

FINAL MINUTES
**Community Advisory Committee of the
Monterey Peninsula Water Management District
April 3, 2008**

Members Present:

Janet Brennan - League of Women Voters; Paul Bruno - Water For Us; David Dilworth – Helping Our Peninsula’s Environment (HOPE); Tom Rowley – Monterey Peninsula Taxpayers Association; George Riley – Green Party; Ron Chesshire; Bruce Crist; Peter Dausen; Robert Greenwood; Lance Monosoff; John Tilley

Members Absent: Roy Thomas – Carmel River Steelhead Association; Manuel Fierro; Greg Pickens

District Staff Present: Darby Fuerst – General Manager; Andy Bell – Planning and Engineering Division Manager; Stephanie Pintar – Water Demand Division Manager; Arlene Tavani – Executive Assistant

District Counsel Present: David Laredo

1. Call to Order

The meeting was called to order at 10:30 AM in the Conference Room of the Monterey Peninsula Water Management District.

2. Comments from Public

No comments.

3. Review Community Advisory Committee (CAC) Charge, Meeting Procedures and Committee Report Development

Darby Fuerst reviewed these items with the committee. No changes were requested by the committee members. There were no comments from the public on this item.

4. Discuss and Identify Potential Impacts on the Community that could Occur if the State Water Resources Control Board (SWRCB) Adopts the Draft Cease and Desist Order (Draft CDO) that its Staff Issued on January 15, 2008 against California American Water

Each committee member in attendance provided input on the potential positive and negative impacts of the draft CDO. Their comments are summarized on **Attachment 1**. There were no comments from the public on this item.

5. Develop Recommendation to the District Board on Strategies to Address Negative Impacts of the Draft Cease and Desist Order

Each committee member in attendance commented on strategies to address the potential negative impacts of the draft CDO should it be adopted by the SWRCB. The committee requested that the preliminary list of their comments be emailed to each participant for

review (refer to **Attachment 1**). Comments should be forwarded to the District, so the list can be modified for presentation at the upcoming April 9 meeting. It was agreed that the April 9 meeting would convene at 1 PM instead of 2 PM, as was originally scheduled. On April 9 the committee will: (1) review and streamline the preliminary list, and (2) begin development of a final report and recommendation to the Board on strategies to address the potential negative impacts of the draft CDO. The committee also discussed the need to appoint a sub-committee to develop the final report. An additional meeting date of April 11, 2008, at 10 AM was scheduled, in the event that more time is needed to develop the final report to the Board of Directors. There were no comments from the public on this item.

6. Adjourn

The meeting was adjourned at 1 PM.

Note: An audio recording of the meeting is available for review and copies can be purchased. Contact Arlene Tavani at 658-5652 or arlene@mpwmd.dst.ca.us.

Attachment 1 to Minutes of April 3, 2008 Committee Meeting

April 3, 2008 Community Advisory Committee Comments

Preliminary Comments to be Modified at April 9, 2008 Committee Meeting

Potential Impacts on the Community that Could Occur if the SWRCB Adopts the Draft Cease and Desist Order
and Strategies to Address Negative Impacts of the Draft Order

Potential Positive Impacts

Brennan

Increase water conservation efforts.
Focus our efforts.
Facilitate projects.
Cause California American Water (CAW) crack down on excessive water users.

Crist

Possibility of moving forward on solution.
Opportunity to get parties to be collaborative as opposed to adversarial, possibility of regional approach.

Dausen

Can force a deliberate timeline for planned execution of water alternatives.
Can empower MPWMD to take on a more complete leadership role.

Greenwood

Draft CDO will spur the district to adopt a new water supply that could be put into effect before 50% reduction is enforced.

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Potential Negative Impact

Strategy to Address Potential Negative Impact

Tilley

Fines

Projects under consideration require time and study. If there is a rush to put a project in place overspending could occur.

Need some augmentation of system.

Must get decision makers to agree on final outcome that would supplement water.

Greenwood

Water shortages, rationing.

Economic effects on business community due to water restrictions.

District should get to work quickly to develop a plan for a desalination project before the 50% restriction is implemented. Support draft CDO because (read statement).

Cheshire

Variety of economic and social impacts that will have various effects on different groups of people.

Effect water rates.

Amount of additional conservation cannot be assured.

Force people to come to decision.

MPWMD and CAW should develop a plan on how to meet the goals of draft CDO.

Bring San Clemente Dam project forward as a solution because the U.S. Army Corps of Engineers issued a permit for construction of the project.

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Bruno

If rationing were in effect during rainy season, could lose public support for moving forward.
Will have a paper water shortage.
Effect property values because prohibition on expansion of business.
Effect economy, drag on economy.
Divert energy and resources of citizens and agencies.
Negative public perception of failure, not just towards CAW but the District and elected officials.
Creates adversarial v. collaborative atmosphere.
Puts pressure on the Seaside Basin.
Could cause flooding, without ability to draw water from Carmel River.
Pressure on housing stocks – social justice component.
Fairness issues – well owners v. CAW customers.
Fairness issues – residents v. part time or vacation homes.
Fairness issues – conversion of business (i.e., laundromat) to other uses that would not provide a public benefit.
Will encourage un-metered use, i.e., theft, that will result in a larger unaccounted for water total.

Could take legal action against the draft CDO, demand an EIR.
Modify or rescind rules that MPWMD has implemented, so that would allow market to facilitate demand reduction solutions.
Local population would be reduced due to high cost of housing and loss of jobs
Develop fragmented projects.
Consider buy-backs (water fixture and turf buybacks).

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Riley

Fines for ratepayers.

Order should be modified.

Draft CDO is directed to CAW, which is part of the PUC process, not easy for public to use. Controlled by regulators and utilities. Process leaves the public out.

Draft CDO ignores other things that are going on: REPOG, efforts of MPWMD to consider Order 95-10 desalination project. Too much emphasis on CAW desalination project that ignores more recent efforts.

Fast tracking solution through draft CDO can lead to costly solutions. Desalination is most expensive solution. Draft CDO distracts us from solutions.

Modified draft CDO will focus attention on stormwater reuse etc. Capital formation for any large project will be difficult.

Financing option available to CAW through PUC is easiest way to proceed because we are already financiers of project. Removes the option of federal or state grants to supplement costs.

Draft CDO step down formula should be combination of Carmel River and Seaside Aquifer productions.

Discriminatory water rates that do not provide incentive to commercial and industrial users. That should be changed.

Formula for determining water allotments should be changed to exclude acreage that provides water for additional acreage.

Discriminates against property owners with smaller lots. Should also remove allowance for horses.

CAW should reduce unaccounted for water losses.

CAW should enforce regulations against water wasters (residential water users).

The draft CDO 15% target is reachable. Could be modified. 10 and 10 over 3 years is his suggestion.

Should pressure community to use grey-water use and other conservation methods. Also alternative rate structure.

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Brennan

Has the threat of and will cause fragmentation in water planning process because jurisdictions developing individual water projects to circumvent Order 95-10.

Consider climate change. Should live within our constraints. Modify draft CDO: conditions that create administrative drought (ASR not being able to account for increased water in Seaside Aquifer) (95-10 creates administrative drought). Prevent fines from being passed on to ratepayers. CAW should crack down on excess water users and implement targets set previously for unaccounted water use. Modify or exchange percentages in draft CDO. Possibly a moratorium on new connections would be alternative. That would also address the concern re fragmentation.

Crist

Did not offer negative impacts.

District should be a party to the hearings on draft CDO. SWRCB conduct local hearings. Require SWRCB to develop EIR on draft CDO. Draft CDO should be modified to reflect all the facts. Correct inaccuracies and omissions. Should develop a refined timeline. Specific milestones on timeline in order to measure progress.

Best to create deliberate timeline for projects. State when additional water would be acquired. Delay draft CDO

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Dausen

Fort Ord growth will be severely curtailed. Projects in both basins will be affected.

DLI is in growth curve. That will be impacted.

NPS has growth plans to facilitate research projects (electron laser). That will be impacted.

Two basic economic engines on the Monterey Peninsula are tourism and education. Draft CDO would impact them.

Monosoff

Concerns addressed in previous comments.

Dilworth

Carmel River should return to health, endangered species should be able to recover (steelhead and Red Legged Frog.)

Inhibit development of car washes.

Cause city to curb water waste (e.g., Window on the Bay in Monterey).

If moratorium is imposed per draft CDO or MPWMD would stop increase from 11,000 new connections since our last moratorium.

Stop allowing entitlements.

Harm developers that are applying for loopholes.

Rationing program will harm the appearance of golf course because no teeth in enforcement of golf course water use.

implementation and agree on specific projects, have public comment, and execute project.

Should implement rationing on golf courses.

Should seriously consider desalination with a combination of solutions.

Require a moratorium on all building, all new connections, all new entitlements, all loopholes (not on public health and safety projects).

Draft CDO should require CAW to present a plan for how to solve the problem for public approval.

Require fines to be paid by CAW shareholders.

Rationing plan should be revisited. Equal enforcement for commercial and golf course water wasters, as are in place for residential.

Large fines for water wasters (punitive fines). Proceeds should be allocated to finding a solution.

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Rationing program will be revisited will harm the ability of governments and other users to waste water.
Force quick water supply projects intended to legalize our system to the front of the priority list, e.g., MPWMD desalination plant.
Could force regional project, which would harm democracy.
Currently we have a right to vote down projects, a regional project would harm our ability to vote down water projects the public does not like.
Shows that the law has meaning.
Shows fairness to other Carmel River water users that have been legally pumping all these years.

Rowley

Economic impacts that inhibit job creation due to unavailability of water on Peninsula.
Credibility and cost issues.
How will private, non-CAW wells be addressed – not in draft CDO.
Fragmentation of solutions v. regional solution (REPOG)
Mandatory rationing and moratoriums negatively affect quality of life and economy (hospitality industry).
Cost of fragmented solutions that will provide water for Order 95-10 but not for growth.
Cost to community is ignored.

Water rights should be purchased from local pumpers.
Draft CDO should force quick projects to top of priority list.
Prohibit golf courses.
Require further conservation measures.
Identify measures Germany has taken to reduce water use.

District should be a party to the draft CDO proceedings.
Board should consider implementation of higher conservation/rationing stages.
Draft CDO should not be implemented before the end of 2009, when EIR for CAW project (and others included in analysis) should be completed. Urge action on EIR once it is complete.
Urge legislative relief to dismiss draft CDO.
Urge cooperation between PUC and SWRCB. Develop new laws to force agencies to communicate with each other.
Begin discussions on how water supply solution will be funded.
Get congressman involved with draft CDO solutions.
Support development of a regional solution.

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Strategy to Address Potential Negative Impact

High likelihood of community paying much too much to solve problem.
Must consider what is affordable considering economic effects of water supply solution.