SECTION II

COMMENTS RECEIVED ON THE DRAFT EIR

State of California

5/30 The Resources Agency

(1)

Memorandum

To : 1. Projects Coordinator
Resources Agency

Date : May 30, 1989

2. Monterey Peninsula Water Management District
187 Eldorado, Suite E
Monterey, CA 93940

Attention Bruce Buel

From : Department of Fish and Game

Subject : Water Allocation Program, Draft Environmental Impact Report, SCH 87030309

Department of Fish and Game personnel have reviewed the Monterey Peninsula Water Management District's Water Allocation Program, and we agree with the impact assessment that additional deliveries of water with the existing facilities will result in significant impacts to fish and wildlife. The Program Draft Environmental Impact Report (DEIR) identifies four alternatives, Options I-IV. Option I, current production, or the "No Project" alternative, lists production of 18,400 acre-feet. Option II, current capacity, would produce 20,000 acre-feet. Option III, modified supply, assumes a supply capacity at 20,500 acre-feet, and Option IV, the least environmentally damaging alternative, would produce 17,500 acre-feet of water.

Inasmuch as the Program DEIR is a programmatic planning document and not a project DEIR, there are no site-specific impacts identified and the alternatives analysis deals with planning rather than construction. Therefore, specific mitigation measures for identified impacts are not proposed. In the discussion on the advantages of a Program EIR (PEIR), California Environmental Quality Act (CEQA) Guidelines Section 15168(b)(4) states that the document will:

> "Allow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts."

The Guidelines go on to state that the use of a PEIR will simplify subsequent environmental documents prepared on later parts of the program. Alternatives II and III, additional water development, have been identified as having significant, irreversible impacts to the environment. The subsequent environmental documents prepared for this expansion of water development, as required by CEQA, must adequately address those impacts and develop appropriate mitigation measures.

The "No Project", or least damaging alternative (Alternative IV), would actually result in less than current levels of water which are available to customers. This would result in improved Carmel River conditions over Alternative I; existing conditions. Even so, both alternatives have been identified as having significant impacts on the environment. Alternatives II and III, additional water development, will have even more severe impacts; some of which may be irreversible.

Our review of the Program DEIR does not include an analysis of the methodologies used to evaluate instream fishery impacts. However, we concur with the conclusion that additional diversions will result in substantial impacts to the aquatic resources of the Carmel River.

(I-1) Since any of the alternatives being discussed in the Program DEIR will result in significant impacts to the environment, a focused EIR will have to be prepared upon selection of the preferred alternative. We wish to be consulted early in the scoping of the focused EIR and to remain involved throughout the CEQA process.

Should you have any questions regarding our comments, please contact Randal C. Benthin, Associate Fishery Biologist, at 2201 Garden Road, Monterey, CA 93940; telephone (408) 649-2870.

Pete Bontadelli

Pete Bontadelli
Director

ambag (2)
ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS
MAIL ADDRESS P O BOX 190 MONTEREY CALIFORNIA 93942 • TELEPHONE (408) 373-6115
OFFICE LOCATION 977 PACIFIC STREET

May 26, 1989

Bruce Buel
General Manager
Monterey Peninsula Water Management District
187 Eldorado Avenue Suite E
Monterey, CA 93940

Subject: MPWMD Water Allocation Program Draft Environmental Impact Report - MCH #058905

Dear Mr. Buel:

AMBAG staff has had an opportunity to review the Draft Environmental Impact Report prepared for the Monterey Peninsula Water Management District Water Allocation Program and has the following comments:

General Comment

According to the DEIR, the project is "...defined as the role of MPWMD in granting permits for new water supply uses which rely on the Monterey Peninsula Water Resource System for their source of supply." So, the project is not the "Water Allocation Program" as suggested by the document title. The methodology of environmental analysis selected in the DEIR was to analyze four Water Supply options and five Water Distribution options. Since the District Board has selected Water Supply Option II as the "proposed water supply option" why was this option not designated as the project and more emphasis in the document given to it. (2-1)

The analysis of Water Supply Options was based on the General Plan buildout of agencies served by the MPWMD. It is recommended that an analysis should also be included of the forecasted population of the region to provide a cross reference with the buildout methodology. (2-2)

Figure I-1

This figure does not depict the northern boundary of the MPWMD. This base map has been used throughout the document with this flaw. The map should be replaced with one that fully depicts the district area. (2-3)

Annual Water Demand Report (Page II-27)

The document references a portion of the City of Marina as part of the MPWMD. Since the

2-4 base map used in this document does not depict the northern portion of the district, this could not be verified. Is any potion of Marina within the boundaries of the district?

Regional Agencies (Page 111-5)

The description of AMBAG as stated in the document is incorrect. The description should be corrected as follows:

2-5 The Association of Monterey Bay Area Governments (AMBAG) is a voluntary association of the cities and counties in the Monterey Bay Region. AMBAG's membership includes the Counties of Monterey and Santa Cruz and fourteen cities in the counties. AMBAG is the State designated Metropolitan Planning Organization for transportation, the Areawide Housing Organization, the Regional Water Quality Planning Organization, and the Metropolitan Clearinghouse. Clearinghouse functions are for the tri-county region (Monterey, Santa Cruz, and San Benito Counties) for grant applications and environmental documents.

Monterey Peninsula Water Resource System (Page III-9)

2-6 The document states that both the Carmel River and the lagoon are intermittent water bodies. This statement needs clarification to indicate that currently portions of the river are intermittent and that the lagoon retains water throughout most of the year. Historically, the river was a perennial stream throughout its course to the ocean, and damming and groundwater withdrawal have significantly altered the hydrological regime of the river system.

Surface and Groundwater Resources (Pages IV-3 - IV-15)

2-7 Great emphasis has been placed on the analysis of the Carmel River aquifer because of its importance in providing a portion of the water supply for the Monterey Peninsula. However, the analysis of the Seaside aquifer is almost nonexistent. More information on the Seaside Aquifer needs to be provided to support conclusions and mitigation measures in the DEIR.

2-8 All mitigation measures for each alternative are the same and only address the Seaside Aquifer. Why are no mitigation measures proposed for the Carmel Valley Aquifer? How is the

2-9 mitigation measure for the Seaside Aquifer to be implemented, who will be responsible for implementation of the mitigation measure, and how much will it cost?

Fisheries (Page IV-53)

2-10 Four mitigation measures are proposed for Supply Option I. Who will be responsible for implementation of the mitigation measure, and how much will it cost?

2-11 Page IV-56 states "A major question is how much harm can be tolerated and still meet the goal of the State's steelhead policy which is to maintain a vigorous, healthy population of returning adults with natural reproduction." Which Water Supply Option would meet the State policies for the Carmel River steelhead fishery?

Traffic/Circulation (General Comment)

After careful review of the DEIR it is apparent that a complete traffic study for the region will be required to fully evaluate the impacts of the 20 proposed project alternatives and the effectiveness of the proposed mitigation measures. The traffic study should include: (2-12)

- o A description of existing conditions including traffic volumes and levels of service for freeways, State highways and major local arterial streets. Intersection capacity analysis should be calculated for major intersections and rated using standard level of service criteria.

- o The above analysis should also be performed for both the post-project and general plan build-out environment. The build-out analysis should also include traffic increases from external sources such as the Armstrong Ranch development and other significant projects that may add traffic to the regional system.

- o Consistency with the 1988 Regional Transportation Plan should be addressed. In addition cumulative development outside the Cal-Am service area which may impact the transportation system within the service area must be accounted for in the traffic analysis.

The following comments pertain to the traffic sections in the DEIR.

Executive Summary, Traffic (Pages 12 & 13):

The document states "It is unknown, however, whether all these traffic improvements would reduce the traffic impacts of supply options II and III to less-then-significant levels". This statement supports the need for further analysis with a traffic study as the study could more precisely quantify the potential impacts and determine the relative effectiveness of proposed mitigation measures.

Trip Generation (Page IV-78):

The trip generation rates used appear low by regional standards. The ITE trip generation rates are national averages that can vary greatly from region to region. Contact the Monterey County Transportation Study Group (MCTS) for the trip generation rates used in this area. (2-13)

The total trip generation figures should also include new development that could potentially occur due to the availability of water from conservation measures.

Impacts

In all sections of the DEIR, under traffic impacts, very little is mentioned concerning potential impacts on local arterial streets. Impacts on streets such as Del Monte, Lighthouse, Fremont, Munras and other major roads should be examined in the traffic study.

Mitigation Measures (V-27,28,29)

The mitigation measures outlined in this document in many cases have little or no funding. A (2-14)

proposed transportation mitigation measure should not be considered viable unless it can reasonably be expected that funding for development will be available prior to the impacts being realized. A discussion of the costs of the proposed mitigation measures as well as the timing and availability of funding for transportation improvements is needed in order for readers to fully understand potential transportation system impacts.

Phasing

(2-15) A comparison between the phasing of the preferred alternative and the implementation of proposed mitigation measures should be provided.

Air Quality (page 14, #17)

It is stated that "the growth projections for full buildout of all jurisdictions under existing plans and policies are consistent with the assumptions used in the 1982 Air Quality Management Plan, the air quality impacts of Supply Options II and III are considered less-than-significant." This statement is not true. Full buildout projections were not addressed in the 1982 Air Quality Plan. These buildout projections appear to be substantially higher than the population forecasts referenced in the 1982 Plan and so cannot be considered consistent. In addition, the 1982 Air (2-16) Quality Management Plan (AQMP) has been updated and is currently being circulated in draft form for review. The new population projections that AMBAG published in October, 1987 and revised in January, 1988 were used in the new plan and should be used in the air quality analysis for this document. The DEIR should be submitted to AMBAG and the Monterey Bay Unified Air Pollution Control District for a determination of consistency with the 1989 Draft Air Quality Plan.

(2-17) On page IV-102, under supply options II or III, the document states that increases in traffic volumes of 34,827 and 46,940 will be generated from additional housing, commercial and industrial units. These volumes do not match the trip generation table found on page IV-80.

Thank you for the opportunity to review the Draft Environmental Impact Report. Please, send a copy of the Final Environmental Impact Report and the AB 3180 report when available. If you have any questions, please do not hesitate to call Laura Beck of the AMBAG staff.

Sincerely,

Nicolas Papadakis
Executive Director

NP:lb

MONTEREY BAY UNIFIED
AIR POLLUTION CONTROL DISTRICT

1164 MONROE STREET, SUITE #10 • SALINAS, CALIFORNIA 93906-3596 • (408) 443-1135

3

May 2, 1989

RECEIVED
MAY 4 1989
M.P.W.M.D.

Bruce Buel
General Manager
MPWMD
187 Eldorado, Suite E
Monterey, CA 93940

SUBJECT: DEIR ON THE WATER ALLOCATION PROGRAM

Dear Mr. Buel:

Staff has reviewed the DEIR for the water allocation program and has the following comments:

1. Air Quality, p. III-49, Table III-24. The table should be revised to indicated that the Monterey Monitoring Station was closed in 1985. Additionally, since ozone is a regional pollutant and emissions generated on the Monterey Peninsula have the potential of affecting air quality elsewhere within the Basin, air quality data from stations throughout the Basin should be provided. 3-1

2. Existing Air Quality Conditions, p. III-50. The description of air quality conditions is incomplete. The Basin is nonattainment for PM_{10} as well as for ozone. Additionally, the discussion should be updated to include the following information: Several violations of the California ozone Ambient Air Quality Standard have been recently recorded at the Pinnacles National Monument Station. In 1987 the Federal ozone standard was violated on eight separate days and the California ozone standard on 50 separate days totaling 177 hours. On March 31, 1989, the Environmental Protection Agency denied the District's request for redesignation from nonattainment to attainment status based on these data. 3-2

3. Air Quality Impacts, p. IV-102. The text indicates that the estimates of housing and commercial growth used to project emission levels are consistent with growth assumptions used to develop the 1982 Air Quality Plan. The growth assumptions used to estimate emissions should be documented in the EIR, particularly since the assumptions may be those included in the 3-3

Draft 1989 Air Quality Management Plan rather than the 1982 Plan. Additionally, neither the 1982 or 1989 Plans include assumptions regarding buildout so to make a finding of project consistency based on buildout is not possible. AMBAG staff should be contacted to assist in preparing an up-dated consistency finding.

The text also indicates that since the growth projections used to project carbon monoxide (CO) levels are the same as those used in the 1982 Plan, the impact of CO concentrations is considered less than significant. Neither the 1982 or 1989 Plan address CO; thus, this statement is inaccurate. Based on continued decreases in Levels of Service and increases of traffic congestion, it is likely that CO standards will be violated within the project area. Violations of the CO standards would constitute a significant adverse impact on air quality.

Thank you for the opportunity to review the DEIR. If you have any questions, please do not hesitate to call Janet Brennan of the Planning staff.

Sincerely,

Douglas Quetin
Chief, Planning and Air
Monitoring Division

cc: N. Papadakis, AMBAG
File: 3442
PAM/jb

CITY HALL
BOX CC
CARMEL-BY-THE-SEA, CALIFORNIA 93921

4A

June 12, 1989

Mr. Bruce Buel
Monterey Peninsula Water Management District
187 Eldorado Street
Monterey, CA 93940

Dear Bruce:

At its meeting of 6 June the City Council discussed the draft Environmental Impact Report on the Allocation Program. The following comments are offered for preparation of the final EIR. The City Council requests that the District respond to each of these comments.

- The text of the document, while well organized, is written in a very technical style. The document should be rewritten to enable greater public understanding. (4A-1)

- The EIR fails to properly account for the impacts of the proposed Carmel Sanitary District/Pebble Beach Community Services District waste water reclamation plant. Since this reclamation project will potentially free up a substantial potable water supply relative to the total District water resource, the impact of this project should be referenced in the allocation program. This approach was also supported by the State Office of Planning and Research (see Attachment #1). (4A-2)

- In the description of the allocation alternatives, the EIR should explain in greater detail the differences between each allocation formula and should describe the rationale or philosophy behind each allocation alternative. (4A-3)

- One unstated assumption that appears to underlie alternative #4 is that each jurisdiction would be given enough water in its adjusted base to allow development of each existing lot of record. If this is the case, shouldn't this alternative also require that this extra "base" water only be used for developing these vacant lots? The EIR should also discuss whether there is a legal obligation to serve lots once created. Does the District comment on proposed subdivisions? How do the policies or requirements of the California Coastal Commission affect the water allocation process? Will the Commission require preferential treatment for existing vacant lots? (4A-4)

- For alternative allocation #1 (first come, first served), the EIR attempts to estimate growth impacts by assuming that water will naturally be distributed according to the percentage share that each jurisdiction's growth is to the total District's new growth. This assumption is seriously flawed in that it fails to recognize natural market forces that influence where growth will locate on the Peninsula. The Final EIR should correct this flaw by eliminating this assumption and leaving allocation alternative #1 without any assumed water distributions. This revision should in no way de-emphasize this alternative as a viable alternate. (4A-5)

- The text on pages I-6 and II-29 explaining the legal background behind the City's lawsuit with the Monterey Peninsula Water Management District misstates the facts regarding Carmel-by-the-Sea's increased allocation. Similarly, historical facts about the experience of Carmel-by-the-Sea in 1986 appearing on page VI-6 are also inaccurate. Both of these should be corrected. See Attachments #2 and #3. (4A-6)

- In reviewing the four water supply options, the EIR notes that option number four (17,500 acre feet) is considered "the least environmentally damaging production level". This production level is intended to reflect a level that will sustain a viable steelhead fishery in the Carmel River and would restore much of the riparian vegetation and riverbank stability within the watershed. In spite of these assurances, the EIR states on page II-5, that this level of production would still require the implementation of a collection and transportation program to move juvenile steelhead past areas of low flow on a routine basis. What is the cost of this program? The EIR should also include an even lower water supply option that would make these programs unnecessary. Without such an alternative the document may not be legally adequate. (4A-7)

- The EIR tends to simplify the descriptions of the total water resource system managed by the District. In order for decision-makers to have a clear understanding of the water resource system, some portion of the EIR should be devoted to a description of all of the aquifers within the District and each of the pumpers that draw, or are authorized to draw, from these aquifers. This would include private pumpers as well as water companies and should explain what the potential water extraction is for each pumper. The uncertainties of the potential extraction on defining the water supply available to the Peninsula Communities should also be identified and discussed. (4A-8)

- Impacts related to salt water intrusion are potentially catastrophic and should be addressed in greater detail both in the Seaside Basin and in the Carmel Valley aquifers. What is the potential for intrusion? Are any aquifers at risk now (under current levels of extraction)? At what levels of extraction are intrusion impacts anticipated? What are the long-term implications of intrusion? Can intrusion be retarded by injection wells? Would this allow greater extraction? What are the risks associated with reliance on an injection system? (4A-9)

- Since rationing can be expected with each of the four water supply options, and could become more common under options two and three, part of the "program" of the Program EIR should be a full description of the anticipated rationing mechanisms. At least a list of potential actions that would be components of a rationing program and a discussion of their effect, advantages and disadvantages should be presented. This would provide greater certainty to the public about what to expect during rationing events and would assist the Water District in constructing a fair rationing program rather than trying to hastily fashion a new program on an emergency basis once each new drought hits the community. (4A-10)

- The EIR points out that with each alternative that allows for new growth, significant and costly traffic improvements will be required throughout the region. These traffic improvements are suggested as mitigation measures in spite of the fact that the Water District has no power to adopt them. The EIR should explain this problem. What are the general costs for these improvements? Could an allocation be constructed based on the least environmental impact (or cost) on traffic regionally? Have any other possible allocation alternatives been suggested since release of the Draft EIR? If so, they should be identified and discussed. (4A-11)

- To make the potential traffic impacts more graphic, the EIR should include a map that shows changes in the anticipated level of service (LOS) along each of the major road segments discussed in the analysis. The EIR should also address the potential effects of any regional imbalance between jobs and housing that may be inherent in the growth projections under each alternative. Greater attention should be given to the effects on regional traffic and the potential for increased traffic on commuter routes as Peninsula employees seek housing in outlying communities such as Salinas, Marina, Hollister, Watsonville, Gilroy, etc. (4A-12)

- The District has adopted a conservation goal of nine percent (9%) and is making good efforts to achieve this goal. The impacts of this reduction in water use are not addressed in the EIR. (4A-13)

- The EIR relies on estimates of growth potential supplied by each of the seven jurisdictions within the District boundaries. Part of the growth potential for Monterey County includes the development of new lots in Del Monte Forest by the Pebble Beach Company in conformance with the Del Monte Forest LCP. If these lots are supplied with water offset by the new water reclamation plant, each of the allocation formulas will need to be adjusted to reflect a lower total amount of growth for Monterey County and therefore a higher potential allocation of water for each of the other jurisdictions. The Final EIR should estimate the effects of the reclamation project on Monterey County's growth potential and should adjust the allocation tables accordingly. The EIR should also consider structuring the reclamation plant as a mitigation measure for each of the water supply options. If the reclamation plant were considered a mitigation measure couldn't it be built with public funding? Wouldn't this allow all the water offset by the plant to be used for drought protection or other uses rather then dedicating one-half of it to a "fiscal sponsor"? (4A-14)

- The EIR should cite the history of the previous allocation and the mismatch between expected water use and measured water use based on permits issued (see Attachment #4). Would the proposed adjustment for intensification (page II-8) have corrected the historical discrepancy? If not, what magnitude of correction would be necessary? What are the risks and uncertainties associated with the accuracy of this adjustment relative to constructing a fair allocation program? (4A-15)

- Chapter VII on mandatory CEQA sections is very weak. The District should use this section of the EIR as an opportunity to crystallize the issues and provide a long-term vision of the impacts of the program elements and not just as a CEQA obligation to satisfy. (4A-16)

The City Council appreciates the opportunity to participate in this EIR process and looks forward to reviewing the Final EIR.

Sincerely yours,

Jean Grace
Mayor

BR/JG/sf 71
c: Members of the City Council
Douglas J. Schmitz, City Administrator
Don Freeman, City Attorney
Mayor Albert, City of Monterey
Mayor Fisher, City of Pacific Grove
Mayor McClair, City of Seaside
Office of the Mayor, Sand City
Mayor Franco, City of Del Rey Oaks
Board of Supervisors, County of Monterey

ATTACHMENT #1

State of California
GOVERNOR'S OFFICE
OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO 95814

GEORGE DEUKMEJIAN
GOVERNOR

July 18, 1988

Mr. Douglas J. Schmitz
City Administrator
City Hall
Box CC
Carmel-By-The-Sea, California 93921

Dear Mr. Schmitz:

As a result of your May letter to the undersigned, the Office of Permit Assistance held meetings with the City, the Carmel Sanitation District, Pebble Beach Community Services District, the Pebble Beach Company and the Monterey Peninsula Water Management District regarding potential lead agency concerns as well as the level of and mechanism for the needed interaction to fulfill the CEQA requirements associated directly with two separate projects: the Monterey Peninsula Water Management District's (MPWMD) Reallocation Plan and the Carmel Sanitation Districts (CSD) Proposed Reclamation Project.

Our review has lead us to the conclusion that there is not, under the law, a "lead agency dispute". Therefore, based on Section 16012 of Chapter 6.3, Title 14, California Administrative Code, the Office of Planning and Research will take no formal action as there is no issue before the Director.

However, there is no question that the interrelationship of the set of projects under review is complex. Accordingly, the Office of Permit Assistance feels that some guidance may be beneficial. During our review, we found all parties very amiable, willing to share information, and most importantly, concerned about the best approach to managing the CEQA requirements of a series of interrelated but necessarily distinct activities. Past and present water availability problems, planned or contemplated development activities and Court orders have helped set the stage for a bureaucratic nightmare <u>if</u> the various legislative bodies do not work closely together in harmony towards common goals. In this instance, it is reasonably safe to say that there are at least three driving forces behind the various projects under review as a results of the City's inquiry, namely:

1. The Court ordered MPWMD Reallocation EIR.

2. The proposal from the Carmel Sanitary District for a Reclamation Project which would provide subpotable reclaimed water for the irrigation of golf courses within the services area of CSD, thereby, freeing a block of currently allocated potable water for reallocation.

3. The Pebble Beach Company's desire to act on approved plans for the development of additional units in the Del Monte Forest.

Previous attempts by differing local and regional entities to effectuate a reclamation plan to make more potable water available to the region have failed directly on the financing issue. The Carmel Sanitation District's proposal is currently predicated on a series of "Memorandum of Understanding's" with the Pebble Beach Company, the MPWMD, and the Carmel Sanitary District wherein the Company would guarantee the bonds which would be issued by the MPWMD in return for a dedicated portion of the potable water made available as a result of CSD's project. The dedicated block of potable water would subsequently be utilized by the Company to help secure the projected development of the Del Monte Forest.

Currently, the Sanitation District is conducting or will conduct an EIR on their proposed Reclamation plan. The MPWMD is conducting an EIR on the Reallocation Plan. It is our understanding that the MPWMD is planning to analyze the reallocation of the undedicated, freed up potable water made available from the Reclamation Plan in a separate but possibly concurrent analysis with the Revised Regional Allocation Plan. Further, the County of Monterey may be processing an environmental review of the proposed development activities in the Del Monte Forest by the Pebble Beach Company.

Based upon the review of the various project proposals, the Office of Permit Assistance is of the opinion and does offer the following as a recommended plan of action:

1. The Carmel Sanitation District should be the lead agency and should conduct the necessary environmental review to assure CEQA compliance for the Proposed Reclamation Plan, a separate and distinct project unto itself. The dedicated "freed up" water resulting from the proposed action must be analyzed as an integral part of the reclamation project because it is inclusive within the financing mechanism for the proposal and because the proposed action is not currently possible without the proposed financing scheme. Although the existence of the undedicated freed up water is a direct effect of the proposed reclamation project, the CSD clearly has no authority over the water's allocation. However, due to the approval authority over the financing mechanism, the MPWMD would be a responsible agency for this CSD project.

2. The MPWMD has the direct and exclusive legislative authority over the allocation of all water within its jurisdiction, a separate and distinct project that will occur whether or not the proposed reclamation plan ever materializes. Since the MPWMD is currently preparing an environmental impact report on the Regional Allocation Plan and has proposed a separate environmental review for the freed up portion of the water from the reclamation project, it appears logical to combine

the two documents. If the timing of the freed up water is not compatible with the existing environmental review or if the freed water should not be appropriately treated as one of the various alternative scenarios included during the review process, then it is recommended that if and when the freed up water becomes a reality, that the resulting block of freed up water be treated as a new source and simply subject to the allocation formula adopted as a result of the certification of the subject EIR.

If further assistance is desired, please contact either the undersigned or Lisa Ceran at (916) 322-8515.

Sincerely,

David C. Nunenkamp
Chief
Office of Permit Assistance

cc: Robert P. Martinez, Director, Office of Planning and Research
Donald G. Freeman, Carmel-by-the-Sea
Bruce Buel, Monterey Peninsula Water Management District
David C. Laredo, Monterey Peninsula Water Management District
Michael Zambory, Carmel Sanitary District
Robert R. Wellington, Carmel Sanitary District
Judith M. Brown, Ph.D., Pebble Beach Company
Thomas H. Jamison, Pebble Beach Company

ATTACHMENT #2

David C. Laredo
De LAY & LAREDO
Attorneys at Law
606 Forest Avenue
Pacific Grove, California 93950
Telephone: (408) 646-1502

Attorneys for Respondent,
Monterey Peninsula Water
Management District

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

CARMEL-BY-THE-SEA Petitioner, v. MONTEREY PENINSULA WATER MANAGEMENT DISTRICT, Respondent.	CASE NO.: M 17824 CASE NO.: M 18217 STIPULATION AND ORDER RE: DISMISSAL

The CITY OF CARMEL-BY-THE-SEA (Carmel) and the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (Water Management District) do stipulate and agree that the court may issue the attached order to dismiss each action herein, without prejudice to either party.

DATED: _____

De LAY & LAREDO

BY: _____
DAVID C. LAREDO, Attorney for MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

DATED: _____

BY: _____
DONALD G. FREEMAN Attorney for CARMEL-BY-THE-SEA

De LAY & LAREDO
Attorneys at Law
606 Forest Avenue
acific Grove, CA 93950

Good cause appearing therefore, and upon the stipulati
of the parties to this action, IT IS ORDERED THAT:

ORDER

1. The Monterey Peninsula Water Management District Law
Statutes of 1977, Chapter 527 (as amended), enables the allocati
of water supplies for the Monterey Peninsula, provided this pow
is exercised by the Water Management District in a fair and
reasonable manner. The final allocaion of California-Americ
Water Company (Cal-Am) water for the Monterey Peninsula for the
1987-1988 water year, commencing July 1, 1987, and the 1988-19
water year, commencing July 1, 1988, shall be based upon the water
allocation plan Environmental Impact Report (E.I.R.), now beir
prepared for the Water Management District as a program E.I.R.

2. The Water Management District shall use its bes
efforts and all due diligence to complete the water allocation
plan E.I.R. The Water Management District shall bear 100% of cost
of the E.I.R. and retain a consultant to complete this product and
process. The consultant shall be selected and retained solely b
the Water Management District with consultation o
Carmel-by-the-Sea.

3. The Water Management District shall use its bes
efforts to certify that E.I.R. as soon as is feasible, and
immediately thereafter the final allocation shall be implemente
by the Water Management District Board, no later than December 31,
1988.

LAY & LAREDO
ttorneys at Law
5 Forest Avenue
c Grove, CA 93950

4. Pending action on the comprehensive water allocation revision and the final 1987-1988 and 1988-1989 water allocation, the Water Management District shall adhere to the interim allocation it had previously adopted for the Cal-Am system provided, however, that the interim aggregate allocation limit for the Cal-Am water distribution system shall immediately be increased from 18,600 acre feet of water sales per year to 18,700 acre feet of water sales per year, and the interim allocation for Carmel by-the-Sea shall also be immediately increased by 100 acre feet per year pending adoption of the final water allocation program E.I.R. Except as provided herein, the interim allocation for each city and county unit shall be identical to the allocation used for the 1986-1987 water year as amended by the Water Management District in January 1987. The interim allocation shall have no force or effect on or after the date the final water allocation is adopted following certification of the allocation program E.I.R.

5. Carmel-by-the-Sea shall use its best efforts to maintain total water consumption within the City at or below its increased interim allocation. However, Carmel-by-the-Sea may grant permits and licenses to expand water consumptive sales within the City based upon water conservation savings, and in addition to the interim allocation adjustment set forth in Paragraph 4, may temporarily exceed its interim allocation by 100 acre feet in accord with the provisions of Paragraphs 6 and 7 below.

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/ / /

LAY & LAREDO
Attorneys at Law
5 Forest Avenue
Grove, CA 93950

6. In the event total Cal-Am consumptive water sales remain at or below 18,400 acre feet per year, the Water Management District shall apply its Rule 41 to allow any municipal jurisdiction which has utilized its maximum interim allocation to temporarily use a portion of the total remaining Cal-Am water available for community consumptive water sales. Any one municipal jurisdiction may exceed its interim allocation only by a maximum of 100 acre feet per year of consumptive water sales. All jurisdictions may, in the aggregate, exceed their interim allocations only by a maximum of 300 acre feet per year of consumptive water sales. Consumption exceeding 100 acre feet per year of a jurisdiction's interim allocation shall subject that jurisdiction to a water moratorium in accord with Water Management District Rule 41.

7. Where available data regarding existing water use and approved projects shows that any municipal jurisdiction will exceed the Water Management District interim allocation, and concurrent with the utilization of any portion of the 100 acre feet per year which is available in excess of that jurisdiction's allocation, that jurisdiction shall agree to use its best efforts, with all due diligence, including all means reasonably available, to reduce water consumption or demand to a level below that jurisdiction's interim allocation shall be submitted for approval to the Water Management District by the jurisdiction within sixty (60) days of the date it first was known that the jurisdiction

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DeLAY & LAREDO
Attorneys at Law
506 Forest Avenue
Pacific Grove, CA 93950

exceeded its allocation. The provisions of Paragraphs 6 and 7 of this order shall apply only to the interim allocation, and shall have no force or effect with reference to the final water allocation plan adopted by the Water Management District.

8. This Stipulation and Order shall not be construed to limit or affect the content of the final allocation of water determined by the Water Management District based upon the water allocation plan E.I.R.

9. Each matter herein, Case No. M 17824 and Case No. M 18217, is hereby dismissed without prejudice to any party.

10. Each party shall bear its own costs and attorneys fees to date.

DATED: JAN 12 1988

RICHARD M. SILVER
JUDGE OF THE SUPERIOR COURT

ord 28 7:24

Y & LAREDO
neys at Law
orest Avenue
Grove, CA 93950

ATTACHMENT #3

EXHIBIT __

RESOLUTION 86 - 13

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
SUSPENDING AUTHORITY TO ISSUE PERMITS WHICH EXPAND OR EXTEND
THE USE OR DISTRIBUTION OF WATER
WITHIN THE CITY OF CARMEL-BY-THE-SEA

WHEREAS, the Monterey Peninsula Water Management District reviews applications to expand or extend the use or distribution of water within the municipal and county jurisdictions; and

WHEREAS, the Monterey Peninsula Water Management District has, since 1980, established an annual allotment of water for each municipal jurisdiction, having done so upon the advice and consent of each municipality and county jurisdiction within the District; and

WHEREAS, the Monterey Peninsula Water Management District receives an annual water year report of water distribution system deliveries which evidences water consumption by each municipal and county jurisdiction; and

WHEREAS, Rule 41 of the Monterey Peninsula Water Management District Rules and Regulations, adopted by ordinance on February 11, 1980, requires the annual review of water consumption by each municipal or county unit, and further requires that expansions or extensions of water use not be allowed in any municipality which has exceeded its annual allotment of water; and

WHEREAS, the Draft Annual Water Delivery System Report

1

evidences that the City of Carmel-by-the-Sea has exceeded its allotment of water during water year 1985-86, but that all other county and municipal jurisdictions within the District have not exceeded their respective water use allotments.

NOW, THEREFORE, be it resolved,

1. That the General Manager shall compile the Final Annual Water Demand Report for water year 1985-86 and present that for Board review and consideration at a public hearing to be held by the Monterey Peninsula Water Management District on August 11, 1986 at 7:30 p.m. in the council chambers at the City of Monterey.

2. That the General Manager shall accept and date all applications for permits relating to the extension or expansion of water use within Carmel-by-the-Sea which may be received but for which permits have not yet been issued, and shall not take any action to process those applications or issue permits based on those applications pending further direction from the Board.

3. That this action shall not affect the processing of applications or the issuance of water use expansion or extension permits for the County of Monterey, or for the cities of Del Rey Oaks, Monterey, Pacific Grove, Sand, and Seaside.

On motion of Director Williams, and second by Director Bernardi, the foregoing resolution is duly passed this 23rd day of July, 1986 by the following votes:

AYES: Directors Lombardo, Williams, Bernardi, Heuer, Strasser Kauffman, DeBerry and Pendergrass

NAYES: None

ABSENT: None

I, Gladys McKillop, Secretary of the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted on the 23rd day of July, 1986.

Witness my hand and seal of the Board of Directors this 28th day of July, 1986.

Gladys McKillop, District Secretary

DLC/sb:9:9:9
mwd8/res723
(rev. 7/23/86)

ITEM: II D (1) PUBLIC HEARING - CONSIDERATION OF ALLOCATION ISSUES 1

MEETING DATE: AUGUST 11, 1986

BACKGROUND INFORMATION: Chairman Heuer has requested that agenda Items II D (1) a, II D (1) b, II D (1) c and II D (1) d be consolidated as one public hearing. Prior to opening the public hearing, staff will summarize the policy issues to be reviewed by the Board. Notice of this public hearing has been published in The Herald.

A. DETERMINATION OF COMPLIANCE WITH MUNICIPAL UNIT ALLOTMENT

Attached as Exhibit A-1 is the 1985-86 Annual Water Demand Report for the California-American Water Company. Attached as Exhibit A-2 is a summary of the allocation status of each jurisdiction within Cal-Am. As shown on Exhibit A-2, metered sales within the city of Carmel-by-the-Sea exceeded the city's allotment by 4 acre feet during the period July 1, 1985 to June 30, 1986. No other jurisdiction exceeded its allocation during this period.

RECOMMENDATION/ACTION REQUIRED: Pursuant to Rule 41, the Board, upon receipt of the Annual Water Demand Report, shall conduct a public hearing to determine if previous year's metered sales in any jurisdiction exceeded that jurisdiction's municipal unit allotment. Staff recommends that the Board make this year's determination by adopting the findings attached as Exhibit A-3. The Board should also direct staff to notify all municipal units of these findings.

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'86 ANNUAL WATER DEMAND REPORT FOR CALIFORNIA-AMERICAN WATER COMPANY

17 DE	# OF CUSTOMERS	01 RESIDENTIAL	08 MULTI RESIDENTIAL	03 COMMERCIAL	04 INDUSTRIAL	07 GOLF COURSES	05 & 06 PUBLIC AUTHORITY	OTHER	TOTAL	NON-REVENUE USAGE	TOTAL SYSTEM USE
1	MONTEREY	6725	610	969	1	1	183	103	8672		
2	PACIFIC GROVE	5211	516	357	1		61	66	6212		
3	CARMEL	2498	182	365			51	39	3135		
4	SEASIDE	4843	342	442	3		81	24	5735		
5	DEL REY OAKS	573	4	11			6	7	601		
7	SAND CITY	69	6	95	2		2	8	182		
	TOTAL CITIES	19919	1660	2239	7	1	384	327	24537		
0	COUNTY MONTEREY	239	16	7		1	2	2	267		
0	PB	13		9	1		1	1	25		
0 D	PB	2425	23	57		11	3	15	2534		
0	CV	1269	70	118			6	19	1482		
0	INSIDE CSD	2330	80	84			10	33	2545		
0	OUTSIDE CSD	1680	77	129			17	51	1954		
	TOTAL COUNTY	7956	274	404	1	12	39	121	9807		
	DISTRICT TOTAL	27875	1934	2643	8	13	423	448	33344		
	CONSUMPTION AF										
1	MONTEREY	1545.05	835.03	1591.35	26.84	81.10	830.40	10.92	4920.69	452.40	5373.17
2	PG	1091.26	402.79	390.44	5.28		201.33	0.67	2099.77	193.09	2292.86
3	CARMEL	550.17	77.19	385.15			13.86	0.25	1034.62	95.14	1129.76
4	SEASIDE	1312.84	459.81	286.79	20.65		142.77	0.29	2223.15	204.45	2427.60
5	DEL REY OAKS	163.62	3.92	15.17			1.41	15.15	199.27	18.32	217.59
7	SAND CITY	14.46	2.87	62.85	5.39		3.37		88.94	8.18	97.12
	TOTAL CITIES	4685.40	1781.61	2739.75	58.16	81.10	1193.14	27.28	10566.44	971.66	11538.10
0	COUNTY MONTEREY	89.20	57.20	116.64		88.80	413.03	0.01	764.88	70.32	835.2
0	PB	2.01		20.14	31.87		0.02		54.04	4.97	59.01
0 D	PB	1065.93	13.79	239.00		697.82		2.10	2018.64	185.63	2204.27
0	CV	525.43	138.85	113.28			10.12	26.83	814.51	74.90	889.41
0	INSIDE CSD	734.71	190.36	145.72			22.76	6.65	1108.2	101.91	1210.11
0	OUTSIDE CSD	655.75	126.16	260.93			30.03	27.28	1100.15	101.15	1201.30
	TOTAL COUNTY	3073.03	534.36	895.71	31.87	786.62	475.96	62.87	5860.42	538.88	6399.30
	TOTAL DISTRICT	7758.43	2315.97	3635.46	90.03	867.72	1669.10	90.15	16426.86	1510.54	17937.40

comp1/demand

EXHIBIT A-1

EXHIBIT A-2

1985-86 MUNICIPAL UNIT ALLOCATION SUMMARY

(1) JURISDICTION	(2) 1985-86 ALLOTMENT (AF)	(3) 1985-86 METERED SALES (AF)	(4) DIFFERENCE (AF)	(5) PERCENT OF ALLOTMENT (AF)
Carmel-by-the-Sea	1031	1035	(4)	100.4
Del Rey Oaks	245	199	46	81.2
Monterey	5746	4921	825	85.6
Pacific Grove	2351	2151	200	91.5
Sand City	335	89	246	26.6
Seaside	2392	2223	169	92.9
Monterey County	6501	5806	695	89.3
Totals	18600	16427	2173	88.3%

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DRAFT

EXHIBIT A-3

FINDINGS
OF THE BOARD OF DIRECTORS OF
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
IN DETERMININING 1985-86 MUNICIPAL UNIT ALLOCATION
COMPLIANCE PURSUANT TO RULE 41
OF THE DISTRICT RULES AND REGULATIONS

The Board finds that:

(1) Resolution 85-10 adopted on May 13, 1985, established an allocation of 1031 acre feet of metered sales for the City of Carmel-by-the-Sea for the period July 1, 1985 to June 30, 1986.

(2) Actual metered sales in the City of Carmel-by-the-Sea for the period July 1, 1985 to June 30, 1986 were 1035 acre feet.

(3) Water usage in the City of Carmel-by-the-Sea exceeded the city's allotment by four acre feet during this period.

(4) No other jurisdiction has exceeded its municipal unit allotment during this period.

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EXHIBIT A-1

MINUTES
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
REGULAR MEETING, AUGUST 11, 1986

I. CALL TO ORDER/ROLL CALL

The Regular Meeting of the Board of Directors of the Monterey Peninsula Water Management District was called to order at 7:30 p.m. in the Monterey City Hall Council Chambers on Monday, August 11, 1986 at 7:30 p.m. by Chairman Heuer. Roll was called and all members were present except for Director Strasser Kauffman.

II. PUBLIC PARTICIPATION ITEMS

A. ORAL COMMUNICATIONS - Larry Foy, California American Water Company, distributed copies of a brochure on water quality to the members of the Board, announcing that a presentation on the subject will be made at the September meeting by company representatives.

Florus Williams, Mayor of Pacific Grove, expressing concern with the lack of communication regarding the proposed dam, requested that a joint meeting be held between the District Board and the Pacific Grove council to review the status of the water supply project. He also questioned the incentives to encourage water conservation.

B. MONTHLY CAL AM PRODUCTION REPORT - Jim Finnigan presented an update of the monthly production report, noting that the inflow into Los Padres was 966 AF for the month of July, with 400 AF anticipated. In an effort to monitor the effects of the pumping, the Board requested that the Carmel Valley ground-water levels be presented on a regular basis.

C. MONTHLY CAL AM SALES REPORT - Manager Buel reviewed Cal Am monthly reporting of metered sales for jurisdictions in the District, and reported that the Board will receive information on metered sales which will assist in the monthly monitoring of water allocation.

D. PUBLIC HEARINGS (1) CONSIDERATION OF ALLOCATION ISSUES: (A) DETERMINATION OF COMPLIANCE WITH MUNICIPAL UNIT ALLOTMENT; (B) ESTABLISHMENT OF ADMINISTRATIVE PROCEDURES FOR INITIATING MORATORIUM (C) DISCUSSION OF EXEMPTIONS TO MORATORIUM (D) DISCUSSION OF CONDITIONS FOR LIFTING OF MORATORIUM - Chairman Heuer presented background information regarding the previous announcement that the City of Carmel had exceeded its allocation of water as of June 30, 1986. He noted that Cal Am had completed its audit of the coding and total water usage for the City of

Carmel, and reported that eighteen meters were incorrectly included in Carmel's accounting of metered sales, concluding that Carmel's water usage was set at 99.99% of its annual allocation as of June 30, 1986. Based on the additional information, Chairman Heuer further noted that the Board would take no further action to impose a water moratorium on the City of Carmel. He then requested that the Board address the matter of compliance with the allotment by all jurisdictions, and whether or not any action should be taken relating to a moratorium. Staff recommended that the District Board find that no jurisdiction has exceeded its allocation as of June 30, 1986, and that Resolution 86-13 imposing a temporary suspension of water meter connections to the City of Carmel be rescinded by adoption of Resolution 86-14.

The public hearing was opened with the following persons responding: Bob Russell, Councilman, City of Pacific Grove, questioned if the annexation of Asilomar is included in Pacific Grove's allotment; Ellen Coyle, representative of Concerned Neighbors of Del Monte Park, questioned why Carmel is allowed water meter connections when allocation is expected to be exceeded in a short time; Seth Potter, Carmel, noting that the current water problem is not isolated to the City of Carmel, but is a problem to the entire District, encouraged the Board to stop further tourist accommodation projects in the District. There was no further response, and the public hearing was closed. Director Lombardo moved to rescind Resolution 86-13 regarding the moratorium for the City of Carmel through the adoption of Resolution 86-14. Director Bernardi seconded the motion. Director Heuer called for a motion by the Board declaring that no jurisdiction had exceeded its annual water allocation as of June 30, 1986. Director DeBerry so moved. Director Bernardi seconded the motion. Directors Lombardo and Bernardi withdrew the first motion and the second to the first motion. Question was called on the second motion. Motion carried unanimously. Director Lombardo repeated his earlier motion to adopt Resolution 86-14 to rescind Resolution 86-13. Director Bernardi seconded the motion which carried unanimously.

Chairman Heuer presented background information on conditions for imposing and lifting a moratorium for exceeding allocation, and asked the Board to review the issues and recommendations to be passed to the Policy Advisory Committee on the following matters: (1) Mechanism to decide if the General Manager's authority to issue permits should be suspended automatically; (2) Determine when to impose a moratorium if a jurisdiction has exceeded its allocation based on a yearly reporting, or on a "rolling year" mechanism based on monthly plus previous year's reporting; (3) Determination of exemptions/automatic exemptions from a moratorium; (4) When to lift a moratorium; and (5) Changes in the allocation.

The public hearing was opened, with the following persons responding: Diane White, Planning Director, City of Carmel, addressed the Board regarding the water conservation

ordinance and resolution recently passed by the City of Carmel, and requested that the Board consider increasing Carmel's allocation; Bob Russell, Pacific Grove council member, supported an automatic moratorium, but also urged an incentive program for conservation rather than punitive measures involved with restrictions in a moratorium and advocated jurisdictional rationing rather than District-wide rationing; District Counsel Laredo and General Manager Buel responded to the previous comments. Seth Potter, Pacific Grove, encouraged a spirit of cooperation between jurisdictions to address a universal, not jurisdictional problem; Edwin Lee, addressed the Board on water usage in the City of Carmel, and requested that the following information be read into the record as follows:

"Those of you who were not here or not involved back in 1973, let me say that the PUC instituted a series of hearings on the adequacy of the water supply for the Monterey Peninsula. The hearing examiner was a qualified engineer who had been trained as a hearing examiner. He was assisted by Jim Barnes and other engineers from the hydraulic unit of the Public Utilities Commission. He was also assisted by Searle Saroyan and other attorneyswho represented the legal branch of the PUC. Those hearings were conducted very formally in an effort to find the truth. The methods that they used, I believe, were good, standard engineering methods to arrive at certain conclusions. Those facts are in the record, and it is my opinion that they have not been used in this water allocation, so I would like to introduce them again now, and hope that at some point, that information would be used as a strong part of any allocation system.

"First, I think you all know, you on the Board at least, know that there is a tremendous fluctuation from year to year in annual demand. It is my opinion that that was not considered in the water allocation. The reference to that is PUC Case 9530, Exhibit R-6, Page 1, May 2, 1978. You also have similar information in your files. The second reference, and this is what I was referring to, on a rational calculation of normalized demand, the reference is PUC Case 9530, Decision 84527, Page 68, June 10, 1975. The normalized demand computed by the PUC staff and presented in that decision was 16,500 AF. The next reference is PUC Case 9530, Decision 89195, Page 6, August 8, 1978. They presented in the findings and the decision that the normalized demand for the year 1978 was 16,565 AF per year. That's ten percent more than was used in your allocation process. The next reference is to PUC, the Cal Am Rate Case in 1981, Exhibit A, Page 35, published in December, 1981, in which it may be deduced by looking at the normal years, looking at the normalized line of use, and looking at the normal years that come close to that line, the number of acre feet per residence per year, can be easily calculated to be .337 AF per year. That concludes the references."

Mr. Lee also commented on universal rationing rather than selective basis. Manager Buel responded to the previous comments, followed by additional dialogue between the Board and the speaker.

Additional speakers were as follows: Ellen Coyle, Concerned Neighbors, Del Monte Park, supported comments made by Mr. Russell, and spoke about water use during rationing; John Logan addressed the Board on comments made by previous speakers; Edwin Lee responded to comments made by the previous speaker; Tom Updyke addressed the Board regarding exemptions to the moratorium that may reduce water usage; Susan Whitman, Council Member, City of Pacific Grove, expressed concerns of the residents of the City of Pacific Grove, and supported rationing on a jurisdictional basis and community communication and cooperation in addressing the water problems of the Peninsula. A response from the Chair followed. Matthew Little, Carmel, commented on the average use of water per meter in the District, noting that the average use of water for the City of Carmel was less per meter; Allen Williams, Carmel, commenting on water allocation, noted for the record that the water used by municipality per meter is .33 AF per year for the City of Carmel, followed by Del Rey Oaks at District's average, .493, and the City of Monterey, .567, and the County of Monterey, .659. He further noted for the record that the Carmel City Council spent thousands of dollars to buy low flush toilets for the citizens of Carmel to be installed as water conservation, and questioned the cost of that conservation measure in water savings per acre foot. He encouraged increased allocation for the City of Carmel. Manager Buel clarified comments made by the previous speaker. There were no further comments from the audience, and the public hearing was closed.

The Board recessed at 9:00 p.m. and reconvened at 9:15 p.m.

The Board and staff responded to comments made during the public hearing, and reviewed the conservation program and the allocation/rationing system. In support of better communication, District Board packets will be provided to each jurisdiction, and jurisdictional representation at District Board meetings was encouraged by the Board. The Board also reviewed policy issues to present to the Policy Advisory Committee and review of Carmel's allocation. Director Bernardi moved that the City of Carmel present specific rationale for reconsideration of the allocation to the Policy Advisory Committee. Director Lombardo seconded the motion which carried unanimously.

Chairman Heuer requested Board review of the policy issues relating to a moratorium and ordinance modification. The Board reviewed automatic suspension of the General Manager's authority to issue permits when a jurisdiction has exceeded its allocation. Director Bernardi moved that the Policy Advisory Committee consider automatic/temporary suspension while data is being reviewed. Director DeBerry seconded the motion. Board discussion followed. Question was called. Motion carried

unanimously.

The Board reviewed the trigger mechanism which would initiate a moratorium. Director Bernardi moved to use the "rolling year" based on monthly reporting for the previous twelve months as the trigger mechanism. Director DeBerry seconded the motion. Discussion followed. Director Heuer supported the annual or once-a-year reporting system rather than the rolling year reporting system. Additional discussion followed regarding normal/dry year demand. Motion carried on a vote of four to two. Directors voting in favor were Bernardi, Pendergrass, Williams, and DeBerry. Voting against the motion were Directors Heuer and Lombardo. Staff was directed to research the use of "normalized year" as a trigger concept.

The Board reviewed exempt/automatic exempt projects that do not increase water usage. Manager Buel reviewed the discussion from the Technical Advisory Committee regarding exemptions. The Board also reviewed exemptions regarding remodels without increased water use. By consensus, the Board concluded that there would be no automatic exemptions, but when a moratorium has been imposed, the jurisdiction will determine the permits they are requesting to be exempt, after they report to the Board the measures being taken to conserve water and come back under their allocation.

The Board then reviewed conditions, timing, weather patterns, water reserves and other criteria for lifting a moratorium. Director Lombardo moved that a moratorium be lifted after a jurisdiction has been at 98% of its allocation over a three month-period on a rolling year basis. Director DeBerry seconded the motion. Discussion followed regarding repeatedly occurring moratoriums within a jurisdiction. Director Bernardi questioned procedure when a jurisdiction exceeds its allocation a second time in six months. As an addition to his motion, Director Lombardo suggested that in a jurisdiction, a moratorium may be lifted after three months, and if a moratorium is imposed a second time, no further changes would be allowed within the year. Director DeBerry, as seconder, accepted the addition to the motion. Additional discussion followed. Question called. Motion carried on a vote of five to one with Director Williams opposed. By consensus, the Board directed staff to provide an analyses of the historical record and variation in demand from year to year, and how that variance would interact with the mechanisms for initiating and lifting a moratorium. The Board further directed that the analyses be reviewed by the Policy Advisory Committee and presented back to the Board.

The Board recessed at 10:50 p.m. and reconvened at 11:03 p.m.

2. REVISION TO CAL AM ANNUAL WATER BUDGET - After presentation of background information by Chairman Heuer, Jim Finnigan reviewed the proposed changes to Cal Am's water budget and recommended adoption of the water supply budget. The public

ATTACHMENT #4

ITEM: III A PROCESS FOR RESPONDING TO CITY OF CARMEL REQUEST RE ALLOCATION

MEETING DATE: OCTOBER 13, 1986

BACKGROUND INFORMATION: At the September Board meeting the City of Carmel-by-the-Sea formally requested that the District review the allocation. The Board received the city's request and referred it to the Technical and Policy Advisory Committees for recommendation. Chairman Heuer has asked that staff review in this note the District's perspective on the community's water status and the process for responding to the city's request.

Community Water Status

As the Board discussed at its October 9 workshop, water consumption on the Monterey Peninsula has risen dramatically over the past five years. 1985-1986 consumption within the Cal-Am service area was ten percent greater than forecast by Recht in 1980 as illustrated in Exhibit A. This pattern has occurred even though land use growth is approximately in line with Recht's 1980 projections. Whether the dramatic increase in consumption is related to intensification, remodeling, changed consumer behavior, weather or simply the selection of a low base in 1981, the community is using much more water than expected.

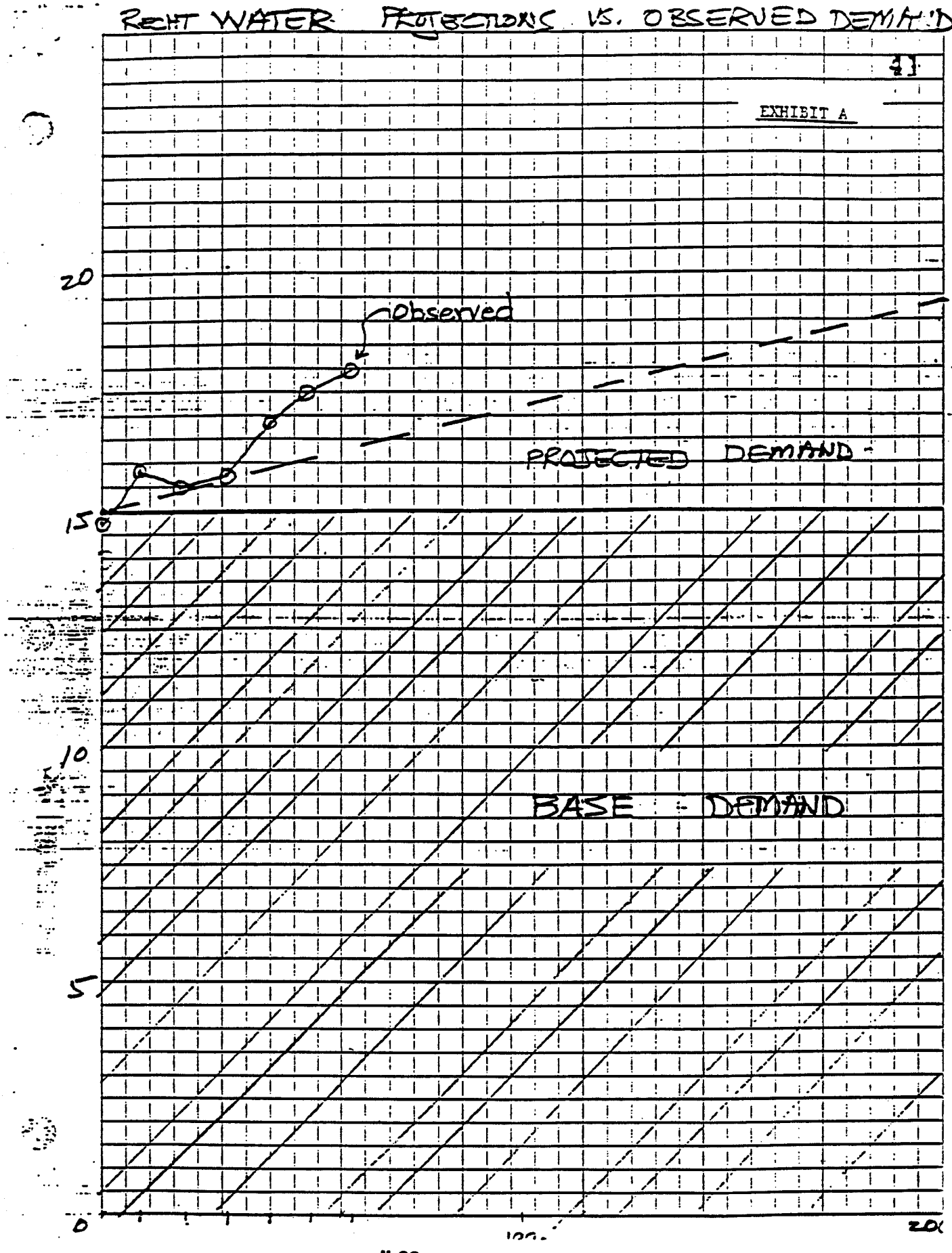
With production at 17,927 acre feet, the community has consumed 90% of the allotted resource. Approximately 2,000 acre feet of water is available for new growth as compared to the 3,800 acre feet projected by Recht.

This picture is further complicated by the year-to-year variation in consumption. Historical records indicate that the community can use ten percent more water in dry years than in average years. Thus, in a re-occurance of a year like 1976, the total consumption could jump even higher than the 1985-86 total. This is particularly serious for Carmel, Pacific Grove and Seaside that are already over ninety percent of their allocation and Monterey County whose consumption is at ninety percent of its allocation.

Staff believes that the City of Carmel's request should be reviewed in light of this setting. Each jurisdiction should consider its internal priority system given the knowledge that consumption can vary dramatically from year to year.

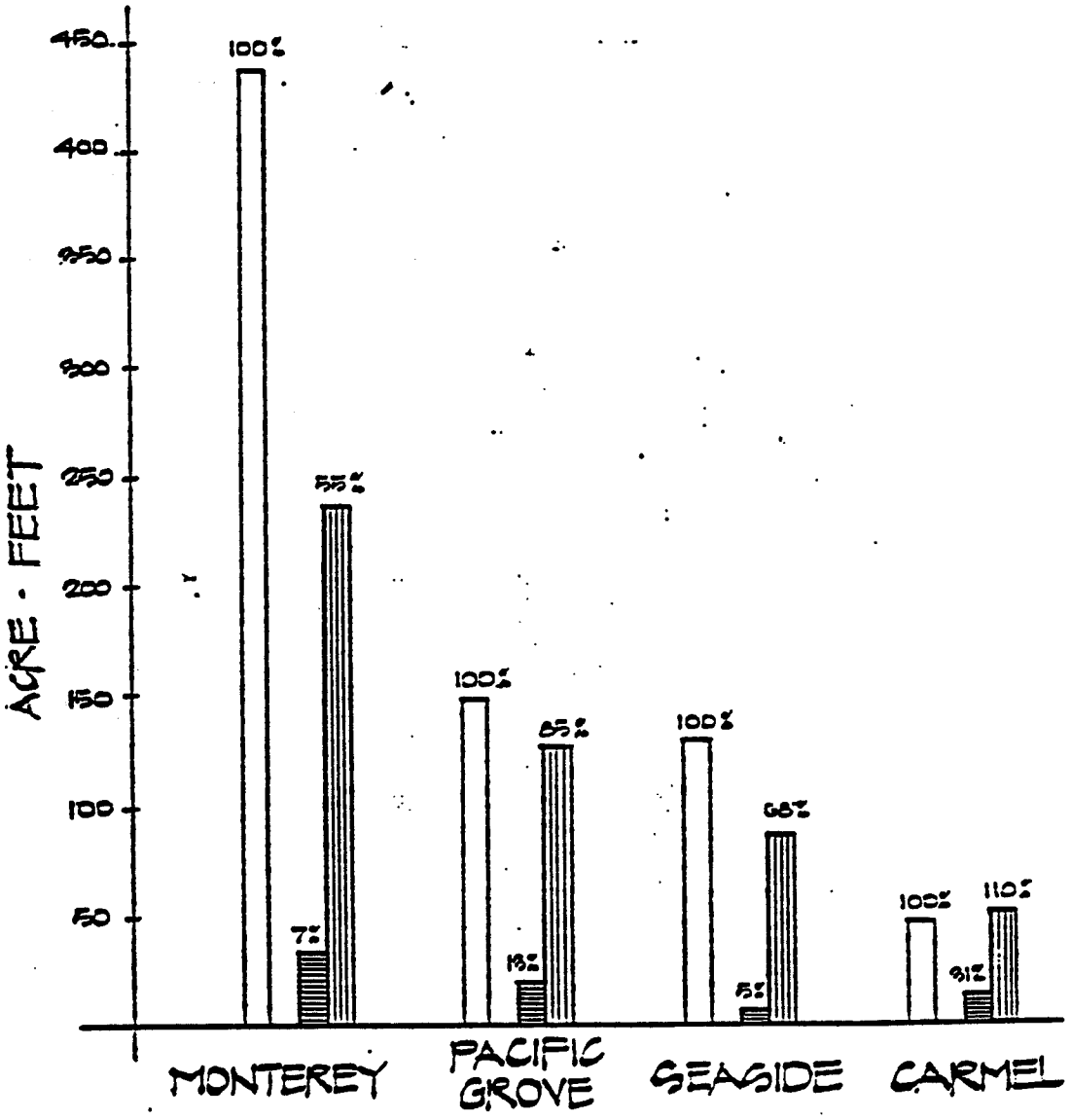
Process for Responding to the City's Request

At the September Board meeting, staff indicated that the city's request could be processed through TAC and PAC by the end of October; such that the Board could review their recommendations in November. In light of the meter audit


RECLT WATER PROJECTIONS VS. OBSERVED DEMAND
EXHIBIT A
20
observed
PROJECTED DEMAND
15
10
BASE DEMAND
5
0

RESIDENTIAL WATER USE
PLANNED. ANTICIPATED. ACTUAL

SELECTED PENINSULA CITIES

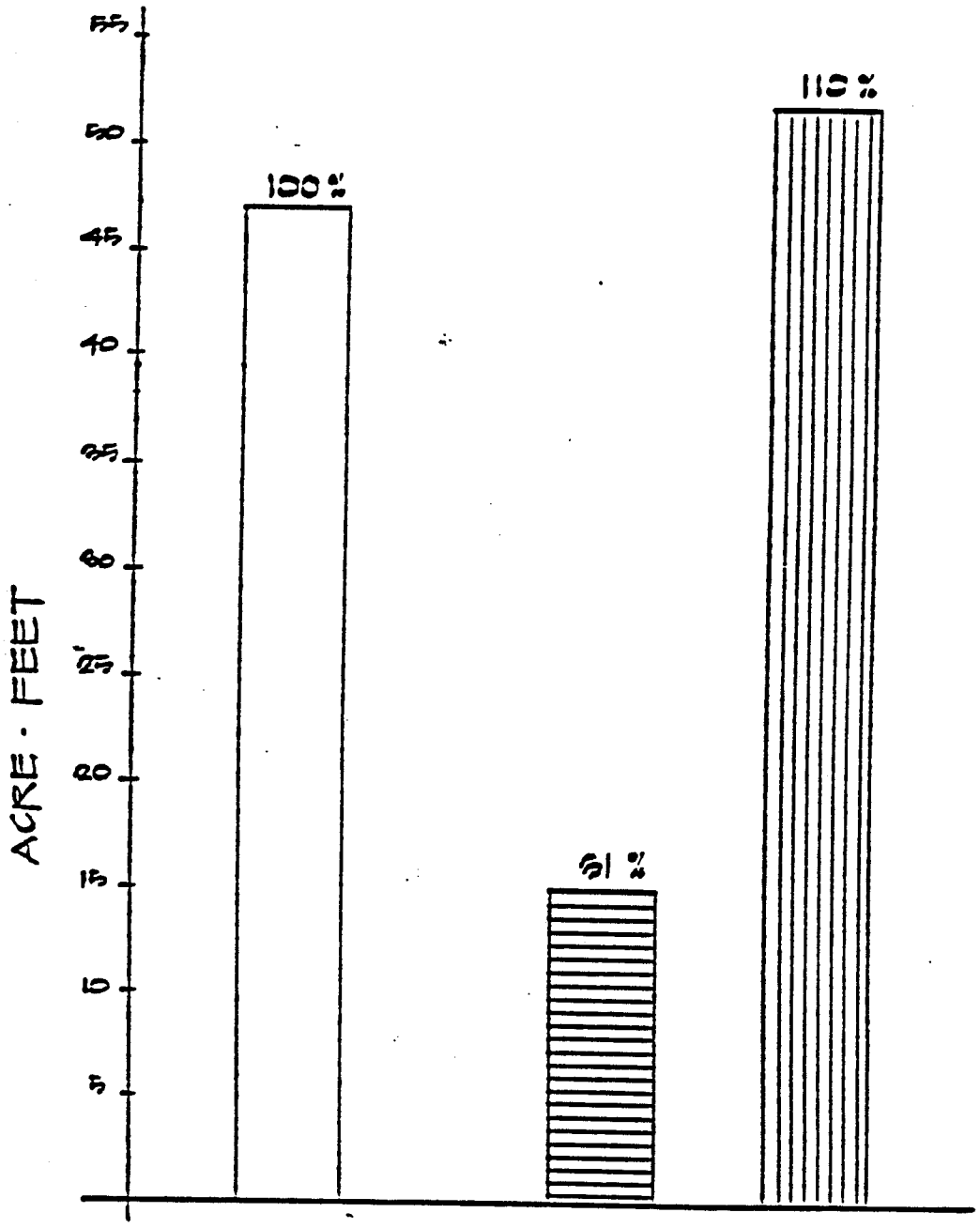


PLANNED RESIDENTIAL GROWTH (RECHT)

ANTICIPATED WATER DEMAND (BASED ON NUMBER OF UNITS BUILT

ACTUAL WATER USAGE (INCREASE IN METERED SALES FROM ALL RESIDENTIAL CONNECTIONS 1980-K AS A PERCENTAGE OF WATER ALLOCATE FOR RESIDENTIAL GROWTH

CARMEL-BY-THE-SEA
RESIDENTIAL WATER USE
PLANNED, ANTICIPATED, ACTUAL



SOURCES: CAL.AM ANNUAL REPORTS
CITY ELEC. OFFICIALS ANNUAL GROWTH

4B

RECEIVED
JUN 20 1989
M.P.W.M.D.

City of Carmel-by-the-Sea

POST OFFICE DRAWER G
CARMEL-BY-THE-SEA, CALIF. 93921 (408) 624-6835

COMMUNITY PLANNING
AND BUILDING DEPARTMENT

June 20, 1989

Mr. Bruce Buel
General Manager
Monterey Peninsula Water Management District
Post Office Box 85
Monterey, CA 93940

Subject: Comments on the Draft Environmental Impact Report for the Water Allocation Program

Dear Bruce,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Water Allocation Program. The City of Carmel-by-the-Sea previously submitted comments to the District on June 12, 1989. The following additional comments are intended to augment previous comments and raise questions that should help improve the substance and presentation of the Final EIR.

1. On page 2 (Summary) it is noted that this EIR does not address the effect of any new water supply or reclamation projects being considered. The allocation program EIR should at least provide an overview of potential water supply projects to allow tiering as discussed in the California Environmental Quality Act Guidelines. (4B-1)

2. Page 10 states that monitoring of impacts on the lagoon at the mouth of the Carmel River should include mapping of wetland and vegetation zonation patterns. Under Monterey County planning documents for this area the definition of wetlands includes wetland soil types which should also be mapped since existing vegetation in this area has been disturbed through grazing and other activities. (4B-2)

3. On page 11 under the heading "Wildlife", it is stated that impacts on wildlife associated with riparian vegetation would be significant under all four supply options. Wouldn't Option #IV improve over the current situation? This should be explained more fully. 4B-3

4. On page 11 under the heading "Fisheries", the first mitigation measure is unclear. What is the reach from which juvenile steelhead would be rescued? 4B-4

5. Page 13 under the heading "Wastewater", it is stated that the Monterey Peninsula has ample sewage treatment capacity to accommodate growth under any of the supply options. Is there any potential for contamination of the Peninsula's water supply in Carmel Valley from the lack of a sanitary sewer system serving Carmel Valley development? Are there plans for providing sewer service for Carmel Valley? Are there any areas of nitrate contamination under existing conditions and would development as contemplated by the Carmel Valley Master Plan create any other areas of potential nitrate contamination? If there were nitrate contamination on a wide-spread basis, is such contamination reversible? The EIR relies on the Montgomery Engineer's Report (1982) for a determination of this problem. Does this report agree with other sources? 4B-5

6. On page 13 under the heading "Contstruction Industry", it is stated that supply options #I and #IV would have a significant adverse impact on the construction industry. In the analysis for this section, the EIR should distinguish between the amount of construction activity on the Peninsula requiring new water meters and/or new water permits and other construction activity such as remodels or additions which do not require increased access to water supplies. If the water supply option selected by the Monterey Peninsula Water Management District does not allow for new connections, how much construction work would still be available to the industry through replacement housing, additions and remodel work? 4B-6

7. Tables 4 and 5 on pages 15 and 16 have been very helpful in comparing impacts under the various water supply options. This chart would be more helpful if there were two levels of shading used to designate significant adverse impacts as well as potentially significant impacts. 4B-7

8. On page 17, at the top of the page, are two sentences which are unclear. 4B-8

9. On page I-1, in the third paragraph, the EIR refers to conservation and reclamation as the development of "new" water resources. This is a misnomer. Conservation and reclamation are not new water resources, but husbandry of existing water resources. (4B-9)

10. On page II-7 under the heading "Assumptions and Methodology - Base Allocations", the EIR incorrectly states that Alternative #I includes a base allocation. (4B-10)

11. On page II-8, the first paragraph of text discusses the adjustment for intensification and remodel factors. This adjustment appears to end by 1995 on the assumption that a new water supply project will be completed by that date. Is this still an appropriate assumption? How would the allocation be affected if there were no new water supply project by 1995? (4B-11)

12. On page II-9, at the top of the page, the EIR incorrectly states that Alternative #II is based on build-out assumptions. Alternative #II is based on economic forecasts through the year 1999 prepared by Recht-Hausrath and Associates. (4B-12)

13. On pages II-24-25, the EIR attempts to summarize the effect of the various alternatives on each of the member jurisdictions. This section should be rewritten in its entirety because it treats each jurisdiction on a different basis and tends to obscure the true impacts of each allocation alternative. The section for Carmel-by-the-Sea is particularly misleading in that it states that the City would benefit under all of the proposed distribution alternatives. The City strongly objects to this characterization of the alternatives analysis. As the City made clear to the District in its transmittal of 12 June 1989, the court settlement of the law suit between the City of Carmel-bythe-Sea and the Monterey Peninsula Water Management District resulted in an increase in the City's allocation of 100 acre feet until the EIR is certified and a new allocation is adopted. On this basis the City would lose water from its current allotment under each of the proposed distribution alternatives. (4B-13)

14. On page II-32, the EIR discusses the possibility that water conserved in each jurisdiction could either be reallocated by the District or preserved by the District as a drought reserve. The EIR should discuss by what mechanism these alternatives could be achieved. (4B-14)

15. On page III-9 in the discussion of surface water resources, the lagoon located at the mouth of the Carmel River is described as intermittent. Is this characterization correct? What is the rate of siltation within the lagoon? What is the long-term impact on the lagoon if there is no new water supply built? (4B-15)

16. On page III-12, the discussion on the long-term historical effects on riparian vegetation is very interesting. It would be very useful to include some photographs showing the progressive loss of riparian vegetation over time. This would make the presentation more clear and graphically illustrate the effects on the Carmel River watershed. The text of this section appears to indicate that if no additional water were extracted from the Carmel Valley aquifers, the retreat of riparian vegetation would not get worse. Is the loss of riparian vegetation a phenomenon which involves time lags? Does the District know if this retreat of vegetation has stabilized or would it continue to worsen for a few years even if additional pumping were stopped now? (4B-16)

17. On page III-31, in the third paragraph, the EIR discusses the District's 1981 policy on the allocation of water. This discussion should note that at the time this allocation was created the total amount of water needed for the growth expected by the year 2000 was less than the total supply estimated to be available by the Water District. This resulted in what appeared to be a surplus of water over the amount needed for each jurisdiction's growth. (4B-17)

18. The junction between pages IV-12 and IV-13 includes a non-sequitur. (4B-18)

19. In the discussion of the rationing program necessary under each of the alternatives, the EIR should discuss potential incentives or alternatives to the rationing program that would encourage each jurisdiction to live within the limited available water supply. Presently the rationing program has been designed to treat each water customer as an individual. Another approach to rationing water is to consider each jurisdiction as a rationing unit. For example, under the current rationing target of a 20% cutback, why couldn't rationing controls be eliminated for all customers within a jurisdiction that meets the rationing target? In other words, if a City were using less than 80% of its water allocation, none of the citizens or businesses within that jurisdiction would need to ration since that jurisdiction already complies with the program's goals. (4B-19)

Another possible alternative would be to cease issuing water permits for projects using more water in any jurisdiction that, as a whole, does not meet the rationing target. These types of programs would encourage each jurisdiction to become more responsible for its own water allocation and to particularly encourage conservation of water resources.

20. Using the rationing protocol designed by the Water District to determine what the necessary level of rationing cutbacks must be in any given year, could the EIR use the water supply levels for the current drought to describe the necessary level of cutback that would have been necessary through the summer of 1989 for each of the water supply options discussed in the EIR (at full build-out)? This review would clarify for the public what rationing impacts might be under each of the proposed water supply options. The existing analysis is very technical and simpler means must be found for explaining this important issue to the public.

(4B20)

21. Alternative water supply Option #4 anticipates a water supply less than current normal levels of production. What means are available of achieving the necessary cutback? Might there still not be an opportunity for new construction if conservation technology were employed to reduce water use on any given site? Innovative programs like those instituted in the City of Morro Bay should also be discussed in the EIR.

(4B21)

Once again I would like to thank the District for this opportunity to comment on the Draft Environmental Impact Report. While the document is difficult to read at times, it does appear well organized and can serve as a framework for developing a Final Environmental Impact Report that will assist the community in making the difficult decisions ahead. If either the District or the consultant wish to discuss any of these items with me further I would be most happy to assist in explaining the reasons for including responses to these comments in a Final Environmental Impact Report.

Sincerely,

Brian Roseth

Brian Roseth
Associate Planner

cc: Douglas J. Schmitz, City Administrator
Don Freeman, City Attorney

Summary of Comments on the Allocation Program EIR Received on June 12, 1989

Jeanne Byrne - MBAIA (See letter.)

Brian Roseth - City of Carmel-by-the-Sea - Draft is well organized and is a good springboard for an improved information base. Document is too technical for lay people to understand. Document needs to address "significant adverse environmental impacts" and "short term vs. long term impacts" in more depth and in a non-technical manner. (See letter.) (4C) (4C-1)

Ira Lively - City of Seaside - Summary of concerns to be addressed in more detail. The negative aesthetic impacts of I and IV are understated. Water supply options II and III will result in sprawl and thus increase traffic and generate air pollutants. Seaside believes that any reduction in water supply will adversely impact local land use planning.

Bob Greenwood - CVPOA (See letter.)

Edwin B. Lee (See letter.)

Don Boston - EIR needs to recognize recreation/aesthetics with fiscal impacts. Construction industry is not as mobile as EIR suggests. Fiscal impacts related to moratorium needs closer analysis. Don Boston questions the reality of the buildout projections. Tourism dollars need to be updated.

John Williams - Questions count of vacant lots of record. Questions proper "no project" alternative. What if there were no MPWMD? EIR needs to compare existing allocation with the "proposed allocation." EIR should examine policy implications for water shifts.

(5)

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JUN 20 1989
M.P.W.M.D.

June 19, 1989

Mr. Nick Lombardo, Chairman
Monterey Peninsula Water Management District Board
187 El Dorado Street, Suite E
Monterey, CA 93940

Dear Mr. Lombardo:

The Monterey City Council has met twice and made comments on issues in the Draft Water Allocation Environmental Impact Report (EIR). These comments have been transmitted to the Monterey Peninsula Water Management District at separate times. I am enclosing all comments in this letter so that you will have the City Council's comments in one document.

Thank you for the opportunity to comment on the Draft EIR.

Sincerely, Karl Ditzen, Mayor Pro-Tem
for
Dan Albert
Mayor

DA/BK:rm

WATER ALLOCATION EIR
Monterey City Council Policy Positions
June 19, 1989

A. At its May 16 meeting, the City Council requested the Water Management District to consider the following issues in the EIR:

1. The Final EIR should provide further analysis of supply option IV, 17,500 acre feet. The Final EIR should analyze the use of "new" water (conservation, reclamation, new potable water) as a way to mitigate the following: 5-1

   a. The identified adverse impacts of the more intensive water supply options (I, II, & III) and

   b. The identified adverse impacts which would result because the EIR assumes that option IV would result in a building moratorium.

2. The Final EIR should analyze the impacts of the District acceptable risk policy. The Final EIR should analyze use of "new" water resources (conservation, reclamation, new potable water) to create a drought reserve to minimize the frequency and magnitude of rationing. 5-2

3. Delay consideration of the allocation alternatives until the issue of water supply, drought reserve, and growth potential based on "new" water (conservation, reclamation, new potable water) is properly addressed in the EIR. 5-3

B. On May 23, the City Council addressed the following issues to the Water Management District.

1. The District should address the following issues with regard to Allocation Alternative IV. 5-4

   a. The vacant lots upon which this allocation has been based have not been verified that they are usable building sites.

   b. A vacant lot in the County receives .416 acre feet of water and a vacant lot in the city within the District receives .251 acre feet of water.

   c. A commercial lot in the County receives .416 acre feet of water and a commercial lot in the city within the District receives .251 acre feet of water.

   d. The County is anticipated to have 20% of the region's growth and would receive 33% of the water allocation; this does not include any allocation from new water sources such as the Pebble Beach reclamation project or the water rights issue in Carmel Valley.

2. If water use exceeds supply, the Water District will impose a moratorium. The EIR does not consider this to be a significant impact because the EIR assumes that there will be a new dam (or other major 5-5

supply) by 1995. Other estimates are that a new dam will not be built for 15-40 years. The EIR should address the following issues:

a. What is the basis for assuming that there will be a new dam by 1995?

b. When will member jurisdictions run out of water if a new dam is delayed?

c. What are the impacts of and mitigation measures for the impacts of an extended moratorium?

3. The EIR uses Water District Policy that 25% shortfall is an acceptable drought risk. The EIR concludes that there is no drought risk because the there would never be a 25% shortfall. (Neither the 1976-77 drought nor the current drought would produce a 25% shortfall). The simulation model in the EIR is designed so that rationing will not exceed 15%, so rationing hardships are not considered significant. The District is currently at the next to lowest water supply option, and narrowly avoided 40% rationing. The EIR should address the following issues:

(5-6)

a. Drought risk analysis should be based on impacts on the community, rather than comparison to a District Policy. The 1976-77 drought should be considered as a significant effect. The current drought is is not as severe but is considered significant by many residents.

b. Drought hardship analysis should explain under why the current rationing exceeds the model limit of 15%.

c. Mitigation measures should be revised to address drought risk and drought hardship impacts identified above.

4. The City Council asked for the District to address the following:

(5-7)

a. Analyze impact of new hook-ups under current General Plans (Cumulative 5 years-10 years, etc.)

b. No new storage, salt water intrusion, and still new hook-ups allowed. The positive impacts of continued jobs will halt abruptly if drought continues.

c. How much water do we really have in storage?

d. Cooperation with other agencies to look at salt water intrusion, reclamation, conservation (such as Sewer Board).

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TELEPHONE (408) 373-1576

(6)

June 13, 1988

Bruce Buel
General Manager
Monterey Peninsula Water Management Agency
187 Eldorado Avenue, Suite E
Monterey, CA 93940

Subject: **COMMENTS RE DRAFT EIR FOR WATER ALLOCATION PROGRAM**

Dear Bruce:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Water Allocation Program (DEIR). The City Council of the City of Pacific Grove has reviewed the DEIR and would like to offer the following comments.

THE PROJECT AND ALTERNATIVE ALLOCATION FORMULAS

In its analysis of alternative allocation formulas, the DEIR lists four water supply options. However, it really only discusses two of the options (Options II and III) while dismissing Options I and IV because the latter two "would result in either the same or less water supply capacity..." The DEIR states, "if consumption by [current] users were to fall below the current level or cease altogether, the additional water made available by reduced consumption would be redistributed according to one of the ...[distribution alternatives]." However, there is no further discussion of this topic.

Because the EIR is intended to be an informational document, the tables in the draft EIR should be amended to reflect these two options and their related water distribution alternatives to enable the public and decision makers to evaluate the two alternatives. This is particularly important for Alternative IV, which is represented in the draft EIR as the least environmentally damaging alternative, and because the MPWMD may find itself in the position of either having to choose that alternative or else make findings of overriding considerations. (6-1)

With respect to Option IV, we request a clarification regarding the statement at the top of page II-4 which reads, "It is assumed that this [Option IV] supply level, which is lower than the current production level, would be achieved through conservation (6-2)

measures." Is this assumption being made by the MPWMD or the consultant? Secondly, it should be noted that if Option IV is selected, it is likely that the district may be faced with an on-going rationing situation until a new source of water is developed. This further raises the issue of whether the MPWMD should continue to grant new hookups without any new source of water being available.

6-3 The draft EIR lists five distribution alternatives. Figures associated with Alternative I, the first-come first-served alternative, should be deleted and a comment added indicating that the actual impacts are unknown because one cannot make any meaningful projection of what construction activity would take place if this alternative were selected.

6-4 Alternative V is not a realistic alternative and ought to be deleted because it will not provide a guaranteed minimum amount of water for member jurisdictions and could also result in a developed jurisdiction with a moderate growth rate having to give up water so a small jurisdiction with a large ratio can further develop.

We concur with the City of Monterey's suggestion that the EIR should provide further analysis of Supply Option IV by examining the use of "new" water gained through conservation, reclamation, and any other source of additional potable water as a means of mitigating (1) the identified adverse impacts of the more intensive water supply options and (2) the identified adverse impacts which would result from the building moratorium implicit in adoption of Option IV.

6-5 With respect to developing additional water in the short-term, we found the discussion of conservation measures and reclamation as possible sources of additional water surprisingly weak given that the DEIR states the MPWMD proposes to reduce water consumption by 9% through conservation. Not only should the discussion of conservation and reclamation be strengthened, but the EIR should analyze the use of "new" water to create a drought reserve to reduce the level of risk for rationing.

IMPACTS

6-6 The narrative and various tables are at times contradictory concerning the significance of impacts if either Option II or III is adopted. For example, Tables 4 and 5 show "significant" or "potentially significant" impacts for many categories while Table V-19 and V-23 indicate "unknown" or "less than significant" for the same categories under the same supply options.

6-7 In addition, the interrelationship of the various categories is ignored. Significant impacts on vegetation, recreation, aesthetics, and particularly traffic will certainly effect tourism. Such impacts will, in turn, produce fiscal impacts that

effect employment in an area which depends heavily on the tourist industry for a health economy. We feel that the cumulative impact of these various impacts will be significatn and should further be discussed.

One of the main themes of the DEIR is that the adoption of Supply Option I, II, or III will result in a number of significant impacts, particularly on the plants and fish of the Carmel River. However, Option IV will also have impacts which need to be further discussed. (6-8)

For example, the discussion of impacts on housing concludes that supply Options II and III will be beneficial because "it is assumed that any growth in the housing stock is beneficial" and Options I and IV "would have no housing-related impacts." Leaving aside the value judgment associated with the impacts of Options II and III, there is a real question of the impact of Options I and IV on affordable housing including impacts on current low income housing and constraints on the development of additional affordable housing. We suggest that the latter impact and the impact on the construction industry be further discussed in the EIR. Likewise discussion of the impacts on schools, the economy, tourism, and employment resulting from the adoption of Option IV should be expanded.

The discussion of impacts on air quality ought to be amended to include consistency with the draft 1989 Air Quality Management Plan rather than the 1982 plan which was in effect at the time the DEIR was started. We concur with the comments contained in the MBUAPCD's letter dated May 2, 1989 on this topic. (6-9) (6-10)

The DEIR should evaluate the impact on the regional treatment facility if Option IV is implemented. In other words, is there a minimum amount of water that is required to keep the treatment plant and sewer lines flowing, and how does Option IV relate to that minimum? (6-11)

The draft EIR is incomplete in its discussion of how impacts such as traffic are to be addressed under any of the water supply alternatives. The draft EIR notes that there are traffic problems currently, and that these problems will worsen with any new development unless improvements to roadways and transit are made. The draft EIR contains a list of needed transportation related improvements but no indication of who will carry out the required monitoring and mitigation pursuant to recently enacted AB 3180. The proposed mitigation measures for infrastructure improvements cannot be considered as meaningful unless an implementation program and sources of funding are provided. (6-12)

We also request that in light of recent actions by the City of Pacific Grove and the Holman Highway Task Force the comments pertaining to Holman Highway (see pages V-26, V-28, and V-29) be amended to remove references to Holman Highway being a "freeway segment" and the roadway being upgraded from a four-lane highway to a four-lane freeway.

Finally, with respect to traffic, we believe that the trip generation figures should be considered as being extremely conservative until the 1990 census data is available.

6-13 The DEIR should also include a cost-effectiveness analysis of each of the supply options, with a further evaluation of the fiscal impact on local jurisdictions.

QUESTIONS AND EDITORIAL COMMENTS

6-14 The draft EIR would be improved if the philosophy and underlying assumptions of the distribution alternatives were discussed. For example, the current allocation formula is based on economic projections for the region, while the build-out projections are based on the various methodologies used by the jurisdictions.

6-15 At this point, we would also like to suggest that all district uses be metered, including wells, so we get a more accurate assessment of how much water is available.

6-16 We also believe that the basis for determining the distribution of water among various uses should be reevaluated. For example, it appears that the allocation of water for residential uses, which is based on consumption by "building" ignores actual use by "people". We think that the allocation of water for residential uses should be based on the amount of water necessary to sustain a comfortable lifestyle for a household of a certain size or a per capita amount based on the occupancy potential of a structure.

6-17 The figures for Monterey County should be broken out by the several subareas of the county within the MPWMD, i.e. Pebble Beach, Carmel Valley, and the unincorporated area along Highway 68 corridor should be specified and shown as distinct entities for planning purposes and definition of impacts.

6-18 The draft EIR should explain why incorporated areas are allocated only .251 acre-feet per vacant lot while unincorporated areas are allocated .416 acre-feet per vacant lot. Furthermore, a distinction should be made between allocation of water for "planning purposes" (i.e. build out projections) versus water that can actually be delivered and is in fact actually being used, regardless of allocations.

6-19 We suggest a change in the format in which some of the data is presented in the DEIR regarding "new" water potential under the ten option/alternative scenarios. Distribution Alternative II is the present one, so a table showing the other alternatives relative to Alternative II would be very helpful. For instance, if the data of Table II-11 were arranged to compare Supply Option II Alternatives II and IV, the following results are obtained:

Jurisdiction	Change in Allocation
Carmel	+124%
Del Rey Oaks	- 87%
City of Monterey	- 42%
Pacific Grove	- 42%
Sand City	+ 9%
Seaside	+103%
Monterey County	+ 50%

We recommend that the following sentence in Appendix B (see page B-2, also II-12 and Table II-4) regarding the number of buildable sites in Pacific Grove be amended to read "The number of vacant ~~lots~~ building sites was ... calculated to be 268." This wording is intended to clarify the possible confusion which a reader may have when he/she adds 114 "vacant parcels" to 154 "vacant lots" and gets 268 "vacant lots." The 114 figure refers to assessor's parcels, while the 154 refers to lots of record which are not included in the assessor's records. (6-20)

In conclusion, we commend your efforts toward preparing an environmental document that attempts to identify the various environmental impacts which can be anticipated from the four water supply options being considered for the water allocation program. Like the MRWPCA in its recent EIR, your document notes that the infrastructure of this region is not adequate to support the projected growth within the MPWMD's service area. In addition, your document appears to argue that the amount of water production consistent with environmental protection of the Carmel River has been exceeded. If these conclusions are accurate, the jurisdictions within the district, both individually and collectively, are faced with critical land use policy decisions as well as the imperative to work together in a coordinated effort to plan for the future of this region.

MORRIS G. FISHER
Mayor

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JUN 15 1989
M.P.W.M.D.

City of Sand City

OFFICE OF

May 31, 1989

Mr. Bruce Buel, Director
Monterey Peninsula Water Management District
P. O. Box 85
Monterey, California 93940

Re: **Water Allocation Program, Draft Enviromental Impact Report (EIR)**

Dear Bruce:

This letter is the City of Sand City's response to the draft EIR dated March 30, 1989, prepared for the Monterey Peninsula Water Management District (MPWMD) regarding the district's water allocation program. Our comments are as follows.

Water Supply Options

7-1 The city agrees with the assumption that the four water supply options outlined in the EIR are the most logical to be evaluated for the existing system. However, we would like to see additional analysis included for each option regarding conservation and reclamation. In other words, how is this water (water added to the system from conservation or reclamation) allocated? The City of Sand City suggests that it is inappropriate to assume under any of the options that the peninsula would be subject to a building moratorium. I think this type of assumption precludes any creativity by the various jurisdictions. For example, Sand City could replace leaky water pipes in the Cal-Am system, conserve water in existing businesses, and use well water for landscaping. In addition, the city has some other possibilities for water supply, such as existing well water that is not a part of the Seaside Aquifer and desalinization of Monterey Bay water.

As far as the water supply options go, Sand City supports the current water supply capacity, or water supply option II: 20,000 acre-feet. In regards to the "environmentally superior alternative" (17,500 acre feet), it is the City of Sand City's contention that environmental issues regarding the riparian habitat along the Carmel River have, at least in part, been mitigated by the MPWMD. The district initiated a riparian irrigation program several years ago in the vicinity of Cal-Am's newest wells in the Lower Carmel Valley. That program is paid for by Cal-Am and by surcharges on connection permits. A more recent program for emergency relief on the riparian habitat along the Carmel

Valley River banks was initiated this year and was paid for by a surcharge on Cal-Am customer water bills. Therefore, the public is currently funding environmental mitigations. In addition, the MPWMD has a policy to limit Cal-Am pumping of the ground-water resources in the upper Carmel Valley to maintain the drought reserve. These items should be further reflected in the EIR. (7-2)

Water Distribution Alternatives

The city agrees that the five alternatives presented in the EIR should be included and analyzed in the document. However, water distribution alternative I (the first-come, first-served alternative) should not include a quantified allocation by jurisdiction. We think this is misleading to the public and the individual jurisdictions. If water is allocated on a first-come, first-served basis, no one can know what the distribution per jurisdiction will be. (7-3)

As a part of water distribution alternatives, private wells in Sand City should be considered. When the current allocation was set, there was much discussion about providing allocation of Cal-Am water to Sand City to account for the current well use. At that time, the purposes in providing allocation to the current wells was eventually to take the wells close to the coast out of production in order to prevent the potential for salt-water intrusion, or to add them to the Cal-Am system in order to promote comprehensive management of the ground-water basin. A third purpose was discussed, which was to have allocated water available to those businesses using well water if the wells were ever to fail. It is the city's opinion that water should be allocated, at a minimum, to the small coastal wells in Sand City. (7-4)

There has been some discussion about MPWMD and its consultants identifying the highest and best use for water, and then allocating or distributing the water per that prioritization. The City of Sand City would like to make it very clear that if there is to be an allocation, it is, in our opinion, the individual jurisdiction's responsibility to allocate water to uses.

Historically, Sand City as a jurisdiction on the Monterey Peninsula has used very little of the available water supply from California-American Water Company. It is only fair and reasonable that Sand City be entitled now to an adequate supply of water to accommodate the growth within this jurisdiction of the Monterey Peninsula.

According to Table III-7 in the EIR, Sand City used only 04.35 acre-feet of water in 1988, which was less than one percent (0.6%) of the total water used in the Monterey Peninsula area. At total build-out, Sand City would only use 4.7 percent of the total water supply according to Table 1 in the EIR. Sand City feels very strongly that it should not be left short of its fair share for future growth just because the other jurisdictions have had more growth in

the past and because that is reflected in a larger percentage of the available water supply for those jurisdictions. Therefore, whatever allocation methodology is used, future growth must be a component.

Compliance Mechanisms

The city concurs that the compliance mechanisms included in the EIR are appropriate and does not propose any further mechanisms. However, as a part of the discussion on the fixed-year versus rolling-year monitoring and compliance determinations, further analysis should be included regarding what a jurisdiction could expect in the way of action by the MPWMD if the jurisdiction were to exceed its allocation--for example, (1) an audit of the water records, (2) a three-month grace period without any sanctions by the MPWMD in order to internally deal with significant problem areas, (3) a standardized procedure for dealing with jurisdictions exceeding their allocation, and (4) a set of sanctions for the jurisdiction that exceeds its allocation. This way, each jurisdiction will know what it is facing if it exceeds its designated allocation.

7-5

As a side note, the City of Sand City prefers the rolling-year average monitoring and compliance mechanism.

Regarding the "grace amount" (the interim policy set up by the MPWMD for jurisdictions that exceed their current allocation), the City of Sand City would like to see additional discussion. Specifically, it is our opinion that more detail is needed regarding how this policy could be modified to serve all of the jurisdictions fairly in the long term (from the time a new allocation is set, assuming there is an allocation, to the time a new water supply project is available to the system).

Thank you for the opportunity to respond to this draft EIR. If you have any questions, please call me.

Sincerely,

Dick Goblirsch
City Administrator

cc: City Council members
Kelly Morgan, City Planner
Michael Groves, Consultant

CITY OF SEASIDE

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(8)

June 16, 1989

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JUN 19 1989
M.P.W.M.D.

Board of Directors
Monterey Peninsula Water Management District
P. O. Box 85
Monterey CA 93941

RE: Draft EIR, Water Allocation Program

Dear Board Members:

The City of Seaside appreciates the opportunity to review the Draft EIR. We realize that much time and effort has been expended on this document; however, we believe that additional impacts should be addressed.

1. Tourism. Page IV-96, addresses only the impacts on aesthetics in Carmel Valley. What about the aesthetics in other areas of the Monterey Peninsula as well as Seaside? The reduction of available water supply under Supply Options I and IV will reduce the available water for open space, landscape and lawns, thus creating the "brown lawn effect". Supply Options I and IV will have a potentially significant adverse impact on tourism. (8-1)

Under Impacts and Mitigation Measures, Supply Option I, page IV-96, the statement "As tourism in California increases, the demand for tourist facilities in the Monterey area should increase. Keeping the level of tourist facilities constant may represent a lost opportunity to keep pace with demand" is certainly a significant negative impact.

Under Supply Option IV, page IV-97, the statement "In fact, the water conservation components of this option may adversely affect hotel occupancy if hotels had to close rooms in order to meet the available water supply. Localized reduction in visitation could potentially occur under supply option" is also a potentially significant negative impact.

2. Traffic. Table 4 indicates that Options II and III would have a "significant adverse impact" on traffic and that Options I and IV would have "no impact" on traffic. How can Options I and IV have "no impact" on traffic? By not accommodating the AMBAG projected growth within the Cal-Am Water service area, we are forcing the new growth to other communities and rural areas, thereby contributing to urban sprawl, longer commute trips, more road miles driven by more commuters, and reducing the potential of using more efficient public mass transit to accommodate this traffic within the Monterey Peninsula urbanized area. Therefore, the impacts of Options I and IV on traffic should be changed to "significant". (8-2)

3. Air Quality. Table 4 indicates that Options II and III would have a "less than significant impact" on air quality and that Options I and IV would have "no impact" on air quality. Since Options I and IV do not accommodate the expected growth, they force this growth to occur in other communities and in rural areas, thereby contributing to urban sprawl and creating even longer commutes which would produce even more vehicle emissions than if the projected growth were accommodated within the Cal-Am Water service area. Therefore, the impacts of Options I and IV on air quality should be changed to "significant". (8-3)

4. Fisheries. Table 5 indicates that Options II and III would have a "significant adverse impact" on fisheries, even with full mitigation measures. All viable alternatives to mitigate this impact must be considered before reaching this conclusion. Has the district exhausted all creative solutions to mitigate the impact on fisheries, even going beyond the district boundaries to offset this impact if necessary? We believe that there should be some way to lessen this impact to either the "potentially significant" or "less than significant" level. Are the methods utilized to assess the impacts to fisheries relied upon by other experts? Has the Department of Fish and Game acknowledged that these methods are reliable and produce accurate results? (8-4)

5. Fiscal Impacts. The fiscal impacts of each water supply option, both with and without mitigation measures, is identified as less than significant. The evidence to support this determination is conclusionary, does not present existing facts, lacks internal consistency within the report, and omits directly relevant analysis. (8-5)

Under Supply Option I, 18,400 acre feet (current production), page IV-100, it is stated that "very little new residential and commercial development would occur within the Cal-Am service area beyond development that could be supported through water conservation measures. Public expenditures, which are generally linked closely with population levels, would increase only slightly over time due to inflationary pressures, increased levels of public service, and nominal population growth. Public revenue would increase over time as non-residential and commercial development expands the Cal-Am service area's property tax base and jurisdictions adjust charges for current services and development fees to offset inflation related cost increases. The existing relationships between public costs and revenues, summarized in Table III-28, would not be substantially altered under Supply Option I."

Under Supply Option IV, 17,500 acre feet (least environmentally damaging producing), page IV-101, it is stated that "the fiscal effects of Supply Option IV would be similar to the effects under Supply Option I. Virtually no new residential and commercial development would occur under Supply Option IV. Public expenditures and revenue, which are generally linked closely with population levels, would increase only slightly over time. The existing relationship between public costs and revenue, summarized in Table III-28, would not be substantially altered under Supply Option IV."

However, the evidence presented earlier in the EIR (Table III-28) refutes the assertion that public expenditures are linked "closely with population levels". There appears to be no predictable relationship between population size and public expenditure within the service area as shown below. Further, there is no evidence presented to show that public expenditures change over time in direct or indirect relation to population changes. Moreover, the evidence of widely disparate per capita expenditures among the jurisdiction proves that stronger factors other than population drive changes in public expenditures. Predominant among these factors is the availability of revenue chiefly from property, sales, and transient occupancy tax and, to a lesser extent, fees for service.

Jurisdiction	86-87 total public expenditure	D.O.F. 1987 population	Per Capita Expenditure
Carmel	8,076,500	4,987	1,619.51
Del Rey Oaks	854,600	1,570	544.33
Monterey	26,006,300	31,087	836.56
Pacific Grove	8,247,500	16,516	499.36
Sand City	496,300	204	2,432.84
Seaside	9,069,400	21,788	416.26
County	(data not provided for service boundary)		

The serious omission in the fiscal impact analysis is that there is no presentation of the water supply option impacts on revenue available to fund needed public services. Even though "very little new residential and commercial development would occur. . . under Supply Option I", there is no analysis of impacts on property, sales, and transient occupancy tax. For all jurisdictions, these revenue sources as well as several charges for current service are dependent upon new development for increases above an inflationary level. Moreover, these taxes are the primary source of revenue not linked to specific programs or purposes available to jurisdictions. They are virtually the only source of revenue available to fund "discretionary" activities such as expanding a police force, providing after school low cost day care, or purchasing a new fire engine.

The EIR fails to acknowledge that public revenue would increase more slowly over time and that the existing disparity in per capita expenditures among jurisdictions will be perpetuated. The reality is that some jurisdictions currently have an adequate revenue base from which to provide needed public services and others do not. The EIR asserts that the stagnation in revenue growth can be overcome by non-residential and commercial development expansion of the property tax base and an inflationary increase in charges for current services and development fees. If the EIR statement is true that "very little new residential and commercial development would occur", then how will "non-residential and commercial development" be available to expand the property tax base? Further, if most charges for services are constitutionally restricted to actual service costs and if development fees are substantially impacted by "very little" new development, then how can these revenue sources be used to "offset inflation related cost increases"?

Based upon the analysis presented, the determination of the fiscal impact needs to be reassessed. It would appear that the impact would more accurately be described as significant.

6. City vs. County per Lot Allocation. Under the various allocation alternatives, it is indicated that the amount of water allocated to the city jurisdictions is based on a per lot amount of 0.251 acre feet per year; however, the amount is 0.416 acre feet per year in the county jurisdiction. This has a significant impact on allocation quantities. (8-6)

7. Socio-Economic Influence. In that regard, was the socio-economic influence of water use considered? As an area becomes more affluent, it tends to use more water per capita. Seaside's per capita water use is currently below the district's average, but as the affluence of our community increases, so will the per capita water use as residents install more automatic dishwashers, washing machines, garbage disposal units, etc. This increase in water use will happen even without new growth. (8-7)

8. Per Capital Allocation. What is the per capita allocation for each jurisdiction? Since this is all one district, the per capital allocation should be the same district wide. (8-8)

9. Reclamation and New Development--Allocation Impact on Land Use. Allocation of new water supplies (beginning on page VI-9) includes conservation, reclamation and development of new potable supply. Under the methodology and analysis section of both Reclamation and Development of New Potable Water Supplies, the statement "the balance of the saved water would then be apportioned between environmental/drought reserve and growth at the direction of the district board". This decision by the MPWMD board of directors on how to allocate water between these two categories, drought reserve or growth, would have a significant impact on the land use development patterns of Seaside and other Monterey Peninsula communities. By becoming a defacto land use permitting agency, the district board will be entering an area which has been historically left to local agencies. (8-9)

The development of new potable water supplies must be compatible with the total environment and, once accomplished, should not be subject to political redetermination.

Water saved by conservation, water freed up by reclamation, and water made available through the development of new supplies are not similar, as the Draft EIR indicated.

Water saved by active conservation is water not used as a change in the habits of use, and as such may be lost as old habits surface. Water saved by passive conservation is water saved by changing plumbing fixtures and thus saves a portion of the original supply.

Water saved by reclamation is water freed up by substitution of a previously used water, thus saving a portion of the original potable water for a new use.

Water made available through the development of a new supply increases the sizes of the supply.

10. Margin of Error. The Draft EIR discusses impacts based on four different supply options. Many of these impacts are conclusions drawn from the projected behavior of the various water supply sources as predicted by the Carmel Valley Simulation Model (CVSIM). What is the accuracy of this model? What is the margin of error in the reconstructed values of stream flows of the Carmel River and its nine tributaries? The EIR should clearly state the probability range for the projected impacts, based on cumulative error from all possible error sources.

8-10

11. Private Wells. The Draft EIR does not address the quantity of water supplied by the approximate 300 private wells within the MPWMD. It has been estimated that these wells could be supplying as much as ten percent of the total amount of water being supplied within the district. Is this amount being considered in the CVSIM? The variations and methods of monitoring this quantity of water should be addressed in the EIR.

8-11

12. Mandatory CEQA Sections. Under what circumstances can findings of overriding consideration be considered, and what factors are to be considered in making these findings?

8-12

The Final EIR should evaluate the environmental impacts of how the MPWMD will allocate water from conservation, reclamation and new supplies between the two categories of environmental-drought reserve and growth.

We believe that after the additional impacts are addressed, the differences between Supply Options I and IV and Supply Options II and III will not be significant. We further believe that adopting any supply option which reduces the amount of water which is to be allocated will have a significant impact on the planning abilities of the individual jurisdictions. The City of Seaside supports the efforts of the MPWMD TO:

A] provide a long term reliable water supply for the Monterey Peninsula,

B] provide an interim supply which can be relied upon for planning projects within our developing community,

C] not penalize those jurisdictions which must develop and redevelop in order to maintain fiscal integrity.

Very truly yours,

Lancelot C. McClair
Mayor, City of Seaside

MPB/MNO/es

(9)

RECEIVED
JUN 20 1989

MONTEREY COUNTY

PLANNING AND BUILDING INSPECTION DEPARTMENT
P.O. BOX 1208 SALINAS, CALIFORNIA 93902 (408) 755-5025

ROBERT SLIMMON, JR.
DIRECTOR OF PLANNING AND BUILDING INSPECTION

June 20, 1989

Mr. Bruce Buel
Monterey Peninsula Water Management District
187 Eldorado Street
Monterey, CA 93940

Dear Mr. Buel:

The following comments have been prepared for the Water Management District's Draft Environmental Impact Report on the Allocation Program. We look forward to the District's response in the final EIR.

- (9-1) The basic reason for the document is to provide the District a range of decisions concerning water supply and distribution along with a monitoring and enforcement program. A synopsis, or less structured executive summary which describes a valid and equitable allocation program that is understood by the general public, would assist the District in meeting its statutory requirements.

- (9-2) The EIR does not address water quality implications and impacts in any manner. We believe this to be a serious omission that must be address in the Final EIR. The effect of continued pumping of the Carmel aquifer and subsequent draw-down along with periods of "normal" runoff and drought conditions must be addressed. We have a strong concern regarding possible nitrate loading problems and pumping activities. The present dilution of nitrates within the aquifer is acceptable. However, concentration of nitrates may occur as a result of continued pumping and this will require analysis in the Final EIR. The CVSIM may be programed to assist in analyzing this impact.

- Another water quality concern is possible treatment to maintain local and state water quality standards. No information exists in the draft relative to existing water quality and possible impacts from future pumping to water

quality. This water quality analysis should include a full range of chemical constituents. The EIR should address possible economic impacts resulting from increasing water treatment costs to meet water quality standards.

- The Water Supply Options with regard to the seven percent system loss is confusing and misleading. While the Draft acknowledges the seven percent loss, the Draft nevertheless includes the seven percent loss in all Water Supply Options in determining impacts. This issue needs clarification in the Final EIR. (9-3)

- Mitigation measures to impacts to the Seaside Coastal Subbasin; including reduced pumping, conservation and recharge during wet years by reducing pumping do not appear adequate to address periods of prolonged dry conditions. An analysis considering the 1947/1951 dry period should be developed to accurately reflect impacts. Further, an analysis of the cumulative effects to the Carmel Valley aquifer from cited mitigations to the Seaside Coastal Subbasin should be addressed in the Final EIR. (9-4)

- In all Supply Options, impacts to riparian vegetation are significant, in spite of mitigation measures. It appears that additional mitigations are needed to address the continuing loss of riparian habitats, and the subsequent impacts to wildlife from continued pumping. (9-5)

- A further explanation of the statement "...a mitigation for impacts to water-dependent species due to an increase is to maintain the hydrologic regime" (page IV32) is required. Given cited impacts and lack of adequate mitigations in the vegetation and wildlife sections from all Supply Options, this mitigation is not understood. (9-6)

- The EIR accurately identifies Supply Options II and III as not being consistent with the State's steelhead policy of maintaining a vigorous, healthy population of returning adults with natural reproduction. Also, it appears Supply option I mitigations would "only possibly" result in a viable steelhead run. The EIR should address the implications of not meeting the State's steelhead policy. It does not appear that "remnant runs" would qualify as meeting state policy. (9-7)

- Regional transportation plan construction projects which lack funding commitments cannot be utilized as mitigations to impacts resulting from allocations analyzed in the EIR. A discussion of individual project costs and funding commitments would be appropriate in this section. (9-8)

- The Construction Industry section should include an analysis of options to allow for additions and modifications to residences which may intensify water use as well as additions and modifications which will not intensify water use. This would allow the District, the option of considering such construction and could be considered a mitigation to impacts.

- A more intensive analysis of market conditions dealing with behavioral choice and decision making is needed to justify the loss of 810 direct construction jobs and 890 indirect jobs in the Cal-Am service area. It is believed that areas immediate or nearby the District would absorb growth precluded by any water constraints within the District. The Peninsula and environs represent an attraction that is strong enough that adjacent alternatives, without water constraints, would absorb growth. Employment would merely shift out of the District to adjacent areas. (9-9)

- A clarification is required at page IV-93 as to what area is being utilized in determining employment loss. Reference is made to the Cal-Am service area and to a generic "local area". Are these areas the same? different?, if different, what is the difference? Also, page IV 93 refers to the Cal-Am service area, Table 111-25 is referenced for statistical purposes. Table 111-25 includes values for the entire District. Is there an error in areas and/or values represented?

- Supply Option II/Alternative V is a scenario in which development potential would be "theoretically" lost in all categories in Monterey County. Our comment is that we understand this situation to be theoretical, highly unlikely and a methodological "glitch".

- As rationing will be required with each of the Supply Options, it would be appropriate to expand on this subject to understand how rationing would work in each of the Supply Options. More detailed analysis is required to determine the impacts on customers of the District, i.e. how often, how long, what users would be affected by rationing. A series of equitable and clearly understood rationing scenarios for residential, commercial and industrial users should be included in the Final EIR. (9-10)

- There is no mention of moratoria to water connections in any of the Supply Options. Moratoria, similar to rationing should be thoroughly addressed in each Supply option. The District will be required to make difficult decisions that the public will question. The District must have the necessary information to support its actions in the future.

- The Carmel Sanitation District - Pebble Beach Company reclamation plant is referenced several times in the Draft EIR. The Final EIR should more completely describe the project and its effect in allowing for additional development. The Final EIR should also consider the reclamation plant as a mitigation in each Supply Option. (9-11)

- Chapter VI, B 1 through B 3 provides for a series of options the District may take regarding enforcement and compliance, fixed formula vs. discretionary action and "grace amounts". We believe an additional section should be added to address "enforcement and compliance". This section should deal with the development of a complete enforcement and compliance program including trained personnel in the enforcement of District regulations. A strong enforcement program can result in significant water saving for District users. (9-12)

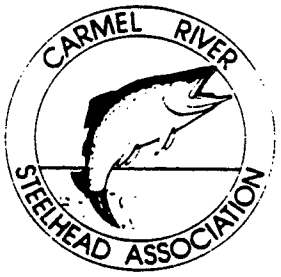
- The Draft EIR contains instances where monitoring is identified as a mitigation to identified impacts. Monitoring cannot be considered as a mitigation. However, recent legislation, (AB 3180) requires the District adopt a reporting or monitoring program for changes to the project which it has adopted and made a condition of project approval in order to mitigate or avoid significant effects on the environment. The Final EIR should contain a program in compliance with this legislation. (9-13)

We appreciate the opportunity to respond and look forward to the District's responses in the Final EIR.

Robert Slimmon, Jr.
Director of Planning and
Building Inspection

Walter Wong
Director of Environmental
Health

(10)



CARMEL RIVER STEELHEAD ASSOCIATION
P.O. BOX 1183 • MONTEREY, CALIFORNIA 93940

19 June 1989

Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93940

Dear Friends:

The Carmel River Steelhead Association is gratified that the draft Water Allocation Program EIR recommends a "permanent, fully funded program" to rescue and rear juvenile steelhead, as well as other measures, to mitigate the effects of current levels of diversion from the Carmel River.

(10-1) We are also gratified that the Interim Relief Plan receives some mention in the EIR. However, we must note that the EIR cannot be adequate without an discussion of the specter that motivated the Interim Relief Plan: the jurisdiction of the State Water Resources Control Board over the underflow of the Carmel River.

When the SWRCB asserts its jurisdiction over the underflow of the Carmel River, non-riparian pumpers in Carmel Valley such as Cal-Am will need to get permits. When they do, it will be possible to develop a "permanent, fully funded program" that may rescue the Carmel River steelhead from the stewardship that they have endured in the past.

Sincerely,

Roy Thomas
President

Carmel Valley Property Owners Association

P. O. Box 157 — Carmel Valley, California 93924

11A

20 May, 1989

Board of Directors
Monterey Peninsula Water Management District

Draft EIR on Water Allocation

The Draft EIR offers four options for our total water supply:

I	18,400 AF	- the present consumption
II	20,000 AF	- the present allocation
III	20,500 AF	- an increased allocation
IV	17,500 AF	- the least environmentally damaging alternative

All of these involve negative impacts on the environment, and obviously the greater demands result in a greater degree of damage.

CVPOA will shortly submit detailed comments on the Draft EIR, but at this time we have three recommendations for the District's immediate attention:

1) Alternatives for distribution of water between the jurisdictions should include Supply Option IV, 17,500 AF. If this Option is finally adopted, there will have to be cutbacks in water usage, and those cutbacks can be managed in various ways, which should be considered in this EIR. 11A-1

2) The District is obliged to keep its Water Supply Options open at least until final certification of this EIR. If new connections continue to be authorized (about 450 so far this year) it will become impossible to implement the less damaging Options I and IV.

We therefore urge the District to delay issuance of new permits until the EIR has been certified and until full public hearings on the selection of a Water Supply Option have been held.

3) The District needs to have information from all major wells in Carmel Valley in order to fulfil its task of managing our water resource. The present method of estimating private wells, based on electric power consumption, is inaccurate, inconvenient, and often inequitable to the well-owner. 11A-2

As a part of this EIR, the District should develop procedures and cost estimates for placing meters on all major private wells, let us say all wells producing over 50 AF per year.

Thank you for your attention,

Robert Greenwood, Chairman
Water Management Committee, CVPOA

(11B) **Carmel Valley Property Owners Association**

P. O. Box 157 — Carmel Valley, California 93924

29 May, 1989

General Manager
Monterey Peninsula Water Management District

RECEIVED
JUN 5 1989
M.P.W.M.D.

Draft EIR on Water Allocation Program

This Environmental Impact Report is a document of the greatest importance to the present and future policies of the District in its three goals: managing our water supply, providing drought protection, and protecting the natural environment associated with water supply. Our comments are designed to improve the correctness and completeness of the EIR. The following comments, sequenced by page number, deal with apparent errors, requests for clarification, and requests for supplementary information. The latter are underlined.

page Exec.17 & 19,
Tables 4,5, IV 35-36: In these tabulations of Environmental Impacts, increased Housing, Employment, and Tourism are listed as "Beneficial Impacts." Under the California Environmental Quality Act, quoted on p.IV-105 of this Draft: (11B-1)

"economic or social impacts are not to be treated as effects on the environment."

Economic advantages are not to be confused with environmental impacts. They do not benefit the environment.

II-1 The EIR does not consider water sources other than Cal-Am, on the grounds that their production is "assumed to be fixed". In fact, these water sources do require evaluation. Private wells in Carmel Valley alone account for over 10% of the District's water, and their uses (for example, golf courses) are subject to large annual fluctuations, subject to management. (11B-2)

II-1 Supply Option IV -Least Environmentally Damaging - requires its own treatment of Distribution Alternatives. If the District has to adopt Option IV,* then cutbacks will have to be apportioned between the jurisdictions. How is this to be done ? in proportion to current allocation ? to current use? to perceived need? (11B-3)

II-7 Alternatives IV and V are not clear. (11B-4)
How is "new growth plus adjusted base" any different from "total build-out potential" ? (11B-5)

II-7 Reference to Alternative I under Base Allocations is incorrect.

II-29 Grace Amount. The policy of granting a "temporary" increase in allocation is poorly designed, has no time limit, and would be unenforceable one the new water hookups were in place. It is an invasion of the drought reserve. See also p. VI 6-8. (11B-6)

II-31 Conservation: The policy for water supplies "freed up" by conservation or reclamation is so weak as to be useless. At a minimum it should say "must set at least 50% of saved water aside as a reserve." See p.IV-72. (11B-7)

How is the amount of conserved water to be estimated, by s jurisdiction or by individual projects ?

* see our comment on p.IV-60

page

II-32 We do not agree that annexation of non-CalAm systems to CalAm necessarily creates "new potable water." For a system within the same aquifer, for example in Carmel Valley, it may mean no more than a change in the pattern of pumping. (11B-8)

III-6 and Table III-1: Should include the demand by major private pumpers in Carmel Valley, which amounts to over 10% of District demand. (11B-9)

III-10 "Usable storage in Carmel Valley aquifer estimated between 23,200 and 52,500 acre feet." (11B-10)
Where did consultant obtain the higher figure? Estimates known to us are in the 20-25,000 AF range. Surely after all the studies of the past 10 years there cannot be an uncertainty of 126% in this estimate.
It should be made clear, in any case, that extraction of all the "usable storage" would require not only more closely spaced wells but also unacceptable environmental damage to the Carmel River and its valley.

Table II-17: If the Golf Course reference, as we are told, is to Spanish Bay, then it should be noted that the use in 1987-88 was not 127 AF, but 391 AF. (11B-11)

Table IV-2 Supply Option II: the August figure for the Narrows (16) appears to be much too low. (11B-12)

Tables IV 7 & 8; This is a confusing and obfuscating way to present levels of drawdown, making it seem that greater withdrawals are less damaging. What should be shown is Frequency of Drawdown More than Specified Levels, and preferably in graphical form for easy comparison. (11B-13)

IV-13,14 "The changes (under Option III) will not ... cause permanent damage." Death of riparian trees and extinction of wildlife due to excessive drawdown does constitute permanent damage. (11B-14)

IV-17 One of the "simplifying assumptions that underestimates the magnitude of drawdown" is the omission of the 2,000 AF of private pumping from the Carmel Valley aquifer. (11B-15)

Table IV-14: "Impact distances from all wells in Sub-basin AQ-3" should include all private wells which pump over 10 AF/yr. (11B-16)

IV-60 In connection with our comment on p.II-1, note that the EIR points out the desirability of reducing demand to 14,000 AF to preserve a steelhead fishery, as required by State law (p.III-23) The 17,500 AF Supply Option is only viable if continuing mitigations can be successfully implemented. (11B-17)

Table IV-27: Why is the months-of-shortfall figure greater for 17,500 AF than for 18,400 AF ? (11B-18)

IV-75 Can the concept of "Moratorium Frequency" make any sense? A moratorium on new development has to be governed by the long-term capacity of the water supply, not by a temporary drought condition. Planning for growth cannot be turned on and off like a rationing program. Permission to develop means a commitment to guarantee a water supply, with or without drought events. (11B-19)

page

IV-74,76 & Tables IV-35,36 The impact on rationing hardships under Water Supply Options II and III is called "less than significant", even though frequency of rationing would increase from 3.1% to 9.4%. How can a 3-fold increase in the frequency of water rationing be called "less than significant" ? (11B-20)
Peninsula residents experience <u>any</u> increase in rationing as a significant impact on their daily lives.

IV-107 Table IV-36 states that Traffic Impacts under Options I and II are "unknown", with full mitigation measures. It should be made clear in the text (p.V-28,29) that most of the recommended mitigations are unrealistic because there is little or no prospect of funding them. (11B-21)

V-42 "It is assumed that any new hotel development ... is a beneficial impact". Again (see our first comment), CEQA requires that [illegible]c economic advantage is not to be confused with environmental impacts. (11B-22)

VI-7 Impacts and Mitigations relating to "Grace Amount". (11B-23)
Given the inadequacy of our water supply, amply evidenced by this EIR, any mechanism which permits a jurisdiction to exceed its allocation is an invasion of our drought reserve. No Grace Amount can be justified.

(11B-24) Finally, <u>an additional Distribution Alternative should be considered</u>, applicable to Water Supply Options I, II &III. That Alternative would treat all jurisdictions equally, first come first served, but would <u>limit new connections to lots-of-record, low-to-moderate income housing, and re-fits which do not increase existing use of water.</u>

However, two findings in this EIR indicate that detailed analysis of Supply Options II and III (20,000 AF & 20,500 AF) is probably superfluous. These findings are:

III-23 "California state law stipulates that healthy steelhead populations shall be protected or restored..."

and

(11B-25) IV-60 "..level which prevents the steelhead population from being reduced to remnant levels, then a production of 14,000 AF should not be exceeded..."

"if this (mitigation) program is successful and an additional program is implemented... production could be increased to 17,500 AF without reducing the steelhead run to remnant levels."

These findings, if correct, would leave only Option IV legally open to the District.

Robert Greenwood, Chairman
Water Management Committee
CVPOA

12-A

The Forest Committee

P.O. Box 821, Pebble Beach, CA 93953

June 12, 1989

To : Members of the Board of Directors
Water Management District

Re : EIR on Allocation Program

This EIR is exemplary in its clear focus on the impacts of the current allocation process. It points out the fallibility of our growth projections in light of the water, traffic and environmental constraints of our area. We were particularly heartened by its emphasis on the undesirable impacts which would follow from any allocation of water saved through reclamation or conservation to further development. We have consistently tried to point out this fact in our arguments against the proposed use of Pebble Beach Company as a fiscal donor in any reclamation project.

We also wish to support a monatorium on any future water hookups until such time as our water problems are addressed realistically and resolved. We must not wait until this EIR has been finally certified to act on this vital matter. Steps must be taken without delay.

We urge the Board to heed the timely warning implicit in this document.

Janice O'Brien

Janice O'Brien, Chair

(12B)

ALLOCATION PROGRAM EIR
STATEMENT OF JANICE O'BRIEN
MAY 22, 1989

1. The EIR is well written and comprehensive

2. Forest Committee is concerned over impacts related to release of reclaimed water for new growth.

min#17/stmt-jo.589

(13)

League of Women Voters of the Monterey Peninsula, Box 1995, Monterey, California 93942

May 22, 1989

Members of the Monterey Peninsula
Water Management District
P. O. Box 85
Monterey, CA 93942

Re: EIR on the Allocation Program

Dear Sir or Madam:

The League commends the professionalism of this EIR on the Allocation Program. The approach is comprehensive and objective in presenting options for future policy. The report has clearly set forth the potentially disastrous impacts of our present assumptions and has given the Board tools to revise its course of action.

As we pointed out in our comments at the Mello hearing, the enabling legislation which created the District was unique in that it provided the authority to control both water supply and demand with the express mandate to protect the environmental integrity of this scenic area.

The EIR reveals the errors inherent in our current projections and states that only by cutting back in our water production can we halt the environmental harm we have already sustained. The EIR cites Option #4 as the least environmentally damaging choice. If the Board is to discharge its responsibilities under the law, it must reevaluate this whole question of demand and choose the option which will slow the continuing degradation of our environment.

Very truly yours,

N. W. GREEN
President

NWG:deb

(14)

MBAIA
MONTEREY BAY CHAPTER
AMERICAN INSTITUTE OF ARCHITECTS

RECEIVED
JUN 9 1989
M.P.W.M.D.

June 9, 1989

Mr. Nick Lombardo, Chairman
Monterey Peninsula Water Management District
187 El Dorado Street
Monterey, CA 93940

Dear Mr. Lombardo:

The Monterey Bay American Institute of Architects is very concerned about the allocations EIR and ultimately about the "no growth" faction in our community which is using the Carmel Valley Dam and water issue to promote a building moratorium. The MBAIA is sensitive to the building moratorium but, feels the EIR is not accurate in some areas and has not addressed or emphasized some issues which would affect a moratorium and the construction industry. Some of the points and issues are as follows:

1. New construction represents one half of 1% (0.05%) of the water used. Yet the contribution of the construction industry to the local economy is over $150 million. $150 million is only the revenue of actual construction and does not represent revenue generated by support services and industries.

(14-1)

2. The construction industry is made up of contractors, subcontractors, laborers, architects, engineers, consultants, clerical and a wide range of support systems ranging from blue printers, bookkeepers and material suppliers to building and planning departments and their staff. There are 4,600 contractors and subcontractors on the Peninsula. This figure does <u>not</u> include laborers, unlicensed contractors, architects, engineers or any of the support services. The construction industry makes up a considerable percentage of the local work force and economy.

(14-2)

3. The statement in the EIR that the construction industry is "mobil" is completely incorrect. The explanation is that if construction closes in Pacific Grove contractors will drive to Seaside to do work. However, contractors have general areas they "usually" work in. Because there is no work in one area does not mean a flood of new jobs will be created in another area to compensate. An analogy would be people working in hotels, for example, could just as easily go to work at a hotel in another area. This would allow hotels to

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cut their occupancy or even close a certain percentage of hotels to save water. When the number of jobs in an industry are reduced locally, where are those new jobs supposed to be created?

4. The available water estimates are just that, estimates. The original water allocations were based on an estimate of 20,000 acre feet of water which allowed for all lots of record. Therefore, under this estimate there is water allocated for new construction on lots of record. The fact that the new EIR estimates 17,000 acre feet it is of concern to us. We do not see the supporting facts for the difference between 20,000 acre feet and 17,000 acre feet. There is also no mention of the percentage of error on these figures. Assuming a plus or minus 5% error is very close to accurate, the impact of 1/2 of 1% used by new construction is less than a minimum allowable error in these figures. (14-3)

5. The incentive on the November ballot 2 years ago calling for a vote for or against the dam received a two to one vote to build the dam. The no-growth faction is a small but very vocal minority. The majority vote indicates they want the water problem solved by supplying adequate water.

6. Hundreds of thousands of dollars have been collected by the Water Management District in fees for water permits to provide water for the community. The Water Board should be responsive and responsible to the thousands of people who have been required to put up this money. A building moratorium is not a solution. It is a delay tactic. It is an irresponsible attempt at growth management. We need public officials who take responsibility for growth issues and who will devise an intelligent growth management program. (14-4)

MBAIA is urging the Water Board to make a decision on a building moratorium which is responsive to the issues mentioned above. The construction industry is willing to take their fair share of cuts in water use during a crisis period. They are not willing to accept this as a growth management plan.

Sincerely,

Jeanne C. Byrne, AIA
President, Monterey Bay AIA
for the MBAIA Board of Directors

SIERRA CLUB ~ VENTANA CHAPTER
P.O. BOX 5667, CARMEL, CALIFORNIA 93921
CHAPTER OFFICE - ENVIRONMENTAL CENTER (408) 624-8032

FOUNDED IN 1892

15

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JUN 2 0 1989
M.P.W.M.D.

COMMENTS ON THE WATER ALLOCATION PROGRAM EIR

The EIR clearly shows that current levels of diversion from the Carmel River are causing serious and perhaps irreversible environmental damage, and presents the District with the need to weigh environmental protection against growth. The District in recent years has expressed great concern for protecting the Carmel River. It is proposing to spend many millions of dollars on a dam for this purpose. The Ventana Chapter will watch with interest to see how the District values the environmental resources of the Carmel River in a different context.

The Ventana Chapter recognizes that the issues considered in this EIR are unusually complex, and by and large the EIR makes a good attempt to deal with them. Nevertheless, the EIR is inadequate, for the following reasons:

General inadequacies:

15-1 1. The EIR fails to discuss the "underflow" issue, and the probability that Cal-Am and Water West will need to obtain permits from the State Water Resources Control Board for their wells in Carmel Valley. These permits will allow the development of a more integrated and better financed mitigation program than is presently feasible. Moreover, these permits may set limits on Cal-Am production independent of MPWMD regulations.

15-2 2. The EIR fails to consider "re-plumbing" of Cal-Am's system to allow even greater reductions in the summer diversions from San Clemente dam. Cal-Am's recent acquisition of Water West may substantially facilitate such modifications of the water distribution system, and recent estimates of the period of time likely to elapse before a new project is built underscore the need to undertake such modifications.

15-3 3. The EIR improperly treats economic and social effects of the project as environmental effects. As noted in the discussion in the CEQA guidelines, this is a difficult issue where no clear line can be drawn. However, the EIR goes too far. For example, the section on "land use" (read "growth") assumes that "any new development that would be allowed by additional water is a beneficial impact." Similarly, the Executive Summary assumes that "... any new hotel development that would be allowed by additional water is a beneficial impact." This beggars the concept of environmental analysis. Information that would be more relevant to determining whether overriding considerations justify selecting other than the least environmentally damaging alternative should at least be grouped separately and be so identified in the EIR.

4. The EIR improperly discusses monitoring and compliance mechanisms and allocation of new water supplies only in terms of social and economic impacts; environmental impacts are virtually ignored. In fact these policies can have significant environmental impacts. The compliance mechanism selected can significantly affect the real size of the allocation, which will differ to some degree from the nominal size, and compliance mechanisms that allow the actual use to overshoot the allocation will have a greater impact. Using conservation savings or other new sources of water supply to create a drought reserve will reduce water diversions and associated impacts in non-drought years. These factors should be analyzed in the final EIR. (15-4)

5. The EIR improperly assumes that the only incentive to conserve water is to free up additional water for new development. On the contrary, this is a disincentive for many people. We believe that a conservation program designed exclusively to create a drought reserve would enjoy broad popular support. The analysis of conservation in the final EIR should take this into account. (15-5)

6. The discussion of the mandatory CEQA sections is so brief as to be nonexistent for practical purposes. It provides no meaningful basis for decision making, and should be expanded substantially in the final EIR. (15-6)

7. The EIR fails to distinguish the proposed project (water supply option II and water distribution alternative IV) from the alternatives. It is particularly important to draw attention to the proposed water distribution alterntive, since this would be a change from the status quo. The final EIR should make this distinction. (15-7)

Specific Inadequacies and Technical Comments

p. 9: The statement that "...current non-Cal-Am water rights may be permanently extinguished..." needs to be explained. Whose water rights is the EIR talking about? (15-8)

p. 10: Putting conservation savings in a drought reserve should be listed as a mitigation measure, since it would reduce diversions during normal or wet years. (15-9)

p. II-34: The "no project" alternative for water supply should also be discontinuance of the allocation system -- that is, no District limit on Cal-Am production. This needs analysis in the EIR. (15-10)

p. III-9: The Carmel River Lagoon is not intermittent, although the lower Carmel River is. During the winter, the water table can be higher than the river, so that seepage is not just reduced, but reversed. The sandbank at the mouth of the river does not wash out; it is bulldozed. (15-11)

15-12 p. III-29: The discussion of water use trends would be strengthened by an analysis of within category variation in use. For example, box and whisker plots of water consumption of single family homes by year would show whether the increase in water use is spread generally over all users, or is concentrated in among some subset, such as users of large amounts of water.

15-13 p. IV-3: Please clarify the meaning of the statement that 10 cfs "is only a trickle in some river reaches."

15-14 p. IV-39: Even with only one cfs or less at the Narrows, some habitat remains in the river from the dam to Robles del Rio. Flow at the Narrows depends not just on inflow to the upper aquifer, but also on diversions.

15-15 p. IV-39: Observations of juvenile steelhead being stranded would be a sounder basis for the analysis than extrapolations from Wadell Creek. However, it may not be possible to analyze the risk of stranding properly without an analysis or observations of the behavior of the river near the wetting front when groundwater levels are lowered.

15-16 Fig. IV-4: A smooth curve should be fitted to the data to emphasize that the steps in the figure reflect the peculiarities of the historical record, and not predictable thresholds.

15-17 p. IV-61: Instream play by small children is an important recreational use of the river that needs to be considered in the EIR.

15-18 p. IV-67: The District staff estimate of the recurrence interval of the 1976-77 drought is too uncertain to be useful, and in any event would be changed by consideration of the current drought.

15-19 p. IV-90: Where is the referenced discussion of hardship rationing under supply option IV?

15-20 p. VI-10 et seq: The District's proposed policy on water saved by conservation would encourage each jurisdiction to set aside 50% of its savings as a drought reserve. However, during a drought, the water must be distributed to all of Cal-Am's customers on equal terms. Hence, no jurisdiction has an incentive to create a drought reserve unless all of them do, which can best be accomplished through District action. The EIR should address this problem with the District's proposed policy.

15-21 Appendix A: The EIR depends heavily on the results of the Carmel Valley Simulation Model (CVSIM). When CVSIM was "calibrated," it was necessary to assume a large input of water (2,000 acre feet) into the lower aquifer from an unknown source, in order to make the model reproduce groundwater storage during the last drought. Increased seepage from the sandstone along the south side of the valley when the aquifer is drawn down is a plausible source of this additional water, but incorporating it into the model is a

major assumption of uncertain validity, which should be discussed in Appendix A. Lowered groundwater levels in 1989 will provide an opportunity to test this assumption. The final EIR should include the results of such a test.

Appendix A should also make clear what surface diversions from San Clemente dam are being simulated. Since the target for surface diversions has recently been reduced, the final EIR should include at least some analysis of the effects of the change. (15-22)

Simply plotting the 86 year record on probability paper is not much of a probability analysis, and obscures what the numbers actually mean. A much better job could be done by using a Markov model to convert the 86 year record into an arbitrarily long sequence with the same statistical parameters, following the approach of "Streamflow and Reservoir Yield," an early report to the MPWMD. This method also allows an analysis of the effects of assumptions about persistence in the 86 year record, that is, the tendency of years with low flow to be followed by years of low flow. (15-23)

Sincerely,

Chris Broadwell
Chair

CB/jw

For more information contact John Williams - 625-9432

16

PAUL BEEMER
24911 OUTLOOK TERRACE
CARMEL, CALIFORNIA 93923

May 26, 1989

RECEIVED
JUN 7 1989
M.P.W.M.D.

Monterey Peninsula Water Management District
P. O. Box 85
Monterey, CA 93940

Subject: MPWMD Water Allocation EIR Draft

In great detail this document analyzes the probable effects of each of four selected water supply options. Each of these assumed availabilities may be subject to significant uncertainties. The larger the assumed availability, the higher is the probability of failure.

I urge the adoption of one of the smaller options, preferably No. IV for the following reasons:

16-1 1. The MPWMD periodically publishes a water storage report stating that our total storage capacity is 33,824 AF and that as of May 3 the current storage is 24,591 AF. Staff readily acknowledges that no one knows these numbers within probably plus or minus 5%, and perhaps the area of unknown is significantly greater. How can we quibble about allocating a few AF here and a few AF there when we cannot know what may be available within a few <u>thousand</u> AF?

16-2 2. Water availability in the summer months will sometimes be limited by the pumping withdrawal rate rather than the total water in the aquifer. The higher EIR options would require about 80AF/day. How do we know that the aquifer could produce 80 AF/day for 90 days straight if the storage were down to 12,000 AF or 10,000 AF? We have not been there yet. Alluvial aquifers are complex. Ask your hydrologists.

3. Metered consumption during the past few years has averaged less than 17,000 AF/yr and we now are on water rationing! Should we adopt a plan that assumes an annual consumption of 18,600 AF or 19,065 AF? I hope not.

4. Our present rate of withdrawal has caused ever increasing damage to the ecology of the Carmel Valley riparian habitat. Until we can augment our present storage by at least 25,000 AF, we must not take increasing amounts from the surface flows and aquifers. To do so just accelerates the damage.

5. Who wants to predict the weather for the next 10 years or so? We are now highly vulnerable to weather cycles because 33,000 AF plus or minus is not enough storage.

Where the uncertainties are significant and the stakes are high, don't gamble. A "phase out", as proposed by Dick Heuer, would be wise.

Paul Deemer

Summary of Comments on the Allocation Program EIR Received on June 12, 1989

Jeanne Byrne - MBAIA (See letter.)

Brian Roseth - City of Carmel-by-the-Sea - Draft is well organized and is a good springboard for an improved information base. Document is too technical for lay people to understand. Document needs to address "significant adverse environmental impacts" and "short term vs. long term impacts" in more depth and in a non-technical manner. (See letter.)

Ira Lively - City of Seaside - Summary of concerns to be addressed in more detail. The negative aesthetic impacts of I and IV are understated. Water supply options II and III will result in sprawl and thus increase traffic and generate air pollutants. Seaside believes that any reduction in water supply will adversely impact local land use planning.

Bob Greenwood - CVPOA (See letter.)

Edwin B. Lee (See letter.) 17-2

17-1

17

Don Boston - EIR needs to recognize recreation/aesthetics with fiscal impacts. Construction industry is not as mobile as EIR suggests. Fiscal impacts related to moratorium needs closer analysis. Don Boston questions the reality of the buildout projections. Tourism dollars need to be updated. 17-3

John Williams - Questions count of vacant lots of record. Questions proper "no project" alternative. What if there were no MPWMD? EIR needs to compare existing allocation with the "proposed allocation." EIR should examine policy implications for water shifts.

Helaine Clark
P.O. Box 358
Pacific Grove Ca
93950

(18)

June 20, 1989

Re: water reclamation EIR

I am in favor of the project which produces 17,500 acre feet annually.

Water is a public trust. Our public trust would be violated if our fish and vegetation were not protected as a result of over production of water.

Present extraction levels are causing repeated damage in the lower aquifer.

A building moratorium is inevitable.

The funding for the plant should be regional to insure community-wide reduction on California-American production.

A private developer should not fund this plant. This puts our water supply in a hostage situation.

Hook fees could easily pay for this plant.

Sincerely yours,
Helaine Clark

(19)

ALLOCATION PROGRAM EIR
STATEMENT OF DAN FLETCHER
MAY 22, 1989

1. Mr. Fletcher expressed his opinion that Water Supply Options I and IV would have significant adverse impacts on the availability and cost of housing.

2. Mr. Fletcher questioned the ability of construction contractors to get jobs in other areas and the ability of construction workers to staff from community to community.

min#17/stmt-df.589

Ken R. Greenwood
5490 Clear Creek Rd.
Placerville, CA 95667

June 20, 1989 (20)

MPWMD
PO Box 85
Monterey, CA 93942

Re: Draft EIR, Water Allocation Program, 17,500 AF option

MPWMD Board;

After reviewing the above referenced document, I have the following comments that could help solve your problem.

The Board should adopt the 17,500 Acre Foot (AF) option for the Water Allocation Program. This could be accomplished by a combination of continued conservation efforts and (20-1) by MPWMD sponsorship of the Carmel Sanitary District (CSD) wastewater reclamation project. This would result in the least environmentally damaging option, and benefit the community interest.

The CSD project could "free-up" nearly 900 AF a year, reducing Cal-Am production by a like amount. These savings, combined with conservation (ie: retrofitting, more efficient irrigation, etc) could attain an annual demand of 17,500 AF. Recent (new) connections, plus other projects in process would bring the total to 18,000 or 19,000 AF, but at least a line would be

(2)

drawn]. This option would combine the best aspects of the 17,500 AF and 18,600 AF options (ie: environmental protection, maintenance of service to existing residents and some level of drought protection). ¶ The other options of 20,000 AF and 20,500 AF would subject the community ~~to adverse~~ and environment to adverse impacts that would not be offset (or overridden) by the limited economic gains of further development.

The combination of options (17,500 + CSD) would also have additional benefits:

- The MPWMD will actually do something to increase water supply and reduce drought vulnerability.
- Jurisdictions will find added incentive to promote more aggressive conservation measures.
- Existing residents will be more willing to participate in conservation programs knowing saved water will not fuel more connections, thereby increasing community drought vulnerability.
- The MPWMD, the Monterey County Board of Supervisors and peninsula resident will no longer be held hostage by the Pebble Beach Company (Re: Funding CSD project to aid buildout of Del

Montex Forest).
- Traffic levels may subside, or remain level, allowing infrastructure to catch up with demand.
- State and Federal agencies might take the MPWMD seriously with respect to water supply expansion efforts.
- The impacts on the Carmel River resources will be reduced, aiding ongoing (extremely costly) restoration efforts.

Please adopt this proposed combination (17,500 + CSD project). A first step must be made at some point. Now is the time to do it.

Sincerely

Ken R Greenwood

Ken R. Greenwood

Water Resources Planner,
4 year employee of MPWMD

(21)

Comments on Allocation EIR

RECEIVED
JUN 19 1989
M.P.W.M.D.

By Dick Heuer
Director, Monterey Peninsula Water Management District

(21-1) Page 3: The difference between Alternatives III and V is not clear. Is there a difference between "total new potential residential, commercial and industrial growth" and "total buildout potential"?

(21-2) Page 5, Table 1: The term "system losses" is misleading and conjures up ideas for solving our water problems simply be stopping these "losses." The term "unmetered uses" would be preferable. The same change would need to be made throughout the EIR, for example,on page II-3.

(21-3) Page 13, Housing and Employment:: The growth impacts are not mentioned.

(21-4) Page 21 and VII-2: The potential growth needs to be quantified here in these sections that deal specifically with growth-inducing impacts. Give a likely scenario as to how much growth and how the growth might be distributed, as was done on page IV-79 under traffic impacts. It appears as though the growth impacts are being hidden, because when you go to the Table of Contents to look for this information, you can't find anything that leads you to it. The information is on page IV-1, but you only come across this if you read the entire EIR/EIS. **If we retain the 20,000 AF allocation, the public needs to know how many new houses and hotel rooms can be built and new jobs created before we improve our water supply.**

(21-5) Page I-1, middle paragraph, 3rd sentence: The reference to "all the water distribution systems regulated by the District" is incorrect. There are many other systems. What is described is only the Cal-Am system.

(21-6) Page II-6, Water Distribution Alternatives: I have written separately about what I call the "phase-out alternative" that should be added to the list of alternatives analyzed. This new alternative would divide the remaining supply on a first-come, first-served basis, but only for a limited number of types of permits. The only connection permits that would be allowed would be for projects that already have a legal, vested right to proceed, or for which one can make legally valid findings of overriding public benefits. This would be projects that are already in process, residential lots of record, public projects, low and moderate income housing, and remodels that don't increase water use. Such limitations would phase out new construction gradually, and allow demand to increase to somewhere betwen 19,000 and 20,000 AF during the ten to fifteen years before water from the dam becomes available. Demand would be restricted by the types of meters that could be approved rather than by an absolute cap on the number of acre feet. As described elsewhere, this alternative has a number of advantages and is the alternative that I expect to support.

(21-7) Another new alternative that should be analyzed is to divide the water according to a community's "need" for growth. I don't like any of the alternatives in the current draft, as I don't think water should be divided according to **ANY** mathematical formula. Under the guise of being "objective," all such formulas ignore fundamental principles of good planning. One of the most fundamental planning principles is that growth should be directed where it is most needed and best serves the community.

If any water at all is available for additional growth, which I doubt, that growth should go where the people want it and need it, not where they don't want it and don't need it. Growth should be permitted where it best serves the community, not necessarily where it offers the greatest profit to the developer.

I think of allocating water according to need as "the common sense alternative." Of course, "need" is a subjective judgment, but it is a very easy judgment to make. All one has to do is listen to the people of our community rather than to the special interests. In most parts of the Peninsula, the people are clamoring to STOP growth. Only in Seaside is there a legitimate need and desire for more growth.

Page IV-17, 2nd paragraph. The 98% figure is incorrect. Private pumping is roughly 2,000 AF. (21-7)

Chapter IV, pages 19-24 and Figure IV-1: There is a basic fallacy in how this analysis of impact on vegetation is conceptualized. It analyzes the impact of the "median drawdown" or the "typical cycle." but the vegetation has to live through the maximum drawdown. Just as impacts on drought vulnerability are calculated during dry years not "normal" years, impact on vegetation also has to be calculated during dry years. The actual impacts are far, far worse than described in this section. In much of AQ3, drawdowns have been 30 to 50 feet for each of the past three years. This is happening under Supply Option I, and the impacts of it on vegetation need to be analyzed. If the least environmentally damaging alternative were defined as a level of water production that didn't kill riparian vegetation, that level would probably be well below 17,500 AF. The mitigation measures (keeping water in the upper aquifer) that enable the fishery to get by with 17,500 AF actually make the situation much worse for riparian vegetation in the lower aquifer. The downside of these mitigation measures needs to be mentioned in the EIR. It also needs to be clearer that 17,500 AF is the "least damaging" of the alternatives considered, but even that level has significant adverse environmental impacts. (21-8)

There is also a whole category of other vegetation that isn't mentioned in this EIR/EIS — non-riparian vegetation on the Valley floor. The water table is down so low that it is affecting vegetation far back from the river bank, e.g. the eucalyptus grove on Prado del Sol.

Page IV-25, paragraph on Lagoon Vegetation: I don't understand the logic of the last sentence. Since Supply Option I IS the existing condition, selecting Option I would obviously make no difference in existing conditions. But this doesn't mean Option I has no impacts. Existing conditions ARE adversely affecting the lagoon, i.e, no fresh water inflow for three years, increased siltation of the lagoon for many years before that. (21-9)

Chapter IV, Drought Impacts: If the proposed revision in rationing rules is the basis for determining that a significant impact can be mitigated to a less than significant level, then this revision needs to be discussed in far greater detail, e.g., something comparable to Table IV-27 should be prepared using figures based on the revised rationing rules. I still don't understand exactly what change in rationing rules is being proposed and how this relates to a) the CVSIM rationing rules, and b) our actual rationing practice. It seems to me that our actual rationing practice is the best guide to what will be done when water is in short supply. This EIR/EIS should be based on our rationing practice and the CVSIM should be changed to reflect our actual rationing practice. At a minimum, the EIR/EIS should analyze it both ways, i.e., include a statement of the significance of the drought impacts assuming continuation of current rationing practices and assuming whatever changes in rationing practice are suggested by Mintier. (21-10)

The discussion of rationing seems totally unrealistic. If I understand it correctly, it never has us at anything worse than 15% rationing, even with 20,500 AF demand in the worst drought year. But in reality, we are already at 20% rationing and just missed by a hair going to 40%, even though this is not the worst year on record and demand is

only at 18,400 AF. Analysis of rationing impacts is one of the most important parts of this document, and it needs to be realistic, not mythical.

Chapter IV - General Comment: Realistically, some directors will want to choose between Supply Option I and Supply Option II on the basis of economic impacts rather than environmental impacts. The economic impact on the construction industry is obviously greater from Option I than Option II. From that perspective, Option II might be seen as preferable. However, Option II will require more frequent and more severe rationing than Option I. This also has economic costs, but the economic cost of rationing is not analyzed in the report. Somehow, this has to be done, so that one can have a more accurate comparison of the economic impacts of Option I versus Option II. The analysis needs to include the cost of rationing for residents as well as businesses. The need for this analysis of the cost of rationing is one of the things that makes it so essential to have a more accurate analysis of how bad rationing will be.

21-11

Page IV-72: The section on Impacts of Supply Option II says, "A shortfall occurs 1.5 months per year on average." Comparable statements are made for options III and IV, but not Option I. The same information should be given for all the options. Actually, this is one bit of information that could be deleted, as it is not very helpful, which is presumably why this information is not included in Table IV-27. You have answered the main questions: In what percentage of the years will we have rationing, and when we do have it, how long will it last, and how severe will it be? The figure on average number of months per year is confusing and unnecessary.

21-12

Page IV-74, second line from bottom: How can you say the "impact of Supply Option II on rationing hardships is less than significant"? Your criteria for judging significance need to be explained and justified. In this case, the analysis shows that Option II would more than **double** the time under rationing. If this isn't significant, what is? According to the district's recently developed criteria for going to Phase IV rationing, we would now be in Phase IV rather than Phase III if demand were at 20,000 AF. Isn't the difference between 20% rationing and 40% rationing significant?

21-13

Page IV-76, fourth paragraph: Same as the previous point. Rationing **triples** but this is said to be less than significant. What are your standards of significance? The public believes any rationing is significant.

Page IV-93: Use of the 1980-86 figures to calculate the value of construction may greatly overstate the current impact of Option I on the construction industry, as construction during 1987 and 1988 was far less than during the earlier years. The impact of Supply Option 1 on the construction industry would be dramatically less if you used the figures for 1987-88. For example, our district's connection charge revenues were $1,663,640 for FY 86, $2,028,625 for FY 87, but only $710,012 for FY 88. They are running at an annualized rate of only $649,621 for the first seven months of FY 89. If one calculates that our connection charge equates to about 2.75% of construction value, the value of construction impacted by water permits was in the $24 to $26 million range in FY 88 and FY 89 Since the go-go days of big projects are over, the current impact of Option I on the construction industry would be much less than shown in this EIR.

21-14

There are two possible reasons for the dramatic drop in connection charges. One is a drop in construction. The other might be the impact of our giving credits for installation of ultra-low flow toilets. Persons doing remodeling have the option of installing ultra-low flow toilets in their other bathrooms and eliminating any connection charge at all. This also shows that much of the remodel portion of the construction industry could continue under a moratorium, as conservation methods are available to

ensure that the remodel does not increase water usage. Thus mitigation measures are available to reduce the impact on the construction industry.

It should also be noted that of the total economic impact on the construction industry, perhaps less than 50% (I don't know the proper figure) would actually be felt on the Peninsula. The portion of the construction dollar that goes toward purchase of equipment and materials from outside the Peninsula, to pay labor that comes from off the Peninsula, or that represents profit to persons living elsewhere, should not be counted as an economic impact on the Peninsula. Another factor that mitigates the impact on the construction industry is that any moratorium would apply only to the Cal-Am service area; it would stimulate an offsetting **increase** in development outside the Cal-Am area, such as in the Highway 68 corridor, or on the floor of Carmel Valley where they have a right to well water.

Page IV-94, 5th paragraph: The assumption that construction could continue at present levels for four to six years is quite misleading. This is true only if nothing is done to protect the ability to build on lots of record. The four to six year figure assumes that jurisdictions will allow water demand to build up to the absolute limit of their allocation, then impose an abrupt moratorium and prevent building on lots of record. In fact, however, most jurisdictions have set aside water for lots of record. To the extent that they save water for lots of record, jurisdictions are creating their own self-imposed allocation limit, and they will reach this limit in a year or two, not four to six years. Because the County has set aside water for lots or record, for example, it already has what amounts in practice to a near moratorium on approval of new water uses, even though it is using less than its allocation.

How the allocation system might impact on property rights of owners of lots of record is an important legal and political question that should be addressed in this EIR/EIS. What if jurisdictions do not set aside water for lots of record? Are they vulnerable to lawsuits for inverse condemnation if they exhaust their allocation and can't permit construction on a lot of record? If so, this should be discussed in the EIR to help make jurisdictions aware of it.

I think the analysis should be based on an assumption that jurisdictions will protect lots of record, but the conclusion that construction could continue for four to six years seems to be based on the assumption they will not. The whole issue of lots of record becomes far more important if one makes a realistic estimate rather than a best-case estimate of how long it will take to bring a new water supply on line, i.e. 10-15+ years versus 6-7 years.

Actually, if one imposed a moratorium **NOW** on everything except lots of record, public projects and low and moderate income housing, demand would probably grow to the 20,000 AF allocation limit by the time water from a new dam comes on line.

(22)

ALLOCATION PROGRAM EIR
STATEMENT OF HITOSHI KONO
MAY 22, 1989

1. Mr. Kono questioned the EIR's designation of neutral impacts for employment and housing for Water Supply Option I and IV. Mr. Kono indicated his opinion that these impacts should be designated as significant.

min#17/stmt-hk.589

Edwin B. Lee
Box Z495
Carmel, CA 93921

23A

June 12,1989

Monterey Peninsula Water Management District
Box xxx
Monterey, CA 93940

Subject: Water Allocation EIR

I commented earlier on the lack of factual evidence presented with opinions expressed and pointed out the lack of precise referencing to either internal sections or external documents to support expressed opinions. Upon further study of the EIR I have become uncomfortable with the failure to divulge either the existence of, or the magnitude of errors in the input into the mathematical simulation model or the consequential errors in output upon which so much of the opinion in the EIR us based!

During my recent employment I frequently signed on to a computer terminal and one of several quotations related to use of computers appeared on the screen. The one which I remember went something like this, "If you feed nonsense into a computer what comes out will also be nonsense; but the fact that it has come out of a very expensive machine gives it a special credibility.

23A-1

I am not suggesting that the district staff or others have been deliberately feeding nonsense into a computer. However, there is no question that there are several sources of error, and/or potential sources, in the input values which have been used. In my judgement such errors do not invalidate <u>comparative</u> analyses of various reservoirs since the same errors would appear in each run. But the use of the output, as done in this EIR, to predict the results of various potential demands in absolute terms, without performing an error analysis and presenting in the document the inherent range of error for all the significant output values upon which various conclusions and opinions are based, would be irresponsible.

Some examples of input errors which I have previously known or have recently learned are listed below:

1. Errors in river flow input values.

   The USGS cannot use raw data from measuring stations because of the changing cross sections used for computation. Their published figures, used as input to the MPWMD model, have somehow been adjusted in an attempt to compensate these known errors. I believe an error anlysis and calculated "standard deviations." are available in the annual flow reports.

2. Error of not using daily municipal daily demand figures while running simulations using daily flow records

   --Error in computing potential rationing days

--Error in computing available fishery flows

3. Error of not incorporating Cal. Am surface peak demand storage (approximately 500 acre-feet or 1 weeks summer demand) in simulation runs.

--Error in computing potential rationing days
--Error in computing predicted available fishery flows

4. Error in assuming Carmel Valley aquifer storage 15,000 acre-feet less than the estimates of storage by experts (41,000 AF +)

--Error in computations using linear pumping efficiency algorithms

--Error in computing potential rationing requirements

--Error due to failing to consider addition of additional major well

--Error due to ignoring PUC testimony that dewatering efficiency of the aquifer in critical conditions could be increased by the addition of multiple small capacity wells between major wells

5. Potential errors in fishery projections

--Error in assuming that, given the alleged instability of the river bed in flood flows (see Curry reports), future predictions can be accurately made on the basis of conditions which existed only at the time of measurement.

--Error in using untested methodology not accepted yet by other scientists in the field. (Fish and Game, U.S. Department of Fish and Wildlife, etc.)

--Error in failing to consider potentially successful mitigations, i.e. mechanical riffle correction in autumn, transport of fish from drying river areas to suitable habit. The present agreement of the MPWMD is not discussed in the EIR.

Upon analysis some of these potential errors which would affect conclusions presented in the draft EIR may be shown to be insignificant. If so the analysis should be described in an appendix to the document. There may be other error sources unknown to me. If so, these to should be discussed also.

Until the above weaknesses have been corrected and included in the EIR the document is an unsatisfactory basis on which local governments can rely to make the very important decisions which need to be made.

Sincerely yours,

Edwin B. Lee

Edwin B. Lee

23B

ALLOCATION PROGRAM EIR
STATEMENT OF EDWIN B. LEE
MAY 22, 1989

1. Mr. Lee commented that the document needed better internal cross-referencing of terms and sources. 23B-1

2. Mr. Lee disagreed with the definition of least environmentally damaging alternative. 23B-2

3. Mr. Lee requested that the definition of "Usable Carmel Valley Storage" be redefined. Mr. Lee indicated that more water could be accessed if new wells were drilled. Mr. Lee indicated that more water could be accessed if a salt water recharge barrier were constructed. 23B-3

4. Mr. Lee indicated that the simulation model omitted terminal storage and thus was overly pessimistic. 23B-4

5. Mr. Lee suggested that the rationing impacts section include an analyses of the cost of lost gardens. 23B-5

6. Mr. Lee suggested that the impacts of a moratorium be more fully described. 23B-6

7. Mr. Lee commented that the impacts projected on the Lagoon were questionable. 23B-7

min#17/stmt-ebl.589

(24) TOM MAY
REAL ESTATE INVESTMENTS & PLANNING

RECEIVED
JUN 20 1989
M.P.W.M.D.

POST OFFICE BOX 715 , CARMEL, CALIFORNIA 93921 TELEPHONE (408) 625-3000

June 19, 1989

TO: Monterey Peninsula Water Management District

RE: DRAFT ENVIRONMENTAL IMPACT REPORT --WATER ALLOCATION PROGRAM. Dated March 30, 1989.

COMMENTS IN 6 PAGES

PURPOSE

The purpose of these comments is to bring the public back into the picture for practical water supply projects. Most people have a pretty good idea on how the Peninsula should operate under a cooperative effort. As in other places around the nation, including some major metropolitan areas such as Los Angeles and Phoenix, a series of community forums which involve wide-ranging Peninsula groups and leaders would probably reach 80 percent agreement on a common vision for the Peninsula's future.

The basis for degradations to the health, wealth and environment is mainly ignorance. Even though warning flags have been hoisted time and again by well-informed members of the public appearing before the Peninsula water board and other local agencies dealing with water, the cure is not so much education as it is structuring a political system which allows effective performance by policy boards. Mustering the strength for good performance can be market driven in large part.

Pre-planned and orderly responses to water crises are a must for efficient management of resources. Backup water projects are a necessity in order to nail down a reliable water supply in the event data is misinterpreted or incomplete, Mother Nature turns sour or resources are misapplied on this project or that. This point has been underobserved.

SITUATION

From the beginning of the Monterey Peninsula Water Management District (MPWMD) 11 years ago, water policy and planning has been dominated by the district's General Manager and his chosen bureaucracy rather than the Board of Directors elected by public vote. The individual members of the board have turned over many times during that period. The General Manager has had virtually total control over the content, interpretation and flow of informa-

tion which govern nearly all the actions of the Board of Directors. The board has not mounted a proper challenge to the underlying bureaucratic assumptions and manipulations behind that information.

Mishandling of studies and data, lack of good judgment and, particularly, an overriding self-promotion of bureaucratic interests have resulted in slanted information leading to today's water crisis and the need for the subject EIR. Thus, the water problems of the Peninsula are legitimately characterized as self-imposed and will continue, drought years or not, under current policies, practices and procedures. The result is the present condition of a wonderland of waste, rationing now and in the future and incoherent water planning.

In the absence of a rational review of the District's bureaucratic output duringthe past 11 years -- possibly with an assist from the Grand Jury, other groups and skilled individuals -- the efforts of the district's Board of Directors will not solve the water supply shortage. The board will continue to struggle so long as it lacks the capacity and means to cope with a persistent bureaucracy having a vested interest in prolonging the paperwork, lengthy studies and massive statistics for a new dam on the Carmel River. That dam, if ever built, is 15 to 40 years off according to California's top water experts. This long time line was known to the water board's bureaucracy four years ago and might have been easily estimated even before that time. Yet the bureaucracy has keep the ball in the air by promising that the dam was just around the corner. 1/ 2/

The Peninsula water board should do a turnabout and point toward the kind of oversight customarily exercised by policy boards. In that way, it would replace the General Manager as the true decision-maker for the water future of the Peninsula. The short cut is to chop the bureaucracy and renew it with fresh blood adept in update water planning and useful work.

1/ The taxpayers feed a lot of mouths on the MPWMD's large staff. The three most highly paid employees cost a combined total of about $250,000 per year, perks and retirement included. During the next 15 years the total would be about $4 million. These employees are authorized to moonlight for additional personal compensation and thereby divert theirenergy away from water matters. By comparison, the top ranking general at Fort Ord has a far more demanding task which consume 70/80 hours per week at a salary less than that of the District's General Manager.

2/ River dams are fading as viable projects. For example, proposed dams once deemed politically desirable have recently been aborted in Burma, Malaysia, Australia (Tasmania), China and Colorado due to economics, caution on natural conditions and environmental concerns. The proposed dam on the Carmel River is no different in these regards.

WATER PROJECTS

Highly feasible water projects which have been tucked away in the back files down at the Peninsula water agency would avert long term damage to the environment and still supply adequate water at reasonable cost. All, except for an iffy dam, have been cleverly underrated -- sometimes grossly -- by the existing bureaucracy in its effort to maintain a growing empire into the distance future through a fixation on the dam. This stonewalling against simple and common projects in worldwide use is dangerous to the health and wealth, to say nothing of the environment, of the Peninsula. Many of these hidden projects are near, sure and quick answers to the water shortage. A few could be put on a fast track for completion in one or two years. Others would take up to six years. Total costs are relatively low compared to the dam, and particularly low when one uses "management accounting" techniques adapted from the more prudent private sector.

One of the assessments which ought to be made is the damage to the value of Peninsula households, businesses and trades as a result of rationing due to foreseeable droughts and/or the overissuance of new water permits prior to completion of, say, a river dam which may never come. Moreover, many of the alternatives to the dam are readily financed under pay-as-you-grow for financial safety as the Peninsula enters the uncertain economics of the 1990s -- including the highest risk by many experts in 50 years for a major economic downturn. Importantly, these projects give flexibility to match new water supply with actual community growth as it may or may not occur. In short, adequate water may be tied to fiscal conservatism.

Today's urgent need is to go after easy-to-get water in order to refill well water basins -- acquifers -- which are the current mainstay of the Peninsula's water supply. Without some early projects to increase the supply, there is high risk of underground contamination at overpumped wells by agricultural and septic toxics or salt water intrusions. Either would be a catastrophe.

The early projects completed in the next two years could be augmented by follow-up projects such as reservoirs of varying size on side creeks and silt removal from the old dams 3/

3/ Early projects would focus on hillside washoffs and storm drain discharges. This resource lends itself to collection and storage in small ponds easily built on a fast track without the delay or hassle of state and federal regulations. This subpotable water may be targeted to nearby irrigation and thereby release drinking water from such use. Start up projects should be completed within the next two years.

in order to span the Peninsula with new water storage projects when they are needed. In this way, the Peninsula would have a water supply network not dependent upon the reliability or unreliability of a single major project. Such as water system would rank with the best in the nation.

Questions

Answers the following questions should be addressed in the final EIR.

1. Assuming normal rainfall and fast track approvals and completion of construction within two years of suitable ponds (a pond system in each gully) aligned in the gullies between Presidio Hill and the Community Hospital, how much water would be stored for irrigation within two years? In three years?

2. What would be the construction costs for this series of bond systems as distinct from the cost per acre-foot of storage?

3. What would be the effect upon the water allocation program one year after completion of pond systems on the foregoing hillside?

4. If the drainage pond system is applied throughout the hillsides in the heart of the Peninsula to expand the concept, what is the total potential water storage for irrigation in acre-feet?

24-1

MODIFICATIONS FOR TEXT OF FINAL EIR

Executive Summary. Overview

On Page 1 of the draft EIR, no key factor relating to policy and political goals should be omitted else a distorted view is presented to the busy reader. In order to properly reflect the foresight of the Legislature and the will of Peninsula voters, Paragraph 2 (Page 1) should be broadened substantially as follows.

> "The enabling act for the Monterey Peninsula Water Management District was adopted by the California Legislature in 1977 and ratified by local voters in 1978. The District was created to meet the need for integrated management of the Monterey Peninsula's groundwater, surface water, storm drainage, wastewater and other water resources for the benefit of . . ."

24-2

4/

5/

4/ Integrated management is the clue to update water planning as envisioned by the experts serving the Legislature. Please note that comprehensive use of all water resources was wisely incorporated in the mandated authority of the District. The enabling act specifically mentions control and conservation of storm and waste water. This authority should be, but has not been properly investigated as, the means to create a water network which taps near-at-

4/ (cont'd) -hand water at relatively low overall cost, all cost accounting factors included in the style of update "management accounting."

5/ Drainage water resources such as hillside washoffs are abundant around the Peninsula. Since ancient times they have been the first ones tapped. Today we would mix in storm drain water now wasted directly or through seepage to the ocean, subjecting it to minor treatment that eliminates low level toxics from service stations, streets and the like. This subpotable water would be targeted to irrigation at larger landscapes -- most of the Peninsula's golf courses, the airport, school and military grounds, some roadsides, and so forth. Suitable design would consist of up-gully collection ponds, a few small package treatment plants and gravity flow on the surface or in pipes to small downstream holding ponds nearby to the landscapes for irrigation. Only a small fraction of the 26,000 acre-feet (per 1976 UCLA study) of storm drain water would be needed. Little or no pumping would be required. New pipe lines are minimal. This water source would cost considerably less to construct and operate than sanitation plant wastewater which requires expensive high level treatement, major pumping and long pipelines through developed areas. Financing, in part, by Clean Water Act money is a possibility inasmuch as some storm drains now discharge low level toxics (untreated) which build up cumulative damage to the on and off-shore environment.

Questions

An answer to the following questions should be given in the final EIR.

(24-3) 1. By what authority were the outstandingly salient matters of integrated management and storm and wastewater omitted from the draft paragraph in the Executive Summary in a manner which distorts the Legislative intent and concept for the District?

(24-4) 2. By what authority were water sources other than those delivered through Cal-Am omitted from consideration in the draft EIR? Absent a thorough definition of these other water resources, the discussion of a water allocation program has a fatal flaw.

BIBLIOGRAPHY AND REFERENCES

Chapter VIII, Bibliography and References of the draft EIR (Page VIII-1) should cite the following very important reference.

(24-5) " _____. Water Conservation Plan for Monterey County. January 1986. This plan was prepared jointly by several water related agencies in Monterey County with the Monterey Peninsula Water Management District as the lead agency. Conservation of rainwater collections (drainage water) is ranked with high feasibility."

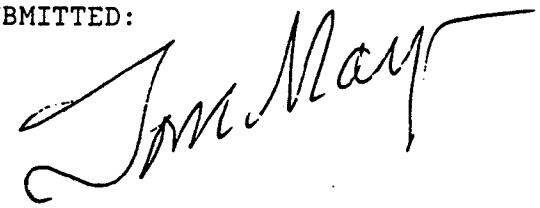
Question

The following question should be answered in the final EIR.

1. By what authority was the foregoing reference (Conservation Plan for Monterey County) omitted from the bibliography in the draft EIR?

A suspicious person would readily assume that the use of drainage water and projects declared to have high feasibility are adverse to the self-interest of the Peninsula water agency's bureaucracy. If such projects were built, there would be a quick solution to the current water crisis and lead to abatement of the large bureaucratic empire.

SUBMITTED:



(25)

Carmel Development Company

Post Office Box 4627
California 93921
License # 484304

Carmel by the Sea
Telephone 408 625 1090

June 19, 1989

To: Monterey Peninsula Water Management District
187 Eldorado, Suite E
Monterey, CA 93940

Re: Water Allocation Program Draft EIR
Public Comment

Dear M.P.W.M.D.,

We appreciate the opportunity to comment on this Draft EIR. Although there is much information, we are troubled by several inaccuracies and more importantly, by assumptions whose basis is not stated.

(25-1) The concept of "drought protection" recognized as a primary element in the purpose of this EIR (pg.1, et al) is never properly assessed. The chapter on Drought Impacts, IV-67 to IV-77, states what the "District criterion" are, but not how that criterion got established. Since the impacts and mitigations measures are judged against the "Districts criterion" must not the origin of these numbers be disclosed? Furthermore, as this Draft EIR is intended as a "decision document" (Pg.2 et al) we encourage careful examination of the initial assumptions, and how they will effect the outcome.

(25-2) We recognize that many subjective decisions must be made in assessing any series of trade-offs. Nonetheless, the "Fisheries" chapter goes into quite some detail in grading years from critical to excellent with specific maximum productions; yet there are no correspondingly objective tables for drought protection. It seems logical that water rationing affects the "quality of life" not only of humans, but also of significant vegetation on the peninsula (not just riparian). Furthermore, the discussion of rationing mechanisms, triggers, and values seems of the utmost importance in applying "value" to shortages. Other than stating the District's formula for rationing is different than that modeled (see Pg. IV-68) there is no iterative process to determine the proper or "best" method for dealing with shortages, or how the trade-offs are made.

The level of protection that a population chooses in some measure begins to quantify a level of drought risk. Obviously an emergency may occur that can be survived as a rare, singular event. However, to state that there is a projected shortfall in 1.6 to 18.4 percent of the months, and that the District has determined that a frequency

shortfall of 25% is acceptable to the human inhabitants of the Peninsula is somewhat cavalier.

As a decision making document, we believe that items that are subjectively or arbitrarily chosen must be so stated. Impacts and mitigation measures must be more comprehensive in nature. Drought risk and consequently drought protection are critical realities, whose values must be ascertained as objectively and reasonably as possible.

A second area of concern is the accuracy and reliability of the CVSIM model. The concept of reconstructing flows from a limited set of data is somewhat troublesome and would lead to a percentage error that must be stated. Furthermore, Figure IV-4 graphs mean monthly flows less than 1 cfs. What does it mean to have 1 cfs at the Narrows, versus say 0 cfs or 10 cfs? Does 1 cfs really indicate a flowing river? Can a simulation model, based on reconstructed flows be so accurate? Is this Figure at all related to Table IV-2 on Pg. IV-4? This table shows only minimal differences between options III & IV, in general. The primary differences are at the "Narrows" flows, although the "near Carmel" and "Lagoon" flows are quite comparable. How can this discrepancy be explained? 25-3

Lastly, the impacts of altering the various growth alternatives "artificially" (i.e. without addressing the factors that are inherent in those decisions) are quite substantial. If the demand for housing exists, but is unavailable, traffic (as just one example) may increase disproportionately faster, due to an increase in commuting. Therefore, it is logical that <u>all</u> of the alternatives in this Draft EIR will affect the infrastructure of the Peninsula, and must be considered. Even during a moratorium there may continue to be an increase in demand on the infrastructure as we've seen occur with the unexplained intensification of water use that is not attributable to new development. 25-4

Decisions that are made from this document must be comprehensive in nature. Trading one "infrastructure item" (e.g. water) for another (e.g. traffic) does not necessarily yield a "net" benefit. Furthermore, those items that are chosen <u>subjectively</u> need to be clearly stated and evaluated. Specific data and dialogue should occur prior to the adopting of any subjective data as being "appropriate" or "acceptable".

To summarize, we ask that you respond in your EIR to the following;

1. The history of how the District chose its drought risk/protection numbers and percentages. See 25-1

2. Are the drought risk numbers subjective or objective (i.e. are they opinion or fact)?

25-5 3. Has an analysis been done on the stresses to other Peninsula vegetation that occurs in droughts, or only to riparian vegetation?

25-6 4. Explain the seeming contradiction between Figure IV-4 and Table IV-2?

25-7 5. Since the fish migration numbers (Pg. IV-41) show no particular significance to one cfs., what is the purpose of Figure IV-4?

6. Discuss and list the potential, possible, and probable errors in the CVSIM model.

7. Determine the possible error on any particular number generated. (e.g. if result shows a simulated flow of 1 cfs., what is the actual possible range of that value)?

8. Assess the impact of supply options 1 and 4 as they relate especially to infrastructure. Specifically address the potential decline of services (e.g. traffic) and possible methods to improve the situation (without the contribution of new or replacement building funds being available).

25-8 9. Clarify what "decisions" are being used as a base for this document. Then clarify what decisions this Draft EIR "decision document" is intended to yield.

25-9 10. A sensitivity analyses of how altering a "base" decision may affect a "decision document" item. (e.g. How does increasing or reducing drought protection affect the supply option performances and conclusions)?

Sincerely,

R. Alan Williams
President

RAW/rc

Summary of Comments on the Allocation Program EIR Received on June 12, 1989

Jeanne Byrne - MBAIA (See letter.)

Brian Roseth - City of Carmel-by-the-Sea - Draft is well organized and is a good springboard for an improved information base. Document is too technical for lay people to understand. Document needs to address "significant adverse environmental impacts" and "short term vs. long term impacts" in more depth and in a non-technical manner. (See letter.)

Ira Lively - City of Seaside - Summary of concerns to be addressed in more detail. The negative aesthetic impacts of I and IV are understated. Water supply options II and III will result in sprawl and thus increase traffic and generate air pollutants. Seaside believes that any reduction in water supply will adversely impact local land use planning.

Bob Greenwood - CVPOA (See letter.)

Edwin B. Lee (See letter.)

Don Boston - EIR needs to recognize recreation/aesthetics with fiscal impacts. Construction industry is not as mobile as EIR suggests. Fiscal impacts related to moratorium needs closer analysis. Don Boston questions the reality of the buildout projections. Tourism dollars need to be updated. (26-1)

John Williams - Questions count of vacant lots of record. Questions proper "no project" alternative. What if there were no MPWMD? EIR needs to compare existing allocation with the "proposed allocation." EIR should examine policy implications for water shifts. (26-3) (26-2) (26)

(27)

Bruce Buel, Mgr
MPWMD
Box 85
MOnterey CA 93940

6/5/80

RECEIVED
JUN 5 1980
M.P.W.M.D.

Subject: EIR Water Allocation Mar 1980

Dear Bruce,

Attached are my comments upon the March 1980 EIR -Water Allocation Program.

I may wish to add more comments and suggestions later. Meantime, I trust you will forward a copy of these comments to Mintier and Associates.

Wm C Woodworth

WM. C. WOODWORTH
654 SUNSET DR.
PACIFIC GROVE, CA 93950

Comments on EIR-Water Allocation Program March 1980 MPWMD
by W C Woodworth 6/2/80

General Comments:

I have read. responded or been exposed to some 25 or more EIRs on water and sewage in this area in the past 14 years. Never have I encountered an EIR so difficult to analyze and to understand. Perhaps this is the reason so very few responded at the public hearings on 22 May. The complexity of this EIR goes way beyond any reasonable purpose for which environmental impact review would foment.

I can only at this point respond to specific deficiences and major flaws which I observe from this document.As an original member of the MPWMD and a major critic of the organization for the past several years, it pains me to have to take the time to critique such a document.

Specific comments:

Let me be specific and hope these are constructive criticisms and yet repeat of many of my previous criticisms of the MPWMD and the concept of water allocation that has developed over the years.

1. The Principle of Water Allocation of potable water only.

This thesis that allocating only drinking water in this mountainous,coastal area is sorely misleading and probably impossible. This in view of the fact that drinking or potable water actually makes up less than 25% of the available sweet water available throughout the geographical borders. Mother Nature provides the bulk of the available water in various forms and usually terminating by discharges to the salty ocean in runoff via storm drains. Further,the delivery of potable water supplies by Cal/Am is converted to sewage (50-60%) which can be reclaimed and reused. (27-1)

The MPWMD still fails to recognize that the water pie that it tries to divvy up is less than a quarter of the available water for this land usage. I personally have written considerably on this subject and in EIR responses. The District's files should be full of excellent references in the water literature that confirms this. Somehow the singular philosophy of new water with this water board pervades that only a dam on the Carmel river can possibly solve the new water and drought reserve requirements for the next 25 years. (I can site numerous warnings from the knowledgable public over the past decade). Yet nearly 4 times as much water falls on our lands,roofs, and streets, ahead of the CR dam sites as fall behind the dams.

2. The executive summary.

Overview: This is where any reader or decision maker would go for a clear statement of the problem and recommended solutions or options. Unfortunately, this is where confusion seems to be rampant and inconsistant management information.

I take strong issue with the statement that Cal/Am supplies 92 % of the water delivered. Mother Nature's No. 1 water system is the really big deliverer. See 1 above for others who contribute to the full pie of water availability. Incidentally, only some 10% of the water needs for most users requires drinking water quality. Cal/Am also may be a distributor of sub-potable or reclaimed water with the advent of the Pebble Beach reclamation project.

(27-2) The first(of 3 components)statement is still unclear and questionable in its limitations of what the " Water Resource System" can produce annually in light of the policy of chosing only potable water to be allocated. This policy, developed over the years by different board clicks, places too much emphasis upon such things as wild life values(usually only along the Carmel river)and drought protection which can probably be better assured by reclaiming sewer water and storm drainage in the non-Carmel river basin, with a two pipe delivery system.

I would emphasize that this water district was principally formed to provide water for People,not wild life or flora/fauna. Further, in California people do have priority over other water users, including agriculture. Thus this first principle of stressing the natural environment is a basic flaw in this allocation concept. This policy has led so far to providing water for fish and trees at 90% of available potable water vs only 10% for the paying, thirsty people living or abiding here. A reversal of this proportion would be more realistic.

The two purposes stated on p 2 are tainted and flawed if it cannot be sustained that allocating only drinking water is the proper solution to distributing limited water supplies within the district bounds. My reasons for doubting this viability are discussed briefly in following paragraphs.

3. Water Supply Options:

(27-3) The four Options don't have any category for most cost effective or least costly to the water customers. Perhaps you need a fifth category of least costly vs.least

environmentally sensitive. This brings up the seeming lack of any discussion in this EIR of costs and water pricing. Perhaps the EIR documentors, over the years , have forgotten that everything has a price or cost benefit/ regret ratio.

The 5 water distribution alternatives are more complicated that necessary and,as I stated earlier, only potable water allocation by jurisdictions has some very serious drawbacks. (27-4)

The entry of separate allocation for the Airport District does bring up my question of why not also special allocation for the USNavy, DLI ,and Fort Ord, all of which have been within the MPWMD borders since inception? More on the Fort Ord water needs later. (27-5)

Table 1 Total water Allocations: I note again that Monterey County has about the same total water allocated as does the big city of Monterey. Yet MOCO has a widely spread geographical area, in two (or 3) major water sheds or sub basins and heavily fractionalized with suburban and residents and farms. I have objected for several years that MOCO , for its own water/sewer/drainage management ,needs to separately specify its watch areas by subasins and avoid lumping all the info together into a hodgepoge. Demographers separate their growth paramaters in this manner but MOCO throws all the info into one Barrel and expects to manage byone set of figures. (27-6)

For instance, since Pebble Beach, is actively pursuing incorporation and is in actuality a semi-munincipal jurisdicition in many respects, the breakout of the PB water demands, both potable and subpotable,needs to be stated separately. The MOCO jurisdiction around munincipal Carmel,and adjacent areas along hi-Way 68 corridor should be separately specified too. Finally,Fort Ord(inside the diagonal line from Laguna Seca to Marina), should be shredded out in tables like Table 1 & Table 2. (27-7)

Re; Table 3 New Development Potential.

The column on Golf Course Employees makes little sense to me. I'm not sure there is too much corelation between no. of employees on irrigation turf" forms" and water needs. Why not use total acreage needing irrigation or total rounds of golf by customers? (27-8)

4. Allocation of New Water Supplies.

The discussion of conservation and reclamation seems to assume that these are completely separate. Yet, the MOCO Water Conservation Plan of 1986, with MPWMD as the lead agency, considers reclamation as No.17 of 19 water (27-9)

conservation measures. So if there are 18 other water conservation measures in the plan, which of 18 measures is this EIR addressing? On the Reclamation side, why is there only a discussion of the ill-fated CSD-PPCSD project and particularly no discussion of reclamation systems like the Carmel Valley Ranch or the Laguna Seca package plant? What other reclamation plants for sewage or storm waters are imminent?

One of the major constraints for water use, or any scarce commodity is price. Why is so little emphasis upon raising potable water costs given to the formulas for allocation?

5. Summary of Water Supply Impacts.

Pages 10 thru 20 is hardly a cohesive and balanced narrative. It is badly distorted by emphasis upon the fisheries and wild life in the upper Carmel valley without regard to the same balanced ecological factors(birds, deer,raccoons,squirrels etc where most of the MPWMD people live and visitors abound. Such a statement,p 11, that all four supply options would have a significant adverse impact on wildlife due to continued decline in riparian habitation is a case in point. As a long time environmentalist I strongly object to that pie-in-the-sky blanket claim,especially when this EIR was necessitated by the need for balancing the need for water for PEOPLE in certain municipalities.

27-10

Table 4 & 5 are hard to understand and relate to the decision process necessary to establish a fair water allocation formula for "municipalities". I wonder how the EIR certifiers can make heads or tails of these matrix depictions,which are highly biased by over emphasis on riparian,wildlife ,fisheries and little consideration for impacts upon more practical water deficiencies.

27-11

Those impact matrices could be much more helpful if some numbering rating system was used(1-10) and then some total weighting factor, bottom line itemization. Of course, there should be a prioritization system for showing those impact categories that most directly apply to actual issue of this EIR.

Commenting upon a couple of impact categories. The no impact on the Military is way off scale and it seems little thought was given by the analysts to water/sewer/reclamation needs of these heavy water users. Past history of the MPWMD has led the Army & Navy in these parts to spend considerably more money to do their own Integrated water management and avoid being unfairly treated, and unrepresented, on major water decisions impacting them.Fort Ord which has always been part of the water district has had to flop over into the Salinas valley with new well fields because the MPWMD

could not, or would not, provide them with needed water allocations or planned new sources. The Navy has spent much of its own public works money to provide supplemental water from its own recicying facilities. DLI at the Presidio spent large sums for special oversized drainage and retention systems as well as extra efforts on water conservation equipment with its new buildings.

The longer this hassle over water management in the water district and drought threats continue the impact of MPWMD water supply decision will surely impact military installations in this area.

Wastewater and Fiscal Impacts also appear underestimated in the EIR matrix summary. Proper recycling of both sewage and storm waters will take much of the potable water strain off the Cal AM delivery system. I do suggest reviewers look more closely at these checkoffs and give them "equal time" with the more extremist environmental categories.

Conclusion:

This EIR, as written, contains so much information of all sorts that it will be very difficult to make sound decisions to resolve the basic problem. The Executive Summary needs a major rewrite with a more balanced, pragmatic concept of integrated water management, a charge of the MPWMD from its inception.

In my opinion water allocation of only a quarter of the water EIR is an unsound management principle. Until this water board and allied agencies understand this, the MPWMD will continue to be inept in its basic water management mission.

I have to wonder how much this EIR already has cost and if we could not have used such money earlier to better provide real water for People and avoided these inter agency skirmishes.

Back to the drawing boards!

W C Woodworth

6/2/90

alocwtr

RECEIVED
JUN 16 1989
MPWMD

California-American Water Company

Monterey District
404 West Franklin Street, P.O. Box 951 • Monterey, California 93942-0951

(408) 373-3051

Lawrence D. Foy
Vice President & Manager

443-763

June 15, 1989

Mr. Nick Lombardo, Chairman
Monterey Peninsula Water Management District
Rancho Canada Golf Club
P. O. Box 22590
Carmel, CA 93922

RE: Water Allocation Program
Environmental Impact Report

Dear Nick:

The Company has been interested in the Water Allocation Program since its inception and has followed its development through the various PAC and TAC committee meetings. It has heard the presentations made by J. Lawrence Mintier & Associates and finds itself in the position that, although it is very concerned about the overall amount of water allocation that is established by the District, it will not involve itself in the allocation of the six cities and the County as it is outside its purview. We feel that allocation of water, development by master plans, general plans or any other functions of the individual municipalities should not be interfered with in any way by the Company—nor, for that matter, the District.

I left the majority of the meetings that I attended with a very uncomfortable feeling. I, and other members of our staff, have reviewed the EIR draft and have also attended the meetings pertaining to the EIR. We all concur that it is a report of great volume which establishes in detail—through reports, charts and graphs—that if you allocate more water you are going to have an affect on the environment in the areas of traffic, growth, noise and air quality. We feel this is plain common sense; of course, it will be a factor. But what it fails to accomplish, with all of its volume, is that there are no definite conclusions, nor are there any recommendations.

For the most part, I find all the information that has been developed in this report accomplishes nothing more than compiling information that has already been put together by other consultants, some from the original District EIR, others from EIP, AMBAG, etc.

(28-1) The Company will not take a position on the report's overall allocation to the cities and the County. However, I disagree entirely that any allocation should be downgraded.

I am herewith providing my comments on three major items the report fails to address and what I feel the District has given lip service to but has also failed to address:

1. The District has quickly overlooked, and this report fails to address, the studies that were done by Staal, Gardner and Dunne in the Lower Carmel Valley Aquifer #4 (AQ4) which points out that there is an additional 6,060 AF of water in AQ4. From what information we have been able to obtain from your staff and conversations with Staal, Gardner and Dunne, it appears that AQ4 is being totally ignored because of its possible affect on the Lagoon at the ocean and the possibility of drawdown and mitigation of the riparian vegetation in the lower part of the river. (28-2)

   I call your attention to the original EIR, Figure 3-4 on page 3-21, a chart showing capacities in each of the aquifer subunits. We point out that in this schematic of the system these figures are not updated and fail to show the additional quantity stated above in the draft EIR. I also reference the District's own technical memo of 86-06, which shows a total available groundwater of 30,237 AF. This available groundwater in the four subunits would be increased to 36,297 AF with the 6,060 AF in AQ4. There is also to be considered the total storage of 41,594 AF within the four aquifers, which would be increased to 47,654 AF by assigning the 6,060 AF to the four aquifers.

   Considering only AQ4, the total storage capacity as determined by your staff in the past and the additional studies by Staal, Gardner and Dunne, there is a total 19,911 AF of water that is being allowed to sit untouched for the two reasons I have indicated above because of their affects on the environment, both of which I feel could be totally mitigated.

   As we understand it, part of the Staal, Gardner & Dunne study made a final determination that there is actually a granite shelf between AQ4 and the ocean, and that the problem with that shelf is that there is a V-notch breach which could possibly allow saltwater intrusion into AQ4.

   We feel the District needs to address this problem and its solution by the installation of injection wells at the ocean using tertiary treated effluent from the Carmel Sanitary District to inject at times of drawdown in AQ4 to protect from any saltwater intrusion. This technology is not new; it is used extensively in the Los Angeles and Long Beach basins. This is something that needs to be explored. By providing this type of protection and working out further mitigation for the environment, this would allow another 19,911 AF of water to be added to the water supply and added to the total number for allocation and drought reserve.

2. Cal-Am feels the District has failed to include in this EIR the consideration of the additional capacity that is available from the two small systems that have been recently acquired by Cal-Am (28-3)

and have been made part of our system. One is the Rancho Fiesta Mutual Water Company; the other is Water West Corporation.

In both cases, the District has failed to address adding this allocation to Cal-Am's system as the present consumption within these two companies is far below their authorized allocation by the District. This allocation should be either brought in totally to the County or brought into the allocation of the overall system and allocated across the board to the cities and the County. In either case, there is a minimal amount of at least 250 AF of water available to the community from those systems.

Cal-Am has designed its interconnection with the Rancho Fiesta Mutual Water Company to be able to take water from its present system or from the wells in the Rancho Fiesta system. The Water West System consists of four wells, one of which can be connected directly into the Cal-Am transmission main providing additional water immediately from AQ2.

3. The Company has pointed out in the past to the District's committees and its staff that during the California Public Utilities Commission Case No. 9530 it was determined that in the absence of a new onstream or offstream reservoir, the total water supply available to Cal-Am is limited to 22,000 AF. (See Decision 84527, discussion at pages 40-41, and Finding No. 2 at page 68; and see Decision 89195, Finding No. 1 at page 4.)

(28-4)

The District has only established 20,000 AF as its allocation, thereby holding 2,000 AF in drought reserve. However, it has failed to include this reserve (2,000 AF) in any of its reports, calculations or model runs. This should be addressed as part of the Allocation EIR.

In reading the Water Allocation EIR I feel that it is written to assist those who would like to impose a moratorium, would like to decrease the allocation to control growth, or would like to use the environment as the basis to stop the cities and the County from functioning under the master and general plans they have approved.

(28-5)

As I stated above, I feel it is not appropriate for the District to enter into this arena as that is not part of its charter under the Mello Bill. The District should only consider the avenues to increase the water supply and eliminate allocation and land use planning by the District.

Those items indicated above should be studied and included as part of the allocation EIR. The District should be doing everything within its power to keep this community in as near a normal posture as possible until we see completion of a new water supply project.

Very truly yours,

L. D. Foy

LDF/mh cc: B. Buel R. W. Greaves G. Haas

(29)

EXHIBIT F-5

MINUTES

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
POLICY ADVISORY COMMITTEE
MAY 24, 1989

MEMBERS PRESENT:	PAC	TAC
CITY OF CARMEL	ELINOR LAIOLO	BRIAN ROSETE
CITY OF MONTEREY	CARL OUTZEN	BRUCE KIBBY
CITY OF PACIFIC GROVE	SUSAN WHITMAN	JUDY McCLELLAN
CITY OF SAND CITY	JOHN HARPER MICHAEL GROVES	DICK GOBLIRSCH
CITY OF SEASIDE	DAN QUINN IRA LIVELY	MIKE BITTNER
COUNTY OF MONTEREY	SAM KARAS KAREN STRASSER KAUFFMAN	WALTER WONG TOM UPDYKE STEVEN MAKI
MPAD	DICK SEARLE	DENNIS HORN CLAYTON NEILL, JR.
MPWMD	NICK LOMBARDO PAUL DAVIS	BRUCE BUEL MICHAEL RICKER DAVID LAREDO

MEMBERS ABSENT: CITY OF DEL REY OAKS

OTHERS PRESENT:		
	AMBAG	PETER CHAMBERLIN
	MRWPCA	ANN ST. PIERRE
	US NAVY	ANDY BOLT, LARRY EDING
	STERLING CENTER	JIM SLEIGH, J.E. FELDSTEIN

1. CALL TO ORDER/ROLL CALL

Chairman Lombardo called the meeting to order at 1:35 p.m. on Wednesday, May 24, 1989. Bruce Buel reviewed the purpose of the meeting.

2. REVIEW OF ALLOCATION PROGRAM EIR

A. Recommendations re Water Supply options

Outzen presented a handout stating the position of the City of Monterey (see attachment). The PAC agreed to debate the policy issues continued in the handout.

Whitman indicated that the report didn't necessarily include all demands in the District and that the report incorrectly states that no significant impacts will occur in traffic, schools, housing, etc. at production level of 17,500. Whitman indicated that a moratorium on new water permits could not stop infill and intensification. Susan Whitman asked how water priorities would be set if the allocation were reduced to 17,500 acre feet.

Groves asked if sources of water were available that were not analyzed in the EIR. Discussion followed.

Karas indicated that he favored Option No. IV (17,500 AF).

Strasser Kauffman indicated that the District is over-allocating water at the 20,000 AF level. Strasser Kauffman indicated that the District was going to run out of water prior to developing a new water supply project.

Lively - Document needs to distinguish supply for planning verses actual use. Lively argued that conservation and reclamation should be considered. Lively observed that additional distribution alternatives needed to be considered.

Groves asked if additional water could be developed.

Wong asked if Cal-Am can supply 18,400 acre feet in every year.

Bittner asked what would happen this summer in terms of Cal-Am's ability to meet community water demand.

Lombardo indicated that Cal-Am's production was limited by facility limits and institutional constraints.

Roseth endorsed the proposal by the City of Monterey.

Strasser Kauffman agreed with Roseth.

Outzen argued for fuller consideration of Option IV.

Karas moved that the Committee recommend Option No. IV as mitigated with conservation. Outzen seconded. Groves objected based on premature action. Whitman concurred. Roseth concurred. Karas withdrew his motion.

29-1 Groves moved that the EIR include the four alternatives with the provision that conservation be evaluated. Whitman seconded.

Carmel	Yes
Del Rey Oaks	Absent
Monterey	Yes
Pacific Grove	Yes
Sand City	Yes
Seaside	Yes
Monterey County	Yes
MPAD	Yes

Motion carried unanimously.

B. Recommendation re Water Distribution Alternatives

29.2 Roseth commented on Distribution Alternative No. I. Roseth suggested that the formula be revised with new assumptions. Roseth moved that Alternative No. I be amended to drop the projections since these are unknown. Groves seconded. Motion passed unanimously (DRC absent).

Outzen requested that the PAC discuss the assumptions that were used to calculate the numbers in Alternative IV. Lively suggested that this be done in writing. Buel agreed to do so.

C. Recommendations re Compliance Mechanisms

Strasser Kauffman suggested that additional enforcement and monitoring were needed.

Roseth supported the need for an early warning prior to the imposition of a moratorium and development of guidelines to bring an overdedication back into compliance.

Whitman asked for a definition of "rapid corrective action". Whitman moved all of the above. Strasser Kauffman seconded. Motion passed unanimously (DRO absent).

29.3 The committee discussed the grace provision and requested more analysis including possible modifications (AF etc.).

3. **OTHER BUSINESS**

Roseth indicated that the EIR should explicitly describe the expected provisions of a rationing plan.

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