



**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 3/17/08 MPWMD BOARD PACKET

Attached are copies of letters received between February 19, 2008 and March 11, 2008. These letters are also listed in the March 17, 2008 Board packet under item 18, Letters Received.

Author	Addressee	Date	Topic
Dennis C. Beougher	David A. Berger	2/22/08	Process Application for Annexation to California American Service Area
Dale Hekhuis	MPWMD Board	2/26/08	Water District Outreach
Janet Brennan	Judi Lehman	2/28/08	Support of the MPWMD Desalination Project
Rick Verbanec	Kate McKenna	2/29/08	Funding for Special Districts Association of Monterey County
Nicholas Cornea, Jr.	David Berger	3/4/08	Well Construction in Jacks Peak Area
Terri Nevins	Kevan Urquhart	3/6/08	Request for Funds to Upgrade Sleepy Hollow Steelhead Rearing Facility
Linda Tulett	MPWMD Board	3/6/08	Fees/Invoice Associated with the November 6, 2007 Election

Anthony L. Lombardo
 Jeffery R. Gilles

Dennis C. Beougher
 Patrick S.M. Casey
 Sheri L. Damon
 E. Soren Diaz
 J. Kenneth Gorman
 Virginia A. Hines
 Paul Rovella
 Bradley W. Sullivan
 James W. Sullivan
 Kelly McCarthy Sutherland

Lombardo
 & Gilles
 LIMITED LIABILITY PARTNERSHIP

318 Cayuga Street
 P.O. Box 2119
 Salinas, CA 93902-2119
 831-754-2444 (SALINAS)
 888-757-2444 (TOLL FREE)
 831-754-2011 (FAX)
 www.lomgil.com

225 Sixth Street
 Hollister, CA 95023
 831-630-9444

RECEIVED

FEB 25 2008

MPWMD

File 1491.000

February 22, 2008

David A. Berger, General Manager
 Monterey Peninsula Water Management District
 5 Harris Court, Building G
 P.O. Box 85
 Monterey, CA 93942

Re: Process Application for Annexation to California American Service Area

Dear Mr. Berger:

Our firm's client, Watt/Gault, has submitted a MPWMD application to annex a portion of its 12 lot subdivision into the California American service area. The applicant was informed that it would take the full six months allowed by the Permit Streamlining Act to process this application once it was deemed complete.

Our client has requested that its application be expedited though a contract with a private entity or given to a temporary employee hired by MPWMD, pursuant to a contract or agreement with MPWMD, to perform the services necessary to review the application. Our client has agreed to pay MPWMD a fee that does not exceed the estimated reasonable cost of providing the services to review the application.

Henrietta Stern has emailed our firm that MPWMD's Board of Director will review its mid-year budget to allow the planning consultant to help with faster application review and processing. However, Ms. Stern was kind enough to point out the Board of Directors has directed you to process permits only on a first-come-first-served basis. She suggested our firm send a letter explaining why this policy should not be applied to our client's application. This letter is our response to this suggestion.

Like the express lane at a food market when a person has only one item to purchase the person with one item should not have to wait in line with 40 others purchasing a cartload of items, my client's application is the single item purchaser. My client has already spent over five years in litigation waiting in line plus its subdivision map has less

David A. Berger
February 22, 2008
Page 2 of 2

than 18 months before it expires. If it takes another six months to process, there is a minimal time for our client to comply with other conditions of approval. As all governmental agency should be aware of appropriate customer service, such as that recognized by grocery stores, that not all applications are similar in nature. One size does not fill all situations. Much like a consent calendar item, this item is quite simple and requires minimal review and staff comment. Our client's application is simply requesting including a portion of an existing lot to Cal-Am service area. A portion of the current lot, APN 416-522-020, is already within the Cal-Am service area. The application is fulfilling a MPWMD requirement that an application must be filed when any portion of an existing lot is not within California American Water Company's water distribution system service area. Rule 23[A] [c]. My client's application also is not asking for new water but merely allocating water currently held by Monterey County that the County has allocated to my client's subdivision.

An EIR has already been certified and litigated for over 5 years. There are no environmental impacts as a result of my client's MPWMD application that have not already been reviewed, analyzed, and litigated. There is no need for any further environmental review or analysis as it has already been prepared. We have also provided appropriate findings for staff's use and review.

For the reasons stated in the letter the first-come-first serve policy should not be applied to my client's application.

If you have any questions about my client's request for expedited processing, please call me.

Sincerely,

Lombardo & Gilles, LLP



Dennis C. Beougher

DCB: rl

Cc: Michael French

Submitted by Dale Aekhuis

RECEIVED

(3)

Water District Outreach

FEB 26 2008

MPWMD

I believe the Water District has an opportunity to serve the community by reaching out and informing ~~the~~ it ~~community~~ about the how, why, what, when, where of the cease and desist order. For this, to inform the community about what is being done and what will be done to cope with the order.

Here is what I propose be communicated to all water users in a letter similar in form to that sent to water customers on October 16, 2007. This letter dealt with low rainfall and water conservation.

Here is what I propose:

1. Summarize and explain the draft cease and desist order in plain english.
2. Explain the learning process that will take place in June of this year and point out how individuals ~~and~~ microbusiness and organizations can participate.
3. List and describe the key questions about the CDO that require resolution. Here are some that come to mind:
 - a. What level of water conservation is appropriate to respond to the CDO ~~order~~ given the exemplary level of conservation the community has

already achieved. What are principal opportunities for water conservation that remain to be acted on. (2)

b. What water supply projects under development and being planned can supply water, in response to the CDO, during the next 1-2 years, the next 3-6 years and the next 7-10 years.

c. Given the answers to these questions, what modifications of the CDO are in order.

It would not be unreasonable to ask for answers to these questions within a 90-day period. This would be timely considering that the CDO hearing is scheduled for June, 2008.

RECEIVED

MAR - 3 2008

MPWMD



LEAGUE OF WOMEN VOTERS®
OF THE MONTEREY PENINSULA

February 28, 2008

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

Subject: Support of the MPWMD Desalination Project

Dear Chair and Members of the Board of Directors:

Based on water studies conducted by the League of Women Voters of the Monterey Peninsula in 1982 and 1995, we support development of a long-term water supply with priority given to sustainable growth, protecting the Carmel River and meeting the needs of existing customers. In consideration of our water position and analysis of the current water crisis, the League urges the Monterey Peninsula Water Management District (MPWMD) to pursue with all deliberate speed its resurrected desalination plant. The advantages are enormous for water users and ratepayers, the economy, the environment, and the entire Monterey Peninsula community.

In 1995, the State Water Resources Control Board (SWRCB) issued Order WR 95-10, which demanded a halt to the overdraft of the Carmel River for Monterey Peninsula water use. Full implementation of the Order was delayed to give time for California American Water (Cal Am) and the MPWMD to develop water supply alternatives. Since 1995, the two entities have pursued numerous water supply options, all without success. After defeat of efforts to build a dam on the Carmel River, attention was given to desalination of seawater. Specific proposals were initiated by MPWMD and Cal Am. The process for a MPWMD desalination plant to be located at Sand City was 80% completed when a new majority on the District Board of Directors placed it on hold in 2004. It was re-activated in January 2008. In the meantime, Cal Am in response to State legislation and the California Public Utilities Commission (CPUC) pursued the Coastal Water Project which includes building a desalination plant in Moss Landing or other north coastal areas and transporting water to the Peninsula.

In addition, there have been other proposals: a) Pajaro Sunny Mesa desalination plant to substitute for Cal Am's proposal; and b) an offshore desalination vessel to pipe or barge water ashore. There are also small desalination proposals to provide water for local growth rather than to address Order WR 95-10. They include: a) City of Sand City plant; b) City of Monterey plant for the Ocean View Plaza development; c) another City of Monterey plant for future development. Adding further complexity (yet some call it clarity) are plans to locate a desalination plant in Marina near the Monterey Regional Water Pollution Control Agency wastewater treatment and reclamation plant to address countywide needs including needs for the Monterey Peninsula.

PO BOX 1995
Monterey CA 93942

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

Water issues are not simple and never have been. However a new urgency has developed with the SWRCB's January 2008 announcement to issue a "cease and desist" order setting a new schedule for compliance with Order WR 95-10 and including possible penalties for failure to meet deadlines. The order is directed to Cal Am. Financial penalties can be passed on to consumers with approval of the CPUC, which it has done so in the past.

All the desalination proposals mentioned above are active. However the recent cease and desist order now focuses urgent attention on the Carmel River. The only desalination proposals capable of competing with these new deadlines are the MPWMD's proposal, the Cal Am Coastal Water Project, and the emerging "countywide plan" centered near Marina. Of the three, only the MPWMD proposal is sharply focused on resolving Order WR 95-10. Also, it might avoid delays related to complexity due to many participating agencies, project size, and the attempt to address many issues at one time.

The LWVMP recommends all possible effort be made to complete the MPWMD proposed desalination project in Sand City. The League has come to this conclusion for many reasons.

1. A sharply focused desalination program to directly address Order WR 95-10 demands has the greatest possibility to be processed quickly and successfully because it is simple, clear, unencumbered by other issues, and could fold into a larger regional effort that will take longer.
2. The smaller size of the MPWMD proposal may have cost advantages.
3. In contrast to other proposals, a sharply focused plan is unlikely to draw litigation because it is restorative and necessary, thus speeding the process.
4. This plan places the responsibility clearly in local hands.
5. The significant early MPWMD investment in this project will not be wasted.
6. This sharply focused plan can proceed rapidly because it will minimize contentious and potentially litigious elements related to population growth.
7. This has the potential to avoid extraordinary customer costs related to delays and litigation.
8. Other advantages include:
 - a. Water conservation can likely increase with a fully local effort. Water conservation should receive greater emphasis since a paradigm shift in attitudes about water use in a water scarce environment is essential.
 - b. There is a great distaste by customers to continue to pay to Cal Am needless charges for failed attempts, and for paying for a proposed desalination in North Monterey County (or Marina) which may not come to pass.

- c. A countywide plan premised on a Marina location may take longer than necessary because the issue of growth is integral to it, and the plan may attract litigation.
- d. There is unanimous agreement of the MPWMD Board to proceed.

The cease and desist order points out that the Monterey Peninsula population has increased by about 12,000 persons since 1995, without any increase in water supply. It further concludes that it appears that water savings resulting from conservation efforts have been redirected to support marginal increases in development. These factors demonstrate a substantial risk that Cal Am will continue its unauthorized diversions unless the State Water Board takes further action (State Water Board Cease and Desist Order pp. 4-5). Swift and deliberate action by the MPWMD is needed now.

Sincerely,



Janet Brennan
President



PEBBLE BEACH

COMMUNITY SERVICES DISTRICT

3101 FOREST LAKE ROAD • PEBBLE BEACH, CALIFORNIA 93953 • (831) 372-1271 • FAX (831) 372-2357

Kate McKenna, Executive Officer
 LAFCO of Monterey County
 PO Box 1369
 Salinas, CA 93902
mckennak@monterey.lafco.ca.gov
 831-754-5838

RECEIVED

MAR - 3 2008

MPWMD

29 February 2008

Dear Ms. McKenna,

Thank you for the frank discussions in recent weeks concerning LAFCO's authority, its funding sources, and the multitude of local and regional special purpose government agencies in Monterey County. This letter serves as a mechanism to raise an issue regarding LAFCO funding on behalf of the Special Districts Association of Monterey County.

It is apparent that there are numerous ways in which an agency can be either 1) subject to LAFCO review of changes to their powers or 2) affected by LAFCO review of changes to another agency's powers. In addition to LAFCO member agencies, it would seem that virtually every other government agency providing service in Monterey County has the potential need to engage in discussions with LAFCO about municipal service reviews and spheres of influence.

I understand that LAFCO splits the costs of operations among the cities, the County, and Special Districts and further that it uses a formula for proportional sharing among the Districts of the Special District portion of those costs based on the amount of each District's revenues. As we have noted, however, there are several agencies providing service in Monterey County that do not support LAFCO financially. The ones of which I am aware are:

Association of Monterey Bay Area Governments

A voluntary association of 18 cities and 3 counties.

Fort Ord Reuse Authority

An agency established by state law, consisting of 13 voting members and 11 non-voting members, comprised of representatives from cities, the county, special districts, public educational institutions, the regional transit agency, the military, and state and federal legislators.

Monterey Bay Unified Air Pollution Control District

An agency formed to satisfy the federal and state Clean Air Act requirements made up of 6 supervisors from Monterey, San Benito and Santa Cruz counties and 5 mayors or city council members.

Monterey County Water Resources Agency

An agency that includes 9 appointed members: one from each supervisorial district and four others representing the agricultural community and cities in Monterey County.

B O A R D O F D I R E C T O R S

Monterey Peninsula Water Management District

An agency authorized by California Water Code for 6 cities, the Monterey Peninsula Airport District, and portions of Monterey County.

Monterey Regional Water Pollution Control Agency

A joint powers agency serving 6 cities, several water and sanitation districts, Fort Ord, and portions of unincorporated Monterey County.

Monterey Salinas Transit

A joint powers agency providing public transportation to 8 cities and portions of unincorporated Monterey County.

Salinas Valley Solid Waste Authority

A joint powers agency with representatives from each of the Salinas Valley cities and the county.

Transportation Agency for Monterey County

A state mandated agency consisting of a 23 member board, including representatives of 12 cities, 5 county supervisorial districts, and ex-officio members from 6 public agencies.

I realize that all of these agencies have some members that already pay a part of LAFCO costs and that none of them are subject to direct LAFCO review, either because they are joint powers authorities or state mandated agencies themselves, or a voluntary association, or include areas outside Monterey County. Nevertheless, it is possible that each may benefit separately from (or in addition to) their member agencies through coordination with LAFCO of Monterey County that results in additional cost for LAFCO in the form of staff time or schedule delays.

Although there is no regulatory requirement that these agencies support LAFCO financially, it would seem reasonable for those that engage LAFCO to contribute a fair share towards LAFCO costs. I encourage LAFCO to initiate discussions with each of these agencies with the objective of determining a fair and proper level of contribution towards those costs in future budgets.

If presentation at our Special District Association meetings would help facilitate these discussions, we can certainly make time available. An excellent topic would be the rationale and cost distribution consequences to taxpayers of any contributions made.

I look forward to comments from all involved.

Best regards,



R. D. Verbanec, President
 Special Districts Association of Monterey County
 c/o Pebble Beach Community Services District
 3101 Forest Lake Road
 Pebble Beach, CA 93953
 831-277-5264
rdvemail-pbcasd@yahoo.com

Distribution:

External:

Nicolas Papadakis, Executive Director
 Association of Monterey Bay Area Governments
 PO Box 809
 Marina, CA 93933
npapadakis@ambag.org

Michael A. Houlemard, Jr., Executive Officer
 Fort Ord Reuse Authority
 100 12th Street
 Marina, CA 93933
 [No email]

Douglas Quetin, Executive Director
 Monterey Bay Unified Air Pollution Control District
 24580 Silver Cloud Court
 Monterey, CA 93940
dquetin@mbuapcd.org

Curtis Weeks, General Manager
 Monterey County Water Resources Agency
 893 Blanco Circle
 Salinas, CA 93901
weeksc@co.monterey.ca.us

David Berger, General Manager
 Monterey Peninsula Water Management District
 P.O. Box 85,
 Monterey, CA 93942
david@mpwmd.dst.ca.us

Keith Israel, General Manager
 Monterey Regional Water Pollution Control Agency
 5 Harris Court, Bldg D
 Monterey, CA 93940
keith@mrwpca.com

Carl G. Sedoryk
 Monterey Salinas Transit
 One Ryan Ranch Road
 Monterey, CA 93940
csedoryk@mst.org

Stephen Johnson, General Manager
 Salinas Valley Solid Waste Authority
 337 Melody Lane
 P.O. Box 2159
 Salinas, CA 93902
stephenj@svswa.org

Debbie Hale, Executive Director
 Transportation Agency for Monterey County
 55-B Plaza Circle
 Salinas, CA 93901
debbie@tamcmonterey.org

SDAMC Executive Committee:

Don Champion, SDAMC Vice President
 c/o North County Fire District
 11200 Speegle Street
 Castroville, CA 95102

Judi Lehman, SDAMC Secretary/Treasurer
 c/o Monterey Peninsula Water Management District
 P.O. Box 85,
 Monterey, CA 93942

Tom Moore, SDAMC Immediate Past President
 c/o Marina Coast Water District
 11 Reservation Road
 Marina, CA 93933

NICHOLAS CORNEA JR.

554 Aguajito Road
Carmel, CA 93923
Phone (831) 333-1391
Nickandjune@comcast.net

RECEIVED

MAR -5 2008

MPWMD

March 4, 2008

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

RE: Possible illegal well

Dear Mr. Berger:

I am writing concerning well construction on property located directly across the street from my residence in the Jacks Peak area.

On or about February 26, well-digging equipment set up and began working across the street at 565 Aguajito Road. This location is roughly within 100 yards from my own well. My well has been in existence for close to 30 years and is the only source of water for my home and property.

I went out to check on the activity, and it appeared that construction included putting in an 8-10 inch pipe. I asked one of the workers what was being done. He stated that it was a "company" well. Since I was not notified of this project and the close proximity to my well, I began making inquiries by phone to various local agencies on February 27.

My first call was to the Monterey County Health Department where I left a message for Bruce De Witt. I had not heard back from him by the 28th, so I physically went down to the Health Department located at the Monterey County Courthouse and spoke to a gentleman named Howard. He furnished me with information on the well in question and put me through to Mr. De Witt, who after giving me additional information, told me that I should contact Tom Lindberg at MPWMD. Mr. Linberg told me that the work was a repair on an existing well, which serves 14 homes; he had OK'd the work and sent it

back to the Health Department. He also said that no EIR was required because the work on the well fell under exemption rules. He said that I might want to contact Henrietta Stern at your office to see if, in fact, the pre-application permit had been approved. Ms. Stern said that formal exemption had not been issued yet. I asked if any inspections had been done on the site. Inspections had not been done obviously, as the exemption had not been approved. Ms. Stern advised me to write you voicing my concerns.

Other pertinent information that you may need include the name of the water company: Los Ranchitos Aguajito Water System; Permit No. 0711223; drilling work done by Granite Drilling Co.

I am deeply concerned that the work done has not been in compliance with the well exemption rules and that the new pipe that was installed is substantially larger, which could reduce my water supply and leave me "high and dry."

I am asking you to investigate this situation and send me a reply within 10 days of receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Cornea, Jr.", written in a cursive style.

Nicholas Cornea, Jr.

Cc: David Mullally, Attorney -at-Law



RECEIVED

MAR 11 2008

MPWMD

March 6, 2008

Kevan Urqhart
Senior Fisheries Biologist
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

Dear Mr. Urqhart:

Thank you for your letter of February 8, 2008 inquiring about grant funds to upgrade the Sleepy Hollow Steelhead Rearing Facility (SHSRF). While I understand the critical role that the SHSRF has for the Carmel River steelhead run, this is not the type of steelhead enhancement project that the Coastal Conservancy funds. The Coastal Conservancy's 2007 Strategic Plan specifically prioritizes the Conservancy's efforts on salmon and steelhead recovery to the reopening of historical anadromous fish habitat by removing barriers to fish passage on key rivers, creeks, and tributaries. Related goals address improving aquatic habitat and water quality within coastal watersheds. Thus, our funding is targeted to projects that restore the natural processes in coastal watersheds so that facilities such as the SHSRF become unnecessary.

I would suggest that you contact the National Marine Fisheries Service and California Department of Fish and Game to discuss funding opportunities. These agencies are entrusted with the recovery of listed species and may be willing to fund a broader range of projects.

Feel free to contact me at (510) 286-4161 if you would like to discuss this further.

Sincerely

Terri Nevins
Central Coast Program Manager

Cc: ✓ Dave Berger, MPWMD General Manager
Darby Fuerst, MPWMD Water Resources Manager
Margaret Paul, CDFG – Central Region
Joyce Ambrosius, NMFS

1330 Broadway, 13th Floor
Oakland, California 94612-2530
510-286-1015 Fax: 510-286-0470



MONTEREY COUNTY ELECTIONS



PO Box 4400
Salinas, CA 93912

1370-B South Main Street
Salinas, CA 93901

831-796-1499 Phone
831-755-5485 Fax

www.MontereyCountyElections.us

ElectionMail@montereycountyelections.us

Linda Tulett
Registrar of Voters

Claudio Valenzuela
Assistant Registrar of Voters

RECEIVED

March 6, 2008

MAR 11 2008

Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93940-0085

MPWMD

Re: Fees/Invoice Associated with the November 6, 2007 Election

To Whom It May Concern:

In early October 2007, the Elections Department notified your office via letter that there most likely would be an increase in fees associated with the administration of your jurisdiction's local election. I would like bring you up to date on the process and time to forward final billing to your office. The Department and our vendor's have had a busy season administering back-to-back elections in November and February, and soon in April and June. We have requested more detailed billing information from particular vendors in order to best track and finalize your costs. Original invoices received were not sufficient for this Office to feel comfortable completing your final charges.

As indicated in the October 2007 letter, we have indicated that the fees will most likely increase as compared to years past, more recently due to major changes in the way the Department must conduct the election. Moreover, production, freight and delivery, and postage fee charges in addition to new state mandates have added to the overall cost of conducting an election. The Department is mindful of the current economy and has worked hard to keep this in consideration during the election.

We will present final invoices within the next few weeks. Please feel free to contact me directly if you have any questions or concerns about the forthcoming information. I will be more than happy to make myself, or my staff, available.

Respectfully yours,

Linda Tulett
Registrar of Voters