



Supplement to 3/20/17 MPWMD Board Packet

Attached are copies of letters received between February 11, 2017 and March 10, 2017. These letters are listed in the March 20, 2017 Board packet under Letters Received.

Author	Addressee	Date	Topic
J. Panzer	David Stoldt	2/14/17	Carroll Meter Split (MPWMD Water Permit No. 33946)
Juli Hofmann	Arlene Tavani	2/23/17	Concerns re Cal-Am Slant Well Project Attachments to Letter
G. Borkowski	Arlene Tavani	3/3/17	Change from Odd-Year Elections to Even-Year Elections
Jonas Minton	John O'Hagen, cc. David Stoldt	3/10/17	MPWMD Interpretation of Condition 2 of Orders WRO 2016-0016 and 2009-0060

file:///U:/staff/Boardpacket/2017/20170320/LettersRecd/LettersRecd.docx



MAUREEN WRUCK
PLANNING CONSULTANTS, L.L.C.

Planning Land Use & Permitting

February 15, 2017

RECEIVED
FEB 22 2017
MPWMD

David Stoldt, General Manager
Monterey Peninsula Water Management District
Post Office Box 85
Monterey, CA 93942-0085

RE: Carroll Meter Split (MPWMD Water Permit No. 33946)

Dear Mr. Stoldt:

Maureen Wruck Planning Consultants, LLC represents David & Kelly Carroll, the property owners of 7985 Carmel Valley Road, Carmel. We have applied for and were issued a Meter Split permit in May 2015. We are now trying to get a final inspection for this permit.

The permit is associated with a residential conversion of a barn to create a one (1) bedroom apartment. Note that a prior MPWMD Permit was issued in 1994 allowing water use in the Barn (shower stall, toilet, laundry/utility sink). MPWMD staff advised that because there is a kitchen in the barn apartment, the unit needed a meter. One option that was initially discussed was to install an in-line meter after the Cal-Am meter and before the barn. I was then told that this was a sub-meter. It was suggested to speak with Cal-Am to ask if a second option was available which would be to explore a Cal-Am meter. Ultimately, the owners installed a meter at the barn to measure water use associated with the structure. The meter selected was from a list of approved manufacturers provided by Tom Lindberg.

We recently called for a final MPWMD inspection for the property, including the meter (water measuring device) that was installed. After incurring cost and effort by the property owner, on February we were advised by MPWMD staff on February 1st that a Cal-AM meter is required. I came into the office and spoke with Stephanie Locke and she confirmed that is the policy.

21 W. Alisal Street, Suite 111
Salinas, CA 93901
(831) 771-2557
(831) 771-2714 fax

In reviewing MPWMD regulations this afternoon, I can find no regulatory basis to support the staff position that a Cal-Am meter is mandatory/the only water measuring option. Specifically, the definitions in MPWMD Rules do not require a Cal-AM installed water measuring device. The District's Rules and Regulations contain the following definitions that indicate a need to measure water:

- Meter Split – “...shall mean the authorized installation of individual Water Measuring Devices for more than one Water User on a Site that is, at the time of application, supplied by one existing Connection”.
- Water Meter – “...means any measuring device intended to measure water usage. The term “Water Meter” shall have the same meaning as the term “Water-Measuring Device”.
- Water-Measuring Device – “...means any water meter or other measuring device intended to measure water usage. The term “Water-Measuring Device” shall have the same meaning as the term “Water Meter”.
- Water User – “...shall mean Users of water for domestic or other uses from any Water Distribution System or private Well.
- User – “...means a customer or consumer (emphasis added) of water delivered by a Water Distribution System. Each residence... shall be deemed a separate user.

All of these definitions were adopted by the MPWMD Board of Directors by Ordinance (Ordinance No. 92, Ordinance No. 156, Ordinance No. 157 and Ordinance No. 161). I reviewed these definitions and associated ordinances and can only conclude what is legally required is a water meter/water measuring device to measure water consumption. No where can I find a requirement that the water measuring device must be a Cal-AM meter. My reading of the Ordinances follows:

- A. MPWMD has determined that the barn apartment is another Water User because there is a kitchen. Therefore Mr. and Mrs. Carroll were required to meter water use at the barn.
- B. We applied for and received a Meter Split permit which authorizes Mr. and Mrs. Carroll (*Water User*) to install an: “...*individual Water Measuring Device*...” for their property where water is supplied from one existing connection.
- C. A *Water User* is defined as a *User of water*. A *User* is further defined as a customer or consumer of water delivered by the water distribution system. This is an important point in that MPWMD staff is suggesting that the only option is that a *User* must become a separate Cal-AM customer; the definition clearly allows the option for the barn apartment to be a *consumer* of water used on the site, as long as that water use is measured.

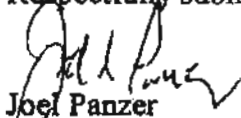
The Carroll's have installed the required water measuring device. They will provide water use records to the MPWMD. They will also provide MPWMD with access to Cal-

21 W. Alisal Street, Suite 111
 Salinas, CA 93901
 (831) 771-2557
 (831) 771-2714 fax

Am water Use records. Measuring water use is the intent of the MPWMD regulations and the Carrols method of measuring water use complies with the District legal requirements.

By way of this letter, I am asking the General Manager to confirm that there is no mandatory requirement for a Cal-AM meter and to allow the meter split permit to be given a final inspection/approval needed to close out MPWMD Water Permit No. 33946. Attached is a photo of the water meter that was installed for the barn apartment.

Respectfully submitted,



Joel Panzer

Maureen Wruck Planning Consultants, LLC

JP/Attachment: Meter Photo
 MPWMD Inspection Report

Cc: David and Kelly Carrol, Property Owners;
 Stephanie Locke, Water Demand Manager, MPWMD

21 W. Alisal Street, Suite 111
Salinas, CA 93901
(831) 771-2557
(831) 771-2714 *fax*

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G • P.O. BOX 85 • MONTEREY, CA 93942 • (831) 658-5601 • FAX (831) 644-9558 • www.mpwmd.net

RESIDENTIAL INSPECTION REPORT

Conservation: Change of Title Permits: Pre-Inspection Credits New Construction Remodel Addition Re-Inspection

PROPERTY ADDRESS: 7985 Emerald Hwy 25

CITY: Marina BATHROOMS: FULL 1/2 Other _____

ASSESSOR'S PARCEL NUMBER: 161 - 091 - 074 - 002 E-mail _____

OWNER'S NAME: D. R. M. ... PERSON CONTACTED: _____

SINGLE FAMILY AUXILIARY UNIT MULTI FAMILY

This form certifies that an inspection was conducted at the above address. At the time of the inspection, the property WAS WAS NOT found to be in compliance with MPWMD Water Efficiency Standards and/or with MPWMD Water Permit No. _____. Additionally, fees in the amount of \$105 are PAID DUE. Water Efficiency Standards are listed in Regulation XIV of the District Rules and Regulations; see summary on the back of this form. *(Specific Permit requirements are on file at the District office.)*

Any discrepancies on fixture counts must be reported and cleared or appealed within 21 days of inspection date.

No Water Credits are available for outdoor water fixtures, multiple utility sinks, and multiple showerhead installations (Pursuant to District Rules 24 & 25.5)

WATER FIXTURE INVENTORY:

Name of fixture	Fixture Count	Remarks/Location
Washbasin.....	_____	_____
Toilet.....	_____	_____
Large Bathtub (over 55 gal.).....	_____	_____
Standard Bathtub or Shower Stall (with one Showerhead).....	_____	_____
Additional Showerhead.....	_____	_____
Kitchen Sink Dishwasher.....	_____	_____
Dishwasher, additional.....	_____	_____
Laundry Sink or Utility Sink* (1 per Residential Site).....	_____	_____
Clothes Washer.....	_____	_____
Bidet.....	_____	_____
Bar Sink/Vegetable Sink Entertainment Sink.....	_____	_____
Instant-Access Hot Water System.....	_____	_____
Swimming Pool (square-feet of surface area).....	_____	_____
Rain Sensor/Soil Sensor.....	_____	_____
Rainwater Harvesting Capacity Cistern Gallons.....	_____	_____
Sub-metering (in line meters).....	_____	_____
Separate meter requirement.....	_____	_____

* Credit is available for one utility sink only per Residential Site.

Inspector's Notes: _____
For BarV and cist must be installed. (L.S. 2/1/17)

ACTION REQUIRED

- Items not in compliance must be corrected within thirty (30) days.
- Re-inspection required. Please call 658-5601 to schedule. (Re-inspection Fees of \$105.00 are required prior to inspection.)
- Provide itemized receipts for Toilets, Showerheads or signed "Showerhead Certification" form; provide photos, receipts and certification form for Rain Sensor installation. Mail documents to P.O. Box 85, Monterey, CA 93942; or fax to 644-9558.
- Water Release Form & Water Permit Application Form required (Jurisdiction). Fees may be due. (Contact the District.)

Acknowledgment of Receipt _____ Date _____ MPWMD Representative _____ Date _____
See Important Terms and Conditions on back of form.

IMPORTANT TERMS AND CONDITIONS

When the property described on the reverse side of this form is not in compliance with Water Efficiency Standards as established by Monterey Peninsula Water Management District (MPWMD) Regulation XIV and/or conditions of an MPWMD Water Permit, this form shall serve as written notice.

NOTICE

The inventory of water fixtures and/or the determination of compliance shown on this report is a final determination of the Water District's General Manager. Final determinations of the General Manager may be appealed to the District Board within twenty-one (21) days after any such determination pursuant to District Rule 70. For information about the appeal process, contact the District office at (831) 658-5601.

SUMMARY OF WATER EFFICIENCY STANDARDS:

The following mandatory Water Efficiency Standards apply to Change of Ownership or Change of Use:

- High Efficiency Toilets with a maximum flush capacity of 1.28 gallons; unless 1.6 gallon toilets were installed prior to 2014
- Showerheads shall not exceed maximum flows of 2.0 gallons-per-minute;
- Kitchen, Utility and Bar sink faucets must flow at no more than 1.8 gallons-per-minute;
- Washbasin faucets must flow at no more than 1.2 gallons-per-minute;
- Automatic shut off faucets must flow at no more than 0.25 gallon-per-minute;
- Rain Sensor must be installed with automatic irrigation.

In addition to the Mandatory Retrofits these Water Efficiency Standards apply to Residential New Structures:

- Urinals flush with no more than 0.125 gallon per flush;
- Instant-Access Hot Water Systems: Hot water must be available at any access point within ten (10) seconds;
- Drop irrigation for all non-turf landscaping, where appropriate;
- Landscaping that complies with the California Model Water Efficient Landscape Ordinance;
- Weather Based Irrigation System Controller, Rain Sensor, Rotating Sprinkler Nozzles

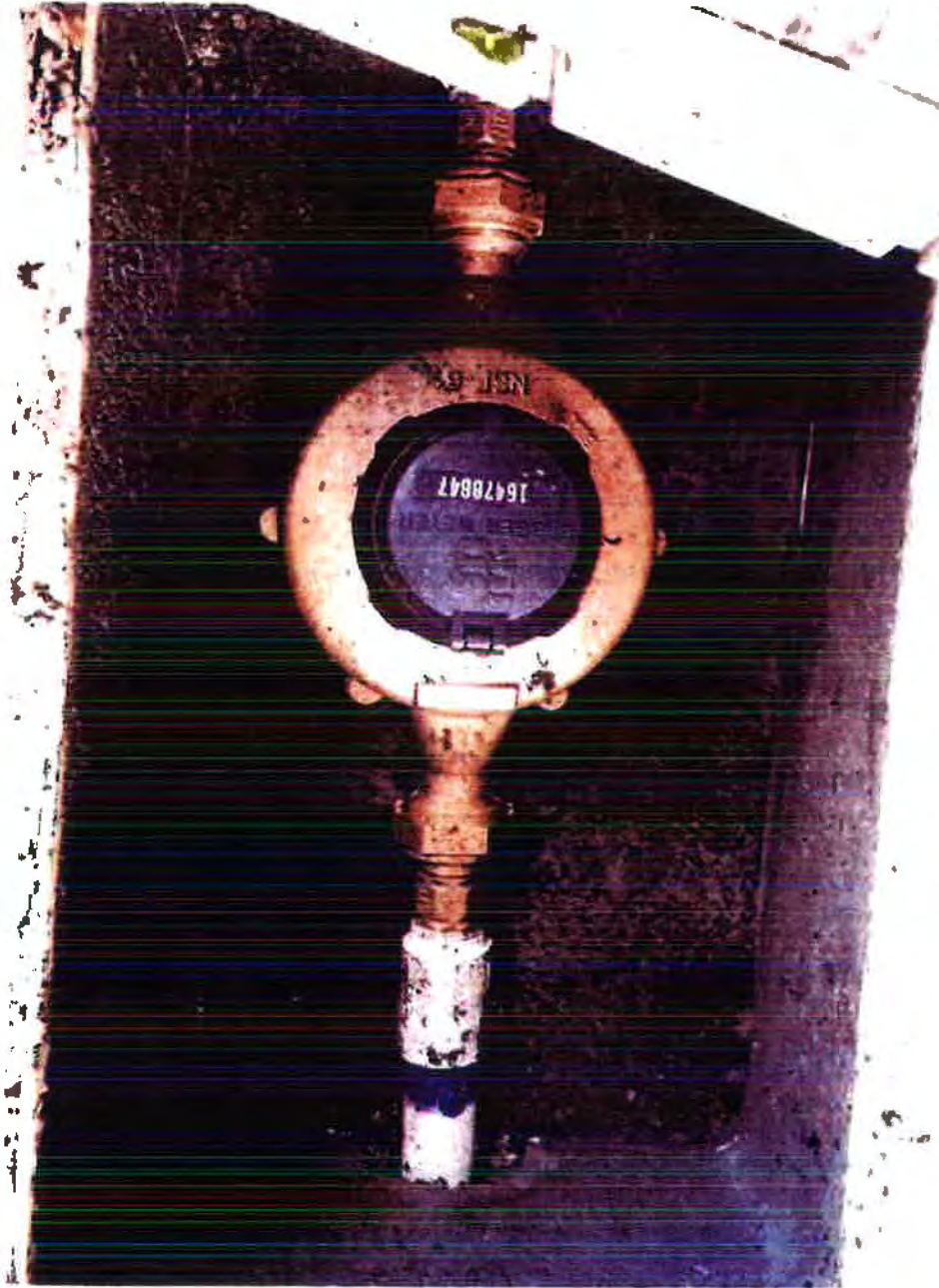
Failure to complete "Actions Required" on the reverse side will result in Recording of a Notice of Non-Compliance against the property. Payment of fees to release a Notice of Non-Compliance is required before a property may be found in compliance after a notice has been recorded. Penalties of up to \$250 per day for each day, or portion thereof, may result from failure to complete all "Actions Required".

If the property is currently for sale, corrective action must be taken prior to the close of escrow and/or transfer of title. It is a misdemeanor (infraction) for any buyer or seller to instruct an escrow agent to close escrow for sale of property within the Monterey Peninsula Water Management District without certification of compliance. An extension of time to meet the District's retrofit requirement may be available pursuant to Rule 144.

Disclaimer Notice

A fixture inventory performed by District inspectors does not "legalize" water fixtures. Contact your local jurisdiction to verify that proper permitting was done.

For additional information on Water Credits and High Efficiency Appliances please visit the Water Permits section of our website: www.mpwmd.net.



Juli Hofmann
3201 Martin Circle
Marina CA 93933
February 23, 2017

RECEIVED

FEB 27 2017

MPWMD

ATTEN: Arlene Tavani/Sara Reyes
Monterey Peninsula Water Management District (MPWMD)
P.O. Box 85
Monterey, CA 93942

Dear Board Members:

Attached is a CD containing 791 scanned letters signed by individual Monterey Bay citizens, like me, who wish to express concerns regarding the Cal-Am Slant Well project (MPWSP). These letters are signed by unaffiliated, private citizens, mostly from the City of Marina and Ord Communities, and are NOT specifically related to the DEIR public comments. However, the issues are vital to us as well as to other area interests. I hope you will review them to understand our concerns.

I would appreciate confirmation of receipt of these CDs at jhofmann@redshift.com when they have been distributed to your board members.

Thank you very much,

Juli Hofmann

Juli Hofmann

MONTEREY COUNTY



RECEIVED

MAR - 9 2017

MPWMD

CLERK OF THE BOARD OF SUPERVISORS
GAIL T. BORKOWSKI

168 West Alisal Street, 1st Floor
SALINAS, CA 93901
P.O. Box 1728
SALINAS, CA 93902
(831) 755-5066, Fax: (831) 755-5888
cob@co.monterey.ca.us

March 3, 2017

Arlene Tavani
Monterey Peninsula Water Management District
PO Box 85
Monterey, CA 93942

Dear Arlene Tavani,

The County of Monterey Board of Supervisors has received additional district resolutions requesting that their regularly scheduled election date for directors be changed from November of odd-numbered years to November of even-numbered years. Please see the amended list of districts enclosed.

California Elections Code Section 10404, 10404.5 and 10405.7 requires the Board of Supervisors to notify all districts of the receipt of such resolutions and request input from each district on the effect of the consolidation. If your district would like to provide input, please provide a written response to Gail T. Borkowski, Clerk of the Board of Supervisors, County of Monterey, 168 W. Alisal St., 1st Floor, Salinas, CA 93901, no later than **March 13, 2017**.

If you have any questions, please contact the Clerk of the Board's office at (831) 755-5066.

Very truly yours,

Gail T. Borkowski
Clerk of the Board
County of Monterey

Enclosure

cc: Claudio Valenzuela, Registrar of Voters

**Amended List to Include All Districts Requesting to Change from Odd-Numbered
Years to Even-Numbered Years**

School and Community College Districts	Effective Year:
Alisal Union School District	2018
Big Sur Unified School District	2018
Bradley Union School District	2018
Carmel Unified School District	2018
Chualar Union School District	2018
Gonzales Unified School District	2018
Graves Elementary School District	2018
Greenfield Union School District	2018
Hartnell Community College District	2018
King City Union School District	2018
Lagunita Elementary School District	2018
Mission Union School District	2018
Monterey County Board Of Education	2018
Monterey Peninsula Community College District	2018
Monterey Peninsula Unified School District	2018
Pacific Grove Unified School District	2018
Salinas City Elementary School District	2018
Salinas Union High School District	2018
San Antonio Union School District	2018
San Ardo Union Elementary School District	2018
San Lucas Union School District	2018
Santa Rita Union School District	2018
Soledad Unified School District	2018
South Monterey County Joint Union High School District	2018
Spreckels Union School District	2018
Washington Union School District	2018

Special Districts	Effective Year:
Cachagua Fire Protection District	2018
Carmel Area Wastewater District	2018
Carmel Valley Recreation & Park District	2018
Castroville Community Services District	2018
Cypress Fire Protection District	2018
Gonzales Rural Fire Protection District	2018
Greenfield Fire Protection District	2018
Greenfield Memorial District	2018
Monterey Peninsula Water Management District	2018
North County Fire Protection District	2018
Pebble Beach Community Services District	2018
San Ardo Water District	2018
San Lucas County Water District	2018
Santa Lucia Community Services District	2018
Spreckels Community Services District	2018
Spreckels Memorial District	2018

March 10, 2017

RECEIVED

MAR 13 2017

MPWMD

March 10, 2017

Mr. John O'Hagan
SWRCB
PO Box 2000
Sacramento, CA 95812-2000

Subject: MPWMD Interpretation of Condition 2 of Orders WRO 2016—0016
and 2009-0060

Dear Mr. O'Hagan:

Sierra Club and the Planning and Conservation League wish to respond to David Stoldt's letter dated March 2, 2017, submitted on behalf of the MPWMD. That letter asks the staff to interpret Condition 2 of WRO 2016-0016 and 2009-0060 in a manner that would allow it to approve new development that would use, according to the letter's estimate, approximately 100 AFY. The water would be pumped from the Carmel River alluvium by California- American.

Sierra Club and the Planning and Conservation League do not believe the use of additional Carmel River for growth through the proposed MPWMD interpretation of Condition 2 is consistent with the intent of WRO 2016—0016. Section 5.2 of the 2016 Order states:

"Cal Am's application proposes a starting Carmel River diversion limit of 8310 acre feet per annum, which is approximately 1000 acre feet less than the requirement of WR 2009-0060 for WY 2015-16, and approximately the five year average of pumping from WY 2009-2010 until WY 2012-2013. Staff's preliminary recommendation had suggested reducing this limit to 7990, which is the most recent six year average of diversions with adjustments to reflect modifications to ASR accounting.....Applicants submitted a letter in response to the preliminary [staff] recommendation requesting again that the State Water Board set the EDL at 8310.....This information [in applicants' letter] indicates that because of a scheduled reduction in allowable pumping from the Seaside Groundwater Basin of approximately 400 afa starting in WY 2017-2018, setting the diversion limit at

Sierra Club and Planning and Conservation League Comments on Condition 2
March 10, 2017

7990 afa would require improvement on conservation levels from those achieved during the historic drought. Thus, setting the EDL at 7990 would therefore require immediate efforts to lower demand or cultivate alternative sources., rather than only requiring such efforts if milestones are missed.....The only comments submitted in support of lowering the proposed EDL were submitted by Planning and Conservation League and the Sierra Club....The two environmental organizations have submitted a new joint letter explaining why they now support the EDL level of 8310 for two primary reasons: (1) Cal Am has entered into a forbearance agreement with Rancho Canada which will increase flows in the River by 300 afa, reducing the fisheries impact of a slightly higher pumping level than that used over the past three years.....” Order at 12-13.

In its final order, the Board adopted the higher diversion level requested by Cal - Am. The Board took into consideration as well increased demand arising from “bounce back” from depressed economic conditions arising from the 2008-2009 economic crisis. Now, through its proposed interpretation of Condition 2, which contemplates baseline usage to be calculated on the basis of a transfer of water credits from one [commercial] property to another, the District is in effect seeking authorization of up to another 100 afa for growth. Sierra Club and PCL believe that the amount of water that would be available for growth may in fact be underestimated, to the extent that transfer of credits between commercial properties and inter jurisdictional allocation transfers would be allowed. According to the District, remaining unallocated water is approximately 90 acre feet. With respect to onsite water credits, the District reports 26 AF of Water Credits on the identified commercial sites that were not reflected in last year’s demand figures. In its “Water Credits” memo, the District states it has identified 70.5 of water credits documented for Non Residential reductions in use. See Sierra Club and PCL letter dated February 1, 2017, page 2. Thus by the District’s own calculations there could be as much as 190 afa available for growth at commercially zoned property throughout the Peninsula. Although it may be true that such transfers would be subject to CEQA compliance, and that the transfers could only occur through transactions between willing buyers and sellers of water credits, if the transfers are done one at a time, it is possible that FONSI’s could be prepared. See PCL and Sierra Club Letter dated February 1, 2017. The PCL and Sierra Club letter concludes:

“Both Sierra Club and PCL believe that authorization of such increased uses for commercial purposes, based on transfers of water credits or jurisdictional allocations sets a very poor precedent to other users and may discourage efforts at conservation by these users during the next five years.” Letter at page 3.

In David Stoldt’s letter of March 2, 2017, it is suggested that the District would make appropriate adjustments to demand [use] in the event that in a future year the Effective Diversion Limit could be exceeded and if there is a significant increase in diversions from the Carmel River. Mr. Stoldt’s letter states:

March 10, 2017

"Nevertheless , if the prospect of moving a water use from one site to another is of concern to the State Water Board, we are willing to consider further limiting the ability to transfer credit if pumping from the river shows a significant increase from recent levels or if the Effective Diversion Limit is at risk." This promise provides no comfort to PCL or Sierra Club, and seems to contemplate a curtailment of transfers only after there has already been a significant increase in pumping levels arising from the inclusion of paper water (credits) in the calculation of baseline water use for the purpose of determining compliance with Condition 2. Such significant increases in pumping levels would have the potential to adversely affect the public trust resources of the River. See PCL and Sierra Club letters of 12/ 2 /2015, 12/22/2015, 7/11/2016, 9/2/16, 2/1/17 . See also WRO 2009-0060 at 37-39. Additionally it notable that the District offers no forbearance agreement that would offset the effects of additional pumping from the River alluvium

Sierra Club and PCL therefore once again urge Staff to reject the MPWMD proposal. Once an alternative, reliable water source comes on line, through recycled water, different considerations may apply, and the District could renew its proposal at such later time.

Jonas Minton
Planning and
Conservation League

Laurens Silver, Esq.
Sierra Club

cc. Mr. Leslie Grober
Chair Felicia Marcus
Mariana Aue, Esq.
Kathy Mrowka
Gordon Burns
Kim Craig
Dave Stoldt

