



Supplement to 6/15/2020 MPWMD Board Packet

Attached are copies of letters received between May 15, 2020 and June 8, 2020. These letters are listed in the June 15, 2020 Board packet under Letters Received.

Author	Addressee	Date	Topic
John Tilley	MPWMD Board	6/5/20	Ordinance 152 Reserves, the Water Supply Charge and the Mechanics Bank Loan
Ron Stefani	MPWMD Board	5/22/20	Invoice No. 13328 dated April 24, 2020 and May 1, 2020 Letter
Tom Moore	Joaquin Esquivel/CC: D. Stoldt	5/21/20	Eileen Sobeck's May 8, 2020 Letter to John Ainsworth
Christopher Cook	Erik Ekdahl/CC: D. Stoldt	5/20/20	SWRCB Order WR 2016-0016 Aquifer Storage and Recovery Operating Plan
Gary Hoffmann	MPWMD Board	5/17/20	Actions taken by the MPWMD Board on 4/30/20 and 5/1/20
Ron Stefani	MPWMD Board	5/15/20	Invoice No. 13328, dated April 24, 2020 and May 1, 2020 Letter
Larry Parrish	MPWMD Board	5/18/20	5/18/20 Agenda Item 16 – Smart Water Meters
Anna Bartolini	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Chip Rerig	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Denis Boaro	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Dia Kheir	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Edward Bennett	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Firok Shield	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Jan Prikryl	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Kenneth Spilfogel	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Mary Crow	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186

Rich Pepe	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Tony Salameh	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Walter Georis	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Yesenia Sanchez	MPWMD Board	5/18/20	5/18/20 Agenda Item 11 – Ordinance No. 186
Barbara Moore	MPWMD Board	5/18/20	5/18/20 Agenda Items 12 and 16
Eloise A Shim	MPWMD Board	5/18/20	5/18/20 Agenda Item 16 – Smart Water Meters
Pamela Mencher	MPWMD Board	5/18/20	5/18/20 Agenda Item 16 – Smart Water Meters
Rebecca Lee	MPWMD Board	5/18/20	5/18/20 Agenda Item 16 – Smart Water Meters
Mary Ann Coppernoll	MPWMD Board	5/18/20	5/18/20 Agenda Items 12 and 16
Melodie Chrislock	MPWMD Board	5/17/20	5/18/20 Agenda Item 12 – Supply & Demand Report
Charles Mendez	MPWMD Board	5/17/20	5/18/20 Agenda items 16 and 17
Lisa Emberton	MPWMD Board	5/17/20	5/18/20 Agenda item 16 – Smart Water Meters
Claude Hutchison	MPWMD Board	5/17/20	5/18/20 Agenda items 12, 16 and 17
Nina Beety	MPWMD Board	5/17/20	5/18/20 Agenda Item 16 – Smart Water Meters
Kate Roberts	MPWMD Board	5/15/20	5/18/20 Agenda Item 13 – City of Monterey Request
David Adams	MPWMD Board	5/15/20	5/18/20 Agenda Item 16 – Smart Water Meters
Jean Rasch	MPWMD Board	5/15/20	5/18/20 Agenda Item 16 – Smart Water Meters
Michele Altman	MPWMD Board	5/15/20	5/18/20 Agenda Item 16 – Smart Water Meters

Arlene Tavani

From: John Tilley <the5amswim@yahoo.com>
Sent: Friday, June 5, 2020 2:56 PM
To: alvinedwards420@gmail.com; georgetriley@gmail.com; water@mollyevans.org; jcbarchfaia@att.net; gqhwd1000@gmail.com; dpotter@ci.carmel.ca.us; district5@co.monterey.ca.us; Dave Stoldt; Arlene Tavani
Subject: Ordinance 152 Reserves, the Water Supply Charge and The Mechanics Bank Loan
Attachments: Rabo Bank Term Sheet 2012.pdf; Legal Opinion on Ord 152 Reserves February 6, 2019.pdf; April 6, 2012 Use of Funds Item 12D.pdf; Board Presentation Justifying Ordinance 152 April 16, 2012.pdf

June 5, 2020

The Board Members of the Monterey Peninsula Water District

Mr. David Stoldt, General Manager of the Monterey Peninsula Water District

Dear Board Members and Mr. Stoldt,

I am writing you as a member of the Ordinance 152 Citizen's Oversight Panel to express my profound concern regarding the Mechanic's Bank loan maturing in 2023 and any attempt to shift the reserves built via collection of the Water Supply Charge to purposes clearly not the intent of Ordinance 152.

Ordinance 152 was adopted on June 27, 2012 with board members Brower, Markey, Byrne, Lewis and Pendergrass voting for its approval. The Ordinance was passed in response to a brief suspension of the User Fee and the expressed intent to "replace and augment" that funding stream.

Ordinance 152 clearly states revenues are to be used to fund "actual costs to provide water supply services" and "Supply charge proceeds will be expended only to fund water supply services and for no other purpose". Section Ten establishes a date of December 31, 2017 as a cut-off for funded projects to be "identified and determined by the Board of Directors to have been underway". As a point of reference, Measure J was passed in November of 2018.

Furthermore, the General Manager's report from April 16, 2012 (attached) stated that these funds are clearly intended to support the work needed to fulfill the promise of the supply portfolio including Aquifer Storage and Recovery, Pure Water Monterey Phase One and the CalAm desalination plant. The full meeting package is found [here](#). Item 12 D (attached) states "*Hence, the fees are being raised for water supply activities. Section 3 of the Ordinance specifically limits the purposes to the GWR and ASR projects and purposes that confer benefit and/or service to existing main Cal-Am water users to ensure sufficient water is available for present beneficial use or uses, including water supply management, water demand management, water augmentation program expenses such as planning for, acquiring and/or reserving augmented water supply capacity, including engineering, hydrologic, legal, geologic, financial, and property acquisition*".

On December 11th of 2012 the MPWMD Board passed a resolution approved by members Byrne, Lehman, Lewis, Markey and Pendergrass to "approve obtaining a loan from Rabobank . . . for reimbursement of the Aquifer Storage Recovery costs". The need for the loan was premised on "the District has not been able to collect the User Fee". In summary, the User Fee temporarily went away, the Water Supply Charge was not yet providing the revenue needed and expenses for Aquifer Storage and Recovery (ASR) were mounting. The Rabobank loan was obtained and used to build-out ASR while the Water Supply Charge was expected to be the source or repayment of the loan.

The Rabobank term sheet (attached) emphasizes the direct connection between the loan, the Water Supply Charge and ASR. Here are two pertinent excerpts from the Rabobank term sheet showing the use of funds was ASR and repayment would come from the WSC:

Use and Investment of Proceeds: Bond proceeds will be used to finance infrastructure owned by the District, reimburse the District for costs incurred in connection with infrastructure, pay off an existing line of credit, fund the Debt Service Reserve Fund, and fund cost of issuance.

Nature of Obligation and Repayment: Debt will be secured by a pledge of the District's water supply charge.

As a member of the Ordinance 152 Citizen's Oversight Panel I ask that the purpose and intent of Ordinance 152 be honored. There is currently a three million dollar cash reserve in the Ordinance 152 fund and a 3 million dollar debt to be paid. The reserve was built via collection of the Water Supply Charge. The loan was taken to build the infrastructure needed to supply water. It is time for the reserves collected to be used to pay for the infrastructure work already accomplished. While staff secured a legal opinion (attached) promoting the idea that funds from Ordinance 152 *could* be repurposed, doing so raises serious ethical, legal and financial risks for the District.

It has always been the expectation of the public and the ratepayers that the District sunset the Water Supply Charge and not double collect fees. I urge the Board to commit the reserves to paying off the Rabobank loan as intended and refrain from the unethical temptation of misusing those reserves to pay for Measure J. The Water Supply Charge was created to pay for building the Water Supply Portfolio and should be used solely for that purpose as it was intended. Now is the time to do so as there are no pre-payment penalties on the Rabobank/Mechanics Bank loan.

I urge the board to act responsibly and transparently. Diverting Water Supply Charge funds outside of the intended purpose is not only of questionable ethical standards, but clearly puts the District at serious legal and financial risks.

Respectfully yours,

John Tilley

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.



May 22, 2020

Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Re: Invoice No 13328, dated April 24, 2020 and May 1, 2020 Letter

Dear Ladies and Gentlemen:

Monterey One Water ["M1W"] has received your letter, dated May 1, 2020. The entire M1W Board has discussed the MPWMD request at its regularly scheduled Board meeting on May 21, 2020.

The following are general findings based on Board Member comments for not certifying the Pure Water Monterey backup expansion SEIR (SEIR):

1. Source Water. The SEIR does not adequately address the number of comments and concerns expressed that it cannot document the quantity and reliability of the source water available to the Expansion Project.
2. Water Supply and Demand. The SEIR fails to support its conclusion about long-term water supply and demand, and that conclusion is contrary to the CPUC demand determination and the estimates from the individual cities involved.
3. Agricultural Water Supplies. It fails to properly evaluate potential impacts to agricultural water supplies due to a significant reduction in available agricultural irrigation water because of the Expansion.
4. Cumulative Impact. The SEIR fails to evaluate the Expansion either as an alternative to or a cumulative project with the MPWSP desalination facility.

In addition, due to other critical M1W priorities and the uncertain financial environment due to COVID-19 impacts to the economy it is not prudent to move forward with any work regarding PWM Expansion at this time.

Some of our other critical priorities include:

- Meeting PWM injection volumes as required by the Water Purchase Agreement with Cal Am and the Monterey Peninsula Water Management District (MPWMD).

- Deferred maintenance at the Agency's Regional Treatment plant, pump stations, and field facilities.
- Increasing rehabilitation and replacement of infrastructure assets.
- Increasing financial reserves to be more fiscally stable

Furthermore, the current financial situation will require a contraction of expenditures and potentially a decrease to levels of service provided by the Agency. The reduction of financial capacity may result in:

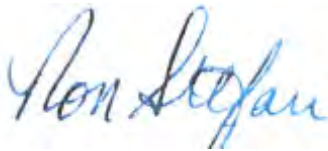
- Not filling needed vacant positions.
- Drastic budget cuts (about 12.5% to 15%) for 2020/2021 fiscal year.
- Furloughs and layoffs of employees.
- Opening and renegotiating of labor agreements.

I hope the above addresses your questions and concern.

Additionally, as we have said previously, there is nothing in our cost-sharing agreement and its Amendment No. 3 that provide any basis for withholding the required reimbursement.

Thank you for your courtesy and attention to this matter. We look forward to the timely payment of our invoices per our existing cost sharing agreement.

Sincerely,

A handwritten signature in blue ink that reads "Ron Stefani". The signature is written in a cursive, flowing style.

Ron Stefani
M1W Board Chair



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

TEL: (831) 384-6131 FAX: (831) 883-5995

DIRECTORS

THOMAS P. MOORE
President

JAN SHRINER
Vice President

HERBERT CORTEZ
PETER LE
MATT ZEFFERMAN

May 21, 2020

Via Electronic Mail and U.S. Mail

Joaquin Esquivel, Chair
State Water Resources Control Board Members
Eileen Sobeck, Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Eileen Sobeck's May 8, 2020 letter to John Ainsworth, Executive Director to the California Coastal Commission regarding Application 9-19-0918 and Appeal No. A-3-MRA-19-0034 (California American Water Company)

Dear Chair Esquivel, Members of the Board, and Ms. Sobeck:

I write to express our Board's disappointment and concerns with Ms. Sobeck's May 8, 2020 letter to the Executive Director of the California Coastal Commission, which appears to improperly support California American Water Company's (Cal-Am's) Monterey Peninsula Water Supply Project (MPWSP or project), and to improperly request that the Coastal Commission act on Cal-Am's application and appeal at its August 2020 meeting even if the Coastal Commission does not have all the information it needs to evaluate the project's compliance with the Coastal Act. We find it extremely troubling that Water Board staff is advancing Cal-Am's demonstrably false narrative that the Coastal Commission must approve Cal-Am's desal project to avoid continued harm to endangered Carmel River steelhead. While we support the Water Board's strong demand that Cal-Am comply with the diversion limits in your Carmel River cease-and-desist order (CDO), as addressed below, recent supply and demand information and analysis shows that Cal-Am can comply with the CDO and stop its illegal diversions on January 1, 2022, without its proposed desal plant.

In addition, Ms. Sobeck's letter incorrectly suggests the Coastal Commission is purportedly reconsidering issues already decided by the California Public Utilities Commission (CPUC) that she mistakenly asserts are outside the Commission's jurisdiction, with the alleged improper result of delaying the project. Her letter also implies that the Coastal Commission should not consider the expansion of Pure Water Monterey as a viable alternative to Cal-Am's desal proposal. As explained below, these suggestions are not supported by the facts or the law. Contrary to the largely unsupported statements in Ms. Sobeck's letter, there

is new information regarding viable alternatives and the project's impacts to coastal resources that the Coastal Commission has jurisdiction to consider—and must evaluate—before it can consider whether to grant coastal development permits (CDPs) for the MPWSP. Furthermore, Ms. Sobeck's letter disregards the CPUC's own environmental review, which properly acknowledged that the Coastal Commission would need to independently decide whether Cal-Am's desal project could be approved under the Coastal Act.

Finally, we fail to understand why the Water Board is collaborating with Cal-Am to obstruct implementation of the Pure Water Monterey Expansion, in light of both your enforcement duties under the Sustainable Groundwater Management Act over a Critically Overdrafted Subbasin and the State's recycled water priority policies. Moreover, if Ms. Sobeck's letter is allowed to stand, it will continue to provide improper cover for Cal-Am to refuse to consider a viable, less environmentally damaging alternative to its oversized and overpriced desal project – even as a back-up plan for future supply needs while the desalination project faces increasingly significant setbacks and delays.

For these reasons and those expressed below, Marina Coast Water District (MCWD) requests the Water Board immediately issue a new letter withdrawing Ms. Sobeck's letter and, in doing so, consider encouraging further review and potential approval and implementation of the Pure Water Monterey Expansion in light of the real delays and difficulties encountered by the desalination proposal.

Any new letter or communication regarding Ms. Sobeck's May 8, 2020 letter should, at the very least, contain a statement to the effect that her letter should not be interpreted to imply that the Coastal Commission does not have full jurisdiction to review the MPWSP under the Coastal Act or that the Water Board wishes that project to be approved. That is for the Coastal Commission to decide. Additionally, such a communication should clearly state that the Water Board does not oppose PWM Expansion.

If Cal-Am will Prudently Manage its System, Cal-Am will have a Sufficient Water Supply on January 1, 2022, to Comply with the State Water Board's CDO such that No CDO Extension is Required

It appears the Water Board staff has adopted Cal-Am's false narrative that it has advanced to every permitting agency that unless they approve Cal-Am's desal proposal immediately, without evaluating new information or circumstances, Cal-Am cannot comply with the CDO diversion limits and there will be dire consequences to Carmel River steelhead and economic Armageddon on the Monterey Peninsula. Ms. Sobeck's letter actually mimics this narrative in her conclusion that “there could be dire consequences for the steelhead and other public trust resources if a reliable and sustainable water supply allowing Cal-Am to terminate its unlawful diversions is not promptly developed” and, therefore, the Coastal Commission must act on Cal-Am's CDP applications at its August 2020 meeting. This prediction is simply false, and it is not supported by the evidence.

Recognizing the importance of this issue and the fact that Cal-Am has been repeating it to every agency considering the MPWSP for the last 8 years, MCWD asked Peter Mayer of WaterDM¹ to analyze the water supply and demand conclusions set forth in the October 28, 2019 California Coastal Commission Staff Report. He was also asked to evaluate whether the proposed expansion of the Pure Water Monterey (PWM) project would provide Cal-Am with a sufficient and reliable supply of water as an alternative to the MPWSP proposal.

Mr. Mayer prepared two demand forecasts for the Cal-Am Monterey Main service area, using population growth rates based on AMBAG's anticipated increase through 2040² and the historic water usage of all sectors – residential, commercial, public and re-sale and non-revenue water. (See Attachment 1 – Water DM Report.)³ The first, “Current gpcd,” forecast assumes the current rate of gallons used per person per day will continue in the future without any increase in efficiency or additional conservation reductions. The second, “Continued efficiency,” forecast accounts for the likely impacts of ongoing efficiency improvements, consistent with California laws and directives to ensure future water efficiency across the state, as well as Cal-Am's own existing and planned future programs to further reduce per capita use. Under either forecast approach, Mr. Mayer's report concludes that Coastal Commission staff correctly determined Pure Water Monterey Expansion would provide a feasible, reasonable, and reliable supply to meet future demand.

The WaterDM report demonstrates that the Pure Water Monterey Expansion, together with Cal-Am's existing lawful sources, would provide an ample supply to meet anticipated water demand in Cal-Am's Monterey district by more than 1,200 excess acre-feet annually through at least 2040. The report concludes that, with implementation of Pure Water Monterey Expansion, Cal-Am's reliable supply sources will be capable of providing at least 11,650 acre-feet per year beginning in 2022. This level of supply security would permit compliance with the CDO, and it would also allow an to end the moratorium on new water connections.

Thus, the best available information shows that Cal-Am will have sufficient supply to meet 2022 demands with only Carmel River diversions at 3,376 AFY for two major reasons: conservation and water supply diversification. System demand has dropped from around 15,000 AFY to less than 10,000 AFY, due to extensive urban water conservation programs by Cal-Am and the Monterey Peninsula Water Management District (MPWMD), implementation of state urban water conservation mandates, and customer conservation efforts. As Mr. Mayer explains, this conservation is permanent. In fact, per capita use in Cal-Am's Monterey district

¹ Peter Mayer has been recognized as an urban water management expert by the U.S. Supreme Court. He has worked with and advised hundreds of water providers and organizations such as the U.S. EPA; the U.S. Department of Justice; California Department of Water Resources; Metropolitan Water District of Southern California; and many others. He recently testified as an expert witness on municipal and industrial water use at the U.S. Supreme Court on behalf of the State of Georgia.

² The AMBAG report overstates population growth in the Cal-Am service area because some of that growth is attributable to the Fort Ord build-out. Water service to all of the former Fort Ord, including portions of the cities of Seaside, Del Rey Oaks, and Monterey, is provided by Marina Coast Water District and not by Cal-Am.

³ Our Board reviewed and received the WaterDM report at our May 18, 2020 public Board meeting following a presentation from Mr. Mayer and public comment.

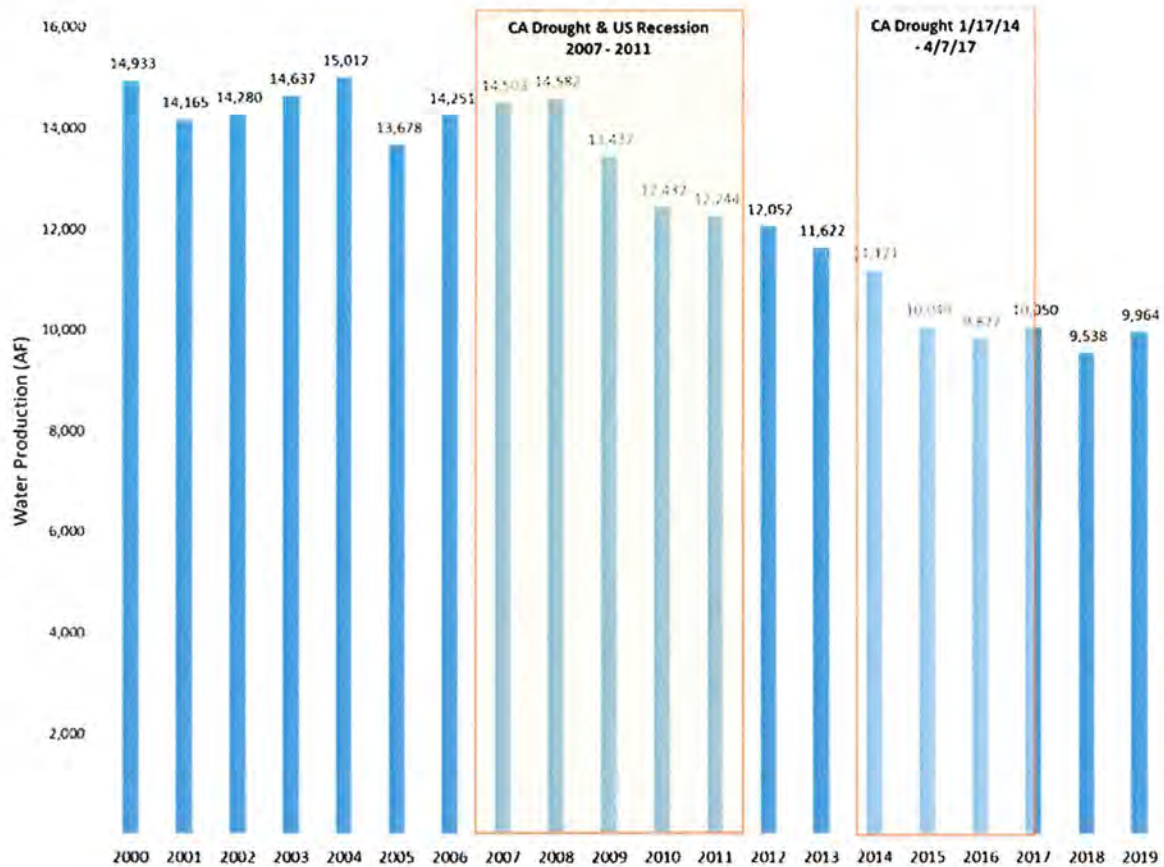
is likely to further decrease between now and 2040 due to ongoing conservation program implementation, continued conservation pricing, and statewide policy directives to reduce indoor and outdoor use and improved utility water loss control measures.

Even if it does not, Cal-Am would still have sufficient supplies to meet its long-term demand with PWM Expansion. In response to Order 95-10, Cal-Am has been diversifying its water sources albeit with the leadership and cooperation of the MPWMD and others – Aquifer Storage and Recovery (ASR) and PWM projects being the major examples. Ms. Sobeck’s letter fails to acknowledge that come January 1, 2022, when Cal-Am’s Carmel River diversions drop to 3,376 AFY, additional river water will then be available in more years for diversion to direct use and underground storage from December through May under the State Board’s ASR permits and Permit 21330.^{4 5}

Without addressing this information and new analysis, Ms. Sobeck’s letter states the Water Board staff has reviewed the available documents regarding Monterey Peninsula water supply and demand (without any listing of the numerous available documents to which she may be referring or who provided them to the Board) and “does not have a basis to conclude that the Public Utilities Commission’s prior analysis and determinations regarding the water demand, sizing, reliability, or diversity of supply were unreasonable, invalid, *or outdated.*” (emphasis added.) Her letter fails to recognize that the CPUC’s supply and demand analysis was limited to data gathered only through 2016 and there are now more than three additional years of data available to support a more accurate estimation of demand. As shown in the table below, the additional data show that decreased 2015 water demand was simply not an aberration due to the drought. Nor does she explain why the CPUC’s estimate is valid today when it is nearly 2,500 AFY higher than Cal-Am’s current annual demand or why the CPUC’s estimate should still be utilized by the Coastal Commission in performing its own analysis. Given that Cal-Am’s own most recent demand projections, as provided to the CPUC in its 2019 general rate case (filed under penalty of perjury), estimated its Monterey Main system-wide demand in 2022 will be 9,789 AFY, it is clear the Coastal Commission cannot base its alternatives analysis on the CPUC’s estimates that current demand would exceed 12,000 AFY. In fact, such an assumption would amount to a prejudicial abuse of discretion and subject the Commission to near certain litigation.

⁴ Permit 21330’s authorized place of use needs to be enlarged to coincide with the authorized place of use under the ASR permits.

⁵ Ordering Paragraph 3.b.i of Order 2016-0016 requires that Cal-Am’s Effective Diversion Limit (EDL) be reduced by 1 AF for every AF of PWM recovered and delivered for direct use. Even though Cal-Am will miss the October 1, 2020 milestone and have its EDL reduced by 1,000 AFY from October 1, 2020, Cal-Am has not been diverting its full EDL and as of October 1, 2019 had a “Cumulative Carryover credit for Future Years” of 4,788 AF. (Cal-Am 4th Quarter, WY 2028-19 Report to State Water Board.) Therefore, since PWM water is not needed for 2020 and 2021, Cal-Am should only be recovering PWM water needed for testing and almost all of the injected PWM water should remain in underground storage for 2022 and beyond.



Cal-Am Monterey Main water production, 2000 - 2019⁶

While Ms. Sobeck’s letter recognizes that actual water use within Cal-Am’s Monterey District service area in recent years has been lower than the CPUC’s estimated current demand, she does not explain why the magnitude of the difference is not significant new information requiring the Coastal Commission to consider alternatives that meet the actual level of annual demand, as Coastal Commission staff concluded in their most recent staff report. The CPUC rejected any project alternative that would not meet the inflated 12,000 AFY level of demand. As explained in the WaterDM report, recent demand data and analysis shows there are alternatives to desalination that can meet Cal-Am’s long-term demand. The table below from the Water DM report demonstrates how this reduction in actual annual demand impacts potential future demand projections for Cal-Am’s Monterey Main service area.

⁶ WaterDM Report, Figure 2. 2017 – 2019 data from Cal-Am quarterly reports to the California State Water Resources Control Board. 2000 – 2016 data from Monterey Peninsula Water Management District.

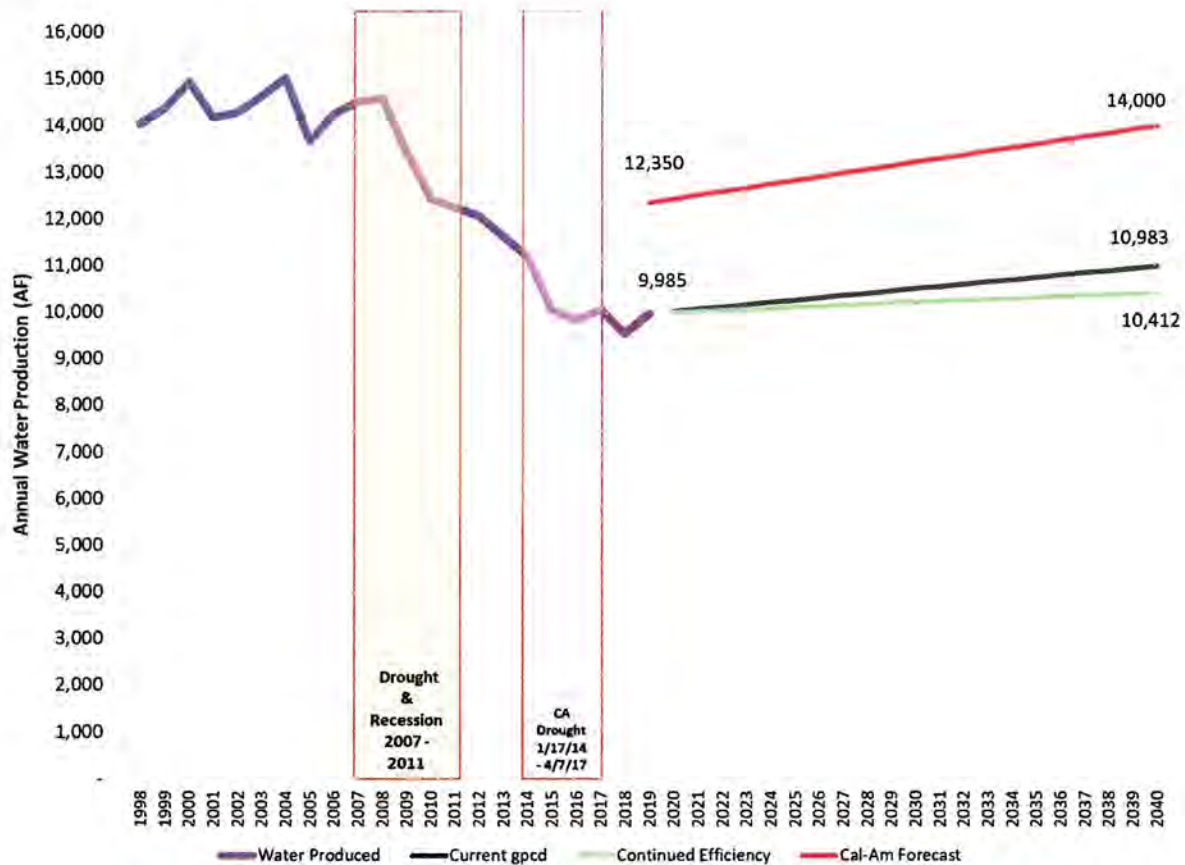


Figure 6: WaterDM forecasts of future average annual production

Furthermore, Ms. Sobeck’s letter does not acknowledge that Cal-Am has acquired rights to new water supplies (i.e., Aquifer Storage & Recovery (ASR), SWRCB Permit 21330, Sand City desalinated water, as well as the base Pure Water Monterey project advanced treated water). These supplies in conjunction with a reduced Carmel River supply and native groundwater from the adjudicated Seaside Groundwater Basin, will enable Cal-Am to meet current demands and achieve compliance with the CDO’s diversion limits by December 31, 2021.

In summary, contrary to the unsupported argument in Ms. Sobeck’s letter, the best available evidence shows:

- The Coastal Commission Staff Report’s supply and demand conclusions are consistent with the best available evidence.
- Recent data showing a continued decline in demand on the Monterey Peninsula is consistent with regional and statewide trends.
- Reduced per capita demand is the new normal, not an aberration.
- Pure Water Monterey Expansion, when coupled with supplies in year 2022, can provide sufficient annual water supplies to meet future demand (based on AMBAG growth projections) for more than the next twenty years, and which could allow the moratorium on new connections to be lifted as soon as 2022.

Most importantly, Cal-Am's own supply and demand data demonstrate it can comply with the CDO deadline of December 31, 2021, with water supply sources then in place. Therefore, in light of the Water Board's legislative mandates and policies, the Water Board should encourage the Coastal Commission to address—not ignore—this new information in evaluating whether there are future supply alternatives that could reduce the desalination project's significant unmitigated adverse impacts on Coastal resources and communities.

Cal-Am's Over-Sized Desalination Proposal Is Not Consistent with the Coastal Act; the Coastal Commission Lacks the Information Required to Consider Overriding these Conflicts.

Among the MPWSP's many significant and unavoidable adverse environmental impacts, it is undisputed that Cal-Am's desal project would permanently destroy over seven acres of rare coastal dune habitat within the City of Marina (City) that is home to multiple endangered species and is protected as primary habitat under Marina's Local Coastal Program (LCP) and which constitutes Environmentally Sensitive Habitat Area (ESHA) under the Coastal Act. Given this reality and the project's numerous inconsistencies with the City's LCP, the Commission cannot approve the project under the Coastal Act without substantial evidence to support *all three* required override findings for a "coastal-dependent industrial facility" under Section 30260⁷ of the Public Resources Code. The record to date, in contrast, only supports the conclusion that the Project cannot meet any of the criteria for an override of the Coastal Act and the City's LCP.

- (1) The proposed MPWSP slant wells do not meet the definition of a "coastal-dependent industrial facility."
- (2) Feasible alternatives are available that would avoid the project's inconsistencies with the City's LCP and the Coastal Act, which are not more environmentally damaging, but would instead avoid the Project's significant adverse environmental impacts.
- (3) Not issuing a CDP will not adversely affect the public welfare but would instead promote the public welfare and the Commission's environmental justice policies.
- (4) The Project's adverse environmental impacts are not mitigated to the maximum extent feasible nor are they "fully mitigated."

Ms. Sobek's letter incorrectly asserts that "these issues have already been resolved by the CPUC in its environmental review" during its "consideration of evidence and testimony over a multi-year adjudicative proceeding." She is mistaken. While the CPUC's EIR

⁷ Section 30260 provides that "where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of [the Coastal Act], they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible."

acknowledged that the MPWSP's slant wells are sited directly in ESHA (FEIR, pp. 4.6-197, 4.6-235), it did not – and could not – decide whether the City or the Coastal Commission would approve the MPWSP in light of the Coastal Act's ESHA protections or consider alternatives that would avoid impacts to ESHA (such as expansion of the PWM project or other alternatives). Rather, the CPUC stated its mistaken belief that these conflicts did not constitute a feasibility issue because the Coastal Commission had previously determined that a temporary test slant well on the project site did not violate the Coastal Act's policy pertaining to ESHA. (FEIR, Appendix C, p. C-67.) What the Coastal Commission determined regarding the temporary test well was that it could exercise its discretion to approve the test well despite inconsistencies with the City's LCP, using the "override" provision in the Coastal Act. (California Coastal Commission ("CCC") Final Findings, November 12, 2014, p. 58.) In fact, the Coastal Commission informed the CPUC in its comments on the DEIR that the types of development allowed in ESHA are "extremely limited" and it recommended that the CPUC "thoroughly evaluate and consider" alternatives that comply with the Coastal Act's ESHA restrictions, which recommendation the CPUC did not heed. (Compare FEIR, pp. 8.4-3 - 8.4-4 [CCC Comments on DEIR] with FEIR, pp. 8.4-25 [CPUC Response].)

Nor does the Coastal Commission lack jurisdiction to revisit the CPUC's conclusions regarding supply and demand, alternatives, and the project's groundwater impacts⁸ as Ms. Sobeck suggested in footnote 2 of her letter, where the contention is that Section 30231 does not apply. That is simply not correct. Section 30231 can readily be interpreted to apply in this case since there will be discharges from the project to the Marine Sanctuary waters and impacts on public health. Furthermore, both the Coastal Act and case law interpreting it expressly and clearly hold that the Coastal Commission has broad discretion in evaluating the project's impacts and it is not bound by decisions adopted by other government entities in making its own evaluation of the impacts of projects within the Coastal Zone. In adopting the Coastal Act, the Legislature expressly directed: "This division shall be liberally construed to accomplish its purposes and objectives." (Pub. Resources Code, § 30009.). As the Court of Appeal noted in *Gualala Festivals Committee v. California Coastal Com.* (2010) 183 Cal.App.4th 60, 70:

"The [A]ct is to be liberally construed to accomplish its purposes and objectives."
[Citation] "Such a broad interpretation is consistent with the **legislative policy of the Act found in section 30001.5 and the broad grant of power to the agency to adopt any regulations or take any action it deems reasonable and necessary to carry out its provisions.** (§ 30333.)" [Citation] (emphasis added.)

⁸ While beyond the scope of this letter, MCWD does not believe the Water Board had a complete set of information in positing that there is not significant new information relating to groundwater to warrant additional modeling of the project's potential impacts. Attached to this letter are comments from three experts supporting the Coastal Commission's independent hydrologist's determinations that additional modeling is required. (Attachment 2.) The attached comments explain why completing the revised modeling is so critical to determining the project's potential impacts on groundwater and groundwater dependent ecosystems (GDEs). MCWD welcomes the opportunity to address any questions the Water Board may have regarding these issues.

In light of this authority, the Coastal Commission would expose itself to significant liability if it acquiesced in the improper suggestions of Ms. Sobeck's letter and ignored the recommendations of its staff, independent experts, and the information in the record and rushed to consider approval of the project. The likely litigation that would follow such a rushed and incomplete determination would only further delay implementation of any long-term water source that would allow the moratorium to be lifted.

The Desalination Proposal Faces Significant Delays, including Additional Legal and Permitting Hurdles, so Pure Water Monterey Expansion Should Proceed.

Finally, MCWD is very concerned that Cal-Am is manipulating the Water Board as a shield to avoid Cal-Am's own responsibility to the CPUC to consider and move forward with Pure Water Monterey Expansion. Fourteen months ago, the City denied Cal-Am's application for a CDP for its MPWSP slant wells. Now, with no end to the ensuing delay in sight, Cal-Am still refuses to pursue the designated back-up plan. It vigorously urges the Water Board, the Coastal Commission, the Monterey One Water board, and the public to ignore its diversified water portfolio and the last five years of demand data – including its sworn testimony to the CPUC in 2019 regarding its own current annual demand projections. In fact, Cal-Am has already used Ms. Sobeck's May 8, 2020 letter to assert that it is the Water Board's opinion that the Coastal Commission should promptly resolve the CDP application *in Cal-Am's favor* and that the Water Board supports Cal-Am's argument that the PWM Expansion should not be considered as an alternative because it purportedly cannot provide a sufficient additional long-term supply. (See Attachment 3, letter of Cal-Am President, Rich Svindland, to MIW Board, May 9, 2020, p. 5.)

We find the Water Board's apparent efforts to advocate for Cal-Am's desal project and its seeming disdain for the PWM Expansion extremely troubling and perplexing given that California, including under Water Board policy, favors advanced-treated recycled water as a sustainable source of supply. Moreover, SGMA requires affirmative steps for the protection and restoration of the state's groundwater resources. However, Cal-Am's desalination project would thwart both of these important objectives, which are also instrumental to achieving broader statewide goals of sustainability and climate resilience. Efforts to boost Cal-Am's over-sized and over-priced desalination project ignore the "New Normal" in urban water management in California, i.e., the State's urban water conservation mandates coupled with water purveyor funding and implementation of additional conservation measures are working, and they have resulted in steep, permanent decreases in per capita urban water consumption across the state.

We also fail to see the logic behind Ms. Sobeck's statement that: "In the State Water Board's observation, further Coastal Commission delay will also limit Cal-Am's ability or willingness to consider and pursue, let alone fund and construct, other short-term or long-term water supply alternatives to terminate unauthorized diversions from Carmel River as required no later than December 31, 2021." The project is already delayed to the point that it will not

be in service by December 31, 2021 or any time soon thereafter. However, Cal-Am's ability to comply with the CDO using its available resources is entirely in its own hands. Moreover, as discussed above, provided Cal-Am prudently manages its existing lawful resources, no CDO extension should be required.

Notably, Ms. Sobeck's statement ignores the significant obstacles and delays that Cal-Am's desal project already faces, in addition to its unsuccessful CDP applications, including:

- **Monterey Superior Court Has Stayed County's Approval of Desal Plant** - In October 2019 the Monterey County Superior Court issued an injunction halting construction outside the Coastal Zone on the desalination plant.
- **New Groundwater Rights Lawsuit** - The City of Marina filed suit in May 2020, to enforce the strict groundwater extraction provisions applicable to the CEMEX site under a 1996 agreement among it, CEMEX (the current owner of the slant well site), MCWRA, and MCWD; the City's suit seeks an injunction, which would bar any slant well development for the duration of the suit; if the City prevails, the project intake wells could not be located at the CEMEX site.
- **No Application for Outfall Permits** -- Cal-Am has not applied for the required Coastal Development Permits for the outfall liner from the City of Marina and Coastal Commission as required under the CPUC's Mitigation and Conditions of Approval.⁹
- **No Approval or Application for Pipeline Needed to Transport Desal Water** -- New information shows that Cal-Am still needs to apply to the CPUC for a permit to construct a major pipeline to transport desal water.
- **NOAA/MBNMS has not issued a ROD for the MPWSP EIS.** This federal approval, if it happens, would be subject to legal challenge.

If this were not enough, Monterey Peninsula residents as well as Marina/Ord residents oppose Cal-Am's oversized and overpriced desalination project and support PWM Expansion as the affordable and environmentally superior alternative. Notably, public testimony at the November 2019 Coastal Commission meeting was overwhelmingly opposed to the desalination project. Similarly, written public comments for the April 2020 Monterey One Water meeting overwhelmingly favored certifying the Supplemental Environmental Impact Report and proceeding with Pure Water Monterey Expansion. Moreover, in November 2018, Monterey Peninsula voters approved Measure J, pursuant to which MPWMD has begun the process of acquiring public ownership of Cal-Am's Monterey system.

Thus, rather than advancing a feasible long-term water supply solution that would permit a prompt lifting of the moratorium on new connections, as the Monterey Peninsula residents and business want and deserve, Ms. Sobeck's letter provides cover for Cal-Am to

⁹ The Coastal Commission cannot evaluate, much less approve, Cal-Am's pending approvals without this information to determine whether it can approve an override (as discussed above).

refuse to investigate PWM Expansion or any other alternatives to its desalination project with slant wells constructed in ESHA as currently proposed. Importantly, when the CPUC approved Cal-Am's application to construct the project and collect the cost in rates, it also directed Cal-Am to explore the feasibility of implementing Pure Water Monterey Expansion as a back-up plan, in the event the desalination project encountered significant difficulty or delay. In March of 2019, Cal-Am reported to the CPUC that its desalination project was on track so it would not be exploring Pure Water Monterey Expansion. In fact, the desalination project has now encountered multiple significant delays as noted above. It will not be delivering water by the Dec. 31, 2021 CDO deadline or likely at any time within the next five years. Nonetheless, current data and analysis demonstrates that no extension of the CDO will be required, as discussed above.

In sum, Cal-Am's desal proposal is inconsistent with multiple Coastal Act policies and cannot be permitted unless: there are no feasible alternatives, the project is fully mitigated, *and* it is in the public interest. As Coastal Commission staff has correctly determined on the record before it in November, the project cannot meet any of these requirements, much less all of them as required for approval. Even with additional time to further the investigate remaining issues its staff has identified, there is no guarantee of a different outcome. In light of the fact that the expansion of Pure Water Monterey would provide a sufficient long-term water supply in conjunction with Cal-Am's existing legal water supplies, MCWD nonetheless believes it is of critical importance that the Coastal Commission meet its mandate to ensure any MPWSP approvals meet the requirements of the Coastal Act and other State laws even if that means the Commission needs to delay consideration of the MPWSP until after its August 2020 meeting.

Therefore, we request the Water Board withdraw Ms. Sobeck's letter and immediately issue a new letter clarifying that the Board neither supports nor discourages Cal-Am's desalination proposal and that the SWRCB recognizes the appropriate jurisdiction of the Coastal Commission in its review of the project under the Coastal Act. Furthermore, we suggest the Board consider encouraging further review and potential approval and implementation of the PWM Expansion, consistent with its recycled water policies and in light of the multiple delays and difficulties encountered by the desalination proposal. Thank you for your prompt attention to this critical matter. If you have any questions regarding this letter or its contents, please contact our General Manager Keith Van Der Maaten or our legal counsel.

Very truly yours,



Thomas P. Moore
President, MCWD Board of Directors

Attachments

Attachment 1 – Water DM Report

Attachment 2 – EKI, Hopkins and GeoHydros comments on Water Board letter regarding Weiss proposed scope of work

Attachment 3 – Cal-Am letter of May 9, 2020 (attaching Sobeck letter)

CCs:

John Ainsworth, Executive Director, California Coastal Commission

Alison Dettmer, Senior Deputy Director, California Coastal Commission

Kate Huckelbridge, Deputy Director of Energy, Ocean Resources, & Federal Consistency, California Coastal Commission

Tom Luster, Senior Environmental Scientist, California Coastal Commission

Layne Long, City Manager, City of Marina

Board of Directors, Monterey One Water

Paul Sciuto, General Manager, Monterey One Water

Board of Directors, Monterey Peninsula Water Management District

David Stoldt, General Manager, Monterey Peninsula Water Management District

RECEIVED

MAY 28 2020

MPWMD

COPY



May 20, 2020

511 Forest Lodge Road
Pacific Grove, CA 93950
www.amwater.com

Erik Ekdahl, Deputy Director
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812

Re: SWRCB Order WR 2016-0016, Aquifer Storage and Recovery Operating Plan

Dear Mr. Ekdahl:

Pursuant to Condition 7 of the subject order, California American Water is required to submit an ASR operating plan.

Condition 7 requires:

ASR Project: On June 1 of each year, Cal-Am shall submit an operating plan to the Deputy Director for Water Rights specifying the quantity of water it will supply from the ASR Project for its customers after May 31 of each year. This plan shall provide for use of the water between June 1 and September 30 of the water year the water was pumped from the Carmel River, unless otherwise authorized by the fishery agencies. Cal Am shall reduce its illegal diversions from the Carmel River at the same rate ASR water is recovered from the groundwater basin. ASR diversions remain subject to State Water Board Order WR 2009-0060, ordering paragraph 3.c. This section supersedes ordering paragraph 4 of WRO 2009-0060.

California American Water Response:

As condition 7 of the amended CDO requires, we are hereby notifying you of our ASR recovery plan for 2020. The plan is consistent with condition 7 as provided below:

During the ASR injection period of December 1, 2019 through May 31, 2020, there was 916.50-Acre Feet (AF) of water diverted to ASR under Permits 20808A and 20808C. In addition, there remains 1,060.25 AF in storage from last year. The total of ASR water currently stored and available is 1,976.75 AF for recovery by California American Water via its Seaside Basin wells. California American Water has met and conferred with the fishery agencies to develop an agreed recovery plan for the stored ASR water.

Beginning on June 1, 2020, or upon entering the low flow period for the Carmel River, California American Water will begin recovery of stored ASR water at a rate of 7.5 AF per day through the end of the current water year (09/30/2020). This rate of recovery is expected to equate to 916.50 AF used from stored ASR water this water year. The recovery rate will maximize the amount recovered over the summer while still utilizing California American Water's annual allocation of native Seaside Groundwater Basin water (1,820 AF) at a rate of 4 AF per day. The balance in storage that will carry over to WY 2020 – 2021 will be approximately 1,060.25 AF. The plan would be to continue recovery at 7.5 AF until all stored ASR water injected during the current water year has been recovered, expected sometime in October 2020. Please note, if the Quarterly

Water Budget Group agrees to accumulate a drought reserve, this will be achieved via stored ASR water.

As required by condition 7, California American Water has requested approval from the National Marine Fisheries Service and the California Department of Fish and Wildlife of this recovery plan, and those e-mail approvals are attached.

California American Water will meet and confer at least quarterly with the National Marine Fisheries Service, California Department of Fish and Wildlife, and the Monterey Peninsula Water Management District to update its water budgets for both the Carmel River and the Seaside Groundwater Basin. Should the group make a determination that the river may receive greater benefit from a different ASR recovery plan resulting from changing conditions, that amended plan would be submitted to the Deputy Director for Water Rights.

If you have any questions, please contact me at (831)-646-3241.

Sincerely, -



Christopher Cook, PE
Director, Operations
Coastal Division
California American Water

Attachment

cc: R. Svindland
G. Hofer
K. Horning, Esq.
M. Magretto
D. Stoldt

From: Erin Seghesio - NOAA Federal <erin.seghesio@noaa.gov>
Sent: Monday, May 18, 2020 8:11 AM
To: Michniuk, Dennis@Wildlife <Dennis.Michniuk@wildlife.ca.gov>
Cc: Christopher Cook <Christopher.Cook@amwater.com>
Subject: Re: ASR Recovery Plan

EXTERNAL EMAIL: The Actual Sender of this email is erin.seghesio@noaa.gov "Think before you click!"

Hello Chris,
NMFS approves the attached ASR recovery plan.
Thank you,
Erin

On Fri, May 15, 2020 at 3:27 PM Michniuk, Dennis@Wildlife <Dennis.Michniuk@wildlife.ca.gov> wrote:

Hi Chris,

I approve the attached ASR recovery plan.

Dennis Michniuk

District Biologist

Coastal Monitoring Lead

California Department of Fish and Wildlife

3196 S. Higuera St., Suite A

San Luis Obispo, Ca 93401

Cell 805 550-0379

Office 805 594-6117

Dennis.Michniuk@wildlife.ca.gov

From: Christopher Cook <Christopher.Cook@amwater.com>
Sent: Friday, May 15, 2020 3:20 PM
To: Erin Seghesio - NOAA Federal <erin.seghesio@noaa.gov>; Michniuk, Dennis@Wildlife <Dennis.Michniuk@wildlife.ca.gov>
Subject: ASR Recovery Plan

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Erin and Dennis,

Please let me know if the attached ASR Recovery Plan, reviewed in today's conference call, looks good.

Thank you,

Chris Cook, PE

Director of Operations
California American Water, Central Division
511 Forest Lodge Road, Suite 100
Pacific Grove, CA 93950

P: 831.646.3241
C: 831.277.2405
E: Christopher.Cook@amwater.com
www.amwater.com

this email in error, please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of American Water Works Company Inc. or its affiliates. The recipient should check this email and any attachments for the presence of viruses. American Water accepts no liability for any damages caused by any virus transmitted by this email. American Water Works Company Inc., 1 Water Street, Camden, NJ 08102 www.amwater.com

Erin Seghesio

Recovery Coordinator/Fishery Biologist

NOAA Fisheries

West Coast Region

During the COVID-19 pandemic I am under mandatory telework. I may be working flexible hours to balance family and personal needs. I appreciate your patience if my response time is delayed. If you have a request, please specify important timeframes or deadlines. I will do my best to respond accordingly. Thank you.

Erin.Seghesio@noaa.gov

web: <http://www.westcoast.fisheries.noaa.gov>

May 17, 2020

Mr. Alvin Edwards, Chair
Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Bldg. G
Monterey, CA 93940

Dear Mr. Edwards/ Board Members,

This letter is to call your attention to a substantial violation of a central provision of the Ralph M. Brown Act, which undermines the validity of the actions taken by the Monterey Peninsula Water Management District (MPWMD) on April 30, 2020 and May 1, 2020.

The nature of the violation is as follows: (1) the MPWMD took action to release a letter dated May 1, 2020, to Monterey One Water without conducting a properly noticed regular meeting of the MPWMD where the final draft of the letter was reviewed, considered, public comment received, and a vote of the Board members was conducted. A copy of the illegal May 1, 2020 letter is enclosed.

The action violates the Brown Act because the April 30, 2020 closed session agenda item stated the topic for discussion as "Anticipated initiation of litigation by MPWMD" but in fact, the Board members were only provided a draft letter to Monterey One Water for discussion, in which there was no mention of litigation. Following the closed session, on April 30, 2020, District Counsel only reported out of closed session that the Board decided to postpone litigation. District Counsel made no reference to the existence of the draft letter that was discussed at the closed session. Subsequently, a final letter dated May 1, 2020 letter was sent under the signature of the MPWMD Board to Monterey One Water without the content or issuance of the letter being discussed, considered, and voted upon by the MPWMD Board in a publicly noticed meeting.

In the staff report for Agenda Item No. 17 for the May 18, 2020 MPWMD Board meeting, it is acknowledged the May 1, 2020 letter was sent "at the direction of the Chair," demonstrating that the decision to send the May 1st letter was an ad hoc action by the Chair made in private, out of public purview.

The Brown Act does not permit discussion and taking the action of issuing the May 1st letter in closed session and further, there was no public notice that the May 1st letter would be discussed in the April 30th closed session. Moreover, the May 1st letter was not considered or approved by the MPWMD Board of Directors before it was sent.

There is no doubt that the May 1st letter constitutes "an action" within the meaning of the Brown Act. I call your attention to Government Code Section 54952.6, which defines "action taken" for the purposes of the Brown Act expansively, i.e. as "a collective decision made by a majority of the members of a

legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or negative decision, motion, proposal, resolution, order, or ordinance.”

As you are aware, the Brown Act creates specific agenda obligations for notifying the public with a “brief description” of each item to be discussed or acted upon, and also creates a legal remedy for illegally taken actions-namely the judicial invalidation of illegal actions.

Pursuant to Government Code Section 54960.1, I demand that the MPWMD cure and correct the illegally taken action as follows: (1) The MPWMD acknowledge in open session at a public Brown Act-compliant meeting, that the May 1, 2020 letter to Monterey One Water was not properly noticed and publicly debated under the Brown Act nor was it voted upon by Board members before its release to Monterey One Water and (2) the MPWMD send a letter to Monterey One Water acknowledging that the May 1, 2020 letter was not properly reviewed, discussed, considered, nor approved by the MPWMD Board and is therefore rescinded.

As provided by Section 54960.1, you have thirty (30) days from receipt of this demand letter to either cure or correct the challenged action or inform me of your decision not to do so.

The MPWMD and its Board of Directors should be setting an example for open government.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Gary D. Hoffmann', with a long horizontal line extending to the right.

Gary D. Hoffmann, P.E.
Carmel Valley Resident



Monterey One Water

Providing Cooperative Water Solutions

25

ADMINISTRATION OFFICE: 5 Harris Court, Bldg D, Monterey, CA 93940
MAIN: (831) 372-3367 or (831) 422-1001 FAX: (831) 372-6178
WEBSITE: www.montereyonewater.org

May 15, 2020

Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Re: Invoice No 13328, dated April 24, 2020 and May 1, 2020 Letter

Dear Ladies and Gentlemen:

Monterey One Water ["M1W"] has received your letter, dated May 1, 2020. In continued good faith, we are responding within 10 working days as requested. Your letter purportedly refuses to pay M1W's Invoice No. 13328 for \$614,878.53 unless and until M1W's Board certifies the Final Supplemental Environmental Impact Report ["Final SEIR"].

Referencing the May 20, 2019 *MRWPCA-MPWMD Cost Sharing Agreement*, as amended July 25, 2016 [Amendment No. 1], October 2017 [Amendment No. 2], and June, 13, 2019 [[Amendment No. 3], MPWMD is clearly obligated to pay M1W's Invoice Number 13328. Nowhere in Amendment No. 3 is there any obligation of the M1W Board to certify the Final SEIR or take any action that is contingent to or a requirement for MPWMD payment to M1W for Final SEIR activities.

As you are aware, a question of good faith effort does not excuse MPWMD from performing its contractual obligations pursuant to the agreement. If MPWMD, after a prompt review of the *MRWPCA-MPWMD Cost Sharing Agreement*, as amended, still maintains its position, it is obligated to make payment to M1W of the \$614,878.53 owed M1W and avail itself of Section G.16 – Dispute Resolution of the *MRWPCA-MPWMD Cost Sharing Agreement*. M1W expects payment of the \$614,878.53 on or before May 25, 2020.

In addition, the entire M1W Board will discuss the MPWMD request at its regularly scheduled Board meeting on May 21, 2020.

Sincerely,

Ron Stefani
M1W Board Chair

Arlene Tavani

From: Larry Parrish <lparrish@toast.net>
Sent: Monday, May 18, 2020 2:10 PM
To: comments; alvinedwards420@gmail.com; georgetriley@gmail.com;
water@mollyevans.org; jcbarchfaia@att.net; gqhwd1000@gmail.com;
dpotter@ci.carmel.ca.us; district5@co.monterey.ca.us
Subject: "PUBLIC COMMENT ITEM #16".
4 yr: -1

Dear MPWMD -

I'm writing to oppose the possible installation of smart meters b y Cal-Am Water. This is nothing more than Cal-Am once again sticking ratepayers with another bill for something that is not needed and will not save ratepayers any money. Only Cal-Am will profit from these ill-conceived meters.

Here are some of my concerns:

1. They're totally unnecessary.
2. They are expensive and will need to be replaced more frequently than analog meters.
3. They will send out constant signals of Electro Magnetic emissions that further pollute the environment with EMF. And, if you didn't know, EMF are dangerous to human health, and other natural beings. This is a proven fact.
4. Smart meters are wireless, and therefore inaccurate and vulnerable to interference, like all wireless technologies. And many new cell towers will be needed.
5. Their wireless nature also leads to over billing, like all smart meters. Again, studies have shown this to be the case with wireless meters.
6. They will create another liability for the WMD (and customers) if they approve them, just because of the inherent dangers.

Board members - you really need to do your homework on this. This is just another scam from Cal-Am and will not benefit ratepayers whatsoever, no matter what Cal-Am may claim. So, please postpone your decision until you know all the facts about smart meters.

Thank you,
Larry Parrish
Carmel Valley

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 1:28 PM
To: Arlene Tavani
Subject: FW: Carmel Outdoor Dining Expansion

Here's one more.

From: Anna Bartolini <anna@labalenacarmel.com>
Sent: Monday, May 18, 2020 1:13 PM
To: Stephanie Locke <locke@mpwmd.net>
Subject: Carmel Outdoor Dining Expansion

Dear Stephanie,

I am the owner of La Balena and il Grillo restaurants in Carmel-by-the-sea. I am writing in support of the consideration to allow Carmel restaurants to transfer seats to outdoor seating spaces adjacent to our restaurants. I believe this is the best option moving forward for dine in options for our local restaurants. My indoor spaces are quite small, and it will be a great challenge for us to continue to operate based on reduced capacity inside and safety concerns. We are lucky to have outdoor areas adjacent to both of our locations.

I also want to support the opportunity for other businesses to use adjacent areas for their businesses as well. I am a Carmel-by-the-sea resident, and understand the loss of income and tax dollars for our city will have devastating effects on the city we love and may compromise the safety of our neighbors.

Thank you for your consideration.

Sincerely,
Anna Bartolini

--

La Balena
Junipero between 5th & 6th
PO Box 2311
Carmel-by-the-sea, CA
831.250.6295



City of Carmel-by-the-Sea
COMMUNITY PLANNING AND BUILDING DEPARTMENT
POST OFFICE BOX CC
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2010 OFFICE

May 18, 2020

MPWMD Board of Directors
PO Box 85
Monterey, CA 93942-0085

Subject: Urgency Ordinance No. 186, Exterior Restaurant Seating

Dear Honorable Board of Directors,

On behalf of the City of Carmel-By-The-Sea, I would like to express my strong support for Urgency Ordinance No. 186 and respectfully encourage you to adopt a temporary suspension to Rule 24-B-1-i to allow additional exterior seating associated with dine-in restaurants in order to meet the guidelines set forth by Governor Newsom for the reopening of restaurants.

The City of Carmel has 52 restaurants of which only 25 are currently open for curbside pick-up or delivery. The impact to our local restauranteurs has been devastating. The City is partnering with the Carmel Chamber of Commerce to explore options for increasing outdoor seating opportunities for restaurants in our village. The passage of this Urgency Ordinance would support our efforts to assist local restauranteurs with the reopening of their establishments.

Thank you for your consideration.

Sincerely,

Marnie R. Waffle for

Chip Rerig
City Administrator

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 9:15 AM
To: Arlene Tavani
Subject: Fwd: Basil seasonal dining

Begin forwarded message:

From: Denis Boaro <info@basilcarmel.com>
Date: May 17, 2020 at 10:20:23 PM PDT
To: Stephanie Locke <locke@mpwmd.net>
Subject: Basil seasonal dining

Good evening, thank you for taking the time to read my email.

Basil is a very small restaurant 10 tables inside = 20 seats, and 10 tables outside/patio = 40 seats.

I reconfigured every table at 6ft social distance and i will loose 60% of my seating capacity, remaining with 3 tables inside and 5 table outside.

I just would like to express the importance of additional patio seating since i will not be able to generate the same amount of sales loosing 60% of my actual capacity and most likely i will not be able to pay same rent and or pay my employees accordingly.

Feel free to stop by and review my current situation.

Regards,

Denis Boaro
GM | Owner Basil Seasonal Dining
Cell:(520) 395.5823
Info@basilcarmel.com
Sent from my iPhone

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 9:14 AM
To: Arlene Tavani
Subject: Fwd: outdoor seating

4 yr: -1

Another to distribute.

Begin forwarded message:

From: dia kheir <kheirdia@gmail.com>
Date: May 17, 2020 at 11:38:21 PM PDT
To: Stephanie Locke <locke@mpwmd.net>
Subject: outdoor seating

Dear Monterey Peninsula Water Management District,

We need your help! For restaurant owners in Carmel to survive, we need a modification to MPWMD rules to allow for an exchange in seating. With the Shelter-In-Place ordinance, we have had to either close our doors, or move to take-out only business models. When we are able to re-open our dining rooms, our occupancy levels will be significantly decreased due to new measures required for social distancing and for our guests to feel comfortable dining in. This is why we need to allow for the exchange in seating, the Carmel City Council is working with us so that we're able to open our doors and survive these trying times.

Thank you for your time, consideration, and assistance.

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 9:09 AM
To: Arlene Tavani
Subject: Fwd: Passage of Urgency Ordinance Allowing Outside Additional Seating for Restaurants.

FlwUp: -1

Please distribute

Begin forwarded message:

From: Edward Bennett <randallbennett@msn.com>
Date: May 18, 2020 at 7:38:26 AM PDT
To: Stephanie Locke <locke@mpwmd.net>
Subject: Passage of Urgency Ordinance Allowing Outside Additional Seating for Restaurants.

To The Monterey Peninsula Water Management District:

As an owner of Katy's Place for thirty one years, which has been closed since March 17, 2020, I strongly support the emergency ordinance allowing additional outside seating to better facilitate social distancing in our restaurant and all others. I am hopeful that we will be able to open again soon for dine-in guests, but this ordinance will make that a reality for all of us and enable our survival in these difficult times. Thank you for your consideration.

Randall Bennett
General Partner Owner
Katy's Place

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 9:15 AM
To: Arlene Tavani
Subject: Fwd: Additional out side seating.

4 yr: -1

Begin forwarded message:

From: Firok Shield <dagiovannis@dagiovannis.com>
Date: May 17, 2020 at 11:23:18 PM PDT
To: Stephanie Locke <locke@mpwmd.net>
Subject: **Additional out side seating.**

Dear Monterey Peninsula Water Management District,

We need your help! For restaurant owners in Carmel to survive, we need a modification to MPWMD rules to allow for an exchange in seating. With the Shelter-In-Place ordinance, we have had to either close our doors, or move to take-out only business models. When we are able to re-open our dining rooms, our occupancy levels will be significantly decreased due to new measures required for social distancing and for our guests to feel comfortable dining in. This is why we need to allow for the exchange in seating, the Carmel City Council is working with us so that we're able to open our doors and survive these trying times.

Thank you for your time, consideration, and assistance.

Firok Shield.

Carmel's Bistro Giovanni.

Tel; 831 277 7077

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 9:13 AM
To: Arlene Tavani
Subject: Fwd: Outside seating

Please distribute to the board

Begin forwarded message:

From: Jan Prikryl <Honza_p@yahoo.com>
Date: May 18, 2020 at 12:47:41 AM PDT
To: Stephanie Locke <locke@mpwmd.net>
Subject: **Outside seating**

Dear Monterey Peninsula Water Management District,

We need your help! For restaurant owners in Carmel to survive, we need a modification to MPWMD rules to allow for an exchange in seating. With the Shelter-In-Place ordinance, we have had to either close our doors, or move to take-out only business models. When we are able to re-open our dining rooms, our occupancy levels will be significantly decreased due to new measures required for social distancing and for our guests to feel comfortable dining in. This is why we need to allow for the exchange in seating, the Carmel City Council is working with us so that we're able to open our doors and survive these trying times.

Thank you for your time, consideration, and assistance.

Jan Prikryl
Flying Fish Grill
Sent from my iPhone

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 9:18 AM
To: Arlene Tavani
Subject: Fwd: MPWMD Board Meeting Comment

FlwUp: -1

Begin forwarded message:

From: Kenneth Spilfogel <kspilfogel@gmail.com>
Date: May 17, 2020 at 8:50:01 PM PDT
To: Stephanie Locke <locke@mpwmd.net>
Subject: MPWMD Board Meeting Comment

Stephanie,

Please send my regards and comments to the board. I cannot stress how important this modification will be for us to have the opportunity to have additional outdoor seating. For us to be profitable, we need to be able to utilize additional outdoor seating, as our occupancy inside our restaurants will be limited for social distancing measures, as well as for the comfort of our guests. This has been an extremely difficult time for the restaurant industry and we need to be looking ahead towards how we can reopen our doors, when it is allowed, in the safest way possible. Please know that these changes are needed for us to navigate this COVID-19 crisis, without your help, the restaurant industry in Carmel has a very bleak future and will take significantly longer to recover if we cannot have additional outdoor seating, as well as other measures we are working with the Carmel City Council to achieve.

I truly appreciate your time and concern and look forward to hearing the results of your board meeting.

Kenneth Spilfogel

Hospitality Consultant, Art of Service LLC

Phone: [831-601-8444](tel:831-601-8444)

Email: kspilfogel@earthlink.net

Address: PO Box 2100, Carmel, CA 93921



Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 3:57 PM
To: Arlene Tavani
Subject: FW: Carmel Restaurants

From: Crowe, Mary <mcrowe@classichotels.com>
Sent: Monday, May 18, 2020 3:03 PM
To: Stephanie Locke <locke@mpwmd.net>
Subject: Carmel Restaurants

Dear Stephanie and Monterey Peninsula Water Management Board,

I am writing to request your support and assistance in helping Carmel Restaurants regain some of their seating that has been lost as a result of social distancing measures. As you know, most Carmel businesses are located in very small footprint buildings and storefronts. Most of our restaurant simply cannot survive with fewer seats or a solely take-out business.

We are requesting your consideration of a modification to MPWMD rules to allow for an exchange in seating. Your support will make it possible for some of our restaurants to survive, while we all work toward rebuilding our local economy.

Our City Council is working hard to assist our local businesses in their fight for survival.. Your support on this issue will help us immeasurably.

Thank you for your time, consideration, and assistance.

Mary Crowe | Vice President of Quality Assurance
Managing Director Carmel Properties | Classic Hotels & Resorts
P.O. Box 900 | Camino Real at Eighth | Carmel, CA 93921
P 831-293-6101 | F 831-624-7966 | W laplayahotel.com

Mary Crowe | Vice President of Quality Assurance
Managing Director Carmel Properties | Classic Hotels & Resorts
P.O. Box 900 | Camino Real at Eighth | Carmel, CA 93921
P 831-293-6101 | F 831-624-7966 | W laplayahotel.com

This message may contain confidential and privileged information. If it has been sent to you in error, please advise the sender of the error and then delete this message.

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 9:17 AM
To: Arlene Tavani
Subject: Fwd: URGENT: ACT NOW! Send your comments tonight!

Use this one from Pepe.

Begin forwarded message:

From: "pepe pepeinternational.com" <pepe@pepeinternational.com>
Date: May 17, 2020 at 9:20:07 PM PDT
To: Kenneth Spilfogel <kspilfogel@gmail.com>, Stephanie Locke <locke@mpwmd.net>
Subject: Re: URGENT: ACT NOW! Send your comments tonight!

Hi Stephanie,

I do not share Kenny's position on the seating exchange. I cannot find one restaurant that already has exterior space at it's limit at this moment. If exterior seating can be expanded, social distancing will in any case limit that expansion.

Case in point, Little Napoli is approved for 108 interior seats, and there is no way my leased premises could accommodate even more that 20 seats, let alone 54.

Having said the above, unless the water board will allow seating in non-leased spaces this is a mute point to move forward. Enforcement after the SIP is lifted will be a nightmare and not one restaurant wold go back to their previously approved limits.

Kenny continues to not calculate the social distancing measures correctly. I do not support this variance.

Rich Pepe

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 2:24 PM
To: Arlene Tavani
Subject: FW: Seating Exchange for Restaurants

4 yr: -1

From: Anton & Michel <anton@carmelsbest.com>
Sent: Monday, May 18, 2020 2:23 PM
To: Stephanie Locke <locke@mpwmd.net>
Subject: Seating Exchange for Restaurants

Dear Monterey Peninsula Water Management District,

We desperately need your help! For restaurant owners in Carmel-by-the-Sea to survive this pandemic, we need a modification to MPWMD rules to allow for an exchange in seating. With the Shelter-In-Place ordinance, we have had to either close our doors, or move to take-out only business models. When we are able to re-open our dining rooms, our occupancy levels will be significantly decreased, possibly in excess of 50%, due to new measures required for social distancing and for our guests to feel comfortable dining-in. This is why we need to allow for the exchange in seating; the City of Carmel's Council is working with us so that we're able to open our doors and survive these trying times.

Thank you for your time, consideration, and assistance.

Tony Salameh
Anton & Michel Restaurant
Carmel, California

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 9:16 AM
To: Arlene Tavani
Subject: Fwd: Water allocation for outdoor seating

4 yr: -1

Begin forwarded message:

From: walter georis <walterngeoris@gmail.com>
Date: May 17, 2020 at 9:35:59 PM PDT
To: Stephanie Locke <locke@mpwmd.net>
Cc: Kenneth Spilfogel <kspilfogel@gmail.com>
Subject: **Water allocation for outdoor seating**

Stephanie

I'm writing you regarding the need to allocate additional outdoor seating to compensate for what seems to be new strict

Indoor seating policy. We at Casanova restaurant will need additional sidewalk seating in order to survive our current economic situation. We need this asap so we can offer dining while the weather is good. Please consider this request At your next meeting.

Walter Georis
Casanova Carmel

Sent from my iPhone

Arlene Tavani

From: Stephanie Locke
Sent: Monday, May 18, 2020 9:11 AM
To: Arlene Tavani
Subject: Fwd: Contacting you on behalf of Ken from Flahertys

4 yr: -1

Please distribute to the board of directors

Begin forwarded message:

From: H&J Accounting & BM <yesanchez8822@gmail.com>
Date: May 18, 2020 at 6:08:29 AM PDT
To: Stephanie Locke <locke@mpwmd.net>, ken <kspilfogel@earthlink.net>, Mariah Ciani <mariah.elyse@gmail.com>
Subject: **Contacting you on behalf of Ken from Flahertys**

Hello Stephanie,

We at Flahertys are in support of obtaining additional seating for our customers. We think it is highly important to gain outside seating capacity as we will need to spread out our customers due to the social distancing inside and outside and in doing so, we will be more restricted having to keep our customers away from each other from close by tables.

--

Please confirm receipt of email.

Thank you,

Yesenia Sanchez
**H&J Accounting
& Business Management**
(831) 238-5940

Arlene Tavani

From: bdmoore100@aol.com
Sent: Monday, May 18, 2020 1:01 PM
To: Arlene Tavani
Subject: failed email to board

Hello,

A little after 11 this morning, I tried to send an email with my comments on Item 12 and item 16 to the email address in the agenda packet, but it was returned as "undeliverable." I'd like to have the comments considered by the board for its meeting tonight. After my email failed to be sent properly, I looked on your website but didn't find another email address there. The address I saw in the agenda was comments@wpwmd.net. I didn't have any other way I could think of to get my comments to the board before the noon time mentioned in the agenda.

I just now got your email address from Melodie Chrislock who suggested yours as an alternative to the one I used before. I would very much appreciate it if you could have my comments presented to the board even though it's now after noon.

Here's what I wrote:

I strongly urge you to adopt Mr. Stoldt's Supply and Demand Report. It is well-reasoned and based on a sensible analysis of relevant facts. It has been revised based on input received. It is a critical analysis of reasonable demand needs of our area and how these needs can be met in a cost effective way. I have attended many of your meetings and have consistently been impressed by how reasonable, thoughtful, intelligent and fair Mr. Stoldt is. I have immense confidence in his abilities and how even-handed he is.

Alternative information from various entities greatly exaggerate the need for water. Mr. Stoldt has done good work and created a sensible blueprint. Again, I urge you in the interest of the public you serve to adopt his report.

I am adamantly opposed to so-called Smart Water meters. In addition to my home in Monterey, I own property in another area of California where "smart meters" have been installed. To put it mildly, they are much worse than the traditional meters they replaced. There is no need to switch to them. In my experience, there is good reason not to change to them, and I am especially opposed to ratepayers being required to pay for them. Consequently, I urge the Board to vote against installing "Smart Meters" and in no event to do so if it means ratepayers have to foot the bill.

Thank you,
Barbara Moore

Arlene Tavani

From: Eloise A Shim <eloiseashim@yahoo.com>
Sent: Monday, May 18, 2020 7:07 AM
To: comments
Subject: Fw: 5/18: Cal-Am smart water meters, opt-out on MPWMD agenda for approval

4 yr: -1

Item # 16 on the agenda today is of great concern.

California American Water Company has been installing very powerful AMI/smart water meters since about 2018.

As a long time resident and rate payer, I have been concerned about Smart Meters and their environmental effect on health for over 10 years, so much so, that I dedicated an entire chapter in my book published in 2018 entitled, "Education Policy During the Obama Years" --

https://www.amazon.com/dp/B07TCBX3KX/ref=cm_sw_r_ap_a_i_fnPWEbKEVF35B

Customers were not notified that the meters are part of the rate increase, which is in the millions of dollars at a time when the county is enacting deep budget cuts.

I oppose these meters. The general rate case is heading toward a settlement agreement, and it's imperative the Board position be "No".

I also oppose any charge for "opting out".

Please consider this email part of the public record because

Smart water meter problems include:

constant transmissions

health and environmental hazard

inaccuracy and overbilling

short lifespan -- more frequent replacement

expensive

liability for the water district (aka the customers) if they buy Cal-Am assets.

Thank you for letting my voice be heard regarding this issue before the board today.

Arlene Tavani

From: Pamela M <chezpamela@gmail.com>
Sent: Monday, May 18, 2020 11:57 AM
To: comments
Subject: Public Comment Agenda #16

5/18/20

To Whom It May Concern,

This letter is in opposition to the proposed Cal-Am smart meter project.

Research shows that smart meters and the towers they communicate with are a health hazard.

No studies have been done to show that they are safe.

And no studies have been done on the cumulative effects of all the different kinds of radiation we are subjected to such as radiation from cell phones, cell towers, the PG&E smart meters and internet service equipment.

Sincerely,
Pamela Mencher
Pacific Grove, CA

Arlene Tavani

From: Rebecca Lee <rebeccalee311@gmail.com>
Sent: Monday, May 18, 2020 9:03 AM
To: comments
Subject: Public Comment Item #16

Dear Commissioners,

This comment is in opposition to Cal Am Water smart meters.

Not only do smart meters and additional cell towers pose a health risk to humans, they have been shown to kill pollinators and when clustered together as in an apartment building, they kill shrubs.

We already have PG &E smart meters, cell towers for phone and internet....and no studies that show the cumulative effect of these collective radiations.

We are in the midst of a pandemic caused by a virus. Everyone knows that viruses abound all the time and some are immune and some aren't. What lowers collective immunity to create a pandemic? Anything that interferes with Earth cleansing herself. The factory farms that dump tons of feces, urine and blood into the rivers and oceans, the plastics in the oceans, ocean acidification from CO2. It has all added up to create conditions we must agree to change for the future of life. Adding more cell towers, more radiation is the opposite of the direction we need to go.

Please vote to deny Cal Am smartmeter proposal.

Thank you

Rebecca Lee
Pacific Grove

Submitted to staff by email during the 5 pm meeting.
Considered part of the record of the meeting.⁶³
Provided to the Board after adjournment.

MPWMD MEETING: MAY 18, 2020, 5 P.M.

ITEM #12: Dave Stoldt did a brilliant job in all aspects of his Supply and Demand Report. With much humility, and professionalism, Dave Stoldt went back to the drawing board to double check all analyses and data, without, I must add, any complaining about certain very public unfair, disingenuous criticism.

We all are very fortunate to have such a dedicated leader as Dave Stoldt for general manager. His is a heart that deeply cares about doing what is in the best interests of our communities. That is the essence of genuinely good and wise leadership. Please do not hesitate to applaud and adopt the Supply and Demand Report. It is solid, it is sound, it has much merit as it was accomplished with outstanding excellence. Staff is also wonderful, effective, and committed, and board too. Thank you so much.

ITEM #16: SMART METERS

Smart meters have many disadvantages, according to scientific experts.

Smart Meters are more costly; they emit radiation transmissions that are harmful to humans, pets, and plants, making them environmentally unsound; they require installation of small cell towers that can contaminate the air in neighborhoods; they are known to provide inaccurate water usage data, which potentially leads to unfair billing pricing;

It would be most fair to allow people to opt out without incurring any penalties such as specially assessed fees or disconnections for opting out.

No one should be forced to endure unwanted, hazardous exposure. If possible, please do not allow smart meters to move forward. At least require a CEQA EIR be conducted. Continuous exposure to unending electromagnetic transmissions is dangerously unhealthy. Remember, people are much more valuable than money. Thank you for your time.

Arlene Tavani

From: MWChrislock <mwchrislock@redshift.com>
Sent: Sunday, May 17, 2020 4:20 PM
To: Arlene Tavani; Alvin Edwards
Subject: Letter to the MPWMD Board

May 17, 2020

MPWMD Chair Edwards and Board members,

We urge you to adopt Dave Stoldt's Supply and Demand Report. Support the facts. It's clear we don't need Cal Am's desal.

Cal Am's effort to discredit and block the Expansion always comes back to the lie that it's not enough water for growth and development. This is the lie repeated a thousand times in the hope we will all come to believe it.

But now, two new supply and demand reports, one from Peter Meyers and one from Lon House, also show the Expansion is more than enough water to meet our needs for 30 years.

How long are the city managers, the business coalition and hospitality willing to wait for Cal Am to solve our water supply problem? They don't seem to understand that Cal Am's desal is still years away and may never be built. They could have the water they want much sooner and for an estimated \$1 billion less with the PWM Expansion. Why wait?

Please make it official and adopt your Supply and Demand Report. But don't stop there. We need you to fight for the public's interest and use this information to make it clear why the PWM Expansion is the best water supply solution.

Melodie Chrislock
Managing Director

PUBLIC WATER NOW

<http://www.publicwaternow.org>

mwchrislock@redshift.com

831 624-2282

Arlene Tavani

From: charles mendez <gochazbo@hotmail.com>
Sent: Sunday, May 17, 2020 4:18 PM
To: comments
Subject: Cal am

Item #16. My household would like to opt out of the Cal Am smart meters and oppose any charge for opting out. Cal Am wants to spend as much money as they can and the consumers will pay for it, not the shareholders. Why are the citizens at the mercy of shareholder dividends concerning anything with Cal Am? We recycle and conserve then we have to pay the shareholders for what was not consumed by the households that are serviced by Cal Am. We might as well not conserve and recycle. With the high price of water you will probably see an exodus of people eventually moving out of the area. Everything in this county is getting so expensive that the younger generation can't afford to live here. Who will pay the price then? Every time we turn around Cal Am is asking for rate increases or assessments. I live in Del Rey Oaks and feel that our elected official is not consistent with what the citizens of my city want. John Gaglioti is only continuing to live here while his family lives in unincorporated Carmel so he can sit on the boards he is on. When his term is over and doesn't win re-election he will most likely move to be with his family and leave Del Rey Oaks with all the decisions he made.

Item #17. One member of a board should not be trying to influence other boards. The citizens spent \$1,000,000 for an SEIR and to play politics and having it denied for certification is purely a political move. Pure Water Monterey expansion is the way to go since Cal Am will cost ratepayers over \$1,000,000,000 +++. Think about the citizens in this area, what and who are going to pay. You can't squeeze a dollar out of nothing when people start to leave.

Thank you for your time

Charles Mendez
861 Portola Dr
Del Rey Oaks

Arlene Tavani

From: sweetpoppi@aol.com
Sent: Sunday, May 17, 2020 11:51 PM
To: comments
Subject: Public Comment

To Whom It May Concern

I do not want a Smart water meter . I am opposed to more WiFi and after hearing Mayor De Blasio threaten to 'shut people's water and power off ' if they don't follow rules ...well that's very scary .

With a smart meter the company know when we do our laundry take a shower water garden .. guaranteed they will encourage doing these things during off-peak hours and then raise charges if we don't .

Also the health risks are proven poor sleep brain fog heart issues headaches and many other symptoms .

Watercress left near WiFi would not grow right away from WiFi ... growing .



WiFi kills 'things ' tree below





Non-Ionizing Radiation: Identical Health Effects to Radioactive Radiation



WiFi Health Effects Presentations to Portland Public Schools Board of Education

September 16, 2013 Video Excerpt (4:23 min.)

Merry Callaghan:

"...the American trial lawyers now stand behind that wireless radiation health effects are equatable to the same disease and latency as that from nuclear radiation exposure..."

<http://www.stayonthetruth.com/non-ionizing-radiation-identical-health-effects.php>

Thank you .
Lisa Emberton
Pacific Grove

Sent from my iPhone

Arlene Tavani

From: Claude Hutchison <chutch22@gmail.com>
Sent: Sunday, May 17, 2020 10:30 PM
To: Arlene Tavani
Subject: Fwd: 5/18/20 Board Agenda

Ms. Tavani: please provide a copy of my email to all MPWMD Directors. Thank you, Claude Hutchison

Sent from my iPhone

Begin forwarded message:

From: Claude Hutchison <chutch22@gmail.com>
Date: May 17, 2020 at 5:14:01 PM PDT
To: gqhdwd1000@gmail.com
Subject: 5/18/20 Board Agenda

Dear Director Hoffman:

I am unable to attend the Meeting in person but strongly suggest you vote according to the suggested positions as follows:

1. Adopt the General Manager's Supply and Demand Report.
2. Opt Out of smart water meter installations. I have had repeated billing problems resulting from alleged leaks in our irrigation system causing me to completely replace our system. CALAM is not a friendly utility and is difficult for residential ratepayers to gain satisfaction. I have far more confidence in a human being reading the meter than trying to dispute an issue based on data transmission from a faceless and potentially unreliable device. In addition the cost of these meters becomes part of CALAM's rate base so ratepayers are impacted financially in perpetuity.
3. I was extremely disappointed by Director Hoffman's recent actions to derail certification of the EIR by the Monterey One Water Board. His behavior is detrimental to the entire Monterey Peninsula. He most certainly should be held accountable and formal censure is appropriate.
4. I have visited the Pure Water One plant and even tasted the water. It is the obvious least costly way to assure all of us a reliable source of water for the foreseeable future. It is ludicrous that CALAM refuses to buy an expanded supply of water from this source and that Monterey One's Board majority, in cahoots with CALAM, refuses to Certify a well prepared and presented EIR Report.

Thank you for considering my views. Respectfully, Claude B. Hutchison, Jr., 12 White Oak Way, Carmel Valley, CA 93924.

Sent from my iPhone

RECEIVED 75

Faxed to staff during the meeting.
 Considered submitted as part of the record of the meeting.
 Submitted to the Board following the meeting.

MAY 18 2020

MPWMD

May 17, 2020

alvinedwards420@gmail.com, georgetriley@gmail.com, water@mollyevans.org,
icbarchfaia@att.net, gqhwd1000@gmail.com, dpotter@ci.carmel.ca.us ,
district5@co.monterey.ca.us
arlene@mpwmd.net

Dear Chairman Edwards and Board of Directors

I request action by the Board to oppose AMI installation in the Monterey District at the CPUC, require a halt to Cal-Am AMI installations in the district, inform the public about these smart water meters, and require Cal-Am to replace smart water meters with analog non-digital meters for all who request it without charge.

Item # 16 says:

Consider Adoption of Policy on Smart Water Meter Installation

Action: The Board will consider direction to staff for testimony in support of Advanced Metering Infrastructure and/or adoption of a policy in support of an opt-out of smart meter installation and discuss who should bear the burden of the cost to opt-out.

Recommendation: The General Manager recommends the Board of Directors reaffirm the District's position for a full opt-out AMI program in the Monterey system...

1) The Board is being asked to affirm a district policy on smart water meters that it did not publicly adopt. The public was not informed when this policy was considered or allowed to comment.

Government Code Section 54950 of the Brown Act states:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Last January, when District Counsel Laredo provided you with the AMI memo, the Board received it. That does not constitute policy action nor is it a public hearing to discuss policy. The memo only covered an "opt-out", and it had numerous errors. Despite my requests for relief from AMI to the Board, I was not notified of that meeting nor asked to provide a report of my own, even though I have a background on this subject. The memo further stated that the CPUC has exclusive jurisdiction, in contradiction to what California law plainly says to an ordinary person such as myself. My letter of April 19 included the recent T-Mobile v San Francisco California Supreme Court ruling and California laws I discovered that tell a very different story.

The District's actions appear to be in violation of the Brown Act, and I request that corrective actions be taken now by the Board to vet an AMI/smart water meter policy thoroughly in a public hearing with expert testimony from independent consumer advocates not aligned with district staff, Cal-Am, or the CPUC. District staff must only advocate positions at the CPUC that have been approved by the Board, and the public has a right to know what those positions are and to have helped create them.

2) Cal-Am is installing AMI meters without authorization from the CPUC as I detailed in my May 11 letter. I request again that the Board issue a cease and desist to Cal-Am, inform the public, and require that Cal-Am replace AMI meters with analog non-digital meters for all who request them at no cost in the interim.

3) The public has not been informed about Cal-Am's proposed AMI program or its costs. Cal-Am failed to include any information in its billing and newspaper notices. The CPUC approved these deceptive notices. Only someone who has the time to find and go through the 100s of pages of testimony and the scoping memo can discover this. Cal-Am is lying to the public, and this is yet another example of the deceptive business practices of this company. The Board must inform the public about the proposal and the costs to ratepayers.

Smart water meters are extremely costly – environmentally, to the public health, and financially. The electric and gas Smart Meter roll-out is illustrative, but not as Mr. Laredo has claimed.

The Cal-Am's projected costs are over \$41 million for the Monterey and Ventura districts – approximately \$27 million for Monterey district alone -- but the history of utility AMI roll-outs shows actual costs double or triple for the roll-out and then continue to increase throughout the program. The PG&E roll-out was publicly said to cost \$2.2 billion, but whistleblower Patrick Wrigley told the CPUC in 2012 testimony that inside the company, PG&E told its employees the cost was \$10 billion – almost five times the public figure -- and costs have continued. PG&E projected a 15-20 year lifespan for the meters for its cost/benefit business case and which the CPUC approved. That was wrong; the actual lifespan is 5-7 years per industry testimony (not 3-5 years as I stated in a previous letter), and some meters fail much sooner. That alone upends the cost/benefit figures with the frequent equipment replacement and labor costs.

I sent you the CPUC Public Advocates study on the Southern California Edison Smart Meter roll-out on April 19. In that report, Public Advocates found:

According to SCE's AMI business case, the total cost to customers will be greater than \$5 billion, rather than the \$1.6 billion cost explicitly approved by the CPUC, which only included nominal deployment costs;

SmartConnect-related costs not anticipated in SCE's original business case have already been approved by the CPUC in other proceedings, beyond the over \$5 billion cost referenced above. In many cases, these costs were approved without a showing of incremental benefits, and DRA anticipates that more will be requested;

- SmartConnect features such as remote disconnect and SmartConnect-enabled time-varying rates have a high potential for adverse impacts for low-income and other “at-risk” customers... (p. 2)

Case Study of Smart Meter System Deployment: Recommendations for Ensuring Taxpayer Benefits; Hieta, Kao, Roberts

Public Advocates (then Division of Ratepayer Advocates) said in 2008:

DRA would like the Commission to apply some procedural restraint on what PG&E apparently perceives to be a runaway AMI gravy train. It is respectfully submitted that a Decision approving this cost-ineffective upgrade could lead to a staggering waste of ratepayer money. Very little, in terms of PG&E’s AMI performance to date, causes DRA to have much confidence in PG&E. The jury is still out as to when, or if, its ratepayers will ever see the benefits identified in PG&E’s original, or this upgrade proposal, that would justify its enormous cost. DRA does not find this Upgrade Application to be cost-effective, and therefore respectfully recommends that the Commission reject it.

Opening Brief of DRA, August 29, 2008, in Application of PG&E for Authority to Increase Revenue Requirements to Recover the Costs to Upgrade its SmartMeter™ Program, A. 07-12-009. p. 5

This was occurring in other states as well. Illinois Attorney Lisa Madigan, Michigan Attorney General Bill Schuette, and Connecticut Attorney General George Jepson also expressed skepticism to AMI claims and opposition to roll-outs.

AG George Jepson:

“(Connecticut Light & Power’s) proposal would force the company’s ratepayers to spend at least \$500 million on new meters that are likely to provide few benefits in return, ‘The pilot results showed no beneficial impact on total energy usage. And, the savings that were seen in the pilot were limited to certain types of customers and would be far outweighed by the cost of installing the new meter systems”

AG Lisa Madigan:

“The utilities want to experiment with expensive and unproven smart grid technology, yet all the risk for this experiment will lie with consumers Consumers don’t need to be forced to pay billions for so-called smart technology to know how to reduce their utility bills. We know to turn down the heat or air conditioning and shut off the lights. The utilities have shown no evidence of billions of dollars in benefits to consumers from these new meters, but they have shown they know how to profit.
I think the only real question is: How dumb do they think we are?”

AG Bill Schuette:

A net economic benefit to electric utility ratepayers from Detroit Edison’s and Consumers smart meter programs has yet to be established. In the absence of such demonstrated benefit, the Attorney General has opposed, and will oppose

any Commission action that unjustly and unreasonably imposes the costs of such programs upon ratepayers. To a significant extent, the asserted potential benefits to utility customers depend upon assumptions that a customer will consider additional "real time" data on electricity usage provided by smart meters, and adjust their electrical consumption to achieve cost savings under variable pricing programs that do not yet exist. (See Edison, Document No. 0146, p 5; and Consumers, Document No. 0148, pp. 6-7). Any assumption that large numbers of residential customers will have the time, ability and motivation to attend to, and act upon daily or even hourly changes in their electrical is questionable. Comments, Michigan Public Service Commission Case No. U-17000, p. 3-4

What the record does reveal is that AMI is a pilot program that even Robert Ozar, Manager of the Energy Efficiency Section in the Electric Reliability Division of the PSC, concedes "is as yet commercially untested and highly capital intensive, resulting in the potential for significant economic risk and substantial rate impact." At best, the actual evidence presented by Detroit Edison to support the rate increase was aspirational testimony describing the AMI program in optimistic, but speculative terms. What the record sadly lacks is a discussion of competing considerations regarding the program or the necessity of the program and its costs as related to any net benefit to customers.

Michigan Court of Appeals Nos. 296374, 296379, slip opinion, pp. 7-9, April 10, 2012, Cited in Attorney General Comments, Case No. U-17000, p. 4-5

Even John Rowe of utility company Exelon said:

"... it costs too much, and we're not sure what good it will do. We have looked at most of the elements of smart grid for 20 years and we have never been able to come up with estimates that make it pay." (quoted by AG Madigan)

In a memo from Northeast Utilities to Massachusetts Department of Public Utilities, titled, "There Is No Rational Basis for Department-Mandated Implementation of AMI" the companies said: "

... T]there is no evidence that this is a good choice for customers... Finite capital resources available for grid modernization should be aimed at this integration effort before any additional monies are expended on metering capabilities that provide limited and/or speculative incremental benefits over current metering technology (following many years of investment in those systems).5.. The decision to implement AMI goes against the best business judgment of the Companies and cannot be rationally cost justified in terms of a net benefit for the overall customer base that will pay for the investment over the long term."

When the New Mexico Public Regulation Commission rejected PNM's proposal for AMI In April 2018, because "[t]he plan presented in the Application does not provide a net public benefit and it does not promote the public interest," it said, "while ratepayers would be paying more, PNM's shareholders would earn a \$42.8 million pre-tax return on the new AMI meters, a \$11.0 million pre-tax return on the non-AMI meters that will be replaced, and a \$183,000 pre-tax return on PNM's customer education costs."

The meters notoriously malfunction, are inaccurate and have network and overbilling problems. Customers are not using the web portals to "manage" their energy use.

The meters violate FCC exposure limits "under normal conditions of installation and operation" (Sage Associates) and they violate their grants of manufacture. Information on FCC compliance violations are on p. 106-109 of my report.

All this has been known for years. The CPUC has ignored problems with AMI meters, while painting a rosy picture that is hollow and void.

Yet, despite that, because of the huge profits involved including the cost of capitol subsidy/incentive every time a new meter is needed and the personal energy data gained, the utility companies and meter manufacturers continue to promote AMI in concert with the regulatory commissions.

The MPWMD Board's real jurisdiction, according to Public Utilities Code 761.3d, is protecting public health and the environment. Please read the health complaints logged on EMF Safety Network at www.emfsafetynetwork.org/smart-meters/smart-meter-health-complaints to get a feel for the damage these meters cause to humans. Also documented have been injury to trees and effects on bees. I can provide you with more information. Especially now, with health such a great issue, it makes no sense to install devices which doctors and scientists have warned are hazardous to the public and the environment.

As Pacific Grove's attorney, Mr. Laredo saw the extensive documentation on Smart Meter problems presented to that city when PG&E Smart Meters were rolled out. Yet, he denies these problems, promotes AMI, and denies you have any jurisdiction to do something. This is very troubling.

Attached again is my 2012 report for California legislators on Smart Meters. I urge you to read this and particularly examine the sections that pertain to cost, overbilling, accuracy, health, and the environment. Additional information since 2012 is posted on my website www.smartmeterharm.org

Smart Meter opt-outs accomplish almost nothing and have never been workable. Water meters are in the right-of-way outside people's homes and in sidewalks where people and their pets walk and stand, and children play. Removing one meter has little effect especially in a neighborhood, and these meters have powerful pulses that travel great distances. In addition, AMI meters require wireless nodes or small cell antennas for communication which adds to the RF burden in neighborhoods. An opt-out is also costly for ratepayers, except in places like Vermont and Iowa, and fees particularly burden low-income households for very little effect.

The effects on disabled customers with electromagnetic sensitivity amounts to redlining. Sheltering-in-place is normal for me and many others, because as the community's RF

emissions increase from Smart Meters, Wi-Fi hotspots, cell towers and more, I do not have free and equal access to my community. Everywhere in the pavement are access barriers. Even using and enjoying my home becomes more and more difficult.

Cal-Am customers will be forced to pay increasing bills for faulty, hazardous meters that break down, systems they'll never use, unreliable bills, and fake 'leak adjustments' that are pure profit for the company.

This is now my fourth recent letter to the Board with evidence against AMI/smart water meters, and that approval of AMI will be detrimental to the public. Please take action to stop AMI deployment in the Monterey District.

My letters to the Board are not being posted with the agendas along with the other correspondence received. Are my letters being censored?

Please include this in the public record for the May 18, 2020 Board meeting.

Thank you.

Sincerely,

Nina Beety
Monterey



Board of Directors Officers

Eduardo M. Ochoa, Board Chair
President, CSU Monterey Bay

Matt Huffaker, Board Vice-Chair
City Manager, Watsonville

David Heald, Board Treasurer
CEO, Santa Cruz County Bank

Carrie L. Birkhofer, Board Secretary
President & CEO,
Bay Federal Credit Union

Board Members

Bud Colligan
Founder & CEO, South Swell Ventures

Larry D. deGhetaldi, M.D.
President, Palo Alto Medical Foundation,
Santa Cruz

Sandi Eason
Regional Senior Vice President,
Wells Fargo Commercial Banking Group

Rosa Vivian Fernández
President & CEO,
San Benito Health Foundation

Cynthia Larive
Chancellor, UC Santa Cruz

Michael McHatten
City Manager, Soledad

Charles McKee
County Administrative Officer,
Monterey County

Nanette Mickiewicz
President, Dominican Hospital

George Ow, Jr.
Chairman & CEO, Ow Family Properties

Carlos Palacios
CAO, County of Santa Cruz

Bruce Taylor
Chairman & CEO, Taylor Farms

Staff: Kate Roberts, President & CEO

May 15, 2020

MPWMD Board Members

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

Subject: Reserve water request for affordable housing in the City of Monterey
RE: Agenda Item #13 for May 18, 2020 Board

Dear MPWMD Board Members,

Founded in 2015, Monterey Bay Economic Partnership (MBEP) consists of over 85 public, private and civic entities located throughout Monterey, San Benito and Santa Cruz counties with a mission to improve the economic health and quality of life in the Monterey Bay region. Our Housing initiative consists of a broad coalition of community members, local employers, and organizations to advocate for and catalyze an increase in housing of all types and income levels near transit, jobs and services in the region.

We endorsed and actively campaigned to support the rezoning of underperforming industrial areas to allow residential housing projects at 2000 and 2600 Garden Road which would create higher density affordable housing in the City of Monterey. Prioritization of water for projects like this is supported in our [Blue Paper](#) recommendations, "A Study on the Impact of Water on Housing Development on the Monterey Peninsula," where we show that multi-family dwellings use less water than single family homes on average.

The housing crisis in our region is well documented, and has been compounded by the coronavirus pandemic. As part of our efforts to help residents and workers in Monterey, whose #1 priority is affordable housing, we support the City's request for less than 8 acre feet of water using the District's water reserve to advance the shovel-ready projects along Garden Road for the production of dire housing opportunities at reasonable rent ceiling.

We agree that additional water should not be taken beyond what has already been allocated from the Carmel River. However, if the cities on the Peninsula have remaining water allocation that they want to use for affordable housing, it should not matter where the water is used, what the meter size is, nor whether there is a change of use (three parts of Condition 2 of the Carmel River Cease and Desist Order 2016-0016), so long as it does not increase water use beyond what has been allocated. By supporting development of potentially more than 90 affordable units,

3180 Imjin Road, Suite 102
Marina, CA 93933 831.915.2806

Santa Cruz . San Benito . Monterey



the Garden Road project will create the greatest community impact on the Peninsula over the next few years given its central location among all jurisdictions regulated by MPWMD. That's 90 or more individuals with access to housing that is affordable on the Peninsula, where average rent is more than \$2100/month, which is 7% higher than the previous year.

As noted by the City, "Developer Brad Slama has committed to deed restricting 100% of the 70 units made possible with Reserve water. Of the two projects, 2600 Garden Road could be a phased construction project, though to postpone full development would certainly have missed opportunities due to economy of scale, as well as disruption to future tenants of the first phase. For 2000 Garden Road, construction options are hinging on this MPWMD decision. This project would be a single building, therefore, phasing is not an option. Without a decision to support this in the near future, the opportunity for an additional 35 affordable units will be missed."¹

We are in full support of removing any obstacles to redevelopment in an effort to build much needed housing in a sustainable and economically viable manner, as long as they do not exceed the existing water allocation. We urge the Board to revisit staff's recommendation, and encourage the participation and support from its member jurisdictions to stand together and urge the State Water Resources Control Board to revisit the effects of the current Cease and Desist Order (CDO) concerning Condition #2. Together, we can fight for and implement an immediate negotiated settlement pursued by the City of Monterey to coalesce with state-initiated housing emergency policies. It is absolutely imperative that our cities, MPWMD and community advocates band together and do what it takes to implement affordable housing solutions at a time that is most critical for our communities on the Peninsula.

We thank you for your leadership and commitment to support this effort. For questions, please contact Matt Huerta, MBEP's Housing Program Manager, at mhuerta@mbep.biz.

Regards,

A handwritten signature in blue ink, appearing to read 'Kate Roberts', is written over a light blue horizontal line.

Kate Roberts
President and CEO

¹ City of Monterey. Hans Uslar. May 15, 2020. Monterey Water District Reserve Response Letter
3180 Imjin Road, Suite 102
Marina, CA 93933 831.915.2806

Arlene Tavani

From: David Adams <ctrarcht@nccn.net>
Sent: Thursday, May 14, 2020 9:05 PM
To: comments
Subject: On the Planned Cal-AM Smart Water Meters

First, I strongly oppose installing these so-called "smart" water meters at all, due to a host of likely problems with them. They create a health and environmental hazard by constantly transmitting/emitting low-frequency electromagnetic radiation, which tens of thousands of published scientific studies have shown is harmful to the health of both human beings and the natural environment (especially birds and bees). Also, they tend to be inaccurate and can cause overbilling to customers. Finally they are expensive and typically have a short lifespan requiring more frequent replacement than the traditional analog meters.

Second, if such meters are foolishly going to be installed nevertheless, then there should be no charge for any customer to opt out of using them. Also, an ADA accommodation of receiving an analog meter instead is not an "opt-out," and under the ADA, opt-out fees would be considered surcharges and are not allowed. It is not meter "choice" when a person's medical condition or disability requires them to have an analog meter.

Thank you for considering these arguments,

David Adams, Ph.D.

Arlene Tavani

From: Jean Rasch <jean@jeanrasch.com>
Sent: Friday, May 15, 2020 12:01 PM
To: comments
Subject: PUBLIC COMMENT ITEM #16 May 18, 2020

Please share my comment on the record to the Board of Directors.

Dear MPWMD Board of Directors:

I oppose the policy of smart water meters for the Monterey district, and I oppose any charge for opting out. I oppose because I do not want the proliferation of small cell towers in neighborhoods due to the health hazards of constant transmissions. The cost is also prohibitive. The cost will also be an additional liability when we buy Cal-Am.

Thank you.

Sincerely,

Jean Rasch
Attorney at Law

Resident of Monterey

Arlene Tavani

From: Michele Altman <michelealtman1221@gmail.com>
Sent: Friday, May 15, 2020 2:53 PM
To: comments
Cc: Stephen Altman
Subject: "PUBLIC COMMENT ITEM #16"

Dear MPWMD Board of Directors:

I oppose the policy of smart water meters for the Monterey district, and I oppose any charge for opting out. I oppose because I do not want the proliferation of small cell towers in neighborhoods due to the health hazards of constant transmissions. The cost is also prohibitive. The cost will also be an additional liability when we buy Cal-Am.

Thank you.

Sincerely,

Michele Altman

Stephen Altman



Michele Altman

Realtor Est. 2002

Top Producer & Global Advisor

Direct : 831.214.2545

Sotheby's International Realty®

3775 Via Nona Marie Ste 100

Carmel, CA 93923

DRE# 01310623

MicheleAltman.com