



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

<http://www.mpwmd.dst.ca.us>

5 HARRIS COURT, BLDG. G • POST OFFICE BOX 85 • MONTEREY, CA 93942-0085 • (831) 658-5600 • FAX (831) 644-9560

MEMORANDUM

DATE: October 8, 2009
TO: Carmel River Advisory Committee
FROM: Larry Hampson, Senior Water Resources Engineer
SUBJECT: Packet for October 15, 2009 Committee Meeting

Enclosed is the meeting packet for the next meeting of the Committee, which will be held on:

**Thursday, October 15, 2009
10:00 A.M.
Mid-Carmel Valley Fire Station Community Room**

You may also download the meeting packet from the following website:

<http://www.mpwmd.dst.ca.us/programs/river/crac/cracinfo.htm>

For directions, contact Larry Hampson at the Carmel Valley field office at 659-2543 or by e-mail (larry@mpwmd.dst.ca.us).

Enclosure



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

<http://www.mpwmd.dst.ca.us>

5 HARRIS COURT, BLDG. G • POST OFFICE BOX 85 • MONTEREY, CA 93942-0085 • (831) 658-5600 FAX (831) 644-9560

Carmel River Advisory Committee Members

John Dalessio, Chair
Lance Monosoff,
Vice Chair
Vincent Frumkin
Thomas D. House, Jr.
Lawrence V. Levine
Clive Sanders
Marjorie Ingram-Viales

Public Comment

Anyone wishing to address the Committee on a matter not listed on the agenda may do so during Public Comment.

***DRAFT* AGENDA**

CARMEL RIVER ADVISORY COMMITTEE

**Thursday, October 15, 2009
10:00 A.M. at**

Mid-Carmel Valley Fire Station Community Room

- 1. CALL TO ORDER/ROLL CALL**
- 2. PUBLIC COMMENT**
- 3. CONSENT CALENDAR**
 - A. Consider Approval of Minutes from the July 16, 2009 Regular Meeting.**
- 4. UPDATE AND DISCUSSION ON CARMEL RIVER WATERSHED ACTIVITIES – Clive Sanders**
- 5. CONSIDER EXPRESSING APPRECIATION FOR SERVICE ON THE CARMEL RIVER ADVISORY COMMITTEE BY SUSAN ROGERS AND RICHARD ROSENTHAL**
- 6. STAFF REPORTS**
 - a. INTEGRATED REGIONAL WATER MANAGEMENT PLANNING**
 - b. UPDATE ON SAN CLEMETE DAM ALTERNATIVES**
 - c. FALL 2009 VEGETATION MANAGEMENT PROJECT**
 - d. UPDATE ON CALIFORNIA AMERICAN WATER SETTLEMENT AGREEMENT WITH NOAA FISHERIES**
 - e. PRESENTATION ON ENGINEERED LOGJAMS IN PACIFIC NORTHWEST RIVERS**
- 7. ITEMS TO BE PLACED ON FUTURE AGENDAS**
- 8. ADJOURNMENT**

Staff notes regarding these agenda items will be available for public review on Monday, October 12, 2009 at the District office in Monterey.

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
CARMEL RIVER ADVISORY COMMITTEE
October 15, 2009**

1. CALL TO ORDER/ROLL CALL

2. PUBLIC COMMENT - Anyone wishing to address the Committee on a matter not listed on the agenda may do so during Public Comment.

3. CONSENT CALENDAR

A. Minutes from the July 16, 2009 Regular Meeting of the Carmel River Advisory Committee Regular Meeting are attached as **Exhibit A**.

ACTION REQUIRED: The Consent Calendar contains routine items that will be approved or accepted upon ratification of the Consent Calendar. A Committee member may request that a Consent Calendar item be considered separately by the Committee.

4. UPDATE AND DISCUSSION ON CARMEL RIVER WATERSHED ACTIVITIES

BACKGROUND: This is a regular agenda item. Clive Sanders, Administrator for the Carmel River Watershed Conservancy (CRWC), will update the Committee about CRWC activities.

RECOMMENDATION: No action is required. This is a discussion item.

5. CONSIDER EXPRESSING APPRECIATION FOR SERVICE ON THE CARMEL RIVER ADVISORY COMMITTEE BY SUSAN ROGERS AND RICHARD ROSENTHAL

BACKGROUND: Susan Rogers was appointed to the Committee by Director Alvin Edwards in June 1999 and served continuously on the Committee until June 2009. She was Vice-Chair in Fiscal Year (FY) 2003-04 and Chaired the Committee during FY 2004-05. Richard Rosenthal was appointed to the Committee by Director Molly Erickson in July 2002 and served on the Committee until September 2008.

Committee members may wish to express their appreciation for service to the community by Susan Rogers and Richard Rosenthal. Certificates of appreciation that will be available for signing at the October 15, 2009 meeting.

ACTION REQUIRED: The Committee should consider whether to recommend that the MPWMD Board of Directors adopt Resolutions of Appreciation for service on the Committee by Susan Rogers and Richard Rosenthal.

6. STAFF REPORTS - Staff will report on the following:

- a) Integrated Regional Water Management Planning (Hampson)
- b) Update on San Clemente Dam alternatives (Hampson) – see **Exhibit B**

- c) Fall 2009 vegetation management (Christensen)
- d) Update on California American Water settlement agreement with NOAA Fisheries (Urquhart)
- e) Presentation on engineered logjams in the Pacific Northwest rivers (Hampson)

7. ITEMS TO BE PLACED ON FUTURE AGENDAS

Committee members should bring up any new business at this time to determine whether it should be included on a future meeting's agenda.

8. ADJOURNMENT

U:\Larry\wp\crac\2009\20091015\CRAcnote20091015.doc

Draft
MINUTES

Exhibit A

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
CARMEL RIVER ADVISORY COMMITTEE
10:00 A.M. Regular Meeting at
Mid-Carmel Valley Fire Station Community Room
July 16, 2009

1. CALL TO ORDER/ROLL CALL

MEMBERS PRESENT: John Dalessio, Lance Monosoff, Vince Frumkin, Tom House, Susan Rogers, Clive Sanders

MEMBERS ABSENT: Larry Levine (excused absence)

PUBLIC PRESENT: Margaret Robbins, Roger Williams (Carmel River Steelhead Association)

STAFF PRESENT: Thomas Christensen, Larry Hampson, Kevan Urquhart

2. PUBLIC COMMENT – Margaret Robbins asked if a change in land use to viticulture results in an increase in the runoff of sediment or chemicals in the watershed. She also stated that the Carmel Valley Association supports the hybrid regional water supply project proposed by LandWatch Monterey County.

[The hybrid plan combines several component projects described in the Coastal Water Project EIR and in other local project planning proposals and includes potential water saving activities such as reducing pipeline leaks. See

<http://www.landwatch.org/pages/issuesactions/water/071909calamhearing.html>

for additional information.]

3. ELECTION OF CHAIR AND VICE-CHAIR FOR FISCAL YEAR 2009-10

Lance Monosoff made a motion to nominate John Dalessio for Chair. Tom House seconded the motion. **The motion to elect John Dalessio as the Chair for the 2009-10 Fiscal Year (July 1 to June 20) was approved unanimously.** Committee

John Dalessio made a motion to nominate for Lance Monosoff for Vice Chair. Tom House seconded the motion **The motion to elect Lance Monosoff as the Vice Chair for the 2009-10 Fiscal Year (July 1 to June 20) was approved unanimously.**

4. CONSENT CALENDAR – Lance Monosoff made a motion to approve the minutes from the April 9, 2009 2008 Regular Meeting. Tom House seconded. **The motion to approve the minutes passed by a unanimous vote.**

UPDATE AND DISCUSSION ON CARMEL RIVER WATERSHED ACTIVITIES – Clive Sanders commended the steelhead rescue efforts carried out by both the Carmel River Steelhead Association and MPMD.

5. CAPTIVE STEELHEAD REARING IN THE CARMEL RIVER – Using several handouts, Kevan Urquhart, Senior Fisheries Biologist for MPWMD, described the life cycle of steelhead in the Carmel River and the ocean during an extended drought. Mr. Urquhart showed that a captive

rearing program would probably not be required for droughts lasting three years or less, but that a rearing program could provide some benefits for droughts that extend four or more years. He noted that between 1902 and 2009, there had been only one five-year period [1987 through 1991] when annual surface runoff was classed as dry or critically dry [i.e. a year when annual recorded streamflow does not exceed 27,000 acre-feet per year and is in the lowest 25% of all years.] Concerns about establishing a captive rearing program include the potential for altering the native steelhead gene pool, logistics of such a program, and the costs of operating and maintaining facilities that would meet stringent federal and state requirements.

6. STAFF REPORTS – Concerning the San Clemente Dam, John Dalessio asked if Camp Steffani properties could be bought to avoid potential flood impacts if San Clemente Dam were removed incrementally. Larry Hampson responded that incremental dam removal was evaluated and rejected by the California State Department of Water Resources due to the potential for increased flooding in several areas along the river.

7. ITEMS TO BE PLACED ON FUTURE AGENDAS

Committee members scheduled the next committee meeting for October 15, 2009. The following item was requested to be placed on a future agenda:

- a. Discuss effects on the Carmel River watershed of a change in land use to viticulture.

8. ADJOURNMENT

U:\Larry\wp\crac\2009\20091015\CRACminutes20090716draft.doc



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5600
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

September 8, 2009

Robert G. MacLean, President
California American Water
1033 B Avenue, Suite 200
Coronado, CA 92118

SUBJECT: Comments on Final Draft Memorandum of Understanding for River Reroute and Dam Removal, San Clemente Dam

Dear Mr. MacLean:

On August 25, 2009, you requested that the District review a draft “Memorandum of Understanding Regarding River Reroute and Dam Removal, San Clemente Dam, Carmel River, Monterey County, California” (MOU). Enclosed is a copy of that MOU with proposed changes (in strikeout and underline) recommended by the District staff. This version of the MOU will be considered for approval by the District Board of Directors at their September 21, 2009 meeting and I will request authorization from the Board to sign the final version of the MOU, if it does not contain changes that significantly revise the operative parts of the agreement.

The majority of recommended text changes to the draft MOU pertain to language specific to District’s authority and functions. In addition to the recommended changes, we suggest that you consider the following:

- Section 2a describes “Quarterly Meetings.” Based on past experience with such groups, we recommend that a single entity be designated to facilitate and organize meetings;
- Sections 1c and 3 describe that certain agencies will exercise prosecutorial discretion. Section 3a specifically describes the California Department of Fish and Game (CDFG) as the enforcement agency for the State of California, but CDFG is not a party to the MOU. We recommend that CDFG be included as a signatory party or, at a minimum, be informed of this MOU;
- It appears that one of the purposes of the MOU is to provide approximately one year to complete studies needed to fully evaluate the two alternatives being considered. However, the MOU is set to expire on July 6, 2010. In order to give the participating agencies sufficient time to complete the tasks described in the MOU, we recommend that the MOU expire one year after it is fully executed by the parties.

Mr. Robert G. MacLean
September 8, 2009
Page 2

The District would like to assist in moving the San Clemente Dam project forward as quickly as possible. We can provide technical expertise and historical context concerning the management of the Carmel River fishery, channel and vegetation dynamics, and stream restoration. We look forward to cooperating with California American Water and the other agencies involved in this effort.

Please send the final version of the MOU to me for signature at your earliest convenience. If you have questions about this letter, please call the District Senior Water Resources Engineer, Larry Hampson, at (831) 659-2543 or me at (831) 658-5651.

Sincerely,



Darby Fuerst
General Manager

Enclosure: Draft MOU with MPWMD revisions

cc: David C. Laredo, General Counsel

U:\Darby\wp\calam\scd\proposed_mou_08sep09.doc

Memorandum of Understanding

Among California-American Water [California-American],
the State Coastal Conservancy [the Conservancy],
the Natural Resources Agency,
the Division of Safety of Dams [DSOD] of the Department of Water Resources [DWR],
the Monterey County Water Resources Agency [MCWRA],
the Monterey Peninsula Water Management District [MPWMD],
the California Public Utilities Commission [CPUC],
Assemblyman Bill Monning,
Congressman Sam Farr, and
the National Oceanic and Atmospheric Administration's Fisheries Service
-[NOAA Fisheries]

Regarding
River Reroute and Dam Removal
San Clemente Dam, Carmel River, Monterey County, California

Recitals

- A. California-American is a California corporation and an investor-owned water utility regulated by the CPUC. California-American has a certificate from the CPUC to provide water service to approximately 40,000 customers on the Monterey Peninsula.
- B. The Conservancy is an agency of the State of California within the Natural Resources Agency, charged with enhancing and protecting coastal resources.
- C. ~~The Division of Safety of Dams ("DSOD")~~, whose purpose is to protect people against loss of life and property from dam failure, is a division of the California ~~Department of Water Resources ("DWR")~~, which is charged with improving and sustaining California's water resources.
- D. NOAA Fisheries is an agency of the federal government within the Department of Commerce, charged in part with conserving and protecting natural resources.
- E. The CPUC regulates privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies, pursuant to Article XII of the California Constitution. The CPUC regulates the rates California- American can charge its Monterey Peninsula customers and the prudence of California- American's capital expenditures.
- F. ~~The MCWRA is the entity charged with responsibility for the flood and storm waters~~

Formatted: Font: 13 pt

of Monterey County. The MCWRA has the authority under the Monterey Water Resources Agency Act to cooperate and act in conjunction with, the state, or any of its engineers, officers Boards, commissions, departments, or agencies, or with the United States, or any of its engineers, officers, Boards, commissions, departments, or agencies, or with any public or private corporation, or with the County, in the construction of any work for the controlling of flood or storm waters of, or flowing into, the Agency, or for the protection of life or property therein, or for the purpose of conserving those waters for beneficial use within the Agency, or in any other works, acts, or purposes provided for herein, and adopt and carry out any definite plan or system of work for any such purpose.

- G. The MPWMD is a special district created by the State Legislature in 1977 with for the integrated management of ground and surface water supplies of the Monterey Peninsula and Carmel River basin. MPWMD functions include, but are not limited to, conserving and fostering the scenic values, environmental quality, and native vegetation and fish and wildlife and recreation in the Monterey Peninsula and Carmel River basin. ~~jurisdiction over the recreational uses of, and work within, the Carmel River watershed.~~ The MPWMD has the power to control the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside of the district, which streams and floodwaters flow into the district, and to conserve such waters for beneficial and useful purposes of the district by spreading, storing, retaining, and causing to percolate into the soil within or without the district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in the district, and the watercourses outside of the district of streams flowing into the district. However, as stated in Agreement No. A-06181 dated December 15, 1991 among MCWRA, MPWMD, and the Pajaro Valley Water Management Agency regarding the exercise of the three agencies' respective responsibilities, MCWRA has the primary responsibility for flood control and drainage activities in the County of Monterey.
- H. California-American owns the San Clemente Dam (“the dam”), located on the Carmel River in Monterey County approximately 18 miles upstream from the mouth of the river in Monterey Bay;. The dam was built in 1921 as a point of diversion for potable water serving California-American’s Monterey Peninsula service area.
- I. The Carmel River and the area surrounding the dam constitute valuable watershed area and habitat for many species of plants and animals.
- J. DSOD has determined that the dam presents a safety hazard, and is requiring California-American to remediate the hazard. In December 2007, DWR completed the San Clemente Dam Seismic Safety Project Final Environmental Impact Report/Environmental Impact Statement (“EIR/EIS”), under the California

Environmental Quality Act and the National Environmental Policy Act, analyzing alternatives for addressing the safety issues. Alternatives reviewed include buttressing the dam and removing it. DWR certified the Final EIR on December 31, 2007.

- K. Buttressing the dam would resolve the immediate safety issue, and has the lowest construction costs of the alternatives evaluated by DSOD, and would provide no benefits to water supply.
- L. Various government agencies, including NOAA Fisheries, contend the dam constitutes a significant barrier to steelhead trout, a threatened species under the federal Endangered Species Act; and a partial barrier to the dispersal of the California red-legged frog, a federally threatened species.
- M. The Parties agree that the River Reroute and Dam Removal Project would result in multiple public environmental benefits. These benefits include improving restoring access to 40 25-miles of spawning and rearing habitat located upstream of the dam for steelhead trout, restoring a portion of the natural sediment supply to the downstream river and Carmel River State Bbeach, restoring the ecological connectivity of the river and riparian corridor, and providing new public recreational opportunities.
- N. The Conservancy has funded several recent studies concluding that the River Reroute and Dam Removal Project is a feasible alternative.
- O. California-American is amenable to removal of the dam instead of buttressing it, provided that the project will timely satisfy the safety concerns of DSOD and will not burden California-American's ratepayers and shareholders with excessive costs.

In light of the facts above, the parties agree as follows:

1. Purpose

- a. The main purpose of this MOU is to memorialize the commitment of all parties to devote staff time and other available resources for the duration of this MOU to develop an implementation strategy for the River Reroute and Dam Removal Project that meets the needs and constraints of all Parties.
- b. To fulfill this purpose, the parties agree that an evaluation of the comparative risks of buttressing to the River Reroute and Dam Removal Project is necessary to informed decisionmaking, and agree to pursue several efforts for the duration of this MOU ~~in the next year~~ including studies necessary to fully and properly identify, evaluate, and, if possible, quantify, the comparative risks and long-term management costs to either (a) removing San Clemente Dam and re-routing the Carmel River through San Clemente Creek; or (b) buttressing San Clemente Dam in place, and constructing and maintaining fish passage over the buttressed San Clemente Dam.
- c. Another purpose of this MOU is to express the willingness of various regulatory agencies, including but not limited to, DSOD and NOAA Fisheries, to exercise prosecutorial discretion in enforcing various orders or other mandates relating to San Clemente Dam while the aforementioned studies are being completed.
- d. All Parties agree that during the period of this MOU careful consideration must be given to the risks and which Party is best positioned to assume these risks to enable the River Reroute and Dam Removal Project to proceed. Although it is understood the Parties will require more information on the project risks before deciding whether they are positioned to assume them, it is understood that for the River Reroute and Dam Removal Project to proceed, these risks will need to be apportioned between the Parties, or to other entities. The Parties agree to cooperate in achieving this objective through participation in this MOU.

2. Cooperative Efforts For Risk Assessment

- a. Quarterly Meetings. All Parties agree to commit staff to participate in quarterly meetings to discuss the progress and implementation strategy. The first meeting will occur in mid- to late- October 2009 and subsequent meeting dates will be selected at the first meeting.
- b. Risk Management Analysis. The Conservancy provided California-American with a rough comparison of the major risks for both the buttressing and the dam removal project and an analysis of the dam removal project's potential long-term

failures based upon risk assessment work performed by Environmental Risk Services (ERS) under contract to the Conservancy. The Conservancy agrees to fund the approximately \$7,000 for ERS to complete the risk table that identifies and qualitatively assesses the risks of the Dam Removal project. Further work will be based on recommendations from all Parties pursuant to Paragraph 2.g.

- c. Draft Long Term Sediment Monitoring and Management Plan. URS Corporation, under contract to the Conservancy has developed a scope of work for preparing a Long Term Sediment Monitoring and Management Plan. This plan would recommend tasks necessary to manage and monitor sequestered sediment from San Clemente Dam to ensure the sediment does not mobilize and become a safety hazard. California-American will fund implementation of this scope of work, estimated to cost approximately \$40,000.
- d. Geotechnical Analysis of San Clemente Creek. URS Corporation and its subconsultants under contract to the Conservancy completed geotechnical field work, and had begun preparing a Draft Geotechnical Data Report (GDR) to summarize the findings. In addition, the consultants conducted a geomorphologic survey to inform design of the channel restoration. The Parties agree that the Draft GDR and a summary memo of geomorphologic work need to be completed. The Conservancy SCC will fund completion of these reports, estimated to cost \$25,000.
- e. Total Cost of Ownership. The Parties agree that it is important to understand any differences in the long-term operation and maintenance costs of a buttressed dam with fish passage facilities, compared to the River Reroute and Dam Removal project. California-American, with the assistance of the other Parties, will prepare an analysis of the long term costs of maintaining the buttressed dam and assess the long-term costs of the River Reroute and Dam Removal project.
- f. Available Funding. The parties agree that the estimates to remove San Clemente Dam and re-route the Carmel River exceed the estimates for buttressing. The Parties agree that placing this additional burden on California-American's customers is not the preferred method of funding. The parties agree that it is important to identify alternative sources to fund the increased construction costs. All parties will cooperate in identifying funding sources.
- g. Review and Consultation. The MPWMD, MCWRA, DSOD, NOAA Fisheries, California-American and the Conservancy will make staff and other resources available for consultation in the preparation of the above-referenced studies, and shall review and provide comments on the accuracy, and completeness of the studies, and whether there is a sufficient benefit to additional studies to justify the expenditure of public and customer funds on such additional studies.

3. Exercise of Prosecutorial Discretion

- a. State of California. California-American is under orders from State of California, through DSOD, to improve the stability of San Clemente Dam. The State of California agrees that for the duration of this MOU, it will exercise prosecutorial discretion in enforcing its orders to California-American relating to the stability of San Clemente Dam. The State of California, through the Department of Fish and Game, which is a department under the Natural Resources Agency, enforces laws with regard to the effect of dam operations on fish habitat. The Department of Fish and Game agrees to exercise prosecutorial discretion in enforcing Chapter 3 of Part 1 of Division 6 of the Fish and Game Code with respect to San Clemente Dam for the duration of this MOU.
- b. NOAA Fisheries. NOAA Fisheries has contended that San Clemente Dam presents a barrier to fish passage and may constitute a take of South Central California Coast Steelhead. NOAA Fisheries also contends that the removal of San Clemente Dam would represent a major improvement in steelhead habitat. NOAA Fisheries agrees that for the duration of this MOU it will exercise prosecutorial discretion in enforcing the federal Endangered Species Act with respect to fish passage at San Clemente Dam.

5. Miscellaneous

- a. Sharing of information. The Parties will share information with the other parties as needed to facilitate the completion of the studies identified in Section 2.
- b. Cooperation. Each of the parties will use its contacts and abilities to assist in completion of the necessary studies and assessments.
- c. Duration of MOU. This MOU shall take effect when fully signed, on the date last signed below and shall expire on July 6, 2010.
- d. Authority. The persons signing below represent that they have authority to sign the MOU on behalf of their respective entities.
- e. Signatures and counterparts. This MOU may be signed in counterpart originals, which, when assembled together, shall constitute one original agreement. The Conservancy shall collect and collate the original signature pages, and shall then provide to each signatory entity a copy of the fully signed MOU.

CONGRESSMAN SAM FARR

Sam Farr
Member, House of Representatives, California 17th District

Date

ASSMEBLYMAN BILL MONNING

Bill Monning
Member, California State Assembly, 27th District

Date

SUPERVISOR DAVE POTTER

Dave Potter
Supervisor – Fifth District

Date

NATURAL RESOURCES AGENCY

Michael Chrisman
Secretary of Natural Resources

Date

CALIFORNIA PUBLIC UTILITIES COMMISSION

John Bohn
Commissioner

Date

**DIVISION OF SAFETY OF DAMS, DEPARTMENT OF WATER
RESOURCES**

Dave Guiterriez
Chief, Division of Safety of Dams

Date

NATIONAL MARINE FISHERIES SERVICE

Rodney McInnis
Regional Administrator

Date

CALIFORNIA STATE COASTAL CONSERVANCY

Samuel Schuchat
Executive Officer

Date

MONTEREY COUNTY WATER RESOURCES AGENCY

Curtis Weeks
General Manager

Date

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

Darby Fuerst
General Manager

Date

CALIFORNIA-AMERICAN WATER CO.

Robert MacLean
President

Date

| <U:\files\SCDam\MOU\SCD MOU Final Draft 8-25-09-allMPWMDrevisions.doc>

Formatted: Font: 10 pt