



Supplement to 12/13/10 MPWMD Board Packet

Attached are copies of letters received between November 9, 2010 and December 7, 2010. These letters are also listed in the December 13, 2010 Board packet under item 25, Letters Received.

Author	Addressee	Date	Topic
Mark Stilwell	John O'Hagan	11/1/10	Certification under Order WR 2009-0060, as amended by Order WR 2010-0001
Brian LeNeve	Darby Fuerst	11/4/10	Protest by Carmel River Steelhead Association Permit 20808B (application 27641B) Carmel River Monterey County
Brian LeNeve	Darby Fuerst	11/7/10	Protest by Carmel River Steelhead Association Permit 20808B (application 27641B) Carmel River Monterey County
Michael Baldwin	Darby Fuerst	11/8/10	Response to Withdrawal of Request for Public Assistance
Fred Meurer	Darby Fuerst	11/10/10	470 Calle Principal (APN 001-534-007-000) <i>Response from Darby Fuerst is also attached.</i>
Molly Erickson	MPWMD Board	11/15/10	Comments on Item 14 on today's agenda: Proposed Ordinance
David Dilworth	MPWMD Board	11/15/10	Good Water Surprise: District has Sufficient Water to Solve Supply Problem - Without a Regional Desalination Project
Paul Chua	Curtis Weeks	11/18/10	Artificial breaching of Carmel River Lagoon
Daniel A. Nussbaum	MPWMD Board	11/19/10	Rebate Application for 4160 Sunset Lane, Pebble Beach CA 93953 <i>Response from Darby Fuerst is also attached.</i>
John Doughty	Darby Fuerst	11/24/10	2010 RAPS Community Forums on Water
Thomas Greer	John Bohn	11/29/10	Application of California American Water to the California Public Utilities Commission (Application 10-05-020)

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PEBBLE BEACH
COMPANY

RECEIVED

Nov - 9 2010

MPWMD

Via Email and Regular Mail

November 1, 2010

Mr. John O'Hagan
Manager
Enforcement Division
State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
Sacramento, CA 95814

Re: Certification under Order WR 2009-0060, as amended by Order WR 2010-0001
(collectively, the "Order")

Dear Mr. O'Hagan:

Pursuant to our letter of September 30th, please accept this as an update to reflect water usage through September 30, 2010. The Monthly Entitlement Report for September 2010 as prepared by Monterey Peninsula Water Management District ("MPWMD") shows 0.104AF of usage for that month. Therefore, pursuant to Condition 3.a(6) of the Order, I, Mark Stilwell, on behalf of Pebble Beach Company ("PBC"), hereby certify that the following information is true and accurate as of today's date:

- 1) The total amount of the Water Entitlement that has been used, or approved for use, by MPWMD during the period from February 1, 2010 to September 30, 2010, through issuance of MPWMD water connection permits, is 1.20 acre feet (AF). This amount is incremental to the 36.352 AF of Water Entitlement usage for the period prior to February 1, 2010, reported in my August 17, 2010, letter to you. According to Darby Fuerst, General Manager of MPWMD, the source of water serving all of these connections is the Carmel River. As stated in our September 30, 2010, letter, future annual reporting for the water year will be submitted on or about October 15th of each year as soon as MPWMD has completed their data collection of the Monthly Water Entitlement Report for September of that Water Year.
- 2) The 1.20 AF of incremental usage consists of 0.0 AF of approved usage by PBC and 1.20 AF of approved usage by residential property owners who purchased a portion of PBC's Water Entitlement pursuant to MPWMD's Ordinance 109 and

LEGAL AFFAIRS

Post Office Box 1767, Pebble Beach, California 93953 831-647-7500 telephone 831-625-8411 facsimile

Mr. John O'Hagan
SWRCB
Re: Order WR 2009-0060
November 1, 2010
Page 2 of 2

related rules and regulations. Use, or approved usage, in each case is measured by and in accordance with the applicable rules and regulations of MPWMD.

- 3) For the source of this incremental Water Entitlement usage information, please see the attached reports from MPWMD for the months of February (0.233 AF), March (0.091AF), April (0.285AF), May (credit of 0.050 AF), June (0.291AF), July (0.246 AF), August (0.0 AF), and September (0.104AF).

Pursuant to the Order, and as noted in your letter to me dated September 20, 2010, I understand that this 1.20AF of incremental Water Entitlement usage will be added to Cal Am's adjusted base amount, and will not be subject to Section 2 of the Order.

Under penalty of perjury, the forgoing information is true and accurate to the best of my knowledge and belief.

If you have any questions, please feel free to contact me at my direct number: 831-625-8449.

Sincerely,



Mark Stilwell
Executive Vice President
and General Counsel

attachments:

MPWMD's February 2010 through September 2010 Monthly Entitlement Reports

cc: Victoria Whitney/SWRCB
Darby Fuerst/MPWMD
David Laredo/MPWMD
Stephanie Pintar/MPWMD
Craig Anthony/Cal-Am
Rob MacLean/Cal-Am
Tim Miller/Cal-Am
Kevin O'Brien/Downey Brand

EXHIBIT 27-B
MONTHLY ENTITLEMENT REPORT
 Reported in Acre-Feet
 For the Month of February 2010

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Quail Meadows	33.000	0.000	30.233	2.767
Water West	12.760	0.000	6.621	6.139

CAWD/PBCSD Recycled Water Project Entitlements

Pebble Beach Co. [2]	257.490	2.300	10.452	247.038
Del Monte Forest Benefited Properties ² (Pursuant to Ord No. 109)	107.510	0.233	26.133	81.377
Macomber Estates	10.000	0.000	9.595	0.405
Griffin Trust	5.000	0.000	4.809	0.191
CAWD/PBCSD Project Totals	380.000	2.533	50.989	329.011

[1] This section shows changes resulting from Water Use Permits and Water Permits issued to properties located in Pebble Beach, pursuant to Rule 23.5, as amended by Ordinance No. 109.

[2] Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 19-B

MONTHLY ENTITLEMENT REPORT
Reported in Acre-Feet
For the Month of March 2010

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Quail Meadows	33.000	0.000	30.233	2.767
Water West	12.760	0.104	6.725	6.035

|||

CAWD/PBCSD Recycled Water Project Entitlements

^[2] Pebble Beach Co.	257.190	0.300	10.452	246.738
Del Monte Forest Benefited Properties ² (Pursuant to Ord No. 109)	107.810	0.091	26.224	81.586
Macomber Estates	10.000	0.000	9.595	0.405
Griffin Trust	5.000	0.000	4.809	0.191
CAWD/PBCSD Project Totals	380.000	0.391	51.080	328.920

|||

This section shows changes resulting from Water Use Permits and Water Permits issued to properties located in Pebble Beach, pursuant to Rule 23.5, as amended by Ordinance No. 109.

[2]

Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

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EXHIBIT 29-B

**MONTHLY ENTITLEMENT REPORT
Reported in Acre-Feet
For the Month of April 2010**

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Quail Meadows	33.000	0.000	30.233	2.767
Water West	12.760	0.414	7.139	5.621

CAWD/PBCSD Recycled Water Project Entitlements

Pebble Beach Co. ^[2]	257.190	0.000	10.452	246.738
Del Monte Forest Benefited Properties ² (Pursuant to Ord No. 109)	107.810	0.285	26.509	81.301
Macomber Estates	10.000	0.000	9.595	0.405
Griffin Trust	5.000	0.000	4.809	0.191
CAWD/PBCSD Project Totals	380.000	0.285	51.365	328.635

[1]

This section shows changes resulting from Water Use Permits and Water Permits issued to properties located in Pebble Beach, pursuant to Rule 23.5, as amended by Ordinance No. 109.

[2]

Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 35-B
MONTHLY ENTITLEMENT REPORT
 Reported in Acre-Feet
 For the Month of May 2010

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Quail Meadows	33.000	0.000	30.233	2.767
Water West	12.760	0.000	7.139	5.621

|||
CAWD/PBCSD Recycled Water Project Entitlements

¹²¹ Pebble Beach Co.	257.190	0.000	10.452	246.738
Del Monte Forest Benefited Properties ² (Pursuant to Ord No. 109)	107.810	0.050 Credit	26.459	81.351
Macomber Estates	10.000	0.000	9.595	0.405
Griffin Trust	5.000	0.000	4.809	0.191
CAWD/PBCSD Project Totals	380.000	0.050 Credit	51.315	328.685

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This section shows changes resulting from Water Use Permits and Water Permits issued to properties located in Pebble Beach, pursuant to Rule 23.5, as amended by Ordinance No. 109.

¹²¹

Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 26-B
MONTHLY ENTITLEMENT REPORT
 Reported in Acre-Feet
 For the Month of June 2010

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Quail Meadows	33.000	0.067 Credit	30.166	2.834
Water West	12.760	0.015	7.154	5.606

CAWD/PBCSD Recycled Water Project Entitlements ^{|||}

Pebble Beach Co. ^[2]	257.090	0.100	10.452	246.638
Del Monte Forest Benefited Properties ² (Pursuant to Ord No. 109)	107.910	0.291	26.750	81.160
Macomber Estates	10.000	0.000	9.595	0.405
Griffin Trust	5.000	0.000	4.809	0.191
CAWD/PBCSD Project Totals	380.000	0.391	51.606	328.394

^{|||} This section shows changes resulting from Water Use Permits and Water Permits issued to properties located in Pebble Beach, pursuant to Rule 23.5, as amended by Ordinance No. 109.

^[2] Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

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EXHIBIT 27-B
MONTHLY ENTITLEMENT REPORT
 Reported in Acre-Feet
 For the Month of July 2010

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Quail Meadows	33.000	0.000	30.166	2.834
Water West	12.760	0.000	7.154	5.606

|||
CAWD/PBCSD Recycled Water Project Entitlements

¹²¹ Pebble Beach Co.	257.090	0.000	10.452	246.638
Del Monte Forest Benefited Properties ² (Pursuant to Ord No. 109)	107.910	0.246	26.996	80.914
Macomber Estates	10.000	0.000	9.595	0.405
Griffin Trust	5.000	0.000	4.809	0.191
CAWD/PBCSD Project Totals	380.000	0.246	51.852	328.148

|||

This section shows changes resulting from Water Use Permits and Water Permits issued to properties located in Pebble Beach, pursuant to Rule 23.5, as amended by Ordinance No. 109.

¹²¹

Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 19-B

**MONTHLY ENTITLEMENT REPORT
Reported in Acre-Feet
For the Month of August 2010**

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Quail Meadows	33.000	0.000	30.166	2.834
Water West	12.760	0.087	7.241	5.519

CAWD/PBCSD Recycled Water Project Entitlements

Pebble Beach Co. [2]	256.490	0.600	10.452	246.038
Del Monte Forest Benefited Properties ² (Pursuant to Ord No. 109)	108.510	0.000	26.996	81.514
Macomber Estates	10.000	0.000	9.595	0.405
Griffin Trust	5.000	0.000	4.809	0.191
CAWD/PBCSD Project Totals	380.000	0.600	51.852	328.148

[1]

This section shows changes resulting from Water Use Permits and Water Permits issued to properties located in Pebble Beach, pursuant to Rule 23.5, as amended by Ordinance No. 109.

[2]

Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

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EXHIBIT 20-B
MONTHLY ENTITLEMENT REPORT
 Reported in Acre-Feet
 For the Month of September 2010

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Quail Meadows	33.000	0.080	30.246	2.754
Water West	12.760	0.000	7.241	5.519

CAWD/PBCSD Recycled Water Project Entitlements ¹

Pebble Beach Co. ²	256.360	0.130	10.452	245.908
Del Monte Forest Benefited Properties ² (Pursuant to Ord No. 109)	108.640	0.104	27.100	81.540
Macomber Estates	10.000	0.000	9.595	0.405
Griffin Trust	5.000	0.000	4.809	0.191
CAWD/PBCSD Project Totals	380.000	0.234	51.956	328.044

¹ This section shows changes resulting from Water Use Permits and Water Permits issued to properties located in Pebble Beach, pursuant to Rule 23.5, as amended by Ordinance No. 109.
² Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.



Carmel River Steelhead Association
 501 (c)(3) TIN 77-0093979
 P.O. Box 1183
 Monterey, CA 93942

RECEIVED

NOV 10 2010

MPWMD

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

November 4, 2010

**SUBJECT: Protest by Carmel River Steelhead Association
 Permit 20808B (application 27641B) Carmel River Monterey County**

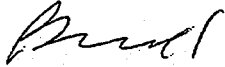
Dear Mr. Fuerst:

I have several corrections to your 10-29-2010 letter and meeting notes which are:

- 1) In the second paragraph you state that "we have come to agreement over resolution of the CRSA protest." At the writing of your letter we had not come to an agreement as the meeting notes reflect. The notes of the 10-28-10 meeting, in paragraph 6 states that "Mr. LeNeve stated that he will recommend to the CRSA Board of directors at the next meeting on November 3, 2010 to agree to settle the protest." As the 11-3-10 meeting had not occurred when you wrote your letter and the CRSA Board had not voted stating that an agreement was reached, your statement was premature. CRSA did hold a meeting which I will report on in another letter.
- 2) Regarding the one-for-one reduction in pumping we agreed that CRSA would be satisfied provided that the SWRCB included the one-for-one reduction in pumping as specified in the MOU between MPWMD, Cal-Am, CDFG, and NMFS was included in the permit or, if the wording is not included in the permit, that CRSA be included as a party to the MOU.
- 3) In the meeting notes in paragraph 6 you state that CRSA said "there will need to be some guarantee of no pumping from the Carmel River during the summer." What I said is that there will have to be some benefit to the steelhead for removing additional water in a future ASR project.
- 4) Although you reference the fourth protest item of our April 27, 2010 letter (the omission of clauses 28 to 31 of Decision 1632) in the meeting notes, you do not mention it in your letter. What I was to discuss with the CRSA board was the removing our protest over clause 28 of Decision 1632 not being included in the permit. While CRSA believes clause 28 should be included, we also realize that ASR water is necessary for the Coastal Water Project and are willing to drop that requirement for ASR II, provided that MPWMD notifies CRSA in advance of any future ASR projects and we attempt to work out a management plan for benefit to the fish in lieu of clause 28 before the permit is requested.

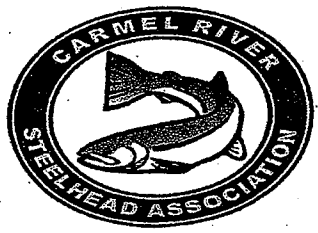
Please make these corrections to the meeting notes.

Sincerely,



Brian LeNeve
CRSA Board Member

Cc: Katherine Mrowka, Chief Inland Streams Unit, State Waster Resources Control Board
Robert McLean, President, California American Water
Craig Anthony, General Manager, Coastal Division, California America Water
Joyce Ambrosius, Central Coast Supervisor, NMFS
Jeffery R Shingle, Regional Manager, CA Dept. of Fish and Game



Carmel River Steelhead Association

501 (c)(3) TIN 77-0093979

P.O. Box 1183

Monterey, CA 93942

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NOV 10 2010

MPWMD

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

November 7, 2010

**SUBJECT: Protest by Carmel River Steelhead Association
Permit 20808B (application 27641B) Carmel River Monterey County**

Dear Mr. Fuerst:

The Carmel River Steelhead Association did hold a board meeting on November 3, 2010. At that board meeting I recommended that the Carmel River Steelhead Association drop its protest over clause 28 not being in the ASR II permit.

Decision 1632 listed clause 28 which included a table providing year around water to the lagoon in all but critically dry years. That table was not included in permit 20808A or 20808B. While CRSA believes clause 28 of Decision 1632 should be included in any permit issued, CRSA also realizes that ASR water is a component of the Coastal Water Project and is needed to stop the unauthorized pumping from the Carmel River.

For the reason mentioned above, the Carmel River Steelhead Association at its board meeting on 11-3-10 voted to remove from our protest the requirement that clause 28 of Decision 1632 be included in the permit for ASR II, provided that MPWMD notify CRSA of any future ASR permit applications before they are made and that all parties attempt to negotiate a management plan providing benefits to the fish and river for further ASR water diversions.

This final item, combined with previously agreed to points will resolve the CRSA protest. As we agreed, I would like to meet with you to discuss the letter CRSA will write to the SWRCB resolving our protest. Please call me on my cell 601-9762 so we can set up a meeting.

Sincerely,

Brian LeNeve
CRSA Board Member

- Cc: Katherine Mrowka, Chief Inland Streams Unit, State Water Resources Control Board
- Robert McLean, President, California American Water
- Craig Anthony, General Manager, Coastal Division, California American Water
- Joyce Ambrosius, Central Coast Supervisor, NMFS
- Jeffery R Shingle, Regional Manager, CA Dept. of Fish and Game



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MPWMD

November 8, 2010

Mr. Darby Fuerst
General Manager
Monterey Peninsula Water Management District
Post Office Box 85
Monterey, California 93942

Subject: Response to Withdrawal of Request for Public Assistance
FEMA-3287-EM, 2008 Mid-Year California Fires
Cal EMA ID: 053-91039 FEMA ID: 053-91039-00
Subgrantee: Monterey Peninsula Water Management District
Cal EMA Log: 544158 FEMA Log: 306821

Dear Mr. Fuerst:

On October 29, 2010, the California Emergency Management Agency (Cal EMA) received the enclosed letter dated October 28, 2010, from the Federal Emergency Management Agency (FEMA). The purpose of FEMA's letter is to inform you that FEMA has recorded the withdrawn status of the Monterey Peninsula Water Management District (district) in the National Emergency Management Information System (NEMIS) because FEMA determined the Project Worksheets were ineligible and, therefore, not funded. The district's previous Request for Public Assistance is officially withdrawn from FEMA-3287-EM and its files are closed in NEMIS.

If you require additional information related to this correspondence, please contact Mr. James Dooley, Disaster Assistance Programs Specialist, at (916) 845-8226 or Ms. Pamela Rarick, Area Analyst, at (916) 845-8239.

Sincerely,

Marla Chase
for

MICHAEL BALDWIN
State Public Assistance Officer

Enclosure

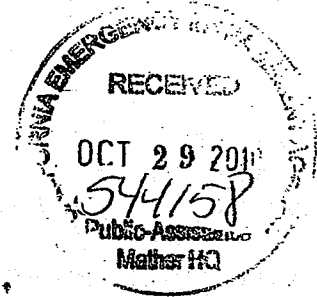
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OCT 28 2010



FEMA

Mr. Michael Baldwin
 State Public Assistance Officer
 Recovery Division, Public Assistance Section
 California Emergency Management Agency
 3650 Schriever Avenue
 Mather, California 95655



Reference: Withdrawal of Requests for Public Assistance
 FEMA-3287-EM-CA
 Applicant: Seven Applicants
 Cal EMA Log: 539626; FEMA Log: 306821

Dear Mr. Baldwin:

This is in response to your September 3, 2010 withdrawal request for seven applicants who had submitted Requests for Public Assistance (RPAs) for FEMA-3287-EM-CA, the 2008 wildfire disaster, declared June 28, 2008 in eleven counties. These applicants did not submit any claims for assistance.

This is to notify you that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) has recorded the withdrawn status of the applicants listed below in the National Emergency Management Information System (NEMIS). They are officially withdrawn from FEMA-3287-EM-CA. Their files are closed in NEMIS.

FEMA ID	Applicant
000-U8C46-00	California Department of Motor Vehicles
000-UGHAT-00	California Governor's Office on Service and Volunteerism
000-URVJE-00	California State Water Resources Control Board
007-U7EUH-00	Paradise Recreation and Park District
053-UUIF7-00	Henry Miller Memorial Library
087-69112-00	City of Santa Cruz
105-0587A-00	Trinity Public Utilities District

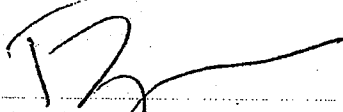
In addition to these applicants there are four others that had claims for assistance but their Project Worksheets were determined to be ineligible and not funded. These applicants should be withdrawn also:

FEMA ID	Applicant
000-UB8DQ-00	California Department of Fish and Game
000-UHTGN-00	Department of Toxic Substance Control
000-UMGEC-00	Department of Conservation
053-UCMFU-00	Monterey Peninsula Water Management District

Mr. Michael Baldwin
Withdrawal of Requests for Public Assistance
FEMA-3287-EM-CA
Page 2 of 2

If you have any questions regarding this matter, please contact me at (510) 627-7250.

Sincerely,



Terrie Zuiderhoek, Acting Director
Recovery Division
FEMA Region IX



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NOV 15 2010

MPWMD

Mayor:
CHUCK DELLA SALA

November 10, 2010

Councilmembers:
LIBBY DOWNEY
JEFF HAERMAN
NANCY SELFRIDGE
FRANK SOLLECITO

City Manager:
FRED MEURER

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

Subject: 470 Calle Principal (APN: 001-534-007-000)

Dear Darby,

My staff has informed me that the owner of a property located at 470 Calle Principal, Monterey submitted documentation to the Water Conservation Department that showed that there were two (2) past uses that fall under the Group III classification as defined by the MPWMD. The two uses were a hair salon and a dog grooming business. As I understand it, district staff declined to recognize the historical uses and the associated water credits.

As you are aware, maintaining economic stability in this fiscal environment in which we find ourselves is becoming more and more difficult. The property owner has a prospective tenant who would like to start a hair salon at this site. However, without recognition of the historical credits, it is questionable whether the existing credits would support the proposed hair salon.

It is my hope that the MPWMD staff will work with the local jurisdictions when possible to recognize water credits provided that all of the relevant rules and regulations are followed. I know that my staff has worked closely with your staff over the years, and this relationship has been beneficial to both entities.

I ask that you review the Water Conservation staff decision in an effort to find a way to move the project forward. If my staff can assist with identifying and or locating any additional documentation that may be beneficial, please let me know. I appreciate your assistance.

Sincerely,

Fred Meurer
City Manager

c: Chip Rerig, Chief of Planning, Engineering and Environmental Compliance
Todd Bennett, Senior Associate Planner

November 29, 2010


Fred Meurer
City Manager
Monterey City Hall
Monterey, CA 93940

Subject: 470 Calle Principal (APN: 001-534-007-000)

Dear Fred:

Thank you for the November 10, 2010 letter requesting that the District review its decision to deny issuance of water credits for a historical water use at 470 Calle Principal. I have referred this issue to Stephanie Pintar, Water Demand Division Manager, as she is familiar with the facts pertaining to the application as originally presented to District staff. You should receive a letter from Stephanie providing an update on the status of her investigations into this matter by December 15, 2010. Thank you for bringing this to my attention.

Sincerely,


Darby Fuerst
General Manager

pc: MPWMD Board of Directors
Stephanie Pintar

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LAW OFFICES OF
MICHAEL W. STAMP

Facsimile
(831) 373-0242

479 Pacific Street, Suite 1
Monterey, California 93940

Telephone
(831) 373-1214

November 15, 2010

RECEIVED

NOV 15 2010

MPWMD

Via Email

Regina Doyle, Chair
and Members of the Board of Directors
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

Re: Comments on Item 14 on today's agenda: Proposed Ordinance

Dear Chair Doyle and Members of the Board:

This Office represents Save Our Carmel River, Patricia Bernardi, and The Open Monterey Project. Our clients have asked us to comment on Item 14 on tonight's agenda: "Consider First Reading of Ordinance No. 146, an Ordinance Suspending the Expiration Date for Water Credits for the Duration of Any Moratorium Limiting Their Use."

The staff report claims that tolling the expiration date for water credits would fall under the CEQA categorical exemption for "existing facilities." (CEQA Guidelines, § 15301.) That section is called a Class 1 exemption. It reads in pertinent part as follows:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. . . . The key consideration is whether the project involves negligible or no expansion of an existing use.

Our clients assert that the District's CEQA conclusion is incorrect. On its face, the Class 1 exemption does not apply to water credits or tolling periods.

As the Sixth District Court of Appeal has held, "categorical exemptions must be carefully applied." (*Save Our Carmel River v. Monterey Peninsula Water Management District* (2006) 141 Cal.App.4th 677, 698.) In *Save Our Carmel River v. Monterey Peninsula Water Management District*, the Sixth District held that "on its face," the District's claimed CEQA Class 2 exemption for replacement of existing facilities "does not apply to a water credit transfer." (*Id.*, at p. 697.)

Regina Doyle, Chair, and Members of the Board of Directors
Monterey Peninsula Water Management District
November 15, 2010
Page 2

The proposed ordinance fails to meet the claimed exemption's "key consideration": whether the project involves negligible or no expansion of an existing use. The point of the District's water credits is to allow a holder of a water credit to "cash it in" at a future date and thereby enable higher water use in the future at the site.

The District admits that there are water credits available to Quail Lodge (1.07 AFY), Presidio of Monterey (1.34 AFY) and Naval Postgraduate School (2.68 AFY). The exercise of those credits would mean an additional estimated 8.44 AFY of use which would be a significant expansion of water use.

As the Sixth District has held, cumulative impacts of decisions relating to water credits must also be considered. (*Save Our Carmel River v. Monterey Peninsula Water Management District*, *supra*, 141 Cal.App.4th 677, at pp. 703-705.) Here, the District has not performed the required cumulative impacts investigation. Instead, the District claims that "full quantification of potential Water Credits available is not possible." That claim is inadequate under CEQA. The District must make a good faith effort to investigate how many water credits exist that would be affected by the proposed ordinance. The District's investigative methodology and its conclusions must be disclosed for public comment. The issue is actual water credits issued by the District, not potential Water Credits available."

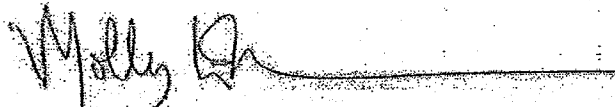
Our clients urge the District not to take further action on this ordinance until the District first complies with CEQA.

Please place this Office on the distribution list for all notification of any actions with regard to this proposed ordinance, including all notification under Public Resources Code section 21092.2.

Thank you for your consideration of these comments.

Very truly yours,

LAW OFFICES OF MICHAEL W. STAMP



Molly Erickson

cc: Darby Fuerst

Bringing you HOPE -
Helping Our Peninsula's Environment
 Box 1495, Carmel, CA 93921
 831/ 624-6500

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 - *Hazardous Materials & Pesticides*

Arthur Partridge, Ph.D.
Forest Ecology

Good Water Surprise: District has Sufficient Water to Solve Supply Problem - Without a Regional Desalination Project

Good Evening Directors,

November 15, 2010

For the first time we all understand that we do have enough water locally that can be turned into drinking water by desalination to fully solve our legal supply problem.

Earlier reports said the greatest yield from Sand City would be only 6,000 AFY. But the reports did not consider using multiple intake wells.

Combining Works: Staff has never explained how these project area wells could be combined or added together to solve our legal water supply problem. Further - Staff has never explained how these project area wells could be combined and combined with ASR to solve our legal water supply problem.

- 8,800 acre feet per year (and potentially as much as 13,200 AFY) is available as drinking water from desalination - from the Seaside / Sand City beach areas.¹

Ignoring Fort Ord wells, the least amount of drinking water available from wells along the Seaside / Sand City waterfront is 6,000 acre feet per year².

Ignoring Fort Ord wells and the City of Sand's own areas, 8,800 acre feet per year (and potentially as much as 13,200 AFY) is available for desalination from the Seaside / Sand City beach area³. This combines the water from the Regional Parks (2,200), SNG Corporation (4,400), Malibu Development (2,200), -- and the Sand City Redevelopment area (4,400). This is more than enough to fully and comfortably solve our Peninsula Water Supply problem.

Further, the well projects can be done in modules or phased in, just like the ASR is conducted, and the Cease-and-Desist order is phased in.

¹ Nine locations were analyzed, five in Sand City and four in former Fort Ord. - CDM (Camp Dresser and McKee) report "95-10 Project Constraints Analysis" Aug 2008

² Assuming at 90 percent plant operation

³ Assuming at 90 percent plant operation

Founded in 1998, and known for helping with hundreds of environmental and democracy successes H.O.P.E. is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.

At the very least these desalination projects could be combined to reduce the size of the "Regional" project. When combined with the Injection and Recovery (ASR) this could reduce the size of the "Regional" project to nearly zero.

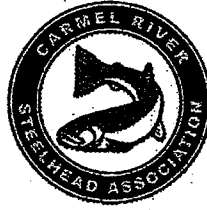
- Water District Staff never before made this clear !

Why has staff obscured this for years? -- Staff has never put this report in "Acre feet per year" until explicitly directed to by the Board.

HOPE's Recommendations -

1. Send copy of the CDM report, staff's report and HOPE's letter to the PUC so they will have full warning that their project is unnecessary and irrelevant.
2. Put a different staff person or a consultant (not Jones and Stokes) in charge of the 95-10 Project.
3. Have this new staff person or consultant return with cost and time estimates.

With our best wishes,
David Dilworth,
for the Board of Trustees



P.O. Box 1183
Monterey, Ca 93942

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27

November 18, 2010

Curtis V. Weeks
Monterey Country Water Resources Agency
893 Blanco Circle
Salinas, CA 93901-4455

Dear Mr. Weeks:

While the Carmel River Steelhead Association does not support any mechanical or artificial breaching of the Carmel River Lagoon, if mechanical or artificial breaching is to be done, we support the guidelines as provided to MCWRA by the National Marine Fisheries Service in April, 2004, under the topic of Reasonable and Prudent Alternatives (RPA) for sandbar configuration. These guidelines are; "Methods of the adaptive management strategy will include construction of a lagoon outlet channel beginning at the lowest point on the southern end of the beach and cut diagonally to the northwest. The channel should extend well past the location where bedrock outcrops beneath the beach were identified in the geophysical investigation conducted in 1989 (Staal, Gardner and Dunne): about 100 feet north of the parking lot."

In addition, well prior to any emergency flood threat, we suggest the creation of a well-defined outlet channel, as specified above, adjusted for present conditions.

We request any anticipation of breaching effort be communicated to our CRSA representative, Brian LeNeve who will be conducting an after breaching lagoon survey. His contact information is as follows: 831-624- 8497 (home), 831-601-9762 (cell).

While this approach will satisfy our concerns for this year, any breaching is an interim solution, and a permanent solution must be implemented. We would appreciate notice from the county as to when we may see a permanent solution and what that solution will be.

Sincerely,

A handwritten signature in cursive script that reads "Paul Chua".

Paul Chua, Secretary
On behalf of the CRSA Board of Directors

CC: Joyce Ambrosius- NOAA
Jacqueline Pearson Meyer- NOAA
Larry Hampson- MPWMD
- Matt Fuzie-- State Parks
Yazdan Emrani-- MCPW

Daniel A. and Beverly J. Nussbaum
4160 Sunset Lane
Pebble Beach, CA 93953

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NOV 19 2010

MPWMD

Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Attention: District Board
Subject: Rebate Application for 4160 Sunset Lane, Pebble Beach, CA 93953
APN: 008-073-009-000

Sirs or Madams,

Pursuant to District Rule 70, we are appealing the Water District General Manager's decision to deny our recent application for a rebate for our approved Jenn-Air high efficiency dishwasher because the date information upon which the denial was made is inaccurate.

On June 12, 2010, we made a tentative order for three Jenn-Air appliances (double oven, stovetop and refrigerator.) That original order also included a Bosch dishwasher and a deposit was made at that time. Since the delivery of this order had to be coordinated with a renovation and modernization of the kitchen, Built-In Distributors, the supplier, agreed to finalize the order, accept the remaining payment and Drop Ship at future dates, which would be determined by the readiness of the contractor to install these appliances.

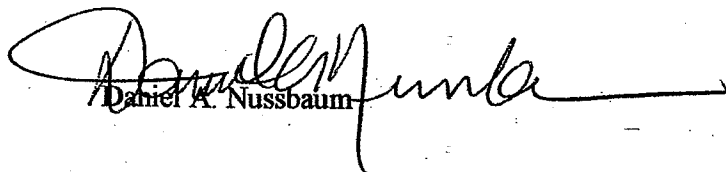
On July 12, 2010, we arranged with Built-In Distributors to replace the order for the Bosch dishwasher with a high efficiency Jenn-Air dishwasher. The receipt included in our request for the rebate clearly shows that separate date for the initial order of the qualified Jenn-Air dishwasher.

By arrangement with the supplier, the oven was picked up by the contractor on July 14. The remaining appliances were Drop Shipped in late August. The dishwasher was actually installed by the contractor on August 27, 2010, as stated in our application.

The Jenn-Air model JDB3600AWS meets your rebate qualifications and we have applied for the rebate within 90 days of completion of the order, receipt, and installation process which your application process requires.

Please correct your records and approve the dishwasher rebate, as requested.

Sincerely,


Daniel A. Nussbaum

DN: kw, 3cps appeal

November 29, 2010

Daniel A. Nussbaum
4160 Sunset Lane
Pebble Beach, CA 93953

Subject: Rebate Application for 4160 Sunset Lane, Pebble Beach, CA 93953
APN 008-073-009-000

Dear Mr. Nussbaum:

Thank you for your letter, received on November 19, 2010, in which you appeal the District's denial of a rebate for a high efficiency dishwasher and request that the rebate be approved. I have referred this request to Stephanie Pintar, Water Demand Division Manager, as she is familiar with the rebate application you referenced. A response should be provided to you by December 22, 2010. Thank you for bringing this issue to my attention.

Sincerely,



Darby Fuerst
General Manager

pc: MPWMD Board of Directors
Stephanie Pintar

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ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

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NOV 24 2010

MPWMD

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

November 24, 2010

Dear Darby Fuerst,

Thank you for your support of the 2010 RAPS Community Forums on Water. The aim of the series was to disseminate information in the central coast community about the challenges we face due to limited water resources and how we might be able to overcome those challenges. The events were successful and many people conveyed their appreciation to us for hosting a series on water issues in the Monterey Bay Area.

In previous years the forum has been a single event. This year we held a series of three forums and therefore costs were much higher than previous years. While we did receive a great deal of sponsorships, sponsorship dollar amounts were relatively low and our expenses for the series exceeded revenue.

There has been limited interest in the white paper, which was planned to follow the series. Given the lack of interest and financial resources, we have made the difficult decision not to proceed with producing the paper. We apologize for the inconvenience. We were looking forward to spending more time working on water issues on the central coast. Please accept the enclosed packet as a reference for the events.

If you have any questions regarding this decision please contact me. Thank you again for your support of the RAPS Community Forum. Without your contributions the series would not have been possible.

Sincerely,

John Doughty,
Executive Director

Planning Excellence!



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5/14 Water Efficiency & Conservation
6/24 Recycled Water
10/1 Coastal Water Projects

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November 29, 2010

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 David Willoughby
 District Counsel

Commissioner John Bohn
 California Public Utilities Commission
 505 Van Ness Avenue
 San Francisco, CA 94102

Administrative Law Judge Gary Weatherford
 California Public Utilities Commission
 Division of Administrative Law Judges
 Room 5020
 505 Van Ness Avenue
 San Francisco, CA 94102

Re: Application of California American Water Company to the California Public Utilities Commission Requesting Imposition of a Moratorium on New or Expanded Water Service Connections for the Monterey Peninsula (Application No. 10-05-020)

Dear Commissioner Bohn and Judge Weatherford:

The Monterey Peninsula Airport District ("MPAD") is a California special district charged with operating the Monterey Peninsula Airport (the "Airport"), located in the unincorporated portion of the County of Monterey. The Airport receives its water service from California-American Water Company ("Cal-Am") and is situated within Cal-Am's Monterey District. Cal-Am has, via Application No. 10-05-020, requested from the California Public Utilities Commission ("CPUC") an order authorizing and imposing a moratorium on certain new or expanded water service connections in its Monterey District. MPAD is submitting this letter to you to convey MPAD's deep concern over the proposed moratorium and its potential to adversely affect the safety of the travelling public.

On the Monterey Peninsula, connections to Cal-Am's water service and expansions of water use are regulated by the Monterey Peninsula Water Management District through its water allocation program. This program was put into place because of the longstanding scarcity of water on the Monterey Peninsula. The allocation system effectively limits how much new development and related water consumption may take place within the cities, the unincorporated areas and at the Airport. Anticipating that additional water would be required to meet the demands of the Airport's evolving operational needs and new regulatory requirements, MPAD carefully husbanded the water credits that it obtained over the years through retrofitting and conservation programs and now has three acre feet per year of water in its allocation. The entirety of that allocation will be required to serve important projects that are already underway or that are planned for future implementation. As one example, the imposition of a moratorium would force the delay or cancellation of significant

Bohn, Commissioner John
Weatherford, Administrative Law Judge Gary
Page Two
November 29, 2010

improvements to the safety of the Airport's runway system, which in turn would cause the Airport to fall out of compliance with soon to be imposed national safety standards.

The United States Congress has mandated that all airports holding an operating certificate under Part 139 of the Federal Aviation Regulations (i.e., airports with scheduled airline service) complete runway safety area ("RSA") projects by no later than 2015. Because it accommodates commercial air service, Monterey Peninsula Airport is covered by this requirement. The safety improvements to the Airport's runway system will cost an estimated total of 46 Million Dollars. Planning and environmental studies for the RSA project at the Airport began in 2007 and (if not impeded by a moratorium) construction is expected to be completed by 2013.

When a plane overruns the available pavement, there is typically extensive damage to the aircraft and often significant injury or even loss of life to passengers. If an aircraft rolls far enough past the end of a runway there may be damage to property or injury to persons situated beyond the airfield itself. Monterey Peninsula Airport's main runway is bounded on the west by a golf course and on the east by a small shopping center. The RSA project at the Airport involves installing approximately 400 feet of specialized pavement at each end of the existing main runway. This new pavement is designed to crush and thereby capture aircraft that may roll past the ends of the primary runway surface, in order to minimize damage to the aircraft, protect the passengers and keep the aircraft from exiting the airfield and causing further damage or injury.

The environmental analysis for the RSA project is very near completion. MPAD worked with the Federal Aviation Administration to finalize an Environmental Assessment under the National Environmental Policy Act last August. MPAD is now completing an Environmental Impact Report pursuant to the California Environmental Quality Act. These environmental documents require that MPAD mitigate the project's impacts on several plant species that are growing on and near the project site. To accomplish the mitigation, planting and extensive related irrigation of environmentally sensitive species will need to take place over a period of at least the next eight years. Without the continued availability of water for this irrigation, the propagation of the affected species cannot be assured.

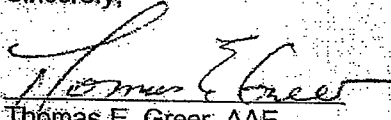
If MPAD is unable to meet its mitigation obligations because Cal-Am is granted a moratorium on new or expanded water service connections, then the RSA project cannot be built. The Airport would then soon find itself out of compliance with national airport safety standards. Even more to the point, it would be tragic if people are injured or killed in an aircraft overrun incident that could have been prevented if only the Airport's scant water allocation had remained available.

In addition, there are other important Airport projects that would be adversely affected if a moratorium was imposed. Some of these, such as work on the Airport's fire station, will be safety related. Others will promote sustainability and green installations. In each instance, these projects will require small amounts of water from the Airport's allocation. Should a moratorium on new or expanded water connections be applied unconditionally over the Airport, these projects could not be accomplished.

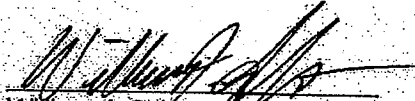
Bohn, Commissioner John
 Weatherford, Administrative Law Judge Gary
 Page Three
 November 29, 2010

It is for these reasons that MPAD is adamantly opposed to the moratorium proposed by Cal-Am. MPAD requests that the CPUC decline to authorize the requested moratorium. Alternatively, if a moratorium is authorized, it should expressly be made inapplicable to the Airport or to any project that will enhance public safety. With but three acre feet of water per year to work, the insignificant positive impact on Cal-Am's overall water supply situation that excluding the Airport or its projects from a moratorium could have is clearly outweighed by the benefits of allowing MPAD to make wise use of its remaining water allocation to pursue vital Airport improvement projects.

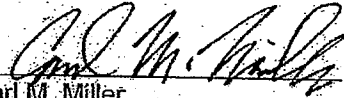
Sincerely,



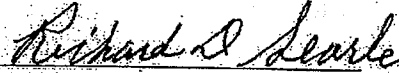
Thomas E. Greer, AAE
 General Manager



William J. Sabo
 Chairman, Board of Directors



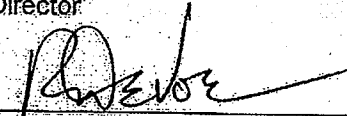
Carl M. Miller
 Director



Richard Searle
 Director



Mary Ann Leffel
 Director



Robert DeVoe
 Director

CC: Commissioner/President Michael R. Peevey, CPUC
 Commissioner Dian M. Grueneich, CPUC
 Commissioner Timothy Alan Simon, CPUC
 Commissioner Nancy E. Ryan, CPUC
 California State Water Resources Control Board
 Gary Cathy, Cal Trans, Chief of Division of Aeronautics
 Assemblymember Bill Morring
 California Senator Sam Blakeslee
 Governor Arnold Schwarzenegger
 Governor-Elect Jerry Brown
 Congressman Sam Farr
 Senator Barbara Boxer
 Senator Dianne Feinstein

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of)
CALIFORNIA-AMERICAN WATER)
COMPANY (U210W) for an Order)
Authorizing and Imposing a Moratorium)
on Certain New or Expanded Water Service)
Connections in its Monterey District.)
_____)

Application No. 10-05-020
(Filed May 24, 2010)

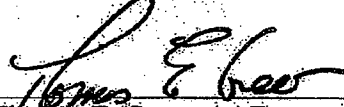
**NOTICE OF EX PARTE COMMUNICATION
BY MONTEREY PENINSULA AIRPORT DISTRICT**

In accordance with Rule 8.3 of the Rules of Practice and Procedure of the California Public Utilities Commission ("CPUC"), the Monterey Peninsula Airport District hereby provides notice of a written *ex parte* communication that occurred on Thursday, November 18, 2010, with respect to the above-captioned proceeding.

On November 18, 2010 the Monterey Peninsula Airport District mailed the attached letter to Administrative Law Judge Gary Weatherford and Commissioner John Bohn at the CPUC address, 505 Van Ness Ave., San Francisco, CA 94102. Copies of the letter were also sent to all other CPUC Commissioners, the other persons and entities shown on the cc list at the end of the attached letter, and the persons and entities on the attached service list for CPUC proceeding A. 10-05-020. The letter addressed the impacts that a moratorium on new or expanded water service in California-American Water Company's Monterey District would have on important public safety projects that are underway at the Monterey Peninsula Airport.

Dated: November 29, 2010

Respectfully submitted,

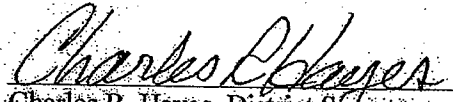


Thomas E. Greer, AAE
General Manager
Monterey Peninsula Airport District
200 Fred Kane Drive, Suite 200
Monterey CA 93940
Phone: (831) 648-7000
Fax: (831) 648-7026
E-mail: chayes@montereyairport.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **NOTICE OF EX PARTE COMMUNICATION BY MONTEREY PENINSULA AIRPORT DISTRICT** by mail or electronic mail to each person and entity as indicated on the attached service list for proceeding A.10-05-020.

Dated at Monterey, California, this 29th day of November, 2010


Charles R. Hayes, District Secretary