equipment and material via truck trailers and single-unit trucks. These roads have poor horizontal alignments, minimal shoulder width and narrow travel lanes in some locations. Alternative 3 could increase accident rates on these road segments. Cachagua Road would be used to transport aggregate to the project site for improvements to dam access roads. This segment of Cachagua Road also has an accident rate that exceeds the expected rate. Construction traffic on these roads could increase accident rates. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR, see Section 4.9, pages 4.9-59 and 4.9-60; in the final EIR/EIS see Section 4.9, page 4.9-46, the Alternative 1 discussion on pages 4.9-34 and 4.9-35, and the Proponent's Proposed Project discussion on pages 4.9-23 and 4.9-24).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure TC-3a requiring implementation of a trip reduction plan, a traffic coordination and communication plan, a traffic safety plan, and to pay for additional enforcement. Mitigation would include Carmel Valley Road extended to the segment between Cachagua Road and Tassajara Road. An improvement plan for widening roads, providing additional pavement, ensuring haul truck turning, verifying load carrying capacity of bridges and temporary or permanent improvements necessary to support equipment loads will be coordinated with Monterey County. Vehicles hauling equipment and material along the Tassajara access route to the Jeep Trail would be accompanied by pilot vehicles.

##### **TC-7: Pavement Loadings**

Project construction would cause pavement loading impacts. Pavement loadings would increase under the revised project. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR see Section 4.9, pages 4.9-60 and 61; in the final EIR/EIS see Section 4.9, page 4.9-46, and the Alternative 1 discussion on pages 4.9-40 and 4.9-41).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure TC-7 requiring that the applicant coordinate with local agencies to determine whether the proposed routes for truck travel are appropriate before beginning construction. The applicant will repair any damage to Carmel Valley Road east of Carmel Village and to Cachagua Road between Carmel Valley Road and the Jeep Trail, and will restore them to pre-project conditions immediately after construction has been completed.

#### **TC-8: Delays to Emergency Vehicles**

Fire stations are located between Carmel Valley Road and the Jeep Trail along the Tassajara/Cachagua Road access route. Emergency vehicles traveling along Tassajara Road and the southern portion of Cachagua Road to entrance of the Jeep Trail may experience delays during construction of road improvements and at times when trailer-trucks are transporting equipment or materials. Delays could affect both fire and law enforcement vehicles when construction vehicles are also on the roadway. Because of the narrowness of the access roads, and the size of construction vehicles, delays in emergency response could occur. (In the final SEIR see section 4.9, pages 4.9-61 and 4.9-62).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final SEIR. The impact is substantially lessened by adoption of Mitigation Measure TC-8 requiring that the applicant coordinate with Monterey County, Cachagua Fire District and Monterey Regional Fire District throughout Project construction; ensure that emergency vehicles will have priority to pass; provide turn-outs on Tassajara Road, Cachagua Road, and the Jeep Trail for use by construction equipment so emergency vehicles can pass; avoid work during peak traffic hours from 6:00 am to 8:30 am and from 3:30 pm to 6:00 pm; restrict hauling to between 9 am and 3 pm; coordinate with school bus schedules; restrict traffic to non-holiday weekdays; submit schedules to fire districts; give fire districts 24-hr contact names, phone numbers, and gate keys; maintain radio contact with fire districts throughout the project.

### **4.10 CULTURAL RESOURCES**

#### **CR-1: Ground Disturbance**

Construction activities and ground disturbance could damage or destroy archaeological resources. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR see Section 4.10, page 4.10-30 through 4.10-32; in the final EIR/EIS see the Proponent's Proposed Project discussion on pages 4.10-17, 4.10-21, and 4.10-22).

**Finding:** Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS. The impact is substantially lessened by adoption of Mitigation Measure CR-1 requiring the applicant to complete the Section 106 process, prepare a MOA, and following requirements in 36 CFR 800.13 in the event unanticipated impacts to historic properties occur after completion of the 106 process. Activities involving the "saddle" (the peninsula of land bordered to the east, north and west by the reservoir) could damage or destroy buried deposits in CA-MNT-1253 (BRM features) (AR-4), which has not been tested. The site will be protected by use of exclusion fencing. If avoidance is not possible, the SHPO will be contacted. Data recovery of the site may be required.

## PART IB

### Potentially Significant Impacts that Cannot be Reduced to a Less than Significant Level by Mitigation Measures Incorporated into Alternative 3 (Carmel River Reroute and Dam Removal)

#### 4.3 WATER QUALITY

##### **WQ-9: Reservoir Drawdown**

Lowering of water levels in the reservoir would cause increased turbidity and decreased dissolved oxygen. Installation of a sheetpile barrier in the reservoir and removal of sediments near the intake gate would increase turbidity. In addition to fine suspended solids, the release of stream channel porewater from the Carmel River and San Clemente Creek into the reservoir would cause iron oxidation to occur, further increasing turbidity and decreasing dissolved oxygen levels. During and following drawdown, movement of sediment previously deposited near the mouths of the Carmel River and San Clemente Creek could slump and shift into the reservoir. This sediment movement could cause further release of anaerobic porewater, resulting in lowered dissolved oxygen. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR see Section 4.3, pages 4.3-51 and 4.3-52).

**Finding:** The impact has been reduced by adoption of Mitigation Measure WQ-9 which requires the use of settling basins and filtration systems to treat ground and surface water pumped from reservoir by before water is discharged to the Carmel River. However, even with the mitigation discussed above, water quality degradation resulting from reservoir drawdown would remain significant and unavoidable.

#### 4.7 AIR QUALITY

##### **AQ-1: Dam Site Activities**

Construction activities would generate temporary emissions from diesel-powered equipment and road dust. For the revised project, approximately 314,000 cubic yards of additional sediment will be excavated and moved at the dam site and will cause an increase in emissions. Fugitive dust will exceed the Monterey Bay Air Pollution Control District (MBUAPCD) construction thresholds of significance for PM10. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR see Section 4.7, pages 4.7-32 through 4.7-35; in the final EIR/EIS see Section 4.7, pages 4.7-28 and 4.7-29, and the Proponent's Proposed Project discussion on pages 4.7-13, 4.7-14, 4.7-17, 4.7-18, and 4.7-19).

**Finding:** The impact has been reduced by adoption of Mitigation Measure AQ-1 which requires implementation of measures to control emissions and fugitive dust during construction will partially mitigate this impact. However, even with the mitigation discussed above, the short-term impact will remain significant and unavoidable.

##### **AQ-1a: Screening Plant Operation**

Channel restoration activities will include excavation and placement of gravel, cobble, and boulder materials salvaged during sediment removal. Excavated materials will be sorted at a screening plant located upstream of the diversion dike. The plant would occupy approximately 0.22 acres and would include a 200-horsepower diesel powered motor, vibrating screen, and conveyor to separate the sand, silt, gravel, cobbles, and boulders. Approximately 20,000 cubic yards of gravel, cobble, and boulder material would be processed and salvaged from the excavated sediment. Operation of the screening plant would add to the overall significant emissions generated by the project. (In the final SEIR see Section 4.7, pages 4.7-35 and 4.7-36).

**Finding:** The impact has been reduced by adoption of Mitigation Measure AQ-1 which requires implementation of measures to control emissions and fugitive dust during construction will partially mitigate this impact. However, even with the mitigation discussed above, the short-term impact will remain significant and unavoidable.

## **4.8 NOISE**

### **NO-1: Dam Site Activities**

Construction activities associated would cause short-term day and nighttime noise impacts. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the SEIR see Section 4.8, pages 4.8-23 through 4.8-26; in the final EIR/EIS see and the Proponent's Proposed Project discussion on page 4.8-10).

**Finding:** The impact has been reduced by adoption of Mitigation Measure NO-1, which specifies use of quiet-design equipment, mufflers, and enclosures, elimination of unnecessary idling, maintenance of equipment, and timing restrictions for equipment use. However, even with implementation of this mitigation, given the sparsely populated rural nature of the Project area, the impact will remain significant and unavoidable.

### **NO-2: Access Road Upgrades**

Road and bridge widening and improvements would generate noise detectable to sensitive receptors. Noise impacts may remain at a significant level for several weeks. Homes in the vicinity of the access road improvement locations on the southern arm of Cachagua Road may be exposed to temporary construction-related noise. The length of construction time would vary depending on the work being conducted. Grading and graveling at the locations near the intersection of Tassjara and Cachagua Roads would take less than one week, while improvements at the switchback locations and up to Bridge 529 could take up to two weeks. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR see Section 4.8, pages 4.8-31 and 4.8-32; in the final EIR/EIS see Section 4.8, page 4.8-19, and the Proponent's Proposed Project discussion on pages 4.8-11, 4.8-12, 4.8-13, and 4.8-14).

**Finding:** The impact has been reduced by adoption of Mitigation Measure NO-2 which requires the use and maintenance of quiet design construction equipment, the installation of engine enclosure panels, and the implementation of timing restrictions and limitations on equipment idling and limiting access road construction to the hours between 7:00 am and 6:00 pm. Implementation of these mitigation measures would reduce the impacts of noise generated during access road improvements, but the impact would remain significant and unavoidable.

### **NO-3: Project-Generated Traffic**

Typical project-generated traffic would be comprised of material delivery trucks, concrete-mixing trucks, and construction worker vehicles traveling to and from the site. Noise from construction-related traffic would occur both day and night. Noise levels at various times and at some locations may exceed the normally acceptable range or be more than 5 dBA above background. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the final SEIR see Section 4.8, page 4.8-32 through 4.8-34; in the final EIR/EIS see the Proponent's Proposed Project discussion on pages 4.8-14, 4.8-15, and 4.8-16).

**Finding:** The impact has been reduced by adoption of Mitigation Measure NO-3 which requires the use and maintenance of quiet design construction equipment, the installation of engine enclosure panels, implementation of timing restrictions and limitations on equipment idling, limiting night work to sediment

excavation at the SCD and reservoir sites, and limiting access road construction to the hours between 7:00 am and 6:00 pm. Night work would be limited to sediment excavation at the SCD and reservoir sites. Implementation of these mitigation measures would reduce the impacts of noise from construction related travel, but the impact would remain significant and unavoidable.

#### **4.9 TRAFFIC AND CIRCULATION**

##### **TC-1: Road Segment Traffic Operations**

Access improvements and construction use of the Jeep Trail and the new road connecting the Jeep Trail to the reservoir would add additional traffic to the roadway. During peak construction activity, it is estimated that 160 vehicle trips per day would be generated by Alternative 3, most of which would use the Jeep Trail between Cachagua Road and the new access road to the reservoir. Non-project traffic using the Jeep Trail would be subjected to delays. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the SEIR see Section 4.9, pages 4.9-50 through 4.9-54).

**Finding:** The impact has been reduced by adoption of Mitigation Measure TC-1 which requires implementation of a construction management plan and a traffic control plan, avoiding equipment trips during peak traffic hours between 6:00 am to 8:30 am and from 3:30 pm to 6:00 pm, coordination of equipment trips with local fire districts, and school bus schedules. Even with implementation of these measures, traffic delays to non-project related users may exceed 10 minutes; therefore the impact remains potentially significant and unavoidable.

#### **4.10 CULTURAL RESOURCES**

##### **CR-4: Demolition or Alteration to Historic Properties**

The OCRD and associated fish ladder would be altered due to proposed improvements to access roads to SCD. The SCD and associated fish ladder, and the Chemical Building/Instrument Hut would be demolished. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the SEIR see Section 4.10, page 4.10-30).

**Finding:** The impact has been reduced by adoption of Mitigation Measure CR-4 with the requirement to perform historic properties recordation and to complete HABS/HAER level documentation, and to incorporate any additional measures specified by the Section 106 MOA. However, even with implementation of these mitigation measures, the impact will remain significant and unavoidable.

#### **4.11 AESTHETICS**

##### **VQ-2: Changes to Viewsheds from Residences Adjacent to CVFP and SCD**

Residences located adjacent to the CVFP would not be impacted because no improvements to the CVFP access road would be needed under Alternative 3. However, residents near the Dam would have views of the construction activities during normal working hours and at night. (In the final SEIR see Section 4.11, pages 4.11-25 and 4.11-26).

**Finding:** Due to the location of the residences, construction activities at the dam would be in full view of the residence located adjacent to the SCD. Because of the close proximity of the residence to the dam site, and because construction activities occur could both day and night, there is no feasible way to reduce the impacts to the viewshed at this location.

#### **VQ-5a: Changes to Viewsheds near or on the Jeep Trail**

Approximately 2.3 miles of the Jeep Trail would be improved for construction access. During construction, owners of the Stone Cabin would have views of construction activities associated with the road improvements needed on the Jeep Trail for construction access, and would view construction equipment use, and other construction-related traffic, on the Jeep Trail. Construction use of the Jeep Trail would likely occur during both day and nighttime hours. Activities would require removal of trees and other vegetation, as well as some ground disturbance. Construction-related activities and traffic would substantially degrade the existing visual character or quality of the site and its surroundings during construction. (In the SEIR see Section 4.11, pages 4.11-26 and 4.11-27).

**Finding:** The impact has been reduced by adoption of Mitigation Measure VQ-5a with the requirement to revegetate disturbed areas near the Jeep Trail as specified in the Botanical Resources Management Plan (Appendix U in the final SEIR). With revegetation there would ultimately be no long-term impact to the viewshed, however, even with implementation of this measure, this impact would remain significant and unavoidable during construction.

#### **VQ-6: Light and Glare from Nighttime Construction Activities**

Construction activities at the Dam and reservoir site would occur at night, requiring lighting of the work area. Residents at the Dam Keeper's cottage would be directly affected by the project lighting. It is possible that residents in the surrounding area, such as Sleepy Hollow, the Stone Cabin, or Camp Stephanie, could perceive some light in the nighttime sky. (In the SEIR see Section 4.11, page 4.11-27).

**Finding:** The impact has been reduced by adoption of Mitigation Measure VQ-6 with the requirement to direct down towards the work areas to the extent possible, and would be shielded to reduce sky glow and spillover. However, even with implementation of this measure, this impact would remain significant and unavoidable during construction.

### **4.12 RECREATION**

#### **Issue REC-2: Disruption of Use of Jeep Trail to Stone Cabin**

During construction, use of the Jeep Trail would be disrupted for owners of the Stone Cabin due to access road improvements, construction equipment use, and other construction-related traffic. Access road construction would only occur during the daytime, but construction-employee traffic on the Jeep Trail would likely occur during both day and nighttime hours, when night excavation work at the SCD and reservoir is needed. Activities would require removal of trees and other vegetation, as well as some ground disturbance. Addition of construction-related activities and traffic during the course of project construction would disrupt Jeep Trail use. The impact or mitigation for this issue differs between the Final EIR/EIS and Final SEIR, but the significance determination is unchanged. (In the SEIR see Section 4.12, pages 4.12-12 and 4.12-13).

**Finding:** The impact has been reduced by adoption of Mitigation Measure REC-2 with the requirement to conduct access road construction during normal working hours. However, even with implementation of this measure, this impact would remain significant and unavoidable.

#### **Issue REC-5: Delays for Motorists Travelling to Los Padres National Forest**

Motorists traveling along Tassajara Road and the southern portion of Cahagua Road to entrance of the Jeep Trail may experience delays when slow-moving trucks transporting construction equipment or materials are using the road. Truck and other heavy equipment use on these roads would delay recreational, and other motorists, traveling to the Los Padres National Forest. These delays would be significant. (In the SEIR see Section 4.12, page 4.12-13).

**Finding:** The impact has been reduced by adoption of Mitigation Measure REC-5 with the requirement to avoid peak traffic hours between 6:00 am to 8:30 am and from 3:30 pm to 6:00 pm. The Project Applicant will prepare a Trip Reduction Plan, Traffic Coordination and Communication Plan, and a Traffic Safety Plan. These plans will be submitted to, and approved by Monterey County, prior to the start of construction. However, even with these measures, the impact would remain significant and unavoidable.

## PART II

### Findings Regarding Alternatives to the Project

CEQA requires that an EIR “describe a range of reasonable alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project...” [CEQA Guidelines §15126 (d)]. If a project alternative will substantially lessen the significant environmental effects of a proposed project, the decision maker should not approve the proposed project unless it determines that specific economic, legal, social, technological, or other considerations,... make the project alternative infeasible.” Public Resources Code §21002, CEQA Guidelines §15091(a)(3).

The findings on significant effects and mitigation showed that the following categories of effects will remain significant even after the imposition of mitigation:

- Hydrology and Water Resources
- Water Quality
- Air Quality
- Noise
- Traffic and Circulation
- Cultural Resources
- Aesthetics
- Recreation

Under CEQA, when an agency finds that feasible mitigation measures alone will not lessen one or more effects to a level of less than significant, the agency must make a finding on whether the alternatives examined in the EIR could eliminate or avoid the significant effect. DWR finds that none of the alternatives examined in the EIR/EIS or SEIR would be a feasible means to avoid or eliminate the remaining significant effects.

The EIR/EIS examined the following alternatives:

- Alternative 1. Dam Notching
- Alternative 2. Dam Removal
- Alternative 3. Carmel River Reroute and Dam Removal (the Project in the SEIR)
- Alternative 4. No Project
- Alternative 5. Dam Strengthening (not numbered, but described as the Proponent’s Proposed Project in the final EIR/EIS)

The need for the SCD Seismic Safety Project is to increase dam safety to meet current standards for withstanding a MCE and passing the PMF at the dam. The purposes and objectives for the project are to protect public safety, provide fish passage at the dam, maintain a CAW point of diversion on the Carmel River to support existing water supply facilities, water rights, and services, and to minimize financial impacts to CAW ratepayers. With the exception of No Project, all of the alternatives would eliminate safety risks associated with the MCE and PMF at the SCD and address the stated objectives. The No Project Alternative is not feasible because it fails to meet the need for the project to increase dam safety to meet current standards for withstanding a MCE and passing the PMF at the dam.

The Department finds that analysis of impacts and mitigation contained in the EIR/EIS and the SEIR (summarized in Chapter 2, Table 2.1) shows that the remaining project alternatives, Dam Strengthening (Proponent’s Proposed Alternative in the Final EIR/EIS), Dam Notching, Dam Removal, and the Carmel River Reroute and Dam Removal, would all entail some significant unavoidable and unmitigable environmental impacts. The Department finds that none of the alternatives is more environmentally

favorable than the others. The Department finds that no alternative can reduce all significant unavoidable and unmitigable impacts to a level that is less than significant and that implementation of the Carmel River Reroute and Dam Removal alternative will meet DSOD safety standards, through dam removal, and will satisfy the project objectives. The Department explains how it balances the benefits of the project against its unavoidable environmental risk in Exhibit C - Statement of Overriding Considerations. The discussion below provides more detail on each alternative and on the significant unavoidable and unmitigable environmental impacts.

During the EIR/EIS process, the project proponent (CAW) identified Dam Strengthening as the Proponent's Proposed Project, which was identified as such in the final EIR/EIS. All other alternatives considered in the final EIR/EIS were numbered. CAW now proposes to undertake the project identified in the final EIR/EIS as Alternative 3 (Carmel River Reroute and Dam Removal). The Dam Strengthening alternative is discussed herein as Alternative 5 to the Carmel River Reroute and Dam Removal proposal.

### **Alternative 1: Dam Notching with Partial Sediment Removal**

Alternative 1 would eliminate safety risks by notching the SCD in the area of the existing spillway bays to about EL. 506 feet. The gates, piers and walkway at the top of the SCD would be removed. This alternative would reduce mass sufficiently to avoid catastrophic failure of the SCD during a MCE event. Notching to EL. 506 feet also would ensure dam safety during a PMF. Alternative 1 would meet the project need to increase dam safety to current standards for withstanding a MCE and passing the PMF, and would address the objectives stated in section 1.4 of the EIR/EIS.

A new facility to divert water would be constructed upstream of the SCD to replace the existing surface water diversion. The electrical system at the SCD would be upgraded to support a conveyor sediment transport system. During construction, the Carmel River and San Clemente Creek would be diverted around the construction area, the plunge pool at the base of the SCD would be dewatered, and a fish rescue and relocation operation would be operated during construction years. The plunge pool downstream of the SCD would be completely drained prior to dam notching to allow access for construction workers and machinery for notching operations and construction of a new fish ladder.

Sediment in the reservoir would be removed down to the level of the notch. The Carmel River channel and San Clemente Creek channel would be reconstructed in a geomorphically stable configuration in the excavated sediments in the reservoir's inundation zone. Approximately 1.5 million cubic yards of sediment would be removed over by excavation. Sediment would be transported from the reservoir via a conveyor belt system to a disposal area east of San Clemente Reservoir.

The existing fish ladder would be removed and a new ladder would be designed and built to accommodate the lowered dam elevation and to comply with criteria for fish passage promulgated by NMFS and CDFG. A sluice gate would be installed to enable managed sediment releases to maintain upstream passage from the fish ladder exit to upstream channels. Sediment management following the SOMP would be required to ensure fish passage through the accumulated sediment. A notch would be cut into the OCRD, which is about 1800-feet downstream of SCD, in order to provide adequate fish passage.

A design for sediment transport and disposal would be implemented that avoids sediment transport by truck through populated areas. Existing access roads (including San Clemente Drive) with minor improvements would be used to reach the base of the SCD for construction activities. OCRD bridge and the access road from the CVFP to the SCD would be improved. The existing access road along the east side of the Carmel River, between OCRD and the base of SCD, would be rebuilt. An existing 4WD road (the Jeep Trail) would be improved to connect Cachagua Road with the sediment disposal site and to the reservoir area above the SCD. This route would only be used to move construction equipment and materials. All sediment transport would occur via conveyor belt from the SCD to the disposal site. No sediment would be hauled by truck over any roads. The stream channels through the upstream sediment plain would be stabilized.

The dam notching alternative would take an estimated six years to complete, including environmental review, permitting, design, infrastructure improvements, sediment removal, dam notching and upstream channel reconstruction through the sediment plain.

Implementation of Alternative 1 would cause significant and unavoidable impacts to Water Quality (WQ-9, WQ-10, and WQ-13), Fisheries (FI-2, FI-4, and FI-5, and FI-13)<sup>2</sup>, Vegetation and Wildlife (WI-3, WI-10, and WI-11), Air Quality (AQ-1, AQ-2, and AQ-3), Noise (NO-1, NO-2, NO-3, and NO-5), Traffic and Circulation (TC-1, TC-3b, and TC-6), Cultural Resources (CR-4, CR-5, and CR-6), Aesthetics (VQ-5), Recreation (REC-2 and REC-4), and Land Use (LU-1). Less than significant impacts, and potentially significant impacts that would be reduced to a less than significant level by mitigation measures incorporated into Alternative 1 would occur in all resource categories as identified in Chapter 2 and Chapter 4 of the EIR/EIS.

In comparison, as discussed above, and in Chapter 2 and Chapter 4 of the EIR/EIS, implementation of Alternative 3 (Carmel River Reroute and Dam Removal ) would cause significant and unavoidable impacts to Hydrology and Water Resources (WR-2a, WR-2b, and WR-4b), Water Quality (WQ-9 and WQ-10), Air Quality (AQ-1, AQ-2, and AQ-3), Noise (NO-1, NO-2, and NO-3), Traffic and Circulation (TC-1, TC-3b and TC-6), Cultural Resources (CR-4, CR-5, and CR-6), Aesthetics (VQ-2, VQ-5a, and VQ-6), and Recreation (REC-2, and REC-5).

Alternative 1 would pose fewer significant and unavoidable impacts to hydrology and water resources, vegetation and wildlife, than would Alternative 3, and would have similar impacts to fisheries, air quality, traffic and circulation, and cultural resources. But Alternative 1 would pose more significant and unavoidable impacts to water quality, aesthetics, and recreation, and land use than would Alternative 3.

DWR finds that Dam Notching with Partial Sediment Removal, while not an infeasible means to avoid some of the residual significant effects of the project, creates other significant effects, equally undesirable, that are avoided by the selection of the Carmel River Reroute and Dam Removal project.

## **Alternative 2: Dam Removal with Total Sediment Removal**

Alternative 2 would permanently eliminate safety concerns through the removal of the SCD. A new facility to divert water would be constructed upstream of the SCD site to replace the existing surface water diversion. The electrical system at the SCD would be upgraded to support a conveyor sediment transport system.

During construction, the Carmel River and San Clemente Creek would be diverted around the construction area, the plunge pool at the base of the SCD would be dewatered, and a fish rescue and relocation operation would be operated during construction years. The plunge pool downstream of the SCD would be completely drained prior to dam removal to allow access for demolition.

Approximately 2.4 million cy of sediment would be removed by excavation. Sediment would be transported from the reservoir via a conveyor belt system to a disposal area east of San Clemente Reservoir. The historic Carmel River channel and San Clemente Creek exposed by sediment excavation in the reservoir's inundation zone would be reconstructed in their historical valleys.

A design for sediment transport and disposal would be implemented that avoids sediment transport by truck through populated areas. Improvements would be made to existing access roads (including San

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<sup>2</sup> Fisheries impacts FI-2, FI-4, FI-5, and FI-13, and Wildlife impacts WI-3, WI-10, WI-11, and WI-13, were described as significant and unavoidable for all alternatives in the Final EIR. As a result of the different analytical approach to these impacts taken in the Final SEIR, as described above, these impacts were determined to be less than significant with mitigation. Because these impacts were not re-evaluated for the other alternatives, they technically remain significant and unavoidable, but the difference does not reflect a difference in environmental impact between the alternatives and the Department does not rely on that difference in evaluating the alternatives.

Clemente Drive) and would be used to reach the base of the SCD for construction activities at and below the dam. The OCRD bridge and the access road from the CVFP to the SCD would be improved and the existing access road along the east side of the Carmel River, between OCRD and the base of SCD, would be rebuilt. An existing 4WD road (the Jeep Trail) would be improved to connect Cachagua Road with the sediment disposal site, and to the reservoir area above the SCD. This route would only be used to move construction equipment and materials. All sediment transport would occur via conveyor belt from the SCD to the disposal site.

The existing dam and fish ladder would be demolished and removed from the site. A notch would be cut into OCRD to provide adequate fish passage.

The dam removal alternative would take an estimated seven years to complete, including environmental review, permitting, design, infrastructure improvements, sediment removal, dam demolition, and creek channel reconstruction.

Implementation of the Dam Removal alternative would cause significant and unavoidable impacts to Hydrology and Water Resources (WR-2a, WR-2b, WR-4a, WR-4b, WR-5, and WR-6), Water Quality (WQ-9 and WQ-10), Fisheries (FI-2, FI-4, FI-5, FI-9a, and FI-13)<sup>3</sup>, Vegetation and Wildlife (WI-3, WI-10, and WI-11), Air Quality (AQ-1, AQ-2, and AQ-3), Noise (NO-1, NO-2, NO-3, and NO-5), Traffic and Circulation (TC-1, TC-3b, and TC-6), Cultural Resources (CR-4, CR-5, and CR-6), Aesthetics (VQ-5), Recreation (REC-2 and REC-4), and Land Use (LU-1). Less than significant impacts, and potentially significant impacts that would be reduced to a less than significant level by mitigation measures incorporated into Alternative 2 would occur in all resource categories as identified in Chapter 2 and Chapter 4 of the EIR/EIS.

In comparison, as discussed above, and in Chapter 2 and Chapter 4 of the EIR/EIS, implementation of Alternative 3 (Carmel River Reroute and Dam Removal ) would cause significant and unavoidable impacts to Hydrology and Water Resources (WR-2a, WR-2b, and WR-4b), Water Quality (WQ-9 and WQ-10), Fisheries, Vegetation and Wildlife, Air Quality (AQ-1, AQ-2, and AQ-3), Noise (NO-1, NO-2, and NO-3), Traffic and Circulation (TC-1, TC-3b and TC-6), Cultural Resources (CR-4, CR-5, and CR-6), Aesthetics (VQ-2, VQ-5a, and VQ-6), and Recreation (REC-2 and REC-5).

Alternative 2 would meet the project need to increase dam safety to current standards for withstanding a MCE and passing the PMF, and would address the objectives stated in section 1.4 of the EIR/EIS. It would pose fewer significant and unavoidable impacts to vegetation and wildlife than would Alternative 3, and would have similar impacts to water quality, air quality, traffic and circulation, and cultural resources. But Alternative 2 would pose more significant and unavoidable impacts to hydrology and water resources, fisheries, noise, aesthetics, land use, and recreation than would Alternative 3.

DWR finds that Dam Removal with Total Sediment Removal, while not an infeasible means to avoid some of the residual significant effects of the project, creates other significant effects, equally undesirable, that are avoided by the selection of the Carmel River Reroute and Dam Removal project.

#### **Alternative 4: No Project**

The No Project alternative would leave the SCD in place with all its existing facilities. A new fish ladder would not be constructed, the sediment would be left in place behind the dam, and the OCRD would not be notched. The reservoir would continue to accumulate sediment at an average rate of about 16.5 AF per year. Minor sediment removal may occur to allow the SCD to maintain the existing surface water supply intake serving the upper Carmel Valley Village area. The existing drawdown ports in the SCD and the existing fish bypass facility would both likely remain operational until the reservoir fills with sediment.

However, selection of the No Project alternative would eliminate significant and unavoidable construction impacts associated with implementation of Alternative 3 (Carmel River Reroute and Dam Removal) and

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<sup>3</sup> See footnote 2.

the other alternatives. As discussed above, and in Chapter 4 of the EIR/EIS, implementation of Alternative 3 would cause significant and unavoidable impacts to hydrology and water resources, water quality, fisheries, vegetation and wildlife, air quality, noise, traffic and circulation, cultural resources, and recreation.

Implementation of the No Project Alternative would avoid all of the potentially significant impacts that would be reduced to a less than significant level by mitigation measures with implementation of Alternative 3 and the other alternatives. However, as identified in Chapter 2 of the EIR/EIS, the No Project alternative would cause significant and unavoidable impacts to Geology and Soils (GS-1 and GS-6), Hydrology and Water Resources (WR-3b and WR-8), Water Quality (WQ-9 and WQ-15), Fisheries (FI-5, FI-8, FI-12, and FI-15)<sup>4</sup>, and would significantly and unavoidably impact public health and safety, hydrology, water quality, and fisheries.

The No Project Alternative would not meet the project need to increase dam safety to current standards for withstanding a MCE and passing the PMF at the dam, and would not address the objective of protecting public safety as stated in section 1.4 of the EIR/EIS. The No Project alternative would fail to adequately address the objective of providing fish passage at the SCD because the existing fish ladder no longer meets NMFS or CDFG standards, and the increase in sediment deposition behind the SCD would obstruct fish passage over time.

DWR finds that the No Project alternative is not a feasible means to avoid the residual significant effects of the project.

#### **Alternative 5: Dam Strengthening (Proponent's Proposed Project in final EIR/EIS)**

The Dam Strengthening alternative represents the project originally proposed by CAW. Dam Strengthening would comply with DSOD requirements to address safety deficiencies and eliminate the risk of failure during a MCE or a PMF event. Dam Strengthening would eliminate safety risks by thickening the downstream face of the SCD with concrete, strengthening the right abutment near the dam crest, modifying the spillway and dam crest to increase effective spillway width and armoring the abutments with gunite to prevent erosion.

A concrete batch plant would be at the base of the SCD. The electrical system at the dam would be improved. During construction, the Carmel River and San Clemente Creek would be diverted around the construction area, the plunge pool at the base of the SCD would be dewatered, and a fish rescue and relocation operation would be operated during construction years. The plunge pool downstream of the dam would be completely drained prior to dam thickening to allow access for construction workers and machinery for thickening operations and new fish ladder construction.

The existing fish ladder allows steelhead trout to ascend 68 feet to the reservoir and watershed above the SCD. Dam Strengthening includes construction of a new fish ladder that would comply with criteria for fish passage promulgated by the NMFS and the CDFG. Construction of the fish ladder would ensure long-term fish passage over the dam, but passage would still be considered impeded as compared to the dam removal alternatives. A sluice gate would be installed to manage sediment releases, to maintain upstream passage to the fish ladder exit and to maintain water flow into the CAW diversion pipeline. Sediment management following the Sediment Operations and Management Plan (SOMP) would be required to maintain the existing surface water supply intake and to ensure fish passage through the accumulated sediment. In addition, a notch would be cut into the Old Carmel River Dam (OCRD), which is about 1800-feet downstream of SCD, in order to provide adequate fish passage.

A new access from Carmel Valley Road, the Tularcitos Access Route, would be constructed to bypass the portion of San Clemente Drive which goes through the Sleepy Hollow community. The access route would cross Tularcitos Creek and connect Carmel Valley Road to San Clemente Drive near CAW's Carmel Valley Filter Plant (CVFP). The ORCD bridge and the access road from the CVFP to the SCD

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<sup>4</sup> See footnote 2.

would be improved. The existing access road along the east side of the Carmel River, between the OCRD and the base of SCD would be rebuilt. The bypassed portion of San Clemente Drive would be used for up to eight months the first year of construction until the Tularcitos Access Route is completed.

The Dam Strengthening alternative would take an estimated four to five years to complete, including environmental review, permitting, design, and infrastructure improvements.

Implementation of the Dam Strengthening alternative would cause significant and unavoidable impacts to Water Quality (WQ-9 and WQ-13), Fisheries (FI-2, FI-4, and FI-5)<sup>5</sup>, Vegetation and Wildlife (WI-3 and WI-7), Air Quality (AQ-1, AQ-2, and AQ-3), Noise (NO-1, NO-2, NO-3, and NO-4), Traffic and Circulation (TC-3b and TC-6), Cultural Resources (CR-4, CR-5, and CR-6), and Aesthetics (VQ-3). Less than significant impacts, and potentially significant impacts that would be reduced to a less than significant level by mitigation measures incorporated into the Dam Strengthening alternative would occur in all resource categories as identified in Chapter 2 and Chapter 4 of the EIR/EIS.

In comparison, as discussed above and in Chapter 2 and Chapter 4 of the EIR/EIS, implementation of Alternative 3 (Carmel River Reroute and Dam Removal ) would cause significant and unavoidable impacts to Hydrology and Water Resources (WR-2a, WR-2b, and WR-4b), Water Quality (WQ-9 and WQ-10), Air Quality (AQ-1, AQ-2, and AQ-3), Noise (NO-1, NO-2, and NO-3), Traffic and Circulation (TC-1, TC-3b and TC-6), Cultural Resources (CR-4, CR-5, and CR-6), Aesthetics (VQ-2, VQ-5a, and VQ-6), and Recreation (REC-2, and REC-5).

Dam Strengthening would meet the project need to increase dam safety to current standards for withstanding a MCE and passing the PMF, and would address the objectives stated in section 1.4 of the EIR/EIS. Dam Strengthening would pose more significant and unavoidable impacts to noise and aesthetics, than would Alternative 3, and would have similar impacts to air quality and cultural resources. It would pose fewer significant and unavoidable impacts to hydrology and water resources, fisheries, vegetation and wildlife, traffic and circulation, and Recreation than would Alternative 3.

DWR finds that Dam Strengthening, while not an infeasible means to avoid some of the residual significant effects of the project, creates other significant effects, equally undesirable, that are avoided by the selection of the Carmel River Reroute and Dam Removal project. However, neither alternative is inherently superior to the other from an environmental impact perspective.

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<sup>5</sup> See footnote 2.

**FINDINGS DETERMINATION**

I adopt the Findings set forth in this Exhibit B which meet the requirements of CEQA *Guidelines* Section 15091. To the extent that these findings conclude that various mitigation measures are feasible and within the Department's responsibility and jurisdiction, I direct the Department to implement these measures, thereby incorporating them as part of the proposed project.

**FINDINGS DETERMINATION**

*Michael Waggoner For D. Gutierrez*

David A. Gutierrez  
Chief, Division of Safety of Dams  
Department of Water Resources

JUL 27 2012

\_\_\_\_\_  
Date

**San Clemente Dam Seismic Safety Project  
California State Clearinghouse #2005091148**

**EXHIBIT C  
STATEMENT OF OVERRIDING CONSIDERATIONS**

When called on to approve a project that would have one or more significant effects that cannot be avoided or substantially lessened, a public agency must explain how it views the balance of the economic, legal, social, technological, or other benefits of the project against the unavoidable adverse environmental effects before approving the project.

The Department adopts this Statement of Overriding Considerations and finds that, as part of the approval process, (a) the proposed project has been modified to eliminate or substantially lessen all significant effects on the environment where feasible, and (b) the remaining unavoidable impacts of the proposed project are an acceptable environmental cost in light of the environmental, economic, legal, social, technological, and other considerations set forth herein.

The findings above show that the following categories of environmental effects will remain significant even after the imposition of mitigation and the examination of alternatives:

- Hydrology and Water Resources
- Water Quality
- Air Quality
- Noise
- Traffic and Circulation
- Cultural Resources
- Aesthetics
- Recreation

The Department concluded that there are no feasible alternatives that can reduce all potentially significant and unavoidable impacts to a less than significant level and that all feasible alternatives have some significant and unavoidable impacts. (See Exhibit B.)

The Department determines that the San Clement Dam Seismic Safety Project Alternative 3 (Carmel River Reroute and Dam Removal) cannot be implemented in a way that would meet the need of the project without resulting in the significant and unavoidable impacts described in the Final EIR/EIS and in the final SEIR summarized above, primarily because the project cannot be implemented in a way that accomplishes the basic project objectives without resulting in direct construction impacts. As discussed in the Exhibit B Findings, all potentially significant impacts have mitigation measures associated with them, except for Hydrology and Water Resources, WR-4b (increase in the frequency of high suspended sediment concentrations), Water Quality, WQ-10 (reservoir sediment excavation), and Aesthetics, VQ-2 (Changes to the Viewsheds from Residences Adjacent to the CVFP and the San Clemente Dam). The remaining 18 potentially significant impacts that cannot be reduced to a less than significant level by incorporated mitigation measures all have associated mitigation measures that will at least lessen the overall impact, although not to less than significant levels. The Department has balanced the economic, legal, social, technological, and other benefits of the project and has determined that the benefits of the project outweigh its unavoidable adverse environmental impacts.

The Department determines that the San Clement Dam Seismic Safety Project Alternative 3 (Carmel River Reroute and Dam Removal) provides the following public benefits as described in detail in the final EIR/EIS and in the SEIR that justify proceeding with the project despite the environmental cost of the residual significant effects:

1. The Carmel River Reroute and Dam Removal project meets the need of eliminating safety risks associated with the MCE and PMF at the SCD;
2. The Carmel River Reroute and Dam Removal project protects public safety by removing the dam;
3. The Carmel River Reroute and Dam Removal project provides fish passage by removing the dam and rerouting the Carmel River to provide unobstructed flow from the mouth of the Carmel River to Los Padres Dam above the site of the San Clement Dam site;
4. The Carmel River Reroute and Dam Removal project maintains a CAW point of diversion on the Carmel River to support existing water supply facilities, water rights, and services; and
5. Although the cost of implementing Alternative 3 is more costly than the Proponent's Proposed Project as identified in the Final EIR/EIS, CAW is working with other parties to provide funding to minimize financial impacts to CAW ratepayers.

#### STATEMENT OF OVERRIDING CONSIDERATIONS DETERMINATION

I adopt the Statement of Overriding Considerations set forth in this Exhibit C, which meets the requirements of CEQA Guidelines Section 15093.

Michael Waggoner For D. Gutierrez  
David A. Gutierrez  
Chief, Division of Safety of Dams  
Department of Water Resources

JUL 27 2012

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Date