



Supplement to 6/21/10 MPWMD Board Packet

Attached are copies of letters received between May 8, 2010 and June 11, 2010. These letters are also listed in the June 21, 2010 Board packet under item 31, Letters Received.

Author	Addressee	Date	Topic
Sheri L. Damon	David Laredo	6/2/10	Cal Am/SNG Water Distribution Permit Application
Darby Fuerst	Sheri L. Damon	6/4/10	Response -- Cal-Am/SNG Water Distribution Permit Application
Mark Tamagni	MPWMD Board	5/22/10	Temporary Moratorium on the Hidden Hills Water System
Darby Fuerst	Mark Tamagni	5/27/10	Response -- Request to Lift Moratorium for Water Permits in Hidden Hills Area
Fred Muerer	Darby Fuerst	5/19/10	Permits for Mobile Potable Hydrant Water Meters
Darby Fuerst	Fred Meurer	5/28/10	Response -- Permits for Mobile Potable Hydrant Water Meters
Jane Parker	Darby Fuerst	5/12/10	Proposed Reductions in County Services
Craig E. Anthony	Darby Fuerst	5/17/10	MPWMD April 23, 2010 Letter Requesting Coordination of Fitch School ASR Program
Rita Dalessio	MPWMD Board	5/17/10	Agenda Item 24: Consider Adoption of Resolution No. 2010-07 Expressing Support for the Safe, Clean and Reliable Drinking Water Supply Act of 2010
Barbara Bass Evans	MPWMD Board	5/10/10	Ocean View Plaza Community Services Water Distribution System Permit
Anthony Lombardo	Henrietta Stern	5/10/10	Ocean View Plaza

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DAMON LAW OFFICES

June 2, 2010

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JUN - 2 2010

MPWMD

HAND
DELIVERED

Hand Delivery

David Laredo
DeLay and Laredo
606 Forest Avenue
Pacific Grove CA 93950

RE: Cal Am/SNG Water Distribution Permit Application

Dear Dave:

Enclosed please find the Remittitur from the Court of Appeal. The decision is now final. We have previously requested the MPWMD set the matter for rehearing as required by Judge Randall's order and we reiterate that request. The date for that hearing has now passed. Accordingly, SNG requests that the Water Management District set the rehearing at its next regular meeting.

Please contact me at your earliest convenience confirming the hearing date.

Sincerely,
Damon Law Offices



Sheri L. Damon

Enc.(s)

Cc: ~~/~~ Darby Fuerst, MPWMD
Henrietta Stern, MPWMD
Ed Ghandour
Craig Anthony, California American Water



June 4, 2010

Sheri L. Damon
Damon Law Office
618 Swanton Road
Davenport, CA 95017

Subject: Cal-Am/SNG Water Distribution Permit Application

Dear Ms. Damon:

Thank you for the June 2, 2010 letter requesting that a date be set for a re-hearing on the water distribution system permit for the Monterey Bay Shores Ecoresort project. I have referred the matter to Henrietta Stern. She will contact you the week of June 7, 2010 to coordinate on scheduling the hearing date.

Sincerely,

A handwritten signature in cursive script that reads "Darby Fuerst".

Darby Fuerst
General Manager

pc: Henrietta Stern
David C. Laredo
MPWMD Board of Directors

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MAY 26 2010

MPWMD

Saturday, May 22, 2010

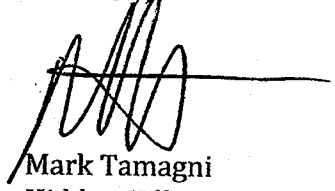
MPWMD Board
PO Box 85
Monterey, CA 93942-0085

To the MPWMD Board of Directors,

I am writing to request that the "temporary moratorium" on water credits for new construction or intensified use imposed on the Hidden Hills water system of the Laguna Seca Subarea be lifted. It is my understanding that Cal-Am's reported production for the water year ending 2009 was below the PREC value allotted for the system (0.4817 AF/connection/year). It is also my understanding that the current 12-month moving average PREC value is even lower than the 2009 water year values (0.4501 AF/connection/year).

The MPWMD board implemented the moratorium within 6 months of the Hidden Hills Unit exceeding the PREC limit, yet it has been almost 8 months since the Hidden Hills Unit has been in compliance with the PREC limit with no action from the District. In light of this information, I am requesting that the District take immediate action to remove the temporary moratorium so that residents of this system may once again enjoy the water rights that they have worked so hard to maintain through diligent conservation efforts.

Sincerely,



Mark Tamagni
Hidden Hills Resident and Homeowner
831-596-1019

Cc: Glen Stransky
Hidden Hills Subunit Ratepayers Assoc.



**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.dstf.ca.us>

May 27, 2010

Mark Tamagni
11250 Saddle Road
Monterey, CA 93940

**Subject: REQUEST TO LIFT MORATORIUM FOR WATER PERMITS IN
HIDDEN HILLS AREA**

Dear Mr. Tamagni:

Thank you for your letter dated May 22, 2010 (received May 26, 2010) to the Monterey Peninsula Water Management District (MPWMD or District) requesting that the current temporary moratorium on issuing Water Permits in California American Water's (Cal-Am) Hidden Hills Unit be lifted. You cite your understanding that water savings in recent months and in Water Year (WY) 2009 show that Hidden Hills is below its Pro Rata Expansion Capacity (PREC) limit, and lifting the moratorium is justified.

The District applauds the Hidden Hills community for its water conservation efforts. We also understand that Cal-Am has made some significant repairs to leaks in the system. However, as Henrietta Stern, Project Manager, explained to you on the phone on May 26, 2010, District Rule 40-D-3 requires District staff to monitor a system "...for twelve (12) consecutive months after the water system use is less than its Pro Rata Expansion Capacity."

The reference PREC value is 0.482 acre-feet per year (AFY) per connection for the Hidden Hills system, based on the permitted production limit of 229.9 AFY and 477 permitted connections. Reviewing the rolling 12-month average data, the Hidden Hills PREC dropped to 0.482 AFY/connection in August 2009, and has stayed below that value since then. Rule 40-D-3 requires us to wait until after July 2010 (12 months) in order to make an assessment. Thus, the earliest opportunity to consider lifting the moratorium will be August 2010, assuming the PREC value stays below 0.482 AFY/connection each month.

Your letter correctly stated that the PREC value was below 0.482 AFY/connection for WY 2009 as a whole (October 2008-September 2009). However, the majority of months within WY 2009 were over the PREC limit, while some were under, resulting in an annual PREC of 0.4817 AFY/connection/year, or barely under the PREC limit. This value was derived from 210 AFY production divided by 436 connections reported as of September 30, 2009.

Mark Tamagni
May 27, 2010
Page 2

In August 2010, District staff and counsel will review the data and begin the process to consider removing the moratorium on accepting applications for new or intensified water uses in the Hidden Hills system that was imposed in March 2009.

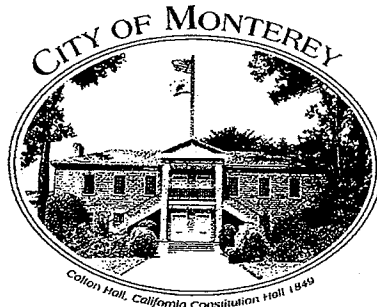
I trust this letter responds to your request. If you have any questions, please contact me at 831/658-5650 or darby@mpwmd.dst.ca.us. The technical staff contact is Henrietta Stern, Project Manager, at 831/658-5621 or henri@mpwmd.dst.ca.us.

Sincerely,



Darby W. Fuetst
General Manager

Cc: MPWMD Board of Directors
Henrietta Stern, Project Manager
David C. Laredo, Counsel



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MAY 24 2010
MPWMD

May 19, 2010

Mayor:
CHUCK DELLA SALA

Councilmembers:
LIBBY DOWNEY
JEFF HAFFERMAN
NANCY SELFRIDGE
FRANK SOLLECITO

Darby Fuerst, Manager
MPWMD
P.O. Box 85
Monterey, CA 93942-0085

City Manager:
FRED MEURER

Dear Mr. Fuerst:

A recent issue has come to my attention and I would like to suggest a solution that would be of mutual benefit to the Monterey Peninsula Water Management District and the City of Monterey.

The City has been advised that we are required to obtain mobile potable hydrant water meters from your office for our sewer jet and water trucks in order to measure water consumption. While obtaining the meters from your office our staff was informed that the process must be renewed every 60 days.

Due to our constant usage, I believe an annual permit period to be more appropriate than a 60-day renewal. These meters are utilized by the City continuously rather than for short-term construction operations and the water usage is reported monthly to Cal Am.

An annual permit period would be more cost effective and less of an administrative burden on the staff of MPWMD as well as the staff of the City of Monterey. I appreciate your assistance in coming to a mutual agreement on this matter.

Sincerely,

Fred Meurer
Fred Meurer
City Manager



**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>

May 28, 2010

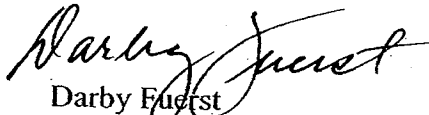
Fred Meurer
City Hall
Monterey, CA 93940

Subject: Permits for Mobile Potable Hydrant Water Meters

Dear Mr. Meurer:

Thank you for the May 19, 2010 letter requesting that the District issue annual permits for mobile potable hydrant water meters, instead of the current 60-day renewal process. I have referred your letter to Stephanie Pintar, Water Demand Manager, who will bring this issue to the District's Water Demand Committee for discussion. The meetings are open to the public, and you will be notified of the date for committee discussion of the issue. Thank you for the suggestion.

Sincerely,


Darby Fuerst
General Manager

pc: MPWMD Board of Directors
Stephanie Pintar

MONTEREY COUNTY



THE BOARD OF SUPERVISORS

JANE PARKER, SUPERVISOR - FOURTH DISTRICT

MAILING: 2616 1ST AVENUE, MARINA, CA 93933

EMAIL: district4@co.monterey.ca.us PHONE: (831) 883-7570 FAX: (831) 384-1839

May 12, 2010

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

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MAY 1 / 2010

MPWMD

Re: Proposed Reductions in County Services

Dear Mr. Fuerst:

Thank you for contacting me to share your concerns and ideas about the proposed reductions in County services. As a County Supervisor I rely on communication from individuals like you to keep me informed about issues that matter to Monterey County residents. Please know that I have reviewed your correspondence and will carefully consider your perspective as I serve our County.

As you know, we face a difficult challenge of maintaining a balanced budget while contending with declining revenues from local, state and federal sources. I will be asking my colleagues on the Board to examine all options before reducing services and programs. The Board of Supervisors has received a number of suggestions for cost-savings ideas which staff are still in the process of analyzing for feasibility and potential savings. Although the Board may proceed with some preliminary notifications to staff regarding the effects of program cuts, it is my hope that we may find solutions to avoid finalizing those program cuts which were proposed solely to save money. Efficiency in government is also a worthy goal; towards that end, we may engage in some reorganization and reductions that are aimed at greater efficiency.

Thank you again for contacting me with your concerns. If there is anything else that I can do to assist you regarding this or any other issue, please feel free to contact me again.

Sincerely,

Jane Parker
Supervisor, Fourth District

PS. Every Monday evening prior to a Board of Supervisors meeting, I host a "Hot Drinks, Hot Topics" session to answer questions about the Board agenda and listen to your thoughts and ideas. You are invited to join me at the Cherry Bean Coffeehouse at 332 Main Street in Salinas from 5:30-6:30 p.m. for these fun and informative sessions.

Cc: Thomas Lindberg, Associate Hydrologist, MPWMD



CALIFORNIA
AMERICAN WATER

511 Forest Lodge Road
Suite 100
Pacific Grove, CA 93950
www.amwater.com/caaw

P 831.646.3214
F 831.375.4367

May 17, 2010

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MAY 1 / 2010

MPWMD

Darby W. Fuerst, General Manager
Monterey Peninsula Water Management District
Post Office Box 85
Monterey, CA 93942-0085

RE: MPWMD April 23, 2010 Letter Requesting Coordination of Fitch School ASR Project

Dear Darby:

Your letter of April 23, 2010, concerning Fitch School ASR and the urgent need for California American Water (CAW) and MPWMD to meet to coordinate this project is of the highest priority to CAW. CAW agrees that every feasible opportunity needs to be investigated thoroughly, in order to expand ASR injection capacity to take advantage of high Carmel River winter flows. The Phase 1 ASR project has been very productive this water year, with over 975 acre-feet injected to date. As both parties understand, there are two limiting factors for the successful injection of high Carmel River winter flows: 1) the capability of the current CAW conveyance (distribution) system to transfer the excess water to the ASR injection sites; and 2) the number of existing ASR injection wells (currently only two). Since your letter, CAW has met twice with MPWMD staff. The first meeting was between the CAW and MPWMD general managers to discuss both the existing conveyance system and the proposed lease and construction timelines for a single test well being drilled at the Fitch School site. At that time, a project goal was discussed to have the Fitch School test well complete and available for injection on or shortly after December 1, 2010. A second meeting was held with the general managers and the CAW Vice President of Engineering, Mark Schubert. This meeting identified two critical tasks that must be accomplished quickly, in order to still meet a target date of December 1, 2010 for completing a test well at the Fitch School site:

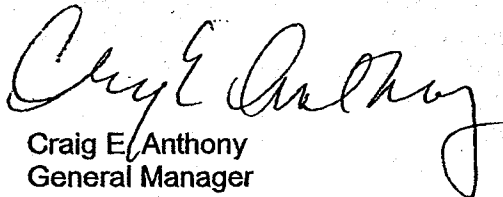
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Darby W. Fuerst
May 13, 2010

1. Identify the current conveyance system injection capacity. MPWMD's consultant (Pueblo Water Resources) developed a high level review of the conveyance system and concluded the existing conveyance system has additional ASR injection capacity beyond the amount needed to supply the Santa Margarita ASR injection wells. At our second meeting, it was agreed that CAW would perform additional detailed engineering hydraulic modeling of the conveyance system in order to more readily determine the available flows that could be transferred to the Fitch School ASR site during high Carmel River flows. CAW has completed a preliminary assessment of this modeling effort, and will discuss these results during our upcoming meeting planned for this Friday, May 21, 2010.
2. Identify tasks and funds necessary for CAW to assume the responsibility for construction of the Fitch School Test Well during the upcoming school summer recess. Joe Oliver from MPWMD and Mark Schubert are working together to identify what challenges must be addressed in order for CAW to begin construction of the well this summer. An alternate approach may include MPWMD moving forward with construction as planned, with reimbursement of funding by CAW as construction moves forward.

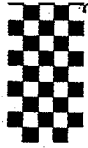
MPWMD and CAW both recognize the importance of diverting high Carmel River winter flows to ASR to reduce summertime pumping from the Seaside Basin aquifer. We are accelerating our efforts to conclude the capability of the conveyance system capacity, construction details, and project funding to move this project forward. I will be in frequent contact with you as we move this important project forward.

Sincerely,



Craig E. Anthony
General Manager

cc: Ed Simon, CAW, V.P. - Operations
Mark Schubert, CAW, V.P. - Engineering



SIERRA CLUB

FOUNDED 1892

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MAY 1 / 2010

MPWMD

May 17, 2010

FAXED to: 831-644-9560

Dear Chair Doyle and Members of the Board:

RE: Agenda Item 24. CONSIDER ADOPTION OF RESOLUTION NO. 2010-07 EXPRESSING SUPPORT FOR THE SAFE, CLEAN AND RELIABLE DRINKING WATER SUPPLY ACT OF 2010

Sierra Club California respectfully requests that the Monterey Peninsula Water Management Board not adopt the resolution to support this \$11.1 billion State water bond loaded down with special-interest projects slated for the November ballot. The bond provides no benefit to Monterey Peninsula and the MPWMD should not take a position on it.

This bond would obligate the state to pay back more than \$800 million in bond debt every year for the next 30 years. These payments would further stress our general fund, providing \$800 million less for schools, parks, social services, police protection and fire services.

Much of the money in the bond is focused on the Delta and dams that would benefit only a few people. However, all taxpayers would be required to pay back the bonds. There is nothing specific and no guarantee that Monterey Peninsula would receive funding for a new water supply for our residents.

Since 1996, California voters have approved over \$14.3 billion in water-related bonds. The Sierra Club supported and voters approved Proposition 50, a \$3.4 billion water bond in 2002, and Proposition 84, \$5.4 billion water and parks bond in 2006. To this day, \$7.1 billion of those bond dollars have not been spent and the money hasn't been properly accounted for. Shouldn't the state spend this money prior to asking the voters to authorize more water bonds?

Furthermore, the bond would provide a massive subsidy to corporate interests and wasteful and polluting technologies, including new dams instead of focusing on sustainable long-term water supply and water quality policies. Dams are the most expensive and least efficient means of managing water supplies. More dams mean more environmental destruction.

California already has nearly 1,500 dams that divert water and threaten endangered fish populations, including salmon. Pacific Coast salmon populations are nearly extinct. The bond doesn't fund real solutions to California's water problems. Only 2 percent of bond funds are set aside for conservation programs, the most cost-effective way to improve the long-term sustainability of our water resources. What's more, because the bond prioritizes funding for dams, the water quality and conservation programs wouldn't receive bond funding until years after its passage.

For this reason, environmental groups like the Sierra Club, Planning and Conservation League and Friends of the River oppose the bond. It's the wrong approach at the wrong time.

Thank you for consideration of our request.

Sincerely,



Rita Dalessio
Ventana Chapter chair

Save Our Waterfront Committee
 Ed Leeper & Barbara Bass Evans Co-chairs
 781 Terry Street, Monterey
 Phone and Fax: 831-372-8323
 May 10, 2010

RECEIVED

MAY 10 2010

MPWMD

To: Monterey Peninsula Water Management District (MPWMD) Board of Directors
 5 Harris Court Building G
 P.O. Box 85,
 Monterey, CA 93942-0085 (USA)

From: Save Our Waterfront Committee, Barbara Bass Evans, Co-Chair
 Re: **Ocean View Plaza Community Services District Water Distribution System Permit
 (Application 001-021-010; Item 14 from the April 19, 2010 meeting)**

The Save Our Waterfront Committee is requesting that MPWMD reopen the Ocean View Plaza Community Water Distribution System Permit public hearing to consider significant new information that is being submitted. The OVP April 19, 2010 MPWMD staff report was misleading in that it failed to provide all the information that the MPWMD Board needed to make an informed decision.

Under separate cover, MPWMD will receive a copy of the appeal to the State Water Resources Control Board (Petition A-1873) filed on August 25, 2007. This petition contends that the Regional Water Quality Control Board erred in its decision to permit the proposed project by failing to comply with the Porter-Cologne Water Quality Control Act, as well as failing to observe the regulations adopted by the California Fish and Game Commission and enforced by the Department of Fish and Game regarding the Edward F. Ricketts State Marine Conservation Area established in which the waters the desalination intake and brine disposal are proposed to be located.

Pursuant to filing the petition, Petitioner Desal Response Group requested that the appeal be placed in abeyance for a period of two years. On July 30, 2009, Petitioner Desal Response Group requested a one year extension of the abeyance period, which was granted.

Attached to this letter is the Coastal Commission (CC) Conditions of Approval that was not included in the April 19, 2010 MPWMD Staff Report. Since the CC Conditions of Approval require redesign of the Ocean View Project, the OVP project will need to have City of Monterey Architecture Review Commission, Planning Commission and City Council approvals. A subsequent EIR may need to be prepared to address the significant changes in the project circumstances and environment before construction starts.

MPWMD approved the OVP water distribution plan to have emergency water trucked in over highly congested, commercial streets with significant vehicle and pedestrian traffic through a narrow tunnel and within 50 yards of the tidal zone. This aspect of the water permit was not analyzed in the original EIR and therefore MPWMD Board failed to comply with CEQA law.

The Save Our Waterfront Committee is respectfully requesting that the MPWMD hold the OVP water permit in abeyance until: 1) the Desal Response Group Petition to State Water Resources Board is resolved, 2) OVP meets the Coastal Commission Conditions of Approval, 3) OVP obtains City of Monterey ARC, PC and Council approvals of OVP's redesign of the project to meet CC Conditions of Approval, 4) a new EIR is prepared if required 5) and OVP receives a NOA permit.

Barbara Bass Evans, PhD

From: Susan Craig <scraig@coastal.ca.gov>
Date: March 15, 2010 11:26:21 AM PDT
To: bsbevans@me.com
Subject: Ocean View Plaza final conditions

Barbara,

Here are the final conditions for the Ocean View Plaza project – this condition language includes changes made through an immaterial amendment to the original project approval. Please let me know if you have any questions.

Susan Craig
Coastal Planner
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
Voice: (831) 427-4863
Fax: (831) 427-4877

Oceanview Plaza FINAL Conditions (including immaterial amendment).pdf ↗

2. Special Conditions

1. **Offshore Intake/Discharge Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two copies of full-scale plans specific to the offshore intake and discharge components of the approved project (Offshore Plans). The Offshore Plans shall be substantially in conformance with the offshore intake and discharge plans submitted to the Coastal Commission (as shown on pages 15-24 of Exhibit 3) except that the offshore plans shall provide for the following:
 - a. Maintenance measures that ensure that the subsurface components of the approved project remain buried below the ocean floor in a manner that avoids impacts to the offshore environment. Such measures shall, at a minimum, include a clear schedule for inspection and all procedures to be applied for underwater work. The Permittee shall undertake development in accordance with the approved Offshore Plans.
 - b. A mitigation plan to address above-surface intake impacts in the event that the emergency above-surface intake needs to be used for a period of time greater than that authorized in Regional Water Quality Control Board Waste Discharge Requirements Order No. R3-2007-0040.
2. **Water Supply Contingency Plan.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two copies of a water supply contingency plan. The contingency plan shall clearly describe all measures that will be taken to provide substitute potable water in the event that the desalination facility does not provide adequate potable water to serve the approved project. The use of water from any water supplier who obtains water from sources located within or outside the coastal zone within Monterey County where such water use would result in adverse coastal zone resource impacts shall be prohibited. The Permittee shall undertake development in accordance with the approved Water Supply Contingency Plan.
3. **OVCSD Ownership Required.** PRIOR TO OCCUPANCY OF ANY PORTION OF THE APPROVED PROJECT AND PRIOR TO WATER BEING PROVIDED FROM THE DESALINATION FACILITY TO SERVE TO THE APPROVED PROJECT, the Permittee shall submit for Executive Director review and approval clear written evidence that ownership of the desalination facility (both onshore and offshore components) has been transferred in full to the Ocean View Community Services District (OVCSD), and that the OVCSD agrees to be bound by the terms and conditions of this coastal development permit that pertain to the desalination facility. Such written evidence shall include a copy of the water system dedication instrument as set forth in the Indemnification Agreement between the City of Monterey and Cannery Row Marketplace LLC (i.e., Addendum C, Paragraph e – see page 20 of Exhibit 13).
4. **Historic Reconstruction/Rehabilitation Plans.** PRIOR TO CONSTRUCTION, the

Permittee shall submit for Executive Director review and approval two sets of full-scale plans specific to the historic Stohan's Building, the San Xavier Warehouse, and the fish holding pens (Historic Plans) to confirm that the plans are consistent with the project as approved by the City of Monterey, including the approvals obtained from the City's Historic Preservation Committee and the City's Architectural Review Committee. The Permittee shall undertake development in accordance with the approved Historic Plans.

5. **Public Access Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two sets of full-scale public access plans (Access Plans). The Access Plans shall clearly describe the manner in which general public access associated with the approved project is to be managed and provided, with the objective of maximizing public access to certain common and other public access areas of the site (including all site walkways, promenades, and stairways; the history plaza; the Stohan's building; the community park; and all other areas and public access amenities described in this special condition). The Access Plans shall be substantially in conformance with the public access portion of the plans submitted to the Coastal Commission (including as shown on page 2 of Exhibit 3) except that the Access Plans shall provide for the following changes to the project:
 - (a) **Building B Access Promenade.** A lateral public access promenade that is a minimum of 8-feet wide shall be provided along the seaward side of Building B. This Building B access promenade shall be provided completely seaward of Building B without any Building B or other encumbrances (i.e., no building overhangs, walls, etc.), and shall seamlessly connect to the onsite public access areas (including the history plaza, the overlook areas, and the Building A access promenade). The upcoast end of the Building B access promenade shall include a stairway, ramp, or equivalent component designed to provide access to the 10-foot-wide public access easement area located along the shoreline in the manner most conducive to facilitating a future seamless connection to the upcoast Chart House accessway and improvements to it.
 - (b) **Building A Access Promenade.** The Building A access promenade shall allow for a future seamless connection to potential future public accessways at the El Torito property.
 - (c) **Retain Proposed Public Access Amenities.** The Access Plans shall retain the public access promenade along Building A, the overlook areas, the history plaza, the community park, the stairways to the rocky shoreline, and the 10-foot wide public access easement along the rocky shoreline as originally proposed and as shown on page 2 of Exhibit 3.
 - (d) **Public Access Signs/Materials.** The Access Plans shall identify all signs, handouts, brochures, and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be

provided. The signs shall be designed so as to provide clear information without impacting public views and site character. At a minimum, public access directional signs shall be placed at the Cannery Row entrances to the history plaza, at either end of the access promenades located along Buildings A and B, at the top of each set of stairs that lead to the 10-foot wide easement along the rocky shoreline, and at the junctions of the community park with the recreation trail and with Cannery Row. At a minimum, public access interpretive signs shall be placed at the history plaza, the historical bayside fish holding tanks, and the bayside lateral access promenades.

- (e) **Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above, shall be clearly identified as such on the Access Plans (including with hatching and closed polygons so that it is clear what areas are available for public access use).
- (f) **No Public Access Disruption.** Development and uses within the public access areas that disrupt and/or degrade public access (including areas set aside for private uses, barriers to public access (furniture, planters, temporary structures, private use signs, etc.) shall be prohibited. The public use areas shall be maintained in a manner that maximizes public use and enjoyment.
- (g) **Public Access Amenities Provided Prior to Occupancy.** All public access components of the approved project shall be constructed and ready for use prior to residential or retail/restaurant occupancy of the project.
- (h) **Public Access Use Hours.** All public access areas and amenities, except for the Stohan's building, shall be available to the general public free of charge from 8:00 a.m. until one hour after sunset. The bayside access components may be closed during these hours if necessary for public safety due to storms or otherwise dangerous conditions, but must be reopened as soon as the dangerous conditions have passed.
- (i) **Public Access Areas and Amenities Maintained.** The public access components of the project shall be maintained in their approved state in perpetuity.

The Permittee shall undertake development in accordance with the approved Access Plans, which shall govern all general public access to the approved project pursuant to this coastal development permit.

- 6. **Design Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two sets of full-scale design plans. The design plans shall clearly identify all measures that will be applied to ensure that the project design, as approved by the City of Monterey, including all structures and including all other project elements within the public view (e.g., walkways, paved areas, railings, benches, tables, chairs, lighting, signs, landscaping, etc.), is consistent with the Cannery Row aesthetics as detailed in the policies of the Development chapter of the Cannery Row LUP (see Exhibit 14). At a minimum, the design plans shall clearly identify all publicly visible structural elements, materials, and finishes

(including through site plans and elevations, materials palettes and representative photos).

7. **Drainage Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two sets of full-scale drainage plans that are consistent with the Regional Water Quality Control Board's storm water discharge permit for the City.
8. **Wave Impacts/Tsunami Warning Plans.** The Permittee shall: 1) incorporate design and construction materials and methods to withstand wave impacts from a 100-year storm event; 2) require appropriate warning signs and access restrictions during dangerous conditions, and; 3) develop an emergency response plan in the event of a tsunami.
9. **Construction Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two sets of full-scale construction plans. The construction plans shall include, at a minimum, the following:
 - (a) **Construction Areas.** The plans shall identify the specific location of all construction areas, all staging areas, all storage areas, and all construction access corridors (to the construction sites and staging areas). All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on intertidal areas, Cannery Row, and all public access points, and to have the least impact on public access overall.
 - (b) **Construction Methods and Timing.** The plans shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas and intertidal areas (including using the space available on the inland portion of the Permittee's property for staging, storage, and construction activities to the maximum extent feasible, and including using unobtrusive fencing (or equivalent measures) to delineate construction areas). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.
 - (c) **Construction Requirements.** The plans shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
 - All work shall take place during daylight hours and lighting of the intertidal area is prohibited.
 - Construction work or equipment operations shall not be conducted below the mean high water line unless tidal waters have receded from the authorized work areas.
 - All construction materials and equipment placed on the beach during daylight

construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs.

- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- Equipment washing, refueling, and/or servicing shall not take place on bayside parcel.
- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the intertidal area, etc.).
- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences, straw wattles, and/or other equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.
- All public access areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach materials shall be filtered as necessary to remove all construction debris from the area near the Monterey Bay.
- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements of the condition above shall be enforceable components of this coastal development permit. The Permittee shall undertake construction in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

10. Water Supply Production and Use Restrictions. No more than 27.89 acre-feet per year of potable water shall be produced by the desalination facility, and all such potable water produced shall only be used on-site for the approved project.

11. Archaeology. The City's conditions regarding archaeological resources are hereby incorporated into this coastal development permit approval, and supplemented to ensure that appropriate Native American consultations are included as well.

- 12. Marketing.** In addition to the disclosure documents required by the California Department of Real Estate, the purchase, sale, and rental documents shall include a separate disclosure document that notifies these parties that: (a) the water for all components of the project (including the retail and condominium components) will be provided solely by the project's onsite desalination facility until such time as municipal water becomes available to serve the project; (b) that use of municipal water supply in the event that the desalination facility does not provide adequate potable water to serve the approved project is prohibited; (c) that contingency potable water cannot come from the California-American Water Company or from any water supplier who obtains water from sources located within or outside the coastal zone within Monterey County where such water use would result in adverse coastal zone resource impacts; and (d) that the cost of the water supplied by the desalination facility may be substantially higher than the cost of water provided to surrounding properties by California-American Water Company.
- 13. Coastal Hazards Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** The Permittee acknowledges and agrees: (i) that the site is subject to extreme coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, and geologic instability; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.
- 14. Desalination Facility Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** The Permittee acknowledges and agrees: (i) that water for all components of the project (including residential and retail components) shall be provided solely by the project's onsite desalination facility until such time as municipal water becomes available and is allocated to the project; that connection to the municipal water distribution system in the City of Monterey is otherwise prohibited; that the desalination facility is limited to producing 27.89 acre-feet per year that can only be used to serve the approved project; and that a water supply contingency plan is in place to provide substitute potable water in the event that the desalination facility does not provide adequate potable water to serve the approved project, where such contingency plan prohibits the use of substitute water from any water supplier who obtains water from sources located within or outside the coastal zone within Monterey County where such water use would result in adverse coastal zone resource impacts; (ii) to assume the risks to the Permittee and the property that is the subject of this permit in the event that the desalination facility does not provide adequate potable water to serve the approved project and/or the approved contingency

plan is implemented; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury, damage or inconvenience resulting from parts (i) and (ii) above; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury, damage, or inconvenience due to parts (i) and (ii) above; and (v) that any adverse effects to property caused by parts (i) and (ii) above shall be fully the responsibility of the Permittee.

- 15. Other Agency Approvals.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit for Executive Director review and approval a copy of a valid permit, letter of permission, or evidence that no permit/permission is necessary for the project approved by this coastal development permit from the following agencies: (a) U.S. Army Corps of Engineers; (b) Monterey Bay National Marine Sanctuary; (c) California Department of Fish and Game; (d) Monterey Peninsula Water Management District; (e) State Lands Commission; (f) Regional Water Quality Control Board; (g) National Marine Fisheries Service; (h) U.S. Fish and Wildlife Service; and (i) U.S. Coast Guard. PRIOR TO OCCUPANCY, the Permittee shall submit for Executive Director review and approval a copy of a valid permit, letter of permission, or evidence that no permit/permission is necessary for the project approved by this coastal development permit from the following agencies: (j) Monterey County Department of Health; and (k) California Department of Health Services.
- 16. Incorporation of EIR Mitigations and City's Conditions.** The Permittee shall submit to the Executive Director evidence of compliance with all of the City's adopted EIR mitigations and conditions of approval (City of Monterey Use Permit 00-019; see Exhibit 5). For future condition compliance tracking purposes, such incorporated City conditions shall be considered subsections of this Special Condition 16. To the extent any such incorporated City conditions conflict with the other standard and special conditions (i.e., conditions other than this Special Condition 16) of this permit, such conflicts shall be resolved in favor of these other conditions.
- 17. Indemnification by Permittee/Liability for Costs and Attorneys Fees.** By acceptance of this permit, the Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
- 18. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for Executive Director review and approval

documentation demonstrating that the Permittee has executed and recorded against the parcels governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description and site plan of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

Anthony L. Lombardo
Jeffery R. Gilles

Dennis C. Beougher
Patrick S.M. Casey
J. Kenneth Gorman
Amy Purchase Reid
Jason Refferer
Paul Rovetta
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Of Counsel
E. Soren Diaz
Virginia A. Hines

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

530 San Benito St., Suite 202
Hollister, CA 95023
831-630-9444
831-630-5935 (FAX)

File No. 1145.000

May 10, 2010

RECEIVED

MAY 12 2010

MPWMD

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

Re: **Ocean View Plaza**

Dear Henrietta:

I am writing in response to your May 5th email regarding the request for reconsideration submitted by Barbara Bass Evans. In her request, Ms. Evans asserts that reconsideration is appropriate because we failed to disclose her active, ongoing appeal with the State Water Resources Control Board ("SWRCB") regarding the Ocean View Plaza project (the "Project"). Her assertion is incorrect on all counts.

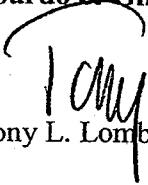
In Exhibit G of our Monterey Peninsula Water Management District application, we disclosed the appeal of the Project's NPDES Permit Order No. R3-2007-0040. As we accurately explained in that summary, the Regional Water Quality Control Board ("RWQCB") sent a letter to the appellants on June 25, 2009, stating that there did not appear to be any valid basis for the appeal. I am enclosing a copy of that letter for your review.

On August 5, 2009, the SWRCB sent a letter to the appellants, explaining that per appellants' request, the SWRCB would continue to hold the appeal in abeyance, but that the appeal would be dismissed on August 6, 2010 unless the SWRCB heard further from appellants. I am enclosing a copy of the SWRCB's August 6, 2010 letter for your records.

Contrary to Ms. Evans' assertions, we disclosed the appeal, and we accurately explained the non-active status of the appeal. If you have any questions or need anything further, please call me.

Sincerely,

Lombardo & Gilles, LLP


Anthony L. Lombardo
ALL

Enclosures

cc: Mr. Phil Taylor



Linda Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397
<http://www.waterboards.ca.gov/centralcoast>



Arnold Schwarzenegger
Governor

RECEIVED

June 25, 2009

Mr. Josh Basofin
California Representative
Defenders of Wildlife
1303 J Street, Suite 270
Sacramento, CA 95814

Dear Mr. Basofin:

RESPONSE TO YOUR OCTOBER 8, 2008 LETTER REGARDING DEFENDERS OF WILDLIFE'S PETITION OF THE OCEAN VIEW PLAZA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT ORDER NO. R3-2007-0040

Thank you for your October 8, 2008 letter regarding your petition of the Ocean View Plaza desalination facility NPDES Permit. The Central Coast Water Board approved Order No. R3-2007-0040 on July 7, 2007. The Order required the discharger to implement a subsurface intake and allowed a temporary open ocean intake during times of clogging. Your October 8, 2008 letter and petition for review assert that the Ocean View Plaza backup ocean intake is improperly sited within a protected State Marine Conservation Area (SMCA), will likely impinge and entrain marine species, and fails to comply with provisions of the Porter-Cologne Water Quality Control Act ("Porter-Cologne Act") relating to industrial seawater processing. The Water Board staff responses to these assertions are as follows.

1. The facility is inappropriately sited within a State Marine Conservation Area

Water Board staff apologizes for the delay in replying by formal letter to your October 8, 2008 letter. As mentioned on several occasions, Water Board staff had been waiting for legal review from California Department of Fish and Game in regards to your assertion that locating an ocean intake in the Edward F. Ricketts State Marine Conservation Area (SMCA) is a failure to observe the prohibition on take of living marine resources. Our recent consultation with Fish and Game legal staff confirmed that the intake is appropriately sited within the Edward F. Ricketts SMCA.

For further clarification we provide the following information. Fish and Game jurisdiction covers several levels of protection provided by Marine Protected Areas (MPAs) under the Marine Life Protection Act (MLPA). The following Fish and Game website http://www.dfg.ca.gov/MLPA/pdfs/ccmpas_guide.pdf describes the three main MPA classifications:

California Environmental Protection Agency



State Marine Reserve (SMR)

The most restrictive classification, these are no-take areas (i.e., extractive activities are prohibited).

State Marine Park (SMP)

May allow recreational take, or limit it in some way, but does not allow commercial take.

State Marine Conservation Area (SMCA)

May limit recreational and/or commercial take to protect a specific resource or habitat.

As described above, marine life reserves are the most restrictive MPA classification as they restrict all extractive activities. Fish and Game Code Section 2850 states,

"(d) "Marine life reserve," for purposes of this chapter, means a marine protected area in which all extractive activities, including the take of marine species, and, at the discretion of the commission and within the authority of the commission, other activities that upset the natural ecological functions of the area, are prohibited. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state."

As the text in bold above clarifies, MPAs are intended to regulate activities under Fish and Game jurisdiction. NPDES Permitting for the Ocean View Plaza intake and discharge is not under Fish and Game jurisdiction, but rather under the jurisdiction of the Central Coast Water Board. The extractive activities under Fish and Game jurisdiction relate to pressures from fishing and harvesting natural resources. For example, SMP and SMCA classifications limit recreational and/or commercial take to varying degrees. According to the Fish and Game regulations specific to SMCAs:

"Restrictions [36710(c) PRC]: it is unlawful to injure, damage, take or possess any specified living, geological or cultural marine resources for certain commercial, recreational, or a combination of commercial and recreational purposes. In general, any commercial and/or recreational uses that would compromise protection of the species of interest, natural community, habitat or geological features may be restricted by the designating entity or managing agency."

According to Fish and Game staff, some take is allowed inside an SMCA, and a SMCA designation does not preempt regular permitting processes by other agencies. Again, the Fish and Game regulations do not prohibit the establishment of an intake or a discharge into a SMCA.

Although the Ocean View Plaza desalination intake is not prohibited within the Edward F. Ricketts SMCA, Water Board staff considered the feasibility of relocating the intake outside of the SMCA.

As shown in Attachment A, SMRs and SMCA's cover most of the coastline off the Monterey Peninsula, including the entire coastline between the Monterey Breakwater and Point Joe in Pebble Beach. It is not practicable or feasible to relocate the Ocean View Plaza intake outside of a MPA, as relocating the intake to depths offshore the Edward F. Ricketts SMCA boundary would significantly increase the length of intake pipe by a factor of 3 to 4. The construction of an approximately half mile long pipeline to get outside the boundary of the SMCA would increase the likelihood of damage to benthic marine habitat, utilize additional limited natural resources, and have other unintended environmental consequences, such as increased emissions of greenhouse gases. Such an intake would not be considered the best available site or design.

2. The facility as designed will impinge and entrain marine organisms

The petition asserts that no impingement or entrainment is allowed in the SMCA, as your October 8, 2008 letter states,

"the regulations specifically impose a prohibition on the take of any living marine resource with the exception of hook-and-line finfish fishing and limited commercial kelp harvesting. 14 CCR 632(b)(35)."

Fish and Game legal opinion is that "no take" language in the MLPA and these regulations is confined to the jurisdiction that Fish and Game has the legal authority to regulate. Because Fish and Game does not regulate intakes or discharges, the prohibition of take described by 14 CCR 632(b)(35) does not apply.

Although no regulations require an absolute avoidance of impingement or entrainment, the Water Board Order ensured the project minimized impingement and entrainment to the extent feasible. An open ocean intake was originally proposed for Ocean View Plaza. However, as described in a June 2007 Technical Memorandum provided by the Discharger's consultant (Parsons Brinckerhoff (PB)) a subsurface intake was determined by the Water Board to be feasible for this facility and incorporated in the Order. The main difference between the subsurface alternative and the open ocean intake is that the subsurface intake consists of horizontally oriented intake pipes inside of well screens buried beneath a layer of sand. This sand layer will separate the open seawater from the intake and thereby eliminate any entrainment and impingement. The ocean intake is only a short-term backup device and is only to be used if the primary subsurface intake clogs, and is therefore rendered infeasible.

Even if an open ocean intake of 0.116 MGD were allowed to operate full-time, potential impingement and entrainment effects would be negligible. Water Board staff evaluated the potential effects of entrainment and impingement based on a volumetric approach that compared the Ocean View desalination project to previous studies at the Moss Landing Power Plant (MLPP). The proposed discharge (maximum flow 0.116 mgd or 97 gpm) would have a flow about 5,300 times lower than the combined intake volume of the MLPP's two cooling water systems (approximately 750 MGD, assuming the facility

operated at full capacity). Based on review of entrainment modeling studies (Fecundity Hind casting, Adult Equivalent Losses, and Empirical Transport Model) that incorporated the low flow of the Ocean View project, potential impingement and entrainment impacts will be negligible. For comparison, 0.116 MGD is approximately equivalent to two small boats using V-8 outboard motors for once-through cooling. The nearby Monterey Harbor provides slips for approximately 420 boats greater than 20 feet in length, many with motors far exceeding this size.

3. The facility is not compliant with the Porter-Cologne Water Quality Control Act

The adopted Order is based on the federal Clean Water Act as it applies to municipal and industrial dischargers and the Order implements discharge requirements specified in the California Water Code; National Toxics Rule; California Toxics Rule; State Implementation Policy; the Water Quality Control Plan, Central Coast Basin (Basin Plan); the 2005 California Ocean Plan; and those based on staff's best professional judgment. Additionally, Central Coast Water Board staff coordinated with marine experts from academia and other agencies before making a permitting recommendation to the Water Board. Part of the recommendation to permit the facility discharge and intake was based upon the Water Board mandate under the Porter Cologne Act to balance and protect beneficial uses. The 2005 California Ocean Plan states,

"beneficial uses of the ocean waters of the State that shall be protected include industrial water supply; water contact and non-contact recreation, including aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; preservation and enhancement of designated Areas of Special Biological Significance (ASBS); rare and endangered species; marine habitat; fish migration; fish spawning and shellfish harvesting."

As discussed above and furthermore below, the adopted Order meets the requirements of the section of the Porter-Cologne Act (Cal Water Code § 13142.5(b)) that requires each facility that uses seawater for industrial water supply to use the best available site, design, technology, and mitigation measures feasible to minimize the intake and mortality of all forms of marine life.

Specifically, the Water Board determined that a subsurface intake was feasible for the site. However in case the subsurface intake clogs, and is therefore rendered infeasible, the Order provided an allowance for a temporary ocean intake, for a reasonable time until the subsurface intake is repaired. The temporary open-ocean intake will be constructed of a single-screen vertical riser that extends two to three feet above the ocean floor and is constructed with design mitigation measures to minimize impingement and entrainment. The stainless steel screen will be designed with a mesh size less than 0.125 inches and will be fitted with a velocity cap that will reduce maximum intake velocity to 0.2 feet per second (fps). If the open-ocean intake is used for longer than 15 days, the Discharger shall submit a written report to the Executive Officer by the sixteenth day of use documenting the reasons for using the open-ocean

Mr. Josh Basofin

-5-

June 25, 2009

intake and a plan to address the cause of the subsurface intake failure. Furthermore, to minimize intake and mortality of marine life, the intake will be sited within a sand channel and away from reef structures and associated kelp beds where marine life is found in greater abundance.

In summary, the Order is consistent with the Porter Cologne Act, the Clean Water Act, and implementing policies and regulations, and does not conflict with the MLPA rules under Fish and Game jurisdiction. Thank you for the opportunity to discuss this issue and respond to your letter. If you have questions please contact Peter von Langen at (805) 549-3688 or pvonlangen@waterboards.ca.gov or Harvey Packard at (805) 542-4639 or hpackard@waterboards.ca.gov.

Sincerely,



Roger W. Briggs
Executive Officer

Cc:

Mr. Philip R. Taylor
Ocean View CSD
535 Cowper Street, Second Floor
Palo Alto, California 94301

Mr. Anthony L. Lombardo
Lombardo & Gilles, LLP
318 Cayuga Street
Salinas, CA 93901

Mr. Conner Everts
Desal Response Group
2515 Wilshire Blvd.
Santa Monica, CA 90403

Ms. Barbara Bass Evans
Save Our Waterfront
781 Terry Street
Monterey, CA 93940

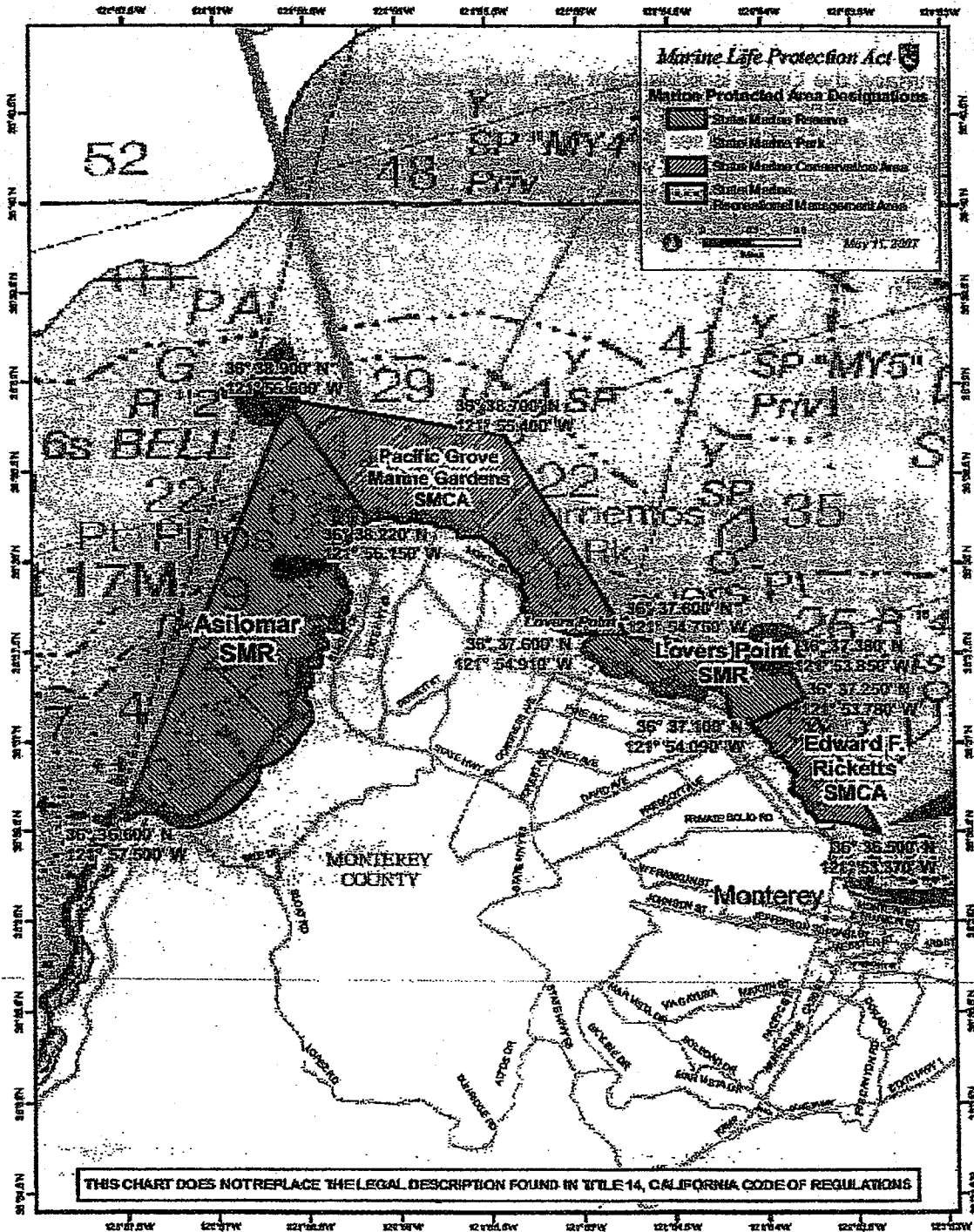
Ms. Sarah Corbin
Surfrider Foundation
809 Brown Valley Road
Watsonville, CA 95076

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California Environmental Protection Agency



Attachment A – Marine Protected Areas offshore the Monterey Peninsula between Point Joe and Monterey Wharf.





Limba S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Office of Chief Counsel

1091 I Street, 22nd Floor, Sacramento, California 95834
P.O. Box 1911, Sacramento, California 95812-0191
(916) 341-3161 + Fax (916) 341-5199 + <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

August 5, 2009

[via U.S. mail and email]
Mr. Connor Everts
Desal Response Group
2515 Wilshire Boulevard
Santa Monica, CA 90403
connere@west.net

Dear Mr. Everts:

PETITION OF DESAL RESPONSE GROUP (WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2007-0040 [NPDES NO. CA0050016] FOR OCEAN VIEW COMMUNITY SERVICES DISTRICT OCEAN VIEW PLAZA DESALINATION FACILITY, MONTEREY, MONTEREY COUNTY), CENTRAL COAST WATER BOARD: APPROVAL OF REQUEST TO CONTINUE TO BE HELD IN ABEYANCE
SWRCBIOCC FILE A-1873

Pursuant to your request, the State Water Resources Control Board will continue to hold this petition in abeyance. We will dismiss it on August 6, 2010, unless we hear from you in the meanwhile.

If you have any questions regarding this letter, please contact me at (916) 341-5175 or CALNET 8-471-5175.

IN ALL FUTURE CORRESPONDENCE, PLEASE REFER TO
SWRCBIOCC FILE A-1873

Sincerely,

Elizabeth Miller Jennings
Staff Counsel IV

cc: See next page

California Environmental Protection Agency

J. S. Rasmussen Director

Mr. Connor Everts

- 2 -

August 5, 2009

cc: [via U.S. mail only]
 Mr. Philip R. Taylor
 Ocean View Community Services District
 535 Cowper Street, Second Floor
 Palo Alto, CA 94301

[via U.S. mail and email]
 Joshua Basoff, Esq.
 California Representative
 Defenders of Wildlife
 1303 J Street, Suite 270
 Sacramento, CA 95814
 jbasoff@defenders.org

Mr. Roger Briggs [via email only]
 Executive Officer
 Central Coast Regional Water
 Quality Control Board
 895 Aerovista Place, Suite 101
 San Luis Obispo, CA 93401
 rbriggs@waterboards.ca.gov

Mr. Michael Thomas [via email only]
 Assistant Executive Officer
 Central Coast Regional Water
 Quality Control Board
 895 Aerovista Place, Suite 101
 San Luis Obispo, CA 93401
 mthomas@waterboards.ca.gov

Mr. Peter von Langen [via email only]
 Environmental Scientist
 Central Coast Regional Water
 Quality Control Board
 895 Aerovista Place, Suite 101
 San Luis Obispo, CA 93401
 pvonlangen@waterboards.ca.gov

Frances L. McChesney, Esq. [via email only]
 Office of Chief Counsel
 State Water Resources Control Board
 1001 I Street, 22nd Floor [95814]
 P.O. Box 100
 Sacramento, CA 95812-0100
 FMcChesney@waterboards.ca.gov

Elizabeth Miller Jennings, Esq. [via email only]
 Office of Chief Counsel
 State Water Resources Control Board
 1001 I Street, 22nd Floor [95814]
 P.O. Box 100
 Sacramento, CA 95812-0100
 bjennings@waterboards.ca.gov

Mr. Doug Eberhardt, Chief [via email only]
 Permits Office
 U.S. EPA, Region 9
 75 Hawthorne Street
 San Francisco, CA 94105
 eberhardt.doug@epa.gov