

**RESOLUTION NO. 2019-07
OF THE
TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)**

**DETERMINING THAT THE PROPOSED EASEMENT PURCHASE AGREEMENT
AND PROPOSED OPERATIONS PLAN AND AGREEMENT BETWEEN TAMC AND
CALIFORNIA AMERICAN WATER COMPANY
ARE WITHIN THE SCOPE OF THE
MONTEREY PENINSULA WATER SUPPLY PROJECT
WHICH WAS ANALYZED BY THE ENVIRONMENTAL IMPACT REPORT/
ENVIRONMENTAL IMPACT STATEMENT
CERTIFIED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION
AND THAT NO NEW ENVIRONMENTAL ANALYSIS IS REQUIRED**

WHEREAS, on September 13, 2018, the California Public Utilities Commission (CPUC), as the lead agency under the California Environmental Quality Act (CEQA), certified the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Monterey Peninsula Water Supply Project (Project) (State Clearinghouse No. 2006101004); and

WHEREAS, also on September 13, 2018, the CPUC approved the Project and issued a Certificate of Public Convenience and Necessity therefor; and

WHEREAS, the CPUC prepared CEQA Findings and Statement of Overriding Considerations¹ in compliance with Public Resources Code §21081 and CEQA Guidelines §15091 for every significant impact of the Project identified in the EIR/EIS and for each alternative evaluated in the EIR/EIS, including an explanation of the rationale for each finding; and

WHEREAS, the CPUC prepared and adopted a Mitigation Monitoring and Reporting Program in compliance with Public Resources Code §21081.6 and CEQA Guidelines §15097 to ensure implementation of the mitigation measures identified in the EIR/EIS; and

WHEREAS, the acquisition of the right to install pipeline within the Monterey Branch Line from Lightfighter Drive in the City of Seaside to Merritt Street in the community of Castroville was expressly identified in the EIR/EIS; and

¹ The CPUC's CEQA Findings and Statement of Overriding Considerations is available at https://www.cpuc.ca.gov/Environment/info/esa/mpwsp/final_decision/FinalDecision_091318_AppendixC_FoF.pdf.

WHEREAS, the impacts, mitigation measures, and determinations regarding the construction of the pipeline were identified and analyzed, mitigation measures were proposed, and findings were made as part of the CPUC's evaluation and certification of the Project's EIR/EIS; and

WHEREAS, the Transportation Agency for Monterey County is the owner of the Monterey Branch Line, including the area between Lightfighter Drive in the City of Seaside to Merritt Street in the community of Castroville; and

WHEREAS, the Transportation Agency for Monterey County is a responsible agency pursuant to Public Resources Code §21069 and CEQA Guidelines §15096; and

WHEREAS, there has been no significant changes in the impacts, conditions or circumstances related to the Monterey Branch Line, nor substantial information or changes in the proposed implementation of the Project with respect to the installation of a pipeline within the Monterey Branch Line right of way.

NOW, THEREFORE, BE IT RESOLVED THAT: the Transportation Agency for Monterey County finds that the foregoing recitals are true and correct and incorporated by this reference; and

BE IT FURTHER RESOLVED THAT the Transportation Agency for Monterey County Board of Directors has independently reviewed and considered the environmental effects of the Project as shown in the EIR/EIS for the Project, certified and approved by the CPUC on September 13, 2018; and

BE IT FURTHER RESOLVED THAT the Transportation Agency for Monterey County Board of Directors finds that the matters contained in the Pipeline Easement Agreement and Operations Plan and Agreement between TAMC and California American Water Company are within the scope of, and have already been analyzed in, the EIR/EIS for the Project; and

BE IT FURTHER RESOLVED THAT the Transportation Agency for Monterey County Board of Directors finds that, pursuant to CEQA Guidelines §15162 and §15163, no new or substantially more severe significant effects could occur, no new information of substantial importance has been identified that affects the EIR/EIS' analysis, and no new mitigation measures or alternatives would be required by reason of the approval of the Easement Purchase Agreement and Operations Plan and Agreement with California American Water Company; and

BE IT FURTHER RESOLVED THAT no new environmental documentation is required for approval of the Easement Purchase Agreement and Operations Plan and Agreement with California American Water Company; and

BE IT FURTHER RESOVLED THAT the Transportation Agency for Monterey County Board of Directors has independently reviewed and hereby independently adopts and incorporates by reference herein the CEQA Findings and Statement of Overriding Considerations prepared by the CPUC for the Project, including without limitation the CPUC's findings pursuant to CEQA Guidelines §15091 and §15093.

ACCORDINGLY, the Easement Purchase Agreement and Operations Plan and Agreement with California American Water Company are hereby approved, and the Executive Director is hereby authorized to take such other further actions as necessary to fulfill the intent of this Resolution and the approved agreements.

PASSED AND ADOPTED by the Transportation Agency for Monterey County, State of California this 28th day of August, 2019, by the following vote:

AYES:

NOES:

ABSENT:

**ROBERT HUITT, CHAIR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

ATTEST:

**DEBRA L. HALE, EXECUTIVE DIRECTOR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY**