



**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 12/10/07 MPWMD BOARD PACKET

Attached are copies of letters received between November 19, 2007 and November 30, 2007. These letters are also listed in the December 10, 2007 Board packet under item 22, Letters Received.

Author	Addressee	Date	Topic
Jerry Smith	Regina Doyle	11/9/07	Election to MPWMD Board of Directors
Jerry Smith	Bob Brower	11/9/07	Election to MPWMD Board of Directors
John Laird	Regina Doyle	11/19/07	Election to MPWMD Board of Directors
John Laird	Bob Brower	11/19/07	Election to MPWMD Board of Directors
Michael W. Stamp	MPWMD Board	11/19/07	Sand City Desalination Plant and Proposed Ordinance No. 132
David Dilworth	MPWMD Board	11/19/07	Sand City Desal Ordinance EIR Fails
William Reichmuth	David A. Berger	11/20/07	296 Lighthouse Avenue – Water Credits
Karen Csejtey	David A. Berger	11/21/07	Presentation to Leadership Monterey Peninsula
Stan Cook	Joseph Oliver	11/26/07	Proposed Improvements to the Aquifer Storage Recharge Well Site

MONTEREY COUNTY

THE BOARD OF SUPERVISORS

2616 FIRST AVENUE, MARINA, CA 93933

JERRY SMITH
SUPERVISOR - DISTRICT 4

CLAUDIA J. LINK
AIDE TO THE SUPERVISOR

(831) 883-7570
(831) 755-5044
FAX: (831) 384-1839
e-mail:
district4@co.monterey.ca.us



RECEIVED

NOV 26 2007

MPWMD

November 9, 2007

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

Dear Ms. Doyle,

Regina

Congratulations on your election to the Monterey Peninsula Water Management District, Trustee Area 4. Your election is indicative of your hard work and dedication and I wish you well as you undertake the challenges before you.

Again, congratulations and thank you for your willingness to serve.

Sincerely,

Jerry Smith, Supervisor
District 4 - Monterey County

JS:cw

MONTEREY COUNTY

THE BOARD OF SUPERVISORS

2616 FIRST AVENUE, MARINA, CA 93933

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SUPERVISOR - DISTRICT 4

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NOV 26 2007

MPWMD

November 9, 2007

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

Dear Mr. Brower, *Bdo*

Congratulations on your election to the Monterey Peninsula Water Management District, Trustee Area 5. Your election is indicative of your hard work and dedication and I wish you well as you undertake the challenges facing you in this new endeavor.

Again, congratulations and thank you for your willingness to serve.

Sincerely,

Jerry Smith, Supervisor
District 4 - Monterey County

JS:cw

COMMITTEES
CHAIR, BUDGET
JUDICIARY
LABOR & EMPLOYMENT
NATURAL RESOURCES

Assembly
California Legislature
JOHN LAIRD
ASSEMBLYMEMBER, TWENTY-SEVENTH DISTRICT



STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0027
(916) 319-2027
FAX (916) 319-2127
DISTRICT OFFICES
SANTA CRUZ COUNTY
701 OCEAN STREET, SUITE 318B
SANTA CRUZ, CA 95060
(831) 425-1503
FAX: (831) 425-2570
MONTEREY AND SANTA CLARA COUNTIES
99 PACIFIC STREET, SUITE 555-D
MONTEREY, CA 93940
(831) 649-2832
FAX: (831) 649-2935

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NOV 26 2007

MPWMD

November 19, 2007

Ms. Regina Doyle
Monterey Peninsula Water Management District Board of Directors
5 Harris Court, Building G, P.O. Box 85
Monterey, CA 93942-0085

Regina
Dear Ms. Doyle,

I want to congratulate you on your recent election to the Monterey Peninsula Water Management District Board of Directors, and wish you continuing success.

Please do not hesitate to contact me if I can be of assistance on any state-related issues.

Sincerely,

John Laird

JOHN LAIRD, Assemblymember
27th District

JL:cf

Congratulations! It was a pleasure meeting with you - let me know how I can help -

COMMITTEES
CHAIR, BUDGET
JUDICIARY
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NATURAL RESOURCES

Assembly
California Legislature

JOHN LAIRD
ASSEMBLYMEMBER, TWENTY-SEVENTH DISTRICT



STATE CAPITOL 7
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(916) 319-2027
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NOV 26 2007

MPWMD

November 19, 2007

Mr. Bob Brower
Monterey Peninsula Water Management District Board of Directors
5 Harris Court, Building G, P.O. Box 85
Monterey, CA 93942-0085

Dear Mr. Brower,

I want to congratulate you on your recent election to the Monterey Peninsula Water Management District Board of Directors, and wish you continuing success.

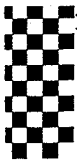
Please do not hesitate to contact me if I can be of assistance on any state-related issues.

Sincerely,

JOHN LAIRD, Assemblymember
27th District

JL:cf

Congratulations!



LAW OFFICES OF
MICHAEL W. STAMP

Facsimile
(831) 373-0242

479 Pacific Street, Suite 1
Monterey, California 93940

Telephone
(831) 373-1214

November 19, 2007

RECEIVED

NOV 19 2007

MPWMD

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

Re: Sand City Desalination Plant and Proposed Ordinance No. 132 --
Conflict of Interest of Sand City Mayor David Pendergrass;
Insufficient Safeguards and Unequal Treatment of Applicant Sand City

Dear Members of the Monterey Peninsula Water Management District Board of Directors:

I represent The Open Monterey Project, an unincorporated nonprofit association interested in public access to democratic processes. Members of The Open Monterey Project include City, Peninsula, and County residents. In this letter, The Open Monterey Project letter identifies a serious problem with the approval of Ordinance No. 132, as supported by the Mayor of Sand City, David Pendergrass. My client asks you to make the necessary corrections.

Sand City Mayor Pendergrass Has A Fundamental Conflict of Interest and Is Participating Both as a Decision-Maker and as a Project Applicant

The Open Monterey Project is concerned about Mayor Pendergrass' conflict of interest as the Mayor of the applicant, Sand City, and as Chair of the Water Management District Board of Directors. It is illogical and a conflict of interest to allow Mayor Pendergrass – the highest elected official of Sand City – to vote on Sand City's own applications to the Water Management District. As directors, if any of you had an application to the Water Management District that required approval by the Board of Directors, you would not sit in judgment on your own application. Similarly, if you were the president of a corporation that had an application that required Board approval, you would step down from the Board's decision. That is the only proper approach.

Unless Mayor Pendergrass steps down, the Board should direct its independent legal counsel to research the apparent conflict of interest. The Board should also revisit its October approval of Sand City's desalination plant, because Mayor Pendergrass participated in that discussion and approval.

Unfair and Unequal Treatment of Sand City

The Water District is treating Sand City favorably and in an unequal manner from other applicants similarly situated. When the Pebble Beach Company wanted similar

10

November 19, 2007

Members of the Monterey Peninsula Water Management District Board of Directors:

Page 2

approvals for a Board-approved water credit scheme, the Board retained outside counsel – paid for by the applicant, not the Water District – who worked very hard to negotiate the best terms and conditions that protected the public and the public trust resources. Those conditions did in fact protect the public and the public trust, and the outside attorney served as the attorney for the entire Board.

Here, the District's legal counsel finds himself in the awkward and unenviable position of representing the Mayor as the Chair of the Board, who also is the representative of the applicant. To compound his difficulty, he is the City Attorney of a different City which is likely to be impacted by the decision here, including the terms that are imposed or negotiated if the matter is approved. The City of Monterey is now actively considering its own desalination plant, and there will likely be others. The procedures the Board approves for the Sand City request will be used as a precedent for other cities, as they line up for their own proprietary desalination plants.

The Board should direct staff to use outside counsel, and direct counsel to draft and negotiate appropriate terms on behalf of the District, without regard for the interests of the Mayor of the applicant. The Board's outside counsel for the Pebble Beach proposal was Bold, Polisner, of Walnut Creek.

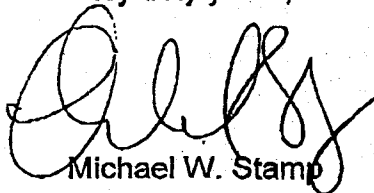
Finally, the analysis of the proposed ordinance fails to meet the District's CEQA responsibilities, as you are aware.

Request

These are important issues, and go to the credibility and integrity of the Board as a whole and of each of its members. Please consider these concerns carefully. Please do not act to approve the Sand City request tonight, and please ensure that Mayor Pendergrass does not use his appointed position on the Water Management District Board of Directors to intensify the conflict of interest he has already created. Please use outside counsel in order to avoid the further and additional conflicts that regrettably have arisen.

Thank you.

Very truly yours,



Michael W. Stamp

**Bringing you HOPE -
Helping Our Peninsula's Environment**

Box 1495, Carmel, CA 93921
831/ 624-6500

Info7 at 1hope.org
www.1hope.org

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NOV 19 2007

MPWMD

Board of Directors
MPWMD

November 19, 2007

Sand City Desal Ordinance EIR Fails

Dear Directors.

HOPE objects to the EIR and the addendum as not adequately or clearly describing the potential harms from this newly changed project; Ordinance 132.

Some of those impacts not made clear are how **this project appears to propose illegal uses for water and creates more water entitlements out of thin air** - where no physical water exists.

Illegal Uses Proposed

Order 95-10 says all new water used by Cal-Am in our District must offset the overpumping of the Carmel River.

The Judge in the Seaside adjudication seemed to exempt water from the Seaside Basin from Order 95-10.

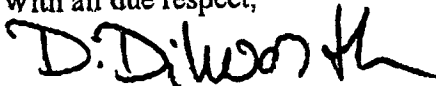
The Judge did not and could not exempt water from the ocean from the 95-10 offset mandate.

Clearly some water will be pumped that contains water from the ocean. The EIR and Feeny Tech reports suggest as much as 40 percent of the water pumped to this project comes from the Ocean.

We believe that the percentage of water that comes from the ocean, some 40 percent, must go directly to offset Cal-Am's overpumping of the Carmel River and cannot be used for new projects inside or outside Sand City.

We also believe that this new change of project must get SWRCB approval before it is approved. It is alarming to read **SWRCB has not signed off on this since 2005 - long before this change to having Cal-Am have all the water.**

With all due respect,



David Dilworth, Executive Director

Trustees 2007

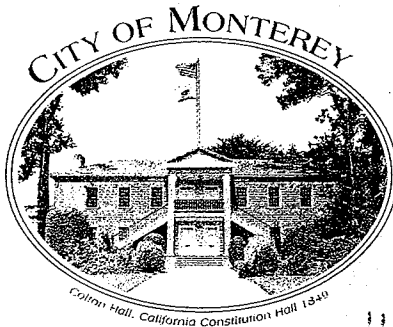
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NOV 26 2007

MPWMD

November 20, 2007

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

RE: 296 Lighthouse Avenue – water credits

Dear Mr. Berger:

On behalf of the owner for the above-referenced property, the City of Monterey appeals the determination by the Monterey Peninsula Water Management District (MPWMD) that adequate water credits fail to exist on this site for an existing use with a new tenant. We base our appeal on the fact that proposed use on the site, a bakery, is identical to the use accommodated on the site for the past 15 years. Additionally, there has been absolutely no abandonment of use since the site was originally occupied by a bakery in 1992.

We formally request that MPWMD credit the property appropriately based on the historic use of the site as a bakery. We are willing to speak to your Board regarding this issue at the earliest convenience. Accordingly, please schedule this appeal for a Board hearing as soon as possible.

As always, thank you for your attention to this matter. Please contact me with your determination or a Board meeting date.

Sincerely,

Wm. E. Reichmuth, P.E.
Director of Plans, Engineering and Environmental Compliance

BR:CR:ja

c: Anthony Davi, Sr., 484 Washington Street, Monterey, CA 93940
Helen Reddy, P.O. Box 1875, Monterey, CA 93942



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5601
FAX (831) 644-9558 • <http://www.mpwmd.dst.ca.us>

October 4, 2007

Mr. Anthony G. Davi, Sr.
A.G. Davi Real Estate
Post Office Box 2350
Monterey, California 93942

Subject: Water Credits for 296 Lighthouse Avenue, Monterey, APN: 001-035-013

Dear Anthony:

This letter responds to your request for confirmation on the potential Water Credits for the existing Layers Cake business located at 296 Lighthouse Avenue in Monterey. You provided information in the form of a Monterey Regional Water Pollution Control Agency, September 25, 1991 letter indicating a rate change from Judy M's Almonds to Layers Cake. This document is insufficient evidence to determine if the bakery use existed and that it was operational on and after March 1985.

District Rule 25.5 J. states, "*An On-Site Water Credit resulting from the non-permanent removal of a lawful use that occurred on and after March 1, 1985, may be applied to, and shall allow, the future reuse of that increment of water on that Site...*"

Without clear and convincing documentation to substantiate that the bakery use existed since March 1985, the District classifies this space as a Group I use per District Rule 24.

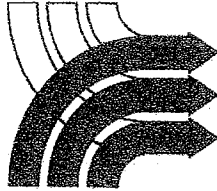
Please call the Permit and Conservation Office at 658-5601 if you have any questions.

Sincerely,

Gabriela Ayala
Conservation Representative

NOV 26 2007

MPWMD



**LEADERSHIP
MONTEREY
PENINSULA**

Educating Minds and Hearts to Build a Better Community

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Executive Director

Jessica Mayer
Administrative Assistant

November 21, 2007

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

Dear Dave:

On behalf of everyone at Leadership Monterey Peninsula, especially the class members, I would like to extend our sincere thanks to you for your participation as a panelist for our Regional Challenges & Promise Class Day on November 14, 2007. Your participation helped make the day very successful. *Here is what some of the class members had to say:*

"Very informative, most was new information to me."

"Excellent information from a diverse panel."

"Feel more hopeful about solutions for more diversified services of water in the future."

Leadership Monterey Peninsula is dedicated to building a thriving and diverse community by developing strong and effective leaders to play major roles in decision-making and problem-solving at every level. Partnering with us to help continue to make that possible is truly a gift.

Our class this year is the largest (33 members) in the last 12 years. We can see that there is need and interest, and it is our job to develop informed and skilled community leaders who will help meet the increasingly complex challenges in our community.

Thank you for your belief in our work and support of our efforts. Your support of LMP is deeply appreciated as is all your work in the community.

Wishing you continued success in all your endeavors.

Sincerely,

Karen Csejtey, Executive Director

*Thanks so much, Dave.
It was great to see you.*

LMP is an Award Winner!
Business Excellence Awards, Education Category
by the Monterey Peninsula Chamber of Commerce

Leadership Monterey Peninsula is a 501 (c) (3) nonprofit, educational organization, Federal ID# 77-0343488

801 Lighthouse Ave., Suite 106, Monterey, CA 93940 (831) 649-8252 ~ (831) 655-9246 fax
info@leadershipmonterey.org ~ www.leadershipmonterey.org



FORT ORD REUSE AUTHORITY

100 12TH STREET, BUILDING 2880, MARINA, CALIFORNIA 93933

PHONE: (831) 883-3672 · FAX: (831) 883-3675

WEBSITE: www.fora.org

November 26, 2007

Mr. Joseph Oliver
Senior Hydro-geologist
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

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NOV 30 2007

MPWMD

RE: Proposed Improvements to the Aquifer Storage Recharge Well site.

Dear Mr. Oliver:

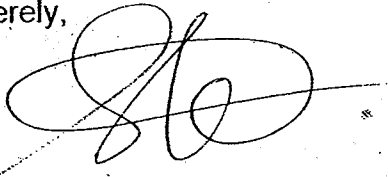
As you may be aware, the Fort Ord Reuse Authority (FORA) recently learned of the Monterey Peninsula Water Management District's (MPWMD) plans to expand the existing Aquifer Storage Recovery (ASR) well site located just east of General Jim Moore Boulevard. For the past three weeks, the FORA team has been meeting with MPWMD and the U.S. Army Base Realignment and Closure (BRAC) office to coordinate the ASR site improvement and FORA munitions remediation work. During these meetings, it was assumed that permission and munitions remediation support of the ASR expansion site for this purpose would be provided by the BRAC office. We have now learned that this approval may not be a viable option and/or may not be forthcoming in time to accommodate the ASR expansion schedule.

Based on that determination, it appears that FORA will not be able to provide munitions remediation services to support the ASR expansion in the near term. However, once our contractor's remediation work plan amendment is approved by both the California Department of Toxic Substance Control and the U.S. Environmental Protection Agency; and, our contractor has mobilized for remediation work, FORA may be in a position to provide support to the MPWMD ASR work. At this time, the approval and mobilization will not occur until after the first quarter of 2008. Please feel free to contact our contractor, Kristie Reimer with LFR, Inc. (831-384-3221) to coordinate the pricing and timing of any additional activities that might be required to support the ASR expansion.

Both the current ASR site and the proposed expansion area are located within an Army-owned munitions remediation area. FORA and its contractors, LFR, Inc. and Weston Solutions, will commence munitions remediation in the area in the immediate future. The first priority for LFR/Weston is to remain the clearing of the corridor for FORA's realignment of General Jim Moore Boulevard and Eucalyptus Road. The ASR expansion will be a subsequent focus of effort if taken on by the LFR/Weston team.

FORA has, in the past, provided MPWMD and California American Water Company with the engineering designs for the realignment of General Jim Moore Boulevard together with a request that the engineering design for the permanent ASR water lines be located within the proposed General Jim Moore Boulevard alignment. The relocation of the ASR pipelines will support the efforts of FORA and the City of Seaside in the cleanup of the MEC areas. In addition, FORA requests preparation of a map composite of the ASR site and General Jim Moore Boulevard realignment to identify any physical, geological or hydrological conflicts between FORA's project and the ASR expansion.

Sincerely,

A handwritten signature in black ink, appearing to be 'Stan Cook', written in a cursive style.

Stan Cook
ESCA RP Program Manager

c: Gail Youngblood, U.S. Army BRAC office
Jim Feeney, FORA Engineering office
Kristie Reimer, LFR Field Office (Marina)