



Supplement to 8/17/2020 MPWMD Board Packet

Attached are copies of letters received between July 16, 2020 and August 12, 2020. These letters are listed in the August 17, 2020 Board packet under Letters Received.

Author	Addressee	Date	Topic
Melodie Chrislock	MPWMD Board	7/30/20	Cal Am's Bypass Pipeline – 7/31/20 Agenda Item 1
Chip Wilkins	MPWMD Board	7/30/20	Marina Coast Water District's Comments on Resolution No. 2020-13 – Construction of a Bypass Pipeline
Keith Van Der Maaten	MPWMD Board	7/30/20	Proposed Bypass Pipeline and De-Chlorination Facility Modification
Margaret Ann Coppernoll	MPWMD Board	7/31/20	July 31, 2020 Board Meeting – Agenda items 1 – Addendum to ASR EIR, and 3 – Pure Water Monterey SEIR
David Aranda	MPWMD Board	7/27/20	District Transparency Certificate of Excellence Approval

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July 30, 2020
Monterey Peninsula Water Management District

Re: Cal Am's Bypass Pipeline - Agenda item #1

Dear Chair Edwards, Board, and Staff,

From a ratepayer's perspective, we're asking if this project is cost-effective and necessary at this time. What is the actual cost, and how much ASR water would it save?

All we've heard so far is a loose estimate of \$5 to \$6 million from Cal Am. We would hope that your Board would want to see an engineering estimate of cost before making a decision to move forward on this project.

Why the rush? Is this pipeline really necessary at this point? Everyone agrees that ASR is important, but it's not clear if this pipeline is needed to deliver actual ASR water or Pure Water Monterey water from ASR wells. It appears that more engineering details are required to explain this project. Has a cost/benefit analysis been done to justify this expense? Are other less costly options available to solve the problem?

This pipeline is clearly needed for Cal Am's desal. It's no coincidence that this pipeline is in the exact location to bypass the only section of pipe that Cal Am has no access to for its proposed desal plant.

This appears to be the same pipeline that Cal Am put up \$350,000 of ratepayer money to include in the PWM Expansion SEIR. When Cal Am succeeded in blocking that SEIR, they lost the pipeline and our \$350,000. Now they're asking for the same pipeline without the Expansion for another \$6 million.

Is Cal Am in such a rush to get this pipeline approved only to save a small amount of ASR water? Or are they doing this because they want to use this pipeline at the Coastal Commission hearing in September to support their desal project, a project your Board opposes? Why not wait to see how the Coastal Commission rules on Cal Am's desal before moving ahead with this pipeline?

Ratepayers are already paying \$50 million for the new Monterey pipeline. It was supposed to solve delivery problems, but it hasn't. Projects like the Monterey pipeline, the forest lake pumps, and now this proposed bypass pipeline keep getting approved and added to our bills to solve isolated problems. Where is the big picture modeling that would ensure there's not another problem and another \$5 million project next year?

Even if this is needed, it appears there's plenty of time to approve it since it wouldn't be required for a year or more until reductions of Carmel River water kick in and diversions are much lower. It appears this pipeline would only be needed for a month or two every several years and therefore, would save only a small amount of ASR water. Does your Board have a precise understanding of how much additional ASR water we would be getting for \$6 million? If it's only 100 acre-feet, how would that cost ever be justified?

Melodie Chrislock
Director of Public Water Now



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LLP

Howard "Chip" Wilkins III
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July 30, 2020

Via Email Only

Board of Directors
Monterey Peninsula Water Management District
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Monterey, CA 93940

Re: Marina Coast Water District's Comments on Resolution No. 2020-13
(Exhibit 1-B) adopting the Construction of a Bypass Pipeline Modification
Addendum as Addendum 6 to the ASR EIR/EA.

Dear Board of Directors:

This letter supplements the Marina Coast Water District (MCWD) letter submitted by Keith Van Der Maaten on this date and follows up our July 20, 2020 letter on behalf of MCWD, our meeting and communications with MPWMD staff over the last week, and the Staff Report for Addendum No. 6 to the ASR EIR/EA for Cal-Am's proposed bypass pipeline (the "project"). MCWD again wishes to emphasize its continued support for the District's Aquifer Storage and Recovery (ASR), Pure Water Monterey (PWM), and PWM Expansion projects. These comments should not be construed in any way to suggest MCWD opposes or is not willing to work with the District to find solutions for any issues involving the ASR, PWM and PWM Expansion projects. Rather, MCWD's concerns relate solely to fact that Cal-Am's proposed bypass pipeline is designed to address obstacles to the Monterey Peninsula Water Supply Project (MPWSP) and that Cal-Am is attempting to avoid supplemental review by California Public Utilities Commission (CPUC) and the mitigation requirements imposed by the CPUC in the MPWSP EIR/EIS.

As explained in more detail below, the July 20 MPWMD Staff Presentation and Addendum reveal that the proposed bypass pipeline would connect with Cal-Am's currently useless desalination plant pipeline and that the bypass pipeline is designed and sized for the purpose of carrying "desalination" plant water – not ASR water. (See Attachments 1 and 2). Addendum No. 6 also appears to show the new pipeline would connect or interface with MCWD's potable water pipeline in General Jim Moore Blvd., which raises multiple logistical and environmental concerns that are not addressed in the Addendum or other communications with MCWD. Therefore, MCWD requests the Board delay consideration of Addendum No. 6 to allow your staff time to meaningfully consult with MCWD on these issues and those discussed below.

A. MCWD's Potential Role as Responsible Agency and Lack of Consultation to Date

Based on our review of the Addendum and supporting documents, it appears that MCWD may be a responsible agency¹ if Cal-Am's proposed bypass pipeline will tie into MCWD's potable water pipeline in General Jim Moore Blvd. As explained in MCWD's letter submitted on this date, MCWD has not been provided with sufficient information to determine how the proposed bypass pipeline, Cal-Am's proposed Desal Pipeline, the future PWM extraction wells, and the existing MCWD pipeline will be operated together. While MCWD greatly appreciates the Board delaying its initial consideration of the project to allow your staff time to consult with MCWD, MCWD's questions regarding the Project have gone largely unanswered.

Following our meeting with MPWMD staff on July 21, 2020, we sent MCWD's questions regarding the project to staff as they requested. (See Attachment 3, Questions for Dave Stoldt on Cal-Am proposed ASR Pipeline.) District staff explained that they would seek answers to our questions from Cal-Am. While staff apparently hoped answers to MCWD's questions would be provided by Cal-Am and Cal-Am's environmental consultant, MCWD has not received answers to most of its questions. Therefore, particularly given MCWD may be a responsible agency for the project, MCWD requests the Board delay further consideration of the project until your staff has adequate time to consult with and address MCWD's questions consistent with the requirements of CEQA. As we noted during our oral testimony at the July 20, 2020 hearing, MCWD received no notice regarding Cal-Am's proposed pipeline or the proposed Addendum No. 6, and only found out the District would be considering approval of the pipeline and Addendum two hours before last week's Board meeting. CEQA requires Lead Agencies to consult with responsible agencies before preparing environmental documentation for projects. (Pub. Resources Code, § 21080.3 [duty to consult with responsible agencies]; see also CEQA Guidelines, § 15063, subd. (g) [same].)

B. The proposed bypass pipeline must be analyzed as part of the MPWSP; the pipeline would connect with Cal-Am's currently useless desalination plant pipeline; it is designed and sized to carry "desalination" plant water – not ASR water.

As we noted in our prior comments, if Cal-Am wants to inject and extract ASR water simultaneously, it must explain the deficiencies in its system to justify the need for the bypass pipeline. Cal-Am has not. Nor have they responded to MCWD's questions on this issue. Based on MCWD's review of the Addendum and available documentation, it does not appear that the bypass pipeline would ever be needed to deliver ASR water. Rather, it appears Cal-Am has identified a constraint for using ASR pumps to deliver

¹ See Pub. Resources Code, § 21069 (definition of Responsible Agency) and CEQA Guidelines, § 15381 (same).

PWM water in the future while ASR is moving through its Monterey Pipeline.² However, if this constraint exists, there are likely multiple solutions that are both less expensive and would substantially lessen the environmental impacts of the constructing and operating the bypass pipeline as MCWD has discussed with MPWMD staff. Cal-Am has not explained why these less costly and environmental superior alternatives would not fulfill the purpose of the project.

Rather, as noted above and in our prior comments, the only justification for the design and sizing of the bypass pipeline is to address deficiencies in the MPWSP and to avoid mitigation requirements for these facilities required in the MPWSP EIR/EIS. While Cal-Am has not answered MCWD's questions, the environmental consultant's responses to our prior comments suggests the bypass pipeline would not remove an obstacle to implementation of the MPWSP. (MPWMD July 31, 2020 Staff Report, Exhibit 1-C ("Response"), p. 11.) The record and publicly available information demonstrate otherwise.

In fact, the Coast Commission has identified "several obstacles that may lead to delay or an inability to construct or operate" the MPWSP as proposed. (Attachment 4 – California Coastal Commission Staff Report, November 2019, p. 8.) One of the obstacles identified by the Coastal Commission is that "Cal-Am has not yet received approval to use a shared pipeline that may not have the capacity for Cal-Am's proposed use" of desalination water. (*Ibid.*) Here, it appears to be undisputed that the proposed pipeline would remove an obstacle to development of the MPWSP – i.e. the lack of pipeline capacity to move Cal-Am's desalination water in MCWD's General Jim Moore Blvd. pipeline. The July 20 Staff Presentation and Addendum itself confirm Cal-Am's proposed bypass pipeline would connect with Cal-Am's currently useless desalination plant pipeline and is designed and sized for the purpose of carrying "desalination" plant water – not ASR water. (See Attachments 1 and 2). Thus, the record reveals the bypass pipeline is actually a proposed modification to the MPWSP and the CPUC is the CEQA Lead Agency.³

² While there may be a justification for including the proposed pipeline as part of the PWM Expansion as proposed in the SEIR for that project, Cal-Am withdrew its support for that project after this Board and the Coastal Commission determined it could be an alternative to the MPWSP. MCWD notes neither the Addendum nor Cal-Am have explained how the proposed bypass pipeline differs from the pipeline Cal-Am proposed as part of the PWM Expansion as MCWD requested in our July 20 comments.

³ As noted in our July 20 comments, MCWD explained why the CPUC must be the lead agency for this review in its comments on the "Proposed Modifications to the Pure Water Monterey Groundwater Replenishment Project," which are incorporated by reference. Those comments can be found at <https://purewatermonterey.org/wp/wp-content/uploads/Final-SEIR-Proposed-Modifications-PWM-GWR-Project-April-2020.pdf> from pages 4-90 through 4-97.

While acknowledging the bypass pipeline could be used for MPWSP desalination water, the environmental consultant's responses to our July 20 comments argues that bypass pipeline is appropriately considered part of the ASR project because it has "independent utility" apart from the MPWSP and PWM Monterey expansion projects. (Response, p., 5.) Not so. The environmental consultant points to Attachment B to the Response (MPWSP April 6, 2020 Water Supply Exhibit) as evidence of the project's independent utility. The referenced April 6, 2020 Water Supply Exhibit, however, only contains conclusory statements that do not appear to have any connection to the graphs. Nor does the Exhibit or Response provide any justification sizing the bypass pipeline at 36-inch or any rationale for why it extends to and connects to Cal-Am's MPWPS desalination pipeline. The only utility for the sizing of the pipeline and its connection to the MPWPS desalination pipeline is to convey desalination water. Moreover, even Cal-Am's proposed bypass pipeline had independent utility from the MPWSP and Pure Water Monterey projects, the Addendum fails to address the project's potential growth inducing impacts as required by CEQA.

C. The Addendum fails to analyze the effects of growth-inducement.

The Addendum did not analyze impacts from growth inducement or the effects of unplanned population growth. Instead, the Addendum states that the project would not induce population growth because water generated by the ASR system serves to replace diversions from the Carmel River, seemingly implying that it is irrelevant that the pipeline could be used for anything other than ASR. The response to MCWD's comment states that the bypass pipeline would not induce growth and would not remove an existing obstacle to development because its purpose is merely to ensure that the ASR Project and PWM can operate simultaneously under certain conditions. This conclusion, like the brief discussion in Addendum No. 6, completely ignores the fact that the pipeline will be used to convey desalinated water from the MPWSP. What other reasons exist to connect it to the bypass pipeline and to the MPWPS desalination pipeline?

As noted above, the Coastal Commission has recognized the lack of a pipeline is a major obstacle to the MPWSP. Although Cal-Am coyly acknowledged that this pipeline could help the MPWSP (despite claiming it was not necessary), the fact is that Cal-Am has no other viable option. Approving the pipeline will remove an obstacle to the MPWSP, and thus would remove a significant obstacle to development.

Moreover, as the MPWMD Board has found on several occasions, the MPWSP would provide far more water than needed to meet future demand. Thus, by facilitating development of MPWSP, the proposed pipeline would remove an existing obstacle to future development and induce growth beyond what has been contemplated and analyzed in other planning documents. This is the epitome of growth inducement. (CEQA Guidelines, §§ 15126.2, subd. (e); 15358, subd. (a)(2).) Because Cal-Am admits it plans to utilize the pipeline for the MPWSP, MPWMD's approval of the pipeline

would be a major catalyst for growth. (See e.g., *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1337 [construct of a road and sewer line would result in growth-inducement because it would “provide a catalyst for further development in the immediate area.”].) The failure to analyze growth inducing impacts before approving the project would violate CEQA.

D. The Addendum fails to analyze whether the Proposed Modification would result in any new significant impacts when combined with the rest of the ASR Project.

The environmental consultant’s responses to our prior comments further states that the Addendum does not consider impacts caused by the Proposed Modification in isolation from the impacts caused by the rest of the ASR Project. That is false. As the response correctly notes, “the only way to effectively determine whether a project would increase the severity of a previously identified impact is to consider the incremental effects associated with a modification in combination with the effects associated with the original project.” (Response, p. 7.) But whether the modifications would result in a substantial increase in the severity of a previously identified significant impact is only one part of the test under CEQA Guidelines section 15162, subdivision (a)(1). The second part of the test is whether the entire project, with the modifications, would result in any significant impacts that were not identified in the EIR. (Guidelines, § 15162, subd. (a)(1).)

To answer this question, the Addendum must *add* the impacts from the additional components to the impacts of the original project to determine whether there would be a significant impact. For example, if an impact for the original project analyzed in the EIR was below the threshold of significance by 5 units (and thus was determined to not result in a significant effect in the EIR), and the addition components added 5 units, that would be a new significant impact and a supplemental or subsequent EIR would be required. The Addendum does not perform that analysis or provide the information necessary to do so. Instead, the Addendum only considers whether the Proposed Modification would result in a significant impact by itself without adding the impacts to those caused by the rest of the project to determine whether the entire project, as modified, would result in a new significant impact that was not identified for the project as it was originally analyzed in the EIR.

For example, in the Air Quality section, the Addendum compares emissions caused by the “Proposed Modification” against the MBARD’s thresholds of significance and concludes that impacts caused by the Proposed Modification would be less than significant because those emissions alone would be below the threshold. (Addendum, p. 10-12.)⁴ But the Addendum fails to analyze whether the applicable thresholds would be

⁴ There is also an inconsistency for checklist question (b). The addendum states that the Proposed Modification would not cause any long-term adverse air quality affects “due to the lack of operational emissions[.]” (Addendum, p. 10.) But elsewhere in same section,

exceeded if emissions from the Proposed Modification are added to emissions caused by the rest of the project, including the prior five addendums to the project. In fact, the environmental consultant's responses to our prior comments seems to acknowledge that the Addendum does not analyze impacts that will be caused by the project as a whole to determine whether impacts previously determined to be less than significant for the original project would be significant with the addition of the new components. (Response, p. 8.) Thus, the decision-makers and the public cannot tell if the modified project with the additional components would result in a significant impact that was not identified in the EIR.

Similarly, for GHG emissions, the Addendum compares emissions from the Proposed Modification against MBARD's threshold of 10,000 metric tons per year (MT/yr) CO₂e, and concludes that because emissions from the additional components alone would be "well below" the 10,000 MT/yr threshold, the Proposed Modification would not result in a new significant impact. But again, the relevant question is not whether the additional components would result in a significant impact by themselves but whether the ASR Project would result in a new significant impact with the addition of new components. The Addendum does not answer that question.

Using the approach under the Addendum, an agency would be able to continually add components on to a project without ever triggering the need for mitigation so long as each additional component did not cause a significant impact by itself, despite the fact that the impacts would continue to snowball as each new component is added and would exceed the threshold of significance if considered together. That is not something CEQA permits. This problem permeates the entire Addendum, and the environmental consultant's responses to our prior comments do not address this shortcoming.

E. The Addendum fails to adequately address traffic and circulation-related impacts.

As noted in our previous comments, the Addendum does not provide an adequate analysis of traffic impacts. Although the Addendum acknowledges that temporary lane closures could adversely affect the existing circulation system and affect existing emergency access, it does not analyze the extent of the disruption or the amount of traffic the Proposed Modification would cause. Instead, the Addendum concludes in half-a-sentence that the Proposed Modification would include traffic control measures to ensure that potential temporary impacts during construction would not adversely affect existing traffic operations. There is no analysis or data provided to support that conclusion, and

the addendum identifies operational emissions for the Proposed Modification. (Addendum, p. 12, see also p. 9.)

the reader has no idea what the traffic control measures might entail, much less whether they would be adequate to ensure impacts are less than significant.

The environmental consultant's responses to our prior comments does not cure these problems. Although the Response refers to "Project Environmental Commitments" and mitigation measures in the EIR, it does not quantify traffic or vehicle trips and there is still no analysis regarding the *extent* of impacts. Additionally, the environmental commitments and mitigation measures are not sufficient to reduce the potential impacts. As noted in the Response, the traffic control plan states that its purpose is to reduce the number of vehicles "to the extent feasible" and reduce interactions between construction equipment and other vehicles "to the extent feasible." (Response, p. 10-11, Attachment C.) That does not provide adequate assurance that impacts will in fact be reduced to a less than significant level. The measure also constitutes improper deferral of mitigation because it only requires preparation of a plan, without identifying performance standards that will ensure the plan is effective.

F. Additional flaws.

The Addendum has additional flaws that must be corrected before the project can be approved. First, the Addendum seems to rely on mitigation measures to reduce numerous impacts, but it is not always clear what mitigation measures will apply or how they will be effective. For example, the discussion of biological impacts seems to rely on surveys and other mitigation to reduce impacts, but it is not clear from the analysis what mitigation measures apply. It is not sufficient to simply state that the mitigation measures in the EIR will apply. If the Addendum is relying on mitigation measures from other documents (either the EIR or a prior addendum) to reduce impacts, the measures must be clearly identified in the Addendum and the Addendum must explain how those measures will be effective at reducing impacts.

Second, the Addendum's discussion of energy impacts is woefully deficient. The Addendum states that energy use for the ASR Project was not specifically analyzed in the EIR and the Addendum does not quantify energy use for the Proposed Modification. It is therefore impossible to tell whether the project, with the Proposed Modifications, would result in significant impacts and whether mitigation should be required. Under CEQA, the analysis of energy impacts must address vehicle trips, equipment use, location, and other relevant factors. (See CEQA Guidelines, § 15126.2, subd. (b); CEQA Guidelines, Appendix F.)


Finally, the Addendum, does not address cumulative impacts for the MPWSP or other project as noted in our July 20 comments. The environmental consultant's response suggests the Addendum evaluated potential cumulative impacts and appropriately determined that these effects "would be less-than-significant through the incorporation of Mitigation Measure Cume-1, which requires MPWMD to coordinate with local agencies to develop and implement a phased construction plan to reduce potential cumulative traffic, air quality, and noise related effects." The conclusory response as well as the

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Addendum, however, fail to explain how referenced mitigation will ensure the project's cumulative impacts will remain less than significant as required by CEQA. Moreover, the referenced mitigation measures lack any specified performance standards or specific criteria for success and fail to commit to any specific future mitigation measures. (See *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 195-196; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794.)

G. Conclusion.

MCWD hopes these comments assist the MPWMD in evaluating the project and compliance with CEQA. Please contact me or Keith Van Der Maaten if you have any questions on our comments or need additional information. As noted above, MCWD looks forward to continuing to work with MPWMD in advancing regional goals through implementation of the ASR, PWM, and PWM Expansion projects.

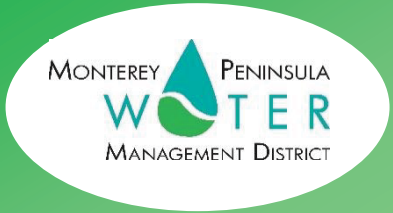
Very truly yours,

Howard F. Wilkins III

cc:
David Stoldt
David Laredo
Keith Van Der Maaten

Attachment 1 -- MPWMD July 20 Presentation - Page 7 (highlighting added)
Attachment 2 - Addendum No. 6 to ASR EIR-EA - pages 105 and 106 (highlighting added)
Attachment 3 - Questions for Dave Stoldt on Cal-Am proposed ASR Pipeline (7-24-20)
Attachment 4 - California Coastal Commission Staff Report (November 2019, p. 7.) (highlighting added)

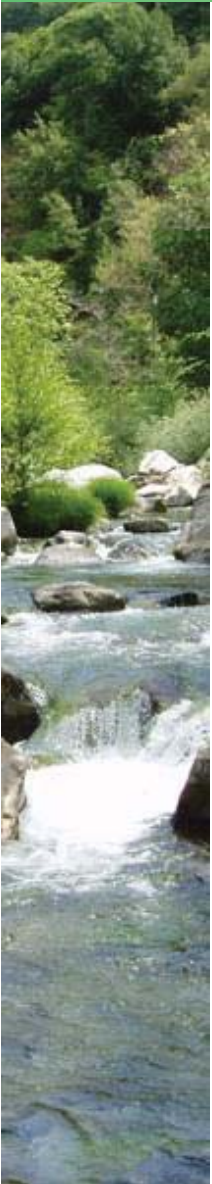
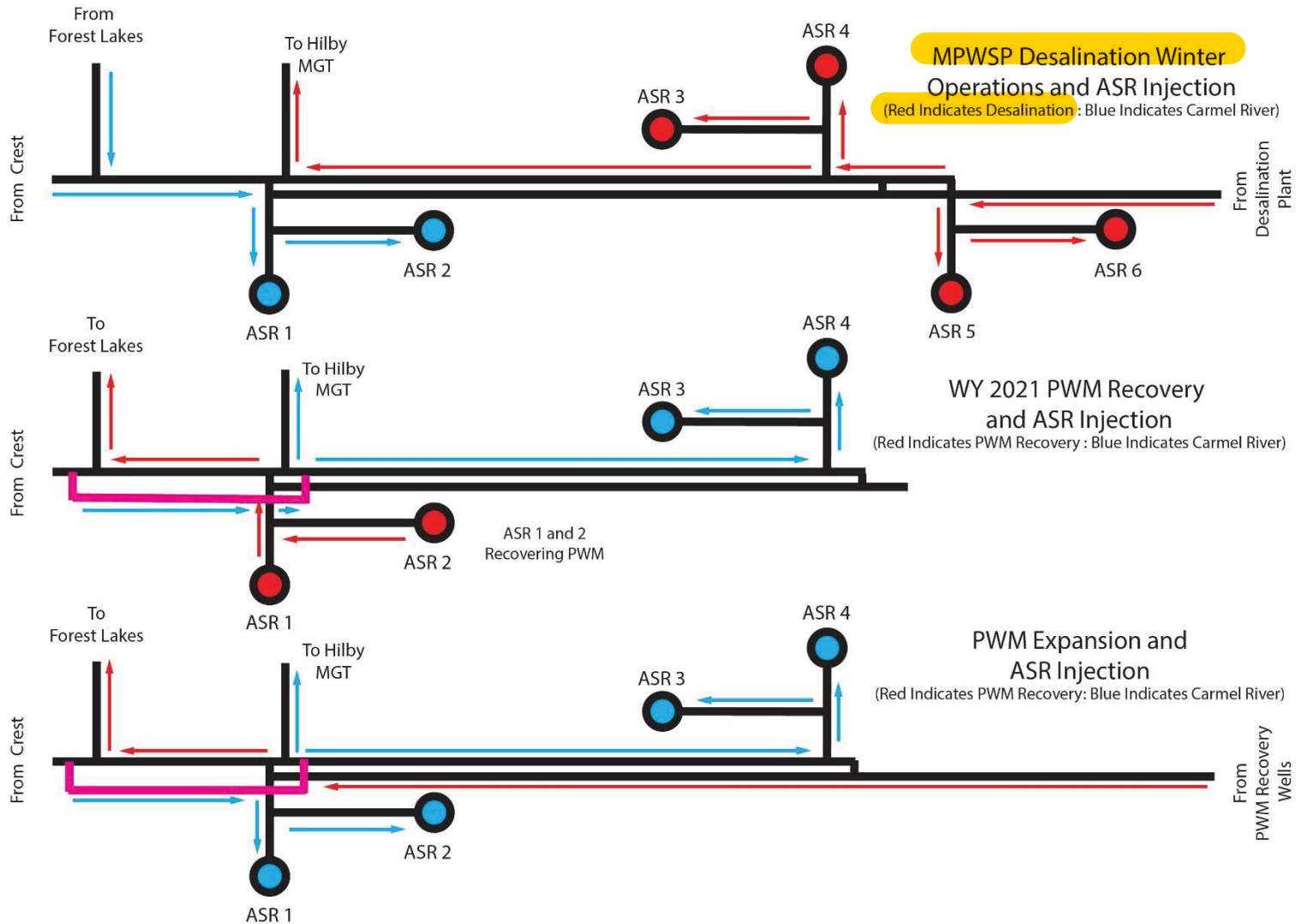
CORRESPONDENCE FROM MARINA COAST WATER
DISTRICT TO MONTEREY PENINSULA WATER
MANAGEMENT BOARD OF DIRECTORS

ATTACHMENT 1

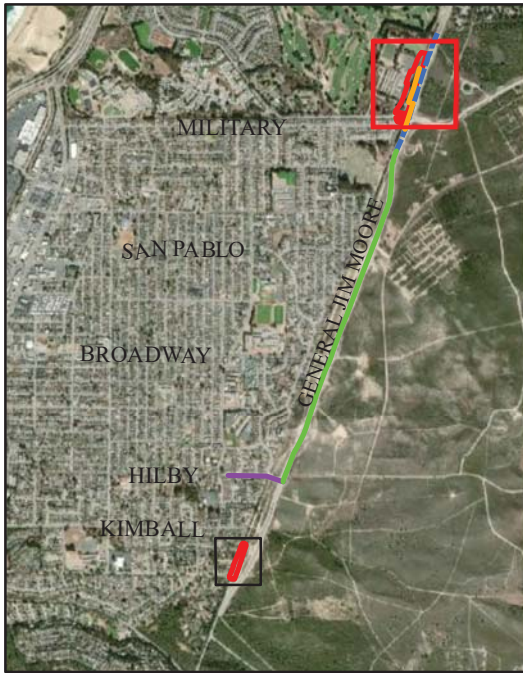


Parallel Pipeline Functionality

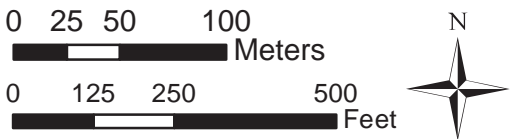
Functionality of Proposed Pipeline



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MANAGEMENT BOARD OF DIRECTORS
ATTACHMENT 2



- Monterey Ceanothus (*Ceanothus rigidus*) <5
- Kellog's Horkelia (*Horkelia cuneata* var. *sericea*) <5
- Monterey Ceanothus (*Ceanothus rigidus*) ≥5
- Kellog's Horkelia (*Horkelia cuneata* var. *sericea*) ≥5
- Monterey Spineflower (*Chorizanthe pungens* var. *pungens*) ≥5
- Sandmat Manzanita (*Arctostaphylos pumila*) ≥5
- ASR Well
- Dechlorination Facility
- Survey Area
- Soil Deposition Area (0.87 Acres)
- Existing 36-inch Pipeline
- Existing ASR Pipeline
- Existing Pipeline
- Proposed 36-inch Desalination Pipeline Extension



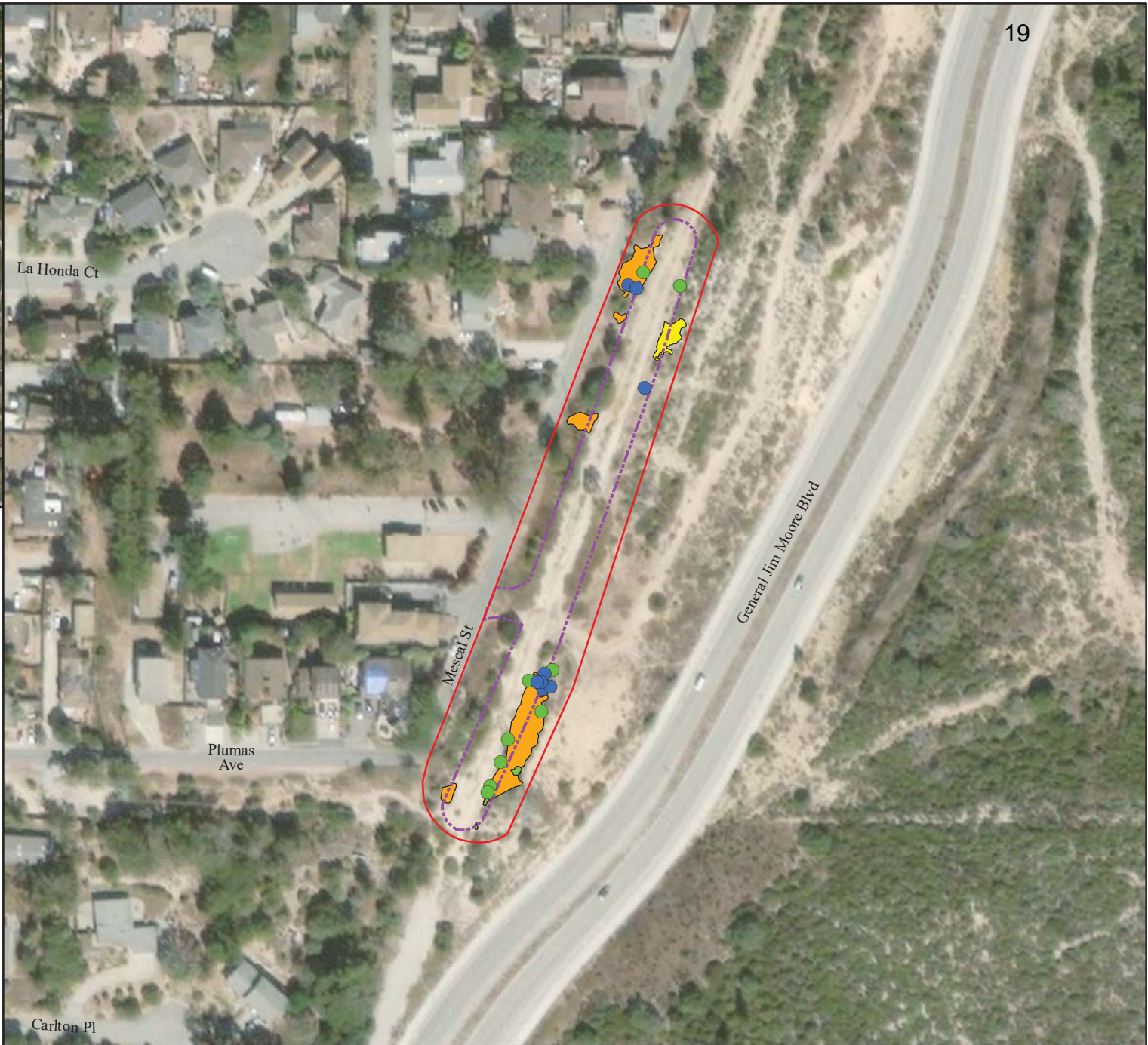
ASR Bypass Pipeline Addendum Special Status Plant Species Survey Results

Date: 6/25/2020
 Scale: 1 inch = 300 feet
 Project: 2020-15

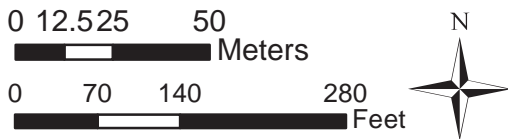


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Figure
1a



- Monterey Ceanothus (*Ceanothus rigidus*) <math><5</math>
- Kellog's Horkelia (*Horkelia cuneata* var. *sericea*) <math><5</math>
- Monterey Ceanothus (*Ceanothus rigidus*) ≥ 5
- Kellog's Horkelia (*Horkelia cuneata* var. *sericea*) ≥ 5
- Monterey Spineflower (*Chorizanthe pungens* var. *pungens*) ≥ 5
- Sandmat Manzanita (*Arctostaphylos pumila*) ≥ 5
- ASR Well
- Dechlorination Facility
- Survey Area
- Soil Deposition Area (0.87 Acres)
- Existing 36-inch Pipeline
- Existing ASR Pipeline
- Existing Pipeline
- Proposed 36-inch Desalination Pipeline Extension



ASR Bypass Pipeline Addendum Special Status Plant Species Survey Results

Date: 6/25/2020
 Scale: 1 inch = 200 feet
 Project: 2020-15



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MANAGEMENT BOARD OF DIRECTORS
ATTACHMENT 3

Questions Regarding Pipeline Details and Specifications:

- (1) How is the footprint of the proposed new Cal-Am bypass pipeline different than the pipeline that was analyzed in the Pure Water Monterey (PWM) Expansion project SEIR?
- (2) Are there any technical drawings that show Cal-Am's existing pipelines, whether currently in service or not, north and south of the proposed new bypass pipeline?
- (3) What pipeline and what is the diameter of the pipeline that the proposed new 36-inch pipeline would connect to at the northern end?

Questions Regarding Pipeline Justification:

- (4) What specific months would ASR injection be limited during the December through May ASR injection period if the bypass pipeline is not built?
- (5) Do you agree that diverting water for ASR injection can only occur when steelhead bypass flow conditions are met?
- (6) Since 2011, how often and in what AF amounts was ASR water diverted for injection during each month specified in your response to #4?
- (7) What is the maximum daily capacity of the Segunda/Crest pipeline? Is it 700 gpm and 3.09 AF per day?
- (8) In your response to #6, how much of the ASR water diverted for injection was conveyed each month to the ASR injection wells via the Segunda/Crest pipeline as opposed to "around the horn" via Pacific Grove?
- (9) For what specific customer areas within Cal-Am's service area would the recovered PWM or ASR water be needed to meet demand during each month specified in response to #4?
- (10) Could all of those customers actually be served if the proposed new Forest Lake Pump Station is not built?
- (11) How much ASR injection water could not in fact be injected, i.e., "lost", in each of the #4 months if the bypass pipeline is not built?

- (12) What is cost of the project? What would be the cost per AF of the ASR water injected and not lost if the bypass pipeline is built at a comparative cost of the project?
- (13) Would any ASR injection water be lost if all of that ASR injection water could instead be legally delivered for direct use within Pebble Beach, Pacific Grove, and Monterey?
- (14) If Cal-Am petitioned the SWRCB to amend Permit 21330 to have the same authorized place of use as the ASR permits (i.e., within the boundaries of the entire MPWMD) wouldn't this eliminate the need for the bypass pipeline? If not, why not?

Questions Regarding Pipeline Environmental Review and Public Review Process:

- (15) How would the environmental impacts associated with the proposed new bypass pipeline differ from those identified in the PWM Expansion project SEIR for Cal-Am proposed pipeline for that Project?
- (16) Where is the Addendum's analysis of traffic safety impacts?
- (17) Where does the Addendum address growth inducing impacts from the proposed 36-inch pipeline?
- (18) Where is the Addendum's analysis of cumulative impacts with Cal-Am's proposed MPWSP project?
- (19) Could Cal-Am construct a shorter and smaller diameter pipeline or pipelines directly connecting Seaside Watermaster-approved PWM extraction wells with the new Monterey pipeline?
- (20) What CPCN would cover the proposed pipeline? If none, does Cal-Am intend to apply to the CPUC for one? If so, when? If not, does Cal-Am agree to absorb the full cost of the pipeline and not seek rate recovery?

CORRESPONDENCE FROM MARINA COAST WATER
DISTRICT TO MONTEREY PENINSULA WATER
MANAGEMENT BOARD OF DIRECTORS

ATTACHMENT 4

proposed project would result in adverse effects to coastal water quality, but those effects, and the measures needed to avoid or minimize them, are not yet known.

In addition to there being a feasible and less environmentally damaging alternative to the proposed project, Cal-Am's proposed project has several obstacles that may lead to delay or an inability to construct or operate the facility as proposed. Cal-Am has not yet received approval to use a shared pipeline that may not have the capacity for Cal-Am's proposed use. Cal-Am's project would also rely on another entity designing and installing a two mile-long outfall liner that needs to be in place before Cal-Am can operate, but that liner has not yet been fully designed or evaluated, may result in additional adverse impacts that have not yet been addressed, and would need to be separately permitted since it is currently not part of Cal-Am's proposal.

Conclusion

Based on the analysis in these Findings, staff recommends that the Commission find substantial issue and **deny** the project due to its inconsistency with the LCP's habitat protection and hazards policies, its failure of the three tests of Coastal Act Section 30260, and its failure of the alternatives consideration of Section 30233. With this denial, Cal-Am would also be required to remove its existing test well at the CEMEX site, pursuant to **Special Condition 6** of CDP 9-14-1735 / A-3/MRA-0050, as amended.² The motions for denial of both the de novo and retained jurisdiction portions of the proposed project are on pages 9 and 10.

² That Special Condition requires, in part, that Cal-Am remove portions of the existing test slant well to a depth of at least 40 feet below the ground surface and remove all other temporary facilities no later than February 28, 2020.



MARINA COAST WATER DISTRICT

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DIRECTORS

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PETER LE
MATT ZEFFERMAN

July 30, 2020

Via Email

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

RE: Proposed Bypass Pipeline and De-Chlorination Facility Modification

Dear Board of Directors:

The Marina Coast Water District (MCWD) absolutely supports the ASR and PWM projects and we want to continue to partner on those projects. MCWD is the owner of the potable water pipeline in General Jim Moore Boulevard that is used for ASR and is a partner with Monterey One Water (M1W) on the PWM Project where MCWD owns the recycled water pipeline and receives advanced treated water for our own needs.

MCWD is concerned about drawings in Addendum No. 6 documents and the staff presentation that clearly show the proposed Bypass Pipeline Project (Project) is intended to be an extension of CalAm's desalination pipeline for CalAm's desalination project. We absolutely oppose the location of the intake wells on the CEMEX property and CalAm's desal project unless and until, at minimum, the intake wells for the desal project are moved to north of the Salinas River.

Further, it appears the use of MCWD's 100% owned potable water pipeline is an essential component of the proposed Project and MCWD has not been consulted about potential environmental and operational impacts on MCWD's pipeline. As the owner of the pipeline that is used to serve both MPWMD's ASR facilities and our future customers in South Ord, we must be involved, understand, and approve any changes to the use of the pipeline. Thus far, insufficient information and analysis have been provided to MCWD as to how operational changes proposed by the Project would impact MCWD's future uses of our pipeline. There is also insufficient information on how the proposed Bypass Pipeline, Cal Am's proposed Desal Pipeline, ASR injection and extraction operations, PWM extraction operations, and the existing MCWD pipeline will be operated together. We are especially concerned with the lack of water quality analysis on the mixing of these various sources of water within our pipeline. Since multiple parties and multiple sources of water and infrastructure appear to be tied together in this Project, it is imperative to have agreement on an operations plan before approval of the Project to define how to respond to water quality or pressure issues, metering of sources, future tie-ins or changes to the

operations, and allocation of operating and capital costs. It may also be necessary for all parties to consult the Department of Drinking Water to ensure compliance with all operating permits.

In contrast to moving ahead on the costly Project, there is a simple cost-effective solution that should be explored prior to approving Addendum No. 6 and the Project. Cal Am owns Water Right Permit 21330 that allows Cal Am to divert 1,488 AFY of Carmel River water during the same December through May ASR period and with the same protective steelhead bypass flow conditions as the ASR permits. Unlike water under the ASR permits that first must be injected into the Seaside Basin and then extracted for direct use, Permit 21330 water may be used directly to serve Cal Am customers. However, the authorized place of use is limited to the Carmel River watershed, i.e., the Carmel Valley and about 50% of the City of Carmel. Permit water may not be delivered to the Forest Lake Tanks. Cal Am should petition the SWRCB to amend Permit 21330 to have the same authorized place of use as the ASR permits, i.e., within the boundaries of the entire MPWMD. The existing steelhead protective measures would remain unchanged, continuing to protect Carmel River resources.

Unlike the proposed Project that would deliver ASR water only via the limited capacity of the Segunda/Crest Pipeline, this alternative would deliver Carmel River water via Cal Am's existing Carmel Valley pipeline system directly to the Forest Lake Tanks during the same December through May period. Besides saving the cost of building a new bypass pipeline and dechlorination facility, Cal Am would also save the additional costs of (1) pumping the water over the hill via the Segunda/Crest Pipeline, (2) dechlorinating and injecting the water into the Seaside Basin, and (3) extracting and re-chlorinating the same quantity of PWM water from the Seaside Basin. If the Seaside Basin water is still needed then PWM, ASR or native groundwater could still be extracted and delivered to the Seaside-Old Monterey area and/or the Forest Lake Tanks.

Also, amending the Use of Permit 21330 provides greater flexibility in managing Carmel River water. For example, if sufficient water reserves are already stored in the Seaside Basin, Carmel River water could directly serve the south of Old Monterey service area during December through May, as is being done now. Any excess water not needed for direct use could continue to flow via the New Monterey Pipeline to the Seaside Basin for ASR injection. Amending and using Permit 21330 to serve all of the MPWMD area achieves the Bypass Project objectives without the need to construct new capital facilities.

Compared to this cost-effective solution, the proposed Project is subject to significant limitations on ASR Water Availability. Carmel River flows may only be diverted for ASR injection during December through May and only if river flows are in excess of the steelhead bypass flow requirements. There is no guarantee that any water will be available for ASR injection. For example, from CY 2010 through 2019 (10 years), ASR flows were only diverted 5 times during December and only 4 times during May. The Project proposes to use the Segunda/Crest Pipeline, which only has a capacity of 700 gpm (1.56 cfs or 3.09 AF per day). For the months of December and May, that means a maximum of 96 AF per month that ASR water could be delivered for injection under the Project, assuming that water will be diverted all 31 days of each month.

In October 2019, the MCWD Board publicly stated in a report that MCWD's potable water pipeline in General Jim Moore Boulevard has sufficient capacity for ASR, PWM, PWM Expansion, and MCWD's projected South Ord use and the MCWD Board has appointed me as the District's negotiator for the use of the pipeline by MPWMD and/or Cal Am for PWM and PWM Expansion. MCWD requests that the MPWMD defer approval of the Addendum No. 6 until MCWD and MPWMD have had the opportunity to discuss and continue to work together on the use of MCWD's pipeline to ensure optimization of ASR and PWM water while allowing MCWD time to review and approve changes to its pipeline to ensure any changes do not impact our ability to use the pipeline for our own needs.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Van Der Maaten', with a long horizontal flourish extending to the right.

Keith Van Der Maaten
General Manager

Arlene Tavani

From: mcopperma@aol.com
Sent: Friday, July 31, 2020 2:24 PM
To: Arlene Tavani; Dave Stoldt
Subject: Public Comment for MPWMD Special Board Meeting, 31 July, 2020
Attachments: Coppernoll Public Comment for MPWMD Special board meeting, 31 July 2020.docx; Coppernoll SEIR comments for MPWMD Special Board Meeting, 31 July 2020.docx

Dear Dave and Arlene,

I am sending my public comment input for this evening's meeting as I am not certain I can attend the virtual meeting.

Please accept my sincerest best wishes and appreciation for all the exceptional work you and the board do for our communities.

Very respectfully,
Margaret-Anne Coppernoll, Ph.D.

July 31, 2020 MPWMD Special Board Meeting

Good evening, Chair Edwards and board members. First, thank you for being a wonderful board and working so hard for our communities. Second, please allow me to express my serious concern about the bypass pipeline addendum proposal.

It seems that a rush to judgment is at work which is imprudent given that overall and over the years there has been no efficient, vision inspired plan of action or operations, thus the multiple addendum proposals in haphazard fashion.

Addendum No 6 drawings appear to indicate that the proposed bypass pipeline project is in actuality an extension of CalAm's desalination pipeline for its MPWSP. This proposed bypass pipeline, could impinge on MCWD's potable water pipeline. Has there been any coordination with Marina Coast?

There must be coordination/consultation with MCWD, and more thorough analysis of the situation, as adding huge capital costs, and additional environmental disruption, now to the already most expensive water rates in the nation, this bypass pipeline will increase financial challenges for any future buyout program ratepayer and taxpayers may incur.

Why not ask CalAm to perform the most cost-effective and engineering efficient option – that is, petition the SWRCB and other authorities involved, to amend its Permit 21330 so as to achieve authorization to cover the same areas of use as the ASR permit does, which would include all areas contained within the MPWMD borders?

Please do not approve the bypass pipeline. Do a more comprehensive due diligence study to consider all the environmental impacts and any other potential adverse outcomes on the entire water delivery system, not just in an inefficient, disjointed evaluation under pressure.

Just as the head is connected to the hipbone, the entire water delivery system is interconnected and all parts work in synchronicity, making a complete evaluation mandatory. No more add on modifications without performing proper review.

Thank you and God bless you.

Margaret-Anne Coppernoll, Marina

SEIR comments:

From my perspective, not approving the PWME SEIR has been a breach of contract and fiduciary responsibility. Public money of one million dollars has been invested in this SEIR. It was unanimously approved, with taxpayer and ratepayer consent both directly and via board representation. There is a mandatory obligation here to follow through with this commitment to the public, as misusing its funds is unacceptable on all counts.

Any decision to move forward with a litigation process should take into consideration not only what is right and good for this board, but it must also proceed with consideration for those who paid for the SEIR. Thank you very much.



July 27, 2020

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

RE: District Transparency Certificate of Excellence Approval

Dear David Stoldt:

Congratulations Monterey Peninsula Water Management District has successfully completed the District Transparency Certificate of Excellence program through the Special District Leadership Foundation (SDLF).

On behalf of the SDLF Board of Directors, I would like to congratulate your district on achieving this important certificate. By completing the District Transparency Certificate of Excellence Program, Monterey Peninsula Water Management District has proven its dedication to being fully transparent as well as open and accessible to the public and other stakeholders.

Congratulations and thank you for your dedication to excellence in local government.

Most sincerely,

David Aranda
SDLF Board President