

**RESOLUTION NO. 2023-02**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CASTROVILLE COMMUNITY SERVICES DISTRICT APPROVING THE WASHINGTON STREET SEWER BYPASS PROJECT (“PROJECT”); ADOPTING THE FINAL INITIAL STUDY – MITIGATED NEGATIVE DECLARATION (“IS-MND”) PREPARED FOR THE PROJECT; APPROVING AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM (“MMRP”) PREPARED FOR THE PROJECT; AND MAKING THE MMRP A CONDITION OF PROJECT APPROVAL**

**WHEREAS**, Castroville Community Services District (“District”) is a Community Services District created pursuant to Government Code Section 61000; and

**WHEREAS**, in 2014, the District absorbed the CSA 14, which the District had been operating under contract for several years, and

**WHEREAS**, the District’s consultant performed a Sewer System Master Plan, which identified critical upgrades to be made to the Castroville Sewer system. Since then, the District has identified required improvements for the system, including additional capacity in the main discharge line leading to the MIW pump station; and

**WHEREAS**, these critical upgrades are necessary not only to improve the reliability of the WBP, but also to reduce the potential for unexpected leaks and/or breakages to affect nearby environmental resources such as Elkhorn Slough, Moss Landing Harbor, and the Monterey Bay National Marine Sanctuary; and

**WHEREAS**, the District’s proposes to construct the proposed WASHINGTON BYPASS (“Project”), which Project involves the replacement or rehabilitation of existing facilities that are part of the WBP. The Project is intended to optimize the existing system to serve existing demand and would not serve additional growth or new demand. The proposed system improvements are described in Initial Study-Mitigated Negative Declaration (“IS-MND”) prepared for the Project and the preliminary Project plans are attached to the IS-MND in Appendix A; and

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code, §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.) (collectively, “CEQA”), an Initial Study analyzing all potential impacts of the Project was prepared for the District’s consideration as the lead agency under State CEQA Guidelines Section 15063; and

**WHEREAS**, on the basis of the Initial Study, which indicated that all potential environmental impacts from the Project would be less than significant with the incorporation of the mitigation measures in the Mitigation Monitoring and Reporting Program (“MMRP”), District staff determined that a Mitigated Negative Declaration (“MND”) should be prepared; and

**WHEREAS**, the Draft Initial Study-MND was prepared in accordance with CEQA and circulated for public review and comment between December 8, 2022 through January 9, 2023; and

**WHEREAS**, pursuant to Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15074(d), a MMRP has been prepared for the Project, a copy of which is attached; and

**WHEREAS**, all comments on the Draft Initial Study-MND submitted by members of the public as well as any responsible, trustee, and interested agencies during the public review period for the Draft Initial Study-MND were received, considered and responded to; and

**WHEREAS**, the Final Initial Study-MND consists of the responses to comments and the Initial Study-MND; and

**WHEREAS**, the District Board of Directors conducted a duly noticed public meeting on February 21, 2023 to consider the proposed Project and its potential environmental impacts, the Final Initial Study-MND, MMRP, and all oral and written evidence presented to it during all meetings; and

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

**WHEREAS**, the District Board of Directors has reviewed the Final Initial Study-MND, the MMRP, and all other relevant information contained in the administrative record regarding the Project, and no comments or additional information submitted to the Board of Directors, and no other circumstances have produced substantial new information requiring substantial revisions that would trigger recirculation of the Draft Initial Study-MND or additional environmental review of the Project under State CEQA Guidelines Section 15073.5; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Castroville Community Services District Board of Directors hereby finds:

**1. CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Castroville Community Services District's Board of Directors (including the Final Initial Study-Mitigated Negative Declaration ["IS-MND"], comments received, and the administrative record), the Final IS-MND has been completed in compliance with CEQA and there is no substantial evidence that the WASHINGTON BYPASS ("Project") as designed and mitigated, will have a significant effect on the environment. The Final IS-MND reflects Board's the independent judgment and analysis.

**EVIDENCE:**

- a) The California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) require preparation of an Initial Study for projects that are subject to CEQA.
- b) Castroville Community Services District ("CCSD") prepared an Initial Study pursuant to CEQA for the Project. The Initial Study is on file in the Castroville offices of the CCSD located at 11497 Geil Street, Castroville, California, 95012, and is hereby incorporated by reference.
- c) The IS-MND identified several potentially significant effects, but Project revisions and mitigation measures that would avoid or mitigate the effects to a point where clearly no significant effects would occur have been incorporated into the Project and/or made conditions of the Project.
- d) An MMRP has been prepared to ensure compliance during Project implementation, and is hereby incorporated herein by reference. The District shall be responsible for implementing the MMRP throughout the duration of project construction and operation.
- e) The Draft IS-MND for WASHINGTON BYPASS ("Project") was prepared in accordance with CEQA and circulated for public review from December 8, 2022 through January 9, 2023. Comments from California Department of Transportation (Caltrans) were received.

- f) Tribal Cultural Resources - In accordance with Public Resources Code Section 21080.3.1, often referred to as Assembly Bill 52-Native Americans: CEQA, non-exempt projects subject to environmental review shall request a Tribal Consultation to determine if potential impacts to tribal cultural resources exist. On October 31, 2022, CCSD staff held a consultation meeting with the Rumsen Am:a Tu:rataj Olone (RATO). The RATO indicated the cultural importance and sensitivity of the Castroville area to the Tribe. To reduce potential impacts to tribal cultural resources to a less than significant level, mitigation measures recommended by RATO for Native American monitoring and procedures for unanticipated discoveries of tribal cultural resources have been incorporated. The project as proposed and mitigated would have a less than significant impact to tribal cultural resources.
- g) Caltrans – Comments received and responses provided in the Responses to Comments included with the Final IS-MND.
- h) SWRCB – No comments received.
- i) California Coastal Commission – No comments received.
- j) Members of the Public - No comments received.
- k) Issues that were analyzed in the IS-MND include: aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, tribal cultural resources, utilities/service systems, and wildfire.
- l) The project was found to have no impact on energy, land use/planning, mineral resources, population and housing, public services, recreation, and wildfire.
- m) The Project was identified to have less than significant impacts on aesthetics, agriculture and forestry, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, transportation, and utilities/service systems.
- n) The project was found to have potential impacts to air quality, biological, cultural, paleontological, and tribal cultural resources as well as noise, and mitigation measures have been incorporated to reduce impacts to these resources to a less-than-significant level.
- o) Evidence that has been received and considered includes: the technical studies/reports, the Draft and Final IS-MND, and staff report that reflect the CCSD’s independent judgment, and information and testimony presented during the public hearing. These documents are on file with the CCSD and are hereby incorporated herein by reference.
- p) Staff analysis contained in the IS-MND and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless CDFW determines that the project will have no effect on fish and wildlife resources. The Draft IS-MND was sent to CDFW for review and comment and to recommend necessary conditions to protect biological resources in this area. No comments were received.
- q) CCSD, located at 11497 Geil Street, Castroville, California, 95012, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the IS-MND is based.
- r) The Project plans and related support materials prepared by CCSD for the proposed WASHINGTON BYPASS.

**BE IT HEREBY FURTHER RESOLVED** that:

1. Pursuant to Public Resources Code Section 21080, subdivision (c)(2), the District Board of Directors approves and adopts the Final Initial Study-MND prepared for the Project.
2. Pursuant to Public Resources Code Section 21081.6, the District Board of Directors approves and adopts the MMRP prepared for the Project and makes the MMRP a condition of Project approval.
3. The District Board of Directors approves the Project as described in the Final Initial Study-MND.
4. The District Board of Directors directs staff to file a Notice of Determination with the County of Monterey and the State Clearinghouse within five (5) working days of approval of the Project

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of the Castroville Community Services District duly held on the 21st day of February 2023 by the following vote.

Ayes: Director(s) Stefani, Oania, Cochran, MacMillan & Padilla

Noes: Director(s) \_\_\_\_\_

Absent: Director(s) \_\_\_\_\_

Abstained: Director(s) \_\_\_\_\_

ATTEST:



Lidia Santos, Secretary  
(SEAL)



Cosme Padilla, Board President