



EXHIBIT 10.A.-D

LAW OFFICES OF
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August 20, 2007

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MPWMD

Via FacsimileDavid Pendergrass, Chair,
and Members of the Board of Directors
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942

Re: Initial Study/Negative Declaration for Proposed Ordinance 130

Dear Chair Pendergrass and Members of the Board of Directors:

This office represents Save Our Carmel River, Patricia Bernardi, and The Open Monterey Project. My clients object to the approval of the initial study and proposed negative declaration for proposed Ordinance 130 (water use credit).

The initial study and proposed negative declaration (collectively referred to here as "I/S") are inconsistent with CEQA.

The project is inconsistent with the California Constitution and the MPWMD rules addressing water waste. The MPWMD has the authority to eliminate the wasteful use of water, and should do so. The MPWMD should not provide "incentives" to eliminate water waste that increase the overall water demand, which in turn causes harm to the public trust resources. The project is also inconsistent with SWRCB Order 95-10. The initial study fails to adequately identify and discuss the project's inconsistencies with the state constitution, the MPWMD rules, and the state board order.

The project description is inadequate, as proven by the I/S itself. The project segments the project inappropriately, which minimizes or hides its true impacts. The I/S fails to adequately identify or assess the impacts of additional construction that would be required and enabled by the proposed project. The project appears to be closely linked with the MPWMD's recent amendments to its definitions under its rules, which added new uses to the "non-residential" category.

The I/S fails to adequately identify and discuss the reduced water savings that could occur as a result of the project, and fails to discuss whether credit would be given for landscaping that is inappropriate under MPWMD guidelines. The I/S relies on outdated and inaccurate data, relies on apparent oral statements without researching or verifying them, and lacks accurate, reliable and current information on which to base its conclusions.

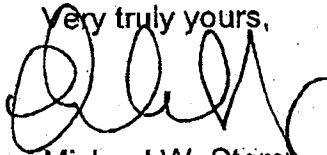
The I/S's brief discussion and suggestion that the project "reduces the potential for" increased consumption is not an acceptable discussion of water demand impacts

Chair Pendergrass and Members of the Board of Directors
August 20, 2007
Page 2

under CEQA, given the water situation on the Peninsula, MPWMD's studies on the impacts of water credit transfers on water demand, and the recent decision in *Save Our Carmel River v. Monterey Peninsula Water Management District* (2006) 141 Cal.App.4th 677. The I/S fails to adequately identify or discuss the project's impacts, its enabling of non-residential water use, or the potential new water demand that foreseeably could result from the project.

Please put this Office on the distribution list for all meetings, hearings, reports, notices of determination, and other MPWMD actions on this project. Thank you.

Very truly yours,



Michael W. Stamp