



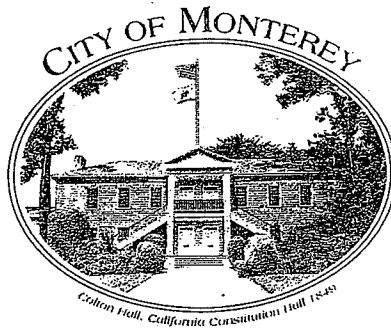
**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5600
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

SUPPLEMENT TO 2/23/06 MPWMD BOARD PACKET

Attached are copies of letters received between January 5, 2006 and February 8, 2006. These letters are also listed in the February 23, 2006 Board packet under item 20, Letters Received.

Author	Addressee	Date	Topic
Bonnie L. Gawf	David A. Berger	1/5/06	Approving appointments to Outside Agencies
Marilyn Maxner	Michelle Knight	1/25/06	Formation of a Citizens' Advisory Committee <i>2/1/06 Response by David Berger also attached</i>
Thomas H. Jamison	Michelle Knight	1/26/06	Appeal of Staff Decision by Robert Louis Stevenson School
Madeleine Clark	MPWMD Board	1/26/06	Cal Am Water Co. v. City of Seaside et. al., Monterey County Superior Court Case #M66343
Julie Packard	David Berger	Undated	Monterey Bay Aquarium Water Use Credit <i>2/1/06 Response by David Berger also attached</i>
Bill Wojtkowski	David Berger	1/27/06	Monterey Bay Aquarium



RECEIVED

JAN 11 2006

MPWMD

January 5, 2006

David A. Berger, General Manager
Monterey Peninsula Water Management District
Policy Action Committee
P.O. Box 85
Monterey, CA 93942

Subject: Approving appointments to Outside Agencies

Dear Mr. Berger:

At its January 3, 2006 Meeting the City Council reviewed the list of appointments to Outside Agencies and Subcommittees and made appropriate changes. The city representative is Mayor Dan Albert and alternate, Chuck Della Sala.

If you have any questions regarding this matter, please phone me, at 646-3935.

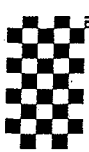
Sincerely,

Bonnie L. Gawf, CMC
City Clerk

BLG/tlm

c: City Clerk's file

encl.



LEAGUE OF WOMEN VOTERS®
OF THE MONTEREY PENINSULA

RECEIVED

JAN 26 2006

MPWMD

January 25, 2006

Michelle Knight
Chair, Board of Directors
Monterey Peninsula Water Management District
By Fax (831) 644-9560

SUBJECT: FORMATION OF A CITIZENS' ADVISORY COMMITTEE

Dear Chair Knight and Members of the Board of Directors:

The League of Women Voters of the Monterey Peninsula supports creation of a citizens' committee to advise the Monterey Peninsula Water Management District Board. This committee would allow the community to more fully participate in the decision-making process and would provide views and recommendations in addition to those from the Policy Advisory and Technical Advisory Committees. Experience throughout California shows that infrastructure needs are most successfully addressed when all segments of the community have opportunities for effective participation.

Members of the League of Women Voters of the Monterey Peninsula have extensive knowledge on water issues, having first studied water supply, water quality, and water management in 1984 and again in 1994. We would be very interested in serving on a citizen's advisory committee if one is created.

Thank you for your consideration.

Sincerely,

Marilyn Maxner
President

PO BOX 1995
Monterey CA 93942

648-VOTE (648-8683)
LWVMPca@yahoo.com
www.lwvmp.org



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

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MONTEREY, CA 93942-0085 • (831) 658-5600
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

February 1, 2006

Marilyn Maxner, President
League of Women Voters
P.O. Box 1995
Monterey, CA 93942

Subject: Formation of Citizens' Advisory Committee

Dear *Marilyn* Ms. Maxner:

This will serve to acknowledge receipt of your letter of January 25, 2006, regarding the League of Women Voters interest in serving on the proposed Citizens' Advisory Committee. Thank you for the letter; it has been distributed to the Board of Directors.

At their January 26, 2006 meeting, the Board of Directors decided to form the Citizens Advisory Committee and directed staff to contact local organizations within the next 90 days and solicit their interest in participating on the committee. The District will consider your letter as the first expression of interest by a local organization. The Board of Directors will take final action on formation of this committee at a later date. You will be contacted when the final determination is made.

Again, thank you for contacting the Board of Directors regarding the Citizens' Advisory Committee.

Sincerely,

David A. Berger
General Manager

pc: MPWMD Board of Directors
Stephanie Pintar
Henrietta Stern

RECEIVED

JAN 26 2006

CHARLES R. KELLER
RONALD P. SCHOLL
THOMAS H. JAMISON
MARK A. CAMERON
JOHN S. BRIDGES
DENNIS G. MCCARTHY
JACQUELINE P. MCMANUS
CHRISTOPHER E. PANETTA
DAVID C. SWIGBERT
VIRGINIA E. HOWARD
SARA B. BOYNS
SHARILYN R. PAYNE
BRIAN E. TURLINGTON
AMBER D. PASSNO
CAROL S. HILBURN
LAURA S. DARCHICK
JAY P. MENCHACA

FENTON & KELLER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
2801 MONTEREY-SALINAS HIGHWAY
POST OFFICE BOX 791
MONTEREY, CALIFORNIA 93942-0791
TELEPHONE (831) 373-1241
FACSIMILE (831) 373-7219

LE MPWMD
1923-2003

4:30 pm

FROM SALINAS
TELEPHONE (831) 737-8337

January 26, 2006

THOMAS H. JAMISON

TJamison@FantonKeller.com
ext. 230

VIA FACSIMILE

Michelle Knight, Chair, and Members of the Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93942

Re: Appeal of Staff Decision by Robert Louis Stevenson School
Our File: 8673.23370

Dear Chair Knight and Members of the Board:

The above-referenced appeal is scheduled for your meeting this evening as Agenda Item 11. Our firm represents Robert Louis Stevenson School ("Stevenson School").

It has been Stevenson School's desire to have its appeal heard by the full Board of Directors. We understand that Director Potter was, on short notice, required to be in Sacramento today and will not attend the meeting.

Thus, Stevenson School requests a continuance of the appeal hearing to a future meeting. Resolution of the appeal is not a matter of urgency for Stevenson School at this time.

Very truly yours,

FENTON & KELLER
A Professional Corporation

Thomas H. Jamison
Thomas H. Jamison

THJ:vlh

cc: David Berger, General Manager – via facsimile
David C. Laredo, Esq. – via facsimile
Joseph Wandke, President, Stevenson School – via facsimile



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 A PROFESSIONAL CORPORATION
 ATTORNEYS AT LAW
 2801 MONTEREY-SALINAS HIGHWAY
 POST OFFICE BOX 791
 MONTEREY, CALIFORNIA 93942-0791
 TELEPHONE (831) 373-1241
 FACSIMILE (831) 373-7219

FACSIMILE TRANSMISSION

DATE: January 26, 2006 **FILE NUMBER:** 8673.23370

TO:

NAME	FAX NO.	PHONE NO.
Michelle Knight, Chair, and Members of the Board of Directors - MPWMD	(831) 644-9560	(831) 658-5600
cc: David Berger, General Manager	(831) 644-9560	(831) 658-5600
David C. Laredo, Esq.	(831) 646-0377	(831) 646-1502
Joseph Wandke, President, Stevenson School	(831) 625-5208	(831) 625-8312

FROM: Thomas H. Jamison **PHONE:** Ext. 230

SENT BY: Valerie Heater **PHONE:** Ext. 226

RE: Appeal of Staff Decision by Robert Louis Stevenson School

NUMBER OF PAGES WITH COVER PAGE: 2	ORIGINAL WILL NOT FOLLOW
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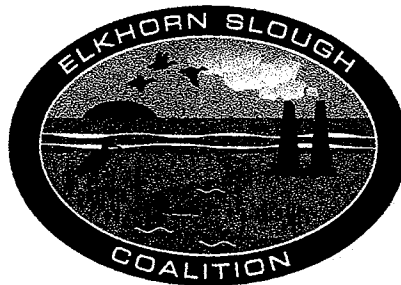
MESSAGE:

See following letter.

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL VALERIE HEATER AT 831-373-1241 AS SOON AS POSSIBLE.



8145 Messick Road • Prunedale, CA 93907 • Tel/Fax: (831) 663-3130 • E-mail: madeleine@wgprints.com

Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Bldg. G
Monterey, CA 93940

January 26, 2006

RE: Regular Meeting of January 26, 2005—Closed Session, Item (3) E.
Cal Am Water Co. v. City of Seaside et. al., Monterey County Superior Court Case #M66343

Dear Chair Michelle Knight and MPWMD Board Members:

*In the land of the blind, the one-eyed man is King.
In Monterey County, Cal Am is King.*

After three years of legal wrangling and political maneuvers on the part of high-powered attorneys and corporate lawyers, visiting Judge Roger Randall decreed in a tentative decision in mid January that Cal Am would hold three seats, more than any other entity—public or private—on the courts' newly created 13 member Watermaster Board.

This new water management board will have jurisdiction over the Seaside Basin aquifer and will be allowed to transfer more water from the over-pumped Carmel River to recharge the over-pumped Seaside aquifer. Under Order WR 95-10, mandated by the California State Water Resources Control Agency, Cal Am is required to reduce pumping on the Carmel River. The judge's decree conflicts with local, state and federal environmental protection efforts to save the Carmel River ecosystem from over-pumping by Cal Am.

While we appreciate Judge Randall's desire to solve water problems in Monterey County by creating an appointed Watermaster Board, his ruling overreaches the confines that protect the public from abuses by the judiciary. His decision to usurp the authority of the duly elected Monterey Peninsula Water Management District is a good example of why we live by the rule of "Separation of Powers."

The MPWMD was created by an act of the California State Legislature. The courts don't have the authority to structure a governing agency of their own design because the California Constitution expressly provides for the separation of governmental powers among three branches of government; legislative, executive and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by our Constitution. (Cal. Const. art III, 3)

The purpose of separation of powers is to protect individual liberty by preventing concentration of powers in the hands of one individual or governing body. For a judge to neutralize the MPWMD by structuring and overseeing the activities of a Watermaster Board, he claims both legislative and judicial authority. Only state representatives we elect have the privilege of creating or dissolving a legally implemented water management board.

All parties agree that the MPWMD has jurisdiction over the Seaside Basin aquifer. Unless the MPWMD has broken the law (which no one has accused them of doing) the judge exceeds the courts' authority. By formulating a Watermaster Board, whose decisions supersede those of the MPWMD, he violates separation of powers mandates.

He also sows the seeds for graft and corruption by granting Cal Am three votes on a thirteen member board. Cal Am only needs four votes from other pro-Cal Am board appointees to gain the majority and implement their agenda. Anyone who has had dealings with Cal Am knows how influential they can be, both financially and politically.

Like his newly created water management board, Judge Randall is not directly accountable to the voters of Monterey County. He is a visiting judge from Bakersfield. His decision to devise a Watermaster Board sets illegal and illogical precedent. What is to prevent any disgruntled multinational corporation like Cal Am from suing and gaining control over any government agency when they don't like the local ordinances or regulations?

What is next; a new Watermaster Board for north Monterey County because Cal Am is annoyed that the County won't issue a permit for the pilot desalination plant they want to build next to the power plant? After all, that water is also slated to recharge the Seaside Basin aquifer. Why doesn't Cal Am sue to replace the Board of Supervisors? No one much cares for the job they are doing and the right judge might be happy to replace them with Cal Am appointees.

Policymakers and the public need to get straight on legal procedure and political protocol. If we allow one visiting judge from Bakersfield to rob us of our democratic rights to elect our own representatives, we open the doors to the Kingdom of Cal Am.

Respectfully,



Madeleine Clark, *Director*
Elkhorn Slough Coalition

Enclosures: *(Copies of)*

(A) June 2, 2005—Correspondence from NOAA to Cal Am regarding the operations of Cal Am on the Carmel River. Specifically addresses lack of compliance and liability (\$330 million annually) for failure to implement mitigation measures.

(B) October 26, 2005—Correspondence from Elkhorn Slough Coalition to State Water Resources Control Board requesting follow-up information regarding above NOAA communication to Cal Am. Specifically addresses Cal Am Vice President/Manager Steve Leonard's claim that much had transpired since June 14, 2005.

(C) December 15, 2005— Correspondence from SWRCB to Elkhorn Slough Coalition regarding above request for follow-up information. Specifically addresses compliance and enforcement of NOAA directives and Order WR 95-10. Please note (last paragraph) reference to SWRCB preference for local solutions to these issues.

(D) June 3, 2005— E-mail from David Berger, General Manager of MPWMD, to Curtis Weeks, General Manager of the MCWRA, regarding RUWS (Regional Urban Water Supply) Board structure and jurisdiction. Specifically addresses option to seek State legislation creating an independent RUWS agency with directly elected governing board. Also specifically addresses control of MPWMD Aquifer Storage and Recovery project.



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

Office of General Counsel
Southwest Regional Office
Long Beach Federal Building
501 W. Ocean Blvd., Suite 4470
Long Beach, CA 90802-4213
Telephone: (562) 980-4091
Fax: (562) 980-4084

RECEIVED
JUN 14 2005
Allen Matkins

June 2, 2005

California American Water Company
c/o Jan Driscoll
Allen Matkins
501 West Broadway, Suite 900
San Diego, CA 92101

Dear Ms. Driscoll:

This letter is in response to the draft settlement agreement you sent my office regarding the operations of the California American Water Company (CAW) on the Carmel River. The proposed settlement relates to the National Oceanic & Atmospheric Administration's (NOAA) concerns that CAW's well pumping and surface diversions from the Carmel River are resulting in violations of the Federal Endangered Species Act (ESA). NOAA is interested in pursuing a resolution of its concerns; however, there are provisions in the draft settlement agreement that are unacceptable to NOAA, and which must be addressed before NOAA could become a signatory to the agreement.

NOAA is concerned that CAW's operations on the Carmel River are resulting in the take of tens of thousands of Federally-listed South-Central California Coast Evolutionarily Significant Unit steelhead (SCCC steelhead) every year in violation of the ESA. NOAA believes that its concerns regarding the potential ESA violations could be resolved if CAW were to significantly reduce its water withdrawals from the Carmel River.

As a result of prodding and orders from the State Water Resources Control Board (SWRCB), CAW is currently pursuing one option for reducing its water withdrawals from the Carmel River, which is the construction of a desalination plant at Moss Landing. Given the political, permitting, environmental, and financial issues surrounding this project, at this time it is unclear whether CAW will be able to build the plant or if the plant is built, when it might be in service. Under the absolute best case scenario, the desalination plant would not be in service for another five years.

CAW has offered to provide some mitigation for the alleged take of SCCC steelhead that has occurred, and will occur, over the next five years pending the construction of a desalination plant.



"A"

NOAA believes that the mitigation costs CAW agreed to in the 2001* Conservation Agreement serve as an appropriate measure of the amount of mitigation CAW could be expected to pay under a settlement agreement with NOAA for the next five years.

In the Conservation Agreement, CAW agreed to, among other things, build a filter plant that would allow CAW to use water diverted from wells that are lower in the Carmel River system. CAW estimated the cost to construct the filter plant at \$5.5 million. During the NOAA-CAW meeting that took place on February 26, 2004,* Steve Leonard of CAW stated that in lieu of building the \$5.5 million filter plant, CAW would be willing to finance other mitigation for the take of SCCC steelhead. *(PROMISES, PROMISES.)

Since that meeting, NOAA has developed a list of potential mitigation projects and has presented the list to CAW for review. These projects include funding for: (1) the implementation of a lagoon management program for the Carmel River Lagoon; (2) a study to determine the feasibility of providing permanent fish passage for SCCC steelhead at Los Padres Dam; (3) dredging to remove excess sediment behind Los Padres Dam; (4) the development of an alternative water supply for the Sleepy Hollow Steelhead Rearing Facility; (5) an inventory of roads, culverts, and erosion sites that are contributing to the sedimentation of the Carmel River and its tributaries; (6) the repair or replacement of roads, culverts and erosion sites identified in the sedimentation inventory; and (7) a genetic study of steelhead populations in the Carmel and Salinas River.

Since this list was presented to CAW, the Carmel River Watershed Conservancy has produced a Watershed Assessment and Action Plan for the Carmel River Watershed (2004) that identifies a number of additional projects that are needed to improve habitat conditions for SCCC steelhead. These projects include: (1) acquisition of conservation easements to protect steelhead habitat adjacent to private land; (2) periodic injections of gravel and cobbles downstream of Los Padres and San Clemente Dam to restore the channel bottom; (3) injection of large woody debris into the main channel and south arm of the Carmel River Lagoon; (4) planting of native vegetation in open stream bank areas; (5) replacement or enlargement of culverts on Carmel Valley Road; and (6) design and construction of a fish screen at the entry to the diversion at Los Padres Dam.

Given the breadth and scope of the projects needed to improve habitat conditions for SCCC steelhead in the Carmel River, \$5.5 million in mitigation will not be sufficient to cover the cost of all of the projects. However, by focusing on completion of those projects that have the greatest potential to improve habitat conditions for SCCC steelhead, this amount will be sufficient to measurably improve habitat conditions for SCCC steelhead in the Carmel River over the next five years.

Mitigation in the amount of \$5.5 million is justified not only by CAW's commitments in the Conservation Agreement, but the amount of harm NOAA estimates CAW's operations may be responsible for in the Carmel River. It is estimated that every year the dewatering of the Carmel River is responsible for the death and/or stranding of 50,000 SCCC steelhead. If we assume that CAW is only responsible for half of the amount of take we believe is occurring each year, CAW's liability under the ESA could be as high as \$330 million in penalties each year. Thus, by asking CAW to fund potential mitigation projects in the amount of \$5.5 million over the next five years, NOAA is not asking for anywhere near the penalty amount that could be imposed under the ESA. Instead, NOAA is only asking CAW to abide by its previous commitment to provide an appropriate level of mitigation for SCCC steelhead in the Carmel River.

We look forward to resolving NOAA's ESA concerns with you and welcome any further discussion you would like to have on potential settlement options.

Sincerely,


Amanda R. Wheeland
Enforcement Attorney

cc: Rod McInnis, NMFS
Dick Butler, NMFS
Joyce Ambrosius, NMFS
Stephen Meyer, NMFS-OLE
Tom Gaffney, NMFS-OLE



8145 Messick Road Prunedale, CA 93907 Tel/Fax: (831) 663-3130 E-mail: madeleine@wgprints.com

Authur G. Baggett, Jr., Member
 State Water Resource Control Board
 1001 I Street
 Sacramento, CA 95814
 October 26, 2005

RE: NOAA / Cal American Water Mitigation Mandates—Carmel River

Dear Mr. Baggett:

As promised, the following fax is a copy of the NOAA letter to Cal American Water regarding over-pumping impacts and mitigation measures for the Carmel River. You mentioned you thought NOAA had already provided the SWRCB with copies of this correspondence so please excuse the duplication if you already have it.

In all fairness to Cal Am, I spoke to Vice President/ Manager Steve Leonard after the meeting and he felt much had transpired since this NOAA communication, and what I shared with you (and the public) was outdated. It is never our intention to disseminate irrelevant or erroneous information. He could not specify what had changed since June but he was emphatic that several written communications had been exchanged between Cal Am and NOAA .

If that is the case and NOAA provides the SWRCB with copies of such communications, would you mind faxing them to us? We'd like to know what mitigation has been mandated, what is the timeline and how will it be implemented and enforced?

Please consider this a formal request by provisions of the Public Records Act.

It was a pleasure chatting with you and Victoria Whitney. I'll look forward to working with both of you in our ongoing efforts to protect public resources.

Sincerely,


 Madeleine Clark

Faxed 4 pages including cover letter to 916-341-5620 and 916-341-5400

"B"



State Water Resources Control Board



Alan C. Lloyd, Ph.D.
Agency Secretary

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
FAX: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

DEC 15 2005

In Reply Refer
to:334:KDM:262.0 (27-01)

Madeleine Clark
Elkhorn Slough Coalition
8145 Messick Road
Prunedale, CA 93907

Dear Ms. Clark:

PUBLIC RECORDS ACT REQUEST FOR CORRESPONDENCE FROM THE NATIONAL MARINE FISHERIES SERVICES TO CALIFORNIA-AMERICAN WATER COMPANY SINCE JUNE 2, 2005 REGARDING THE CARMEL RIVER IN MONTEREY COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) responded to your Public Records Act Request (Gov. Code sections 6250-6270) dated October 26, 2005 on the topic listed above by letter dated November 15, 2005. I responded to you by e-mail dated November 15 that the Division's records do not contain any recent correspondence from National Marine Fisheries Service (NMFS) regarding the California American Water Company's (Cal-Am) operations which supply water from the Carmel River. Your November 21, 2005 e-mail is titled Public Records Act Request, but does not request any additional information that the Division has not already provided to you in response to your earlier request.

The State Water Board water right records are available for your review, which includes all records of Cal-Am water rights. The water right files can be reviewed at our office records unit. The Division's records are located in the California Environmental Protection Agency Building at 1001 I Street, on the second floor. It is advisable that you contact our records room supervisor, Cathy Nease, at 916-341-5333 in advance of your visit.

You inquired whether the State Water Board participates in the implementation and enforcement of NOAA Fisheries directives. NOAA Fisheries is responsible for enforcement of its directives, not the State Water Board. The State Water Board does attempt to coordinate the protection of public trust resources with federal, state, and local governmental agencies that have oversight of water development projects.

In Order WR 95-10, the State Water Board determined that Cal-Am was diverting water from the Carmel River without a valid basis of water right. (A copy of Order WR 95-10 is available on the Division web site www.waterrights.ca.gov.) The State Water Board order established interim water diversion limits and ordered Cal-Am to cease unauthorized diversions and use of water. Compliance with Order WR 95-10 is the responsibility of Cal-Am and the order is enforceable by the State Water Board.

California Environmental Protection Agency

"C"

DEC 15 2005

The State Water Board is aware of the issues regarding the Carmel River and prefers local solutions to these issues. The local entities involved in the Carmel River are actively working on resolution of these issues. The State Water Board will step in if it determines that it is necessary to do so.

Should you have further questions, Katherine Mrowka is the senior staff person assigned to this matter, and she can be contacted at (916) 341-5363.

Sincerely,



Victoria A. Whitney
Division Chief

Weeks, Curtis Ext.4896

From: David Berger [david@mpwmd.dst.ca.us]
Sent: Friday, June 03, 2005 5:12 PM
To: Weeks, Curtis Ext.4896
Subject: RUWS Board

Curtis,

At our May 26 city and water agency managers working group meeting you mentioned having partially drafted a RUWS Board Formation Agreement. I shared with you before, and with everyone during the meeting, my opinion that the group will make more rapid progress by initially discussing key business points that ought to be included in an agreement, before we start reacting to language in an actual document. To that end, described below are several key terms that I'm suggesting be included in a RUWS Board draft formation agreement. Many of these points were discussed, albeit briefly, during our previous meetings on governance alternatives. Obviously, more in-depth review of these and other points will be needed to reach consensus; so I offer this initial input to you and the other managers with the intent of stimulating a focused discussion at our June 15 meeting.

- 1. RUWS Policy Board "transitional" governance model selected as most practical method to quickly create an intergovernmental entity for regional desal project policy decisions and start-up of project management function, with Formation Agreement "sun setting" in three years; commitment to evolve RUWS governance structure to pure JPA, or to seek State legislation creating independent RUWS agency with directly elected governing board.
2. County assumes legal and financial risk of permitting/entitlement and environmental clearance of the regional desal project for which it proposes to be the local lead approval agency and public entity owner.
3. County delegates authority to the RUWS Board for most regional desal project policy decisions (e.g. competitive selection of company or entity for design/construct/operation of desal facility), except long-term indebtedness issuance. (This the "JPA with County oversight" concept.)
- 4. RUWS Board scope of responsibility is the regional desal project; RUWS member entities control their individual sub-regional projects (e.g. MPWMD Aquifer Storage and Recovery project, MCWD/MRWPCA Urban Recycle Project).
5. RUWS Board responsible for coordinating all regional and sub-regional water supply projects to ensure that collective efforts of all member entities fully and most efficiently meet urban water supply needs of entire region.
6. RUWS Policy Board would be comprised of one (1) elected official from each entity signatory to Formation Agreement, except the Board of Supervisors and MPWMD each would have two (2) reps, due to the County's acceptance of financial/legal risk and MPWMD needing the of new water resource.
7. Project Management Team (PMT) comprised of chief appointed officer (or designee) from each signatory entity; responsible for all technical, financial and managerial decisions not specifically reserved to RUWS policy board; and supported by County Water Resources Agency management staff and their consultants.
8. RUWS desal project wholesale water supply agreements to be negotiated by PMT and MCWRA staff and effected public water entity(s), for consideration by RUWS Board; basic direct and indirect RUWS desal project cost allocation formulas to be included in formation agreement, and based on each purchasing entity's proportionate share of projected water demand as ratio of project's total water capacity.

Thanks for your continued leadership in this complex and difficult intergovernmental undertaking that is so vital to the region's future. Let's discuss next week how best to share this information with the other managers.

David A. Berger
 General Manager
 Monterey Peninsula Water Management District
 P.O. Box 85

"D"

6/8/2005



MONTEREY BAY
AQUARIUM

RECEIVED¹⁹

JAN 27 2006

MPWMD

David Berger, General Manager
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

Re: Monterey Bay Aquarium Water Use Credit

Dear Mr. Berger:

This letter is to request a 60 month extension of the expiration date of the existing on-site Water Use Credit issued by the Monterey Peninsula Water Management District ("MPWMD") to the Monterey Bay Aquarium Foundation ("Aquarium") pursuant to MPWMD Rule 25.5. MPWMD staff has recently confirmed a remaining amount on the Aquarium's Water Use Credit with a present expiration date of March 1, 2006, applicable to the Aquarium's property (or "Site") located in the Cannery Row area in the City of Monterey.

Authority for the requested extension is provided by MPWMD Ordinance No. 121, which authorizes two extensions of 60 months each for Water Use Credits on a Redevelopment Project site. The Aquarium Site is located within the boundaries of, and is a part of, the City of Monterey's Monterey Cannery Row Redevelopment Project, and as such it constitutes a Redevelopment Project site under MPWMD Ordinance No. 121.

We are requesting the City of Monterey to send you a communication confirming that the Aquarium Site is within the Monterey Cannery Redevelopment Project Area so you will have independent verification for your records.

Please call Marty Manson at the Aquarium (648-4889) should you have any questions. We look forward to your timely approval of this extension request.

Sincerely,

Julie Packard, Executive Director
Monterey Bay Aquarium

cc: Stephanie Pintar
Gabriela Ayala
Bill Wojtkowski - City of Monterey
Thomas H. Jamison, Esq.



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5600
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

February 1, 2006

Julie Packard, Executive Director
Monterey Bay Aquarium
886 Cannery Row
Monterey, CA 93940-1085

Subject: Request for Extension – Onsite Water Credit for Monterey Bay Aquarium Foundation

Dear Ms. Packard:

This will serve to acknowledge receipt of your undated letter the District received on January 27, 2006, requesting a 60-month extension of the expiration date of the existing on-site Water Use Credit for the Monterey Bay Aquarium Foundation. The District's Water Demand Manager, Stephanie Pintar, advised me that she is working with Marty Manson of your staff to process your request for the 60-month extension.

Sincerely,

A handwritten signature in black ink, appearing to read "D.A. Berger", is written over the typed name.

David A. Berger
General Manager

pc: MPWMD Board of Directors
Stephanie Pintar



MONTEREY BAY
AQUARIUM

RECEIVED²³

JAN 27 2006

MPWMD

David Berger, General Manager
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

Re: Monterey Bay Aquarium Water Use Credit

Dear Mr. Berger:

This letter is to request a 60 month extension of the expiration date of the existing on-site Water Use Credit issued by the Monterey Peninsula Water Management District ("MPWMD") to the Monterey Bay Aquarium Foundation ("Aquarium") pursuant to MPWMD Rule 25.5. MPWMD staff has recently confirmed a remaining amount on the Aquarium's Water Use Credit with a present expiration date of March 1, 2006, applicable to the Aquarium's property (or "Site") located in the Cannery Row area in the City of Monterey.

Authority for the requested extension is provided by MPWMD Ordinance No. 121, which authorizes two extensions of 60 months each for Water Use Credits on a Redevelopment Project site. The Aquarium Site is located within the boundaries of, and is a part of, the City of Monterey's Monterey Cannery Row Redevelopment Project, and as such it constitutes a Redevelopment Project site under MPWMD Ordinance No. 121.

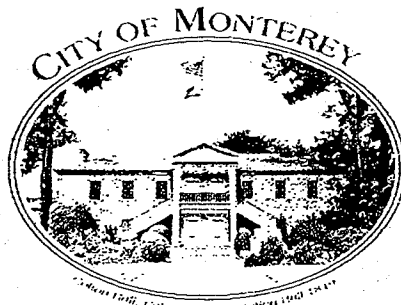
We are requesting the City of Monterey to send you a communication confirming that the Aquarium Site is within the Monterey Cannery Redevelopment Project Area so you will have independent verification for your records.

Please call Marty Manson at the Aquarium (648-4889) should you have any questions. We look forward to your timely approval of this extension request.

Sincerely,

Julie Packard, Executive Director
Monterey Bay Aquarium

cc: Stephanie Pintar
Gabriela Ayala
Bill Wojtkowski - City of Monterey
Thomas H. Jamison, Esq.



Post-it	Date	# of pages
Fax Note R7673	1/27/06	2
To	DAVE BERBER	
Fax#	644-9560	
From	Bill Wojtkowski /KA	
Phone#	646-3886	

January 27, 2006

RECEIVED

JAN 27 2006

MPWMD

David Berger, General Manager
 Monterey Peninsula Water Management District
 P.O. Box 85
 Monterey, CA 93942

Dear Mr. Berger: *Dave*

This letter is to confirm that the properties of the Monterey Bay Aquarium in the City of Monterey located on Cannery Row and Wave Street are located within the boundaries of, and are a part of, the City of Monterey's Monterey Cannery Row Redevelopment Project.

Sincerely,

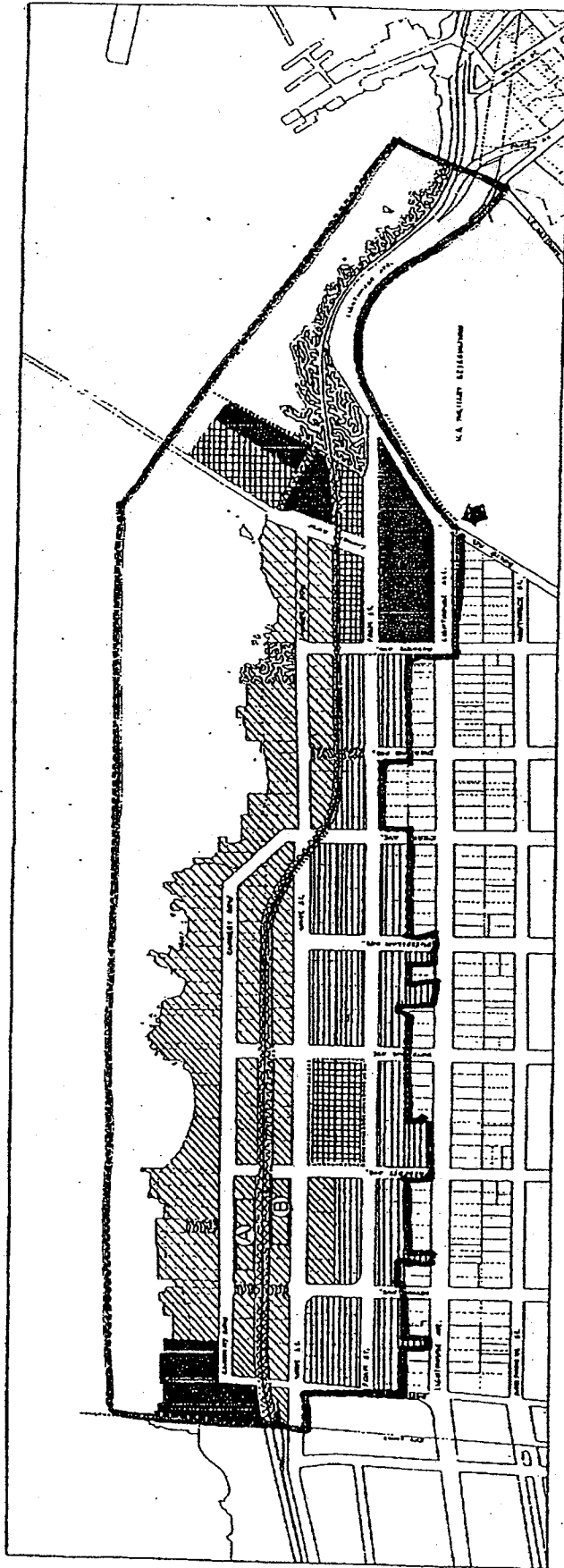
Bill Wojtkowski

Bill Wojtkowski
 Community Development Director

BW:tl

Attachment: Monterey Cannery Row Redevelopment Project Area Boundary

- c: Stephanie Pintar, Monterey Peninsula Water Management District, P.O. Box 85, Monterey, CA 93942
- Gabriela Ayala, Monterey Peninsula Water Management District, P.O. Box 85, Monterey, CA 93942
- Marty Manson, 886 Cannery Row, Monterey, CA 93940



REDEVELOPMENT PROJECT AREA BOUNDARY

..... CANNERY ROW LOCAL COASTAL PROGRAM BOUNDARY

↑ LEGAL DESCRIPTION POINT OF BEGINNING

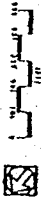
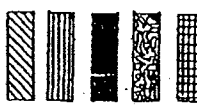
VISITOR-SERVING COMMERCIAL

GENERAL COMMERCIAL

COASTAL DEPENDENT

PUBLIC USE

PARKING



MONTEREY CANNERY ROW
REDEVELOPMENT PROJECT
CITY OF MONTEREY
REDEVELOPMENT AGENCY

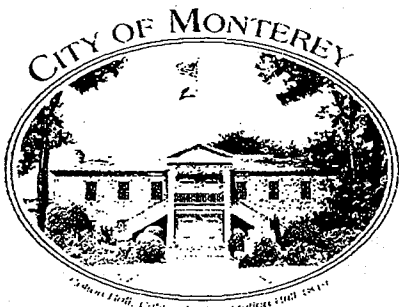
Exhibit A
REDEVELOPMENT PLAN MAP

RECEIVED

JAN 27 2006

MPWMD

NOTE: The above two outlined visitor-serving areas lettered A and B are shown in the Cannery Row Local Coastal Program Land Use Plan as possible additional parking lots if the other parking lots shown are not sufficient to meet parking demand.



Post-it	Date	# of pages
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To	DAVE BERGEC	
Fax#	644-9560	
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January 27, 2006

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MPWMD

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 Monterey, CA 93942

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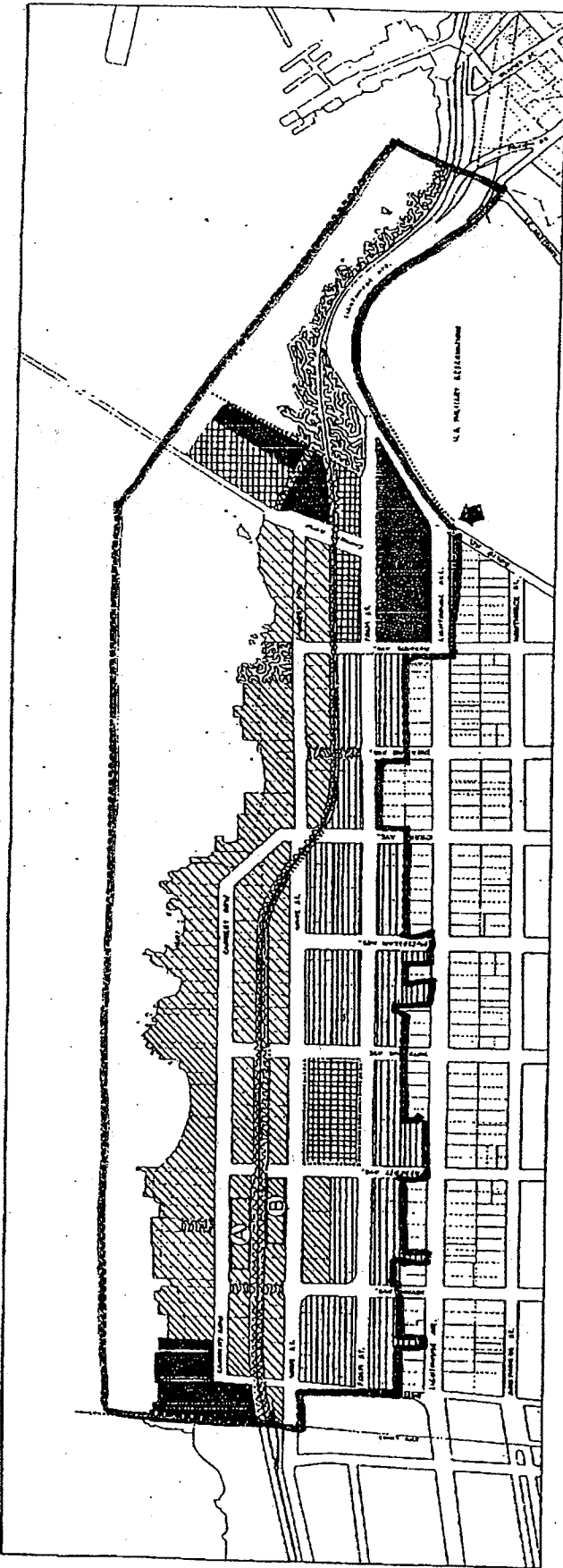
Bill Wojtkowski

Bill Wojtkowski
 Community Development Director

BW:tl

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- REDEVELOPMENT PROJECT AREA BOUNDARY
- CANNERY ROW LOCAL COASTAL PROGRAM BOUNDARY
- LEGAL DESCRIPTION POINT OF BEGINNING
- VISITOR-SERVING COMMERCIAL
- GENERAL COMMERCIAL
- COASTAL DEPENDENT
- PUBLIC USE
- PARKING

MONTEREY CANNERY ROW
REDEVELOPMENT PROJECT
CITY OF MONTEREY
REDEVELOPMENT AGENCY

Exhibit A
REDEVELOPMENT PLAN MAP

RECEIVED
JAN 27 2006
MPWMD

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