



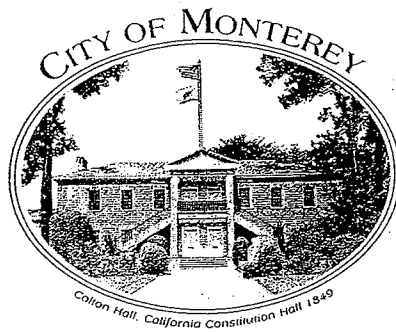
**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5600
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SUPPLEMENT TO 9/18/06 MPWMD BOARD PACKET

Attached are copies of letters received between August 12, 2006 and September 11, 2006. These letters are also listed in the September 18, 2006 Board packet under item 14, Letters Received.

Author	Addressee	Date	Topic
Dan Albert	MPWMD Board	8/14/06	Changes to Ordinance No. 125 and Rule 28
Michael Stamp	MPWMD Board	8/28/06	Open Monterey Project v. City of Monterey; Monterey County Superior Court, Case No. M80306
David Caneer and Lorin Letendre	David Berger	9/5/06	4/25/06 TAC/Coalition – Stakeholders Meeting and CRLC' s Formal Request for Inclusion on the TAC <i>Response from General Manager Berger attached</i>



HAND
DELIVERED

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August 14, 2006

Mayor:
DAN ALBERT

Ms. Michelle Knight, Chair
Monterey Peninsula Water Management District Board of Directors
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93940

Councilmembers:
CHUCK DELLA SALA
LIBBY DOWNEY
JEFF HAFFERMAN
CLYDE ROBERSON

City Manager:
FRED MEURER

Subject: Changes to Ordinance No. 125 and Rule 28

Dear Ms. Knight:

On August 10, 2006, the Water Demand Committee held a meeting at which one of the action items was a discussion on possible edits to Ordinance 125; specifically, possible language modifications to Rule 28 to address concerns raised by the District's legal counsel. Three language revision options were submitted by District staff to the Committee for review. After a lengthy discussion, the Committee voted to adopt Option #3, with the exception that condition #5 be amended to drop the last sentence regarding the transferring of (water) credits from "any Public Authority Use". The reason this sentence was dropped was to allow the full Board the opportunity to evaluate the option of allowing jurisdictions to transfer water credits accumulated through various actions, including retrofits, to the jurisdiction's allocation or to other jurisdiction owned sites.

The City of Monterey wishes to reiterate our position that the District allow jurisdictional water credits to be transferred to the jurisdictional allocation or to other publicly owned properties located within the jurisdictional boundaries. If District rules and regulations do not allow jurisdictions to transfer water credits resulting from retrofits or other water saving actions, it will eliminate or seriously endanger the incentives to proceed with these efforts. The City of Monterey has spent considerable time, effort and funds to reduce water consumption within its various facilities, with the expectation that this water would be available for allocation to either those projects on our water waiting lists, new affordable housing, expanded public facilities, or other projects that have a direct public benefit. This position is in line with the legal opinion as detailed in the memo from David Laredo dated February 11, 2005.

It is the City's opinion that the proposed modifications to the wording of Rule 28 are not simply for clarification and ease of understanding by the public, as described by District staff, but are in fact significant changes to the Rule which will have the effect of discouraging retrofits. Accordingly, the City believes that the District should prepare of an EIR to evaluate the potential negative impacts associated with the disincentives for water conservation created under the proposed language modifications.

Thank you for your attention to this matter. Please contact me at 646-3760 if you have any questions or require additional information.

Sincerely yours,

Dan Albert
Mayor

c: City Council
Community Development Director
Director of Plans, Engineering and Environmental Compliance
Dave Berger, MPWMD

LAW OFFICES OF
MICHAEL W. STAMP

Facsimile
(831) 373-0242

479 Pacific Street, Suite One
Monterey, California 93940

Telephone
(831) 373-1214

August 28, 2006

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California Department of Fish and Game
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940

AMBAG
P.O. Box 809
Marina, CA 93933-0809

AUG 30 2006

MPWMD

Monterey Bay National Marine Sanctuary
c/o National Oceanic & Atmospheric
Administration
299 Foam Street
Monterey, CA 93940

Monterey District Superintendent
Department of Parks and Recreation
2211 Garden Road
Monterey, CA 93940

Monterey Bay Unified Air Pollution
Control District
24580 Silver Cloud Court
Monterey, CA 93940

County Clerk
County of Monterey
168 W. Alisal Street
Salinas, CA 93901

Cindy Woodward
Department of Parks and Recreation
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296

David Look
National Park Service
Pacific Great Basin Support Office
1111 Jackson Street, Suite 700
Oakland, CA 94607

California Regional Water Quality Control
Board
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401-5427

Monterey Peninsula Water Management
District
P.O. Box 85
Monterey, CA 93942

Re: The Open Monterey Project v. City of Monterey
Monterey County Superior Court, Case No. M80306

Dear Public Agency:

I represent Petitioner The Open Monterey Project in the above referenced CEQA case. The case involves the certification of the Environmental Impact Report on the City of Monterey's Civic Center Office Building. The action was filed in Monterey County Superior Court on August 9, 2006.

The City of Monterey has identified your Agency as a responsible agency or an agency having jurisdiction over a natural resource affected by the project, pursuant to Public Resources Code section 21167.6.5 (b). Accordingly, we are providing you with notice of the action or proceeding, as required by section 21167.6.5 (c).

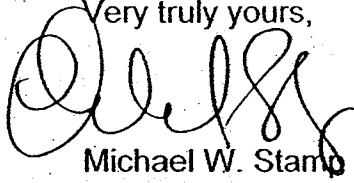
August 28, 2006

Re: The Open Monterey Project v. City of Monterey

Page 2

If you have any questions please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael W. Stamp". The signature is written in a cursive, flowing style with some loops and flourishes.

Michael W. Stamp

cc: City of Monterey

HAND
DELIVERED

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Carmel River Lagoon Coalition

September 5, 2006

Mr. Dave Berger
Facilitator, Carmel River Lagoon Technical Advisory Committee (TAC), and
General Manager, Monterey Peninsula Water Management District
5 Harris Ct., Bldg. G
Monterey, CA 93942

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SEP 5 2006

MPWMD

Re: April 25, 2006 TAC/Coalition – Stakeholders Meeting and CRLC's Formal Request for Inclusion on the TAC

Dear Dave:

We had intended on sending Pam Armas this letter back in May, but with State Parks' recent handover of the TAC facilitation duties to MPWMD we are redirecting it to you. The Carmel River Lagoon Coalition (CRLC) greatly appreciated you and members of the TAC meeting with us April 25th to update us on the status of the Carmel Lagoon and Carmel River State Beach and your progress "on developing an approvable long-term and resource management plan" for the lagoon and beach as proposed in the TAC's 11/9/05 "Short Term Management Plan".

As you can see by our letterhead, our Coalition formally established the CRLC as of 4/28/06. As the TAC requested, we are developing strategies to seek funding jointly with the TAC to arrive at the long-term plan and will keep you apprised of our progress.

At our 8/11/06 meeting, the CRLC attendees asked that we ask you the status of the following items that were addressed at the April 25th meeting:

1. Inclusion of 1 - 2 members of the CRLC, as well as others who are knowledgeable about river, lagoon & beach dynamics and the Carmel River Lagoon and Beach in particular, including Hydrologist Philip Williams, NPS Professor Ed Thornton, Fluvial Geomorphologist Mitch Swanson, Fisheries & Ecological Consultant Alice Rich, etc., on the TAC and having a meeting with the Coalition within 1 week of every TAC meeting (per Public Information Act).
2. Long Term Carmel River Beach & Lagoon Management Plan schedule so there's a time-line for the plan's creation.
3. Short-term management plan for '06 - '07, which is implemented, monitored and maintained to avoid the total lagoon draining that took place on several occasions this past season, since the long-term plan will not be in place by then.

Pam Armas provided the following e-mailed response to these three items on June 8:

"2. Inclusion of 1 - 2 members of the Coalition on the TAC and a meeting with the Coalition within 1 week of the TAC meetings.

Answer by Pam Armas: I apologize for the short notice of the TAC meeting. Adequate notice will be assured in future meetings.

3. Long Term Carmel River Beach & Lagoon Management Plan schedule so there's a time-line for the plan's creation.

Answer by Pam Armas - The Technical Advisory Committee continues to work on a schedule. The work plan which was developed by the TAC will be converted into milestones and timelines over the next several months and is the next task that TAC will be accomplishing.

4. Short-term management plan for '06 - '07, which is implemented, monitored and maintained to avoid the total lagoon draining that took place on several occasions this past season, since the long-term plan will not be in place by then.

We'd also like to know when the tasks in the TAC's 11-9-05 "Proposed Short Term Management Plan" that have yet to be implemented are going to be implemented (i.e. - the "immediate 'adaptive management' strategy")? For example:

Proposal #2 - "... the sandbar will be contoured ... by using heavy equipment to move sand ... in order to buttress the slope below Scenic Road. As a result of the movement of the designated sand from its current position to a location adjacent to the road prism of Scenic Road, the following will occur: The corner of the existing 'lagoon'; - created by the 'end of seasonal flow sandbar effort' - will be partially filled in (beach re-established) - with subsequent enhancement of the depleted sandbar - decreasing the potential for overtopping. If possible, a portion of the undermined parking lot will be buttressed."

Answered by Vic Lewis - RESPONSE TO # 4 – Short – term management plan implementation and Proposal # 2

As indicated previously, the storm event that necessitated the initial sand bar management effort (around January 1, 2006) resulted in a natural contouring of the proposed project areas - which did not allow for future completion of any of the planned projects. Indeed, initial efforts to place and maintain flows over the southerly rock sill were unsuccessful due to the erosive nature of the sand (coupled with high flows) and lowered elevation of the sand bar north of the river mouth. Subsequent monitoring of the area continues to reveal that any effort to establish flows that utilize the rock sill as a controlling device will be complicated by the lack of sand bar elevation north of the existing river channel.

Confirming Pam Armas' assessment of the Cypress Tree with exposed roots (across from Valley View) – there are currently no plans to address the situation.

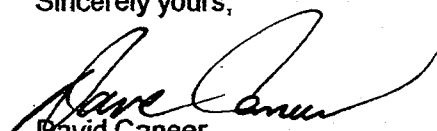
Answer by Pam Armas – you refer to the Short Term Plan as the "TAC's short term management plan". Although members of the Technical Advisory Committee assisted the County in developing this plan, this is a "County" plan. It is and always has been the position of California State Parks that the breaching of the barrier beach during the winter for flood protection is a Monterey County emergency. Breaching the barrier beach is for the sole purpose of flood protection. No other agency involved in the Technical Advisory Committee has the responsibility of flood protection other than Monterey County. Therefore, State Parks' position is that all plans to manage this activity should be considered County activities and responsibilities. The Technical Advisory Committee was formed to assist and advise the County in managing these activities based on our individual agencies' regulatory responsibilities and environmental interests."


Pam's responses do not directly answer our questions nor were they responded in whole at the June 2nd or July 12th TAC meetings. We feel our Coalition and the other aforementioned scientists & consultants offer intimate knowledge and expertise on the Carmel River Beach and Lagoon which we can contribute along with the TAC members towards the Short- and Long-Term Carmel River Beach & Lagoon Management Plans. We appreciate the County applying for a 1600 permit, but feel a schedule for the creation of the Short- & Long-Term Plans is essential.

We would appreciate your and the TAC's formal consideration of the CRLC's representation on the TAC and receiving a response to our inquiries on the status of the Plans by writing us @ P.O. Box 4749, Carmel, CA 93921.

We look forward to working with the TAC (and you as its new Facilitator) to help achieve TAC's twofold purpose of arriving at "the short term adaptive management strategies for the lagoon and its environment and to develop a long range management plan for the lagoon".

Sincerely yours,


David Caneer
CPLPA President


Lorin Letendre
CPLPA Treasurer

Cc: CRLC Member Agencies (CPLPA, CRWC, CRSA, SCRB, HELM, BSLT & CSA 50)



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

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September 6, 2006

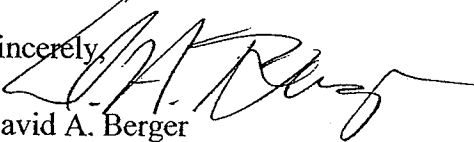
David Caneer
Lorin Letendre
Carmel Point Lagoon Preservation Association
P.O. Box 4749
Carmel, CA 93921

Dear Messers. Caneer and Letendre:

This will serve to acknowledge your September 5, 2006 letter regarding interactions of your Association, which is part of the Carmel River Lagoon Coalition (CRLC), with the inter-agency Carmel River Lagoon/Barrier Beach Management Technical Advisory Committee (TAC). The TAC is scheduled to meet this Friday, September 8, and two of the three items in your letter are shown on the proposed agenda (see attached). It's my understanding from Water Management District staff that the TAC previously dealt with the first item in your letter, which we will confirm on Friday. Given the District's interim TAC facilitator role, I or one of my staff will provide you with a more definitive written response to all three items within two weeks, or will let you know if additional time is required.

We appreciate the CRLC's continued interest in seeking an effective balance for protection of both the Lagoon ecosystem and affected local properties.

Sincerely,


David A. Berger
General Manager

Attachment

cc: TAC members