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The agenda is subject to change.



AGENDA
Water Supply Planning Committee
Of the Monterey Peninsula Water Management District

Monday, March 1, 2021, 4:00 pm, Virtual Meeting

Pursuant to Governor Newsom's Executive Orders N-29-20 and N-33-20, and to do all we can to help slow the spread of COVID-19 (coronavirus), meetings of the Monterey Peninsula Water Management District Board of Directors and committees will be conducted with virtual (electronic) participation only using Zoom.

Join the meeting at: <https://zoom.us/j/97489482837?pwd=MzIYMmJmNTduZEVrWlFybWhObzZqZz09>

Or access the meeting at: www.zoom.us

Webinar ID Number: 974 8948 2837

Meeting password: 03012021

Participate by phone: (669) 900 - 9128

For detailed instructions on connecting to the Zoom meeting see page 2 of this agenda.

**Water Supply
Planning Committee**

Members:

George Riley, Chair
Karen Paull
Mary Adams

Alternate:

Alvin Edwards

Staff Contact

David J. Stoldt,
General Manager

*After staff reports have
been distributed, if
additional documents are
produced by the District
and provided to the
Committee regarding any
item on the agenda they
will be made available on
the District's website
prior to the meeting.
Documents distributed at
the meeting will be made
available upon request
and posted to the
District's website within
five days following the
meeting.*

Call to Order / Roll Call

Comments from Public - The public may comment on any item within the District's jurisdiction. Please limit your comments to three minutes in length.

Action Items - Public comment will be received. Please limit your comments to three (3) minutes per item.

1. Consider Adoption of Monday, February 1, 2021 Committee Meeting Minutes
2. Adopt 2021 Committee Meeting Schedule

Discussion Items - Public comment will be received. Please limit your comments to three (3) minutes per item.

3. Discuss Letter from National Marine Fisheries Service on ASR Bypass Pipeline
4. Discuss System Operating Constraints Under Cease and Desist Order After December 31, 2021
5. Update on Pure Water Monterey Project

Suggest Items to be Placed on Future Agendas

Adjournment

Upon request, MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Submit requests by 7 pm on Friday, February 26, 2021, to the Board Secretary, joel@mpwmd.net or call 831-658-5652.

Instructions for Connecting to the Zoom Meeting

Note: If you have not used Zoom previously, when you begin connecting to the meeting you may be asked to download the app. If you do not have a computer, you can participate by phone.

Begin: Within 10 minutes of the meeting start time from your computer click on this link: <https://zoom.us/j/97489482837?pwd=MzIYMmJmNTduZEVrWlFybWhObzZqZz09> or paste the link into your browser.

DETERMINE WHICH DEVICE YOU WILL BE USING (PROCEED WITH ONE OF THE FOLLOWING INSTRUCTIONS)

USING A DESKTOP COMPUTER OR LAPTOP

1. In a web browser, type: <https://www.zoom.us>
2. Hit the enter key
3. At the top right-hand corner, click on “Join a Meeting”
4. Where it says “Meeting ID”, type in the Meeting ID# above and click “Join Meeting”
5. Your computer will begin downloading the Zoom application. Once downloaded, click “Run” and the application should automatically pop up on your computer. (If you are having trouble downloading, alternatively you can connect through a web browser – the same steps below will apply).
6. You will then be asked to input your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
7. From there, you will be asked to choose either ONE of two audio options: Phone Call or Computer Audio:

COMPUTER AUDIO

1. If you have built in computer audio settings or external video settings – please click “Test Speaker and Microphone”.
2. The client will first ask “Do you hear a ringtone?” •If no, please select “Join Audio by Phone”.
•If yes, proceed with the next question:
3. The client will then ask “Speak and pause, do you hear a replay?” •If no, please select “Join Audio by Phone”
•If yes, please proceed by clicking “Join with Computer Audio”

PHONE CALL

1. If you do not have built in computer audio settings or external video settings – please click “Phone Call”
2. Dial one of the numbers listed below using a phone. Select a phone number based on your current location for better overall call quality.

+1 669 900 9128 (San Jose, CA)	+1 301 715 8592 (New York, NY)
+1 312 626 6799 (Seattle, WA)	+1 646 558 8656 (Maryland)
+1 253 215 8782 (Houston, TX)	+1 346 248 7799 (Chicago, IL)
3. Once connected, it will ask you to enter the Webinar ID No. and press the pound key
4. It will then ask you to enter your participant ID number and press the pound key.
5. You are now connected to the meeting.

USING AN APPLE/ANDROID MOBILE DEVICE OR SMART PHONE

1. Download the Zoom application through the Apple Store or Google Play Store (the application is free).
2. Once download is complete, open the Zoom app.
3. Tap “Join a Meeting”
4. Enter the Meeting ID number
5. Enter your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
6. Tap “Join Meeting”
7. Tap “Join Audio” on the bottom left hand corner of your device
8. You may select either ONE of two options: “Call via Device Audio” or “Dial in”

DIAL IN

1. If you select “Dial in”, you will be prompted to select a toll-free number to call into.
2. You may select any of the numbers listed below:

+1 669 900 9128 (San Jose, CA)	+1 253 215 8782 (Houston, TX)
+1 346 248 7799 (Chicago, IL)	+1 301 715 8592 (New York, NY)
+1 312 626 6799 (Seattle, WA)	+1 646 558 8656 (Maryland)
3. The phone will automatically dial the number, and input the Webinar Meeting ID No. and your Password.
4. Do not hang up the call, and return to the Zoom app
5. You are now connected to the meeting.

Present Public Comment

- Receipt of Public Comment – the Chair will ask for comments from the public on all items. Limit your comment to 3 minutes.
- (a) Computer Audio Connection: Select the “raised hand” icon. When you are called on to speak, please identify yourself.
 - (b) Phone audio connection **with** computer to view meeting: Select the “raised hand” icon. When you are called on to speak, please identify yourself.
 - (c) Phone audio connection only: Press *9. Wait for the clerk to unmute your phone and then identify yourself and provide your comment. Press *9 to end the call.

Submit Written Comments

If you are unable to participate via telephone or computer to present oral comments, you may also submit your comments by e-mailing them to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT – ORAL COMMUNICATIONS". Comments must be received by 12:00 p.m. on Monday, March 1, 2021. Comments submitted by noon will be provided to the committee members and compiled as part of the record of the meeting.

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WATER SUPPLY PLANNING COMMITTEE

ITEM: ACTION ITEM

1. CONSIDER ADOPTION OF FEBRUARY 1, 2021 COMMITTEE MEETING MINUTES

Meeting Date: March 1, 2021

From: David J. Stoldt,
General Manager

Prepared By: Joel G. Pablo

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Attached as **Exhibit 1-A** are draft minutes of the February 1, 2021 committee meeting.

RECOMMENDATION: The Committee should adopt the minutes by motion.

EXHIBIT

1-A Draft Minutes of the February 1, 2021 Committee Meeting



EXHIBIT 1-A

DRAFT MINUTES Water Supply Planning Committee of the Monterey Peninsula Water Management District *February 1, 2021*

Call to Order: The Zoom virtual meeting was called to order at 4:00 pm.

Committee members present: George Riley, Chair
Mary Adams
Alvin Edwards

Committee members absent: None

Staff members present: David J. Stoldt, General Manager
Jonathan Lear, Water Resources Division Manager
Thomas Christensen, Environmental Resources Div. Mgr.
Maureen Hamilton, Senior Water Resources Engineer
Joel G. Pablo, Board Clerk

District Counsel present: David Laredo, De Lay & Laredo

Comments from the Public: No Comments

Action Items

- 1. Consider Adoption of January 4, 2021 Committee Meeting Minutes**
On a motion by Director Riley and seconded by Director Adams, minutes of the January 4, 2020 meeting were approved on a unanimous vote of 3 – 0 by Adams, Edwards and Riley.

Discussion Items

- 2. Update on Pure Water Monterey Project**
General Manager Stoldt provided an update and reported Pure Water Monterey closed out the month of January, 2021 with 297 acre feet injected with most of the injections at Deep Injection Well No. 1 at 172.6 acre feet and Deep Injection Well 2 at 116.3 acre feet. PWM has mobilized for two (2) new Deep Injection Wells.

Maureen Hamilton responded to questions from the committee members and provided an update on well expansion. The project is on schedule and anticipates drilling to occur at the end of February or early March, 2021.

Public Comment: None

3. Update on MPWSP Desalination Component

Stoldt reported Cal-Am is moving forward and anticipates for Cal-Am to be back at the Coastal Commission Mid-Year 2021. Monterey One Water (M1W) Board Members Williamson and others pushed for and M1W General Manager Paul Sciuto cautioned against bringing forth the Supplemental Environmental Impact Report (SEIR) to their board and advise for project descriptions to be updated. M1W may not be ready to bring the matter to the board until March or April, 2021.

Stoldt responded to questions from the committee members. Stoldt commented on existing litigation on the County of Monterey. The Superior Court ordered the County to prepare better CEQA finding as the rationale for approval was not well laid out. District Counsel Laredo explained Cal-Am, as the applicant can proposed findings to the County, however it is up to the County to consider the applicants findings and incorporate it.

Public Comment: None

4. Discussion of Recent Activities Related to Seaside Well Water Quality

Stoldt reported on the two monitoring wells (FO-09 and FO-10 from Exhibit 4-A) experiencing increasing chloride concentrations based on retesting done in January, 2021.

Jon Lear, Water Resources Manager explained that historically chloride levels have not been this high and could not make ascertain whether this is a direct result of seawater intrusion. In addition, Lear reported there is not a lot of monitoring wells between the Marina Area and the Seaside Basin to determine the origin of the intrusion. The chloride levels in the wells are not at levels of concern yet, however noted the water was at one point very fresh. As a result, monitoring of the wells will occur quarterly as opposed to annually.

Stoldt reported on information presented by Cal-Am on very trace amounts of perfluorooctanoic acid (PFOA) or perfluorooctane sulfonic acid (PFOS) detected in the production wells and are below the EPA standards. Stoldt noted this as a new and emerging concern and are production wells that run the water that go into the system for drinking. Stoldt responded to Director Riley and the confirm there is a requirement to reduce pumping as a tool to combat seawater intrusion and is determined by the watermaster.

Lear responded to committee member questions. Lear elaborated on the recording and monitoring data at different points of depths both at shallow measurement and deep measurement. In addition, provided background information and the methodologies used in measuring.

Public Comment: None

Suggest Items to be Placed on Future Agendas

WATER SUPPLY PLANNING COMMITTEE

ITEM: ACTION ITEM

2. ADOPT 2021 COMMITTEE MEETING SCHEDULE

Meeting Date: March 1, 2021

From: David J. Stoldt,
General Manager

Prepared By: Joel G. Pablo

SUMMARY: Shown below is a proposed committee meeting schedule for 2021. Please review and advise Joel G. Pablo if you cannot participate on any of the proposed dates. Any meeting may be cancelled if there is no business for committee consideration.

RECOMMENDATION: The Committee should review and adopt the meeting schedule.

Day of Week	Date	Time
Monday	February 1, 2021	4:00 pm
Monday	March 1, 2021	4:00 pm
Monday	April 5, 2021	4:00 pm
Monday	May 3, 2021	4:00 pm
Monday	June 7, 2021	4:00 pm
Monday	July 5, 2021	4:00 pm
Monday	August 2, 2021	4:00 pm
Tuesday	September 7, 2021	4:00 pm
Monday	October 4, 2021	4:00 pm
Monday	November 1, 2021	4:00 pm
Monday	December 6, 2021	4:00 pm

WATER SUPPLY PLANNING COMMITTEE

ITEM: DISCUSSION ITEM

3. DISCUSS LETTER FROM NATIONAL MARINE FISHERIES SERVICE ON ASR BYPASS PIPELINE

Meeting Date:	March 1, 2021	Budgeted:	
From:	David J. Stoldt General Manager	Program/ Line Item:	N/A
Prepared By:	David Stoldt	Cost Estimate:	

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: On January 29, 2021 the District received the letter attached as **Exhibit 3-A** reflecting National Marine Fisheries Service (NMFS) comments on the potential construction of the bypass pipeline for Aquifer Storage and Recovery (ASR).

District staff will be prepared to discuss the letter with the Committee.

EXHIBIT

3-A Letter from NMFS to MPWMD re Parallel Pipeline 1-29-21

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**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.

cc: Gerald Hatler, CDFW Region 4, Gerald.Hatler@wildlife.ca.gov
Dennis Michnuik, CDFW Region 4, Dennis.Michniuk@Wildlife.ca.gov
Matt Mitchie, CDFW Region 4, Matthew.Michie@wildlife.ca.gov

E. Joaquin Esquivel, SWRCB, Joaquin.Esquivel@waterboards.ca.gov
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Ian Crooks, Vice President, California American Water, Ian.Crooks@amwater.com
Chris Cook, Director of Operations, California American Water,
Christopher.Cook@amwater.com
Copy to ARN File # 151422WCR2017SR00186

WATER SUPPLY PLANNING COMMITTEE

ITEM: DISCUSSION ITEM

4. DISCUSS SYSTEM OPERATING CONSTRAINTS UNDER CEASE AND DESIST ORDER AFTER DECEMBER 31, 2021

Meeting Date:	March 1, 2021	Budgeted:	
From:	David J. Stoldt General Manager	Program/ Line Item:	N/A
Prepared By:	David Stoldt	Cost Estimate:	

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: On October 1, 2022 the State Water Resources Control Board (SWRCB) Cease and Desist Order WR 2016-0016 requires that the Effective Diversion Limit (EDL) on withdrawals from the Carmel River for Water Year 2021-22 become California American Water's (Cal-Am) legal limit of 3,376 acre-feet (AF) per year and remains such every water year thereafter.

Section 3.b. of the CDO defines how the EDL is calculated. To date, every water year has reported an EDL calculation which is reduced by (i) any reductions for missed milestones, (ii) Pure Water Monterey available Company Water, (iii) the first 600 AF diverted to aquifer storage and recovery (ASR), (iv) water produced by the Sand City desalination plant not served to residents of Sand City, (v) to the extent Malpasos water is used by Cal-Am to serve its customers, this water will be counted towards calculation of compliance with the EDL. Up to 750 AF can be added back to the EDL based on available "carryover" credit for prior year savings accumulated. Carryover credit expires in the 2021-22 water year.

Exhibit 4-A shows the WY2019-20 annual calculation of compliance with the EDL as submitted by Cal-Am to the SWRCB.

The offsets to the EDL from other water rights (ASR, Sand City, Malpasos, Table 13, etc) creates confusion as to compliance with the CDO. However, Section 3.b.vi of the CDO states "If the reductions required under this subparagraph will result in the Effective Diversion Limit for that year being lower than Cal-Am's available lawful diversions from the Carmel River in that year, Cal-Am may apply to the Deputy Director for Water Rights for a limitation of this section such that the provision will not limit lawful diversions." Staff will discuss the calculation methodology at the Committee meeting.

District and Cal-Am staff have discussed certain system physical constraints that may further affect the ability to comply with the EDL. District staff will be prepared to discuss this subject with the Committee.

EXHIBIT

4-A WY 2019-20 Cal-Am Calculation of EDL Compliance

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EXHIBIT 4-A

Table Five (a) Effective Diversion Limit Adjustment Calculation (AF)	
Effective Diversion Limit	8,310
Penalty for Missed Milestones	(0.00)
Water Produced by Sand City not used by Sand City Customers	(123.04)
Pure Water Monterey Groundwater Replenishment Project Water Recovery	(88.41)
Instream Flow Agreement Carry Over Credit (50%) from previous water year	0.00
Adjusted Effective Diversion Limit	8,098.55

Table Five (b) Adjusted Carmel Valley Well Production Calculation (AF)	
Carmel Valley Well Production (excludes Malpaso Water)	7,211.22
Malpaso Water Produced not served to subscribers	46.68
Water served to Pebble Beach entitlements	(36.99)
ASR Injection in excess of 600AF	(316.50)
Adjusted Carmel Valley Well Production	6,904.41

Table Five (c) *Final Quarter Quantification and Basis of Credits earned and Amount Being Carried Over (AF)	
Adjusted EDL (from Table 5a)	8,098.55
Adjusted Carmel Valley Well Production (from Table 5b)	6,904.41
Production Exceeding Adjusted EDL	0.00
Carryover Credits from Prior Years applied to offset EDL Exceedance (Max 750 AF per year)	0.00
Adjusted Exceedance EDL	0.00
Production Less Than Adjusted EDL (Carryover Credits)	1,194.14
Unused Carryover Credits from Prior Years	4,807.47
Cumulative Carryover credit for Future Years	6,001.60

* Data in this table only populated in the Final (Fourth) Quarter of the WY.

