



Supplement to 4/15/13 MPWMD Board Packet

Attached are copies of letters received between March 12, 2013 and April 8, 2013. These letters are also listed in the April 15, 2013 Board packet under item 14, Letters Received.

Author	Addressee	Date	Topic
Paul Hart	MPWMD Board	4/8/2013	People's Moss Landing Desalination Project Negotiation of Agreement with "Plan B" Alternative
Carmelita Garcia	MPWMD	4/4/2013	Response to Matrix, People's Moss Landing Desalination Project
Keith Israel	David Stoldt	4/2/2013	Thanks for Participation on March 18, 2013 Panel Discussion
Jody Hansen	MPWMD Board	4/1/2013	Consideration of 2013-14 One-Year and Three-Year Goals
Kim DiBenedetto	MPWMD Board	4/1/2013	Potential Initiatives for 1-Year and 3-Year Goals
Eric Sabolsice	David Stoldt	3/22/2013	San Clemente Dam Removal Project and Carmel River Reroute
Paul Hart	MPWMD Board	3/18/2013	People's Moss Landing Desalination Project
Fred Meurer	MPWMD Board	3/15/2013	Consider Second Reading and Adoption of Ordinance No. 155 – Modifying the Definition of Redevelopment Project Site and Amending Rule 25.5-D

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APR - 8 2013

April 8, 2013

MPWMD

File No. 6377.004

VIA EMAIL AND FIRST CLASS MAIL

Mayor Dave Pendergrass, Chair
 David Stoldt, General Manager
 Monterey Peninsula Water Management District
 5 Harris Court, Building G
 Monterey, CA 93940

Re: People's Moss Landing Desalination Project
 Negotiation of Agreement with "Plan B" Alternative

Dear Board Members,

At your March 18, 2013 regular board meeting, you authorized your staff to begin negotiations with Deep Water Desal, whereby MPWMD would participate with Deep Water as a contingency plan in the event that the Cal Am Desalination Plant failed or was delayed. On behalf of the People's Moss Landing Desalination Project, I hereby request that you also authorize your staff to negotiate with the People's Project. I believe your constituents will be best served by simultaneous negotiations with both projects. Accordingly, I specifically request that you add this issue to the agenda for your April 15, 2013 Board Meeting.

First, as has previously been communicated, the People's Project and Moss Landing Commercial Park, LLC (MLCP), do not desire or request the financial participation of MPWMD. MLCP has sufficient capital and financing capacity to fully complete the design, review and permitting process without relying upon public funds. By contrast, Deep Water Desal has no independent financing and would be reliant upon the \$500,000+ of ratepayer funds that MPWMD has suggested would be a component of any final agreement with Deep Water. Based upon this fact alone, I believe that your constituents will insist that you meaningfully negotiate with MLCP. Ratepayer expense is an incredibly important component of this process.

Second, as I expressed at your last meeting, the People's Project strongly believes that the "Scoring Matrix" presented to you by MPWMD staff was objectively inaccurate and



subjectively skewed. As a result, this board relied upon inaccurate information when it selected Deep Water Desal as the preferred "Plan B Alternative". I have attached a revised Matrix which identifies critical errors in the presumptions and findings incorporated into the MPWMD "Scoring Matrix". I have also revised the score to reflect these inaccuracies. The Revised Scoring illustrates that the People's Project is clearly superior to the Deep Water proposal.

The Revised Scoring is consistent with the findings of both the JPA's initial determination and with the findings of SPI, an independent consultant for the JPA, both of which concluded that the People's Project is superior to Deep Water Desal.

However, at this time, the People's Project is not asking that you reach a final determination. Rather the People's Project is merely asking that you simultaneously negotiate potential contract terms with both MLCP and Deep Water. This method seems to make sense given the fact that substantial public funds are at stake and given the fact that MPWMD and its subcommittee initially elected to negotiate exclusively with Deep Water within less than 1 week after the Staff Scoring Matrix was presented.

To some, the board's current decision to select the higher-priced option (Deep Water), based upon less than one week's consideration, and based upon a Scoring Matrix that is inconsistent with prior scoring determinations of third-party experts could be considered imprudent. Such findings could be exacerbated by the fact that Deep Water Desal admittedly: (i) has no assets; (ii) has no income; (iii) has no desalination facilities; (iv) has no lease for any location that could support a desalination plant; (v) has no easements or rights for seawater intake or discharge and (vi) has no contract with the Moss Landing Power Plant, which Deep Water admits is essential for its entire conceptual plan. These are not subjective assertions by a competing project; these are the facts as stated by Deep Water.

Please take the time to negotiate with both applicants. Ask whether Deep Water is willing to proceed without public funding. Ask Deep Water to immediately put money in trust to fund the design, environmental review and permitting process. Take the time to correct the inaccurate factual underpinnings of MPWMD's scoring matrix.

These actions will show the public that you are, in fact, careful stewards of the public's funds.

The People's Project strongly believes that, if these steps are taken, this Board will agree that its project is not only more likely to result in water production but it is also the only "Plan B Alternative" that can bear the entire financial risk, rather than placing the financial risk upon your constituents.

For your review, I have attached the following exhibits to this letter:

EXHIBIT 1: Revised Scoring Matrix

EXHIBIT 2: PML Project Time Line with Team Organization and Roles

EXHIBIT 3: Overview Map of the Premises

EXHIBIT 4: Detailed Map of the Premises

April 8, 2013
Page 3 of 3



- EXHIBIT 5:** General Process Flow Diagram
- EXHIBIT 6:** Information on Intake
- EXHIBIT 7:** Sectional View
- EXHIBIT 8:** Information from Moss Landing Marine Laboratories

Thank you for your time and consideration of this proposal. As always, MLCP is more than willing to respond to additional questions, requests for clarification or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Paul Hart', enclosed within a large, loopy circular flourish.

Paul Hart

Attach.

EXHIBIT 1

Review category and scoring criteria	Category Max Score	Solid Proposal		Hampton Proposal		PML Proposal		Solid Notes	Hampton Notes	PML Comments
		Deep Water Deal	People's Moss Landing	Deep Water Deal	People's Moss Landing	Deep Water Deal	People's Moss Landing			
<p>1. Qualification Information and Financial Strength</p> <p>a. Type of organization (e.g. corporation, partnership, including joint venture terms) and subcontractors) and how long they have been in existence.</p>	3	2	1	2	1	2	3	<p>PML ownership has longer history, but hasn't accomplished much; DVD is clearly ahead. Neither has significant revenue capability.</p>	<p>PML and DVD are LLC. Internal search on most landings Commercial Park shows that the California Agent for Service of Process in case of attorney retained on 10/5/10. There has been no realignment. Part of DVD D-8 team are partners in LLC w/ Deming as Agent for Service.</p>	<p>PML has a longer history - in existence for 10 years. DVD started in water deal in April 2011. DVD has no revenue capability and it didn't so in its application. PML has significant revenue capability. PML has a proposed lease for a portion of the property that proposes \$2M in revenue from that lease. We could include that as documentation re: revenue. We filed with Secretary of State through Paul W. Mansfield as new agent for service of process. Processing of filing by State takes 6-8 weeks; however, appointment as Agent for Service of Process is immediate.</p>
<p>b. Capital structure - financial resource or organization intent to dedicate to the project in the next 18 months.</p>	3	2	1	3	1	3	3	<p>DVD appears to have stronger access to capital. Due diligence reveals much uncertainty about future ownership and financing of Moss Landing Commercial Park.</p>	<p>PML: \$500K for EIR + \$200K design; DVD: \$5 million (+ or -) for legal, permits, tech studies, prelim design.</p>	<p>DVD does not have stronger access to capital than PML. There is no evidence that DVD is prepared to commit more financial resources to the project than PML within the next 18 months. PML also offered, on a lease basis, a free lease until the project begins generating revenue.</p>
<p>c. Cost sharing partnership with the District.</p>	3	3	1	3	2	3	3	<p>DVD appears to commit approximately \$4 million; PML \$700,000.</p>	<p>PML: defer acquisition costs. DVD: will retain ownership of intake pipeline to data center, lease SWORD building, PML own pipelines to and from SWORD facility to outfall at MCPD (aging waters note: three pipelines required in Dolan Road).</p>	<p>PML will fully fund -- @ from VMWD/Public. PML is also paying their own consultant. DVD indicated they could provide set of financial statements, unaudited, and we want them to provide DII. We need to clarify this idea that DVD is willing to commit \$4M. Additionally, the goal is to have MPVMD own/operate the project. We propose a 100% public ownership.</p>

Proposal Review Scoring Sheet Alternative Description Facility

1. Team ability and strength	SCORE	Solid Proposal				PMI Proposal		2. Team ability and strength	SCORE
		Deep Water Desal	People's Moss Landing	Deep Water Desal	People's Moss Landing	Deep Water Desal	People's Moss Landing		
<p>3. Audited financial statements provided for the past two years, including annual reports, income statements, balance sheets, and statements of changes.</p>	3	1	1	0	1	0	2	11	
<p>4. Proposed facilities for team members, contractors, sub-contractors, and their qualification and experience.</p>	5	4	3	4	2	4	3	3	
<p>5. Proof provided of contracts with the contractors, sub-contractors, and third party participants.</p>	5	3	2	2	1	2	3	6	
	10	7	5	5	3	6	6	6	

Solid Notes
 DVD no financial statements; PMI provided un-audited; significant debt load for Moss Landing Commercial Park.
Hampton Notes
 PMI - un-audited balance sheet, buildings and real estate valued at \$276 million; \$32.3 million in mortgage payable over one year.
 DVD - described, none provided, offer to provide.

PMI Comments
 PMI provided financial statements; DVD did not provide statements.
 DVD has relevant experience in design of SWRO plants; CEO/NEPA and permitting expertise not demonstrated. DVD has retained Terra for WQ sampling. PMI has relevant experience in membrane technology and concentrate disposal (Mickey). No PMI SWRO design experience demonstrated either in proposal or on Mickey.

PMI Team appears diluted. Not all members represented are actual part of team (i.e. Chaplin); DVD project management team has industry reputation.
 DVD relies on contractual relationships, not all of which have been executed or demonstrated. This is an area of further due diligence. Due diligence to date reveals contract under development for energy, exclusivity agreement with Orinco, but have not seen commitment of Instate (examined/ears or use of output). DVD does not have CCA lead agency on board; PMI did not demonstrate any contractual relationships.
 No contracts provided; proposals provided by PMI with some preliminary consultant work. DVD has partnership that includes design team, political representation, technical studies consultant, financial expertise. DVD did not provide copies of this.
 We submitted proposals/bids of our 3rd party participants. DVD did not provide any proposal/bid/contract. DVD entire proposal is premised on the fact they're going to have these contracts, but they don't.

PMI has SWRO design experience - Stan Lute has experience in design (he owns a company that builds SWRO plants) and Ben is the designer (he's designed plants all over the world).
 Moreover, Wattek Engineering and Roda both have substantial histories and capabilities with regard to desalination systems. The evaluator's seem to have assumed that most technical items will be addressed by Mickey & Associates. This is not the intention.

3. Review water rights and cooling clients a. Review water source and physical infrastructure identified for delivering it to the treatment facility.	Category Mix Score	Stodd Proposal		Hampton Proposal		PML Proposal		Stodd Notes	Hampton Notes	PML Comments
		Deep Water Deal	People's Most Landing	Deep Water Deal	People's Most Landing	Deep Water Deal	People's Most Landing			
b. Potential water rights or environmental litigation risks identified or statement provided why there is limited or no litigation risk with respect to water rights or environmental concerns.	4	2	2	2	1	2	4	Big area of uncertainty; Option not yet identified.	Both PML and DVD rely on open sea water intakes, so water rights should not be an issue. Neither identify potential mitigation requirement for ICE Impact. PML submitted preliminary CIDA checklist. 2011 appraisal report of PML property by Landmark Realty states that the replacement cost of facilities make the extraordinary assumption that decommissionation for the ground (not water is on going through natural processes... no groundwater monitoring data provided.	No comment at this time.
c. Long term (50 or more years) security and right to this water source demonstrated. Legal agreements in place (and provided) or expected to be in	4	3	3	N/A	N/A	N/A	4	Both intakes stagger to appear to meet long term secure source.	Intake/outfall may be subject to continuing jurisdiction of RWQCB.	We have an existing RWQCB permit. We have an established water right with more than 50 yrs. of seawater intake in excess of 50M gallons per day. DVD has never had a permit.
d. Studies/data to support permit applications	4	3	0	2	1	2	4	DVD has significant headstart in data collection for filling intakes structure.	PML provided analysis of air emissions for construction. DVD stated that there is an ongoing source water study.	Our proposed intake has been studied by MRBA over the past several years. MRBA has been studying the intake water at the location in at least the past 5-6 years. MRBA has 10 existing bores at or near our intake location that is commonly used for water quality. Aeration data we have no data collection is false. DVD is also probably relying on MRBA's information as well.
Scores:		16	11	7	5	4	5	16		

Proposal Review Scoring Sheet Alternative Detention Facility

4. Official Strategy	Review categories and scoring criteria	Category Max Score	Stodd Proposal		Hampton Proposal		PML Proposal		Stodd Notes	Hampton Notes	PML Comments
			Deep Water Deal	People's Moss Landing	Deep Water Deal	People's Moss Landing	Deep Water Deal	People's Moss Landing			
a. Physical infrastructure identified or in place		5	2	3	1	2	1	5	PML existing outfall appears to be in more significant discrepancy than represented. Concern over accommodation for M&BRI is "diameter pipes."	PML intake and outfall in different. SFI report shows M&BRI cost estimated at \$3 million for both, but PML Feb. 15, 2013 submitted shows \$1 million with any substitution. M&BRI report describes minor repair and potential for 24-inch steel pipe (over) from the harbor - drawings show an abandoned 36-inch wood stave pipe with 10-ft concrete plug along alignment of 54-inch pipe outfall until ocean. 54-inch outfall deposits former 36-inch alignment in ocean and end at 49 M&BRI approx. 800 feet offshore two 8-inch M&BRI pipes inside PML discharge line. DVD proposal use of MUPP outfall or new outfall along abandoned fuel oil pipeline.	TAC Committee found us to have superior outfall strategy. We have an existing outfall permit for a previous use. Renewal is easier than obtaining a new permit. PML renewal process may be expensive based on a 2005 study, but renewal is easier than building an entire new piece of plant.
b. Legal agreements in place or expected to be in place related to the outfall		5	2	3	1	2	1	5	DVD will rely on legal contacts, of which no evidence at this time.	PML has existing outfall. DVD negotiating with State Land for easement for new intake that could be used for outfall. MUPP outfall not available. Use of Disney MUPP outfall of DVD uncertain and may require information.	DVD doesn't know what their proposal is -- either propose the use of MUPP outfall or new outfall -- because they don't have a contract of the depth from Landing Power PML. Their entire proposal is that they set up the there, but there are issues with the power PML.
5. Water Treatment Facility		10	4	6	2	4	2	10			
a. Preliminary design of the pretreatment, treatment, and storage facilities completed, firm identified, contract in place, diagrams/drawings provided.		4	2	2	2	1	2	3	We have relied on additional information from the SFI report.	PML and DVD provided description of facilities for SFI report, although SFI indicated PML was not very robust.	A schematic is in the works.
b. Plant configuration and performance schematic identified; process flow diagram included.		4	3	2	2	1	2	3		PML provided a proposal by Desal America detailing facilities for a single S/MNO system on island. DVD provided schematic, but no overall concept report of intake, pipeline, S/MNO facilities, delivery.	
6. Site Control		8	5	4	4	2	4	6			
a. Site described, ownership identified, legal agreements for use provided		8	4	6	2	4	0	8	DVD has moved preferred site 3 times in 3 months - concern PML have determined site is not a 20-acre (3) and a 25-acre (6), but no specific permit. Existing buildings may provide benefit, but overall purchase price appears too high. Concern over actual environmental condition of site -- not addressed.	PML describes site, owns site, agreements in place for intake and outfall; however, are there hazardous wastes on site and has the owner made full disclosure about existing facilities? DVD described expectation to state land for offshore easement and agreement with Disney (no publicly available), but no other site-related agreements were furnished.	DVD does not own any property; it does not have any leases for property, there are no existing easements or existing pipeline -- they own nothing and have no contacts.
	SCORE:	8	4	6	2	4	0	8			

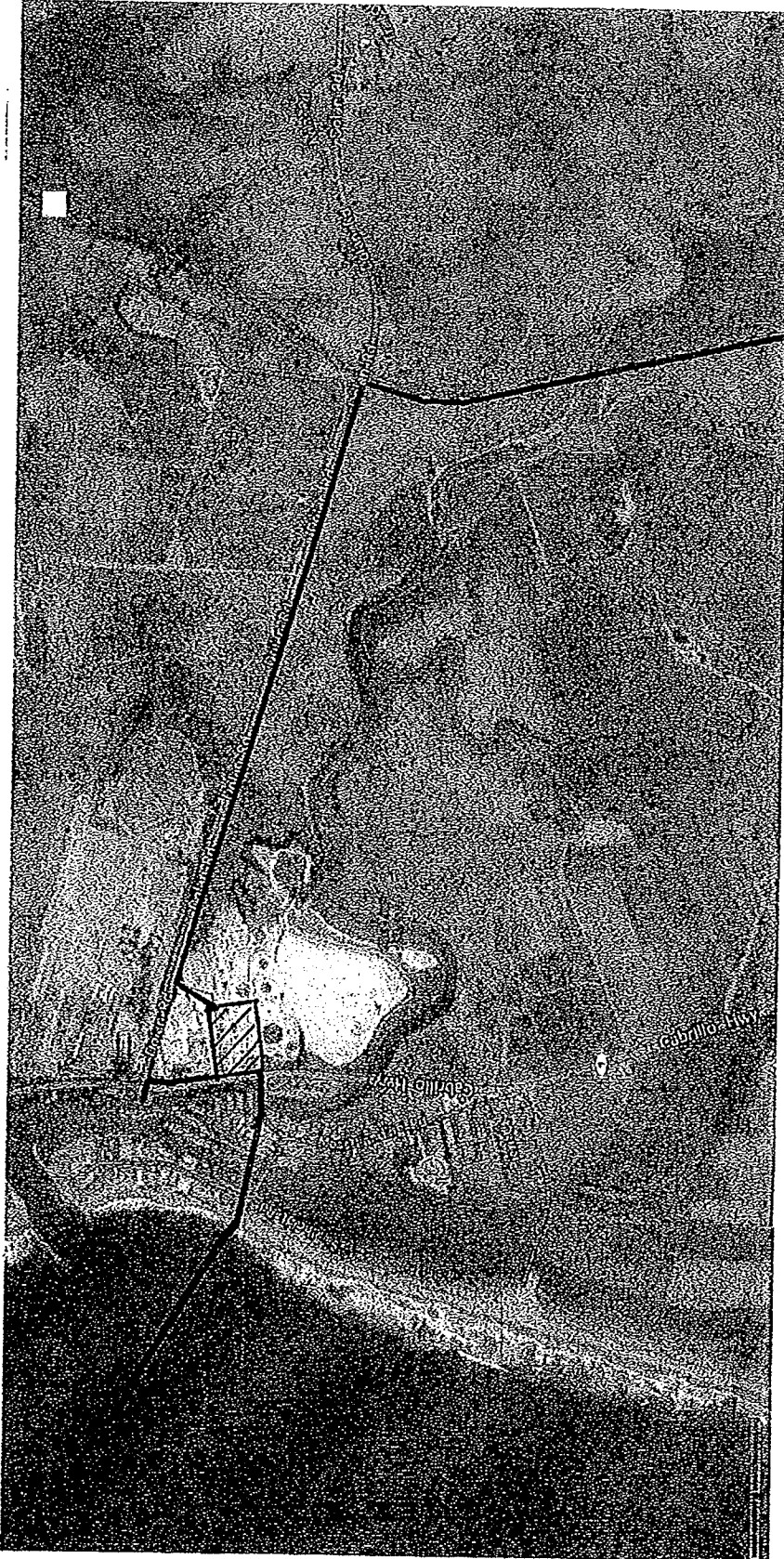
7. Permitting Review categories and scoring criteria a. Required permits identified:	Category Max Score	Solid Proposal		Hampton Proposal		PML Proposal		Solid Notes	Hampton Notes	PML Comments
		Deep Water Detail	People's Moat Landfill	Deep Water Detail	People's Moat Landfill	Deep Water Detail	People's Moat Landfill			
b. Firm identified for environmental studies, address of contact provided:	3	1	1	2	1	2	3			
c. Strategy provided of obtaining permits	3	2	1	1	1	1	2	DVD had demonstrated better grasp of permit requirements.		
d. Status or contact for lead CEQA/NEPA agencies	3	2	1	2	0	0	2	DVD had had start with State Land Commission		
8. Energy	12	8	5	8	5	6	9			
9. Energy procurement strategy identified	3	2	1	3	1	0	3	DVD pursuing innovative energy deals with Scherer, PML and Key Energy. HRC is now owner of plant also, our due diligence suggests an over the fence	Maha power source from grid. PML has had an agreement with Scherer, but it's not clear they are functional. DVD direct agreement with Scherer to form utility for power purchase.	Back-up generators shall be established to meet standards. Also, solar energy shall be provided.

Review categories and scoring criteria	Category Max Score	Siddi Proposal		Hampson Proposal		PML Proposal		Siddi Notes	Hampson Notes	PML Comments
		Deep Water Deal	People's Moss Landing	Deep Water Deal	People's Moss Landing	Deep Water Deal	People's Moss Landing			
b. Cost identified	3	2	2	2	2	2	3			
c. Contacts in place or described	3	1	1	2	1	2	2			
9. Third Parties	9	5	4	7	4	4	8			
a. Third party construction agreements required for building, agreements in place or expected to be	3	1	1	0	2	0	3			
b. Project depend on CCE/licensing at MUP, risk to sources water, spill, the control described	3	2	2	1	2	0	3			
10. Business Terms	6	3	3	1	4	0	6			
a. Legal structure and business terms described for short-term (environmental studies, permits)	2	2	2	1	1	1	2			
b. Legal structure and business terms described for design/build and O&M	2	1	1	2	2	2	2			
c. Earnings method and rate of return described	2	1	2	1	1	1	2			
11. Litigation History	6	4	5	4	4	4	6			
a. No litigation within past five years	5	3	1	5	0	5	3			
	SCORE:	5	3	1	5	0	5			

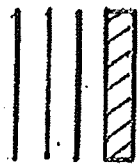
12. Costs	Review categories and scoring criteria	Category Max Score	Stoddert Proposal		Hampton Proposal		PXL Proposal		Stoddert Notes	Hampton Notes	PXL Comments	
			Deep Water Dial	People's Moss Landing	Deep Water Dial	People's Moss Landing	Deep Water Dial	People's Moss Landing				
a.	Proposal provides costs for environmental review and permitting.	2	2	1	2	1	2	2		PXL shows \$500K for EIA and \$300K for design, no costs for permitting. DVD shows \$1.6 million for EIA/EIR/Permits, \$1.5 million for EIR/EIS and preliminary design.	The cost was not asked for in the RFQ. However, we provided cost of project and water per acre foot modified after SFI Formula for ease of comparison.	
b.	Proposal provides costs for O&M	2	1	1	2	1	2	2	Reviewer will rely more on SFI consulting reports.	PXL and DVD estimates are included in the SFI report, but do not include costs for	Estimate not requested. PXL submitted costs for actual construction and design in its cover letter. SFI Report says PXL is less expensive on O&M costs. PXL is competitive as evaluated on initial capital costs. PXL provides less expensive water.	
13. Schedule			SCORE:									
a.	Does the proposal provide a plausible work schedule for environmental review and	4	3	2	4	2	4	4	4	Concern that PXL has not identified timeline for data collection for intakes	See SFI final report -- both proposals too optimistic.	Our proposed intake site has been studied by MBARI over the last several years. MBARI has been studying the intake at this location in the last 5-6 years. MBARI has 10 drifting buoys near our location studying intake. Assertions we have no data collection is false. DVD is probably relying on that research as well.
b.	Does the proposal provide a plausible work schedule for O&M initial start-up	4	1	1	1	1	1	1	4	Not requested. Not created.	See SFI final report -- both proposals too optimistic.	
SCORE:			8	3	2	2	2	2	6			
TOTAL SCORES:			228	68	54	58	43	50	99			

EXHIBIT 2

EXHIBIT 3



Intake Line
Discharge/Outfall Line
Transmission Line
PMIL Desalination Plant Site



Peoples Moss Landing Water Desal Project

4-1-13

EXHIBIT 4

Moss Landing Job

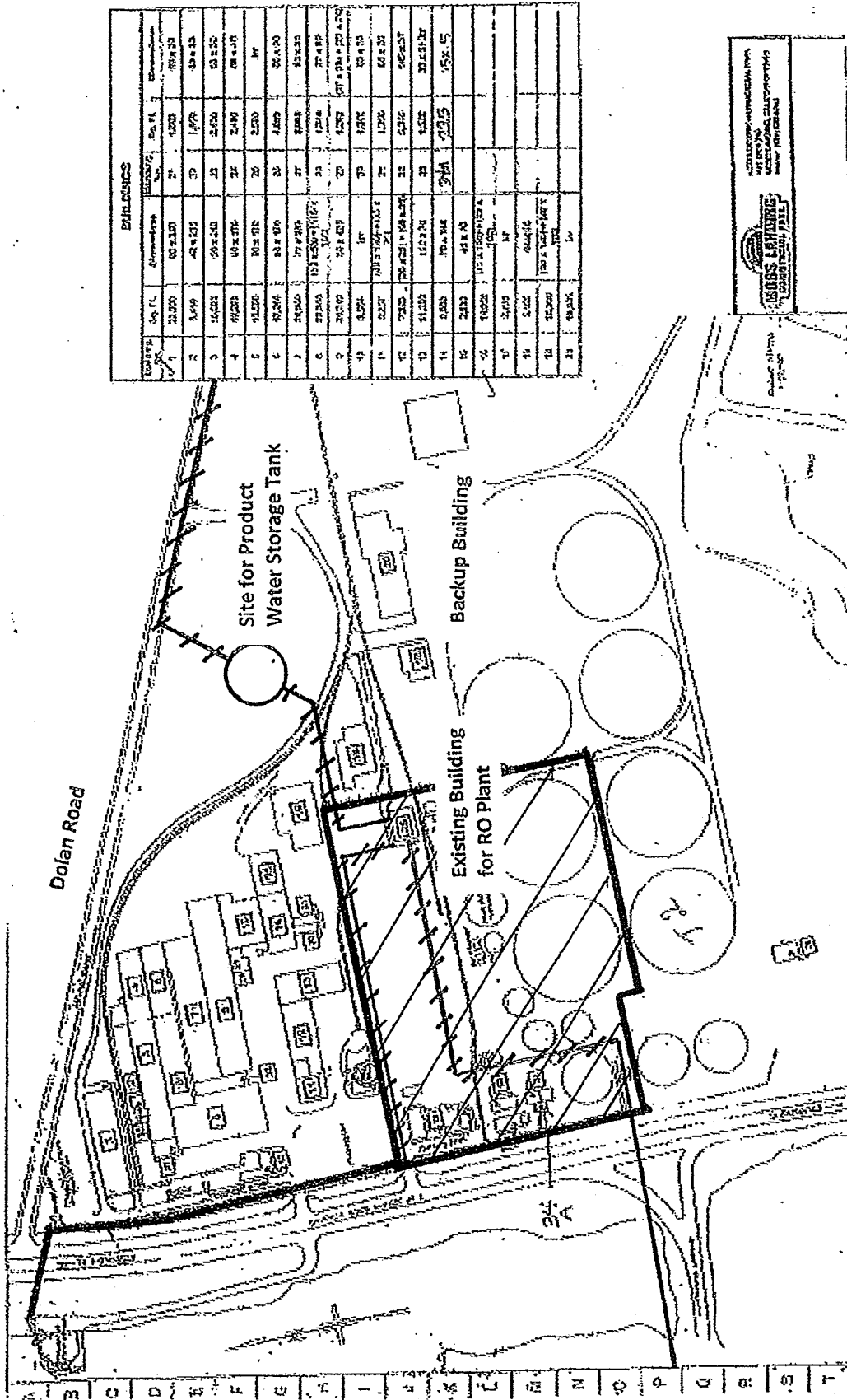


EXHIBIT						
NO.	DATE	DESCRIPTION	BY	SCALE	FIG. NO.	REVISIONS
1	12/15/03	PRELIMINARY
2	1/15/04
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25	12/15/05

PEOPLES MOSS LANDING WATER DESALINATION PROJECT
 CONSULTING ENGINEERS
 1000 S. GARDEN AVENUE, SUITE 100
 GARDEN GROVE, CALIFORNIA 92640
 TEL: 714/941-1111 FAX: 714/941-1112
 WWW: WWW.PEOPLESDESAL.COM

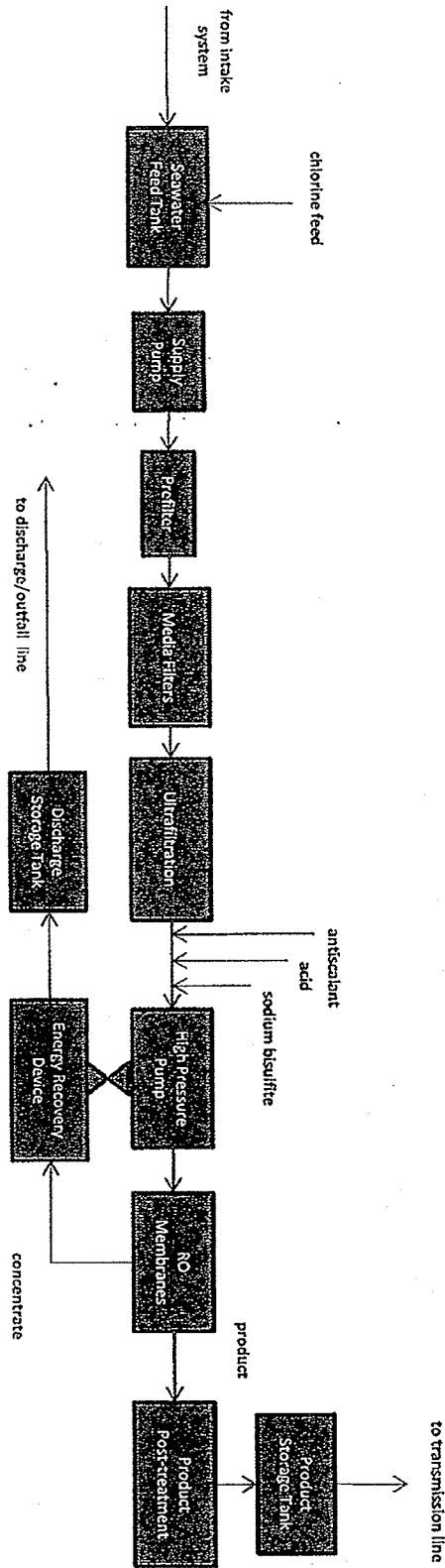
- Existing Intake Line
- New Intake Line
- Existing Discharge/Outfall Line
- New Discharge/Outfall Line
- New Transmission Line
- PML Desalination Plant Site

Peoples Moss Landing Water Desal Project

EXHIBIT 5

General process flow diagram for PML Seawater RO facility

4/1/2013



Not shown: Membrane clean-in-place system
backwash system for media filters and UF

EXHIBIT 6

The Guidebook to
**Membrane
Desalination
Technology**

Reverse Osmosis, Nanofiltration and Hybrid Systems
Process, Design, Applications and Economics

Mark Wilf

With chapters by Leon Awerbuch, Craig Bartels,
Mike Mickley, Graeme Pearce, and Nikolay Voutchkov



Balaban Desalination Publications

grow. The problem of bio-growth due to some light transmission is quite common for unpainted FRP piping or water storage tanks made of plastic materials. If the feed water supply system consists of a number of wells, used as a combined source of feed water, it is important to evaluate compatibility of their mixture in respect of potential solids precipitation. According to what was described above about the nature of anaerobic water, water from an anaerobic source cannot be mixed together with water containing dissolved air due to presence of oxygen and possibility of hydrogen sulfide oxidation.

Seawater beach wells, sometimes used as a feed water source for seawater RO systems, are usually quite shallow. They can be built as a regular wells or Ranney wells or as a combination of both configurations (Fig. 8.4).

As is the case of brackish wells, seawater beach wells provide water with a low concentration of suspended solids. One of the major limitations of seawater wells is their limited output capacity, usually in the range of few thousand m³/day (few MGD). Because of the low recovery rate of seawater systems, e.g., 35-50%, beach wells can only support RO systems of a limited permeate capacity. Another problem with beach wells is in obtaining permits. The general public is quite sensitive about building any structure in the seashore area. At present, obtaining approvals for construction of a large number of beach wells necessary to support a large capacity desalination plant, can be a very difficult task.

As indicated in Fig. 8.1 the pretreatment for a well water based system is usually limited to pH adjustment and/or addition of a scale inhibitor together with cartridge filtration. For some feed water supply wells, which have a history

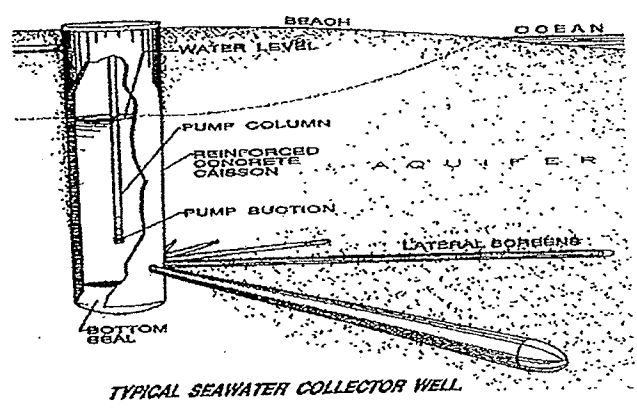


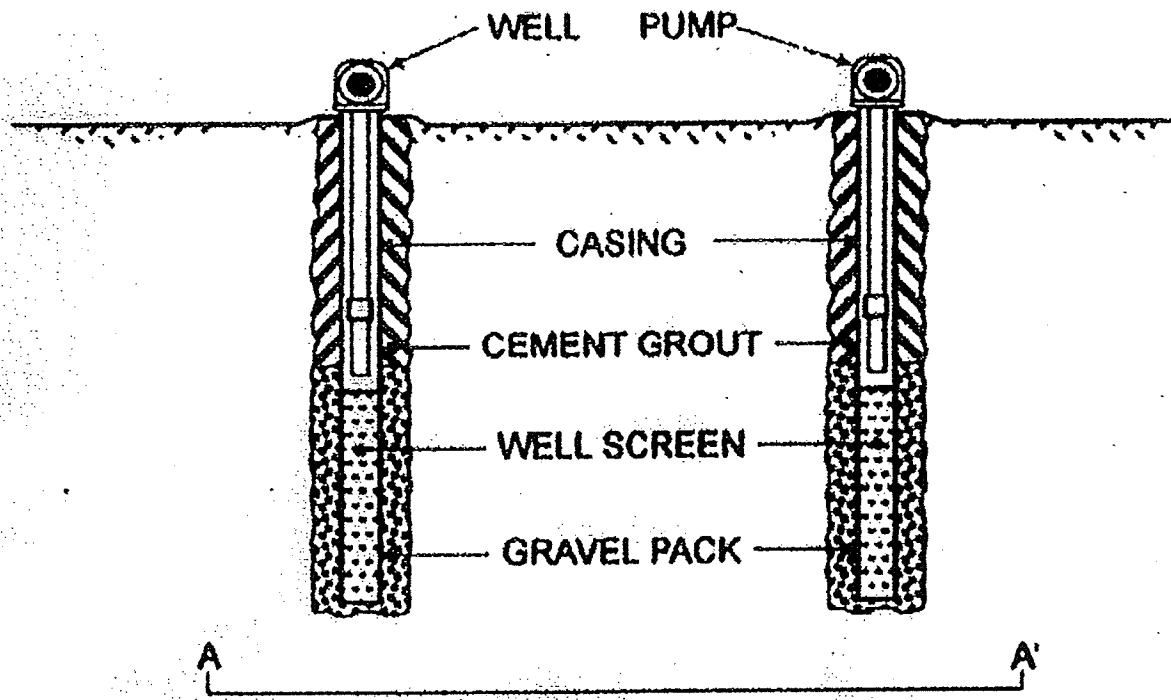
FIG. 8.4 Configuration of beach well (Courtesy of Collector Wells International).

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EXHIBIT 7



SECTIONAL VIEW

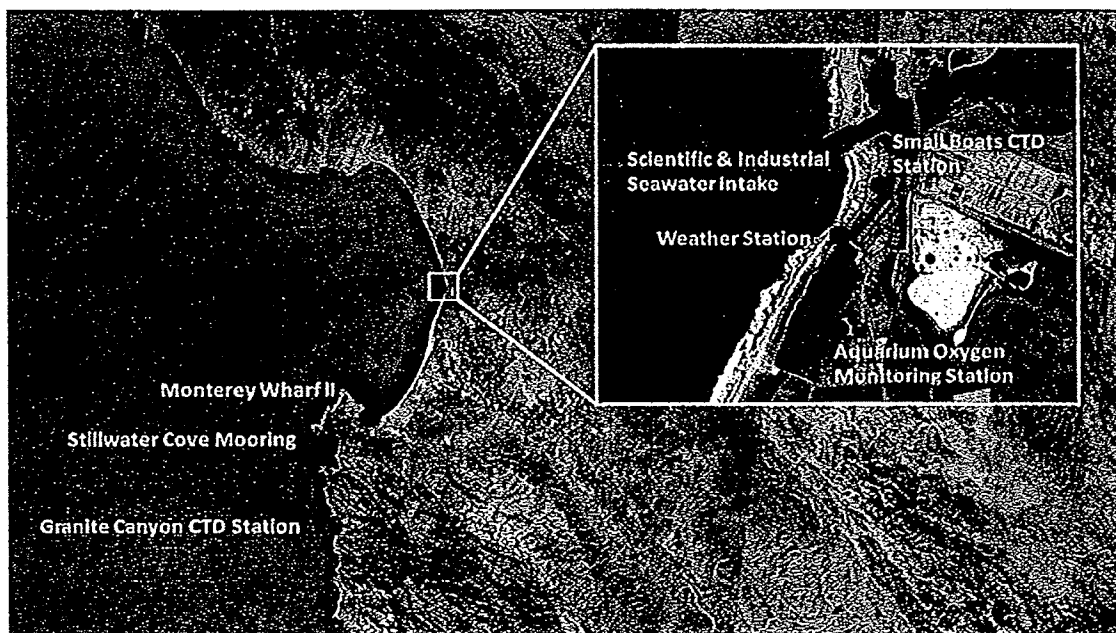
from Missimer, Wright 1997

EXHIBIT 8

Moss Landing Marine Laboratories Public Data Portal



Through this site you can access oceanographic and meteorological data from Moss Landing Marine Laboratories (MLML).
To access MLML's Underway Data Acquisition System (UDAS) data archive, click [here](#).
Click on a station name to view current and historical data.



Data Disclaimer: Moss Landing Marine Laboratories (MLML) provides this data "as is", with no warranty, expressed or implied, of the data quality or consistency. It is provided without support and without obligation on the part of MLML to assist in its use, correction, modification, or enhancement. For use in publication, authors should obtain written permission from the director of MLML, and acknowledge MLML as the data source in those publications.
image: google

Moss Landing Marine Laboratories UDAS Data Archive



This archive displays and serves data from any one of three individual UDAS(Underway Data Acquisition) systems. For all systems, surface water is pumped through a fluorometer while the vessel's position is recorded using GPS. The time zone for all data is Pacific Standard Time.

Aboard the R/V Point Sur the following instruments are part of the UDAS system.

- 1) SBE 3S Oceanographic Temperature Sensor [instrument info](#)
- 2) SBE 21 Thermosalinograph [instrument info](#)
- 3) Turner Designs 10AU-500 Fluorometer [instrument info](#)
- 4) Wet Labs C-Star 25cm Transmissometer [instrument info](#)

Aboard the R/V John H. Martin the following instruments are part of the UDAS system.

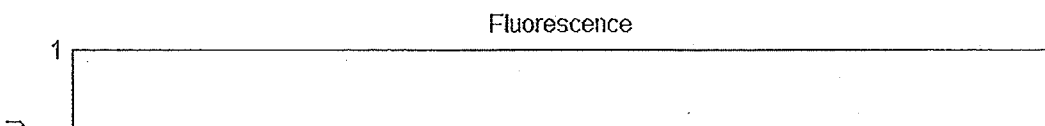
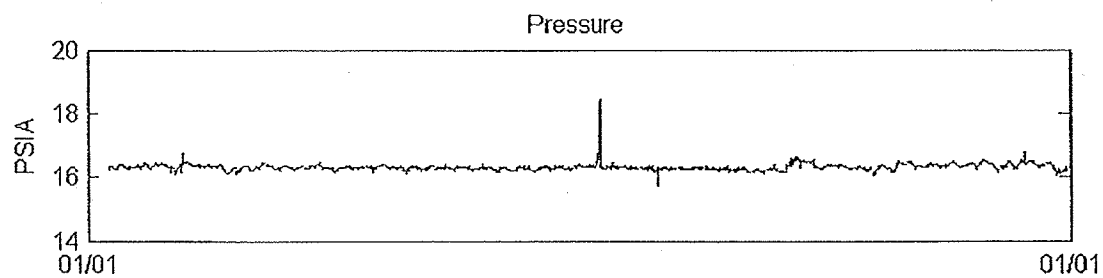
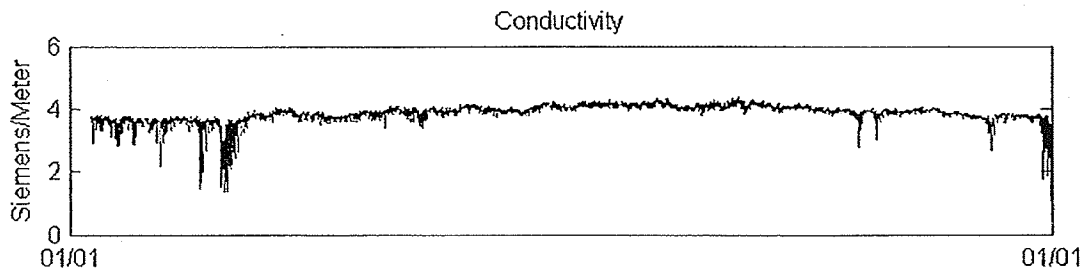
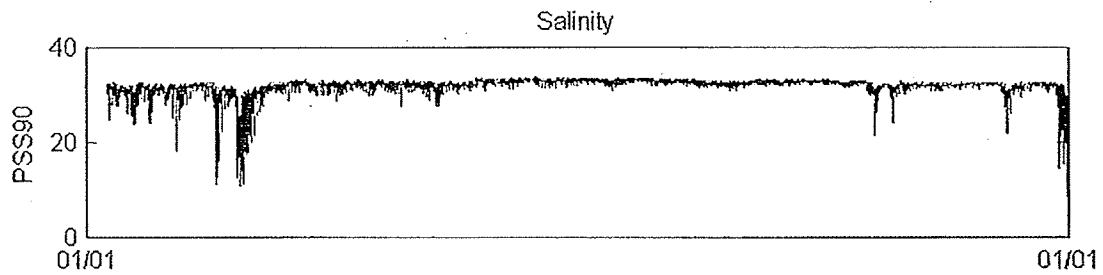
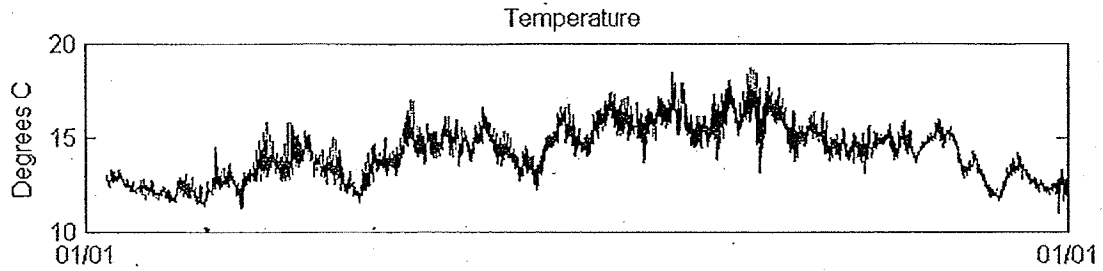
- 1) SBE 21 Thermosalinograph [instrument info](#)
- 2) Scufa Fluorometer [instrument info](#)

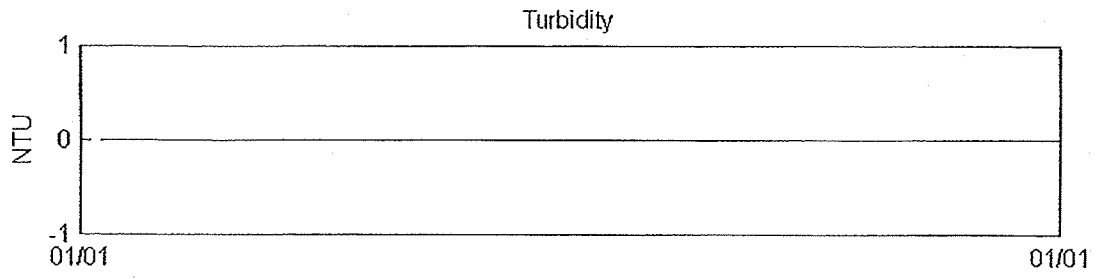
The third UDAS system represented here is portable and is used on any of the smaller vessels for near shore measurements. The portable system includes the following instruments

- 1) SBE 38 Digital Oceanographic Thermometer [instrument info](#)
- 2) SBE 45 Thermosalinograph [instrument info](#)
- 3) Scufa Fluorometer [instrument info](#)
- 4) Wet Labs C-Star 10cm Transmissometer [instrument info](#)
- 5) Satlantic V3 Nitrate Sensor [instrument info](#)

Follow this link to access the data sorted by vessel and date
[DATA LINK](#)

Moss Landing Marine Labs Small Boats CTD Station Historical Data Plot
Starting Date:Jan. 09, 2004
Ending Date:Jan. 01, 2005

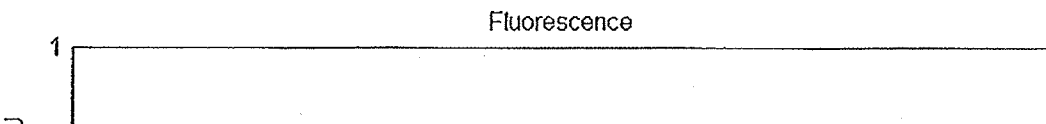
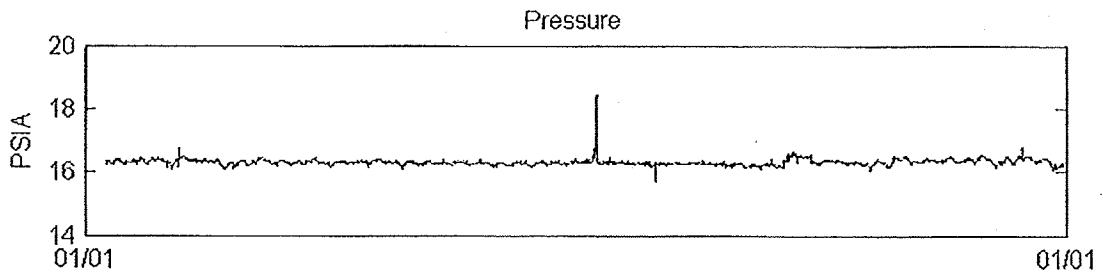
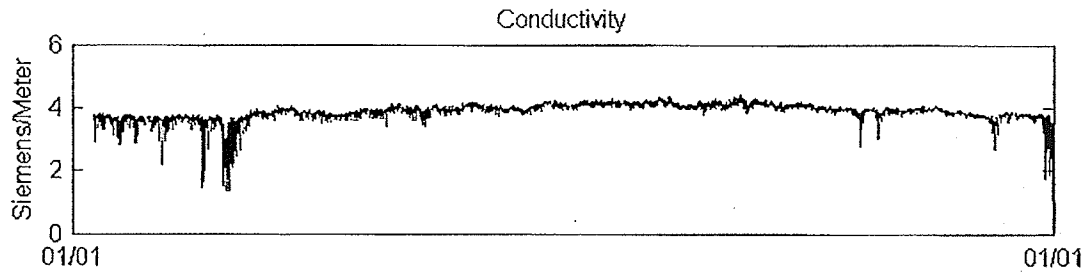
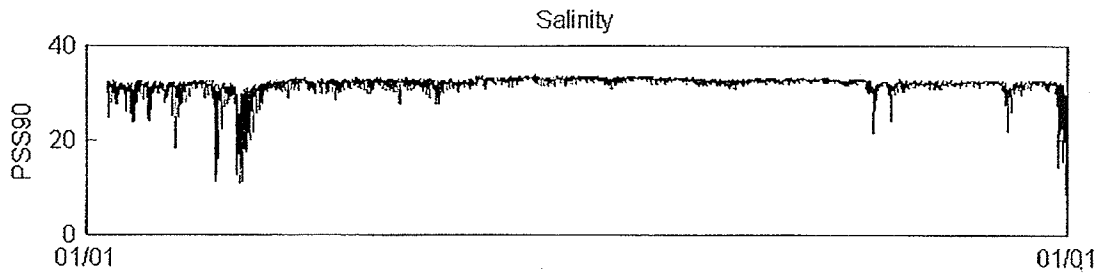
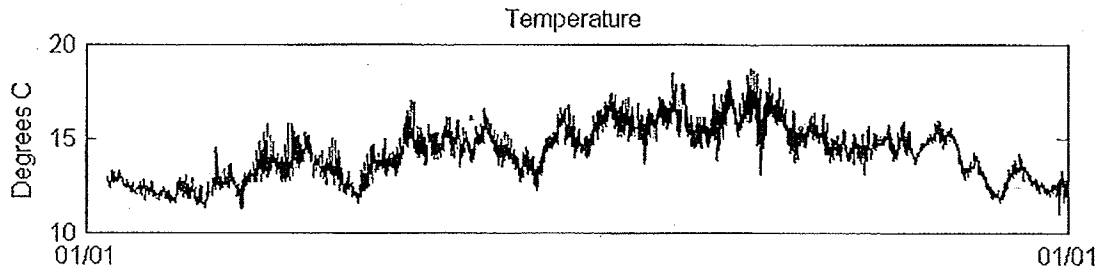


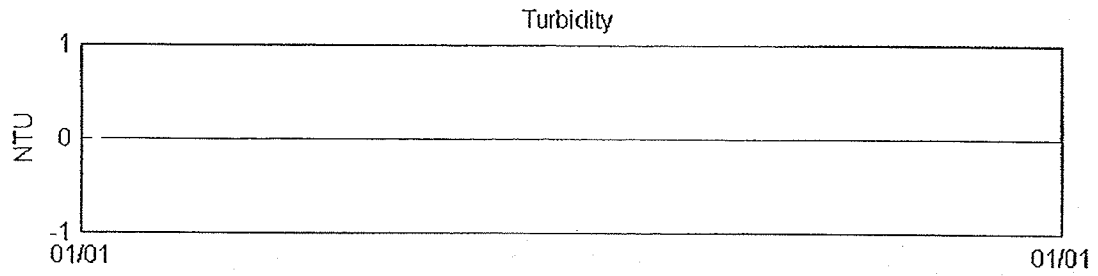


Moss Landing Marine Labs Small Boats CTD Station Historical Data Plot

Starting Date:Jan. 01, 2005

Ending Date:Jan. 01, 2006

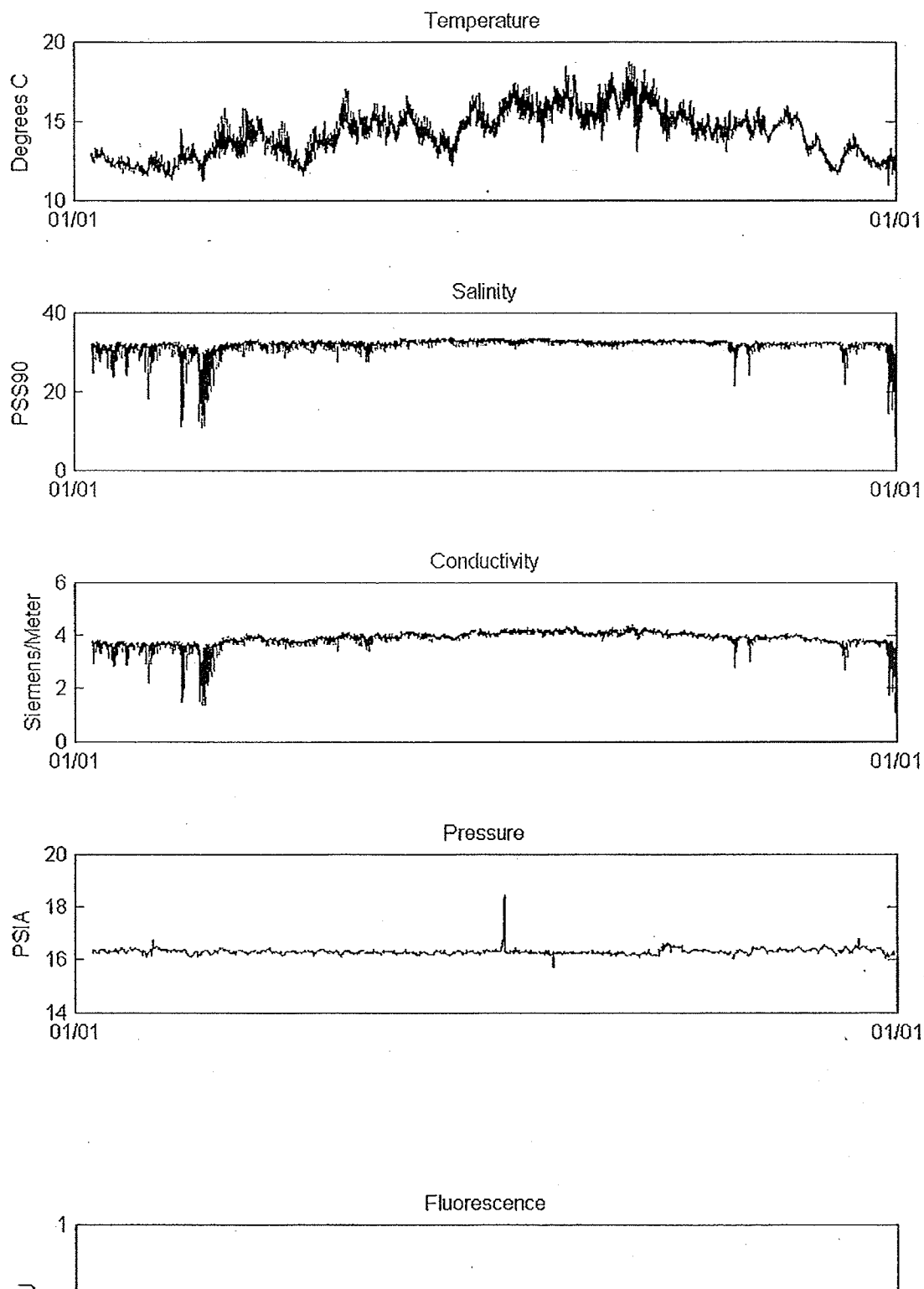


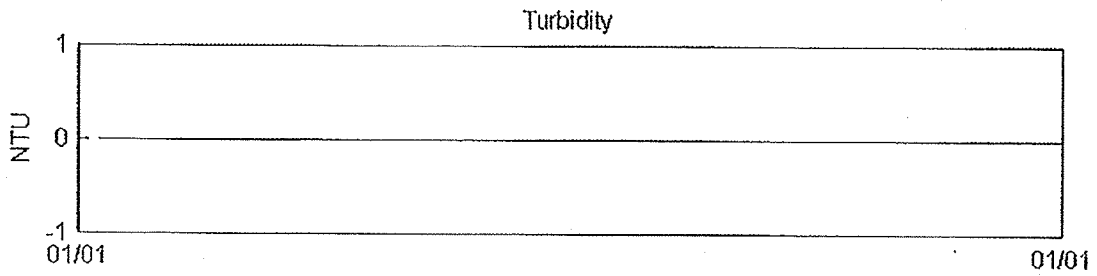


Moss Landing Marine Labs Small Boats CTD Station Historical Data Plot

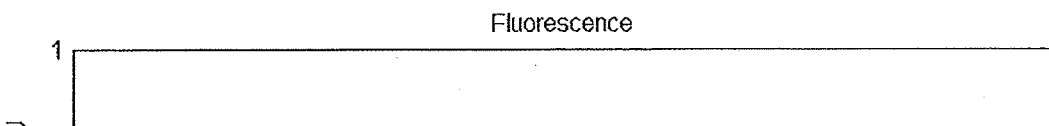
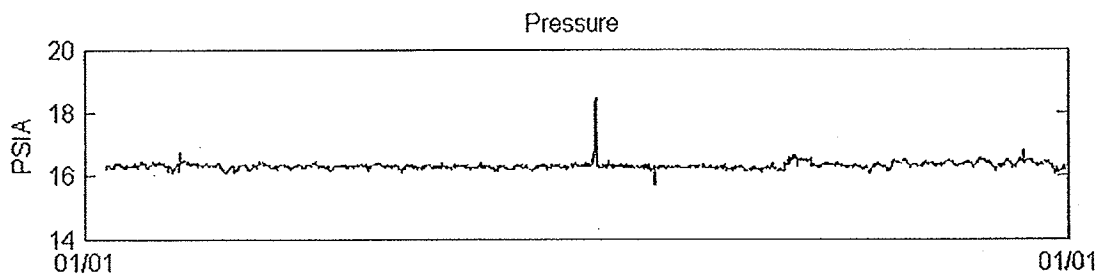
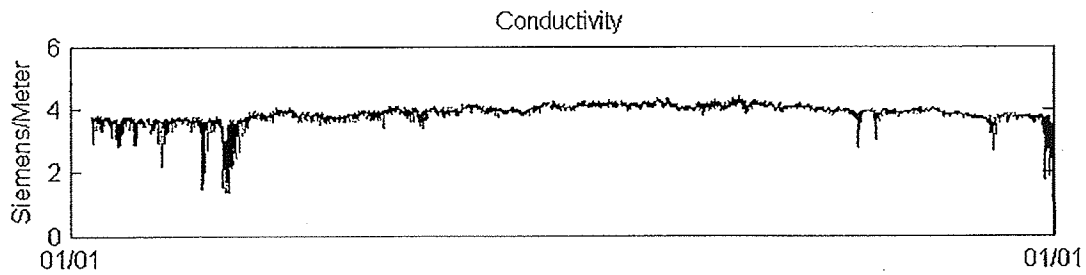
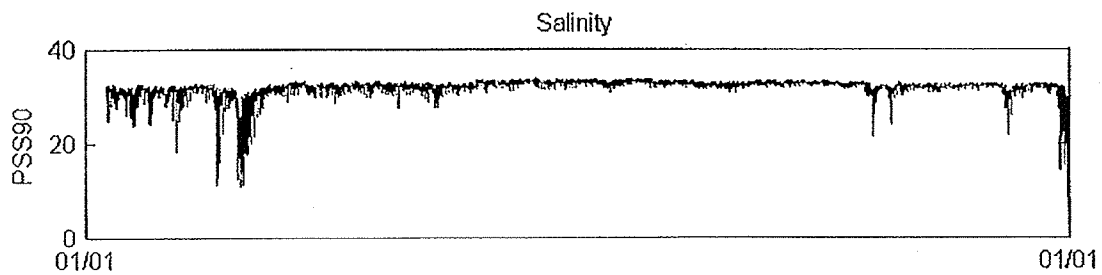
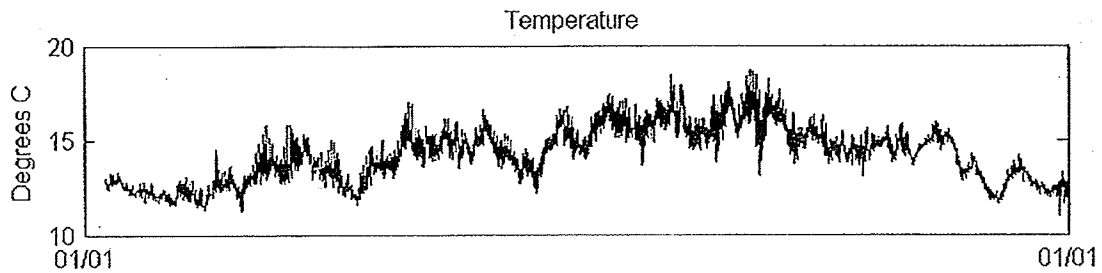
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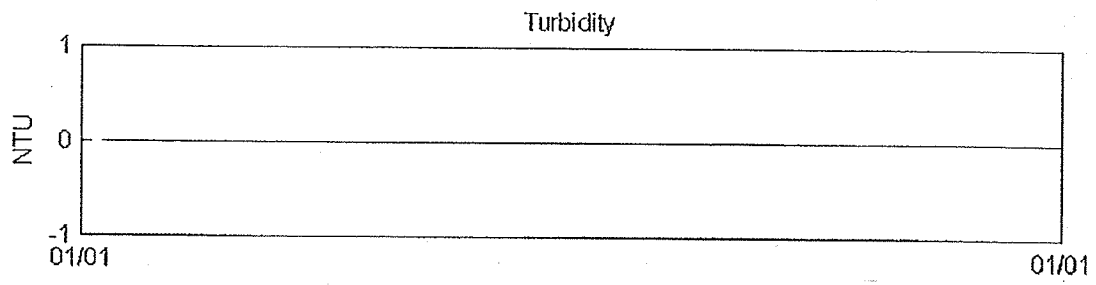
Ending Date:Jan. 01, 2007



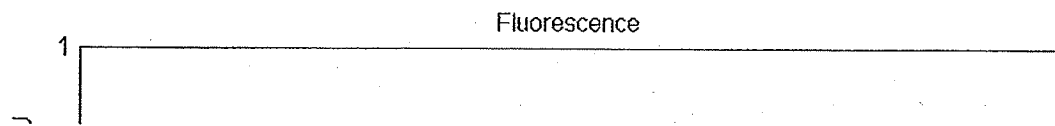
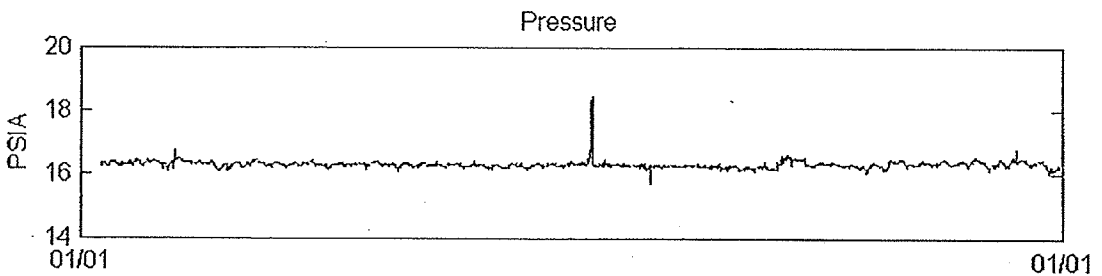
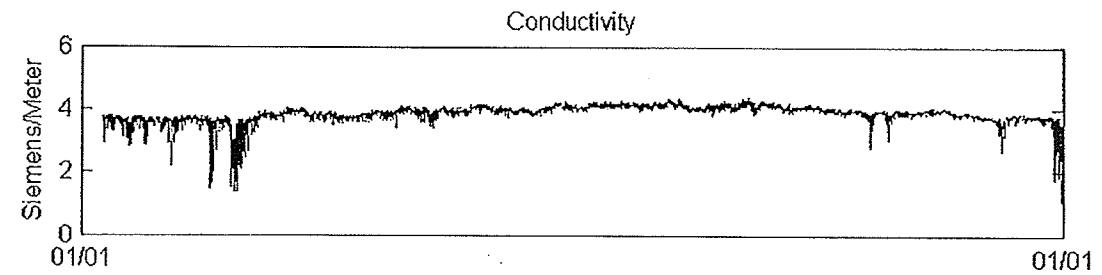
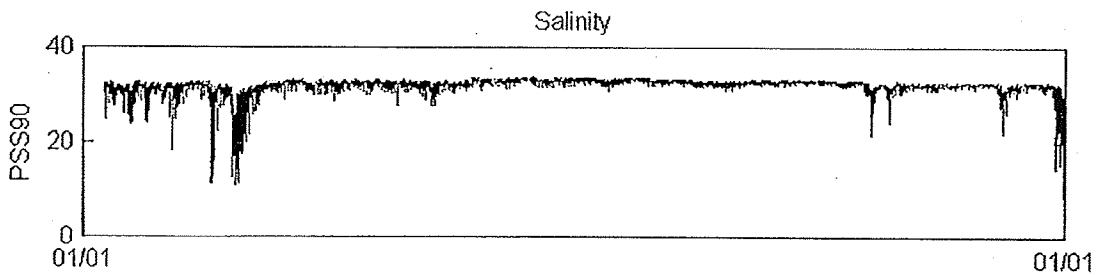
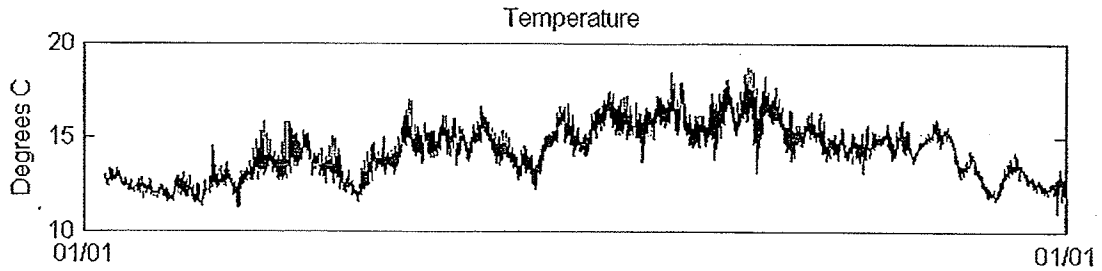


Moss Landing Marine Labs Small Boats CTD Station Historical Data Plot
Starting Date:Jan. 01, 2007
Ending Date:Jan. 01, 2008

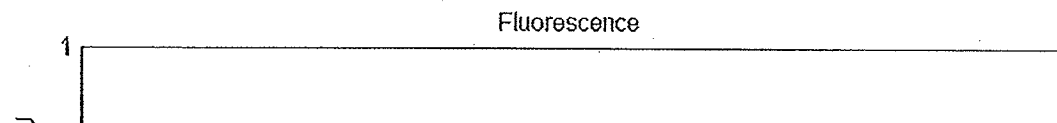
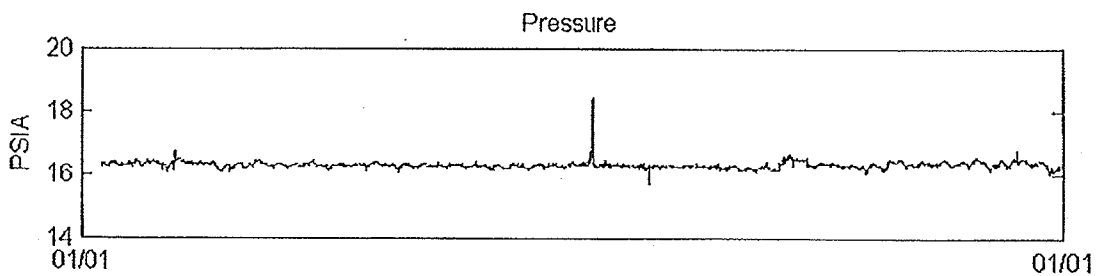
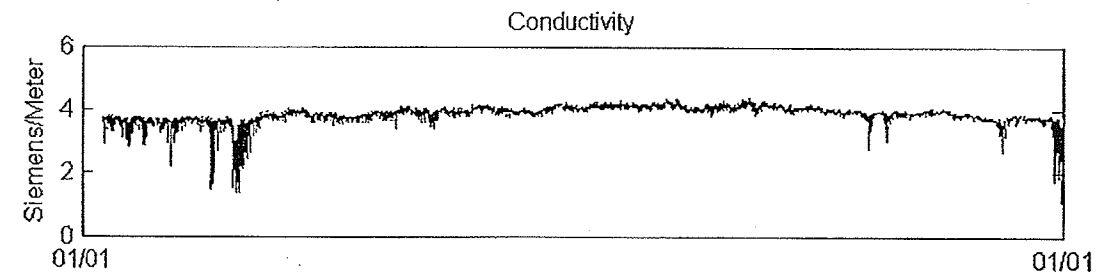
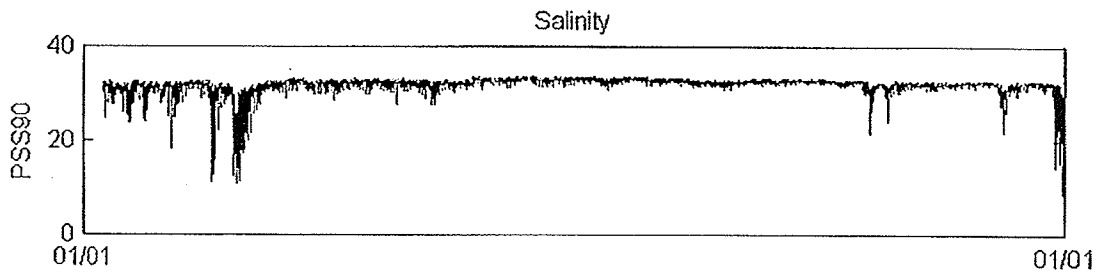
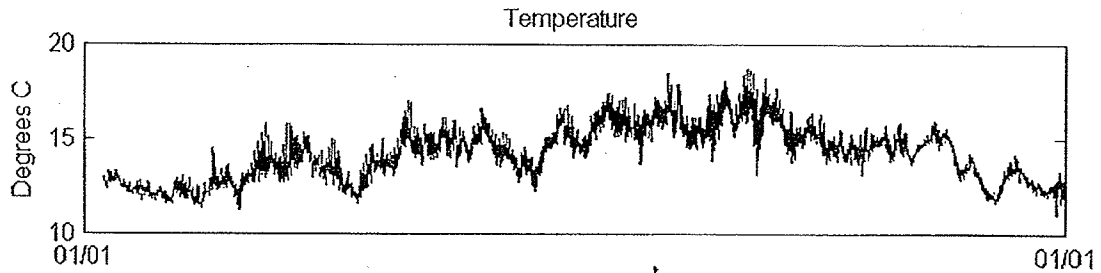




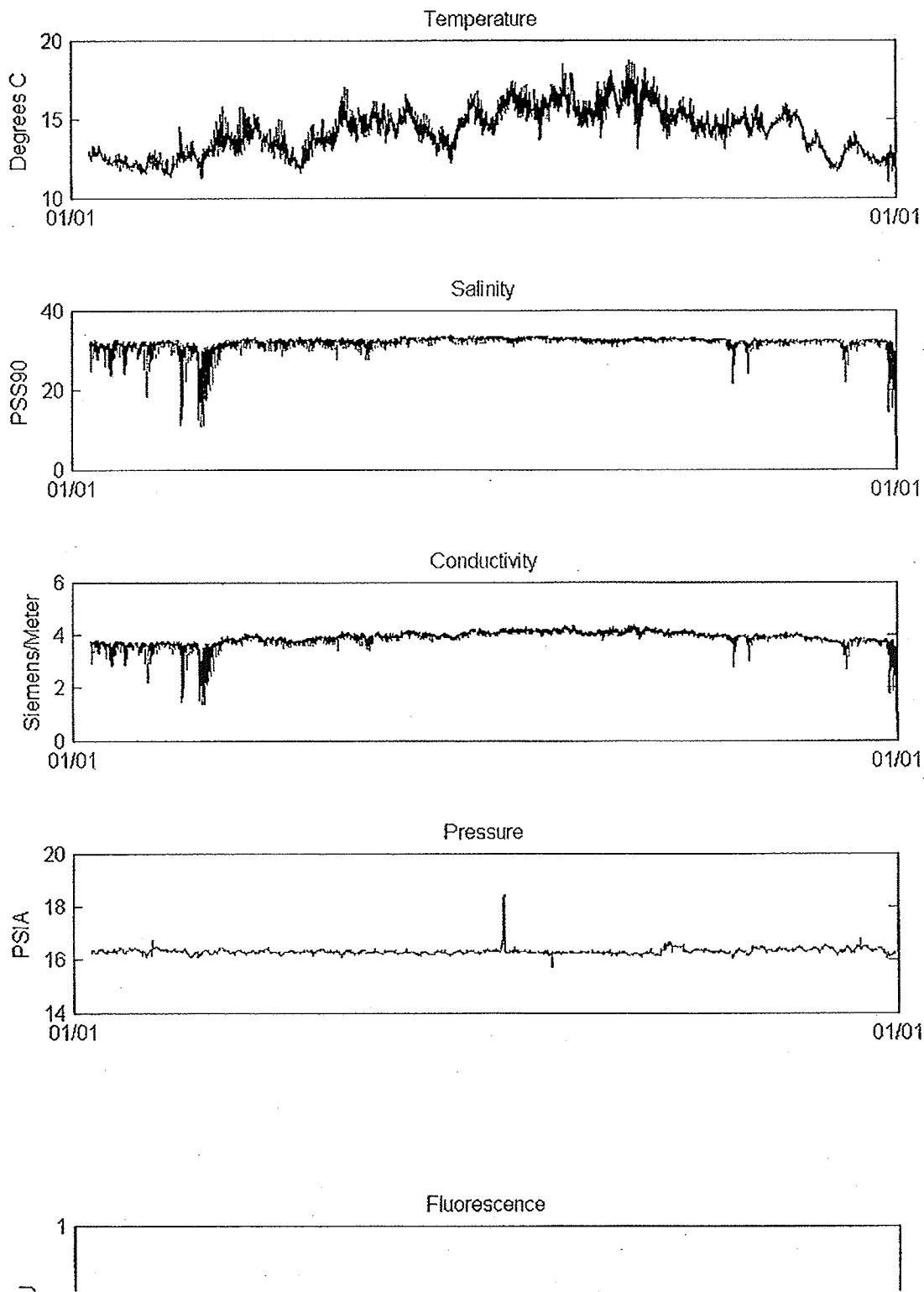
Moss Landing Marine Labs Small Boats CTD Station Historical Data Plot
Starting Date:Jan. 01, 2008
Ending Date:Jan. 01, 2009



Moss Landing Marine Labs Small Boats CTD Station Historical Data Plot
Starting Date:Jan. 01, 2009
Ending Date:Dec. 23, 2009



Moss Landing Marine Labs Small Boats CTD Station Historical Data Plot
Starting Date:Jan. 05, 2010
Ending Date:Sep. 15, 2010



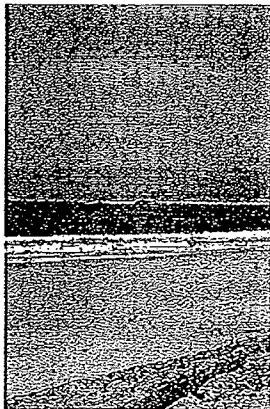
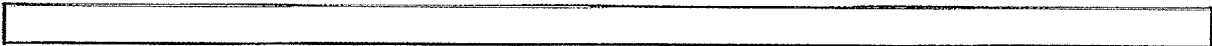
Moss Landing Marine Laboratories Water Quality Monitoring Stations



Small Boat Dock Monitoring Station
Latitude: 36.8068°N
Longitude: 121.7878°W

Instrumentation Package: Seabird SBE26
calibrated 12/03/08

Instrument removed 10/19/10. Historical data available here.



Seawater System Monitoring Station
Latitude: 36.8025°N
Longitude: 121.7915°W

Temperature Sensor: Weed Instrument 5A00A1

Dissolved Oxygen Sensor: Oxyguard 840

Sample Date: 03-Apr-2013

Sample Time: 07:41:35 PST

Temperature: 9.7° C

Dissolved Oxygen: 140.6 $\mu\text{mole/L}$

Note: The intake for the seawater system is at 20 meters depth

Water Conditions for the last 7 days

Moss Landing Marine Laboratories Scientific Seawater Intake Monitoring Station



Instrumentation Package:	Last Calibrated:
Seabird SBE19 CTD	10/18/2012
AADI Oxygen Optode 3835	8/13/2012
C-Star Transmissometer (10 cm)	2/29/2012
WETStar Fluorometer	3/6/2012
Honeywell Durafet III (New)	3/26/2013

Latitude: 36.8025° N, Longitude: 121.7915° W (image: google)

[Historical Text
Data](#)

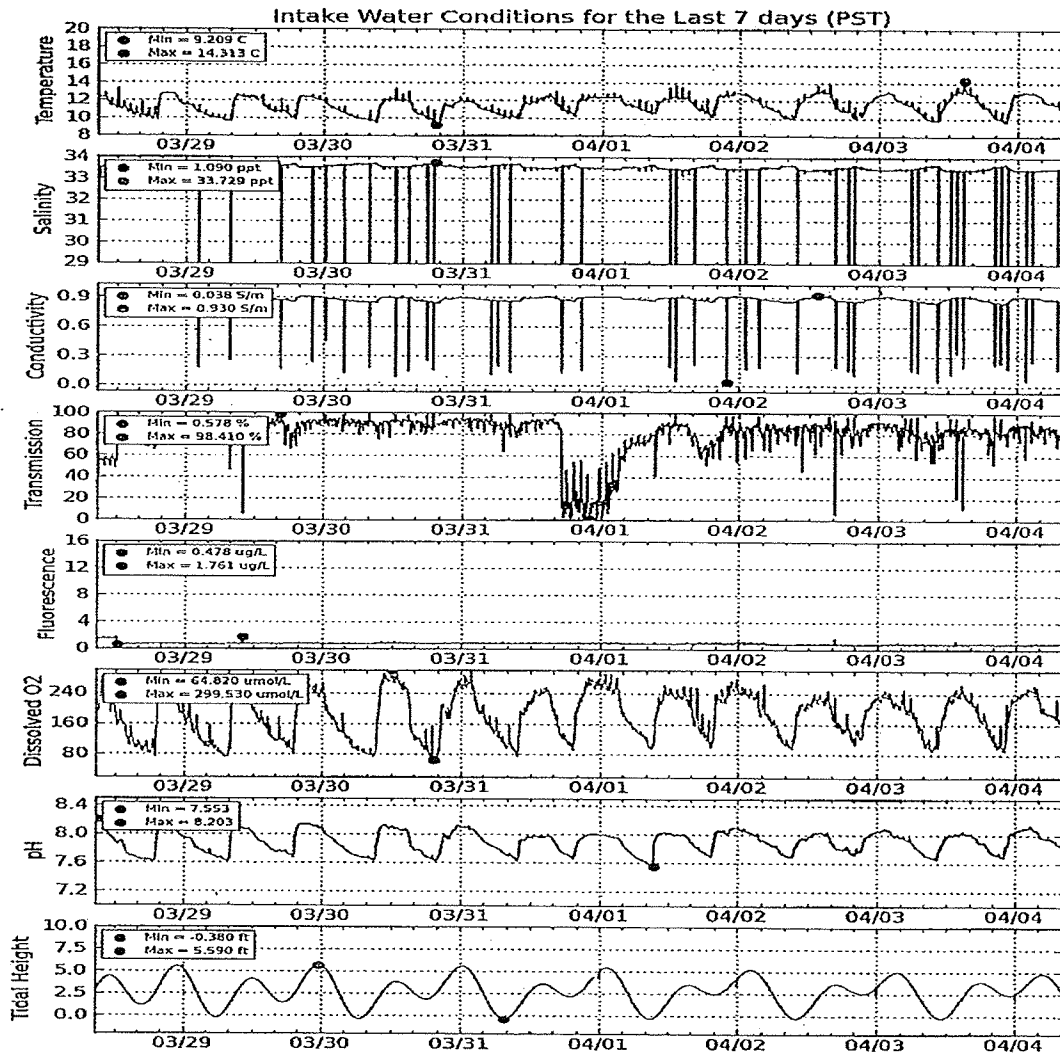
[Monthly NetCDF
Files](#)

[Maintenance
Log](#)



Sample Date (GMT):	04/04/2013
Sample Time (GMT):	16:26:12
Sample Time (PST):	08:26:12
Temperature:	11.084 °C
Conductivity:	0.877 S/m
Salinity:	33.515 ppt
Fluorescence:	0.85 µg/L
Transmission:	79.56 %
Optode Temperature:	11.19 °C
Optode Dissolved Oxygen:	158.55 µmol/L
Optode Saturation:	57.01 %
pH probe:	7.840

Note: The intake for the seawater system is at 17 meters depth.



Moss Landing Marine Laboratories Scientific Seawater Intake Monitoring Station

CeNCOOS



These NetCDF files are in NetCDF4 HDF5 format. If you are new to this format you can use HDFview to open them.
This software is available for download (Windows/Mac/Linux/Solaris) on the HDF group website at: www.hdfgroup.org/hdf-java-html/hdfview/

If you need assistance feel free to contact the CeNCOOS Information Manager at jpatterson@mbari.org

2013

[MLML201301.nc](#)

2012

[MLML201212.nc](#)

[MLML201211.nc](#)

[MLML201210.nc](#)

[MLML201209.nc](#)

[MLML201208.nc](#)

[MLML201207.nc](#)

[MLML201206.nc](#)

[MLML201205.nc](#)

[MLML201204.nc](#)

[MLML201203.nc](#)

[MLML201202.nc](#)

[MLML201201.nc](#)

2011

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[MLML201110.nc](#)

[MLML201109.nc](#)

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[MLML201106.nc](#)

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[MLML201104.nc](#)

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[MLML201101.nc](#)

2010

[MLML201012.nc](#)

[MLML201011.nc](#)

[MLML201010.nc](#)

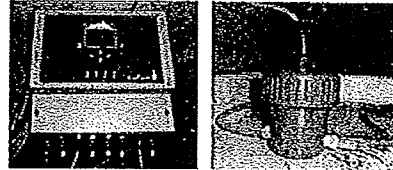
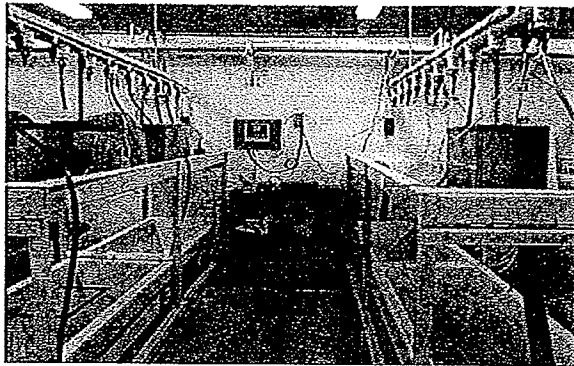
[MLML201009.nc](#)

Moss Landing Marine Laboratories Aquarium Oxygen Monitoring Station

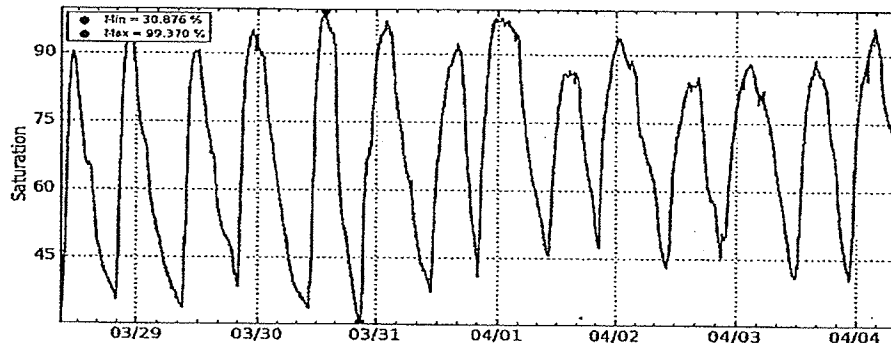
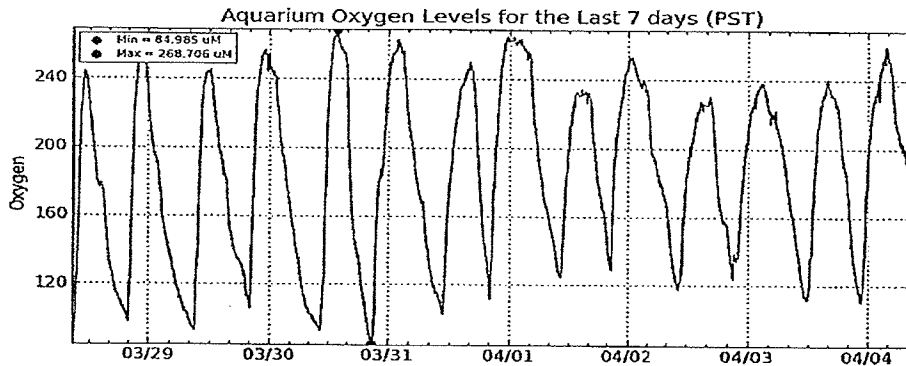


Instrumentation Package: OxyGuard Atlantic
 Last Calibrated: 10/10/2010
 Decimal Coordinates: 36.7942° N; 121.7874° W

[To access historical data for this site \(since 11/15/10\), click here.](#)



Sample Date:	04/04/2013
Sample Time (PST):	08:26:01
Dissolved Oxygen:	181.1 µmol/L
Saturation:	66.7 %



Arlene Tavani

From: Nader Agha <naderagha@sbcglobal.net>
Sent: Thursday, April 04, 2013 2:45 PM
To: Arlene Tavani
Subject: RESPONSE TO MARTRIX

RECEIVED

APR - 4 2013

Dear Ms. Travani:

MPWMD

We will be submitting our response (electronic) to the matrix tomorrow Friday, April 5th by end of business. This response is to the matrix that was compiled by district staff and presented at the March 18, 2013 full board meeting.

At this time we are requesting our response be placed on the earliest possible agenda for presentation, discussion and board action re: reconsideration of the selected alternative.

Please contact me if you have any questions. Thank you.

Carmelita Garcia

Business Manager

O: (831) 646-9030

F: (831) 372-2021

Monterey Office

449 Alvarado Street Monterey, CA 93940

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Please consider the environment before printing this e-mail.



Monterey Regional Water Pollution Control Agency

*"Dedicated to meeting the wastewater and reclamation needs
of our member agencies, while protecting the environment."*

Administration Office:

5 Harris Court, Bldg. D, Monterey, CA 93940-5756
(831) 372-3367 or 422-1001, FAX: (831) 372-6178

Website: www.mrwPCA.org

April 2, 2013

RECEIVED

APR - 3 2013

Dave Stoldt
General Manager
Monterey Peninsula Water Management District
5 Harris Ct. Bldg G
Monterey, CA 93940

MPWMD

Dear Dave:

On behalf of the WaterReuse Association and Monterey Regional Water Pollution Control Agency (MRWPCA), I want to thank you for being part of the panel discussion on Monterey Water Solutions at the California WaterReuse Annual Conference on March 18.

Your superb discussion on "Aquifer Storage and Recovery" resulted in a number of positive comments from the attendees.

Again, many thanks for the time you made available to our WaterReuse Community. We look forward to continue working with you and MPWMD in support of a local water supply solution, especially one that includes the use of advance treated wastewater in addition to ASR.

With much appreciation,

Keith Israel
General Manager

Joint Powers Authority Member Entities:

Boronda County Sanitation District, Castroville Community Services District, County of Monterey, Del Rey Oaks, Fort Ord, Marina Coast Water District, Monterey, Moss Landing County Sanitation District, Pacific Grove, Salinas, Sand City, and Seaside.



Submitted at 4/1/13
Board meeting 49
Item 8

April 1, 2013

2013 BOARD OF DIRECTORS

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OTTO CONSTRUCTION

VICE CHAIR OF ECONOMIC VITALITY
NEAL HECKMAN
PALACE OFFICE INTERIORS

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MARIPOSA INN & SUITES

KATY CASTAGNA
UNITED WAY MONTEREY COUNTY

LAURA A. DAVIS
LAW OFFICES OF LAURA A. DAVIS

MATTHEW HOHMAN
MONTEREY CREDIT UNION

DR. FRAN HORVATH
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DR. JEANETTE KERN, DDS
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BARRY KILZER
KILZER WEALTH MANAGEMENT

MITCH MATTHEWS
COMMUNITY HOSPITAL OF THE
MONTEREY PENINSULA,
HOSPICE OF THE CENTRAL COAST

JODY HANSEN
MPCC PRESIDENT/CEO

The Honorable David Pendergrass
Mayor, City of City of Sand City
Chair of the Board
Monterey Peninsula Water Management District
5 Harris Court
Monterey, CA 93940

Re: Strategic Planning Workshop
Item 8. Consideration of 2013-14 One-Year and Three-Year Goals
(#3) Work with Community to Protect Investment in Water Credits
And "Smart" Development - **SUPPORT**

Dear Mr. Chair and MPWMD Board Members:

The Monterey Peninsula Chamber of Commerce, a nonprofit business association with 800 members, strongly supports initiatives to protect water credits until the CDO is lifted.

We are particularly concerned that the Monterey Peninsula Water Management District makes every effort to extend water credits that are expected to expire during the CDO period. One critical example is the need to extend residential water credits for low flow fixtures when they become mandatory. Without such extension, residential remodels that involve water will be put on hold indefinitely. That would affect many construction jobs that are still in recovery mode since the Great Recession.

Thank you for your consideration and support of these measures, which support a strong local economy.

Sincerely,

Jody Hansen
President and CEO

30 RAGSDALE DRIVE, STE. 200
MONTEREY, CA 93940
PH (831) 648-5350
FAX (831) 649-3502
WWW.MPCC.COM

Submitted at 4/1/13
Board Meeting
Item 9

ITEM 8

MPWMD April 1, 2013 Strategic Planning Workshop

Potential Initiatives for 1-Year and 3-Year Goals

On behalf of the Monterey County Association of REALTORS®, I would like to thank the District Board for providing this opportunity to weigh in on this important Strategic Planning Workshop. With our current water availability challenges, continued focus on viable solutions is more than necessary.

Of great interest to our membership is Initiative # 3. It is critical to our industry and the local economy that the extension of retrofit credits for residential be in place until such time that our long term water solution is realized.

As you probably know, many of the housing units on the market today require some level of remodeling. Many buyers purchase properties today with the understanding that a remodel is part of that home purchase investment. Bathroom and kitchen remodels are often the targets of such renovations. Municipal coffers receive permitting revenue, local contractors, their subs and numerous other associated businesses benefit. Our local economy is sustained and ultimately, greater water efficiencies are realized with the completed project.

The elimination of these credits will have tangible negative impacts on the real estate market and the local economy.

We respectfully request that you support this important initiative. Thank you for your consideration.

Kim DiBenedetto 4/1/13
Kim DiBenedetto



RECEIVED

MAR 25 2013

MPWMD

March 22, 2013

David Stoldt
General Manager
Monterey Peninsula Water Management District
5 Harris Court, Bldg G
Monterey, CA 93942-0085

RE: San Clemente Dam Removal Project and Carmel River Reroute

Dear Mr. Stoldt,

As you are aware, California American Water and its partners are moving ever closer to mobilizing and commencing work on this long awaited historic dam removal project. While important tasks remain that precede construction, we are confident these items will be addressed within the anticipated schedule.

During construction, proper communication between our organizations will be critical to ensuring the safety of our employees, contractors, and the general public. To that end, I would suggest we meet within the next couple of weeks to discuss how to best facilitate this communication, designate key points of contact, and develop a plan that allows all necessary activities up and down stream to continue in a safe and efficient manner. I offer this invitation to you and those on your team who will require access to the project site.

Please contact me at (831) 646-3291 should you have any questions and to select a date that works best.

Sincerely,

Eric Sabolsice
Director of Operations, Coastal Division

cc: Catherine Bowie, Manager External Affairs
Roger Hulbert, Operations Manager

PASO ROBLES OFFICE
 744 PINE STREET
 PASO ROBLES, CA 93446
 PH: (805) 226-0170
 *PLEASE SUBMIT ALL
 CORRESPONDENCE & FAXES
 TO THE SALINAS OFFICE

JOHNSON, MONCRIEF & HART

A PROFESSIONAL CORPORATION

SALINAS OFFICE
 16 W. GABILAN STREET
 SALINAS, CALIFORNIA 93901
 PO BOX 1323
 SALINAS, CA 93902-1323
 PH: (831) 759-0900
 FX: (831) 759-0902
www.JohnsonMoncrief.com

AARON P. JOHNSON
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 KOREN R. MCWILLIAMS
 J. KENNETH GORMAN
 DAVID W. BALCH

RECEIVED

MAR 18 2013

MPWMD

March 18, 2013

File No. 6377.004

VIA EMAIL & U. S. MAIL

Mr. David J. Stoldt
 General Manager MPWMD
 5 Harris Court, Building G
 Post Office Box 85
 Monterey, CA 93942-0085
dstoldt@mpwmd.dst.ca.us

Board Members of MPWMD
 5 Harris Court, Building G
 Post Office Box 85
 Monterey, CA 93942-0085
arlene@mpwmd.net

RE: Peoples Moss Landing Desalination Project

Dear Mr. Stoldt & Members of the Board:

I am legal counsel for the Peoples Moss Landing Desalination Project. In that capacity, I write to request, and insist, that the Board refrain from taking action on item #17 of tonight's agenda:

Consider Negotiating a Cost Sharing Relationship with DeepWater Desal to Advance a Desalination Alternative to the Cal-Am Proposal

Action: The Board will decide if staff should negotiate with DeepWater Desal to establish a cost sharing relationship for the environmental and permitting work necessary to advance a desalination alternative to Cal-Am's Monterey Peninsula Water Supply Project

Requested Action:

Rather, PML requests that the Board refer this matter back to the Water Supply Planning Committee with the following instructions:



- 1) Provide PML and DWD a reasonable opportunity (of at least 3 weeks) to provide factual response and comment on the Evaluation Matrices and proposed recommendation;
- 2) Provide the Public a reasonable opportunity to provide factual response and comment upon the Evaluation Matrices and proposed recommendation;
- 3) Recalculate the Evaluation Matrices based upon proper factual information as well as Objective and Lawful Criteria. Strive to eliminate subjective considerations and presumptions from consideration in the scoring process;
- 4) Exclude from participation in the scoring, information gathering and decision-making process any persons with actual or perceived bias and conflicts of interests as to any applicant; and
- 5) Properly agendize consideration of the matter as an action item on the Water Supply Planning Committee before making any recommendation to the Board.

Reasons To Send Back to The Water Supply Planning Committee:

1) The currently proposed process creates a perception of intent to quell participation, response and comment of PML and the Public

Last Monday, March 11, 2013, the Water Supply Planning Committee met. The Committee's Agenda for March 11, 2013 listed as an item for discussion only, receipt of a "Progress Report on Investigation into Desalination Contingency Plan". On that date, the General Manager and the District Engineer presented the initial public disclosure of an "Evaluation Matrices" comparing and ranking the relative strengths and weaknesses of the PML project and the DWD project. These matrices were also presented to the Water Supply Planning Committee.

Unfortunately, rather than "discussing" the Matrices and providing the opportunity for response, clarification and input from the applicants and the public, the Committee purported to convert the item to an "action" item. The Committee immediately held a vote and recommended that this Board select DWD as the preferred Contingency Plan Alternative. The Committee further recommended that MPWMD exclusively negotiate with DWD for the purpose of providing DWD with up to \$500,000 of public funds to fund an EIR.



The matter is now scheduled as an "action" item on tonight's Board agenda.

In combination, 1) voting on a scoring matrix the same day it was presented; 2) providing no opportunity for applicants or the public to address inaccuracies or unsubstantiated subjective conclusions in the matrix; 3) conversion of a discussion item to an action item; and 4) scheduling the matter for a vote of the full Board one week later; could well be seen as an effort to frustrate the collection of accurate factual information and to frustrate input from the public and the applicants. Even if this is not the MPWMD's intent, this perception could present several problems for the District. It could also significantly erode any public confidence in the selection process.

2) Numerous facts relied upon in preparing the Matrix report by the GM & Engineer are inaccurate and Numerous subjective presumptions are unfairly incorporated into the scoring process.

Given a reasonable opportunity, PML intends to provide a full list of its specific objections to the facts and conclusions reached in the District's scoring Matrix. The factual errors and subjective inaccuracies are substantial. PML asserts that correction of the errors will result in PML receiving a substantially higher score than DWD on the Matrix.

As one example, within the first category of the Matrix, entitled "Organizational Information and Financial Strength", Mr. Stoldt gave DWD 8 points and PML 4 points. Mr. Larry Hampson gave DWD 8 points and PML 5 points.

In reaching this conclusion, Mr. Stoldt acknowledges that DWD provided no financial statements, that it has a short history, that it does not have a significant revenue capability. Mr. Stoldt does not identify any assets of DWD. Nor does Stoldt provide any factual support for his conclusion that DWD has greater access to capital. In other words, there is simply no basis for concluding that DWD has any assets or available borrowing capability. Stoldt then presumes that DWD is committing to provide \$4,000,000 in cost sharing with the District. This presumption is not based upon any binding promise by DWD, rather it is merely based upon the fact that DWD listed that amount as its cost estimate for environmental planning, legal, technical studies and preliminary design.

By contrast, PML did provide financial statements. PML shows a much longer history of existence. PML shows tens of millions of dollars in equity. PML shows a substantial and lengthy stream of annual income. PML holds title to substantial assets.



Frankly, any unbiased observer would conclude that PML is more well capitalized, has greater income, is longer established and is stronger financially than DWD. Any conclusion to the contrary is not based upon the facts presented.

Numerous other components of the Matrix are equally flawed. Equity and responsible decision-making with regard to public funds require that such inaccuracies be remedied prior to the Board reaching a final determination.

3) The factors contained in the Matrix report submitted to the subcommittee are improper and, in some instances, unlawful.

It is also worrisome that the Matrix considers and scores factors that are statutorily and Constitutionally impermissible, including the topic "Litigation History".

In evaluating this factor, Mr. Hamson gives DWD 5 points and PML 0 points. The rationale for this disparity is that an internet search of Mr. Nader Agha purportedly disclosed 15 civil lawsuits between 1998 and 2010.

Consideration of this matter is legally impermissible for an array of reasons.

The U.S. Const. amend. I. provides in part: Congress shall make no law abridging the right of the people peaceably to assemble, and to **petition the government** for a redress of grievances. Despite the explicit reference to Congress, the First Amendment, including specifically the right to **petition**, is "incorporated" against the states by virtue of the Fourteenth Amendment. Cases construing the California analog frequently rely on federal court interpretations of the First Amendment. *The right to petition encompasses the right to file a private lawsuit*, by which one litigant prays for the exercise of judicial power against another. These rights, to assemble peaceably and to **petition** for a redress of grievances, are among the most precious of the liberties safeguarded by the Bill of Rights.

Any attempt to disadvantage an applicant based upon its exercise of its past exercise of its constitutionally protected rights is highly likely to be deemed unlawful.

Moreover, even if it were not unlawful, the factor is not helpful. By analogy, if a government entity were selecting a software supplier and considering between Microsoft and Bob's Software Wholesale (fictitious name for recently formed unproven software company), it would probably not be appropriate to select Bob in based upon a finding that Microsoft had simply been involved in too many litigation cases.



Simply stated, this criteria should be eliminated from the Matrix.

4) There exists an actual, or perceived, bias and conflict of interest among the decision makers

PML has additional concerns regarding perceived bias and conflict of some of the MPWMD representatives.

Two members of the board have previously been involved in litigation with Nader Agha, where Mr. Agha prevailed. Mr. Agha fears that these legal conflicts may perpetuate a bias against PML. This perception is perpetuated by the scoring of the "Litigation History" item stated above.

PML is also concerned that Mr. Laredo is serving as legal counsel for MPWMD with regard to this matter, and presumably providing input on this decision. Simultaneously, Mr. Laredo is serving as legal counsel for the City of Pacific Grove in conjunction with negotiating and performing the terms of the agreement between PG and Mr. Agha to develop and build the PML project. Although Mr. Laredo originally recused himself from representation due to a conflict of interest, Mr. Laredo has resumed joint representation of both public entities over Mr. Agha's express objection. This dual capacity representation presents a clear and present conflict of interest. It also presents a situation where confidential and secret information of the PML project may be subject to improper disclosure. As such, PML must insist that Mr. Laredo no longer participate in any MPWMD discussions or action with regard to this issue.

Conclusion:

It is extremely important that this MPWMD decision be based upon accurate factual information, that the decision be an open process, that the applicants and the public have a full opportunity to provide information and comment. The applicants and the public need to feel as though the process has been thorough, accurate and free of bias.

This can only be accomplished by allowing input, reviewing and modifying the Evaluation Matrix.

For this reason, PML respectfully requests that this matter be sent back to the Water Supply Planning Committee, with all necessary instructions.



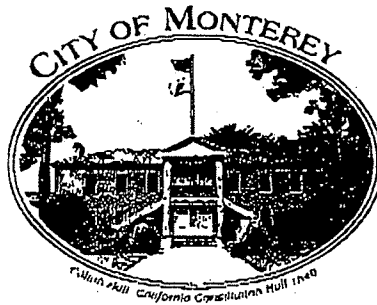
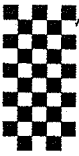
Sincerely,

JOHNSON, MONCRIEF & HART, PC

A handwritten signature in cursive script, appearing to read 'Paul Hart'. The signature is written in dark ink and is positioned above the printed name.

Paul Hart

PH/sld



RECEIVED

MAR 15 2013

MPWMD

March 15, 2013

Mayor:
CHUCK DELLA SALA

Councilmembers:
LIBBY DOWNEY
ALAN HAFSA
NANCY SELFRIDGE
FRANK SOLLECITO

Monterey Peninsula Water Management District
5 Harris Court, Bldg G, Monterey, CA
Monterey, CA 93940

City Manager:
FRED MEURER

RE: Monterey Peninsula Water Management District Meeting March 18, 2013

Consider Second Reading and Adoption of Ordinance No. 155 – Modifying
the Definition of Redevelopment Project Site and Amending Rule 25.5-D

Dear Chair Pendergrass and Directors,

The City of Monterey encourages the Monterey Peninsula Water Management District to approve the proposed Ordinance 155. As you know, the proposed ordinance amends the District's definition of Redevelopment Project to recognize the effect of Assembly Bill x1 26 (AB 26) to abolish redevelopment agencies. The ordinance also amends MPWMD Rule 25.5-D to allow two extensions of Water Use Credit at former Redevelopment Projects when the credit was documented prior to February 1, 2012 (i.e., prior to AB 26).

Cities have been dramatically impacted by the abolishment of redevelopment agencies. As communities struggle to recover from this change in law, the proposed ordinance provides a legislative framework to move forward. First, the proposed change recognizes the change in State law. Second, the proposal continues to extend water credits on sites that have been hit particularly hard during the economic downturn which was further exacerbated by the dissolution of redevelopment.

In Monterey, we are encouraged by the opportunity to move forward on these parcels.

Sincerely,

Fred Meurer
City Manager