

Submitted by staff at 8/20/2012
Board meeting - Item 13

Stephanie Pintar

From: Molly Erickson <erickson@stamlaw.us>
Sent: Monday, August 20, 2012 6:34 PM
To: Dave Stoldt; district5@co.monterey.ca.us
Cc: Stephanie Pintar; Arlene Tavani
Subject: Proposed draft ordinance no. 154 should be denied

Chair Potter and Members of the Board of Directors:

This Office represents Save Our Carmel River and The Open Monterey Project, which object to agenda item 13 on tonight's Board agenda.

Save Our Carmel River and The Open Monterey Project urge you to reject the proposed first reading of draft ordinance 154. This is a rushed ordinance and the CEQA review is inadequate. The draft ordinance needs sunlight and open accountable review by the public and the Water District.

More transparency is needed. Who asked the Water District for this ordinance? Why is the Water District rushing to meet the needs of two entities who are in litigation not involving the Water District? What communications have taken place between the District and Quail Lodge or Quail Lodge's attorney, Tony Lombardo?

There is no urgency to consideration of this matter. The stipulation that the Water District references is in effect for 120 days from June 1, 2012, and can be extended by the parties. That means that December 1, 2012 is the earliest possible date, and probably much longer is available. If the ordinance is a good idea -- and we do not suggest that it is -- then a longer, more responsible discussion and review period would be appropriate.

What is really going on behind the scenes? What is the Quail Lodge, Inc. CVR HSGE, LLC and Bay Laurel, LLC lawsuit about? The Water District should provide you and the public with a copy of the complaint in the lawsuit, along with a written explanation as to why the Water District should get involved now, at this point, in this rushed manner, without adequate public review.

The CEQA review period is too short and violates CEQA. CEQA allows a short 20-day review period for projects of local importance. The proposed ordinance does not qualify for that shortened period. Anything involving the CalAm water supply and the Carmel River -- like this ordinance -- has regional importance. The active involvement of the SWRCB and other state and federal agencies are evidence of the regional importance of the Carmel River and the use of CalAm water. The initial study and proposed environmental document must be recirculated for the standard 30-day period.

The CEQA review is inadequate. We reiterate the objections presented to the Water District in our letter on the previous draft ordinance (believed to be draft ordinance 146) considered in early 2011.

The Ordinance should be rejected. We refer you the Court of Appeal decision in *Save Our Carmel River v. Monterey Peninsula Water Management District* (2006) 141 Cal.App.4th 677, which invalidated another District attempt to manipulate water credits.

Thank you for your consideration.

Regards,

Molly Erickson