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**BEFORE THE STATE WATER  
RESOURCES CONTROL BOARD**

In the Matter of the State Water Resources )      Hearing Date: September 24, 2007  
Control Board (State Water Board) )  
Hearing to consider Monterey Peninsula )      Carmel River in Monterey County  
Water Management District's (MPWMD) )  
Petitions to Change Permits 7130B and )  
20808 (Applications 11674B and 27614) )  
\_\_\_\_\_ )

**EXHIBIT HS-5**

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**

**Notice of Determination of Approval of the MPWMD ASR Project based on Certified EIR,  
transmitted August 23, 2006**

**Monterey Peninsula Water Management District (MPWMD)  
NOTICE OF DETERMINATION**

TO:   X   Office of Planning and Research  
1400 Tenth St., PO Box 3044  
Sacramento, CA 95812-3044

FROM: Monterey Peninsula Water Mgt. Dist.  
PO Box 85, Monterey, CA 93942  
Phone: 831/658-5600

**FILED**

AUG 24 2006

or   X   County Clerk, County of Monterey  
PO Box 29  
Salinas, CA 93902

STEPHEN L. MAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

SUBJECT: Filing Notice of Determination in compliance with Section 21152 of the Public Resources Code

State Clearinghouse Number: 2004121065

Contact Person: Henrietta Stern  
Phone Number: 831/658-5621

Project Title: **MPWMD Phase 1 Aquifer Storage and Recovery (ASR) Project**

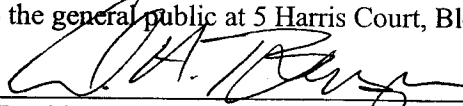
Project Location: *Federal land on Former Fort Ord in Monterey County immediately east of General Jim Moore Boulevard and south of Eucalyptus Avenue, adjacent to the existing MPWMD Santa Margarita Test Injection Well.*

Project Description: *ASR entails diversion of treated excess flow, as defined by resource agencies, from the Carmel River Basin in wet periods for injection into the Seaside Groundwater Basin for later extraction in dry periods. The primary objective is to help reduce dry season diversions from the lower Carmel River, which adversely affect sensitive species and habitat. Facilities include a new injection/recovery well adjacent to the existing Santa Margarita Test Injection Well, associated appurtenant structures, and an underground pipeline to connect the existing California American Water (Cal-Am) system to the new well. A temporary pipeline planned for construction by Cal-Am in 2006 to enable greater operational flexibility and improved water delivery to the ASR Project is also evaluated to comply with the National Environmental Policy Act (NEPA) with the U.S. Army as federal lead agency.*

This is to advise that, on **August 21, 2006**, the Monterey Peninsula Water Management District Board of Directors (the lead agency) adopted Resolution No. 2006-04 to certify the Environmental Impact Report and Environmental Assessment (EIR/EA) and approve the Phase 1 ASR Project. On **August 21, 2006**, the District Board made the following determinations about the above described project:

1. The project **will not** have a significant effect on the environment.
2. An **Environmental Impact Report** was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures **were** made a condition of the approval of the project. A Mitigation Monitoring Plan was adopted for the project.
4. Findings were made pursuant to CEQA Guidelines 15094(a)(7) and 15091.
5. A Statement of Overriding Considerations **was not** adopted for this project.

This is to certify that the Draft and Final EIR/EA with comments and responses and record of project approval are available to the general public at 5 Harris Court, Bldg. G, Monterey, CA 93940.

Signature:   
David A. Berger, MPWMD General Manager

Date: 8-22-06

Date Received for Filing (OPR) \_\_\_\_\_

**POSTED 30 DAYS**

Authority cited: Sections 21083 and 21087, Public Resources Code  
Reference: Sections 21000-21174, Public Resources Code

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