

EXHIBIT 15-F



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March 7, 2007

VIA FACSIMILE & U.S. MAIL

RECEIVED

MPWMD

David Pendergrass, Chair  
Members of the MPWMD Board of Directors  
P. O. Box 85  
Monterey, CA 93942

Re: **McDannold Appeal**

Dear Chair Pendergrass and Members of the Board:

This letter serves to respond to Michael Stamp's letter to you dated February 21, 2007 regarding the McDannold appeal to the District Board of Directors. The issues that Mr. Stamp raises are nothing more than a thinly veiled attempt to discourage the Board from considering an appeal that is clearly within its purview.

**BOARD DECISION NOT PRECEDENT SETTING**

Mr. Stamp asserts that your approval of the appeal is (1) precedent setting; (2) has cumulative impacts; (3) involves some sort of "transfer" of water; and (4) requires CEQA analysis for approval. First, any action that the Board may take on this appeal cannot be "precedent setting", as Mr. Stamp argues. The Board's decision in this matter is quasi-judicial in nature where the Board applies the existing law to a very narrow and specific set of facts and circumstances. Consequently, there can be no precedent set by your action.

**PROPOSAL DOES NOT HAVE CUMULATIVE IMPACT**

The Board is being asked to grant an appeal based on a limited and discreet set of facts and there are no other such proposals currently under consideration by the Board. Yet, Mr. Stamp asserts that there will be a cumulative impact on increased water use. A "cumulative impact means the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (CEQA Guidelines Section 15065(a)(3)). Because the appeal does not request an increase in water use, nor are there any similar applications before the Board requesting increased water use, there are no direct or cumulative impacts that will result from granting this appeal.

David Pendergrass, Chair  
Members of the MPWMD Board of Directors  
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**APPROVAL OF APPEAL DOES NOT RESULT IN WATER TRANSFER**

Mr. Stamp states that the "CEQA exemption for replacement of an existing facility used by MPWMD does not apply to transfer of hypothetical water use." It is not entirely clear of what "transfer of hypothetical water use" Mr. Stamp speaks. The retrofit of existing plumbing fixtures to allow additional fixtures is a fairly common practice within the District and involves neither a "transfer" nor a "hypothetical water use." No transfer of water, hypothetical or otherwise, will occur with the approval of this appeal to give credit for use of water conserving fixtures.

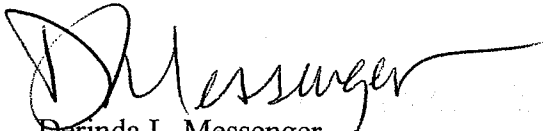
**APPROVAL OF THIS APPEAL IS CLASS 1 EXEMPTED UNDER CEQA**

CEQA Guidelines Section 15301 states that a Class 1 exemption consists of the "minor alteration of existing public or private structures...involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." This section goes on to cite examples of exempted features, including, but not limited to, interior partitions, plumbing, and electrical conveyances. Approval of the appeal falls squarely under a Class 1 exemption as it would be limited to a minor alteration to the home's plumbing fixtures that will result in no expansion of water use.

The "issues" identified in Mr. Stamp's letter are nothing more than ill-founded scare tactics designed to discourage the Board from deliberation on the facts surrounding this appeal. On behalf of the McDannolds, I respectfully request that the Board consider and approve the appeal and allow the family to proceed with their long-planned remodel to better accommodate the size of their family. My clients will be happy to comply with the Districts standard requirement to provide indemnification of the District.

Sincerely,

**Lombardo & Gilles, LLP**



Derinda L. Messenger  
DLM:rp

cc: Client  
Eric Miller, Architect