



Supplement to 6/18/18 MPWMD Board Packet

Attached are copies of letters received between May 12, 2018 and June 10, 2018. These letters are listed in the June 18, 2018 Board packet under Letters Received.

Author	Addressee	Date	Topic
Erik Ekdahl	David J. Stoldt	5/17/18	SWRCB Order WR 2009-0060 Condition No. 2
Julie Vance	David J. Stoldt	5/1/18	2018 Operation of Sleepy Hollow Steelhead Rearing Facility

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State Water Resources Control Board

MAY 17 2018

RECEIVED

MAY 22 2018

MPWMD

Mr. David Stoldt, General Manager
Monterey Peninsula Water Management District
5 Harris Court, Bldg. G
P.O. Box 85
Monterey, CA 93940

Dear Mr. Stoldt:

On March 19, 2018, the Monterey Peninsula Water Management District adopted Resolution 2018-05, purporting to interpret a term in a 2009 State Water Resources Control Board (State Water Board) Cease and Desist Order (CDO) regarding unlawful diversions from the Carmel River - State Water Board Order WR 2009-0060, Condition 2. The District undertook this action without notifying the State Water Board, and against our request for postponement, which we made after receiving the proposed resolution from a third party during the weekend prior to the District's Monday adoption meeting.

Condition 2 prohibits diversion of Carmel River water for "new service connections or for any increased use of water at existing service addresses resulting from a change in zoning or use" (emphasis added). Resolution 2018-05's interpretation of the italicized language improperly eliminates the Condition's specification of service addresses as the proper unit of measure for increases in use by adopting a "credit/debit/entitlement" system for calculating compliance across different service addresses. Additionally, the resolution's action in purporting to establish the baseline for analysis of a service address's usage as a generalized fixture unit or water use factors method, rather than looking at actual water use, is a strained reading of a requirement that targets increased use at existing service addresses.

As we reminded you prior to adoption, the resolution's interpretation is directly contrary to the State Water Board's formal interpretive letters issued on April 9, 2012 and May 31, 2013.

As you are aware, there have been stalled conversations regarding potential changes to the interpretation of Condition 2. In these conversations, District staff put forth proposals for both a credit/debit/entitlement system and a "capacity for use" baseline, and State Water Board staff indicated that the language and intent of Condition 2 did not permit such an interpretation. The formal interpretation letters of April 9, 2012 and May 31, 2013 specifically reject these interpretations.

Because the resolution would permit distribution of water in a manner contrary to State Water Board Order WR 2009-0060, the resolution creates a substantial threat of violation of the CDO.

MAY 17 2018²

Investigation and prosecution of Condition 2 violations have the potential to distract energy from implementation of a new water supplier on the Peninsula. Staff is surprised and disappointed by this unilateral action. If you would like to meet to discuss a path forward in light of this conflict, please contact Jule Rizzardo at (916) 341-5368 or Jule.Rizzardo@waterboards.ca.gov.

Sincerely,



Erik Ekdahl
Deputy Director
Division of Water Rights



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

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MAY 27 2018

MPWMD

May 1, 2018

David J. Stoldt
General Manager
Monterey Peninsula Water Management District
5 Harris Court – Bldg G
Monterey, CA 93940

Dear Mr. Stoldt:

Subject: 2018 Operation of Sleepy Hollow Steelhead Rearing Facility (SHSRF)

The Department is aware of Monterey Peninsula Water Management District's (District) successful efforts to secure funding for the infrastructure improvements to SHSRF. The Department wrote a letter of support last fall to the State Coastal Conservancy to support the funding of this project, because it is a priority to improve reliability and flexibility in facility operation. Last fall the Department understood that it was MPWMD's intention to undertake the construction in 2018 and that MPWMD would be seeking approval from the Department to not operate the facility during construction.

Department staff have been in informal communication regarding the District's preference not to operate the facility during construction. The Department approves of the District not operating the facility during 2018. This is based on a number of factors. During the five-year drought, when steelhead had no or limited access to the river, there have been fewer juvenile fish in the river to rescue, both during the drought and in the last two years since the drought ended. During the 2016/17 winter, even though a record rainfall year, there were few adults documented in the river, resulting in fewer juveniles. Furthermore, until recent March storm activity, this year the lagoon has only exhibited a typical open and closed cycle during March, which is later in the immigration season. Timing to not operate the facility is optimum, when there are fewer fish in the river, and juveniles which can be rescued and moved to areas of perennial flow, as they were during the multi-year drought.

Making infrastructure improvements at the facility is critical to improving the increased flexibility of operation, increased water quality at the facility, increased ability to operate during drought years, increased reliability of operation at lower river flows and increased sediment loads as a result of the San Clemente Dam removal. These long term benefits are supported by the Department, with the understanding that the most efficient and timely way to affect these improvements is by not operating the facility when drought impacts are still apparent in the river.

Conserving California's Wildlife Since 1870

David J. Stoldt
May 1, 2018
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If you have any fisheries questions, please contact Dean Marston, Environmental Program Manager, at (559) 243-4005, extension 122, or by email at dean.marston@wildlife.ca.gov; or Margaret Paul, Senior Environmental Scientist Supervisor, at (831) 649-2882, or by email at margaret.paul@wildlife.ca.gov. If you have general questions you may reach me at (559) 243-4005 ext. 154, or by email at julie.vance@wildlife.ca.gov.

Sincerely,



Julie Vance
Regional Manager

ec: Amanda Morrison, NOAA Fisheries West Coast Region
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Dean Marston, Environmental Program Manager
Dean.Marston@wildlife.ca.gov

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Dennis Michniuk, Environmental Scientist
Dennis.Michniuk@wildlife.ca.gov