Submitted by staff at 12/14/15 Board meeting. Item 19

Arlene Tavani

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Sent:	Sunday, December 13, 2015 4:12 PM
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Subject:	Dec 14, 2015 MPWMD Board Meeting, Item19 - CONSIDER FIRST READING OF ORDINANCE NO. 168 -- AMENDING RULE 11, AND ADDING RULE 23.9 TO ESTABLISH A WATER ENTITLEMENT FOR THE CITY OF PACIFIC GROVE
Attachments:	DRAFT_SWRCB_FUNDING_CONDITIONS_FOR_PGLWP.PDF

MPWMD Board Members,

At their Nov 17, 2015 meeting the SWRCB implemented a condition to the funding of the Pacific Grove Local Water project (see initial draft - attached PDF) that affirms Section 19.2 of the Cal-Am Cease and Desist Order (WRO 2009-0060). Section 19.2 of the CDO states the following:

19.2: Any Monterey Peninsula Community that Wishes to Develop Water from a New Source for Growth Must First Apply Water from the New Source to Reduce its Share of the Water Being Illegally Diverted by Cal-Am; Only after its Share of Illegal Diversions from the River is Ended may Water from the New Source be Used for Growth.

The SWRCB unanimously and enthusiastically implemented this condition (affirming Section 19.2) as it relates to the PGLWP and you can view this portion of the Nov 17 SWRCB meeting here (link below):

https://www.youtube.com/watch?v=m5Eg4DJaiYs

However, it appears that MPWMD staff doesn't believe this condition applies to the district. Instead, as part of item 19 on your Dec 14 agenda (link below) you are being asked to "thumb your nose" at the SWRCB and grant the MPWMD an entitlement of 9 afy that can be allocated/used without complying with SWRCB desires, detailed in this funding condition.

http://www.mpwmd.dst.ca.us/asd/board/boardpacket/2015/20151214/19/Item19.htm

At this point I'd ask you to consider the possible consequences of not not acting in good-faith with this SWRCB funding condition:

1) Your own $113M low-interest loan with the SWRCB for GWR could be jeopardized.

2) The recent proposal for an extension to the Cal-Am CDO could be jeopardized.

If you believe 9 afy is worth this kind of risk (not to mention being viewed as a bad actor in general) then you might decide it's wise to defy the SWRCB. However, I seriously doubt it would be. Cooperation with the SWRCB seems like a much better approach to solving our regional water problems, which you are responsible for doing.

Thank you for your consideration,

Luke Coletti
Pacific Grove