



moulton niguel water district

STAFF REPORT

TO: Board of Directors **MEETING DATE:** August 16, 2018

FROM: Matt Collings, Assistant General Manager

SUBJECT: Consideration and Possible Action to Rescind Resolution No. 18-12 Which Adopted an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Operations Center and Site Consolidation Project and Decision to Carry Out the Operations Center and Site Consolidation Project

SUMMARY:

Issue: The Board is considering rescinding Resolution No. 18-12, which approved the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Operations Center and Site Consolidation project ("Project") and approved the Project.

Recommendation: It is recommended that the Board of Directors approve the resolution entitled, "To Rescind, Vacate, and Set Aside Resolution No. 18-12, Thereby: (1) Rescinding the Previous Adoption of an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Operations Center and Site Consolidation Project; and (2) Rescinding the Decision to Approve the Operations Center and Site Consolidation Project."

Fiscal Impact: None.

Reviewed by Legal: Yes

BACKGROUND:

The District initiated planning for the Project in 2013 with the development of a Needs Assessment evaluating current spacing needs, future growth potential, and long-term space requirements. After completion of the Needs Assessment and a review of potential site alternatives to construct the necessary Operations Center, the District concluded that remaining at the Plant 2A site and consolidating all the District personnel and operations into a single site was the best course of action.

Consideration and Possible Action to Rescind Resolution No. 18-12 Which Adopted an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Operations Center and Site Consolidation Project and Decision to Carry Out the Operations Center and Site Consolidation Project
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Upon completion of the Initial Study/Mitigated Negative Declaration (IS/MND), the District circulated the IS/MND for an extended 45-day public review period to allow members of the public to provide comments. The District prepared responses to the comments received from the public following the comment period and published a Final IS/MND.

On July 13, 2018, the District's Board of Directors approved Resolution No. 18-12 to approve the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project. Additionally, Resolution No. 18-12 approved the Project and directed staff to carry out the Project. District staff filed a Notice of Determination with the County of Orange pursuant to the California Environmental Quality Act ("CEQA").

DISCUSSION:

At this time, the District staff is recommending that the Board of Directors approve Resolution to rescind, vacate, and set aside Resolution No. 18-12, thereby: (1) rescinding the previous adoption of an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Operations Center and Site Consolidation Project; and (2) rescinding the decision to approve the Operations Center and Site Consolidation Project.

If the Resolution is adopted, all the proposed project elements and site improvements will not be implemented as presented in the Final IS/MND since they were directly related to the Project. There remains a significant need to address the operations and administration facilities as identified at the outset of the Project. District staff will reassess the options for addressing those facility needs. As part of that reassessment, the District staff will also identify options for maximizing the best use of the Plant 2A site.

Attachment: Resolution entitled, "To Rescind, Vacate, and Set Aside Resolution No. 18-12, Thereby: (1) Rescinding the Previous Adoption of an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Operations Center and Site Consolidation Project; and (2) Rescinding the Decision to Approve the Operations Center and Site Consolidation Project."

RESOLUTION NO. 18-15

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MOULTON NIGUEL WATER DISTRICT
TO RESCIND, VACATE, AND SET ASIDE RESOLUTION NO. 18-12, THEREBY: (1)
RESCINDING THE PREVIOUS ADOPTION OF AN INITIAL STUDY/MITIGATED
NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING
PROGRAM FOR THE OPERATIONS CENTER AND SITE CONSOLIDATION
PROJECT; AND (2) RESCINDING THE DECISION TO APPROVE THE
OPERATIONS CENTER AND SITE CONSOLIDATION PROJECT**

WHEREAS, the Moulton Niguel Water District (“District”) provides essential services to more than 170,000 people and numerous commercial and institutional customers in South Orange County, including, among other services, the operation and maintenance of pipelines and other infrastructure required to provide drinking water and wastewater services to the various cities and communities which the District serves; and

WHEREAS, the District proposed the Operations Center and Site Consolidation project (“Project”), which would have consolidated the District’s administrative and operations functions at 26161 Gordon Road in the City of Laguna Hills (the “proposed Project site”). The District currently operates from two separate, noncontiguous sites – 27500 La Paz Road in the City of Laguna Niguel, where the District’s administrative operations are based, and 26161 Gordon Road in the City of Laguna Hills, where the District’s other operations are based. One of the benefits of the Project would have been to consolidate the District’s administrative and operational functions at the proposed Project site, so that the District’s operations would no longer be bifurcated between two separate sites; and

WHEREAS, an Initial Study and a Mitigated Negative Declaration (together, “IS/MND”) were prepared for the Project pursuant to Public Resources Code sections 21064.5 and 21080, subdivision (c), and State CEQA Guidelines section 15070 et seq. Pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d), the District prepared a program for reporting on or monitoring the changes which it either required in the Project or made a condition of approval to mitigate or avoid significant environmental effects (the “Mitigation Monitoring and Reporting Program”); and

WHEREAS, on July 13, 2018, the Board passed, approved, and adopted Resolution No. 18-12, by which the Board: (1) approved and adopted the IS/MND; (2) approved and adopted the Mitigation Monitoring and Reporting Program; and (3) approved the Project and directed Staff to carry out the Project in accordance with the terms and conditions set forth in the Project Plans; and

WHEREAS, a copy of Resolution No. 18-12 is attached hereto as Exhibit “A;” and

WHEREAS, all other legal prerequisites to the adoption of this Resolution No. 18-15 have occurred;

NOW, THEREFORE, the Board of Directors of MOULTON NIGUEL WATER DISTRICT does hereby **RESOLVE, DETERMINE** and **ORDER** as follows:

SECTION 1. Recitals. The foregoing Recitals are true and correct and are incorporated herein as substantive findings of this Resolution No. 18-15.

SECTION 2. Rescission of Resolution No. 18-12. The Board hereby vacates and sets aside its July 13, 2018 passing, approval, and adoption of Resolution No. 18-12. In so doing, the Board hereby rescinds, vacates, and sets aside: (a) its approval and adoption of the IS/MND prepared for the Project; (b) its approval and adoption of the Mitigation Monitoring and Reporting Program prepared for the Project; and (c) its approval of the Project itself.

SECTION 3. Basis for rescission of Resolution No. 18-12. The Board hereby takes this action on the basis of financial concerns associated with defending against litigation which the District believes to be meritless. The District is taking this action to mitigate the threat of costs and expenses to District ratepayers and not due to any belief that the Lawsuit would be successful.

SECTION 4. Authorization to implement this Resolution No. 18-15 The Board hereby authorizes the General Manager, or her designee, and Legal Counsel, to take any and all action which may be necessary or recommended in order to: (a) implement this Resolution No. 18-15; (b) fulfill the intent of this Resolution as described herein; and

SECTION 5. This Resolution No. 18-15 is not subject to CEQA. Approval of this Resolution No. 18-15 does not constitute a “project” under the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code section 21080(a) and State CEQA Guidelines section 15378 since approval of this Resolution does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Moreover, pursuant to State CEQA Guidelines section 15061(b)(3), the approval of this Resolution No. 18-15 is exempt from CEQA because there is no possibility that it may have a significant effect on the environment.

SECTION 6. Notice of Exemption. Within five (5) working days of the adoption of this Resolution No. 18-15, Staff is directed to file a Notice of Exemption with the County of Orange indicating that the approval of this Resolution No. 18-15 does not constitute a “project” under CEQA and is otherwise exempt from CEQA pursuant to State CEQA Guidelines section 15061(b)(3).

SECTION 7. Execution of Resolution No. 18-15. The Board President shall sign this Resolution No. 18-15 and the Board Secretary shall attest and certify to the passage and adoption thereof. This Resolution No. 18-15 shall be effective upon the date of adoption.

ADOPTED, SIGNED and APPROVED this 16th day of August, 2018.

MOULTON NIGUEL WATER DISTRICT

President/Vice President
MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors thereof

Secretary/Assistant Secretary
MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors thereof

EXHIBIT "A"

Copy of the rescinded Resolution No. 18-12

RESOLUTION NO. 18-12

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MOULTON NIGUEL WATER DISTRICT
ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE OPERATIONS CENTER AND SITE CONSOLIDATION PROJECT AND
DECISION TO CARRY OUT THE OPERATIONS CENTER AND
SITE CONSOLIDATION PROJECT**

WHEREAS, the Moulton Niguel Water District (the “District”) provides essential services to more than 170,000 people and numerous commercial and institutional customers in South Orange County, including, among other services, the operation and maintenance of pipelines and other infrastructure required to provide drinking water, recycled water, and wastewater services to the various cities and communities which the District serves; and

WHEREAS, the District currently operates from two separate, noncontiguous sites – 27500 La Paz Road in the City of Laguna Niguel, where the District’s administrative operations are based, and 26161 Gordon Road in the City of Laguna Hills (the “proposed Project site”), where the District’s other operations are based; and

WHEREAS, the District has proposed the Operations Center and Site Consolidation project (the “proposed Project”), which would consolidate the District’s administrative and operational functions at the proposed Project site, so that the District’s operations are no longer bifurcated between two separate sites; and

WHEREAS, the proposed Project would entail, among other things, (i) the construction of a two-story building and two one-story support buildings on the proposed Project site; (ii) the demolition of two existing buildings on the proposed project site; (iii) the expansion and relocation of fuel dispensers and storage tanks on the proposed Project site; (iv) renovation of some existing facilities at the proposed Project site; (v) a Zone Text Amendment to the City of Laguna Hills’ Zoning and Development Code, revising the City of Laguna Hills’ zoning requirements to amend the open space requirement for Governmental uses, allow for outdoor storage as part of Governmental uses, and increase the allowable height of fences for Governmental uses; (vi) a Zoning Variance such that additional traffic lanes on Gordon Road will not be necessary for the proposed Project; and (vii) a Conditional Use Permit (“CUP”) consistent with the Laguna Hills Municipal Code, which requires a CUP for all Government facilities located on properties classified as Community/Private Institution; and

WHEREAS, the proposed Project will enable the District to better and more efficiently provide its services to the various cities and communities which the District serves, while simultaneously improving the aesthetic appearance and operational capacity of the proposed Project site; and

WHEREAS, pursuant to California Public Resources Code section 21067 and the State CEQA Guidelines (Cal. Code Regs, tit. 14 § 15000 et seq.) section 15051, the District is the lead agency for the proposed Project; and

WHEREAS, District staff have reviewed the proposed Project, and an Initial Study has been prepared for the proposed Project pursuant to State CEQA Guidelines section 15063; and

WHEREAS, on the basis of the Initial Study, which concluded that the proposed Project could have potentially significant impacts but that those impacts could be reduced to less than significant levels with implementation of proposed mitigation measures, the District determined that a Mitigated Negative Declaration (“MND”) should be prepared for the proposed Project; and

WHEREAS, an MND was prepared for the proposed Project pursuant to Public Resources Code sections 21064.5 and 21080, subdivision (c), and the State CEQA Guidelines section 15070 et seq.; and

WHEREAS, the District filed a Notice to Intent to Adopt a Mitigated Negative Declaration on March 29, 2018 with the Orange County Clerk pursuant to State CEQA Guidelines section 15072; and

WHEREAS, the District provided copies of the draft Initial Study and MND (“IS/MND”) to the public and the State Clearinghouse for a thirty-day review and comment period beginning on March 30, 2018 and ending on April 30, 2018 pursuant to Public Resources Code section 21091(b); and

WHEREAS, in response to a request from the public, on April 13, 2018, the District filed a Notice of Extension of the Public Comment Period for the Initial Study/Mitigated Negative Declaration for the proposed Project to provide the public with fifteen (15) additional days to comment on the draft IS/MND; and

WHEREAS, the District received twenty-seven (27) comment letters regarding the draft IS/MND, all of which were addressed in the final IS/MND; and

WHEREAS, pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d), the District has prepared a program for reporting on or monitoring the changes which it has either required in the proposed Project or made a condition of approval to mitigate or avoid significant environmental effects (the “Mitigation Monitoring and Reporting Program”); and

WHEREAS, as contained herein, the District has endeavored in good faith to set forth the basis for its decision on the proposed Project; and

WHEREAS, the District has endeavored to take all steps and impose all conditions necessary to ensure that impacts to the environment would not be significant; and

WHEREAS, all of the findings and conclusions made by the District pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, the District's Board of Directors ("Board of Directors") has reviewed the MND, Initial Study, and all other relevant information contained in the record regarding the proposed Project; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred;

NOW THEREFORE, the Board of Directors does hereby resolve as follows:

SECTION 1. Compliance with the California Environmental Quality Act. As the decision making body for the proposed Project, the Board of Directors has reviewed and considered the information contained in the MND, Initial Study, and administrative record, on file with the District and available for review at the District's current Administration Building, located at 27500 La Paz Road, Laguna Niguel, California. The Board of Directors finds that the MND and Initial Study have been completed in compliance with the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.: "CEQA") and the State CEQA Guidelines.

SECTION 2. Findings on Environmental Impacts. In the District's role as the lead agency under CEQA, the Board of Directors finds that the MND and Initial Study contain a complete and accurate reporting of the environmental impacts associated with the proposed Project. The Board of Directors further finds that the documents have been completed in compliance with CEQA and the State CEQA Guidelines. The Board of Directors further finds that all environmental impacts of the proposed Project are either insignificant or can be mitigated to a less than significant level pursuant to the mitigation measures outlined in the MND, Initial Study, and the Mitigation Monitoring and Reporting Program. The Board of Directors further finds that there is no substantial evidence in the record supporting a fair argument that the proposed Project may result in significant environmental impacts, and that any comments received regarding the proposed Project have been examined and determined to not modify the conclusions of the IS/MND or the Board of Directors. Furthermore, the Board of Directors finds that the IS/MND has not been substantially revised after public notice of its availability and recirculation is not required. (State CEQA Guidelines, § 15073.5.) Moreover, new information added to the IS/MND in response to comments merely clarifies and amplifies the draft MND's conclusions and thus recirculation is not required. (State CEQA Guidelines, § 15073.5(c).) The Board of Directors finds that the IS/MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the proposed Project and reflects the independent judgment of the Board of Directors.

SECTION 3. Adoption of Mitigated Negative Declaration. The Board of Directors hereby approves and adopts the IS/MND prepared for the proposed Project.

SECTION 4. Adoption of the Mitigation Monitoring and Reporting Program. The Board of Directors hereby approves and adopts the Mitigation Monitoring and Reporting Program prepared for the proposed Project, attached hereto as Exhibit "A".

SECTION 5. Project Approval. The Board of Directors hereby approves the proposed Project and directs staff to carry out the proposed Project in accordance with the terms and conditions set forth in the Project plans.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the District's current Administration Building, located at 27500 La Paz Road, Laguna Niguel, California. The Board's Secretary is the custodian of the record of proceedings.

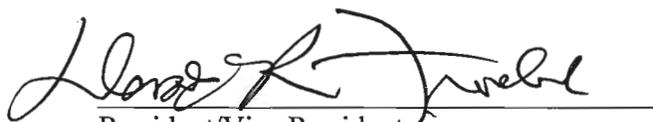
SECTION 7. Notice of Determination. Staff is directed to file a Notice of Determination with the County of Orange and the State Clearinghouse within five (5) working days of the adoption of this Resolution.

SECTION 8. Execution of Resolution. The Board of Directors' president shall sign this Resolution and the Board secretary shall attest and certify to the passage and adoption thereof.

SECTION 9. Cooperation with Residents. The Board hereby directs Staff to continue regular meetings with residents as construction progresses.

ADOPTED, SIGNED, AND APPROVED, this 13th day of July, 2018.

MOULTON NIGUEL WATER DISTRICT



President/Vice President
MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors thereof



Secretary/Assistant Secretary
MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors thereof

EXHIBIT "A"

MITIGATION MONITORING & REPORTING PROGRAM

[Inserted Behind This Page]

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
Section 4.1: Aesthetics			
AES-1: Maintenance of Construction Barriers. Prior to issuance of grading permits, the City of Laguna Hills Director of Community Development, or designee, shall verify that construction plans include the following requirement: During construction, the Construction Contractor shall ensure, through appropriate postings and daily visual inspections, that no unauthorized materials are posted on any temporary construction barriers and that any such temporary barriers are maintained in a visually attractive manner. In the event that unauthorized materials or markings are discovered on any temporary construction barrier, the Construction Contractor shall remove such items within 48 hours.	Moulton Niguel Water District/ Construction Contractor	City of Laguna Hills Director of Community Development, or designee	Prior to the issuance of grading permits/during construction
AES-2: Comprehensive Lighting Plan and Final Photometric Plan. Prior to issuance of a building permit, the Moulton Niguel Water District (MNWD) shall prepare a comprehensive lighting plan and a Final Photometric Plan. The lighting plan shall be prepared by a qualified illumination engineer and shall address all aspects of lighting, including infrastructure, on-site driveways, safety, signage, and promotional lighting, if any. In conjunction with the Comprehensive Lighting Plan, MNWD shall also prepare a Final Photometric Plan. The Final Photometric Plan shall be reviewed and approved by the City of Laguna Hills Director of Community Development, or designee, prior to issuance of a building permit. In accordance with Municipal Code 9-40.170, Lighting, of the City of Laguna Hills Municipal Code, the Final Photometric Plan shall show evidence that all lighting is shielded or recessed and directed downward and away from adjoining properties and that direct glare and reflections are contained within the property lines. In accordance with Municipal Code 9-44.060, Design Standards for Parking Facilities, of the City of Laguna Hills Municipal Code, lighting in the uncovered parking areas shall be designed such that they produce a minimum of 0.4 foot-candle on paved general use areas and an average of 1 foot-candle on paved high use areas. The foot-candle uniformity ratio shall meet the standard of an average/minimum of 4:1 in general use areas and 3:1 in high use areas.	Moulton Niguel Water District/ Construction Contractor	City of Laguna Hills Director of Community Development, or designee	Prior to the issuance of a building permit
Section 4.2: Agriculture and Forest Resources			
The proposed Project would not impact agricultural or forest resources, and no mitigation is required.			

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
Section 4.3: Air Quality			
<p>CM-AQ-1 Dust Control Measures. In compliance with South Coast Air Quality Management District (SCAQMD) Rules 402 and 403, the Moulton Niguel Water District (MNWD) Assistant General Manager, or designee, shall include these standard construction measures for construction plans and shall require the construction contractor to implement the following measures:</p> <ul style="list-style-type: none"> • Dust Control <ul style="list-style-type: none"> ○ Apply soil stabilizers to inactive areas. ○ Prepare a high wind dust control plan and implement plan elements and terminate soil disturbance when winds exceed 25 miles per hour (mph). ○ Stabilize previously disturbed areas if subsequent construction is delayed. ○ Water exposed surfaces and haul roads three times per day. ○ Cover all stockpiles with tarps. ○ Replace groundcover in disturbed areas quickly. ○ Reduce speeds on unpaved roads to less than 15 mph. 	Moulton Niguel Water District/ Construction Contractor	Moulton Niguel Water District Assistant General Manager, or designee	Prior to the commencement of construction activities/during Project construction
<p>CM-AQ-2 Exhaust Emissions Measures. The Moulton Niguel Water District (MNWD) Assistant General Manager, or designee, shall include these requirements in construction bid documents and construction plans and shall require the construction contractor to implement the following measures:</p> <ul style="list-style-type: none"> • Exhaust Emissions <ul style="list-style-type: none"> ○ All off-road construction equipment-vehicles shall be equipped with a Tier 2 or higher engine with Level 1 diesel particulate control devices, as required by the California Air Resources Board's (ARB) Off-Road Diesel Regulation. Per Section 2449(d)(4) of the ARB regulation, all off-road diesel fleet equipment must be reported to ARB using the Diesel Off-road Online Reporting System (DOORS) and all equipment must be labeled with the Equipment Identification Number (EIN). These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the 	Moulton Niguel Water District/ Construction Contractor	Moulton Niguel Water District Assistant General Manager, or designee	Prior to the commencement of construction activities/during Project construction

Table 5.A: Mitigation and Monitoring Reporting Program

	Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
	<p>ability to supply such equipment. A copy of DOORS reporting forms and EIN labels shall be available upon request at the time of mobilization of each applicable unit of equipment.</p> <ul style="list-style-type: none"> ○ Require 90-day low-nitrogen oxides (NO_x) tune-ups for off-road equipment. ○ Give preference to contractors using equipment with oxidation catalysts, soot traps, or other modern control technology. ○ Use low emission mobile construction equipment. The property owner/developer shall comply with ARB requirements for heavy construction equipment. ○ Maintain construction equipment engines by keeping them tuned. ○ Avoid unnecessary idling by shutting off engines that are expected to idle for more than five minutes. ○ Utilize existing power sources (power poles) when available 			
<p>CM-AQ-3</p>	<p>Volatile Organic Compound (VOC) Control Measures. In compliance with South Coast Air Quality Management District (SCAQMD) Rule 1113, the Moulton Niguel Water District (MNWD) Assistant General Manager, or designee, shall include these standard construction measures for construction plans and shall require the construction contractor to implement the following measures:</p> <ul style="list-style-type: none"> • VOC Control Measures <ul style="list-style-type: none"> ○ Minimize the amount of paint used by using pre-coated, pre-colored and naturally colored building materials. ○ Use high transfer efficiency painting methods such as HVLP (high volume low pressure) sprayers and brushes/rollers where possible. ○ Use SCAQMD-required low-VOC coatings where practical. 	<p>Moulton Niguel Water District/ Construction Contractor</p>	<p>Moulton Niguel Water District Assistant General Manager, or designee</p>	<p>Prior to the commencement of construction activities/during Project construction</p>
<p>Section 4.4: Biological Resources</p>				
<p>CM-BIO-1</p>	<p>Cooper's Hawk Nest Avoidance. In the event that construction activities occur between February 15 and August 15, the Moulton Niguel Water District (MNWD) Assistant General Manager, or designee, (or its contractor) shall retain a qualified biologist (a professional biologist that is familiar with local birds and their nesting</p>	<p>Moulton Niguel Water District</p>	<p>Moulton Niguel Water District Assistant General Manager, or designee</p>	<p>In the event that construction activities occur between February 15 and August 15/prior to the</p>

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
<p>behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities. The nesting survey shall include the Project site and areas immediately adjacent to the site that could potentially be affected by Project-related construction activities such as noise, human activity, and dust. If active Cooper's hawk nesting is observed within 500 feet (ft) of the designated construction area prior to construction, the biologist shall establish suitable buffers around the active nests (e.g., as much as 500 ft [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Prior to commencement of grading activities and issuance of any building permits, the MNWD Assistant General Manager, or designee, shall verify that all Project grading and construction plans include specific requirements regarding the requirements of the Fish and Game Code Section 3503, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field with orange snow fencing.</p>			<p>commencement of grading activities and the issuance of any building permits</p>
<p>BIO-1: Jurisdictional Resources/Riparian Habitat Preservation and Restoration. Prior to the issuance of any grading permits, the Moulton Niguel Water District (MNWD) shall coordinate with the San Diego Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW) regarding their potential jurisdiction over the on-site drainage. If the RWQCB and/or CDFW elect to assert jurisdiction over the on-site drainage, MNWD shall also obtain all applicable permits/agreements/certifications from the San Diego RWQCB and the CDFW that are required for direct or indirect impacts on areas within these agencies' jurisdictions. The Applicant shall be obligated to implement/comply with mitigation measures required by the resource agencies regarding impacts on their respective jurisdictions. If the CDFW asserts jurisdiction over the drainage channel, they may consider the Project's proposed concrete channel to be adequate mitigation for permanent (0.11 acre [ac]) and temporary (0.04 ac) impacts to the streambed and associated riparian habitat. Alternate mitigation may be the purchase of mitigation credits from an</p>	<p>Moulton Niguel Water District</p>	<p>Moulton Niguel Water District Assistant General Manager, or designee</p>	<p>Prior to the issuance of any grading permits</p>

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
<p>approved mitigation bank, mitigation through an in-lieu fee program, or mitigation of permanent and temporary impacts in the form of restoration. If restoration is required, construction of the Project's proposed concrete channel would most likely be acceptable mitigation for the 0.04 ac of temporary impacts. Mitigation (restoration) for permanent impacts would most likely occur at an off-site location on applicant-owned lands or another location agreeable to the CDFW. The likely ratios at which the CDFW may require permanent impacts to be mitigated may vary from 1:1 (no net loss) to as high as 3:1.</p> <p>In the event that the San Diego RWQCB asserts jurisdiction over the drainage channel, they may consider the Project's proposed concrete channel to be adequate mitigation for permanent (0.10 ac) and temporary (0.04 ac) impacts to Waters of the State. Alternate mitigation may be the purchase of mitigation credits from an approved mitigation bank, mitigation through an in-lieu fee program, or mitigation of permanent and temporary impacts in the form of creation of Waters of the State. If creation is required, construction of the Project's proposed concrete channel would most likely be acceptable mitigation for the 0.04 ac of temporary impacts. Mitigation (creation) for permanent impacts would most likely occur at an off-site location on applicant-owned lands or at another location agreeable to the RWQCB. The likely ratios at which the RWQCB may require permanent impacts to be mitigated may vary from 1:1 (no net loss) to as high as 3:1. In addition, the San Diego RWQCB may require that temporary and permanent impacts to stream length be mitigated at a 1:1 ratio (1,050 linear feet).</p> <p>The jurisdictions of the San Diego RWQCB and CDFW are not additive areas because the riparian habitat on the site may be within the jurisdiction of both of these agencies. Therefore, the permits and associated jurisdictional replacement requirements would identify which mitigation areas apply to the corresponding jurisdiction. If the CDFW and/or the San Diego RWQCB assert jurisdiction prior to, or as a condition of, issuance of the aforementioned permits, a detailed restoration program shall be prepared for approval by CDFW and/or the</p>			

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
San Diego RWQCB. The program shall include performance criteria designed to ensure that the habitat functions and values created as part of the restoration program exceed those that are impacted. Completion of the restoration program shall be determined by the resource agencies.			
<p>CM-BIO-2 Bird Nest Avoidance. In the event that construction activities occur between February 15 and August 15, the Moulton Niguel Water District (MNWD) Assistant General Manager, or designee (or its contractor), shall retain a qualified biologist (a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities. The nesting survey shall include the Project site and areas immediately adjacent to the site that could potentially be affected by Project-related construction activities such as noise, human activity, and dust. If active bird nesting is observed within 500 feet (ft) of the designated construction area prior to construction, the biologist shall establish suitable buffers around the active nests (e.g., as much as 500 ft for raptor species [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Prior to commencement of grading activities and issuance of any building permits, the MNWD Assistant General Manager, or designee, shall verify that all Project grading and construction plans include specific requirements regarding the requirements of the Migratory Bird Treaty Act (MBTA) and Fish and Game Code Section 3503, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field with orange snow fencing.</p>	Moulton Niguel Water District	Moulton Niguel Water District Assistant General Manager, or designee	In the event that construction activities occur between February 15 and August 15/prior to the commencement of grading activities and the issuance of any building permits
Section 4.5: Cultural Resources			
<p>CR-1 Unknown Archaeological Resources. Prior to commencement of grading activities, the Moulton Niguel Water District (MNWD) Assistant General Manager, or designee, shall verify that all Project grading and construction plans include requirements specifying that if archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet (ft) of the find</p>	Moulton Niguel Water District/ Construction Contractor	Moulton Niguel Water District Assistant General Manager, or designee	Prior to the commencement of grading activities

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
<p>until a qualified archaeologist from the Orange County List of Qualified Archaeologists has evaluated the find in accordance with federal, State, and local guidelines to determine whether the find constitutes a “unique archaeological resource,” as defined in Section 21083.2(g) of the California Public Resources Code (PRC). Personnel of the proposed Project shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Project site. The found deposits shall be treated in accordance with federal, State, and local guidelines, including those set forth in PRC Section 21083.2.</p>			
<p>CR-2 Paleontological Resources Impact Mitigation Program. Prior to commencement of any grading activity on site, the Moulton Niguel Water District (MNWD) Assistant General Manager, or designee, shall verify that a qualified paleontologist (a practicing paleontologist that is recognized in the paleontological community and is proficient in vertebrate paleontology), who is listed on the County of Orange list of certified paleontologists, has been retained to develop a Paleontological Resources Impact Mitigation Program (PRIMP) for this Project. The PRIMP shall include the methods that will be used to protect paleontological resources that may exist within the Project site, as well as procedures for monitoring, fossil preparation and identification, curation into a repository, and preparation of a report at the conclusion of grading. The PRIMP shall be consistent with the guidelines of the Society of Vertebrate Paleontology (SVP) and include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Excavation and grading activities in deposits with high paleontological sensitivity (Young Axial Channel Deposits beginning at a depth of 10 feet (ft) below the existing ground surface and the siltstone facies of the Capistrano Formation) shall be monitored by a paleontological monitor following a PRIMP. No monitoring is required for excavations in deposits with no or low paleontological sensitivity (Artificial Fill or the Young Axial Channel Deposits from the surface to a depth of 10 ft). • If paleontological resources are encountered during the course of 	<p>Moulton Niguel Water District/ Construction Contractor</p>	<p>Moulton Niguel Water District Assistant General Manager, or designee</p>	<p>Prior to the commencement of any grading activity on site/if paleontological resources are encountered during the course of ground disturbance/in the event that paleontological resources are encountered when a paleontological monitor is not present</p>

Table 5.A: Mitigation and Monitoring Reporting Program

	Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
	<p>ground disturbance, the paleontological monitor shall have the authority to temporarily redirect construction away from the area of the find in order to assess its significance.</p> <ul style="list-style-type: none"> Collected resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a scientific institution. At the conclusion of the monitoring program, a report of findings shall be prepared to document the results of the monitoring program. In the event that paleontological resources are encountered when a paleontological monitor is not present, work in the immediate area of the find shall be redirected and a paleontologist shall be contacted to assess the find for significance. If determined to be significant, the fossil shall be collected from the field. 			
<p>CR-3</p>	<p>Discovery of Human Remains. Consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e), if human remains are encountered, work within 25 feet (ft) of the discovery shall be redirected and the County Coroner notified immediately. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the Moulton Niguel Water District (MNWD), the MLD may inspect the site of the discovery. The MLD shall complete the inspection <u>and make recommendations or preferences for treatment within 48 hours of being granted access to the site</u> notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, MNWD shall consult with the MLD as identified by the NAHC to develop an agreement for</p>	<p>Moulton Niguel Water District, or designee, or construction contractor</p>	<p>Moulton Niguel Water District Assistant General Manager, or designee</p>	<p>If human remains are encountered</p>

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
treatment and disposition of the remains.			
Section 4.6: Geology and Soils			
<p>GEO-1 Geotechnical Requirements and Seismic Design Standards. The City of Laguna Hill’s Community Development Director, or designee, shall ensure that all <u>design, grading, and construction</u> operations and construction are conducted in accordance with <u>the requirements of the City’s Building Code, the California Building Code (CBC) applicable at the time of grading, and governing building codes and in conformance</u> with the recommendations included in the geotechnical reports on the proposed Project site titled <i>Geotechnical Investigation, Proposed Improvements at the Moulton Niguel Water District Operations Center, 26161 Gordon Road, Laguna Hills, California</i> and <i>Revised Supplemental Geotechnical Investigation, Proposed Improvements at the Moulton Niguel Water District Operations Center, 26161 Gordon Road, Laguna Hills, California</i> (Petra Geosciences, 2016a and 2017). Unless superseded by other regulatory provisions or standards, seismic design criteria shall be developed on the basis of the requirements of the City of Laguna Hills Building Code. <u>Final site grading, specifications, and foundation plans shall be reviewed by the Project geotechnical consultant prior to commencement of grading activities to verify conformance with the recommendations of these reports. In addition, the Project geotechnical consultant shall be present during site grading and foundation construction to observe and document proper implementation of the geotechnical recommendations. The final recommendations of the Project geotechnical consultant shall be summarized in a report subject to review by the City of Laguna Hills Community Development Director, or designee, prior to the start of grading activities.</u></p>	Moulton Niguel Water District/ Construction Contractor	City of Laguna Hill’s Community Development Director, or designee	During grading and construction activities
Section 4.7: Greenhouse Gas Emissions			
The proposed Project would result in less than significant impacts with respect to greenhouse gas emissions, and no mitigation is required.			
Section 4.8: Hazards and Hazardous Materials			
<p>HAZ-1 Predemolition Surveys and Abatement of ACMs, LBPs, and PCBs. Prior to commencement of demolition activities, the Moulton Niguel Water District (MNWD) Assistant General Manager, or designee, shall verify that predemolition surveys for asbestos-containing materials</p>	Moulton Niguel Water District	Orange County Fire Authority	Prior to commencement of demolition activities

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
<p>(ACMs), lead-based paints (LBPs), and polychlorinated biphenyls (PCBs) (including sampling and analysis of all suspected building materials) have been performed. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations (i.e., American Society for Testing and Materials (ASTM) E 1527-05, and 40 Code of Federal Regulations (CFR), Subchapter R, Toxic Substances Control Act [TSCA], Part 716, and SCAQMD Rule 1403).</p> <p>Wherever evidence of ACMs, LBPs, and PCBs are present in areas proposed for demolition, all such materials shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures (40 CFR, Subchapter R, TSCA, Parts 745, 761, and 763, and SCAQMD Rule 1403). During demolition, air monitoring shall be completed by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations (e.g., South Coast Air Quality Management District [SCAQMD]) and to provide safety to workers and the adjacent community. MNWD shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the Orange County Fire Authority (OCFA) showing that abatement of any ACMs, LBPs, and PCBs identified in these structures has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agencies (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795, and California Code of Regulations [CCR] Title 8, Article 2.6, and SCAQMD Rule 1403). An Operating & Maintenance Plan (O&M Plan) shall be prepared for any ACM-, LBP-, or PCB-containing fixtures to remain in place and shall be reviewed and approved by OCFA.</p>			
<p>HAZ-2 Soil Management Plan and Health and Safety Plan. Prior to issuance of any grading permit, the Moulton Niguel Water District (MNWD) shall prepare and approve a Soil Management Plan and a Health and Safety Plan for review and approval. - The primary goal of a Soil Management Plan is to minimize risks to owners, developers, and</p>	<p>Moulton Niguel Water District/ Construction Contractor</p>	<p>Moulton Niguel Water District Assistant General Manager, or designee</p>	<p>Prior to the issuance of any grading permit</p>

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
<p>human health and the environment by providing a pre-approved plan for disturbing known or suspected contaminated areas at a site. The Health and Safety Plan is a written document that describes the process for identifying the physical and health hazards that could harm workers, procedures to prevent accidents, and steps to take when accidents occur. The Soil Management Plan and Health and Safety Plan shall be consistent with local, State, and federal regulations including but not limited to the requirements of California Occupational Safety and Health Act (Cal/OSHA) and shall encompass all subsurface soil disturbance activities. The construction contractor shall comply with all requirements detailed in the Soil Management Plan and Health and Safety Plan during construction. At a minimum, the Soil Management Plan and/or Health and Safety Plan shall include the following components:</p> <ul style="list-style-type: none"> • A summary of all potential risks to construction workers, monitoring programs, maximum limits for all site chemicals, and emergency procedures. • Procedures for handling excavated soil and/or waste, sampling requirements, management and disposal of contaminated material, and documentation of the disturbance activity. • During all subsurface excavation activities, field technicians shall continuously monitor the soil as it is being excavated with appropriate field instruments. • During all subsurface excavation activities, chemicals of concern associated with petroleum hydrocarbon contaminants shall be continuously monitored and compared to appropriate levels of concern (e.g., Permissible Exposure Levels [PELs], Threshold Limit Values [TLVs], or concentrations Immediately Dangerous to Life and Health [IDLH] in the breathing zone). • Identification of a Site Health and Safety Officer. • Methods of contact, phone number, office location, and responsibilities of the Site Health and Safety Officer. • Emergency Response Plan. 			

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
<ul style="list-style-type: none"> Specification that the Site Health and Safety Officer shall be contacted immediately by the construction contractor if evidence of contaminants is present. 			
<p>HAZ-3 Discovery of Potentially Hazardous Materials. During construction activities, the Construction Contractor shall immediately notify the Director of the Orange County Environmental Health Care Agency (OCHCA) Environmental Health Division, or designee, and the Orange County Fire Authority (OCFA) if any contaminated soil, groundwater, toxic materials, subsurface tanks/piping, or potentially hazardous materials are encountered. The OCHCA shall determine the appropriate procedures for handling and disposal of the materials in accordance with local, State, and federal regulations. In the event that contaminated materials are encountered during grading activities, all work within that immediate area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial and clean-up measures are implemented so as to render that area suitable for work to resume.</p>	Moulton Niguel Water District/ Construction Contractor	Moulton Niguel Water District Assistant General Manager, or designee	During construction
Section 4.9: Hydrology and Water Quality			
<p>CM-WQ-1 Construction General Permit. Prior to issuance of a grading permit, the Moulton Niguel Water District (MNWD) shall obtain coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0015-DWQ, as amended by Order No. 2010-0014-DWQ and 2012-0006-DWQ, NPDES No. CAS000002) (Construction General Permit). Construction activities shall not commence until the Waste Discharge Identification Number (WDID) is issued to MNWD by the State Water Resources Control Board. A construction Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented for the Project in compliance with the requirements of the Construction General Permit. The construction SWPPP shall identify construction Best Management Practices (BMPs) to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in storm water runoff as a result of construction activities.</p>	Moulton Niguel Water District	Moulton Niguel Water District Assistant General Manager, or designee	Prior to the issuance of a grading permit

Table 5.A: Mitigation and Monitoring Reporting Program

	Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
CM-WQ-2	<p>Groundwater Discharge Permit. During groundwater dewatering activities, the Construction Contractor shall comply with the requirements of the <i>General Waste Discharge Requirements for Discharges from Groundwater Extraction Discharges to Surface Waters within the San Diego Region</i> (Order No. R9-2008-0002, Permit No. CAG919003) (Groundwater Discharge Permit), or subsequent permit. The Construction Contractor shall comply with all applicable provisions in the permit, including water sampling, analysis, and reporting of dewatering-related discharges. Moulton Niguel Water District (MNWD) shall submit a Notice of Intent for coverage under the permit to the San Diego Regional Water Quality Control Board (RWQCB) at least 60 days prior to the start of dewatering. Groundwater discharge shall not commence until a Notice of Enrollment is received from the San Diego RWQCB. Upon completion of groundwater dewatering activities, MNWD shall submit a Notice of Termination to the San Diego RWQCB.</p>	Moulton Niguel Water District/ Construction Contractor	Moulton Niguel Water District Assistant General Manager, or designee	During groundwater dewatering activities
CM-WQ-3	<p>Final Water Quality Management Plan. Prior to the issuance of any grading or building permits, Moulton Niguel Water District (MNWD) shall prepare a Final Water Quality Management Plan (WQMP). The Final WQMP shall be prepared consistent with the South Orange County Municipal Separate Storm Sewer System (MS4) Permit and the South Orange County Water Quality Management Plan Template. The Final WQMP shall specify Best Management Practices (BMPs) to be incorporated into the design of the Project. The Project Applicant shall provide the Final WQMP to the City of Laguna Hills for review and approval.</p>	Moulton Niguel Water District	Moulton Niguel Water District Assistant General Manager, or designee	Prior to the issuance of any grading or building permits

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
<p>CM-WQ-4 Industrial General Permit. Prior to the completion of construction, Moulton Niguel Water District (MNWD) shall revise the existing operational Storm Water Pollution Prevention Plan (SWPPP) for the Project site in compliance with the requirement of the <i>General Permit for Storm Water Discharges Associated with Industrial Activities</i> (Order No. 2014-0057-DWQ, NPDES No. CAS000001). MNWD shall comply with all applicable provisions in the permit, including implementation of the operational SWPPP, implementation of Best Management Practices (BMPs), water sampling, analysis, and reporting of storm water discharges.</p>	Moulton Niguel Water District	Moulton Niguel Water District Assistant General Manager, or designee	Prior to the issuance of any grading or building permits
<p>Section 4.10: Land Use/Planning</p>			
<p>The proposed Project would result in less than significant impacts with respect to land use and planning, and no mitigation is required.</p>			
<p>Section 4.11: Mineral Resources</p>			
<p>The proposed Project would result not result in impacts with respect to mineral resources, and no mitigation is required.</p>			
<p>Section 4.12: Noise</p>			
<p>CM-NOI-1 Construction Hours. Construction activities occurring as part of the Project shall be subject to the limitations and requirements of the City of Laguna Hills Municipal Code, which states that construction activities shall occur only between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and from 8:00 a.m. to 8:00 p.m. on Saturdays. Construction is not permitted on Sundays or any federal holidays.</p>	Moulton Niguel Water District/ Construction Contractor	City of Laguna Hills	During Project construction

Table 5.A: Mitigation and Monitoring Reporting Program

	Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
NOI-1	<p>Construction Noise and Vibration: Prior to issuance of building permits, the Moulton Niguel Water District (MNWD) Assistant General Manager, or designee, (or its contractor), shall verify that grading and construction plans include the following requirements:</p> <ul style="list-style-type: none"> • During construction activities, a temporary 12-foot-high noise barrier shall be placed around the perimeter of the Project site as specified in Figure 4.12.4 to reduce potential construction noise impacts. The temporary construction barrier shall be a 0.5-inch thick plywood fence or another material that has a minimum Sound Transmission Class rating of 28. • Prior to issuance of grading permits, MNWD shall incorporate the following measures as requirements on the grading plan cover sheet to ensure that the greatest distance between noise sources and sensitive receptors during construction activities has been achieved: <ul style="list-style-type: none"> ○ Construction equipment, fixed or mobile, shall be equipped with properly operating and maintained noise mufflers consistent with manufacturer’s standards. ○ Construction staging areas shall be located away from off-site sensitive uses during the later phases of project development. ○ The Project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site whenever feasible. 	Moulton Niguel Water District/ Construction Contractor	Moulton Niguel Water District Assistant General Manager, or designee	Prior to the issuance of building permits/during construction activities/prior to the issuance of grading permits
NOI-2	<p>Deliveries. The Moulton Niguel Water District (MNWD) Assistant General Manager, or designee, shall ensure that deliveries of materials, fuel, and equipment occur during normal business hours (Monday through Friday, 7:00 a.m. to 5:00 p.m.), with the exception of emergency situations, whereby deliveries could occur outside of typical business hours.</p>	Moulton Niguel Water District	Moulton Niguel Water District Assistant General Manager, or designee	During Project operation
NOI-3	<p>Outdoor Speakers and Devices. During Project operation, Moulton Niguel Water District (MNWD) shall be prohibited from using outdoor speakers, bells, or other devices that could draw attention to the Project site or generate noise beyond the boundaries of the site. The use of outdoor communication facilities shall only be permitted during emergency situations.</p>	Moulton Niguel Water District	Moulton Niguel Water District Assistant General Manager, or designee	During Project operation

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
<p>NOI-4 Service and Repair Activities. During Project operation, Moulton Niguel Water District (MNWD) shall be prohibited from service and repair operations on service vehicles outside of typical business hours (Monday through Friday, 7:00 a.m. to 5:00 p.m.) and must perform such activities within an enclosed structure on the site. Service and repair activities shall only be permitted outside of typical business hours during an emergency situation.</p>	Moulton Niguel Water District	Moulton Niguel Water District Assistant General Manager, or designee	During Project operation
<p>Section 4.13: Population and Housing</p>			
<p>The proposed Project would result in less than significant impacts with respect to population and housing, and no mitigation is required.</p>			
<p>Section 4.14: Public Services</p>			
<p>The proposed Project would result less than significant impacts with respect to public services, and no mitigation is required.</p>			
<p>Section 4.15: Recreation</p>			
<p>The proposed Project would result less than significant impacts with respect to recreation, and no mitigation is required.</p>			
<p>Section 4.16: Transportation and Traffic</p>			
<p>TRA-1: Construction Traffic Control Plan. Prior to the issuance of grading permits, the Moulton Niguel Water District (MNWD) shall prepare a Construction Traffic Control Plan for approval by the City of Laguna Hills City Engineer, or designee, and shall implement the Plan during Project construction with the goal of maintaining acceptable intersection levels of service (LOS) during peak traffic hours. The Construction Traffic Control Plan would be consistent with the City of Laguna Hills Public Services and Engineering Department's <i>Traffic Control Plan General Notes</i> (2009). The Traffic Control Plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Provisions for temporary traffic control during all construction activities adjacent to public right-of-way to improve traffic flow on public roadways and ensure the safe access into and out of the site (e.g., warning signs, lights and devices, and flag person). • Planning routine street closures outside of peak traffic hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday). • Rerouting construction trucks to reduce travel on congested streets. • Prohibiting construction-related vehicles from parking on public 	Moulton Niguel Water District	City of Laguna Hills City Engineer, or designee	Prior to the issuance of grading permits

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
<p>streets.</p> <ul style="list-style-type: none"> • Providing safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers. • Scheduling construction-related deliveries, other than concrete and earthwork-related deliveries, so as to reduce travel during peak travel periods. • Obtaining the required permits for truck haul routes from the City of Laguna Hills. • All emergency access to the Project site and adjacent areas shall be kept clear and unobstructed during all phases of demolition and construction. • The Orange County Sheriff's Department and the Orange County Fire Authority (OCFA) shall be notified a minimum of 1 week (7 days) in advance of any lane closures or roadway work so that emergency vehicles can be rerouted during construction if deemed necessary in the expert opinion of the Orange County Sheriff's Department and/or OCFA. • The Orange County Transportation Authority (OCTA) shall be notified regarding any affected locations a minimum of 10 working days prior to construction so that transit service can be rerouted if deemed necessary in the expert opinion of the OCTA. • Flag persons shall be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access. 			
<p>TRA-2 <u>Gordon Road/Moulton Parkway Intersection Signalization.</u> Prior to commencement of construction activities issuance of a certificate of occupancy for the Operations Center Building, the Moulton Niguel Water District (MNWD) shall install a traffic signal at the unsignalized intersection of Gordon Road/Moulton Parkway. Installation of the traffic signal shall include the traffic signal equipment and timing and coordination with adjacent intersections. Signal installation shall meet the City of Laguna Hills standards and be implemented to the satisfaction of the City of Laguna Hills Traffic Engineer, or designee.</p>	Moulton Niguel Water District	City of Laguna Hills Traffic Engineer, or designee	Prior to the commencement of construction activities

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
Section 4.17: Tribal Cultural Resources			
<p>TCR-1 Unknown Tribal Cultural Resources. Prior to commencement of grading activities, the Moulton Niguel Water District (MNWD) Assistant General Manager, or designee, shall verify that all Project grading and construction plans include requirements specifying that if tribal cultural resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist from the Orange County List of Qualified Archaeologists has evaluated the find in accordance with federal, State, and local guidelines to determine whether the find constitutes a “unique archaeological resource” as defined in Section 21083.2(g) of the California Public Resources Code (PRC). If the find is determined to be a unique archaeological resource, the found deposits shall be treated in accordance with federal, State, and local guidelines including but not limited to those set forth in PRC Section 21083.2. In addition, the find shall be assessed by a representative from the Gabrieleno/Tongva San Gabriel Band of Mission Indians to determine whether the find constitutes a “tribal cultural resource” as defined in PRC Section 21074. If the find is determined to be a tribal cultural resource, the Gabrieleno/Tongva San Gabriel Band of Mission Indians shall coordinate the treatment and curation of these resources with MNWD. Personnel of the proposed Project shall not collect or move any archaeological or tribal cultural resources and associated materials. Construction activity may continue unimpeded on other portions of the Project site during assessment and treatment.</p>			

Table 5.A: Mitigation and Monitoring Reporting Program

Mitigation Measures		Responsible Party	Party or Agency Responsible for Verification and/or Enforcement	Timing for Compliance Measure or Mitigation Measure
Section 4.18: Utilities and Service Systems				
CM-UTL-1	Landscape Water Efficiency Ordinance. Prior to the issuance of a grading permit, the Moulton Niguel Water District (MNWD) shall submit a Final Landscaping Plan to the City of Laguna Hill's Community Development Director, or designee. The Final Landscaping Plan shall be consistent with all applicable provisions outlined in the City's Landscape Water Efficiency Ordinance.	Moulton Niguel Water District	City of Laguna Hill's Community Development Director, or designee	Prior to the issuance of a grading permit

ARB = California Air Resources Board

BMP = best management practice

Cal/OSHA = California Occupational Safety and Health Act

CCR = California Code of Regulations

CDFW = California Department of Fish and Wildlife

City = City of Laguna Hills

DAMP = Drainage Area Management Plan

District = Moulton Niguel Water District

DOORS = Diesel Off-road Online Reporting System

EIN = Equipment Identification Number

ft = feet/foot

HVLP = High Volume Low Pressure

IDLH = Immediately Dangerous to Life and Health

MBTA = Migratory Bird Treaty Act

MLD = Most Likely Descendant

MNWD = Moulton Niguel Water District

mph = mile(s) per hour

MS4 = Municipal Separate Storm Sewer System

NAHC = Native American Heritage Commission

NO_x = nitrogen oxides

NPDES = National Pollutant Discharge Elimination System

PEL = Permissible Exposure Levels

PRC = Public Resources Code

PRIMP = Paleontological Resources Impact Mitigation Program

RWQCB = Regional Water Quality Control Board

SCAQMD = South Coast Air Quality Management District

STC = Sound Transmission Class

SVP = Society of Vertebrate Paleontology

SWPPP = Storm Water Pollution Prevention Plan

TLV = Threshold Limit Values

VOC = volatile organic compound

WDID = Waste Discharge Identification Number

WQMP = Water Quality Management Plan

RESOLUTION NO. 18-___

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MOULTON NIGUEL WATER DISTRICT
UPDATING WASTEWATER TREATMENT PLANT CAPACITY REQUIREMENTS**

WHEREAS, the Board of Directors of MOULTON NIGUEL WATER DISTRICT (sometimes the "District" herein) has considered the needs of the MOULTON NIGUEL WATER DISTRICT and its wastewater treatment plant capacities and investments.

WHEREAS, the District must consider its wastewater treatment needs at the Coastal Treatment Plant considering the Project Committee 15 Agreement it has with Emerald Bay Service District, South Coast Water District and the City of Laguna Beach, governing the Coastal Treatment Plant expires on November 22, 2026 (the "PC-15 Agreement")., and the PC2 and PC17 wastewater treatment agreements will be expiring on June 16, 2023 and November 28th, 2029, respectively.

WHEREAS, the District must consider its wastewater treatment needs at the Regional Treatment Plant considering the Project Committee 17 Agreement it has with El Toro Water District, Emerald Bay Service District, South Coast Water District and the City of Laguna Beach, governing the Regional Treatment Plant expires on November 28, 2029 (the "PC-17 Agreement").

WHEREAS, the District must consider its wastewater treatment needs at the JB Latham Treatment Plant considering the Project Committee 2 Agreement it has with the City of San Juan Capistrano, Santa Margarita Water District, and South Coast Water District, governing the JB Latham Treatment Plant expires on June 16, 2023 (the "PC-2 Agreement").

WHEREAS, the District has prepared an Executive Update of its 1998 Revised Sewer Master Plan intended to analyze the wastewater treatment plant capacity requirements for the District, a copy of which is attached hereto as Attachment "1."

WHEREAS, the District does not use the Coastal Treatment Plant subject to the PC-15 Agreement and does not have current or future wastewater treatment capacity requirements at the Coastal Treatment Plant as no sewage is projected to be conveyed from the District's constituents to the Coastal Treatment Plant.

WHEREAS, the District provided notice to the Emerald Bay Service District, South Coast Water District, and the City of Laguna Beach in August 2016 of its intent to not renew the PC-15 Agreement and its desire to divest its capacity in the Coastal Treatment Plant.

WHEREAS, the maximum flow of water that can practically be diverted to Plant 3A is 3.6 MGD with the future Camino Capistrano Lift Station, which will continue to maximize the reuse of wastewater where financially and technically feasible.

WHEREAS, the historical flows of water at JB Latham are significantly lower than current capacity and will be further reduced with the development of the future Camino Capistrano Lift Station.

WHEREAS, the District must evaluate its potential to utilize excess capacity at the Regional treatment plant to maximize beneficial use of urban runoff, stormwater, and regional wastewater flows.

NOW, THEREFORE, the Board of Directors of MOULTON NIGUEL WATER DISTRICT does hereby **RESOLVE, DETERMINE** and **ORDER** as follows:

SECTION 1. That the District identify opportunities to maximize the reuse of wastewater where financially and technically feasible to improve the reliability of service to the District's customers, reduce imported water deliveries to the region, and reduce discharges of secondary effluent to the Ocean.

SECTION 2. That the District, upon consideration of the lack of benefits the District receives under the PC-15 Agreement and in order to preserve the fiscal integrity of the District, will not renew the PC-15 Agreement, which is set to expire on November 22, 2026.

SECTION 3. That the District eliminate all its capacity rights at the Coastal Treatment Plant as it has no need for the capacity.

SECTION 4. That the District maintain its capacity rights at the Regional Treatment Plant.

SECTION 5. That the District reallocate as appropriate the maximum flow of wastewater that can be practically diverted to the Plant 3A Treatment Plant to increase reuse opportunities.

SECTION 6. That the District evaluate opportunities to minimize wastewater flows sent to the JB Latham Treatment Plant and eliminate any of its excess capacity at the JB Latham Treatment Plant.

SECTION 7. That the District evaluate the potential to utilize its excess capacity at the Regional Treatment Plant to maximize beneficial use of urban runoff, stormwater and regional wastewater flows.

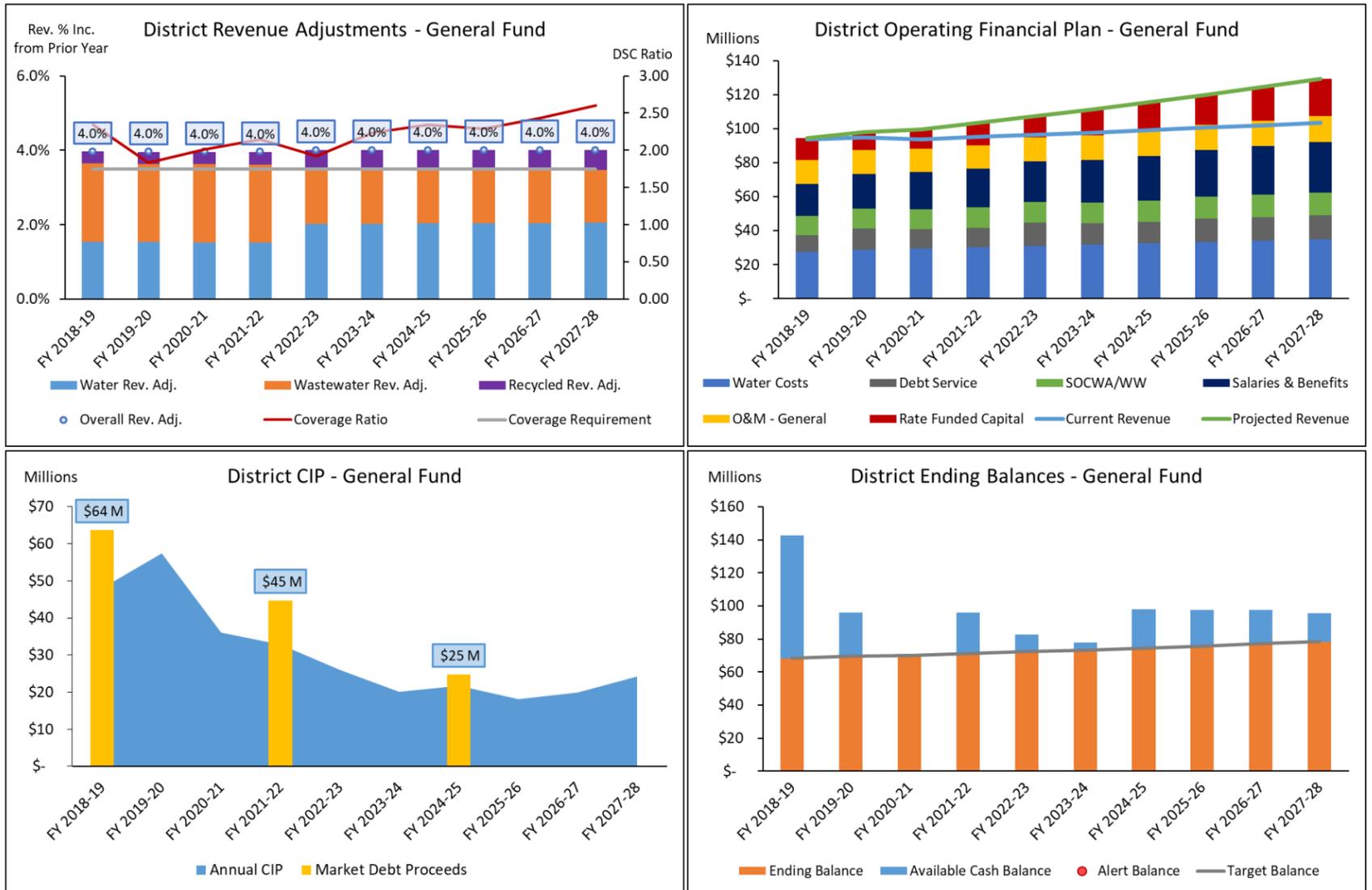
ADOPTED, SIGNED and APPROVED this 16th day of August, 2018.

MOULTON NIGUEL WATER DISTRICT

President/Vice President
MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors thereof

Secretary/Assistant Secretary
MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors thereof

10- Year Cashflow with Budget Amendment



10-Year Cashflow with approved 2018-19 Budget

