



Supplement to 12/13/2021 MPWMD Board Packet

Attached are copies of letters received between November 11, 2021 and December 7, 2021. These letters are listed in the December 2021 Board packet under Letters Received.

Author	Addressee	Date	Topic
Thomas W. Smith III.	Mike McCullough, M1W	December 1, 2021	Outstanding Civil Engineering Achievement (OCEA) 2022 Honor Awards for the Pure Water Monterey Groundwater Replenishment Project
Melodie Chrislock	MPWMD Board of Directors	December 1, 2021	LAFCO Decision on MPWMD Application
Melodie Chrislock	MPWMD Board of Directors	December 1, 2021	Monterey Herald Op-Ed on LAFCO
Tom Luster	MPWMD and Other Interested Parties	December 3, 2021	Coastal Development Permit Amendment No. 9-14-1735-A7 to construct and operate a temp slant test well & associated monitoring wells to develop data necessary to assess the feasibility of the project site as a potential long-term water source for a desal facility.
Melodie Chrislock	MPWMD Board of Directors	December 6, 2021	Cal-Am Facebook Message

U:\Joel\Boards, Commissions and Committees\2021\Board Meeting\Staff Notes\December 13, 2021\Letters Received\Item-19 Supplement Packet.docx

December 1, 2021

Mike McCullough
Monterey One Water
Email: mikem@mylwater.org

1801 Alexander Bell Drive Reston, VA 20191-4382
(800) 548.2723 toll free (703) 295.6300 intl
(703) 295.6333 fax ■ www.ASCE.org

Dear Mr. McCullough:

I am pleased to inform you that **Pure Water Monterey Groundwater Replenishment Project** has been selected to receive an Honor Award, and possibly the 2022 Outstanding Civil Engineering Achievement (OCEA) award. You, along with the projects listed in the attached, will be honored at ASCE's esteemed Outstanding Projects And Leaders (OPAL) Gala, October 25, 2022 in Anaheim, CA.

From the 11 Honor Award recipients, the bronze and silver OCEA runners-up will be announced and the evening will culminate with revealing the Honor Award project that will take home the top prize of the night – the 2022 Outstanding Civil Engineering Achievement award. We are thrilled to include your project in our showcase.

Established in 1960, the OCEA award annually recognizes the project that best illustrates superior civil engineering skills and represents a significant contribution to civil engineering progress and society. It is quite an achievement to be selected as an honoree from among the many entries received each year. The project selected as the 2022 OCEA winner joins the ranks of past OCEA recipients such as the JFK International Airport, the World Trade Center, Walt Disney Epcot Center, and many more. To be designated as an Honor Award is certainly a prestigious honor.

Please read the enclosed letter from Jane Moran Alspach, Director of ASCE's Honors and Awards Program, and respond to her requests so we can begin to publicize your project as an OCEA Honor Award recipient.

Congratulations to you and your colleagues for this exceptional achievement! I look forward to meeting you at the OPAL Gala.

Sincerely,



Thomas W. Smith III, ENV SP, CAE, F.ASCE
Executive Director

cc: Todd Reynolds, Engineer of Record, ToddReynolds@KennedyJenks.com
Pete Anderson, Prime Contractor, pea@andpac.com

Kenneth Rosenfield, Section 9 Director, KennethRosenfield.ASCE@gmail.com
Jeffrey Braun, Los Angeles Section President, jeffbraun77@yahoo.com
Carolina Albornoz, Geographic Services; calbornoz@asce.org



Outstanding Civil Engineering Achievement (OCEA) 2022 Honor Awards

The following projects will be recognized at the Society's OPAL Gala
October 25, 2022

Able Pump Station
Dallas, Texas

Canarsie Tunnel Rehabilitation & Core Capacity Improvements
New York, NY

Citizens Reservoir
Fishers, IN

I-15; Lehi Main to SR92, Technology Corridor
Lehi, UT

Keauhou Beach Hotel and Site Demolition
Kahalu'u, North Kona, HI

Moynihan Train Hall
New York, NY

NE Spring Boulevard
Bellevue, Washington

One Vanderbilt
New York, NY

Pure Water Monterey Groundwater Replenishment Project
Marina, CA

Rainier Square Redevelopment
Seattle, WA

West Riverside Energy Center
Beloit, Wisconsin

From: mwchrislock@redshift.com
To: [Alvin Edwards](#); [Amy Anderson](#); [Clyde Roberson](#); [Dave Stoldt](#); [George Riley](#); [Joel Pablo](#); [Karen Paull](#); [Mary Adams](#); [SAFWAT MALEK](#)
Subject: LAFCO Decision on MPWMD Application
Date: Wednesday, December 1, 2021 2:08:11 PM
Attachments: [image.jpg](#)
Importance: High

FYI



December 1, 2021

LAFCO of Monterey County
c/o Executive Officer, Kate McKenna
132 W. Gabilan Street, Ste. 102
Salinas Ca 93901

Chair Lopez and Commissioners:

The public deserves action on the Monterey Peninsula Water Management District's (MPWMD) application. The mandate of 24,000 voters should be honored. MPWMD has given LAFCO everything you've asked for. There is no further reason for delay.

You've fulfilled your responsibilities. Granting conditional approval protects LAFCO and puts the responsibility on the court. The court will decide if this change of services is in the public interest.

It's time to make a decision. If you vote to approve MPWMD's application you support the voters' mandate and desire for lower cost water and a publicly owned water system. Yes, Cal Am may sue LAFCO, but your court costs will be covered by MPWMD.

If you vote against MPWMD in support of Cal Am, where is your case? You have no grounds to deny MPWMD's application. How will you defend a no vote in court and who will pay your legal bills?

Cal Am is using LAFCO against the voters. Don't allow this to continue. This application has already cost MPWMD \$240,000. Cal Am customers

will pay this.

Cal Am is not a responsible steward of our water resources and it is not accountable to this community. A change of ownership is urgently needed.

No matter how many pages of information Cal Am submits to LAFCO to stall this decision, it does not change the fact that Cal Am has mismanaged the Peninsula's water resources for decades and because of state actions against it, Cal Am is charging outrageous prices for water to make up for its negligence.

Compare the cost of water from the publicly owned Marina Coast Water District next door.

Cost for Marina Coast Residential Water 3/4" meter

5,000 gallons – \$66.38
10,000 gallons – \$96.50
15,000 gallons – \$133.32

Cost for Cal Am Residential Water 5/8" meter

5,000 gallons – \$125.00
10,000 gallons – \$320.00
15,000 gallons – \$625.00

The Cal Am buyout is an urgent matter for the 95,000 Cal Am customers who have to pay these outrageous water costs. LAFCO has had this application under consideration since February. Enough is enough.

MPWMD has been a responsible steward of our water supply. It has worked with its sister agency Monterey One Water to provide a third of the water that Cal Am now delivers and it is working to provide more supply in expanding the Pure Water Monterey Project.

MPWMD should be allowed to exercise its latent powers to provide

water service. Please approve its application and allow this voter mandated process to move forward.

Melodie Chrislock

Managing Director

PUBLIC WATER NOW

<http://www.publicwater.org>

mwchrislock@redshift.com

From: mwchrislock@redshift.com
To: [Alvin Edwards](#); [Amy Anderson](#); [Clyde Roberson](#); [Dave Stoldt](#); [George Riley](#); [Joel Pablo](#); [Karen Paull](#); [Mary Adams](#); [SAFWAT MALEK](#)
Subject: Monterey Herald Op-ed on LAFCO
Date: Wednesday, December 1, 2021 8:26:36 PM

Monterey Herald | December 1, 2021

<https://www.montereyherald.com/2021/12/01/melodie-chrislock-guest-commentary-whos-blocking-the-cal-am-buyout/>

Guest Commentary: Who's blocking the Cal Am buyout?

By **MELODIE CHRISLOCK**

It's been three years since Measure J was passed by 56% of the vote mandating that the Monterey Peninsula Water Management District (MPWMD) buy out Cal Am if feasible. For many months now, MPWMD has been ready to make Cal Am an initial offer. However, they need another local agency, LAFCO, to activate MPWMD's latent power to provide water service. But LAFCO has been stalling on their approval.

If you've never heard of LAFCO, you're not alone. LAFCO stands for Local Agency Formation Commission. Its job is to oversee changes in the services of public agencies or boundary changes.

This LAFCO approval process should have been simple. MPWMD was acting on a voter mandate to buy out Cal Am, and it was well prepared. Their 2019 feasibility study had proven the buyout was feasible even at the worst-case estimate of \$513 million.

But with Cal Am and its legions of lawyers, nothing is ever simple. They argued that MPWMD could not afford to buy Cal Am's system, citing Cal Am's own biased and bloated appraisal as proof, an appraisal that includes a non-existent desal plant. Again and again, Cal Am argued that LAFCO needed more information. MPWMD continued to provide everything LAFCO asked for.

A few days before the last vote on Oct. 25, Cal Am's attorneys dumped 400 pages of what they claimed was new information on LAFCO staff. LAFCO caved to this strategy and delayed the vote again.

Cal Am's tactics should have been a red flag to a public agency like LAFCO, tasked with the public's best interest. The problem is that most of the LAFCO commissioners live in the Salinas Valley. They don't pay Cal Am water bills, and they have not experienced decades of limited water supply under Cal Am. Some oppose the buyout because they don't want to lose their special district's tax revenue. Some still think Cal Am can do a better job, despite decades of evidence to the contrary.

The seven LAFCO commissioners are Chris Lopez – District 3 supervisor (chair); Luis Alejo – District 1 supervisor; Ian Oglesby – Seaside mayor; Kimbley Craig – Salinas mayor; Warren Poitras – Monterey County Regional Fire District; Mary Ann Leffel – Monterey Regional Airport District; and Matt Gourley – public member.

Oglesby is the only commissioner who has argued for approval of MPWMD's application. Alternate Commissioners Steve Snodgrass and Wendy Root Askew have also supported approval.

After months of opposing approval of MPWMD's application, Alejo finally had to recuse himself when it was discovered that he'd received more than \$250 in contributions in the past 12 months from Anthony Lombardo & Associates, a law firm representing Cal Am. Alejo had also received past contributions from Cal Am President Kevin Tilden and the Manatt, Phelps & Phillips law firm, which will represent Cal Am in the anticipated eminent domain case.

At this point, MPWMD is asking for conditional approval pending the outcome of the eminent domain case. This is a no-risk vote for LAFCO. They can let the court determine if this buyout is in the public interest.

LAFCO has had MPWMD's application before it since last February. All this stalling and extra work have cost MPWMD \$240,000 so far. Cal Am customers will pay for this.

LAFCO has no case to delay or deny MPWMD's application. LAFCO staff has recommended approval. But if LAFCO again refuses, it may leave MPWMD no choice but to sue LAFCO. Of course, this will add more unnecessary delay and expense. All of this is driven by Cal Am.

Will LAFCO try to block the will of the voters? We'll find out on Dec. 6 when LAFCO is again scheduled to vote on approval of MPWMD's application.

Comments can be sent to LAFCO by emailing the commission through their clerk at MunozDM@monterey.lafco.ca.gov or given orally at the public hearing on Dec. 6.

Melodie Chrislock is the director of Public Water Now, the local nonprofit that put Measure J on the ballot.

DEC 06 2021

Notice of Proposed Immaterial Permit Amendment

MPWMD

9-14-1735-A7 / A-3-MRA-14-0050-A7

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PH (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



December 3, 2021

**NOTICE OF PROPOSED IMMATERIAL PERMIT
AMENDMENT**

Coastal Development Permit Amendment
No. **9-14-1735-A7 / A-3-MRA-14-0050-A7**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **9-14-1735-A7 / A-3 MRA-14-0050-A7** granted to **California-American Water, Richard C Svindland, P.E.** for: Construct and operate temporary slant test well and associated monitoring wells to develop data necessary to assess the feasibility of the project site as a potential long-term water source for a desalination facility.

Project Site: CEMEX, Inc. Lapis Plant, Lapis Road, Marina, CA 93933 (APN(s): 2203011001, 2203011011)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Background and Project Description: In November 2014, the Commission approved CDPs for Cal-Am to construct, operate, and decommission a test slant well and associated monitoring wells and other infrastructure in the City of Marina near the shoreline of Monterey Bay.¹ The project purpose was to conduct a pump test program to obtain data describing the geologic, hydrogeologic, and water quality characteristics in aquifers underlying the project area to see if the site would be suitable for wells that could be used by a long-term desalination facility as part of Cal-Am's proposed Monterey Peninsula Water Supply Project ("MPWSP"). In February 2015, Cal-Am completed installation and started the pump test, which ran until June 2015 when monitoring detected that groundwater levels were approaching a permit threshold that required Cal-Am to shut down the test and obtain a permit amendment. In November 2015, the Commission approved an amendment to modify the groundwater monitoring requirements and Cal-Am restarted its pump test.² On April 15,

¹ The project is partially within the Commission's retained jurisdiction and partially within the jurisdiction of the City of Marina's certified Local Coastal Program. The Commission accepted an appeal of the City CDP decision and approved the portions of Cal-Am's project within both jurisdictions.

² See Commission's Final Adopted Findings for 9-14-1735-A1 and A-3-MRA-14-0050-A1, November 2015.

Notice of Proposed Immaterial Permit Amendment

9-14-1735-A7 / A-3-MRA-14-0050-A7

2016, the Commission approved a further amendment to allow Cal-Am to modify its discharge pipe and to require additional monitoring of the pipe area. On December 13, 2017, the Commission approved an immaterial amendment to the permit providing an additional year for the test well to remain in place. Cal-Am ended its full-time pump tests on February 28, 2018. On November 9, 2018, the Commission approved an immaterial amendment to the permit allowing the test well to remain in place an additional year, until February 28, 2019. On February 14, 2020, the Commission again approved an immaterial amendment allowing another one-year extension until February 28, 2021. On February 12, 2021, the Commission approved another immaterial amendment for a one-year extension until February 28, 2022.

Requested Amendment: On September 30, 2021 Cal-Am submitted an application to the Commission requesting the CDPs be further amended to allow the test well to remain in place for an additional year. **Special Condition 6** of the current CDPs as amended requires that, no later than February 28, 2022, Cal-Am complete its pump test, cut off, cap, and bury the slant well head, and remove all other associated temporary facilities. Cal-Am is now requesting that deadline be extended to February 28, 2023. As part of its request, Cal-Am states that it will not operate the well other than to provide limited periodic maintenance pumping (i.e., up to a few hours each week) during this one-year extension, just as it has done since ending its full-time pump tests in February 2018.

The previous one-year extensions were meant to allow the test well facilities to remain in place while Cal-Am first completed its CEQA and NEPA review processes with the California Public Utilities Commission ("CPUC") and the Monterey Bay National Marine Sanctuary ("MBNMS"), followed by Cal-Am's submittal of its coastal development permit applications for the proposed MPWSP and eventual review by the Commission. The CEQA and NEPA reviews were completed in 2018, and the Commission scheduled a September 2020 hearing on Cal-Am's CDP application (and its appeal of the City of Marina's denial of a CDP). Cal-Am withdrew its application shortly before that hearing, but later in 2020 submitted a new application, which remains incomplete. Cal-Am is proposing this additional one-year extension to allow the well to remain in place during the Commission's potential upcoming review of Cal-Am's requests for CDPs that could authorize the use of the test well facilities as part of Cal-Am's proposal to construct additional wells and infrastructure nearby that would serve a desalination facility to be located further inland.³ If the additional wells and infrastructure are not approved by the Commission, Cal-Am would still be required to remove the test well and its associated infrastructure, but not until February 28, 2023. Should these permit review processes take longer than currently anticipated, Cal-Am may also request a subsequent extension of these CDPs.

Cal-Am has requested the change shown below in bold underline text to the currently-amended **Special Condition 6** of the CDP:

"Monitoring and Removal of Temporary Structures, Well Head Burial & Well Closure/Destruction. The Permittee shall monitor beach erosion at least once per week over the duration of the project to ensure the slant well and monitoring wells remain covered. If the wellheads, linings, casings, or other project components become exposed due to erosion, shifting sand or other factors, the Permittee shall

³ On November 14, 2019, the Commission found that substantial issue existed regarding an appeal of the City's denial of Cal-Am's CDP application and additionally continued the hearing for the consolidated permit review being conducted by the Commission.

Notice of Proposed Immaterial Permit Amendment

9-14-1735-A7 / A-3-MRA-14-0050-A7

immediately take action to reduce any danger to the public or to marine life. When components of the discharge pipeline below the connection to the outfall are exposed, the Permittee shall conduct monitoring, including photographic documentation of the exposed components, at least once per day until the components are naturally reburied, after which erosion monitoring shall be done no less than once per week. When components are exposed, the Permittee shall also post notices at the nearest upcoast and downcoast vertical public access points informing the public of the exposed components. The Permittee shall provide monitoring records, photographs, and proof of the above public notices to the Executive Director upon request.

Prior to conducting any repairs or reinstallation of exposed equipment that require construction methods other than the hand methods described in Amendment 2 of this permit, the Permittee shall apply for and obtain a permit amendment unless the Executive Director determines no such amendment is necessary.

*The Permittee shall complete its regular test slant well pumping operations by February 28, 2018. Thereafter, the Permittee may conduct limited periodic maintenance pumping necessary to maintain the test slant well. No later than February 28, **2023**, the Permittee shall cut off, cap, and bury the slant well head at least 40 feet below the ground surface, and shall completely remove all other temporary facilities approved by this coastal development permit. To ensure timely removal, the Permittee shall post the bond or other surety device as required by **Special Condition 17** to ensure future removal measures would be appropriately supported and timed to prevent any future resurfacing of the well casing or other project components.*

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations. Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed). Note: all correspondence received responding to the previous November 5, 2021 Notice of this immaterial amendment will be considered as part of this current Notice.

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

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December 3, 2021

Notice of Proposed Immaterial Permit Amendment

9-14-1735-A7 / A-3-MRA-14-0050-A7

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. Note: all correspondence received responding to the previous November 5, 2021 Notice of this immaterial amendment will be considered as part of this current Notice.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

- Public Access: The proposed amendment would delay for up to one year any required decommissioning activities. The project would remain subject to the CDP's other special conditions, including the terms of **Special Condition 6** above that require monitoring and notification to avoid potential adverse effects to public access to the shoreline.
- Biological and Marine Resources: Although the proposed amendment would delay decommissioning activities, the project would remain subject to the CDP's other special conditions, including those that require biological monitoring and that provide for the approved biologist(s) to halt any work activities that may affect special-status species or habitat near the project location. It would also eliminate the potential that Cal-Am's decommissioning work, if started now to comply with the currently required removal by February 28, 2022, could extend into the breeding/nesting season of the federally threatened western snowy plover (*Charadrius nivosus nivosus*), which starts on March 1 of each year. This proposed amendment will not result in new development in currently undisturbed areas of the site.

If you wish to register an objection to this notice, please send the objection in writing to Tom Luster at the above address. If you have any questions, you may contact him at (415) 904-5248 or via email at tom.luster@coastal.ca.gov.

Original on File signed by:

Tom Luster
Coastal Program Analyst

cc: Commissioners/File

From: mwchrislock@redshift.com
To: [Alvin Edwards](#); [Amy Anderson](#); [Clyde Roberson](#); [Dave Stoldt](#); [George Riley](#); [Joel Pablo](#); [Karen Paull](#); [Mary Adams](#); [SAFWAT MALEK](#)
Subject: Cal Am Facebook Message
Date: Monday, December 6, 2021 7:48:46 AM
Attachments: [IMG_0911.PNG](#)
[IMG_0911.PNG](#)

Cal Am is circulating this ad for letters to LAFCO on Facebook and other outlets. They did not post it on their Monterey Water Works page, so no one can refute it.

Melodie

23:49

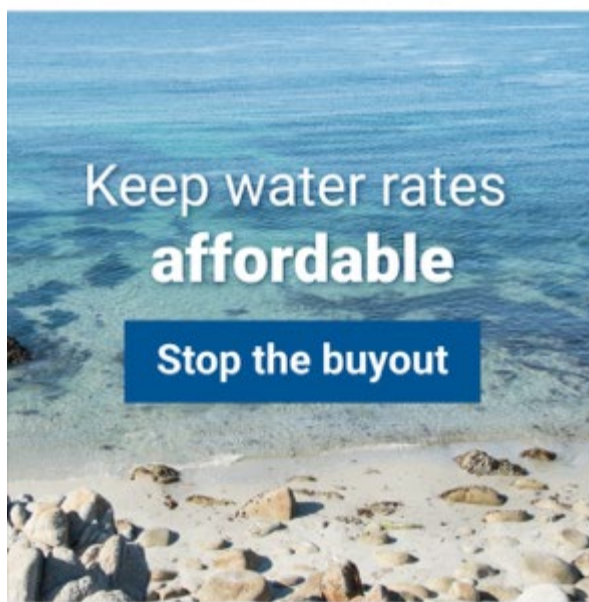


Monterey Water Works



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ALERT: Your water bills could **DOUBLE** if Cal Am is bought out. Send a letter before December 6 to stop the buyout!



ACTIONNETWORK.ORG
Stop the Takeover

[Learn more](#)

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Karen Vallaire Rodriguez



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