**MONTEREY PENINSULA**
**WATER MANAGEMENT DISTRICT**

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February 12, 2009

Carl Holm, Project Manager
Monterey County Resource Management Agency
Planning Department
168 West Alisal Street, Second Floor
Salinas, CA 93901

**SUBJECT: Comments on 2007 Monterey County General Plan Draft EIR**

Dear Mr. Holm:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the 2007 Monterey County General Plan Update project (State Clearinghouse Number 2007121001/County file # PLN070525). The Monterey Peninsula Water Management District's (MPWMD or District) comments are as follows.

**Specific Comments**

**Page 4.3-11, fourth bullet:** The text indicates that MPWMD is currently evaluating the feasibility of a desalination plant in Sand City, which would take 15 million gallons per day (mgd) of saline groundwater from the coastal beachfront and produce 7.5 mgd of potable water. This text should be updated to reflect the fact that MPWMD is no longer investigating the feasibility of a desalination plant in Sand City, but is investigating the feasibility of a desalination facility in the former Fort Ord area, north of Sand City. Specifically, the District is investigating the feasibility of a feedwater system extracting water from the shallow dunes sands on Fort Ord State Park. The expected yield of a desalination facility in this location, if feasible, will be determined as part of the current investigation. 1

**Page 4.3-11, second paragraph:** The tributaries to Tularcitos Creek should be "Chupines and Rana Creeks", not Choppiness and Rana Creeks. 2

**Page 4.3-14, third bullet:** The text should be revised as suggested above. Also, in the first paragraph, the last sentence should read "In 2006, Cal-Am obtained …", not Calm obtained. 3

**Page 4.3-31, Table 4.3-4:** For the Fort Ord "Community Area", the Seaside Groundwater Basin Watermaster should be included under the "Management Authority" heading, "WPWMD" should be "MPWMD", and Cal-Am should be included under the "Water Supplier" heading. Also, the text in the third paragraph regarding the District's current desalination investigations should be revised as suggested above. 4

**Page 4.3-36, first paragraph:** The fourth sentence should read "Total usable storage in the Coastal Subarea of the Seaside Groundwater Basin is estimated to be approximately 7,500 acre-feet". 5

**Page 4.3-36, second paragraph:** The first sentence should read "Because of a 1995 State Water Resources Control Board Order (Order No. WR 95-10) that ruled Cal-Am did not have a legal right to roughly 70% of the surface and groundwater it was presently diverting from the Carmel River and underlying Carmel Valley Alluvial Aquifer (refer to Carmel River Conflicts) ...". The fifth sentence should read "The judgment requires a 10% decrease in operating yield for the basin every three years beginning in Water Year 2009, unless replenishment supplies are secured or groundwater levels are sufficient to prevent seawater intrusion". The last sentence should read " The watermaster adopted the *Seaside Monitoring and Management Program* in 2006, as directed by the court."; the *Monitoring and Management Program* did not implement any decreases. 6

**Page 4.3-38, fifth paragraph:** The last sentence should read "The primary water supplier in the Carmel River Basin is Cal-Am, an investor-owned public utility that provides water to approximately 40,000 connections within the MPWMD". 7

**Page 4.3-39, fourth paragraph:** The second sentence should read "As a result, Cal-Am was charged by the State Water Resources Control Board with diverting water from the Carmel River and underlying aquifer unlawfully (Order 95-10, as amended by Orders 98-04 and 2002-0002)." The third sentence should be revised to reflect the fact that Order 2001-04 was rescinded in March 2002 by Order 2002-0002 and is not in effect. 8

**Page 4.3-40, second paragraph:** The second sentence should be revised to read "The State Water Resources Control Board granted ten temporary permits to MPWMD to allow diversions of water from the Carmel River between December and May for the years 1998 through 2007. In November 2007, the State Water Resources Control Board issued a permanent permit to MPWMD and Cal-Am to allow diversions of up to 2,426 acre-feet of water from the Carmel River between December and May". The last sentence should be revised to read "Under the proposed operational plan, the maximum extraction would be approximately 1,500 AFY, leaving a portion of the injected water in the Seaside Basin available for recovery during extended dry periods". 9

**Page 4.3-46, fourth paragraph:** The third sentence should be revised to read "The order further established an interim annual production goal of no more than 11,285 AFY from Carmel River sources and directed Cal-Am to secure permits for its unauthorized water use (10,730 AFY) ...". The order recognized that Cal-Am had valid rights for its authorized diversions from the Carmel River, i.e., 3,376 AFY. 10

**Page 4.3-47, third bullet:** The requirement that Cal-Am cease withdrawals of water from San Clemente Reservoir and reduce diversions from production wells in the Upper Carmel Valley during low-flow periods of the year, except during an emergency was specified in Order 2002-0002, not Order 98-04. See following paragraph in text. 11

**Page 4.3-47, third paragraph:** The first sentence should be revised to read "In addition, because of growing concerns regarding the sustainable yield of the Seaside Groundwater Basin and the threat of seawater intrusion, Cal-Am filed a lawsuit to adjudicate the pumping and storage rights of the various groundwater pumpers in the Seaside Basin". Cal-Am's lawsuit was not filed in response to a SWRCB Order. In addition, it should be noted that 5,600 AFY is the amount of recent basin pumping, and is not 500 AFY less than the recent pumping maximum. 12

The second sentence should be revised to read "In a final ruling on March 27, 2006, the Court directed that current pumping in the basin, i.e., 5,600 AFY, be reduced by 10% every three years unless replenishment supplies are secured. Under the ruling, Cal-Am, which is the major pumper in the basin, is responsible for approximately 92% of the reduction in pumping".

**Page 4.3-65, last paragraph:** The first sentence should be revised to read "The MPWMD began the process of preparing a long-term *Seaside Basin Groundwater Management Plan* following AB 3030 guidelines in March 2004. This effort was superseded by the Seaside Basin adjudication proceedings and decision that was issued in March 2006". 13

**Page 4.3-130, first paragraph:** In addressing the environmental impact on water resources in the Monterey Peninsula area during the 2030 planning horizon, the document proposes a general mitigation measure:

*WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project,*

and indicates that the draft 2007 General Plan will be revised to include a new policy: 14

*PS-3.16 The County will participate in the Water for Monterey County Coalition , or similar regional group, for the purpose of identifying and supporting a variety of new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Monterey Peninsula and Seaside basin, while continuing to protect the Salinas and Pajaro River groundwater basins from saltwater intrusion. The County's general objective, while recognizing that timeframes will be dependent upon the dynamics of the regional group, will be to complete the cooperative planning of these water supply alternatives within five years of the adoption of the general plan and to implement the selected alternatives within five years after that time.*

Mitigation Measure WR-1 lacks specificity and is inadequate. To be considered adequate, a mitigation measure should be a specific, feasible action that will actually improve adverse environmental conditions and should be measurable to allow monitoring of its implementation. Mitigation measures consisting only of further studies, or consultation with regulatory agencies that are not tied to a specific action should be avoided. The proposed mitigation measure should specify who is responsible for its implementation, how the measure will be implemented and when it will be implemented. 14

**Section 4.9.4.3 page 52, Regulatory Framework, Local Policies and Regulations:** Please include a reference to MPWMD Rule 124 concerning Carmel River Management and Regulations. This rule requires that property owners obtain a valid River Work Permit issued by MPWMD for any work within the riparian corridor, which is defined as within 25 lineal feet of the 10-year flood waterline defined by the Nolte and Associates analysis for the 1984 Flood Insurance Study for Monterey County. The following link describes MPWMD's Rules and Regulations regarding River Work Permits: http://www.mpwmd.dst.ca.us/programs/river/CARMEL_RIVER_MGT_RULES.htm. 15

**Other Comments:**

Control of Runoff from Developed Areas In the Water Resources section of the DEIR (Section 4.3), there is a description of the alteration of drainage patterns associated with the 2030 horizon and build out. MPWMD recommends that consideration be given to collection of runoff from developments that now discharge to open river channels. These discharges are, in effect, unnatural tributaries that cause localized destabilization of streambanks and permanent loss of riparian vegetation. Collection of this type of runoff would reduce the potential for streambank erosion and loss of riparian vegetation. 16

In addition, the Water Resources section talks about water quality being impacted by runoff associated with development. All development projects should consider using pervious pavement and other techniques to promote infiltration.

Care of Riparian Vegetation
In Carmel Valley, it is the responsibility of property owners to maintain in good condition the riparian areas of their property. With increased water use and development, irrigation and maintenance of the riparian corridor will need to continue, especially during times of drought, reduced streamflow, and lowered groundwater levels. The groundwater table in normal to dry years is annually drawn down below the root zone of riparian trees. Therefore, irrigation is necessary to maintain healthy riparian vegetation as long as this condition continues. 17

If you have any questions regarding these comments, you may contact Andy Bell, MPWMD District Engineer, at 658-5620 or andy@mpwmd.dst.ca.us.

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Sincerely,

Darby Fuerst
General Manager

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