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March 2, 2011

Monterey Peninsula Water Management District
 Attn; Henrietta Stern
 5 Harris Court, Building G
 Monterey, California 93940

**Subject: *Response to MPWMD Supplemental Questionnaire
 September Ranch Subdivision Project, Carmel CA; APN: 015-171-010, -012 & 015-361-013, -014***

Below are responses to MPWMD Supplemental Questionnaire. Responses are in chronological order as they appear on MPWMD form.

S1. Does this request rely upon an "Environmental Document", as per the California Environmental Quality Act (CEQA)? If so, please describe in detail.

- Administrative Draft Environmental Impact Report for the September Ranch Preliminary Subdivision Map, Denise Duffy & Associates, October 27, 1997.
- Final Environmental Impact Report for September Ranch Preliminary Subdivision Map, Denise Duffy & Associates, March 6, 1998
- Final Environmental Impact Report, Volume 2 for September Ranch Preliminary Subdivision Map, Denise Duffy & Associates, May 27, 1998
- Supplemental Information and EIR Errata, November 19, 1998.
- September Ranch Subdivision Project Environmental Impact Report, Michael Brandman Associates, 2004.
- September Ranch Subdivision Project Environmental Impact Report, Michael Brandman Associates, 2006
- Revised Water Demand Analysis, 2009 Recirculated Portion of the Final REIR for September Ranch Subdivision Project, Michael Brandman Associates, August, 2009.
- Monterey County Board of Supervisors Resolution No: 10-312.
- County of Monterey Resource Management Agency – Planning Department, Re: Filing of Notice Of Determination In Compliance with Section 21108 or 21152 of the Public Resources Code. State Clearinghouse #:1995083033, November 10, 2010.

A time-line follows accordingly(referenced from MCBOS Resolution No. 10-312);

- On December 1, 1998, MCBOS approve Combined Development Permit (PC95062) for September Ranch.
- In 2001, Sixth District Court of Appeals determined that additional analysis was needed on the September Ranch Project in regards to water supply baseline, water rights, water –related mitigation, and growth-induced impacts.
- In 2004, First EIR is challenged pursuant to lack of adequately addressing water supply and demand.
- In 2006, MCBOS certifies 'Revised EIR' Resolution No.06-363 using a 73/22 build-out alternative as identified in 'Revised EIR'.
- In 2007 "Revised EIR" again challenged pursuant to CEQA.
- In September, 2008 Superior Court approves "Revised EIR" with the exception of water demand (based on Peremptory Writ of Mandate 1/23/09, Monterey County Superior Court Case Nos. M82632 and M82643).
- In July, 2009, MCBOS vacated certification of Final Revised EIR (Resolution No. 09-356 which rescinded Resolution No. 06-363), and requested revised water demand analysis pursuant to CEQA.
- In August 2009, Recirculated portion of the Final REIR is completed with Revised Water Demand analysis.
- In August 2010, Final Revised Water Demand Analysis containing Responses/Comments on the Revised Water Demand Analysis (2009) is complete.

- In October, 2010, Additional Supplemental Errata to the Final Revised Water Demand Analysis was completed and are made a part of the Final Revised Water Demand Analysis.
- On November 9, 2010, MCBOS approves Recirculated portion of the Final REIR, and Final Revised Water Demand Analysis, Resolution No.10-312
- On November 10, 2010, 'Notice of Determination' letter from County of Monterey Resource Management Agency indicating Project for September Ranch Partners is in compliance with the appropriate Section of Monterey County Codes

S2. Has any new information regarding the proposed project, its environmental impacts, the severity of those impacts, mitigations of those impacts, or alternatives become available since the lead agency reviewed the project?

Monterey County Board Of Supervisors (MCBOS), as lead agency, approved the September Ranch Subdivision Project on November 9, 2010¹ and has made the following determination regarding the project:

- The Project will not have a significant effect on the environment.
- An EIR was prepared for this Project pursuant to the provisions of CEQA and the County of Monterey CEQA Guidelines.
- Mitigation measures were incorporated into the Project as conditions of approval to reduce any potential impact to a level of insignificance.
- A mitigation monitoring and reporting plan was adopted for this Project.
- A statement of Overriding Considerations was NOT adopted for this Project.
- Findings were made pursuant to the provisions of CEQA.

S3. Will this request have any significant effects on the environment based upon the Environmental Document or other information? If so, describe the effects and the mitigations, if any, that are proposed to minimize those effects.

Monterey County Board Of Supervisors (MCBOS), as lead agency, approved the September Ranch Subdivision Project on November 9, 2010¹ with the Adoption of a Mitigation Monitoring and Reporting Plan along with satisfying 190 Conditions of Approval (COA).

S4. Is the source of supply shared by another water distribution system? Would the addition of the proposed production result in an adverse cumulative impact on the environment?

Although it has been noted that there is an extremely limited hydraulic connectivity between the SRA and CVA (Todd, 1997; Kleinfelder, 2003; KJC, 2006) based on MCBOS Resolution No. 10-312 (11/9/10), no significant effects on the environment have been identified. More specifically;

- The System Capacity Limit for the Project will be set at 57.21 af/yr.
- The Estimated Water Demand for the project has been calculated for 55.798 af/yr.
- Annually, MPWMD will confirm that the Pro Rata Expansion Capacity is not exceeded (i.e. whether the existing connections are collectively exceeding their proportion of the System Capacity Limit).
- Based on analysis of CVSIM water balance simulation model for AQ3 and AQ4 CVA subunits, there appears to be sufficient water on aggregate in AQ3 and AQ4 to meet the needs of the riparian and pre-1914 appropriate rights holders, therefore, pumping in the SRA will not have an effect on those water rights users. More so, potential spillage from the SRA is not needed to meet the maximum use in AQ3 and is likely to be part of excess outflow from the AQ3 to AQ4 (KJC, 2006)².
- Any reduction in the 'potential spillage' from the SRA will not have significant affect on the Carmel River or its CVA. (KJC, 2006)².

¹ MCBOS Resolution No. 10-312 & County of Monterey Resource Management Agency – Planning Department; Re: Filing of 'Notice Of Determination' In Compliance with Section 21108 or 21152 of the Public Resources Code. State Clearinghouse #: 1995083033, 11/10/10.

² Final Report (Updated to Accompany Recirculated REIR) Project Specific – Hydrogeologic Report – September Ranch Project, Carmel CA, February 13, 2006.

S5. Does this request rely on any specific hydrogeologic, geologic, or other technical study? If so, state the name of study, the date it was finalized, and the principal author or authors?

- Evaluation of Groundwater Resources for September Ranch, Carmel Valley, CA, Todd, December, 1992
- Memorandum Re: Final Addendum to Evaluation of Groundwater Resources for September Ranch, Carmel Valley, CA. Todd, May 18, 1993.
- Memorandum Re: Second Addendum to Evaluation of Groundwater Resources for September Ranch, Carmel Valley, CA. Todd, May 18, 1993.
- Memorandum Re: Additional Subsurface definition of the Area Southwest of the September Ranch Aquifer, Todd, April 4, 1996.
- Memorandum Re: September Ranch Pumping Test, Todd, January 27, 1997.
- Memorandum Re: Discussion and Summary of Supplemental Hydrogeologic Work Completed for September Ranch Project, + Volume 2 Appendix to Supplemental Hydrogeologic Work Completed for September Ranch Project, Todd, March 14, 1997.
- Memorandum Re: September Ranch Aquifer Testing, Todd, March 28, 1997.
- Memorandum Re: September Ranch EIR, Todd, August 4, 1997.
- Geologic, Soils and Drainage Assessment for the September Ranch Project, Carmel Valley, Monterey County, California, Kleinfelder, June 30, 2003.
- Final Report – Project Specific Hydrogeologic Report - September Ranch Project, Carmel California, Kennedy/Jenks Consultants, December 28, 2004.
- Final Report (Updated to Accompany Recirculated REIR) Project Specific Hydrogeologic Report - September Ranch Project, Carmel California, Kennedy/Jenks Consultants, February 13, 2006.
- September Ranch Water Plan Summary, Questa, April 3, 2006.
- Groundwater Analytical Results – Truesdail and BSK Laboratories, March, 2006.
- Annual Water Production Data - Water Meter Method; 1991 – 2010
- Revised Water Demand Analysis, 2009 Recirculated Portion of the Final Revised Environmental Impact Report for September Ranch Subdivision Project, Michael Brandman Associates, 2009.
- Final Revised Water Demand Analysis and Additional Errata, 2010, Michael Brandman Associates, 2010.

S6. Have there been any studies done to determine if an alternative water supply is economically feasible and physically available? If so, please describe the alternative that were identified and the reasons why they were rejected.

Cal-Am is physically available and economically feasible as September Ranch is within the Main Cal-Am Service Area, however no connections are available. In 1995 SWRCB adopted Order WR 95-10 which was an order for Cal-Am to terminate is unauthorized diversions from the Carmel River and its Associated Aquifer. Since Cal-Am did not comply, in January 2008, SWRCB issued DRAFT Cease and Desist Order (CDO) WR2008 – 00XX-DWR which set regulations on Cal-Am and initiated conversation between other invested parties. In October 2009, SWRCB issued CDO WR2009-0060 which placed greater restrictions and deadlines on Cal-Am.

In summary, due to illegal diversions from the CVAA in excess of being able to maintaining thriving ecosystems and endangered species, there is no available water for any existing or future development within the Cal-Am service area until additional sources are accumulated, such as desalination, and aquifer storage recovery projects. Hence, property owners are establishing water systems with water wells with overlying groundwater rights.

S7. Will this request cause possible duplication of service with an existing water distribution system? If so, explain why the duplication of service is necessary?

September Ranch Subdivision Project WILL NOT cause possible duplication of service with an existing water distribution system. More so, as per County of Monterey, Resource Management Agency 'Notice Of Determination' the Project is to obtain a Use Permit for an on-site water system including new wells, backup well(s) booster pump(s) water tanks and piping for fire suppression and residents of the subdivision.

S8. Will this request result in either exportation of water outside of, or importation of water into MPWMD? If so, please specify the quantities that would be either exported or imported.

Not Applicable.

S9. Will this request create or increase an overdraft of groundwater or cause degradation in water quality due to sea-water intrusion or some other type of contamination.

None anticipated. More specifically³,

- The estimated use from the SRA is 55.798 af/yr.
- The estimated average amount for other SRA users is 0.76 af/yr
- Total use from the SRA is estimated at 56.558 af/yr
- Estimated annual recharge in average rainfall years ranges from 244 to 262 af/yr.
- Estimated annual recharge in drought years ranges from 65 to 81 af/yr

Therefore, based on data reviewed, the total use from the SRA at 56.558 af/yr is lower than both average year and drought year annual recharge ranges, such that, there is a range of 8.4 to 24.44 af/yr recharge even in drought years to the SRA (KJC, 2006).

S10. Will this request adversely affect the ability of existing water distribution systems and individual users to produce water?

Although it has been noted that there is an extremely limited hydraulic connectivity between the SRA and CVA (Todd, 1997; Kleinfelder, 2003; KJC, 2006) based on MCBOS Resolution No. 10-312 (11/9/10), no significant effects on the environment have been identified. More specifically;

- Based on analysis of CVSIM water balance simulation model results for AQ3 and AQ4 CVA subunits, there appears to be sufficient water on aggregate in AQ3 and AQ4 to meet the needs of the riparian and pre-1914 appropriate rights holders, therefore, pumping in the SRA will not have an effect on those water rights users. More so, potential spillage from the SRA is not needed to meet the maximum use in AQ3 and is likely to be part of excess outflow from the AQ3 to AQ4 (KJC, 2006).
- Any reduction in the 'potential spillage' from the SRA will not have significant affect on the Carmel River or its CVA. (KJC, 2006).


S11. If the request is for an annexation of new territory into an existing water distribution system service area, is the property to be annexed surrounded by, or adjacent to other properties in the service area.

The September Ranch Subdivision Project is not request annexation of new territory into an existing water distribution system. However, as part of Notice of Determination⁴, the September Ranch Subdivision Project will be annexed to the Carmel Area Wastewater District for sewage disposal and treatment reject water.

This concludes Bierman Hydrogeologic's response to MPWMD Supplemental Questionnaire.

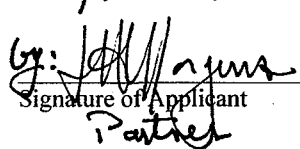
I declare under penalty of perjury that the information in this questionnaire and accompanying attachments is correct to the best of my knowledge and belief.

Respectfully submitted,


Signature of Preparer
Aaron Bierman
Certified Hydrogeologist #819
(831) 334-2237

3/6/11
Date

SEPT RANCH PTIS


Signature of Applicant
Partner

3/6/11
Date

³ Final Report (Updated to Accompany Recirculated REIR) Project Specific – Hydrogeologic Report – September Ranch Project, Carmel CA, February 13, 2006.

⁴ County of Monterey Resource Management Agency – Planning Department, dated 11/10/10 Re: Filing of 'Notice Of Determination' In Compliance with Section 21108 or 21152 of the Public Resources Code. State Clearinghouse #:1995083033