



**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

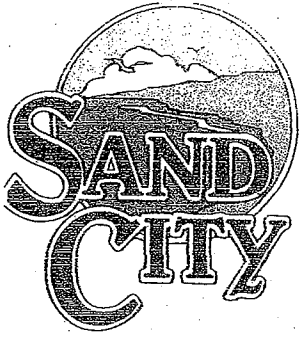
5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5600  
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

# SUPPLEMENT TO 3/26/09 MPWMD BOARD PACKET

Attached are copies of letters received between February 14, 2009 and March 16, 2009. These letters are also listed in the March 26, 2009 Board packet under item 17, Letters Received.

<b>Author</b>	<b>Addressee</b>	<b>Date</b>	<b>Topic</b>
Steve Matarazzo	Chris Fitz	2/9/09	Monterey Bay Shores Ecoresort
Dick Butler	Lauren Dailey	2/11/09	Notice of Petition for Change for Permit 20808B
Emma Auriemma	California American Water	2/16/09	California American Water New Monthly Billing Format
Chuck Della Sala	MPWMD Board	2/18/09	Ryan Ranch Water Distribution System
Chuck Della Sala	MPWMD Board	2/23/09	Ryan Ranch Water Distribution System
Michael Urquides	Stephanie Pintar	2/23/09	MPWMD Ordinance No. 134
Ronald J. Pasquinelli	Andrew Barnsdale	2/23/09	Draft EIR for the Coastal Water Project
Victor Krag	MPWMD Board	2/26/09	Malfunctioning Water Meters in California American Water Service Area
Victoria A. Whitney	Diverters of Surface Water	2/26/09	Notice of Surface Water Shortage for 2009
Annalisa Sand	MPWMD Board	2/26/09	Monterey Bay Shores Ecoresort
Paul Kephart	Henrietta Stern	2/26/09	Monterey Bay Shores Ecoresort
Ed Ghandour	Henrietta Stern	2/27/09	Monterey Bay Shores Ecoresort
Chris Fitz	Darby Fuerst	3/2/09	Monterey Bay Shores Ecoresort
Jessica Simms	MPWMD Board	3/5/09	Monterey Bay Shores Ecoresort
Peter Douglas	Ed Ghandour	3/5/09	Monterey Bay Shores Ecoresort
Janet Brennan	MPWMD Board	3/10/09	Ryan Ranch Water Distribution System

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February 9, 2009

FEB 17 2009

Mr. Chris Fitz  
 LandWatch Monterey County  
 P.O. Box 1876  
 Salinas, California 93902

Dear Mr. Fitz:

In regard to your letter dated January 27, 2009, requesting a subsequent environmental impact report (EIR) for the Monterey Bay Shores coastal resort project, the City Council of Sand City had already taken action on this issue. On January 20, 2009, the Council approved an EIR addendum to that project with a list of findings included within the enclosed resolution.

The City disagrees that a subsequent EIR is necessary for the project. Furthermore, the California Coastal Commission has assumed sole jurisdiction over the application for coastal development permit for this project. As you know, the Resources Secretary has ruled that the Commission's review under the Coastal Act as the functional equivalent of review under CEQA. For these reasons, we believe that the preparation of subsequent EIR for this project would be redundant.

Sincerely,

Steve Matarazzo  
 Community Development Director

City Hall  
 1 Sylvan Park,  
 Sand City, CA  
 93955

Administration  
 (831) 394-3054

Planning  
 (831) 394-6700

FAX  
 (831) 394-2472

Police  
 (831) 394-1451

FAX  
 (831) 394-1038

Incorporated  
 May 31, 1960

c: City Council

Enclosure:



3  
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
777 Sonoma Ave., Room 325  
Santa Rosa, CA 95404-4731

February 11, 2009

In response refer to:  
SWR/F/SWR3:JEA

Lauren Dailey  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, California 95812-2000

RECEIVED  
FEB 18 2009

MPWMD

Dear Ms. Dailey:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Notice of Petition for Change for Permit 20808B (Application 27614B). That notice indicates the Monterey Peninsula Water Management District (MPWMD) is petitioning to change San Clemente Dam from a Point of Rediversion to a Point of Diversion. MPWMD is also seeking to add two Points of Injection and Recovery to the Seaside Groundwater Basin with a maximum rate of diversions of 8.0 cubic feet per second (cfs) and a maximum annual amount of 2,900 acre-feet. The groundwater basin will be a place of storage.

MPWMD proposes to construct and operate the Seaside Groundwater Basin Phase 2 aquifer storage and recovery project (ASR Project) which is an expansion to the existing Phase I ASR Project. Surplus flows from the Carmel River will be diverted, treated, and conveyed through the California American Water (CAW) system for injection in the Seaside Groundwater Basin. Added rights are requested for the Phase 2 ASR Project to divert Carmel River surface flows during the period of December 1 through May 31 of the succeeding year, depending on weather and resultant river flow conditions, and to inject the water for storage in the Seaside Groundwater Basin. Diversion amounts and timing will be based on bypass flow recommendations in NMFS' report, *Instream Needs for Steelhead in the Carmel River—bypass flow recommendations for water supply projects using Carmel River waters* (dated June 3, 2002). During the period of June 1 through November 30 each year, the injected water will be recovered from underground storage and pumped into the CAW distribution system for municipal use.

Diversions from the Carmel Valley Aquifer have a direct effect on surface flow in the Carmel River. As a result of these diversions, the Carmel River usually goes dry downstream from approximately RM 6 or 7 by July of each year. The annual dewatering of the lower Carmel River adversely affects anadromous runs of steelhead. The steelhead run in the Carmel River is part of the South-Central California Coast steelhead (*Oncorhynchus mykiss*) Distinct Population



Segment, which was listed as threatened (62 FR 43937, August 19, 1997) under the Federal Endangered Species Act of 1973, as amended.

As you are aware, NMFS protested and ultimately dismissed a previous protest for MPWMD's Petition for Changes of Water Right Permits 7130B and 20808, dated July 22, 2002. NMFS protested the petition to change these permits because, in part, we believed that MPWMD's ASR project should not result in increased volumes of water being diverted from the Carmel River, but rather the ASR project should offset the deleterious unauthorized diversions of CAW, which are problematic from April through late fall. Under that dismissal, MPWMD, CAW, NMFS and California State Department of Fish and Game (DFG) signed a Memorandum of Understanding to address the usage of the recovered ASR water and the operation of CAW's summer and fall water diversions in a manner that will directly offset the unauthorized pumping by CAW.

This current Petition for Change incorporates all of the terms MPWMD and CAW agreed to with NMFS and DFG during the previous protest. NMFS appreciates and acknowledges MPWMD's and CAW's incorporation of these terms under this permit change. However, during the previous protest the SWRCB would not include terms for the recovery and beneficial use of stored river water in the permit. This resulted in the development of the MOU to address these operations.

SWRCB Water Right Order 95-10 requires CAW to "obtain water from other sources of supply and make one-for-one reductions in unlawful diversions from the Carmel River." In order to settle this protest, NMFS requires terms and conditions within the SWRCB permit to offset the deleterious unauthorized diversions with one-for-one reductions. This permit should also not allow a cumulative maximum average daily diversion rate downstream of RM 17.6 to exceed 80 cfs, as stipulated in Table 9 of NMFS 2002 report. If the SWRCB will not include these terms within the permit, then these terms must be included in an MOU, as was developed for the previous permit.

NMFS protests the above referenced Petitions for change for Permit 20808B and requests that our protest be recognized and maintained until the Petitioner agrees to modify the project with one-for-one reductions in unlawful diversions.

Thank you for your consideration of the above. If you have any questions concerning the above comments, please contact Ms. Joyce Ambrosius at (707) 575-6064 or [joyce.ambrosius@noaa.gov](mailto:joyce.ambrosius@noaa.gov).

Sincerely,



Dick Butler  
Santa Rosa Area Office Supervisor  
Protected Resources Division

cc: R. Strach, NMFS, Sacramento  
B. Erlandsen, CDFG, Fresno  
D. Fuerst, MPWMD, Monterey  
R. Thomas, CRSA, Monterey  
Copy to File: 151416SWR2009SR00090

RECEIVED

FEB 20 2009

MPWMD

P.O. Box 1083  
Carmel, CA 93921

February 16, 2009

California American Water  
Customer Service Center  
PO Box 578  
Alton, IL 62002-0578

Customer Service,

I received the enclosed notice with my monthly bill which boasted "your new look".

I was appalled that you can be proud of putting effort into creating a "new look" when our water supply is in crisis. Why isn't effort being put into research, development, and production of waterless fixtures and implementing the use of such of fixtures to save our precious resource.???

A concerned consumer,



Emma Auriemma  
Account #05-0474968-0

cc: Andrew Barnsdale, c/o Environmental Science Associates  
Monterey Peninsula Water Management District  
Monterey County Herald



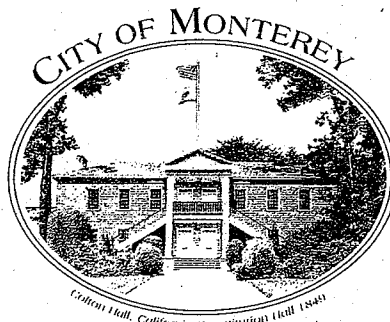
## Introducing the New California American Water

In April, 2008, and in conjunction with our IPO, California American Water unveiled an entire new brand that we are immensely proud of and excited about. Our new look was developed – including our new logo – with the highest standards in mind and supports our three core principles: Innovation, Personal Service and Environmental Stewardship. Our teams worked very hard over the course of almost two years to bring this new look to you, our valued customers.

Our look may have changed, but our focus on excellence and customer service has not. Our lives revolve around water and California American Water takes pride in taking good care of it and delivering the highest-quality service possible.

**WE CARE ABOUT WATER. IT'S WHAT WE DO.**

CA-Bksp



February 18, 2009

Kristi Markey, Chair  
Board Of Directors  
Monterey Peninsula Water Management District  
5 Harris Court, Bldg G  
P.O. Box 85  
Monterey, CA 93942-0085

Dear Ms. Markey,

The City of Monterey requests that the Monterey Peninsula Water Management District (MPWMD) Board of Directors consider all testimony related to whether the Ryan Ranch Water Distribution System (WDS) has sufficient physical supplies to accommodate existing and future development at Ryan Ranch. It is the City's belief that based upon California American Water Company's (CAW) comments and documentation that the Ryan Ranch WDS is capable of supporting the existing and future development in Ryan Ranch as originally planned. The following information is provided in support of this position:

1. At the October 29, 2008 meeting with staff from the MPWMD, CAW and the Monterey County Health Department, CAW stated that Ryan Ranch is supplied by three (3) wells. The strongest producing well is held as a reserve, with the remaining two (2) wells providing the Ryan Ranch water. During the period between October 1, 2007 and June 1, 2008, only one of the two wells was in operation at any given time. Beginning in June 2008, both production wells were in operation at the same time. It was during this eight-month period that CAW used an intertie to supply water to Ryan Ranch due to lost production as a result of repairs to the well and water lines, and two separate power failures.
2. CAW anticipates connecting the Ryan Ranch WDS with the Bishop WDS, both of which draw from the same aquifer, thereby providing a mutual back-up water supply on a temporary basis.
3. CAW has instituted a graduated water rate formula for Ryan Ranch tenants. These new rates will significantly impact the water use for existing and future development, resulting in a significant reduction in water consumption.
4. The Ryan Ranch water wells are intended to provide water on an interim basis, with the development of either the CAW desal plant at Moss Landing, or the Alternative Water project replacing the wells between the anticipated time frame of 2013 and 2015.
5. Condition of Approval #6 for annexation of the former Ryan Ranch Mutual Water Company as a subunit of the CAW system stated "No modification to the Cal-Am water allocation shall occur." The potential modifications to the capacity and/or connection limits as recommended appears to violate this condition.
6. It is the City of Monterey's understanding that only the Monterey County Health Department has the legal authority to declare a moratorium for new connections from the Ryan Ranch WDS based upon health considerations related to a lack of adequate water resources. The



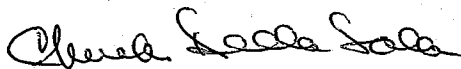
action proposed by the MPWMD could potentially be considered a defacto moratorium, and consequently could constitute a taking of the property rights of the undeveloped Ryan Ranch properties.

The City of Monterey respectfully submits the additional comments:

1. The responsible agency for the WDS at Ryan Ranch is the Monterey County Health Department. They are responsible for determining if there is a viable, long-term water system, and if not, then they would be the agency with authority to place a moratorium on new water connections. While the MPWMD has the authority to modify the existing water capacity and connection limits, the MPWMD Board is comprised of various individuals with different perspectives as it relates to development and the associated water consumption. Therefore, it would seem appropriate to eliminate the potential for a decision based upon individual biases and allow the Monterey County Health Department to evaluate the situation and make an informed and non-political determination on the ability of CAW to provide water resources to Ryan Ranch.
2. The City of Monterey has stated previously, and will repeat here, that the water associated with the former Fort Ord property annexed to the City can potentially be used as a last resort to augment the Ryan Ranch wells until the regional water project is on-line.

Based upon this information, the City of Monterey encourages the MPWMD Board to accept CAW's contention that they can continue to supply adequate water resources for Ryan Ranch. If the MPWMD Board feels that it is necessary, this issue can be revisited after the completion of the next water year to gauge the impacts of the new rate design and rate schedules, and if warranted, consider limiting water connections and the associated permits at that time. Continuing the water permit moratorium by prohibiting new connections would be in effect ignoring CAW's expert testimony. The City of Monterey strongly encourages the MPWMD Board to not modify the existing system capacity and/or the expansion capacity limits.

Sincerely,



Chuck Della Sala, Mayor  
City of Monterey

C: Councilmember Downey  
Councilmember Haferman  
Councilmember Selfridge  
Councilmember Solliceto



February 23, 2009

RECEIVED

FEB 27 2009

MPWMD

Mayor:  
CHUCK DELLA SALA

Councilmembers:  
LIBBY DOWNEY  
JEFF HAFERMAN  
NANCY SELFRIDGE  
FRANK SOLLECITO

City Manager:  
FRED MEURER

Kristi Markey, Chair  
Board of Directors  
Monterey Peninsula Water Management District  
P.O. Box 85  
Monterey, CA 93942-0085

Subject: Ryan Ranch Water Distribution System

Dear Ms. Markey:

Please accept this as the City of Monterey's written comments for the Board's consideration. The City of Monterey requests that the Monterey Peninsula Water Management District (MPWMD) Board of Directors consider all testimony related to whether the Ryan Ranch Water Distribution System (WDS) has sufficient physical supplies to accommodate existing and future development at Ryan Ranch. It is the City's belief that based upon California American Water Company's (CAW) comments and documentation that the Ryan Ranch WDS is capable of supporting the existing and future development in Ryan Ranch as originally planned. The following information is provided in support of this position:

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5. Condition of Approval #6 for annexation of the former Ryan Ranch Mutual Water Company as a subunit of the CAW system stated "No modification to the Cal-Am water allocation shall occur." The potential modifications to the capacity and/or connection limits as recommended appears to violate this condition.
6. It is the City of Monterey's understanding that only the Monterey County Health Department has the legal authority to declare a moratorium for new connections from the Ryan Ranch WDS based upon health considerations related to a lack of adequate


water resources. The action proposed by the MPWMD could potentially be considered a defacto moratorium, and consequently could constitute a taking of the property rights of the undeveloped Ryan Ranch properties.

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Sincerely,



Chuck Della Sala, Mayor  
City of Monterey

c: City Council  
City Manager



## Monterey County Fire Chiefs Association

February 23, 2009

Stephanie Pintar  
 WATER MANAGEMENT DISTRICT  
 5 Harris Court, Building G  
 P.O. Box 85, Monterey, CA 93942-0085

RECEIVED

FEB 26 2009

MPWMD

Stephanie Pintar;

The board of directors of the Monterey Peninsula Water Management District adopted ordinance No. 134 on August 18, 2008.

Essentially this is an amendment to the Water Conservation and Rationing Plan. Under Rule 162 water conservation #G states that all new structures receiving a water permit after October 1, 2008 shall have a separate water meter for fire suppression systems.

This requirement places an additional cost on the installation of the fire main and tap, in addition to the ongoing monthly fee for the additional water meter. The separate fire sprinkler meter left unsupervised may increase the risk of the fire sprinkler system being turned off.

This ordinance was adopted without consulting with the Monterey County Fire Departments for input. The intent of the ordinance was to restrict excessive domestic water users without turning off the fire sprinkler system. There are alternative methods that would accomplish what their intent was with a single meter.

Please submit correspondence to the Monterey Peninsula Water Management District Water Management Board indicating these concerns on behalf of the Monterey Peninsula Fire Prevention's Officers.

Sincerely,

Chief Urquides  
 Fire Chief, Salinas Rural Fire District  
 President of Monterey County Fire Chiefs Association



RECEIVED

February 23, 2009

MAR 16 2009

Mr. Andrew Barnsdale, c/o Coastal Water Project  
Environmental Science Associates,  
225 Bush Street, Suite 1700  
San Francisco, CA 94104

MPWMD

Dear Mr. Barnsdale:

The Draft EIR for the Central Coast Water Project is deficient in 2 respects and is incorrect in 1 instance.

First, the Draft EIR analyzes the Moss Landing and North Monterey County projects in their entirety, whereas it analyzes only Phase 1 of the Regional project. Not analyzing the Regional project in its entirety, including Phase 2 and its significant additional environmental and cost saving benefits, leads to an incorrect conclusion.

Second, as it relates to the Regional project both the Moss Landing and North Monterey County projects potentially solve only part of the regional water shortage problem. They leave the problem of a limited water supply unanalyzed and unresolved. That problem is, where will the water come from to provide for the students in the local high schools who will shortly be graduating, getting married, starting families of their own and needing new housing and its required water? The Regional project in Phases 1 & 2 addresses and solves this problem and should be analyzed in its entirety in the EIR as were the Moss Landing and North Monterey County projects.

Third, The draft EIR assumes that the energy for desalination will come from existing commercial energy grid whereas in fact the Regional project is designed to generate its own power from a green source, methane gas from the land fill to run the generators necessary.

We request a supplemental EIR be prepared to take into account the above mentioned deficiencies and error.

Ronald J. Pasquinelli  
President  
Monterey Peninsula Taxpayers Association

VICTOR KRAG  
24792 SANTA FE ST  
CARMEL CA 93923  
831-625-5020

*Submitted at  
2/26/09 Board Meeting*

17

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT MEETING**  
Thursday, Feb. 26<sup>th</sup>.

Good evening and thank you for allowing me a few minutes to speak before your board. I should mention that I work out of my house as a wholesale distribution sales rep and that I have never had an affiliation with Cal Am other than being a retail customer, nor has any member of my family.

I'm sympathetic toward Cal Am for the unaccountable water losses which I understand to be in the hundreds of thousands of gallons per year. I think that Cal Am should do everything they can to find their inventory discrepancies.

I should add that I have no issue with the quality of the water delivered to my home.

I'll explain my recent experience with Cal Am in detail and then get to my summary of concerns immediately after.

My concern for myself and other Cal Am customers began two weeks ago on February 11<sup>th</sup> when I received a Cal Am bill for over two hundred dollars. This was for one month's billing. My previous month's bill was a low of \$13.32 compared to my \$27.00 average, so I was expecting a higher bill coming up, but certainly not for \$219.00. Looking closer at the billing statement I saw that I was billed for 18 units equaling 13,500 gallons of water far exceeding my monthly average. I have in my files, water bill copies going back to April of 2006. My two person occupancy home has used an average of 4.8 units of water a month over 30 months. One unit equals 750 gallons, for an average usage of 3,600 gallons of water per month.

After looking over the bill, I immediately called the customer service number and got through to a woman in Alton, IL.. I gave her my account # and asked her to bring up my billing history, which she did. I asked her if anything looked odd. "No," she said. I then referred to the extra 10,000 gallons of water that I was billed for and she insisted that I had a leak that I didn't know about. I know that we have no leaks, and in my 1,100 sq. ft. home we can easily hear any running water. She said 'okay' and that she would put a billing hold on my account and told me a service person would be calling me and coming to my house for an inspection. I did not receive a call the next day, so I called again later on Thursday and spoke to another service rep who told me that no billing hold had been put on my account and that a service person would be out the

next morning. This second woman also told me that Cal Am had recently installed a new meter at my residence.

A service person did come out the next morning on Friday, the 13th. He first began by suggesting that we had a leak, or that we'd had "company that took a lot of showers", or maybe we had a leak that we weren't telling him about. He also said that the 'good news' was that we now have a new meter. I didn't see that way. My thought was that this company is not seriously interested in finding out what the problem truly is. It felt as though a smokescreen was going up. I brought my 30 months of Cal Am statements with me and he and I went out to his truck. I presented my stapled stack of water bills, he chose not to look. He checked his laptop for my account history and he called the main office to make sure the history was accurate. I continued to make my point that the bill could not possibly be correct and he continued to deny any errors. Then we actually checked the meter itself. He showed me that on the new meters there is a dial with a red triangle that rotates while water is flowing, and that with all water turned off in a home, the red triangle should not move unless there is a leak. It didn't move while watched for a full minute - no movement. Finally he agrees that there was indeed an error and they'd get to the bottom of it. He began to offer apologies and tell me how on top of it I was. My immediate thought was why do I or why does anyone need to be on top of it to be billed accurately? The service man also informed me that my meter and other new meters like this one have a type of communication sensor and are being installed at every tenth house.

The next afternoon I went to visit my folks in Pacific Grove. I mentioned to my father the problem that I had with Cal Am and to my surprise he had the same problem! A new meter was installed at their house in December and my 87-year-old parents were billed for an additional 11 units of water, an extra 8,250 gallons over their average of 3,900 gallons per month. My father did have the focus to call and question the billing, and the error is being worked out. He told me that Cal Am blamed the error on the accounting department.

Days later, having received no information or call from Cal Am about correcting my bill and thinking over the general situation, I issued a letter of complaint to the California Public Utilities Commission and made a call to the Monterey Peninsula Water Management District. I received a call back from Arlene Tavani at Water Management and was asked to send to her a detailed letter explaining my billing error. She was kind enough to give a me contact at the local Cal Am office which I did call and spoke to both Craig Anthony and a woman named Rose. Rose was helpful on seeking out and reasoning how the error happened in the first place. She understood my questioning the company's efficiency since Cal Am is amazingly two for two on billing errors in my immediate family. I hope to soon receive in the mail an accurately adjusted bill.

My major concerns regarding Cal AM's recent billing errors are:

1. Cal Am's internal warnings - With the extreme losses of water that Cal Am has been reporting for years, why was there no 'Red Flag' put on my account ? Thirteen thousand additional gallons, an extra 16 units was billed on top of my 3,600 gallon average yet no 'red flag' was issued to my account. I would've expected that when I called Cal Am the very first time, that the customer service agent would have said 'Yes, there is a problem with your account', rather than insisting that I have a leaky pipe and "no, I don't see a problem". I must now question Cal Am's accuracy in their estimate of their water losses.
2. Accuracy of the meters - After Cal Am removed my old meter, was it tested for accuracy? One would think that if Cal Am is seriously working on accounting for the missing units of water, that replaced old meters would be checked and double checked. I'd like to know why there is no independent third party that tests Cal Am's meters. Does Cal Am provide meter testing results to Water Management ? Overall accuracy of the new meters must also be questioned.
3. Automatic payment withdrawals - Increasingly more customers are using automatic payments that are set up with their bank accounts. It seems less likely that customers with this type of billing payment system will question errors in billing, thereby adding ill-gotten gains into the bank accounts of Cal Am.
4. Elderly people - My 87-year-old father is focused enough and watches his money closely enough to recognize that there was a problem and called Cal Am about it immediately. My mother who has a bit of Alzheimer's, would not have bothered to challenge it. There are, as we all know, many older people or even young people who are not focused, or those who do not have the energy or the time to challenge an error in billing. I suspect that many of Cal Am's customers are simply going to pay the bill without thinking, or they are not going to invest the time to call. Nor would many attempt to figure out their bill or write a letter to get the problem corrected. Again, putting more unjustified gains into Cal Am's bank account.
5. Consumer alerts - I ask that Cal Am, Water Management and local Media, print and broadcast consumer warnings to Cal Am customers advising them to look at their Cal Am bills carefully. Relatives of elderly persons, caregivers and personal assistants need to be watchful of possible billing errors of those in their care.

In summary, I am hopeful that the MPWMD and the CPUC will act quickly and responsibly to hold Cal Am accountable to future accuracy in the metering and customer billing of their water delivery system. - Thank you.





# State Water Resources Control Board



Linda S. Adams  
Secretary for  
Environmental Protection

Arnold Schwarzenegger  
Governor

FEB 26 2009

MAR 02 2009

To: Diverters of Surface Water

## NOTICE OF SURFACE WATER SHORTAGE FOR 2009

After experiencing two years of drought, California's water reserves are extremely low in many parts of the state. The California water rights system is designed to provide for the orderly allocation of water supplies in the event that there is not enough water to satisfy everyone's needs. As a result, every water right holder has a priority, relative to every other water right holder. When there is insufficient water for all, water diversions must be curtailed in order of water right priority.

Current hydrologic data indicates that this year will be a dry year in your hydrologic area. In view of the current situation, the State Water Resources Control Board (State Water Board) considers it important and prudent to assume that there will **not** be sufficient surface water available during the year for those who hold water right permits, licenses, and registrations issued by the State Water Board. If water supply conditions do not improve, permit, license and registration holders may be curtailed. It may even become necessary this year in some parts of the state to curtail more senior water rights, such as riparian rights or pre-1914 rights.

If you plan to grow crops that will need water beyond the limited supply available, you may find yourself in a very serious dilemma. There is a strong possibility that your water right will be curtailed due to a lack of surface water or a low priority of right. Consequently, you should look into acquiring a firm alternate source of water, such as a well pumping from groundwater that does not require a water right permit, purchase water from someone that pumps groundwater or has a storage reservoir, or recycled wastewater. You may also be able to contract for water deliveries from a water supplier, such as the U.S. Bureau of Reclamation, the State Department of Water Resources, or a local water or irrigation district, provided that the water supplier has water to deliver to you. In view of the current situation, the State Water Board strongly encourages your immediate implementation of the enclosed conservation guidelines. Additional guidance is available for agricultural water users at the Agricultural Water Management Council's website at <http://www.agwatercouncil.org>.

If you hold a water right for domestic or municipal use, you may also need to reduce water use and seek alternate supplies. If there are no alternate supplies available, you may be required to reduce water use down to what is necessary for health and safety purposes. Guidance for urban water users is available at the California Urban Water Conservation Council's website at <http://www.cuwcc.org>.

Unless sufficient additional precipitation occurs this rainy season, no water will be available for many water diverters. It is our intent to contact you again in the near future if there is expected to be no water available for you at your water right priority. State Water Board staff is available to answer your questions at (916) 341-5300.

Sincerely,

Victoria A. Whitney  
Deputy Director for Water Rights

Enclosure

*California Environmental Protection Agency*

### Water Conservation in Irrigation: Guidelines for a Dry Year

Here are some of the conservation practices in irrigation that you can implement to cope with water shortages this year.

1. Be realistic. Adjust the planted acreage to the projected water supply, both as to its quality and quantity.
2. Be efficient. Runoff from the lower end of an irrigated field is usually reusable because its quality is only slightly degraded. If the irrigation water is usable, the runoff water should be usable. Tailwater return flow systems will allow recovery of runoff for increased efficiency of irrigation.
3. Careful land grading or smoothing of irrigation checks aids in uniform water application, thus preventing percolation losses below the root zone.
4. Long irrigation runs may cause excessive water application at the upper end and runoff at the lower end. Water can be spread more rapidly and evenly by maintaining and constructing short and narrow irrigation checks and short furrows, combined with return flow systems.
5. Plug leaks in canals, ditches, pipelines, distribution systems, etc. Replace worn orifices in nozzles or sprinkler heads.
6. If present irrigation system is inefficient, consider advantages of upgrading the present system, or changing to a more efficient system.
7. Better uniformity of distribution can be obtained when irrigating by sprinklers if high wind conditions are avoided. In some locations, this can be accomplished by irrigating during night hours.
8. Be especially careful at critical germination period on annual crops. Pre-plant irrigation is probably more essential in a dry year to reduce salinity in the seed area and store water for later use by crops than in more normal years. But, do not overdo pre-plant irrigations. Use a soil auger or other moisture meter to check for soil water supply and depth of wetting after an irrigation.
9. Match water applications closely to crop needs. Find out the amount of water to be applied to refill the soil just to the depth of rooting. In some areas, potential evapotranspiration data will be available. These can be used to estimate the rate of water use by any particular crop. Also, the soil capacity for water storage can be estimated. Then, a simplified budget procedure can be followed to determine approximate time of irrigation and amount to be applied without wasting water. Consult your Farm Advisor for specific information on your crop and soil.
10. Control weeds and cover crops. Weeds use water, too, but don't add to income or efficiency of water use.
11. Keep leaching for salinity control to the minimum dictated by crop tolerance and a realistic yield expectation for the supply of water available. Seldom does average soil salinity of a root zone build up to damaging concentrations during a one- or even two-year period.

12. Select crops and growing seasons that use less water, where possible. By combining planting dates with selected varieties, it is possible to save some water by shortening the growing season and/or avoiding high evaporative demand periods. Small grains and, to some extent, safflower will use significantly less water than summer season field crops.
13. Most crops, if supplied with less than full evapotranspiration requirements will produce less than maximum yields, although in some crops the reduction in yield is less marked than in others. Cotton, sorghum, olives, and wine or raisin grapes are crops relatively insensitive to reduced water supply. Alfalfa, corn, and pasture are examples of crops sensitive to water deficiency.
14. On tree crops and deep-rooted annuals, start the growing season with a fully wet root zone, if at all possible. Use the remaining water supply as needed to maintain crop until the supply is exhausted.
15. Plant the best land. Do not plant marginal land. If future abandonment or pulling of permanent crop acreage is being considered, perhaps now is the time to make the change.

-----Original Message-----

From: blondelogicinc@yahoo.com [mailto:blondelogicinc@yahoo.com]  
Sent: Thursday, February 26, 2009 7:51 PM  
To: Henrietta Stern  
Subject: Defer Decision on Monterey Bay Shores Resort

Chair Kristi Markey

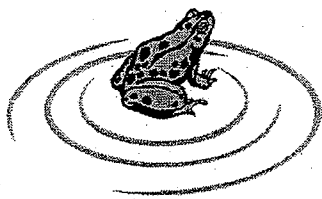
Dear Chair Markey,

I am writing to request that the MPWMD Board defer its decision to amend the Cal-Am service area to provide service to the Monterey Bay Shores Resort. Just like you, I too have concerns about the Monterey Bay Shores Resort and its impacts on our local environment. Given that there are new and existing circumstances that have not been appropriately analyzed by a Subsequent EIR, but instead have been inappropriately and inadequately addressed by an Addendum to the EIR, the MPWMD Board cannot make a decision at this point because the potentially significant impacts to the environment resulting from substantial changes in the circumstances under which the project is undertaken have not been appropriately analyzed.

Thank you for actions to ensure protection of our coast-

Sincerely,  
Annalisa Sand  
POBox 598  
Big Sur, CA 93920

cc:  
Henrietta Stern



rana creek  
ENVIRONMENTAL PLANNING

35351 E. Carmel Valley Rd.  
Carmel Valley, CA 93924  
PH 831.659.3820  
FX 831.659.4851  
www.ranacreek.com

February 26, 2009

Ms. Henrietta Stern  
Project Manager  
Monterey Peninsula Water Management District  
P.O. Box 85  
Monterey, CA 93942-0085

FEB 27 2009

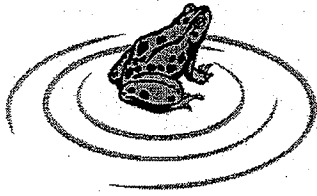
MPWMD

Dear Henrietta,

As I am sure you know, it is a major understatement to say that I am extremely disappointed in the outcome of the MPWMD Board hearing last night regarding the Monterey Bay Shores Ecoresort water distribution permit application. This is an important and well-conceived project, and I believe its proponents have more than satisfied the requirements for approval. I am writing to you because what concerns me at least as much as the declination of the permit is my belief that the process may have been inappropriately influenced by members of the staff of the California Coastal Commission.

As you know, the Coastal Commission is now subject to a legal mandate to reach a fair and equitable resolution of the issues regarding the project. I have been led to believe that, in order to improperly circumvent this mandate, members of the Coastal Commission staff members may have improperly and privately contacted members of the MPWMD Board and at least one local environmental organization to urge them to kill the project at the district level. I believe that all members of the MPWMD Board should be aware of this allegation, investigate it, and adopt measures to ensure open, fair and appropriate public process in their deliberations.

My belief that inappropriate efforts to influence the Board arises from statements made by Land Watch Director Chris Fitz in a meeting with Ed Ghandour and me. I understood Chris to say that he had been pressured by Land Watch Chairwoman Janet Brennan to oppose the Monterey Bay Shores Ecoresort water permit even though he personally believes the project has merit. Specifically, I understood him to say that Coastal Commission staff members had directly and privately contacted his organization, other members of the environmental community, and Water Management District Board members to urge them to take the "necessary steps" to stop the project at the water distribution permit hearing level. I also understood Chris to say that his organization did not believe the amended EIR, which had been certified by Sand City, was adequate, but that if a "new cover" were placed on the same document and circulated for 90 days, then Land Watch would not oppose the process. Needless to say, I was shocked and angered by what I understood this "confessional" to mean and, if these allegations are true, they raise serious concerns about the MPWMD's process.



rana creek  
ENVIRONMENTAL PLANNING

35351 E. Carmel Valley Rd.  
Carmel Valley, CA 93924  
PH 831.659.3820  
FX 831.659.4851  
www.ranacreek.com

Bolstering my belief that ex parte communications may have occurred, at the February 26<sup>th</sup> hearing, I heard Chairwoman Markey mention communications within the Commission, yet she did not disclose the specifics of any such communications when given the opportunity to do so. I believe that it appeared to many in the audience that the outcome of the hearing was pre-ordained, scripted and contrived. While staff's recommendation was to approve the project's water distribution permit, it appeared that some Board Members had a pre-determined and contrary agenda.

The Coastal Commission is authorized to act only by vote of the Commission itself, and the Commission members have not considered the revised project. Thus, the Coastal Commission staff members have no authority or jurisdiction to pressure anyone to oppose the revised project. Indeed, Coastal Commission staff should not have an official position since no staff report or recommendations have been issued to date. Therefore, it would be highly inappropriate for Coastal Commission staff members to be lobbying, advising or instructing Water Management District Board members behind the scenes.

I personally believe that there may have been a concerted, strategic, and altogether inappropriate alliance to influence the Water Management District's actions behind the scenes. It surely leaves me with doubt and a good deal of mistrust on behalf of my client, myself and our community, and raises the question whether the Monterey Bay Shores Ecoresort has received, or can receive, a fair hearing from the Water Management District Board.

I urge you and the MPWMD Board to investigate these allegations and to restore your organization's credibility by ensuring fair, open and appropriate public process.

*Paul Kephart*

Respectfully, Paul Kephart



RECEIVED

FEB 27 2009

MPWMD

February 27, 2009

Ms. Henrietta Stern  
 Project Manager  
 Monterey Peninsula Water Management District  
 P.O. Box 85  
 Monterey, CA 93942-0085

By Hand Delivery

Dear Henrietta,

Some very disturbing allegations have just come to our attention that raise serious questions about the fairness of the Water Management District permit hearing that occurred last night.

One of the professionals working for Monterey Bay Shores Ecoresort and I each were personally informed by the Executive Director of Land Watch that he feels he has been subjected to significant pressure by current staff members of the California Coastal Commission to oppose the Monterey Bay Shores Ecoresort even though he personally believes that the project is a leader in sustainable design.

Specifically, he communicated that Coastal Commission staff members have contacted him, other members of the environmental community, **and Water Management District Board members directly and indirectly** to advise them that they needed to take the "necessary steps" to kill or delay the Monterey Bay Shores Ecoresort project at the water distribution permit hearing level, because if the water distribution permit was issued, then the Coastal Commission may have difficulty legally denying the coastal development permit application. He stated that he was troubled by this undue influence and pressure because he thinks that the project is environmentally superior and warrants approval. He stated that he did not want to testify against the project but felt he had to because of pressure from his Board Member Janet Brennan who had also been contacted by coastal staff, either directly or indirectly.

If this contact by Coastal Commission staff occurred, such heavy-handed efforts to influence the Water Management District's action behind the scenes have seriously tainted both the District's hearing process and the Coastal Commission's hearing process.

The Coastal Commission acts only by vote of the Commission itself, and the Commission has not considered the revised project and its sustainable design features. As a result, the Coastal Commission staff members have no authority or jurisdiction to pressure anyone to oppose the revised project. Coastal staff itself has not released any staff report or recommendations either for approval or denial. It would be highly inappropriate for coastal staff members to be lobbying or instructing Water Management District Board members behind the scenes.

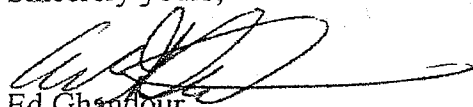
These allegations raise several issues. First, no Water Management District Board members acknowledged any contact or communications, either directly or indirectly, with any Coastal Commission staff members in their respective ex parte communication disclosures. Thus, if there have been contacts, then there has been a violation of the District's ex parte communication disclosure rules.

If this conduct in fact occurred, it raises a serious question whether the Monterey Bay Shores can *ever* get a fair hearing from the Water Management District. If this conduct in fact occurred, it violates SNG's due process and equal protection rights; violates the fair hearing doctrine; is prima facie arbitrary and capricious; constitutes an abuse of discretion; is evidence of bias; constitutes an improper basis for a involved Board member's vote or the Board's decision; exceeds the authority of Board members and the Board; violates the Board's own rules and regulations; constitutes an improper, secret or "underground" regulation, regulatory scheme or regime; constitutes fraud and violates California protections against interference in business transactions; and violates federal civil rights laws including 42 U.S.C. § 1983.

There is also an open question whether this behind-the-scenes strategizing between coastal staff and Water Management Board members violates the federal Racketeer Influenced and Corrupt Organizations Act or RICO, thus potentially subjecting individual Board members to triple damages.

We therefore request that the Board members who have been pressured by coastal staff to oppose this permit application recuse themselves from any future votes on any aspect of the Monterey Bay Shores permit application.

Sincerely yours,



Ed Ghandour  
President



MAR 12 2009

Post Office Box 1876  
Salinas, CA 93902-1876  
Salinas Phone: 831-422-9390  
Monterey Phone: 831-375-3752  
Website: [www.landwatch.org](http://www.landwatch.org)  
Email: [landwatch@mclw.org](mailto:landwatch@mclw.org)  
Fax: 831-422-9391



March 2, 2009

MPWMD

Darby Fuerst, General Manager  
Monterey Peninsula Water Management District  
P.O. Box 85  
Monterey, CA 93942-0085

RE: Correspondence from Security National Guaranty and Rana Creek concerning the Monterey Bay Ecoresort and LandWatch Monterey County.

Dear Darby Fuerst:

Thank you for sharing with me the letters sent to the Monterey Peninsula Water Management District (MPWMD) from Ed Ghandour, president of Security National Guaranty, (dated February 27, 2009) and Paul Kephart of Rana Creek (dated February 26, 2009). As you know, both of these letters reference a conversation I had with Ghandour and Kephart. Although their letters do not identify the date of this conversation, I did meet with them on Wednesday afternoon, February 18, 2009, from 12:30 to approximately 1:45. Aside from a brief conversation with Ghandour to set the February 18 appointment, this meeting is the only time I have spoken with Ghandour or Kephart.

The characterization of this conversation, referenced in the letters identified above, is completely inaccurate. I will take this opportunity to set the record straight. First, I will address the comments made in the Ghandour letter. I will address each allegation by reciting a direct quote from the letter in *italics* and then respond to the allegations in the quote.

*One of the professionals working for Monterey Bay Shores Ecoresort and I were each personally informed by the Executive Director of LandWatch that he feels he has been subjected to significant pressure by current staff members of the California Coastal Commission to oppose the Monterey Bay Shores Ecoresort even though he personally believes that the project is a leader in sustainable design.*

1. I have had no contact with anyone from the California Coastal Commission staff concerning the Monterey Bay Shores Ecoresort.
2. During my meeting with Ghandour and Kephart, I made clear, more than once, that I have no opinion about the Monterey Bay Shores Ecoresort project and that my objections concern the environmental review of the project.

*Specically, he communicated that Coastal Commission staff members have contacted him, other members of the environmental community, and Water Management District Board members directly and indirectly to advise them that they needed to take the "necessary steps" to kill or delay the Monterey Bay Shores Ecoresort project at the water distribution permit hearing level, because if the water distribution permit was*

*issued, then the Coastal Commission may have difficulty legally denying the coastal development permit application.*

3. I have no knowledge of anyone from the California Coastal Commission staff contacting anyone concerning the Monterey Bay Shores Ecoresort.

*He stated that he was troubled by this undue influence and pressure because he thinks that the project is environmentally superior and warrants approval.*

4. I do not believe there has been undue influence or pressure exerted by anyone or any institution concerning this project.
5. I have written letters to the MPWMD on behalf of LandWatch urging the denial of the water permit because the environmental review for the project is insufficient. I stand by those letters and informed Ghandour and Kephart in our meeting of February 18<sup>th</sup> that I stand by those letters. I also informed them that I believe they have been given bad legal advice from their attorneys and that they should have performed a subsequent EIR and distributed that document for public comment. In my opinion, not only is the project undeserving of approval, it does not deserve consideration for approval until an adequate environmental analysis has been performed and circulated to the public. This position is absolutely consistent with having no opinion about the project itself. I made this point several times during my meeting with Ghandour and Kephart.

*He stated that he did not want to testify against the project but felt he had to because of pressure from his Board Member Janet Brennan who had also been contacted by coastal staff, either directly or indirectly.*

6. I was happy to give my testimony to MPWMD supporting the LandWatch letter to the District during the public hearing on January 29, 2009. I was also in full agreement with the subsequent letter, signed by me, from LandWatch to the District, sent in advance of the District's public meeting on February 26, 2009. Although I was unable to attend the February 26<sup>th</sup> meeting, I met with LandWatch Associate Director Amy White to advise her about the testimony she gave at that meeting.
7. Janet Brennan informed me today that she has never been contacted by Coastal Commission staff concerning this project.

My responses to the allegations made in the Kephart letter are below. I will address each allegation by reciting the direct quote from the letter in *italics* and then respond to the allegations in the quote.

*My belief that inappropriate efforts to influence the Board arises from statements made by LandWatch Director Chris Fitz in a meeting with Ed Ghandour and me. I understood Chris to say that he had been pressured by Land Watch Chairwoman Janet Brennan to oppose the Monterey Bay Shores Ecoresort water permit even though he personally believes the project has merit.*

8. As stated above, I am in full agreement with all written correspondence from LandWatch to MPWMD (and also to Sand City) concerning this project.
9. In the ten years I have known her, Janet Brennan has never pressured me to do anything. She has one vote on the LandWatch Board of Directors. As the executive director of LandWatch Monterey County, I take my direction from the Board of Directors as a whole. The guidance I received from the LandWatch Board was, in fact, unanimous concerning this project. As I have stated above, I have no opinion on this project. Indeed, the LandWatch Board has formalized no opinion on this project. LandWatch urged denial of the water permit because it is our assessment that the environmental analysis is inadequate.

*Specifically, I understood him to say that Coastal Commission staff members had directly and privately contacted his organization, other members of the environmental community, and Water Management District Board members to urge them to take the "necessary steps" to stop the project at the water distribution permit hearing level. I also understood Chris to say that his organization did not believe the amended EIR, which had been certified by Sand City, was adequate, but that if a "new cover" were placed on the same document and circulated for 90 days, then Land Watch would not oppose the process.*

10. As stated above, I have no knowledge of anyone from the Coastal Commission staff contacting anyone about this project.
11. I stated that the EIR addendum for this project was inadequate and that they had received bad legal advice. I said that they should have performed a subsequent EIR and redistributed that document for public review.
12. I tried to communicate to Ghandour and Kephart that, for LandWatch, CEQA review is not an academic exercise, nor is it simply about making important project improvements or finding the best mitigation measures. I tried to communicate to them that it is very important to LandWatch that the environmental analysis required by CEQA is complete, objective, and includes the full public review demanded by the law.

Thank you for the opportunity to respond to these letters and set the record straight.

Sincerely,



Chris Fitz, Executive Director  
LandWatch Monterey County

Cc: Paul Kephart, Ed Ghandour, Kristi Markey and Peter Douglas

---

**From:** Jessica Simms [mailto:jess.simms@gmail.com]  
**Sent:** Thursday, March 05, 2009 4:48 AM  
**To:** reginadoyle@aol.com; jlehman@redshift.com; kmarkey65@comcast.net; district5@co.monterey.ca.us  
**Cc:** Henrietta Stern  
**Subject:** Please defer decision on Monterey Bay Shores until an adequate EIR has been conducted

Dear MPWMD Board Memebers,

As a concerned Monterey citizen I am writing to express my opinion on the Monterey Bay Shores Resort and its potentially very negative impact on our local environment. As you are aware, this proposal is set to be placed on very sensitive coastal dunes, it will greatly impact already-congested roads, it will place an even greater burden on the already-stressed water supply on the Peninsula, and there is a likely possibility that it will not comply with CEQA standards. Please at least defer your decision to amend the Cal-Am service area to provide service to the Monterey Bay Shores Resort. There needs to be a proper EIR conducted due to the additional circumstances that have been added after the previous EIR. The Addendum is inadequate in addressing these new circumstances.

Thank you for your concern and decisions that are helping to protect our beautiful Monterey Bay.

Jessica Simms

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885

MAR 17 2009



March 5, 2009

Ed Ghandour, President  
Security National Guaranty  
505 Montgomery Street, Suite 1150  
San Francisco, CA 94111

Dear Mr. Ghandour:

The Executive Director of LandWatch Monterey County, Mr. Chris Fitz, has forwarded to my attention three recent letters that were sent to the staff of the Monterey Peninsula Water Management District. The two letters from you and your consultant, Mr. Kephart, are dated February 26 and 27, 2009, and accuse unnamed Coastal Commission staff of somehow pressuring members of the LandWatch Board and the District Board regarding SNG's application to the District for a water distribution permit. The third letter is from Mr. Fitz, is dated March 2, 2009, and completely denies those allegations, as well as accusations against LandWatch. I also note that you purportedly knew of these alleged contacts between Commission staff and the District prior to the District's February 26, 2009, meeting, yet your accusations were apparently raised only after the District voted to deny a water permit that evening.

Your accusations against the unnamed Coastal Commission staff have absolutely no merit. I have been informed that there were routine and entirely appropriate communications between Commission staff (Mr. Michael Watson) and District staff (Ms. Henrietta Stern) to coordinate review of SNG's respective permit applications. Commission staff routinely do (and should) coordinate with other agencies under these circumstances. The Commission's prior findings about your project in 2000 determined that the Sand City Local Coastal Program (LCP) required that SNG first obtain a District permit, and Commission staff letters regarding the current application repeatedly required submission of that permit. SNG was insisting to the court that the Commission hear its application on an expedited basis no later than March 31<sup>st</sup> - a very tight timeline - up until the District voted to deny the water permit. Thus, coordination between Commission and District staff on these issues to ensure a fast response from the Commission was unremarkable, very appropriate, and was expressly and publicly discussed in the District staff's public report for the February 26, 2009, hearing. These facts, however, do not support allegations that District Board members were inappropriately contacted by Commission staff. Similarly, contacts with LandWatch were proper and routine and limited to email receipt of letters LandWatch had sent to the District regarding your project.

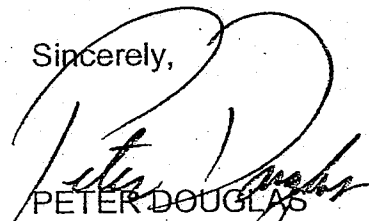
Letter to Ed Ghandour  
March 5, 2009

Page -2-

Though your current accusations are unfounded, please send me any evidence supporting your allegations of improprieties by Commission staff, and I will take appropriate action. Under the circumstances, however, I, and the numerous Commission staff working on your project, are offended by your accusations and the fact that they were made without any evidence. Unless you have evidence supporting your claims, I hereby request that you immediately send another letter to everyone in receipt of your earlier letters retracting the allegations of wrongdoing and issuing an apology for having falsely accused Coastal Commission staff of misconduct.

Finally, I understand that you have requested further face-to-face meetings with Commission staff. Under the circumstances, it is clear that all interests would be best served if all further communications between Commission staff and SNG or its representatives are in writing or email.

Sincerely,



PETER DOUGLAS  
Executive Director

cc: Chris Fitz, Executive Director, LandWatch Monterey County  
Paul Kephart, Rana Creek  
Darby Fuerst, General Manager, MPWMD  
Henrietta Stern, Project Manager, MPWMD  
Charles Lester, Senior Deputy Director, Coastal Commission  
Dan Carl, District Manager, Coastal Commission Central Coastal District  
Michael Watson, Coastal Planner, Coastal Commission Central Coastal District



LEAGUE OF WOMEN VOTERS®  
OF THE MONTEREY PENINSULA

MAR 12 2009

MPWMD

March 10, 2009

Kristi Markey  
Chair  
MPWMD  
P.O. Box 85  
Monterey, CA 93942

SUBJECT: RYAN RANCH MORATORIUM

Dear Chair Markey and Members of the Board of Directors:

The League of Women Voters Monterey Peninsula (LWVMP) has a long history of interest in water and has numerous positions based on three water studies conducted during the last 25 years. LWVMP supports a balanced and comprehensive approach to efficient water use, conservation, and protection of supplies and habitats. To these ends, LWVMP expresses its opinion on public matters in support of our positions.

We have followed your recent actions regarding water supply to the Ryan Ranch customers. We share your concern regarding adequate water supplies to meet future needs at Ryan Ranch. Specifically LWVMP supports the institution of a moratorium on future water permits in Ryan Ranch until a new and adequate water supply is available. LWVMP takes this position consistent with our principles and for the following reasons:

1. Ryan Ranch was added to the MPWMD service area on the understanding that its water sources were adequate to support its development.
2. The historic water supplies for MPWMD have been the Carmel River/aquifer and the Seaside Basin, both of which are under production restrictions by external jurisdictions.
3. District staff report conclusively that quality water production from Ryan Ranch sources is less than the current production allowance.
4. California American has indicated it can meet the Ryan Ranch needs for the foreseeable future from existing supplies; however these existing supplies are over-pumped and under orders to further reduce production. For example, the DEIR for the Coastal Water Project (p.4.2-15) identifies the Natural Safe Yield of the Seaside Groundwater Basin as 2,581 to 2,913 AFY and 2007 extractions of 4,423 AF.

PO BOX 1995  
Monterey CA 93942

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

5. The margin of existing supplies that provide a basis for Cal Am to believe it can serve Ryan Ranch exists only because of extensive conservation practices and retrofits by existing customers.
6. It is inappropriate for Cal Am to offer to cover Ryan Ranch overdrafts from conservation savings from customers and from existing over drafted areas. It even defies logic.
7. We are aware that there are plans for further medical facility development in Ryan Ranch, and perhaps others. However there are no imminent projects that would be in jeopardy because of a moratorium. Many homeowners are already on waiting lists for water elsewhere in the district. Such a waiting list could similarly apply to Ryan Ranch owners.
8. Too many water supply decisions have been made historically on perceived adequacy of supplies, which have led to the overdrafts and the resulting restrictions imposed by external jurisdictions.
9. The water sources in Ryan Ranch are known to be inadequate, and this fact is not contested.
10. The setting of a moratorium will demonstrate to all that conservation savings are critical for appropriate water management, and continued over-drafting is not acceptable.

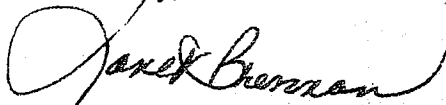
We understand that strong actions such as a moratorium may cause some hardship, but we also believe that lack of such actions in the past has led us to the current crisis.

We also continue to be concerned about the pending cease and desist order at the State Water Resources Control Board. If opportunities to control production are not taken at the local level, then it is difficult to believe the State Water Board will not be heavy-handed in the future.

Therefore the LWVMP supports a moratorium on water permits until an adequate water supply is in place.

Thank you for your consideration.

Sincerely,



Janet Brennan  
President