

EXHIBIT 18-G



**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

September 8, 2009

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

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

Dear Ms Stern:

Thank you for the opportunity to comment on the Initial Study (IS) and Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed approval of the amendment of the pre-existing Rancho del Robledo Water Distribution System (RDRWDS; Application #20090709RAN), located along the Carmel River, Carmel Valley, Monterey County, California. The project entails approval of an amendment of a pre-existing multiple-parcel water distribution system (WDS) that serves primarily irrigation needs of the Rancho del Robledo Subdivision. Some of the homes in the subdivision are also served by California Water Company (CAW), which is not affected by this application. If the application is approved by the Monterey Peninsula Water Management District (MPWMD), it will allow annexation of one new parcel into the RDRWDS and potable water service to two potential homes. The estimated water use associated with the two new houses would be 1.0 acre-foot per year (AFY), or 0.5 AFY each.

The potential future amount (1.0 AFY) has been recently offset by extensive repairs to the current WDS infrastructure, resulting in significantly reduced conveyance losses to leaks. Permit conditions imposed on the amended WDS will include a production limit of 14.57 AFY, which is less than the 14.74 AFY metered average of the past five years. In addition, the combined future CAW and non-CAW water use in the subdivision is expected to be less than in the past.

South-Central California Coast Distinct Population Segment (DPS) steelhead are listed as threatened under the Endangered Species Act of 1973 (ESA) and are present in the Carmel River. Populations of steelhead within the South-Central California Coast DPS are at critically low levels. Any adverse impacts to them must be minimized to assure these species do not become extinct. Decreasing flows in the river can delay the migration of upstream adults and downstream juveniles within the system. Decreased flows can contribute to stranding of juveniles, overcrowding, increased predation, increased water temperatures, and a decrease in water quality, all detrimental to salmonids.



The IS discloses the future amount of water will be "offset" by repairs to WDS infrastructure and less water will be used than in the past, concluding there are no significant adverse environmental impacts associated with approval of the application. NOAA's National Marine Fisheries Service (NMFS) disagrees with the IS findings. While it may be true repairs have been made to the infrastructure and less water might be used in the future than in the past, the proposed project ensures water will be pumped from the river. Improvements to the infrastructure do not rely on the proposed project. And whether water is delivered by the CAW system or is pumped from a private well, the water will still be coming from the same source, the Carmel River Alluvial Aquifer.

The estimated water use associated with the two new houses would be 1.0 acre-foot per year (AFY), or 0.5 AFY each. The average water usage on the Monterey Peninsula is approximately 70 gallons per person per day. That roughly calculates to about ¼ AFY for a household of three. It is unknown why each house would need to use ½ AFY, twice the average amount. NMFS recommends that water usage be limited to the average amount used on the Monterey Peninsula in order to minimize impacts to listed fish from water withdrawals from the river.

Adverse impacts to listed species in the Carmel River Basin are well documented. SWRCB Order 95-10 and Order 2002-0002 do not allow CAW to increase its diversions for expanded water needs or new water users and orders CAW to pump from the lowermost wells to protect listed species. For MPWMD to approve the amendment of a new WDS that might use less water than in the past does not negate the on-going adverse impacts to listed species from water withdrawals. In fact, any increase in diversions on the Carmel River will be cumulative and only exacerbate the impacts.

NMFS' June 2002 report, "*Instream Flow Needs for Steelhead in the Carmel River, bypass flow recommendations for water supply projects using Carmel River waters*" establishes bypass flows for new projects to ensure that no new diversions are developed that would be counter to the efforts to restore flows to protect listed species while a long-term solution to a sustainable water supply is found. This document recommends "no new diversions should be permitted, authorized, or otherwise sanctioned for the period June 1 to October 31." Approval of any diversions, especially during the critical flow period only serves to increase the over-pumping impacts the agencies are attempting to reverse.

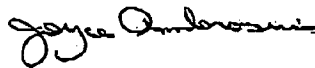
NMFS concurs with the findings that the well lot has a riparian right. It is our understanding that under riparian rights, the place of use cannot be discontinuous from the water source (e.g., Carmel River). The IS states that two new parcels will be receiving water from this WDS: 197-151-016 and 197-151-004. According to the Monterey County Assessor's parcel map included in the IS, lot 197-151-016 appears to be contiguous to the Carmel River; however lot 197-151-004 is not. Therefore, to provide water to this lot, we believe an appropriative water right from the State Water Resources Control Board is required. NMFS recommends this project obtain legal water rights before the MPWMD approve the amendment of a new WDS. We also recommend that any other lots in the subdivision that are discontinuous to the river also obtain legal water rights if they are also part of the WDS.


3

NMFS recommends revising the proposed project to minimize impacts to listed species, including, but not limited to, 1) requiring the proposed project to obtain legal water rights; 2) requiring the proposed project to adhere to NMFS' 2002 Bypass Flow Guidelines, limiting new water diversions to the period of November 1 through May 31; 3) decreasing the amount of water per new house to the Monterey Peninsula average use; and 4) using an alternative water source (other than the Carmel River) for irrigation. NMFS encourages the applicant to consider rainwater harvesting as an alternative to pumping in the Carmel River Alluvial Aquifer.

If you have any questions concerning the above comments, please contact Ms. Joyce Ambrosius at (707) 575-6064 or joyce.ambrosius@noaa.gov.

Sincerely,



 Dick Butler  
Santa Rosa Area Office Supervisor  
Protected Resources Division

cc: Diane Windham, NMFS, Sacramento  
J. Means, CDFG, Fresno  
Copy to File - 151416SWR2006SR00350