



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

**NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731**

January 29, 2021

Refer to NMFS No: WCRO-2017-7369

George Riley
Water Supply Planning Committee Chair
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, California 93940
rileyforwaterdistrict@gmail.com

Re: NOAA's National Marine Fisheries Service's (NMFS) Comments on the Construction of a Bypass Pipeline to Allow Simultaneous Pure Water Monterey Recovery and Aquifer Storage Recovery Injection

Dear Mr. Riley:

This letter is in regards to the Monterey Peninsula Management District (MPWMD) Water Supply Planning Committee's (Committee) pending recommendation to the MPWMD Board of Directors (Board) regarding adoption of an addendum to the Aquifer Storage and Recovery (ASR) Environmental Impact Report for construction of a 7,000 linear foot (LF) potable water transmission bypass pipeline in Seaside, California. NOAA's National Marine Fisheries Service (NMFS) is the federal agency responsible for implementing the Federal Endangered Species Act (ESA). The Carmel River supports a population of the federally threatened South-Central California Coast (S-CCC) steelhead (*Oncorhynchus mykiss*) Distinct Population Segment (DPS). NMFS identified the Carmel River as a Core 1 population (highest priority) for the recovery of the S-CCC DPS because of its size, location along the coast, and for its ability to serve as a source population for smaller, neighboring populations of the DPS (NMFS 2013).

For the past 100 years, the primary source of freshwater for the Monterey Peninsula region has been the Carmel River. Overutilization of freshwater in the Carmel River basin from groundwater extraction and surface water diversions contributed to the substantial decline of steelhead in the watershed and their listing under the ESA in 2006. The overutilization of freshwater from the Carmel River constrains steelhead migration and suitable habitat in the Carmel River (NMFS 2013). In most years, as a result of freshwater extractions, up to 9.5 miles of the lower river dries by the late spring/early summer, thereby eliminating considerable portions of juvenile steelhead rearing habitat. Consequently, juvenile steelhead must be rescued from these drying reaches and reared at the Sleepy Hollow Rearing Facility until water conditions are suitable for steelhead to be relocated back to the river. Impaired groundwater elevations and drying of the lower river also curtails steelhead adult and smolt migrations by restricting their ability to transit through a critical migration corridor in late spring and early summer. Finally, reduced flow durations in the lower river have restricted access to and impaired habitat conditions within the lagoon.



The ASR Project reliably reduces California American Water's (CalAm) extractions from the Carmel River during the low-flow season, thus reducing a critical stressor on S-CCC steelhead and its designated critical habitat. The bypass pipeline will enable CalAm to simultaneously inject and extract water from the Seaside Basin throughout the year. Without the bypass pipeline, ASR injection would be constrained in the spring and summer as CalAm begins extracting water from the Seaside Basin. Truncating the ASR injection season would substantially reduce the amount of water stored in the Seaside Basin that could be used in lieu of the Carmel River to meet water demands in the low-flow season. We believe the bypass pipeline is a critically necessary improvement that will ensure optimization of the ASR project and preservation of Carmel River low-flow season streamflows. Accordingly, we urge the Committee to make a timely recommendation to construct the pipeline.

Conversely, we strongly oppose the alternative of modifying the place of use and recovery period for the ASR project because it would undermine fundamental cooperative management protocols agreed to by NMFS, California Department of Fish and Wildlife (CDFW), MPWMD, and CalAm. Extensive deliberation went into establishing the ASR operational protocols and bypass flows. In 2003 and then again in 2008, NMFS protested MPWMD and CalAm petitions to change their water rights permits for the ASR project. In 2007, protest settlement discussions culminated in a Memorandum of Understanding (MOU) by and among MPWMD, CalAm, CDFW, and NMFS for the management of the ASR Project. Ultimately, in 2007 and then in 2011, as a result of multi-year protest settlements, the State Water Resources Control Board (SWRCB) incorporated instream bypass flow criteria and cooperative management measures into the ASR project water right permits (20808A and 20808C). Modification of the ASR operations would invalidate the terms of the MOU and trigger reevaluation of the project under relevant state and federal authorities, including the ESA. NMFS therefore recommends MPWMD move forward with the parallel pipeline, a straightforward infrastructure upgrade, rather than repudiate an effective operational scheme.

We are available to meet with the Committee to discuss this important issue. If you have questions regarding this letter, please contact Mandy Ingham at Mandy.Ingham@noaa.gov.

Sincerely,



Amanda Ingham
Central Coast Branch Chief
North-Central Coast Office

Literature Cited

NMFS (National Marine Fisheries Service). 2013. South-Central California Coast Steelhead Recovery Plan, West Coast Region, California Coastal Area Office, Long Beach, California.

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