



Supplement to 4/20/2020 MPWMD Board Packet

Attached are copies of letters received between March 7, 2020 and April 13, 2020. These letters are listed in the April 20, 2020 Board packet under Letters Received.

Author	Addressee	Date	Topic
Colonel Gregory J. Ford	David J. Stoldt	3/30/2020	USAG POM's Water Credit Status
John Swendseid	MPWMD	3/20/2020	Declaration of Emergency Status for District Operations

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MPWMD



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, US ARMY GARRISON, PRESIDIO OF MONTEREY
1759 LEWIS ROAD, SUITE 210
MONTEREY, CA 93944-3223

March 30, 2020

David
Mr. David J. Stoldt
General Manager
MPWMD
P.O. Box 85
Monterey, CA 93942

Dear Mr. Stoldt:

United States Army Garrison, Presidio of Monterey (USAG POM) Garrison Staff, Mr. Robert Guidi and Ms. Erika Marx, met with Ms. Stephanie Kister of MPWMD on February 13, 2020 to discuss USAG POM's water credits status. At this meeting Mr. Guidi and Ms. Marx discovered that 6.083 acre feet annually (AFA) credits recently expired on December 22, 2019 and that, reportedly, these credits could not be reinstated. The credits, as documented in a letter dated January 23, 2011 from MPWMD to USAG POM, were to expire within a period of 120 months from December 22, 2009. Due to the inability to secure funding for future development projects at USAG POM, we were unable to apply these credits toward a permit prior to their expiration. I respectfully request that MPWMD reinstate the 6.083 AFA credits for a period of ten years to USAG POM to support mission-critical development projects which require water permits.

Additionally, MPWMD issued 7.110 AFA credits to USAG POM, as documented in a letter dated April 30, 2012. These credits expire June 1, 2021. USAG POM may be unable to apply these credits toward a water permit prior to their expiration date, again due to our inability to guarantee funding for projects by specific dates. Many of our projects are delayed for several years due to changing mission priorities or lack of funding. Therefore, I respectfully request that MPWMD grant a ten-year extension of the original expiration date for these credits so that we may apply the credits toward permits needed for mission-critical future development projects.

USAG POM is home to the Defense Language Institute Foreign Language Center (DLIFLC), which provides critical foreign language training services and skills for military service members to sustain our nation's security. Many of DLIFLC's critical facilities, such as instruction and administration buildings, are aging and in need of complete renovation. DLIFLC also requires construction of new facilities, in order to ensure the safety and well-being of the DLIFLC students and faculty, and to meet the expected increase in student population based on national security needs. USAG POM is currently in the process of finalizing its Area Development Plan (ADP), which identifies future development projects to support the needs of DLIFLC and includes such renovation and construction projects. While there are no short-range projects (0-5 years) identified in the ADP, there are

several mid-range (6-15 years) projects that will require the use of water credits, such as construction of a new General Instruction Building with 100 classrooms to allow for additional student capacity. Other projects include repurposing of several buildings into administrative support buildings to support the staff and faculty working at DLIFLC. These projects may occur sooner if funding becomes available, and it is critical that we have water credits available to obtain the necessary water permits to move forward with these projects. I understand that once expired, water credits are typically not reinstated; however, USAG POM is unable to control when funding will be issued for redevelopment projects and we must be ready to execute these projects when funding is received.

Other facilities at USAG POM provide critical services to support DLIFLC and are also in need of renovation or repurposing, and these projects are not identified in the ADP, as they may arise on an emergency or as-needed basis. As such, we must have water credits available to support these projects as well. As an example, an emergency project arose when the City of Seaside decided not to renew the USAG POM Fire Department's building lease, which expires this year. The Fire Department is now being relocated to USAG POM and will require the repurposing of an administration building into a fire station to include living quarters, which requires the use of water credits to obtain a water permit. While USAG POM currently has sufficient water credits available to support this project, other critical projects may arise in the next few years, and with our 7.110 AFA credits expiring next June, we will not have any water credits available to us at that point.

I fully understand that it is not usual for an entity to request reinstatement of expired water credits or an extension of the expiration date for water credits, and that these requests are rarely, if ever, granted by MPWMD. However, I do hope that this letter conveys the importance of having water credits available to USAG POM in order to continue supporting the needs of the DLIFLC. I welcome further discussion to ensure the Army's mission critical requirements are met while respecting and complying with MPWMD's authority to manage the Monterey Peninsula's water supplies. We look forward to your response.

The primary POC for this matter will be Ms. Erika Marx, Water Program Manager, Directorate of Public Works. Ms. Marx can be reached at (831) 242-7925 or erika.r.marx.civ@mail.mil.

Sincerely,


 Gregory J. Ford
 Colonel, US Army
 Garrison Commander

Thanks for considering our request!

Arlene Tavani

From: Hardgrave, Sarah x7876 <HardgraveS@co.monterey.ca.us>
Sent: Friday, March 20, 2020 12:20 PM
To: Arlene Tavani; jswendseid@shermanhoward.com
Cc: 100-District 5 (831) 647-7755
Subject: RE: TODAY'S MPWMD Emergency Declaration Public Records Requests

FlwUp: -1

Dear Mr. Swendseid:

Thank you for your comments to Supervisor Adams about the MPWMD meeting that is happening right now. I am including Arlene Tavani at MPWMD in this response so that your comments can be part of the meeting record.

Sincerely,

Sarah Hardgrave
 Policy Analyst
 Office of Supervisor Mary L. Adams
 County of Monterey, District 5
 Phone: 831-647-7755

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From: Swendseid, John O. <jswendseid@shermanhoward.com>
Sent: Friday, March 20, 2020 10:03 AM
To: 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>
Subject: MPWMD Emergency Declaration Public Records Requests

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Honorable Supervisor Adams:

I am e-mailing you about an item on the agenda for the Monterey Peninsula Water Management District today. It is a Declaration of Emergency, which is attached. I recognize (who doesn't) that an Emergency exists now. The declaration says, though, **“Because non-essential personnel must shelter in place, the District may be unable to timely respond to requests for public records, or meet other deadlines, including those under the Permit Streamlining Act”** This seems to imply that the District has determined that timely compliance with open records requests and other matters are not “Essential Government Functions” under the Health Department’s Order. (Under the order, each government is able to determine its “Essential Governmental Functions and Services”).

I hope the District does not determine that compliance with open records requests is not an essential governmental function. It seems to me we have to keep our democracy alive in this Emergency, and compliance with public records requests is very much a part of that. While I

recognize this is an Emergency, I urge you to remove the sentence quoted above i.e., to take out the part of the Declaration of Emergency about not timely complying with public records requests, and continue to have staff work on those requests in order to comply with the timing requirements.

Thank-you for your time and representation of me and everyone else in District 5.

John Swendseid

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Carmel, CA 93923

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