



**ITEM 11. CONSIDER SECOND READING AND ADOPTION OF ORDINANCE NO. 154, TOLLING WATER USE CREDITS AFFECTED BY STATE WATER RESOURCES CONTROL BOARD ORDER WR 2009-0060**

Presented by: Stephanie Pintar, Water Demand Manager

September 17, 2012

# Summary

- Cease and Desist Order (CDO) will be lifted when Cal-Am has obtained a permanent supply of water to replace its unpermitted diversions from the Carmel River
- Ordinance reestablishes Water Use Credits affected by the CDO when it no longer has any force or effect:
  - Credit will be reinstated with unused value
  - Term equal to the length of time the Water Use Credit was affected by the CDO
- Valid Water Use Credits may continue to be used for Water Permits during the CDO

- Initial Study was prepared and circulated as required by CEQA
- Initial Study identified potential Water Use Credits impacted by CDO (there is *potential* for roughly 600 AF of saved water to be reinstated as useable Water Use Credits following the conclusion of the CDO)
- Ordinance No. 154 would have less than significant environmental impact, because it would not reinstate Water Use Credits affected by the CDO until a new water supply has been developed that stops the current unlawful diversions
- One email commenting on the ordinance was received from Ms. M. Erickson on August 20, 2012



Prior to adoption, the Board must consider and approve the Negative Declaration:

- Based on the finding that adoption of Ordinance No. 154, the 2012 Water Use Credit Tolling Ordinance of the Monterey Peninsula Water Management District, has no significant effect on the environment, the Monterey Peninsula Water Management District makes this Negative Declaration regarding MPWMD Ordinance No. 154 under the California Environmental Quality Act.

# Recommendation

- The Board should receive public comment
- The Negative Declaration must be approved prior to consideration of the ordinance
- Consider adoption of Ordinance No. 154, reinstating Water Use Credits following repeal of the CDO

# For More Information

Staff reports, ordinances and presentation materials can be found on the District's website at:

[www.mpwmd.net](http://www.mpwmd.net)

PowerPoint presentations will be posted on the website the day after the meeting